



Agenda

CITY CLERK'S OFFICE

DATE 5/18/16 TIME 2:55 PM

SERVED BY AM Kelly

RECEIVED BY Walter Byr

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, May 24, 2016 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, May 24, 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: May 10, 2016
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-15-044. 330 Garcia Street.

Case #H-16-030. 911 Roybal Street.

Case #H-16-033A. 301 and 313 East de Vargas Street.

Case #H-07-099. 1321 Cerro Gordo Road.

Case #H-16-032A. 217 East Palace Avenue and 101 Cienega Street.

Case #H-16-029. 716 Gildersleeve Street.

Case #H-16-031. 209 Galisteo Street.

Case #H-16-034A. 225 Canyon Road Unit 15.

Case #H-04-068. 429 Delgado Lane.

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

1. Case #H-16-034B. 225 Canyon Road Unit 15. Downtown & Eastside Historic District. Catherine Fletcher-Lerich, agent for Kokopelli Property Management, owner, proposes to construct a 575 sq. ft. addition to a height lower than the existing adjacent parapets on a non-contributing non-residential structure. (Nicole Ramirez Thomas)
2. Case #H-13-095. 321 and 325 West San Francisco Street. Downtown & Eastside Historic District. Lloyd and Associates Architects, agent for Heritage Hotels and Resorts, owner, proposes to construct a 4' high fence, 7' high gates, a 7' high dumpster enclosure, and a bike rack at a significant non-residential property. (Sobia Sayeda)
3. Case #H-15-104. 547 Hillside Avenue. Downtown & Eastside Historic District. John Clemmons, agent for Coyote Development Group LLC, owner, proposes to remodel a non-contributing residential structure to include 66 sq. ft. of additions. (Nicole Ramirez Thomas)
4. Case #H-15-073. 800 Gildersleeve Street. Don Gaspar Area Historic District. Harvey Monroe, agent for Roxanne Morgan, owner, proposes to install 2" foam insulation on main residence and casita, stucco and repair chimney on main residence on a contributing residential property. (Nicole Ramirez Thomas)
5. Case #H-04-076. 201 Old Santa Fe Trail. Downtown & Eastside Historic District. Eric Enfield, agent for Teme LLC, owners, proposes to construct a 38,858 sq. ft. structure with a footprint of 12,087 sq. ft. to a height of 63' where the maximum allowable height is 21' 11". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (David Rasch).

6. Case #H-14-003. 356 Hillside Avenue. Downtown & Eastside Historic District. Jenkins Gavin Design and Development, agent for J.C. Bee, owner, proposes to construct a 223 sq. ft. portal to a height of 13'2" on a contributing residential structure and fences with gates at 5' high where the maximum allowable height is 6'. An exception is requested to place an addition less than 10' from a primary elevation. Section 14-5.2(D)(2)(d). (David Rasch).
7. Case #H-16-035A. 526 and 526½ Douglas Street. Downtown & Eastside Historic District. Karen Thomas Gillis and Ralph Gillis, agents/owners, request historic status reviews for a contributing and a non-statused residential structure and designation of primary elevations where applicable. (David Rasch)
8. Case #H-14-095. 1330B Cerro Gordo Road. Downtown & Eastside Historic District. Spencer McDonald and Patricia Kean, owners/agents, propose to construct coyote fences to 6' high on a non-contributing property. (Sobia Sayeda)
9. Case #H-16-037. 408 Gallsteo Street. Downtown & Eastside Historic District. Spears Horn Architects, agent for the State of New Mexico, owner, proposes to remodel a significant non-residential structure including replacing windows and restoring wood elements. (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.



Agenda

CITY CLERK'S OFFICE

DATE 5/6/16 TIME 1:30

SERVED BY [Signature]

RECEIVED BY [Signature]

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, May 24, 2016 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, May 24, 2016 at 5:30 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: May 10, 2016
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-15-044. 330 Garcia Street.

Case #H-16-030. 911 Roybal Street.

Case #H-16-033A. 301 and 313 East de Vargas Street.

Case #H-16-034B. 225 Canyon Road Unit 15.

Case #H-04-068. 429 Delgado Lane.

Case #H-16-032A. 217 East Palace Avenue and 101 Cienega Street.

Case #H-16-029. 716 Gildersleeve Street.

Case #H-16-031. 209 Galisteo Street.

Case #H-16-034A. 225 Canyon Road Unit 15.

Case #H-07-099. 1321 Cerro Gordo Road.

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

1. Case #H-13-095. 321 and 325 West San Francisco Street. Downtown & Eastside Historic District. Lloyd and Associates Architects, agent for Heritage Hotels and Resorts, owner, proposes to construct a 4' high fence, 7' high gates, a 7' high dumpster enclosure, and a bike rack at a significant non-residential property. (Sobia Sayeda)
2. Case #H-15-104. 547 Hillside Avenue. Downtown & Eastside Historic District. John Clemmons, agent for Coyote Development Group LLC, owner, proposes to remodel a non-contributing residential structure to include 66 sq. ft. of additions. (Nicole Ramirez Thomas)
3. Case #H-15-073. 800 Gildersleeve Street. Don Gaspar Area Historic District. Harvey Monroe, agent for Roxanne Morgan, owner, proposes to install insulation on a contributing residential structure. (Nicole Ramirez Thomas)
4. Case #H-04-076. 201 Old Santa Fe Trail. Downtown & Eastside Historic District. Eric Enfield, agent for Teme LLC, owners, proposes to construct a 38,858 sq. ft. structure with a footprint of 12,087 sq. ft. to a height of 63' where the maximum allowable height is 21' 11". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (David Rasch).
5. Case #H-14-003. 356 Hillside Avenue. Downtown & Eastside Historic District. Jenkins Gavin Design and Development, agent for J.C. Bee, owner, proposes to construct a 223 sq. ft. portal to a height of 13'2" on a contributing residential structure and fences with gates at 5' high where the maximum allowable height is 6'. An exception is requested to place an addition less than 10' from a primary elevation. Section 14-5.2(D)(2)(d). (David Rasch).

6. Case #H-16-035A. 526 and 526½ Douglas Street. Downtown & Eastside Historic District. Karen Thomas Gillis and Ralph Gillis, agents/owners, request historic status reviews for a contributing and a non-statused residential structure and designation of primary elevations where applicable. (David Rasch)
7. Case #H-14-095. 1330B Cerro Gordo Road. Downtown & Eastside Historic District. Spencer McDonald and Patricia Kean, owners/agents, propose to construct coyote fences to 6' high on a non-contributing property. (Sobia Sayeda)
8. Case #H-16-037. 408 Galisteo Street. Downtown & Eastside Historic District. Spears Horn Architects, agent for the State of New Mexico, owner, proposes to remodel a significant non-residential structure including replacing windows and restoring wood elements. (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.

SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
 May 24, 2016

ITEM	ACTION TAKEN	PAGE(S)
B. Roll Call	Quorum Present	1
C. Approval of Agenda	Approved as presented	1-2
D. Approval of Minutes May 10, 2016	Approved as amended	2
E. Findings of Fact & Conclusions of Law	Approved	2-3
F. Business from the Floor	None	3
G. Communications	Comments	3
H. Action Items		
1. <u>Case #H-16-034B.</u> 225 Canyon Road Unit 15	Approved with conditions	3-6
2. <u>Case #H-13-095.</u>	Partially denied/ partially approved 321 and 325 West San Francisco Street	6-15
3. <u>Case #H-15-104.</u> 547 Hillside Avenue	Postponed with directions	15-19
4. <u>Case #H-15-073.</u> 800 Gildersleeve Street	Approved as recommended	19-21
5. <u>Case #H-04-076</u> 201 Old Santa Fe Trail	Remanded for changes to design	21-36
6. <u>Case #H-14-003</u> 356 Hillside Avenue	Approved as presented	36-43
7. <u>Case #H-16-035A.</u> 526 and 526½ Douglas Street	Status designated	43-44
8. <u>Case #H-14-095.</u> 1330B Cerro Gordo Road	Approved with conditions	44-47
9. <u>Case #H-16-037.</u> 408 Galisteo Street	Approved as presented	47-51
I. Matters from the Board	Comments	52
J. Adjournment	Adjourned at 9:51 p.m.	52

MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DISTRICTS REVIEW BOARD

May 24, 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
Ms. Jennifer Biedscheid
Mr. Edmund Boniface
Mr. William Powell
Mr. Buddy Roybal

MEMBERS EXCUSED:

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

Member Roybal moved to approved he agenda as published. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES: May 10, 2016

Member Katz requested the following change to the motion on page 29, it should say, Member Boniface moved in Case #H-16-033A, at east de Vargas Street, to designate # 301 and the yard wall as non-contributing." He then stated some of the language there as, "The non-historic addition on the west of the 313 building, as shown on page 19 of the application and strike 'to designate' and the non-historic bay window on the east are non-contributing. It would be better to say they are non-historic additions to the significant building."

[Stenographer's Note: Mr. Boniface's motion actually was: "I would like to designate these three structures as non-contributing, in agreement with Staff's recommendation, (with the exception) to include the non-historic addition on the west side of the historic 313 building, as shown on the applicant's proposal on page 19 of their application and to designate the non-historic bay window on the east side of 313 as non-historic and to also include the free-standing stuccoed CMU yard wall constructed on the west lot line as non-contributing and that the so-called boiler room two-story building in the northwest of the property be designating as non-contributing, as well."]

Member Bayer requested a change on page 17, ninth paragraph, should read, "Member Bayer asked for clarification regarding Ms. Sayeda's statement that there are several elements on the street that has portals."

Member Katz moved to approve the minutes of May 10, 2016 as amended. Member Boniface seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-15-044. 330 Garcia Street.

Case #11-16-029. 716 Gildersleeve Street.

Case #H-16-030. 911 Roybal Street.

Case #11-16-031. 209 Galisteo Street.

Case #H-16-033A. 301 & 313 East de Vargas Street.

Case #H-16-034A. 225 Canyon Road Unit 15.

Case #H-07-099. 1321 Cerro Gordo Road.

Case #H-04-068. 429 Delgado Lane.

Case #H-16-032A. 217 East Palace Avenue and 101 Cienega Street.

Ms. Gheen asked if the Board would want to change any of the Findings of Fact and Conclusions of Law for the east de Vargas case.

Member Katz said it would reflect the latest version of east de Vargas that she would send to the members.

Member Boniface moved to adopt all of the Findings of Fact and Conclusions of Law. Member Katz seconded the motion and it passed by unanimous voice vote.

F. BUSINESS FROM THE FLOOR

There was no business from the floor.

G. COMMUNICATIONS

Mr. Rasch praised the Board members for the wonderful job they did at the awards ceremony last week.

Chair Rios announced to the public the procedure for filing an appeal to a board decision and informed those from the public that they were limited to two minutes in comments from the public.

H. ACTION ITEMS

1. **Case #H-16-034B. 225 Canyon Road Unit 15.** Downtown & Eastside Historic District. Catherine Fletch-Lerich, agent for Kokopelli Property Management, owner, proposes to construct a 575 sq. ft. addition to a height lower than the existing adjacent parapets on a non-contributing non-residential structure. (Nicole Ramirez Thomas)

Ms. Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

225 Canyon Road, Unit 15, is a non-contributing structure in the Downtown and Eastside Historic District. The existing structure is a two-story Territorial style building with brick coping at the parapets and painted wood trim, also in the Territorial style, at the majority of the windows and doors. The existing windows are double hung with a divided lite pattern. One bay window is located on the east elevation and on bay window is located on the south elevation. The entries to the building on the east and south

elevations have small portals over them. The applicant proposes to remodel the property with 575 square feet in additions to the north and west elevations of the property.

The applicant proposes to remodel the north elevation of the property with the following changes and finishes.

1. Build addition to the north elevation of the building which will be located over the existing first floor bump out.
2. Two small windows are proposed to be placed on the addition to the north elevation.
3. Brick coping will be removed from the existing north elevation and will be re-used or matched, and will be added to the roofline of the addition.
4. Top of the parapet will be at 22' which is 2' below the existing parapet.
5. Canales and downspouts will match existing.
6. Stucco will match the existing Parex USA "buckskin" cementitious stucco.
7. Window color will be "white" aluminum clad exterior with 5/8" insulated low-e glass.

The applicant proposes to remodel the west elevation of the property with the following changes and finishes.

8. Addition of an exterior second floor deck that is set back 15' 6" from the property line.
9. Brick coping will match existing.
10. Where possible brick coping removed from the north and west elevations will be reused. Windows removed from the north and west elevations will also be reused.
11. Top of parapet will be 23' 2" which is 10" below the existing parapet.
12. Canales and downspouts will match existing.
13. Stucco will match the existing Parex USA "buckskin" cementitious stucco.
14. Window color will be "white" aluminum clad exterior with 5/8" insulated low-e glass.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed remodel to 225 Canyon Road, Unit 15, as it complies with 14-5.2(D)(9) General Design Standards for All H Districts Regulation of Height, Pitch, Scale, and Massing,

and 14-5.2 (E) Downtown and Eastside Historic District.

Questions to Staff

Chair Rios asked Staff to describe public visibility from any public way.

Ms. Thomas said the property is visible from all ways; from parking lot on east side and somewhat to lesser degree from the west. The additions won't be seen from Canyon Road except for the west elevation a little, looking to the north.

Member Bayer asked if there are any changes from the last time.

Ms. Thomas agreed. Complete plans were submitted on this. It is the same project but with the most recent plans.

Applicant's Presentation

Present and sworn was Ms. Kate Leriche, 814 Camino Acoma, who had nothing to add to the staff report and stood for questions.

Questions to the Applicant

Member Powell pointed out that at the north elevation on east side where the proposal is to turn one-story into two-story, there is a ten-inch discrepancy between the two parapets. He asked if the applicant could make that 18" instead of 3' 2" for more differentiation between the two parapets for a total of change of 30". He asked if there was a reason that it was 3' 2" and if she was screening something there.

Mr. Leriche said she was not screening anything. It has a 9' ceiling height. It appeared that the east elevation is not drawn correctly. The height of the addition on north side is more what Member Powell is asking for. The 9' ceiling dimension is called out with the parapet going up to the 22' 0", so it is drawn too high on the east elevation. She apologized. It came down almost two feet from the top existing parapet.

Member Katz noted that it says it is 24' on the top one and 22' on the addition.

Ms. Leriche agreed. It is as stated in the letter.

Member Powell said 22' is okay.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Powell moved in Case #H-16-034B at 225 Canyon Road Unit 15, to approve the application with a condition that the north elevation at the northeast corner parapet height shall be 22 feet and that updated drawings be submitted to Staff. Member Roybal seconded the motion and it passed by unanimous voice vote.

2. **Case #H-13-095. 321 and 325 West San Francisco Street.** Downtown & Eastside Historic District. Lloyd and Associates Architects, agent for Heritage Hotels and Resorts, owner, proposes to construct a 4' high fence, 7' high gates, a 7' high dumpster enclosure, and a bike rack at a significant non-residential property. (Sobia Sayeda)

Ms. Sayeda gave the staff report as follows:

BACKGROUND & SUMMARY:

San Francisco Plaza includes four structures on the corner of San Francisco Street and Guadalupe Street.

321-323 San Francisco Street is a Spanish-Colonial or Spanish-Pueblo building that was constructed in the late 19th century and additions in the 1920s with a central courtyard design. It is listed a significant to the Downtown & Eastside Historic District.

325 San Francisco Street is a Territorial building that was constructed before 1902 and additions between 1921-1930 and after 1945. It is listed as non-contributing and a previous HDRB approval to demolish the structure remains valid.

There are presently no requests for exterior alterations on these two structures. The applicant proposes to remodel the property with the following two items:

1. Constructing a 42" high gabion fence with 42" high 4" square steel posts in the courtyard between the two structures, where the maximum allowable height is 8'.

The fence will zigzag through the middle of the courtyard. A bi-leaf pedestrian gate at the south side and a single leaf pedestrian gate at the north side at the height of 7'-0" are proposed. The gates are proposed to be constructed with metal panels with laser cut pattern in rust finish as submitted. In addition, brick paving is also proposed.

2. Constructing a 6' high stuccoed dumpster enclosure and bi-leaf metal gates in the parking area, where the maximum allowable height is 8'. The stucco color to match existing finish and color on Eldorado Hotel, gates are proposed to be in "Natural" rust finish.

STAFF RECOMMENDATION:

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

Questions to Staff

Chair Rios asked if the courtyard itself is significant/

Ms. Sayeda said the courtyard, itself, it is not significant.

Member Biedscheid recalled at the last meeting that the courtyard, although not significant, is historic.

Ms. Sayeda agreed. The courtyard dates from the mid-19th century.

Mr. Rasch clarified that it is enveloped by significant and contributing structures but the city does not apply historic status to non-structures.

Chair Rios asked Staff to please describe the gabion fence.

Ms. Sayeda said it is shown on page 26. It is a metal cage with stone stacked and a metal frame. It is like river rock of varied sizes. The fence is 42" high and gates are 7' high at either end with a steel frame around the gates.

Member Bayer noted on the site visit, the courtyard is visible from San Francisco Street and the parking lot in back. She asked Staff to describe public visibility.

Ms. Sayeda said there is public visibility through the gate from San Francisco Street and in the north from parking lot. The gates stay open during the day.

Member Katz referred to page 27 which shows a drawing of the fence and it looks like a flat fence with no depth and asked if that is how Staff understand it.

Ms. Sayeda said no. It has some depth to it. Page 25 shows the rectangles making the fence.

Mr. Rasch said they are 12" wide.

Chair Rios asked how many of those pieces there will be.

Ms. Sayeda said there would be 15-18. They go from 3' to 6' and are divided by posts in between. So it is not a continuous fence. It is broken up in a zig-zag pattern.

Chair Rios asked how much space would be between the panels.

Ms. Sayeda said it is 2-3" The posts are shown on page 26. They are 4" square with 2-3" space between the fence and the posts on both sides.

Chair Rios asked if her opinion was that this type of fence is appropriate for this courtyard.

Ms. Sayeda said the proposal meets the design criteria for this district.

Chair Rios knew there was such a fence in the Rallyard and asked if this type of fence existed anywhere else in the historic district.

Mr. Rasch said there are gabions around town. He was not so much about downtown or in this historic district. There are many more in the review district.

Applicant's Presentation

Present and sworn was Mr. Wayne Lloyd, 100 North Guadalupe Street and also Ms. Faith Okuna, 1600 Llano Street, Number 13.

Mr. Lloyd asked if the Board did not have the color drawings. They explain the project much better.

Chair Rios said they do not.

Mr. Lloyd explained that there are three or four color drawings giving better detail, particularly from San Francisco Street and to scale to show the 3.5' gabion wall in comparison to an average height person. He approached the bench to show them to the Board.

Ms. Okuna explained that those images were not based just on a rendering but they actually built a digital model to make sure it was accurate. There was a question in the last Board review when the fence was much taller, about why it was zig zagging. It was the landscape architect's wish to hide the fence more by giving the zig zag to provide opportunity for more plant materials. "That way I could put shrubs and trees on both sides and leave the existing sidewalks in place."

Questions to the Applicant

Chair Rios asked what the purpose of the fence is.

Ms. Okuna said it is to mark a private area west of the fence to allow private spaces for events for the new venue.

Chair Rios asked if that would happen often.

Ms. Okuna thought they hoped to have things most evenings in a sit down area outside.

Chair Rios asked Mr. Lloyd to describe the depth of the panels.

Mr. Lloyd said they are one foot deep.

Ms. Okuna said the edging is weathered steel it to make sure the walls don't move and not have to be 36" wide. The owner loves some of the other gabion structures in town and wanted to keep that idea using native rock.

Member Roybal asked, since they are 12" deep, if the wall stands alone or is attached.

Ms. Okuna said they probably will be slight tabs that turn flat to go from the frames around the structures to the posts.

Mr. Lloyd asked her to describe what holds the stones in place.

Ms. Okuna said it is really thin metal that will go on there. They have not picked a final color for the rock and are open to suggestions but it will be native rock stacked nicely.

Chair Rios asked her to describe the fencing further.

Ms. Okuna said the Board should think of a long, narrow box about 12" wide and 42" high. Then the frame goes around all the exposed edges to hold the structure together. And inside of it is a very light weight gabion. It is like a basket with stones in it but similar to most gabions. The stone work really comes forward.

Member Roybal understood the zig zag design is to put plants in corners.

Ms. Okuna agreed. The image she gave the Board was from the Zagan image.

Mr. Rasch said it is on page 27.

Ms. Okuna said it is from the San Francisco Zagan, where most public activity happens. It is going to be similar in that they are keeping the two round structures that are there, even though they are not historic. In 1978, they were put in. We are working with them - all the way to your left and the back fence of the existing structures. So it will be flowers instead of what was there. It might have been a fountain at one time.

Member Roybal asked how the gabion is going to complement the gate. It seems different.

Ms. Okuna said the gate was a wish from the owner to hallmark the entries in. The back is for service traffic and this one is like a threshold and picks up the metal inside the building.

Chair Rios asked if they want the gates to make a statement, because the fence is low and the gates are very high.

Ms. Okuna agreed. It is as a sense of arrival. And in this case, they wanted that because they hope to have this venue to be able to rent it out at times for private uses. They wanted it to be special. "We tried to be careful about where we place these two fences. That's why we gave you the image from the Zaguán. And neither fence should be able to be seen from either gate. Even the one at the north is actually set off quite a ways to the west of the gate opening so it is not perceivable. The line of view looking across the courtyard is actually almost dead-on of the narrow end of this threshold so we should not see too much of the gate."

Member Biedscheid asked how they are attached.

Ms. Okuna said she got approval to take out the dead tree there because it affects the footing on the building but they want to preserve the ivy. So they are planning to have sideways attachments between the posts and the gate through the wall so the gate itself is not moving too much.

Member Biedscheid asked Staff if she remembered the Code correctly that they are not allowed to attach to a significant building.

Mr. Rasch said the Code is very specific that they cannot put additions on primary elevations. Some of the older board members may remember that the Board used to require that yard walls to separate from a primary elevation by several inches. But since then, he has realized that walls are not additions so recently, we have been allowing walls to attach to primary elevations.

Public Comment

Present and sworn was Mr. John Eddy, 227 E. Palace Avenue, Suite D, who asked Staff if the courtyard is commonly owned property or if there is a division within the courtyard.

Ms. Sayeda said that is a zoning issue and we don't know.

Mr. Lloyd said the courtyard is all one property owner with numerous tenants around it.

Mr. Eddy said there are things he liked about it and things he didn't like. This is one of a few *placitas* in Santa Fé. Sena Plaza is another. If you could imagine a wall being built across Sena Plaza for the benefit of one venue over another for privacy. That is what we are getting at here. Mr. Eddy had a strong objection to building a structure across the *placita* because it completely destroys any historical context of the use of this property. The historical context is very important to maintain in Santa Fe. He empathized with the owner wishing to have private space for the tenant but it sets a very dangerous precedent and he urged the Board not to approve it.

Present and sworn was Mr. Randy Bell, 314 Garcia Street, who said he would like to hear how Staff feels the specific design and materials comport with the ordinance.

Ms. Gheen said for public comment, questions must go to the Board.

Mr. Bell asked Chair Rios to ask that question to Staff. He was going off the opinion of Staff; not of the Board.

Chair Rios asked if Mr. Bell wanted her to ask that of Staff or to answer the question.

Ms. Gheen said questions don't go directly to Staff. Chair Rios is running the meeting so the questions can go through her.

Chair Rios asked Staff to answer the question.

Ms. Sayeda said we briefly discussed it earlier. The materials of this gabion fence are not anywhere within that district. But it is close to the Railyard and we do find examples of that material. So those materials are available in the area but not adjacent to this property.

Mr. Bell said he concurred with Mr. Eddy that breaking up a historic placita in downtown Santa Fe should not be done. It sets a terrible, destructive precedent. He was not sure the property features of paving and walls cannot be considered additions. He recalled several years ago when Mr. Lloyd proposed demolition and he asked on behalf of OSFA to have a study done of this feature and he didn't think it was ever done. It ought to be done before any significant change like this occurs.

He also strongly disagreed that these materials represent any of the materials in the Downtown Historic District. Gabions did not exist here until they were brought in by the WPA in the 1930's for erosion control which was a big problem then. They are used in arroyos and a function feature for landscape control. There is no precedent for it in the Downtown Historic District. The only precedent is in the Railyard which is not part of this district. This has nothing to do with traditional Santa Fe.

Present and sworn was Ms. Stephanie Beninato, P. O. Box 1601, who would echo the other two speakers. It is a bad precedent for a design to cut up a courtyard that is meant to be one. And there are other ways privacy could be achieved when it is needed and otherwise, have the courtyard stay open. It could happen with cooperation of other tenants. It looks like a very unfriendly type of wall and not something evocative of downtown Santa Fé or traditional Santa Fé. This is not the Railyard. It would not be a very traditional placita.

There were no other speakers from the public regarding this case and the public hearing was closed.

Member Roybal asked if Mr. Lloyd considered this a permanent fence and whether this wall can be moved very easily or would be permanent.

Mr. Lloyd said he did not consider a wall in a courtyard as very permanent like we would consider a structure.

Member Roybal asked if he said it is not attached.

Mr. Lloyd said they could support the wall without attaching it. And could do the gate without attaching it to the wall. So the courtyard is not permanently altered. The wall could come out at any time such as if a new owner decided to take it out. It is a transitional thing. The demolition still stands. He did not know what the owner will do later on.

Ms. Okuna said the structures are the posts and the baskets are free standing and can be removed at any point. A stucco wall would be much more invasive. The main reason for doing it this way is that we have to keep three trees that are bigger than 6" diameter. The less we put in the ground, the easier it is to keep things there.

She remembered when she first moved to Santa Fe, that this courtyard actually had a little divider wall about 42" high that ran along the edge and down the middle and one venue had an outdoor space with a fence and a wall. Fences are somewhat different because the next owner might want to come in. You could always make it conditional to take it back down.

Chair Rios understood but said she is not planning on removing it so this is permanent as far as she is concerned.

Ms. Okuna said it is permanent for this owner.

Member Katz said he didn't know that he had ever seen a gabion fence in the historic district. The Railyard doesn't count.

Mr. Rasch said he had never seen a gabion as a fence. They are typically retaining. In the Railyard, they are more like bancos.

Member Katz said sympathetic to the desire for a private area and also sympathetic to not set a bad precedent. He asked Mr. Lloyd if he could have benches instead and to be able to move those to the gap for events. Most days it would not be separate.

Mr. Lloyd said it could be done, of course. But it doesn't meet the owner's needs. He needs separate spaces for separate tenants. It would not work to constantly have to move those things around. This divides the space but movable benches are movable.

Member Katz pointed out that at 42", it doesn't screen the area. People could get over 42" anyway. There is a lot of nice planting there.

Mr. Lloyd said the plantings might grow above 42". He wasn't sure how easy it would be for someone to get across it. But the barrier does announce to them that they shouldn't go there.

Ms. Okuna added that this is in use every day, afternoon and at night. So it would be onerous to shift it every day. There is a difference between being inside and outside. They were sensitive to the Board's concerns with a much taller fence the first time. There is a real hope and need. Some events have alcohol so they really need the barrier.

Member Katz asked about the height of the north gate.

Mr. Lloyd said it is 7'.

Member Katz thought that seems incongruous at 7' and wondered if it could be lower.

Ms. Okuna said she could take the request to lower the gate back to the owner.

Mr. Lloyd said the state liquor license does require a barrier with outside drinking areas.

Member Katz said the north gate at 42" could do that.

Mr. Lloyd guessed that is a compromise that could be made.

Chair Rios said we have a beautiful courtyard here and she understood what the owner is trying to achieve but the materials chosen are not in keeping with the district. She felt if they really looked at the issue, they could come up with something more appropriate.

Member Powell said in the past he was working on projects with liquor outside being involved. He knew they could temporarily divide space to separate drinking areas. He thought the designs were very nice and commended them for that. It is the dividing of essential space. There are only two of these in Santa Fe. If this is approved, we would only have one. He wondered if they could soften it with plantings and use benches like Member Katz suggested.

Mr. Lloyd said there is a lot of vegetation there.

Ms. Okuna said this design does allow vines to grow there. We can relook at other considerations but this use is the primary use on the west side for the owner and without it, it would be more difficult for private use to have public use through this courtyard.

Member Powell thought people would not want to intrude on private events there. So it could read as a public courtyard at other times with a "wall that is punctuated and at other times could become solid.". Even if there was an event every weekend, he believed the owner could put something across those punctuations so it reads as a public courtyard on a daily basis.

Mr. Rasch confirmed that the state liquor law requires a 42" high barrier. He added that Staff is allowed to approve walls and fences up to 48" and he does grant them on a regular basis without bringing them to the Board. But this is special because of the historic nature of the courtyard and the significant buildings surrounding it, so he did not want to do it administratively and Staff brought it here.

Member Boniface said, personally, he didn't think the fence is unfriendly and liked the design. He agreed that the plantings will soften it up and it would fit. However, his concern and what he didn't appreciate, is the destruction of this plaza. This placita is very important. Mr. Eddy asked about what would

happen at Sena Plaza. That was exactly what he was thinking about early in the discussion. This sets a precedent here. It is not a historic structure but chopping up the space just doesn't feel right. I like the materials and design but not for this location.

Member Biedscheid agreed with Member Boniface. In her opinion, this historic courtyard open spatial element is character-defining. That does contribute something to the significant structure that is enclosed by. She did not think a wall of any sort would be harmonious with the surrounding plaza-scape in that regard. She was not sure that the wall and fence guidelines really apply. This wall doesn't make a positive contribution to the streetscape. She did agree with the comments about the design, however. It is a nice wall but in the wrong place in her opinion.

Member Powell pointed out that the second part - to screen the dumpsters - is quite appropriate, well thought out and well executed in the parking lot.

Chair Rios agreed, and they are also planning an area for bicycles.

Action of the Board

Ms. Gheen cautioned the Board to recall the case that went before the Governing Body depending on view shed and that might be an issue if this goes to the Governing Body. She wanted to have the Board remember that a view shed case was considered by the Governing Body. A case in October had a critical decision in District Court.

Member Bayer asked for more detail on it.

Ms. Gheen said it was on October 14, 2015 before the Governing Body as an appeal on 535 East Alameda. In that case, there was a City Attorney memo that indicated that a prior district court decision was not statutory grounds for the proposition of the view corridor in the City Code and that protecting the view corridor was not protected by City Code.

Mr. Rasch said that was the Ashley Pond case.

Member Roybal moved in Case #H-13-095 at 321 and 325 West San Francisco Street to approve the application per staff recommendations with a lowered north gate and to approve item #2, the six-foot-high dumpster cover, as submitted.

Here was no second and the motion died.

Member Katz moved in Case #H-13-095 at 321 and 325 West San Francisco Street, to approve the dumpster enclosure including the bike rack. He moved to deny the 42" gabion fence on the basis of fact that, although very attractive, it is unprecedented use of this material in this district, and therefore, inappropriate here.

Member Boniface seconded the motion but wondered if unprecedented is the correct term.

Member Katz said the material is not harmonious and not consistent with any other material.

Member Boniface reasoned that he could come back with a 42" stuccoed wall.

Member Boniface made a substitute motion that in Case #H-13-095 at 321 and 325 West San Francisco Street, to approve the six-foot-high stuccoed dumpster enclosure and bicycle rack and moved to deny the 42" high fence and the gates on the grounds that it would destroy the historic fabric of this placita and would set a precedent to destroy other historic placitas in the city such as Sena Plaza or the Gallegos placita. It is inappropriate to demolish and chop up the beautiful spaces that are part of the historic fabric of the city.

Member Powell seconded the motion.

Member Roybal noted that Mr. Rasch said earlier that Staff could have administratively approved this.

Mr. Rasch said he does typically approve walls and fences anywhere in the historic district up to 48" high, no matter where they are located, if they are harmonious or easily reversible or temporary. But he felt with this one, that it should be in the public realm because of the significant structures. He did not think he would have approved this administratively.

Member Roybal pointed out that the Staff Recommendation was approval.

Mr. Rasch explained that the Staff member for his case believes the materials are harmonious to the District. In the first hearing, with the steel fence, we made the point that the significant building has a metal standing seam roof so we see that material nearby.

The motion passed by majority voice vote with all but Member Roybal voting in favor.

- 3. Case #H-15-104. 547 Hillside Avenue.** Downtown & Eastside Historic District. John Clemmons, agent for Coyote Development Group LLC, owner, proposes to remodel a non-contributing residential structure to include 66 sq. ft. of additions. (Nicole Ramirez Thomas)

Ms. Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

547 Hillside is a single family residence located in the Downtown and Eastside Historic District. Its current status is non-contributing. The former address of the property was 538 ½ Hillside Avenue, Unit D. The residence was evaluated for its historic significance in 1984 under this address. The 1984 evaluation did not provide the needed information to determine the date of construction and date and types of alterations to the structure so a status review was requested by City Staff.

The property was re-evaluated in January of 2016 by Common Bonds Preservation. The 2016 evaluation of the property states that the house was constructed around 1945, however there is no indication as to where this information was discerned. An adjacent property 538 ½ Hillside Avenue, Unit A was evaluated in 2005 and an HCPI form was created for the unit. The HCPI form indicates that aerial photographs show that the 538 ½ compound was constructed pre-1958. No HCPI form was submitted with the 2016 evaluation of Unit D.

The construction of the house is vernacular style with the western portion of the house at two stories and the eastern portion of the house at one story. Exposed vigas, coursed stone visible on the west and south elevations which divide the first floor from the second floor, multi-lited casement windows with wooden lintels, and a single-leaf wood and glass door with 15 lites and 12 side lites are the described as defining characteristics of the structure that no longer exist according to the 2016 evaluation. The 2016 evaluation of this property also states that little historic character has been retained through the years and recommends that the structure remain non-contributing to the Downtown and Eastside Historic District.

To the exterior of the house the applicant proposes the following remodel.

1. Removal of the existing front entrance portal in order to incorporate a new entryway and portal. The existing portal is triangular shaped for a total area of 138 square feet. The area of the existing portal will be enclosed to include a new entry and 5'5" x 5'5" square foot portal area; no additional square footage will be added to the house. Square footage for the entryway was not specified in the applicant's letter and finishes of the portal were not described.
2. A new mechanical room addition to the second floor measuring 4' x 9' which will include a new double door measuring 4' 0" x 6' 0". The style of the door is not specified. The door will not be visible from the road.
3. Replacement of 17 existing windows with "Pella" windows with true divided lites in the color "brick red." The age of the existing windows and the lite pattern for the replacement windows is not specified by the applicant.
4. Re-stucco of the entire residence in cementitious El Rey stucco in "adobe."
5. Refurbishment of the existing wooden deck to include new wooden railing.
6. Foot print and exterior walls will remain as they are. The exposed exterior rock on the west and south elevations will remain exposed as is.
7. All wood finishes will be stained the color "pecan."
8. The downstairs bedroom will have a double hung window so as not to encroach on the neighboring condo.

9. All exterior framing shall be 2" x 6" as to look like adobe construction to match the existing.

Ms. Thomas clarified that the applicant's application begins on page 34. Pages 49 and 50 are an old part of the submittal. The new part of the application begins on page 52. And, in addition, as pointed out earlier, the elevations were not properly labeled. So on page 60, what was labeled the north elevation existing, is the east elevation. What was labeled North elevation proposed, is the east. What is labeled the east elevation is the south. What is labeled on page 61 as the west elevation, is the north elevation. And what is labeled as the south is actually the west elevation. Staff made those corrections by looking at the rest of the packet and photographs of the property.

STAFF RECOMMENDATION:

Staff defers to the Board regarding the recent evaluation of the structure and its adequacy to establish status. If the Board concluded the non-contributing status is appropriate for the structure, staff recommends approval of the proposed remodel as proposed as it meets the standards of 14-5.2(D) (9) General Design Standards, Height, Pitch, Scale and Massing and 14-5.2(E) Downtown and Eastside Design Standards.

Questions to Staff

Chair Rios asked if any portion of the existing house going to be demolished in this application.

Ms. Thomas said no demolition is requested on any of the plans or in the applicant's letter. Prior to this, there may have been some discussion of demolition. On the interior there are some changes proposed that will be some interior demolition but nothing on the exterior.

Chair Rios asked if the Board is not looking at a status review. It was not publicized as such.

Ms. Thomas said that is correct. On page 47 and 48, there is a letter from Shannon Kapin discussing an evaluation of the property but no HCPI was submitted.

Member Katz reasoned that if the Board felt a status review was appropriate, the Board would continue but if we felt none was needed, the Board could go forward.

Ms. Thomas agreed.

Member Katz referred to page 55, the floor plan upstairs. He saw no windows on the west wall and yet on the west elevation, they have two windows.

Ms. Thomas said he needs to ask the applicant that question.

Member Boniface asked for clarification on page 7. There is a letter to the Board from David Garrity and Edward Hobbler. He quoted from it, "Email and phone conversations with two members of the applicant's development group told us on separate occasions that these plans have been approved by the HDRB." So he asked if this ever been approved or reviewed by the HDRB.

Mr. Rasch said no. That was a misstatement.

Applicant's Presentation

Present and sworn was Mr. John Clemens, 228 St. Francis Drive, said, to address the question about the two windows, they are on the lower level.

Questions to the Applicant

Member Katz asked about the south elevation. He said, "On what you call the south elevation, which is really the west elevation and I can't tell you how annoying it is to have those mislabeled.

Mr. Clemens asked if he was referring to the upstairs.

Member Katz agreed. On the floor plan it doesn't show any windows.

Mr. Clemens said the architect should have drawn them. We are asking for them to be there.

Member Katz concluded that the floor plan is inaccurate.

Mr. Clemens added that that originally, it was an upstairs bedroom. Those windows will not be there. Originally, it was two units. The upstairs had a full kitchen upstairs. And the owners are now making it one unit. There are no windows in the bathroom.

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

Mr. Clemens said there would not be anything on the roof.

Member Powell asked if the Board determines status first.

Mr. Rasch said there is no status review tonight.

Member Powell asked if the little porch on the elevation labeled east which is really south, is drawn correctly.

Mr. Clemens said that is an existing porch now. They will square it off and make it a normal portal.

Member Powell pointed out the column by the door which is not common in Santa Fé. And the lintel on the same elevation is more fan shaped and he thought it is mis-drawn.

Mr. Clemens clarified that those two windows won't be there. A gentleman tried to do the drawings and didn't do a good job.

Member Biedscheid referred to the elevation labeled north which is actually the east, and asked if under the portal, there are three proposed windows.

Mr. Clemens said one on the left is a door and the other two are windows. Then he corrected himself to say there is actually just one window. "That is just an opening because the building ends. So there is only one door and one window." He pointed them out and said to the right is just open air space.

Member Biedscheid said she didn't see that on the floor plan on page 55 of the packet.

Member Boniface said these drawings are impossible to understand. The drawings are mis-labeled in terms of elevations and the elevations don't match the floor plans. The Board needs to postpone this and ask the applicant to submit accurate drawings.

Public Comment

There was no public comment.

Action of the Board

Member Boniface moved to postpone Case #H-15-104 at 547 Hillside Avenue for submission of corrected updated drawings. Member Katz seconded the motion and it passed by unanimous voice vote.

- 4. Case #11-15-073. 800 Gildersleeve Street.** Don Gaspar Area Historic District. Harvey Monroe, agent for Roxanne Morgan, owner, proposes to install 2" foam insulation on main residence and casita, stucco and repair chimney on main residence on a contributing residential property. (Nicole Ramirez Thomas)

Ms. Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

800 Gildersleeve Street is a single-family residence that was constructed before 1928 in the Spanish-Pueblo Revival style. A free-standing historic garage on the south side of the residence may have been constructed at the same time. The front portal was infilled and the garage was converted into a living space

in the late 1970s. The residence is listed as contributing to the Don Gaspar Area Historic District and the complete east and south elevations are primary. The converted garage is listed as contributing to the District and the east elevation is designated primary.

In 2015 the Board heard and approved the applicant's request to: construct a 177 square foot carport on the south primary elevation of the residence; remove a large non-historic window on the south elevation of the main residence; install a window on the basement level of the primary elevation; repair historic windows and a door on the south primary elevation and the installation of storm windows and a door; and the replacement of non-historic windows and doors on the main residence. To the casita, formerly the detached garage, the applicant requests to add a 659 square foot addition and to replace non-historic windows on the east elevation and a non-historic door on the north elevation.

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

1. Insulate the entire exterior of the main residence and casita with 2" spray foam. This will create 2" of additional depth at window and door openings. The applicant did not state whether the finish around the openings will be crisp or bull-nosed.
2. Replace the non-working chimney that has compromised structure on the main residence, while maintaining the appearance of the exterior of the chimney and its relationship to the residence.
3. Existing stucco is cementitious El Rey stucco in "adobe brown." New stucco will also be cementitious El Rey stucco in "adobe brown."

STAFF RECOMMENDATION:

Staff recommends approval as the proposed request complies with 14-5.2(B)(9) Minimum Maintenance requirements, 14-5.2 (D) General Design Standards for All H Districts, 14-5.2 (H) Don Gaspar Area Historic District.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Present and sworn was Mr. Harvey Monroe, P. O. Box 1183, who said he was not the first person involved in this project. After reviewing the documents, he found there are a few errors. There is no insulation in the building and spray foam is the best way to have insulation. He will maintain the same rounded quality of pueblo architecture with cementitious stucco. The chimney needs to be replaced with an identical profile fireplace.

Questions to the Applicant

Chair Rios asked if corners will be bullnosed.

Mr. Monroe agreed.

Member Katz asked what the problem is with the chimney. From the inside you can see there is not a clear line of flow. It is very circuitous and when the fires were lit the smoke backed up in the building.

Member Katz asked if would demolish the whole thing and rebuild it.

Mr. Monroe said that might not be necessary. He said more investigation will occur to see if it can be retained.

Member Powell asked if it is possibly rubble construction.

Mr. Monroe said it is pen tile. The whole house is pen tile. The stucco is cementitious.

Member Boniface said when the Board drove by, he saw a single clay tile flue and it has two fireplaces. He definitely saw that as a problem. With two-inch foam and cementitious stucco, it will be about a 3" bullnose.

Mr. Monroe agreed.

Member Boniface said that is in character with the neighborhood.

Public Comment

Ms. Stephanie Beninato (previously sworn) spoke in support of this application. It is good to insulate and in this case, it will look better and fit in better with the neighborhood. It will also be much more comfortable.

There were no other speakers from the public regarding this case and the public hearing was closed.

Action of the Board

Member Boniface moved in Case #11-15-073 at 800 Gildersleeve Street, to approve the application as submitted and according to staff recommendations. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

5. **Case #H-04-076. 201 Old Santa Fe Trail.** Downtown & Eastside Historic District. Eric Enfield, agent for Terme LLC, owners, proposes to construct a 38,858 sq. ft. structure with a footprint of 12,087 sq. ft. to a height of 63' where the maximum allowable height is 21' 11". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

201 Old Santa Fe Trail is a vacant 0.4352-acre parcel in the Downtown & Eastside Historic District. On July 28, 2015, the Board postponed action on this application to construct a 38,858 square foot (12,087 square foot footprint) 5 story structure to a maximum height of approximately 63' 6" high, pending legal review of the applicable maximum allowable height and submittal of a 3-D model that reveals harmony or lack of harmony with the adjacent streetscapes.

Staff has determined that the 1996 height ordinance applies to this application and the maximum allowable height is 21' 11". A height exception is requested (Section 14-5.2(D)(9)) and the required exception criteria responses are at the end of this report.

The building is designed in the Spanish-Pueblo Revival style with room block massing, floor stepbacks, rounded edges, exposed wooden headers and carved corbels at portals. Finishes will be cementitious stucco in "Buckskin", trim color "Mist Blue", and a "Medium Walnut" wood stain. There will be a stone base around the perimeter.

RELEVANT CODE CITATION

14-5.2(D)(9)(f) General Design Standards, Massing and Floor Stepbacks

The Board may require that upper floor levels be stepped back, to carry out the intent of this section; provided that the board in making such determinations shall take into account whether the height of the proposed building, yard wall, fence, or proposed stepback of upper floor levels is in harmony with the massing of the applicable streetscape and preservation of the historic and characteristic visual qualities of the streetscape. The Board shall also require that the publicly visible façades of the structure be in conformance with Subsections 14-5.2(E) through (H), and in meeting those requirements, may require that different floor levels be stepped back.

EXCEPTION TO EXCEED MAXIMUM ALLOWABLE HEIGHT (14-5.2(D)(9))

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

The proposed building does not damage the character of the streetscape. With the primary streetscape factor being structure height, the proposed building will be in harmony and proportional to the neighboring buildings to its north and south: the 65'-0" height of La Fonda, the 72'-0" height to the top of Loretto Chapel's cross, 52'-0" height to the top of the existing metal roof, and the 63'-6" height of the Inn and Spa at Loretto. The traditional streetscape of this portion of the Loretto property was tall buildings: the Academy building, the Loretto Chapel, the Loretto Convent. In addition, "The Business Capitol District Handbook"

describes the streetscape of the Loretto Subdistrict as having "large, tall buildings."

Staff response: Staff agrees with this statement.

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

As an undeveloped property the site represents a significant economic underutilization which creates a long-term hardship to its owner, the city, the county, and the state. The site's owner is harmed by the suppression of income opportunity and the governmental units by the loss of additional taxable activity and property. The new structure is the "best use" of this property. The law suits and submittals to the Historic Design Review Board have covered a 20-year span, and have been a hardship to the owner.

Staff response: Staff does not agree with this statement. The applicant's response should address the hardship from the 21' 11" height allowance not whether or not any building can be constructed. In addition, the nationally significant federal court case surrounding Penn Central Station has determined that the "highest and best use" shall not be mandated in historic districts. Also, the applicant cannot blame the HDRB for the applicant's extreme delays in applying to the Board for review.

(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 building strengthens the unique heterogeneous character of the city by providing a harmonious outward appearance as to style, form, color, height, proportion, texture and material as set forth in the Business Capitol District and the Historical Districts ordinances. The proposed building will also provide much needed residential units within the downtown/eastside historic district as well as strengthen the economic vitality of the Downtown Historic District.

Staff response: Staff does not agree with this statement. The applicant does not address any other design options, such as a proposed structure that does not require a height exception.

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

The 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 are that the proposed building is in spirit with the intent of the City Council Resolution No. 1971-3. This resolution was the owner's inducement to purchase the Loretto property. The unique aspects of the Loretto Subdistricts specific recognition of Resolution 71-3, the subdistricts objective to "encourage the continued development of this subdistrict" and the District Court Final Order and Judgement dated March 16, 2000 are particular to this land. On this exact location existed a building of the Loretto Academy that was +/- 70'-0" tall to the top of the cross and 45'-0" to the top of the third level. The city council recognized these special conditions and circumstances by creating the special BCD-Loretto Subdistricts.

Staff response: Staff does not agree with this statement. The historic districts height ordinance is more restrictive than the BCD ordinance and therefore, the BCD ordinance does not apply to this application. A resolution does not have the weight of law. The previous postponement of this application was for clarification of what laws apply and the Legal Department staff has determined that the 1996 height ordinance is the applicable law.

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

The special conditions and circumstances which are not a result of the actions of the applicant is the enactment of the height ordinance after the purchase of the property with the understanding that the owner would be able to construct a building up to 65'-0" tall. The height exception is requested due to the enactment of the Historic Height Ordinance which is contrary to the intended use of the property, the best use of the property, and the overall complimentary aesthetic of its streetscape. A consequence of the Ordinance is that it excludes every commercial and religious buildings next to the site when establishing height limitations, yet it is those other buildings that entirely define the streetscape and determine feel of the site. If the height ordinance hadn't been enacted we would not be seeking the exception, so the exception request is not a result of the applicant's application.

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)

We feel this exception will provide the least negative impact with respect to 14-5.2(A)(1), which expressly calls for the "continued construction of buildings in the historic styles". As the established streetscape is currently dominated in this part of the Downtown/Eastside Historic District with buildings over 60'-0" in height, the proposed building is in "general harmony as to style, form, color, height, proportion, texture of buildings historic design and those of more modern design."

Staff response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff finds that the height exception criteria have not been met. The Board may find that there is insufficient setbacks at upper floors. Otherwise, staff recommends approval of this application which complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown & Eastside Historic District.

Questions to Staff

Chair Rios understood there are six criteria for the exception and Staff disagreed with 3 of the 6.

Mr. Rasch agreed.

Chair Rios asked why he disagreed with them.

Mr. Rasch said for the second criterion (presents a hardship to the applicant or injury to the public welfare), the applicant's response didn't address the hardship from the 21' 11" height allowance, not whether or not any building can be constructed. Also, he cited the Penn Central Station federal case which is a watershed case decision that the highest and best use is not a mandatory principle in historic districts. Authority is given to local municipalities to restrict that highest and best use in historic districts.

For the third criterion, (strengthen the unique heterogeneous character of the City by providing a full range of options), the applicant didn't address any other design options such as a proposed structure that does not require a height exception.

For the fourth criterion (due to special conditions and not applicable to others), he didn't agree with the response there because the applicant was making an argument about the BCD height ordinance, thinking it was applicable, but the historic height ordinance is more restrictive so the BCD ordinance does not apply to this application. The BCD was a resolution anyway, which doesn't have the weight of law.

So the previous postponement was to clarify which laws apply and the Legal Division determined that the 1996 height ordinance is the applicable law.

Member Roybal pointed out that La Fonda and Inn at Loretto surround this building site. He asked if it harmonizes with those structures.

Mr. Rasch said that is a very good observation. The height calculation on page 13 has La Fonda listed at 65' high. The Inn at Loretto is 63.5' high and the Loretto Chapel is 52.5' high. So there are three other structures in the streetscape that are just about as high as this one is proposed. But in the height ordinance specifically, the hotel structures are automatically removed from the averaging process so those are not included but the chapel is included.

Member Powell asked if that was because they would not apply to the ordinance.

Mr. Rasch explained that this section was written in 1996 in response to a very tall hotel. The City wants heights to be low and this one hotel blocked the view of the Jemez Mountains.

Member Roybal asked where the Eldorado Hotel fits in.

Mr. Rasch said that is the very tall hotel to which he was referring.

Chair Rios reasoned that the hotels were taken out of the calculation.

Member Katz referred to page 13, looking at the site. There is a little square in front of the Inn at Loretto. He asked if that is part of the structure.

Mr. Rasch agreed.

Member Bayer noted on page 17 of the packet, it has a resolution the applicant references. She asked Ms. Gheen about the applicability of that resolution.

Ms. Gheen said asked if it is the 1971 resolution.

Member Bayer agree - 1971-3.

Ms. Gheen said the Attorney's opinion is that it was not a decision of the city but result of court case. The City is not estopped from enforcing the ordinance. The Court also noted that the petitioner - the owner at that time, had no vested right to construct a building on the property to a height of 65'. So this resolution is not binding on this application at all.

Chair Rios asked if the H ordinance prevails, then and that is why the applicant is asking for exceptions.

Member Katz didn't know what the recommendation means.

Mr. Rasch said even though the height exception is not met, the rest of it meets the ordinance. If you find those three criteria are met, the design does meet code.

Member Powell reasoned that if the proposal was at 21', Staff would recommend approval.

Applicant's Presentation

Present and sworn was Mr. Eric Enfield, 612 Old Santa Fé Trail, who provided clarification on some questions. There are three responses to the questions in the exception criteria that staff didn't agree with. One was the height allowance and that he had not presented other design options. He said he had presented one 3-story design, two 4-story applications and one 5-story application. And when we thought we could build to 65' and staff said we met the code. That was in July 2015 and that is the same building he is presenting now.

Now, the legal department determined we could not build to 65'. We didn't know otherwise until April 22, 2016. That is when he received the height calculation. So tonight, he would present a 21' 11" building design to show how it fits with the scale of the buildings around it. That will become important in this conversation.

The BCD ordinance does apply as the underlying zoning. The Board cannot approve a building unless it might be a building in Camino Monte Sol, that is 28' 6" high - a building that exceeds the underlying allowable zoning height. It is in the Code if you look under the Loretto Subdistrict, that we could build to 65'. He asked if the historic ordinance trump it in this case. It has been determined that it does trump it. So he was just explaining how en ended up here when it met all the conditions in July, 2015.

The owner also wanted me to make the point that the court ruling says they can build to 65'.

He appreciated the opportunity to present the building and to say why he thinks it meets the code. It is just a little model.

First of all, per Section 14-5.2 (D) (1b), he said the building won't cause any adjacent buildings to lose their status, e.g. the Loretto Chapel. That had already been established in previous meetings. He had a historic view line he agreed to respect. It was a view line established by John Gaw Meem to make sure that when you rounded the corner coming from the Plaza on Old Santa Fé Trail that you still would see the full façade of the chapel. That was shown on Sheet C-2.

He provided a handout for the Board on how this addressed height pitch scale, etc. [A copy of the handout is attached to these minutes as Exhibit 1].

Regarding Streetscape, Mr. Enfield said, "The existing heights of buildings in the area shown in the handout go from 14' to 65' and even the top of the chapel is actually 73' 2" (to the top of the cross). Streetscape standards would typically exclude La Fonda, the Inn at Loretto, and the Loretto Chapel from the streetscape. However, these buildings dominate the streetscape adjacent to his client's property. So, it is difficult to ignore the effect they have on this lot and any building that would become a part of this streetscape. Therefore, it's evident that the proposed building is compatible with the streetscape."

Regarding Pitch, he said the pitch is not applicable because there is no pitched roof proposed.

Regarding Scale, he said, "the height of the proposed building, its façade length, and the roof form are in proportion to the height façade length and roof form of other buildings in the area. Specifically, La Fonda, Loretto Chapel and the Inn and Spa at Loretto." Mr. Enfield said the graphic he handed out shows heights from the city map. He believed the circled heights came from Mr. Rasch, but the Inn at Loretto is circled but should not be circled because it was not part of the calculation. The other page shows the heights he is dealing with compared to the Loretto Chapel, which is 58' high to the roof top. That height is important to understand what heights are around this building that pre-date it.

He thought the next attachment would give a good idea of massing. The historic photos include one that is pre 1978 because the Loretto Academy is still in the aerial. The third picture is from 1910 and is an actual picture of that corner and the buildings that surrounded the Chapel at that time in 1910 and are historic. [The three pictures are attached to these minutes as Exhibit 2.] that is good to see the context and you can see that three-story building obviously had some high ceilings. It is almost as high as the top of the roof of the Chapel. He didn't count the belfry although he thought it would be included in the height calculation since it has a roof. So that shows what kind of mass has been on the site. There has always been a lot of mass there. He noted that the original building there was 65.5' - two feet higher than his proposed structure.

His next handout showed the massing and setbacks [attached to these minutes as Exhibit 3]. He looked at what he thought were good examples in the downtown area that dealt appropriately with massing and setbacks. These buildings included the Palace of the Governors - the portals on it specifically; the Inn

and Spa at Loretto for the setbacks; the Museum of Contemporary Native Arts - part of the American Institute of Arts, and La Fonda. The handout shows an actual stepping diagram that shows where the first level is, where the second level is, where the third, fourth and fifth level are. You can see the building steps back on all sides. There is an issue with the stair towers because of the difficulty with height with the stair tower. The stair towers are vertical elements.

The setback requirements in this Loretto Subdistrict say that any section of the proposed building over 36' high shall be stepped back from the public street right-of-way line at least one foot for each two feet of building height above 36'. This building was designed that way. And it went back to what he said about the BCD does have zoning issues that relate to this building specifically because the City Council realized stepping was important. He couldn't imagine them not working with this Board to come up with how they would want a building stepped that was allowed to go 65 feet high. He didn't know who wrote that section of the BCD ordinance.

He said, by the handout, you could see that they comply with that ordinance and have tried to step it as much as possible.

Mr. Enfield said the real issue is the height of this proposed building. Mr. Kirkpatrick came to the Board in 1971 with a 3-story building. Mr. Enfield came twice with a 4-story building and once with a 5-story building which was tabled and now he has returned with that same proposal. This time with a maximum allowable height of 21' 11". So he has to ask for an exception for height.

According to Section 14-7.4(A)-1 in the Table of Dimensional Requirements for Loretto Subdistrict, Note #5, no portion of the building shall exceed 65' vertical feet above a point at grade level at the center of the site. The part of the building exceeding 36 vertical feet above a point at grade level at the center of the site shall be set back from each abutting public street right-of-way line at least one foot for each two feet of building height above thirty-six feet. The proposed building complies with this requirement.

And not only does it comply with underlying zoning standards, but City Council Resolution No. 1971-3 specially regarding this property, states that the "Council does not object to the concept of a building with a maximum height of 65' 0". He thought Mr. Rasch was right. It is still not in the code book but the 65' in the Loretto Subdistrict is in the code book. And that is the underlying zoning of 65'. In addition, a District Court Final Order and Judgement dated March 16, 2000, upheld the city council Resolution No. 1971-3 and deemed the property exempt from the 1996 Historic District's height restrictions ordinance. And that is the understanding of his client.

Mr. Enfield's next handout highlighted how important the height issue is [The 21' 11" elevation is attached to these minutes as Exhibit 4]. He was not able to present this 5-story application in July and now understood why - the height ordinance is going to apply. To address the Staff concerns on exception questions that he answered, he was happy that Staff agrees with three of the six criteria. He would address those that Mr. Rasch did not agree with.

Exception #2 - regarding the hardship his client would suffer from loss of height from 65' to 21' 11", citing the Penn Central Station case with the claim that underlying zoning or entitlement doesn't mean they could use the whole entitlement, especially in a historic area - he pointed out that this is not a historic

building; this is a new building. The Penn Station was an old building.

He emphasized again what he believed is the biggest hardship. It is an economic hardship that would result from limiting the height of this building. It would force ceilings to be 8' making it more difficult to lease spaces. This is retail on first floor and residential on the upper floors. The top floor is only 3,900 square feet, so it is like a medium-sized house on the top floor.

Regarding #3, the reason there is not a full range of design options is that he didn't know what the height calculation was until April 22. So he drew the proposed building elevation to show what a 21' 11" height would look like with the other buildings around it. It is easy to see it doesn't make sense with 65' buildings surrounding it. It requires more height and scale to be compatible with adjacent buildings, which is what the City Code is encouraging on this site.

In Exception #4, he believed everything he had listed already, including the lawyers, the City Attorney's statements helped them on that criterion. Other special circumstances on this property. He felt there are because of the lawsuit and Council actions with a resolution specifically for this property. That was what paved the way for him to purchase this property. If he was Jim Kirkpatrick, he would not have torn down the building next to the Chapel. But it was a three story building with a fire on the top floor in 1948. So it wasn't intact; it was damaged.

He said that everything we've talked about are special conditions and circumstances on this property. And especially the strange meeting in July when no one knew what to do and whether he was allowed to go to 65' or 14'. His case was tabled because everyone was confused about it. The City has been confused about it. In the Staff Memo on July 28, 2015, Mr. Rasch said the 65' height was approved on this application which complied with the General Design Standards for height, pitch, scale, and massing.

He did not agree with Staff that the BCD Loretto Subdistrict allowable heights don't apply to this application. Just one year ago, the consensus was that the BCD ordinance did apply. Historically, and even today, there are unclear, conflicting code, legal rulings, and opinions concerning this site. And that makes it a very special site, condition and circumstance.

Mr. Enfield also noted that another case that came before the Board, Case #H-16-017 which was presented with an exception to the maximum allowable height of 15' was requested, the underlying zoning only allowed 24' of height in that district. But this Board ruled to approve a height submission of 28' 6". That exception was 4' 6" higher than underlying zoning allows. So there are cases where very tall buildings - this is in a single family residential district that, according to Mr. Rasch's measurement, the Board approved a 28' 6" high residence. But this one is a commercial building downtown.

He explained that he was making these points because they all relate to how they have to look at this building. The design is representative of Spanish Pueblo Revival style and falls within recent Santa Fe style, as per Section 14-5.2 E (2). The building details will retain similar materials, color, proportion and general details to downtown pueblo revival buildings. And the drawings reflect that it will look like adobe construction. All sections of A, B, C, D, E, and F are addressed in their design.

Mr. Enfield said he presented the project to the OSFA Board on April 20, 2015, and got a list of concerns they gave him and shared how he dealt with them.

Their first concern was that the stone base would look stuck on. He responded that this building will probably have a foam exterior for nice, rounded corners and use real stone - not something stuck on stucco as a veneer. The stone face will be aligned flush with the stucco.

They were also concerned about the elevator and stair towers being continuous and not stepped. But it is all one façade unless it steps more than 8'. So some of the façades are actually single façades and setbacks within the single façades. They included portals That was how they addressed the requirements in the ordinance to step back or to break up a façade with either portals or recesses or other fenestration.

The maximizing of the space between the Chapel and the new building was a long standing concern. Right now the first floor is 20' away from the Chapel and upper floors as much as 35'. So they have given the Chapel a lot of breathing room.

OSFA also mentioned not objecting to a higher building but felt that the building should not be higher than the bottom of metal roof of the Chapel, which is 35'. He could address all of their concerns except this one.

Another issue was the wall on the corner. His plan is to renovate that wall and find the original stone quarry in Lamy to replace that rock wall. The proposed building is set back from that wall. They would renovate the steps also.

His next handout was a rendering of the proposed building [attached to these minutes as Exhibit 5]. He said it is realistic because it is a photograph with the scaled building dropped in so it is to scale. He usually has come up with a better design after hearing the Board's feedback. With this one, he went through a process with a subcommittee in 2004 and they came up with a building that was then denied.

Mr. Enfield thought the biggest thing we could do tonight is find a compatible height. He has already designed three buildings on this property. It would be best to get a height from the Board and then design it. He didn't think it is 21' 11" and not 65'. He drew it lower than the Inn at Loretto and La Fonda. Bu if he knew the allowable height, he could design it. His preference is to work out the allowable height and let him design from that height. That was his hope for this meeting.

Chair Rios announced a recess to look at the model at this time

BREAK

The Board recessed at 7:42 p.m. to allow the public and Board members to examine the model Mr. Enfield presented. The meeting resumed at 7:47 p.m.

Questions to the Applicant

Member Katz appreciated Mr. Enfield's willingness to work with the Board. He was not sure it is height as much as bulk and dominance. Looking at Sheet A-9 expressed his concern. He thought the job done at the Inn at Loretto was brilliant and did not dominate the Chapel.

Mr. Rasch handed out a photo of the Chapel [attached to these minutes as Exhibit 6].

Member Katz said, particularly coming down Old Santa Fe Trail, coming in to town, the proposed building looks huge compared to the Inn at Loretto and that is the problem he had. It is pushed forward and blocks the view of Loretto Chapel more than it should. But at the Inn at Loretto, it is set back to not dominate.

If the tall part was in the back and the lower the part in the front to see not just the front of the chapel but also some of the side. It is high on the north and east but not on the south or west. And that would look more appropriate.

Chair Rios asked Mr. Enfield to indicate how far it is, once inside the property, where the building starts from the wall.

Mr. Enfield said he would agree with one story on the front and step back and up to minimize the impact. But it won't get around what is attachment 7 on the streetscape at La Fonda. The view terminates on Old Santa Fé Trail at La Fonda.

Chair Rios asked how much higher that grade is than where La Fonda is located.

Mr. Rasch estimated it is 3-4' higher.

Member Powell said it is about 5-6 feet higher.

Member Katz referred to page 25 (Sheet C-2), and said that with the hotel, you have the large part really where the writing is on it and this one is way forward of that. He understood Mr. Enfield didn't have a long way to go back. But that was the basis for his concern. And in attachment 2 that he handed out, where the old school was, the façade was even with the Chapel and this proposed is way forward - even the 5th floor. So it is so dominant there that it detracts. The Board shouldn't give the height exception with that dominance.

Mr. Enfield suggested the Board could do like they did with the 28' height exception - to come in with the height and then come back with design at the next meeting.

Member Katz said design is part of height. He thought Mr. Enfield intended to bring in the drawing of the 21' 11" height as a joke but he didn't think it is a joke.

Mr. Enfield said he did not do it as a joke but in response to Mr. Rasch's concerns about answering the

exception questions that he had not explored a building 21' 11" high.

Member Katz said in front of the cathedral there is a two-story building and it looks very nice to not have a big building there blocking the cathedral.

Member Powell said sometimes height constraints allow it to inform the design and giving a height to him would help him create an appropriate design. The design would change. He wouldn't just remove floors. So Member Powell understood where he was coming from.

Mr. Enfield said he has just seen kind of a broken record on this project and would like to do something for the Kirkpatrick family to move forward. Jim is not well and has passed the baton to daughter Maggie. Economically, they are not going to build at 21' 11". It is depriving them of the use of that property.

At the corner of Water and Old Santa Fe Trail, the building is 30' and moves closer to 12'. They do have a lot of square feet on the property so he could set it back further. He just needs some direction from the Board. He could also go to City Council to ask them but he wanted to work with the Board to design it to an acceptable height. He wanted it to be the best he could do.

Member Powell thought there is a possible compromise. He was thinking 36' height with 10' ceilings.

Chair Rios asked how far back Loretto Chapel is from the wall.

Mr. Enfield said he would find out.

Chair Rios asked if Mr. Enfield could tell the Board the height of each floor.

Mr. Enfield said that, as submitted, the first floor is 11' and 10' on second, third and fourth and fifth floors. The top parapet is at 63'.

Member Boniface asked what the height is to the top of each parapet.

Mr. Enfield explained that this is not commercial - it is residences on the upper floors. There is a three-foot railing so it is 13' plus 3'. On the northwest corner it is 28' 6". The third floor is 41'; fourth floor is 53' and fifth floor is at 63'. He believed the fifth floor would not be visible from Old Santa Fé Trail.

Member Boniface pointed out that in his rendering, it is visible from the street.

Member Powell said everyone is fond of the front of La Fonda but the back part is like an alley on Water Street. And it turns Water Street into an alley - more of a canyon. What you build here will likely be here for hundred years. So the massing in front and the set back is critical and Mr. Enfield is asking for a height restriction right now.

Mr. Enfield agreed. He thought his client would agree to building it lower than the roof of the chapel as a final height. "The Board is not going to give me 63'. The Council might but it is a crap shoot, too. But that

is not what I want to do. I want to work with the Board on the height." Member Katz mentioned the building on the east and north for the mass. But Member Powell is worried about tunnel effect. The fifth floor would be set far back.

Member Powell said the first floor has a nice portal. What would be handsome, is taking the third and setting it back. He would like to see a full massing model showing how it would relate to Loretto Chapel.

Mr. Enfield said he was just asked to do this model for the meeting tonight.

Chair Rios asked how far back the chapel is from the wall.

Mr. Enfield said it averages 42'.

Member Roybal said the rendering shows the Chapel and Inn at Loretto and the way that hotel is set back is attractive on that drawing. Mr. Enfield could probably get more height if it was set back.

Mr. Enfield said the hotel has a double corridor. The building could have more stepping if we knew the height allowance the Board will approve. If he knew, it should make it easier.

Member Roybal suggested 53' might work if it was stepped back. It would eliminate the fifth floor.

Mr. Enfield said he understood the need to reduce square footage and that 63' is out of scale. So he proposed to build it to the height under the chapel roof.

Chair Rios asked if he could move it further back.

Mr. Enfield proposed to leave the first floor where it is on Old Santa Fé Trail and step it back and still be under the chapel roof.

Member Boniface asked if he would be able to push the entire building back.

Mr. Enfield said he could not because they would run out of property at the back.

Chair Rios opened the public comment.

Public Comment

Mr. John Eddy (previously sworn), said it is a little scary to see it now at 5 stories. He asked if it is possible the Board can grant an exception of no greater than 40'. That was his suggestion.

Chair Rios agreed that is a possibility.

Member Powell added that the OSFA Board said 35'.

Mr. Eddy thought he remembered that Mr. Bell might have a different recollection. Dealing with the height is the place to start and he could appreciate Mr. Enfield's frustration. The public would scream with that building next to the Chapel.

Mr. Bell (previously sworn) said he understands Mr. Enfield's frustration and he keeps reiterating that he should be given a height and yet he is not hearing the height that is given to him. The ordinance was worked on a lot to address the continuing elevation that was destroying the character of the City. He is not happy with it nor is his client. But this Board cannot just say "push it up" unless all six criteria have been met. And at least three have not been met. The Board could make specific findings to justify that but he would suggest that the Board should not overrule the criteria. It is nice to try to work out something with the applicant but not appropriate to circumvent the law. This is not an insignificant thing. He strongly urged the Board to find that the criteria have not all been met. Meeting them is the only way the Board could allow an exception under the law.

Regarding OSFA, from time to time, they allow applicants to come before them. OSFA does not take votes on individual issues like endorsement of any application so he strongly objected to have Mr. Enfield say he went to the OSFA Board and to say OSFA supported him on an issue. There was no vote taken.

Ms. Beninato (previously sworn) said she was of two minds. She agreed with Mr. Bell that they need to meet the exception criteria. The hardship was primarily economic which the Board doesn't normally honor. However, there are one-story buildings across the street. The Inn at Loretto was built in 1975 and now the family wants to use that to justify more. It radically changed the street at that time as highest in Santa Fe until the Eldorado took that over. Thirty-six feet seems to be an appropriate compromise but that is not in accord with the law.

She appreciated the family wanting to battle it out here rather than at Council. The set back is very important. The Chapel is the jewel of that block and Inn at Loretto is sensitive with its set back. This is massive and not set back far enough.

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

Mr. Enfield responded that he didn't say OSFA passed a resolution. Those were just comments he received. It was the comments he got that he paraphrased.

Regarding it being too massive, he would prefer to step rather than have massing. And he wanted to work with the Board but it is hard to figure that out without a height determined. If the height was under the Chapel roof, that mass wouldn't not be seen driving in on Old Santa Fé Trail until you reach the Chapel.

Member Boniface said Mr. Enfield is making it clear what he is looking for. He did some sketches to put on the overhead. He has the drawing of Loretto Chapel. From grade to 35', the pitch of the roof is 23'. What he sketched on the drawing was 15' of roof which would give the applicant 50 feet height and that corresponds closely to 53' to the top of the parapet on the fourth floor without a fifth floor which meant no balcony. So with four floors, it wouldn't be quite as low as what he heard was said at the OSFA meeting - at

the bottom of the pitched roof. So it is a compromise to allow four stories with setbacks on front and sides. So it has more appearance on a one-story at Old Santa Fé Trail.

Member Katz said he bridled at that suggestion but the problem coming to a height is that design informs height. He could imagine a fourth floor. It could be a small apartment. About 1,100 to 1,500 square feet. Originally, he liked the 36' height.

Member Boniface said as Member Powell and he both knew as architects, it is easier when the architect knows the limitations. That was his hope also.

Mr. Enfield said it was also his hope. If he added onto the Chapel, he would be able to build it at 57.5' high and not increase more than 50% of the footprint but he was not going to do that.

Member Powell asked to be reminded of the calculation.

Mr. Rasch said it is 21' 11".

Member Biedscheid said the height doesn't include the chapel at 52.5'. It was not included because it was no longer an institution, but if it was still a religious institution it would be 16'. Across the street, the entire block is dominated by 14' structures.

Member Powell felt 36' was being generous. He just doesn't think something that will be there for 100 years should be higher.

Mr. Enfield reminded them that the Board already approved a four-story addition for the Inn at Loretto on this site.

Chair Rios pointed out that the project that was approved was not built.

Mr. Enfield agreed.

Member Boniface said those one-story buildings could be torn down and built much higher. Then the entire neighborhood height average would come up. He asked about a limit of 41'. That is to the top of the parapet on the third floor in the application shown on page 32 (Sheet A-7) on the west elevation.

Chair Rios said if the Board gives a specific number, she thought it should be a suggestion because the design and massing all come into play together.

Member Powell said at that height, he would only get three stories. Loretto is successful because of long horizontal lines. He didn't know what it is benefiting to have 41' or 36'.

Member Boniface said it would mean more step backs than he currently has.

Member Roybal supported 41' for three stories with a setback. If it is set back, it would soften the whole thing and not look so massive.

Member Biedscheid said she thought the aesthetic of the streetscape is largely defined by the Chapel. It is one of our largest tourist attractions and there is a huge public benefit associated with it. So we need to be careful and sensitive to that to approve anything on this lot. Seeing it is what is important - if tourists can see it. Maybe setting it back is the way to accomplish the exception. But she was uncomfortable approving an exception without seeing the full design.

Member Roybal reminded the Board that the Kirkpatrick family owns the Loretto Chapel and he was certain they don't want to destroy the view of the Chapel.

Member Boniface said page 32 was where he found the 41' calculation. On the west elevation that would be too tall. But the Board would also suggest that each of the floors would be stepped back at least 10-12'. You can see the second and third floors are in alignment and that would address Member Katz's concerns and try to step back the upper story on Water street. So the whole ground floor would step out beyond the second floor.

There is a critical size for economics in a building. A critical mass for return on investment. With only one or two stories, they probably would not do it. He was trying to balance it out and still keep something that will work and allow people to see Loretto Chapel. He didn't want to see something cover up the chapel.

Chair Rios said it could be taller than La Fonda since it is on a higher grade. And it has to be a suggestion. She kept hearing step backs and asked him to try to make it as unobtrusive as possible.

Member Katz would like some of the north façade of the Chapel visible from the east side of Old Santa Fé Trail there at the intersection. That is the kind of thing that allows some visibility. But he understood they don't have enough depth of the property.

Member Roybal asked Mr. Enfield if he could do another rendering and a model.

Mr. Enfield said he would do a model with the other buildings in it.

Member Bayer was open to a three-story building but reluctant to do a height exception tonight. Perhaps exception #3 gives the design options. But for #2 and #4, she felt she didn't get enough information. On #2, the hardship was economic. And on #4, he referenced conflicting laws that our attorney said don't apply.

Action of the Board

Member Powell moved in Case #H-04-076 at 201 Old Santa Fe Trail, to find the height exception not met and ask the applicant to resubmit a three-story building with suggested step backs, a massing model to include the Loretto Chapel and the Inn at Loretto and drawings and a rendering

and that the Board revisit it once those are submitted. Member Boniface seconded the motion and it passed by unanimous voice vote.

6. **Case #H-14-003, 356 Hillside Avenue.** Downtown & Eastside Historic District. Jenkins Gavin Design and Development, agent for J.C. Bee, owner, proposes to construct a 223 sq. ft. portal to a height of 13'2" on a contributing residential structure and fences with gates at 5' high where the maximum allowable height is 6'. An exception is requested to place an addition less than 10' from a primary elevation. Section 14-5.2(D)(2)(d). (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

356 Hillside Avenue is a single-family residence that was constructed before 1928 in the Territorial Revival style. The building is listed as contributing to the Downtown & Eastside Historic District. The original front entrance is on the east elevation, which is designated as primary.

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

1. A 233 square foot portal will be constructed to a height of 13' 2" on the southeast corner of the building. An exception is requested to place an addition at less than 10' from a primary elevation (Section 14-5.2(D)(2)(d)) and the required exception criteria responses are at the end of the report.
2. Fencing and gates will be constructed:
 - A. A 5' high wrought iron (or steel?) fence and a wrought iron (or steel?) pedestrian gate will be installed at the northwest corner of the residence;
 - B. A 5' high wrought iron (or steel?) fence with a 24-open-lite bronze pedestrian gate between stuccoed pilasters will be installed between the residence and the casita. The pilasters will be capped with bronze-colored cast concrete caps to mimic the coping on the residence;
 - C. A 5' high coyote fence with irregular latilla tops will be installed between the casita and the south lotline.

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:

(1) General

(a) The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

(b) If a proposed alteration or new construction will cause an adjacent structure to lose its significant, contributing, or landmark status, the application may be denied.

(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.

EXCEPTION TO PLACE ADDITION LESS THAN 10' FROM PRIMARY ELEVATION

(i) Do not damage the character of the streetscape.

The proposed portal with a less than 10-foot setback is not publicly visible from Hillside or any of the surrounding streets within the 300-foot radius. Because it is not publically visible, the proposed portal does not damage the character of the streetscape. In addition, there are a number of other neighboring structures with portals and additions located closer than 10 feet from a corner. This condition would be cohesive with the existing neighborhood streetscape.

Staff response: Staff agrees with this statement. However, public visibility does not define the streetscape for a property with no street frontage.

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

The portal is proposed to roof the entire footprint of the existing brick patio which extends 2'-0" from the southeast corner of the primary elevation (east façade). Providing a 10-foot set back from the southwest corner would have the portal structure conflict with the existing window assembly on the south elevation. The applicant requires the portal to provide shelter at the built brick patio to use the space for outdoor dining and sitting. By providing the required 10-foot setback, the resulting portal would not be large enough to allow those outdoor uses. Unlike the primary façade portal on the east that only provides for front door cover, the proposed portal is intended for living and dining activities.

Staff response: Staff agrees with this statement. However, the proposed portal can be enlarged to the south rather than the east. As such, the proposed design has an odd floorplan that wraps around the building corner and extends beyond the south elevation.

(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.

Various design options were considered and dismissed for the portal, for the reasons listed below.

- A pitched roof to match the existing historic portal is infeasible, as the existing parapet height is insufficient to accommodate the required pitch and subsequent height of a pitched portal.
- Beveled posts to match the existing historic portal will be incongruent with the approved new portals to be constructed on the north elevation of the Garage and Guest House. The proposed portal matches exactly the structure and style of the entry portal and breezeway portal which are currently under construction as part of the Guest House and Garage.
- The design of the proposed patio portal will relate to the design of the approved Garage portal, both of which will be visible from the driveway, whereas the existing portal is not visible from the driveway.
- The design of the proposed portal relates directly both visually and spatially with the Guest House and Garage portals. The historic east portal is not visible from the south area of the property between the Main House and the Guest House.

Staff response: Staff agrees with this statement.

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

The brick patio and its size and dimensions are existing conditions which are peculiar to the structure. Constructing the portal to cover only a portion of the patio would detract from the harmonious design of the residence. Also, the existing location of the south window assembly which extends within 3 ½ feet +/- from the primary façade is peculiar to this structure when locating a new portal to the south elevation. A new portal at this location will need to clear the window assembly and not dissect it.

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 patio and the south elevation windows were in place when the applicant purchased the subject property. These improvements which affect the proposed location of the portal are not a result of the 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).

Subsection 14-5.2(A)(1) calls for buildings in Historic districts to maintain a "*harmonious outward appearance*" which includes "*a general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design.*" The proposed portal will meet these requirements, as it will harmonize with the design of the previously approved portals which will be visible from the driveway, whereas the historic portal on the east elevation is not publicly visible. The requirement for a 10-foot stepback requirement is an attempt to preserve the primary façades of historic buildings. In this case, a 10-foot stepback has no impact on the character of the façade. Moreover, the portal will harmonize with the structure visible from the street rather than with the historic portal, which is not publicly visible.

Staff response: Staff agrees with this statement. However, the proposed portal harmonizes with the portal of the adjacent guest house not the portal on the contributing building to which it is an addition.

STAFF RECOMMENDATION:

Staff finds that the exception criteria responses to place an addition at less than 10' back from a primary elevation have been met. Otherwise, this application complies with Section 14-5.2(C) Regulation of Contributing Structures, (D) General Design Standards, and (E) Downtown & Eastside Historic District.

Questions to Staff

Chair Rios asked regarding the porch, if this is the exact design proposed previously.

Mr. Rasch agreed and it matches the previously approved design that is attached to the casita to the south.

Chair Rios asked if this porch is attached to the house.

Mr. Rasch said it is and that is why the less than ten-foot exception is required. The other portal is only attached to the casita.

Member Biedscheid said regarding #3, she had a question about the second bullet in the response which refers to the beveled post matching the historic portal as incongruent with the new portal. Based on her understanding of the Code, the Board is to identify the characteristics that should be preserved in a primary elevation. She asked if that is correct.

Mr. Rasch agreed. That is the character-defining elements that give the status. They are to harmonize but not truly mimic.

Member Biedscheid asked, then, why Staff agreed because this design takes its cues from the garage and casita.

Mr. Rasch said the last time they heard this case, he was more strongly against it because the responses have been rewritten and at the last hearing, the applicant referenced the already approved portal and how it matches the porch

Applicant's Presentation

Present and sworn were Ms. Jennifer Jenkins and Ms. Colleen Gavin, 130 Grant Avenue, Suite 101.

Ms. Gavin handed a few images for the casita and garage under construction [the pictures are attached to these minutes as Exhibit 7].

Mr. Jenkins explained that what the handouts are illustrative of what the Board saw earlier on the field trip as the casita and the garage that is currently under construction and how that new construction relates to the portal. What it shows is a proposed portal over an existing brick patio. The portal dimensions are consistent with the existing brick patio. What they are working with here is the existing window assembly and the existing doorway into the living area. The color photo with the red dotted line shows where the portal would be located.

The next photo was looking east and showed the proposed portal and the stem wall for the detached garage and the breezeway that serves as cover from garage to house as was previously discussed. The breezeway is not attached to the house.

Because the new proposed portal is on the same elevation, they felt it important that the two relate to each other and honor the uniqueness of that portal that once was the entry and now is on the back south façade.

The next photo had a view from another place. The proposed portal is at the rear. And finally looking from the back yard and showing the proposed portal and breezeway. She said it is architecturally identical.

Questions to the Applicant

Member Katz thought they could do this without an exception, particularly if they complied with the setback requirement in the ordinance. He explained it would be from the living room door between the door and the window and have it come to the breezeway. He understood they would prefer to construct a floor. He suggested they just move the whole portal in front of the kitchen along the breezeway as wide as the door. Then they wouldn't need an exception and could have a view instead of looking at the casita.

Ms. Jenkins showed the site plan of the garage and casita, the existing brick patio and the breezeway. She pointed out that it is only 12' to the midpoint and as you move to the breezeway, it is much narrower. The kitchen window is the only opening for sunlight.

Member Katz said skylights could solve that easily to provide light into the kitchen.

Ms. Jenkins showed a view of the existing patio and described it as pretty tight and moving toward the driveway is even tighter.

Member Katz said that space looks as large as the patio and if turned 90 degrees up against the breezeway, it would fit in there perfectly.

Ms. Jenkins said, in looking at the Territorial vernacular that is this house and respecting that particular massing element and tucking the portal in back instead of wrapping it around the building is not the nature of Territorial. We feel this works better with the existing footprint of the building and provides more generous outdoor activity space.

Member Bayer asked when the patio was built.

Ms. Jenkins said it was about a year ago.

Member Biedscheid said another option to avoid an exception would be a freestanding portal and move another breezeway out the door the portal is over to a patio that extended more toward the casita so they would not attach to the building, itself.

Ms. Jenkins showed the height of the proposed portal to accommodate the existing window and the lower breezeway means height issues of connecting them.

Member Biedscheid asked if the portal could be freestanding as well, not connected with the other breezeway and if a covering was needed, to have a separate breezeway.

Ms. Jenkins said technically, it could.

Member Powell suggested they could carry the brick all the way to the casita and hanging it all off of that meant they could get more benefit. The issue here is hanging it off the contributing house. You would just have a gap there.

Ms. Jenkins said, on the fly, it is a little hard to consider that. With respect to the separation between the main house and the casita and garage, the intent is to have landscaped elements in that area as a buffer between the separate structures, with the one exception of the breezeway just to protect from the elements when coming from the garage. So the intent is to have vegetation there and openness of those spaces.

Member Powell suggested that to accomplish what they want and still preserve the historic structure, they could make the walkway a little narrower with those plantings.

Member Boniface said the proposal didn't bother him at all.

Member Roybal said he was comfortable with the exception.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Katz made a finding that the exception criteria have not been met. In particular, it is not necessary to prevent an injury or hardship to the applicant because they can have a covered walkway from the living room door without having to violate the setback rule. It may not be their very first choice but it would satisfy virtually all of the requirements for a connection to the house -

the covered protection and even leave room for plantings. It does not strengthen the unique, heterogeneous character of the City with providing a full range of options. This would not prevent them from using their house or an outdoor patio, having to find an exception from the criteria. He did not think this is a special circumstance not the result of action of the applicant. Just because there is a recent patio there doesn't mean that part of it could be uncovered and part be covered. It certainly doesn't provide the least negative impact on the primary façade.

So in Case #H-14-003 at 356 Hillside Avenue, he moved to deny the application and approve the fences and the gate as submitted. Member Biedscheid seconded the motion and it resulted in a tie (3-3) vote. Chair Rios voted no to break the tie. The motion failed on a 3-4 voice vote.

Member Boniface moved in Case #H-14-003 at 356 Hillside Avenue, this case to approve the application as presented, finding that the exception criteria to place an addition at less than ten feet from a primary elevation have been met according to Staff's recommendation. Member Roybal seconded the motion and it resulted in a 3-3 tie vote. Chair Rios voted in favor so the motion passed by a 4-3 voice vote.

7. Case #H-16-035A. 526 and 526½ Douglas Street. Downtown & Eastside Historic District. Karen Thomas Gillis and Ralph Gillis, agents/owners, request historic status reviews for a contributing and a non-statused residential structure and designation of primary elevations where applicable. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

526 Douglas Street is a single-family residence that was constructed at approximately 1938 in a vernacular manner. In the 1950's two rooms were added to the south elevation. The north façade retains historic integrity with historic wood windows and with wood surrounds on the mirrored masses that flank the inset central portal. Non-historic alterations include the addition of a sculpted fireplace on the west elevation and replacement of most windows with some opening dimension changes. The building is listed as contributing to the Downtown & Eastside Historic District.

526½ Douglas Street is a free-standing casita that was originally constructed as a vernacular single-car garage in the 1950s. A tool room doubled the square footage by 1966 and it was all converted to a guest house in the 1980s. However, the 1973 aerial photograph shows no structure in this location.

STAFF RECOMMENDATION:

Staff recommends retaining the contributing historic status for the residence with the north façade designated as primary and recommends that the Board list the casita as a non-contributing structure in compliance with 14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Present and sworn was Mr. Ralph Gillis, 526 Douglas Street, who said they agree with the Staff's recommendations.

He added that they have neighbors present who support their project.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Powell moved in Case #H-16-035A at 526 and 526½ Douglas Street, to approve as per staff recommendation, retaining the contributing historic status for the residence with the north façade designated as primary and listing the casita as a non-contributing structure in compliance with 14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts. Member Roybal seconded the motion and it passed by unanimous voice vote.

8. **Case #H-14-095. 1330B Cerro Gordo Road.** Downtown & Eastside Historic District. Spencer McDonald and Patricia Kean, owners/agents, propose to construct coyote fences to 6' high on a non-contributing property. (Sobia Sayeda)

Ms. Sayeda gave the staff report as follows:

BACKGROUND & SUMMARY:

1330 B is a single family residence and a free-standing garage with a studio, originally constructed between 1951 and 1960 in a vernacular manner. The building is listed as non-contributing to the Downtown & Eastside Historic District.

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

1. 6' high irregularly topped latilla fence on the north of the property.
2. 10' wide x 6' high latilla gate at north-east corner of existing garage.
3. 5' high irregularly topped latilla fence on the south-east corner of existing garage.
4. 6' high latilla gate with 6' high pilaster at south-east corner of garage.
5. Irregularly topped latilla fence on top of existing stuccoed fence on south, east and north of the property.

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 if all of these are added to the existing wall.

Ms. Sayeda said that was just for #5.

Member Powell asked if the stringer pipe would be on the interior of the fence.

Member Boniface thought that was required.

Mr. Rasch clarified that it is not mentioned in the code.

Applicant's Presentation

Present and sworn were Mr. Spencer McDonald and Ms. Patricia Kean, 1330B Cerro Gordo Road, who had nothing to add to the Staff Report.

Questions to the Applicant

Member Powell asked if the stringers would be on the inside.

Mr. McDonald agreed except for the one on the north. There is a screen next to the garage and a gate with the nice side facing out.

Ms. Kean said for the latillas on the stuccoed wall, they would like the piping on the outside facing the street.

Member Powell said they could do it two-sided with rebar used in the wall and the fence would hide it. It is easy to do it that way and provides more privacy.

Mr. McDonald said they contacted the neighbor about it.

Member Boniface asked if they specifically asked if she doesn't mind seeing the pipes.

Mr. McDonald said they just told her they wanted to put a fence there.

Member Boniface said typically, the Board has always asked to have the good looking part toward the outside.

Mr. McDonald said it just faces her driveway.

Member Katz asked if she would see them.

Mr. McDonald agreed she would.

Member Roybal noted there is quite a drop there.

Mr. McDonald agreed. It is 3-4'.

Member Roybal asked if she wouldn't see much of this fence.

Mr. McDonald said she would probably see the whole thing.

Public Comment

There were no speakers from the public regarding this case.

Member Boniface noted that the latillas to go up to six feet.

Member Boniface thought it is a bad design.

Ms. Kean agreed with him and economics dictate that for them.

Action of the Board

Member Boniface moved in Case #H-14-095 at 1330B Cerro Gordo Road, to approve the application as submitted but with the condition that either the coyote fence have all of structure with the horizontal stringers on the interior or with double sided latillas to hide it from both sides.

Member Powell seconded with a request for an amendment that the latillas on the wall be regular tops. Member Boniface accepted that as friendly and the motion passed by unanimous voice vote.

- 9. Case #H-16-037. 408 Galisteo Street.** Downtown & Eastside Historic District. Spears Horn Architects, agent for the State of New Mexico, owner, proposes to remodel a significant non-residential structure including replacing windows and restoring wood elements. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

408 Galisteo Street, formerly known as the New Mexico Public Welfare Building and now known as the Villagra Building, was constructed by the Works Progress Administration with design by John Gaw Meem in the Territorial Revival style in 1934. A large disharmonious addition (Bardacke Complex) was constructed on the west elevation in 1984. The building is listed as significant to the Downtown & Eastside Historic District.

The State of New Mexico will be using capital outlay funds to restore and rehabilitate the building causing Section 14-5.2(M) to be initiated, see below.

The applicant proposes to renovate the building with the following two items.

1. 43 historic single-pane wood windows will be removed and replaced in-kind. An assessment of the windows documents that they are found to be beyond repair according to the 30% standard. An exception is not required. Some of the historic windows will be retained and repaired.

Mr. Rasch provided a copy of the window assessment to the Board members. A copy of it is attached to these minutes as Exhibit 8.

2. Other windows, doors, woodwork, and other exterior materials and finishes will be repaired, including a cementitious stucco application.

RELEVANT CODE CITATIONS

14-5.2(M) State Capital Outlay Projects (Ord. No. 2009-46 § 2)

(1) Purpose

(a) Recognizing the fragility of the city's historic heritage, the purpose of Subsection 14-5.2(M) is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the city and the state will collaborate in good faith and work jointly to preserve and protect the historic districts of Santa Fe as well as contributing, significant and landmark structures.

(b) State capital outlay projects in historic districts shall be carried out pursuant to the procedures set forth in Section 3-22-6 NMSA 1978 and Subsection (2) below and in a manner that is harmonious and generally compatible with the design standards set forth in Subsection (3) below. These procedures and standards apply to new structures and additions to and alterations and demolition of existing buildings.

(2) Procedures

(a) Before commencing with the design phase of a capital outlay project, the state and the historic districts review board shall consult as to the appropriate design standards and how those design standards would impact costs and the operation or manner in which the project will ultimately be expected to function. The historic districts review board shall work collaboratively with the state to arrive at compatibility of the project with the design standards, considering reasonable costs and preserving essential functionality. The state shall also make every reasonable effort to obtain input from members of identifiable community groups involved in historic preservation in Santa Fe before commencing the design phase.

(b) After the design phase and before soliciting a bid or proposal for design-build or lease-purchase for a capital overlay project, the state shall submit the plans to the historic districts review board for review and comment. The historic districts review board in conjunction with the state shall conduct a public meeting to receive public input. Notice of the public meeting shall be given to any identifiable community groups involved in historic preservation in Santa Fe.

(c) Within sixty days after the public meeting the historic districts review board, any identifiable historic preservation community group or any other interested party shall communicate recommendations and comments in writing to the state. The state shall consult with the historic districts review board or other entity to resolve any issues raised. If at the end of the sixty-day period unresolved issues remain, the city may within five days after the end of the period, notify the state that the issues remain unresolved and these issues shall be finally determined as set forth in Section 3-22-6(G) NMSA 1978, provided that if notice is not timely given, the state may, after incorporating those provisions to which the state and the city have agreed, proceed with the project.

(d) The state shall not take any irrevocable action on the capital project in reliance on the plans until the procedures set forth in Section 3-22-6 NMSA 1978 have been followed.

(3) Design Standards

(a) General Standards

A state capital outlay project shall be designed appropriate to the seat of government and with the intent of achieving harmony with existing buildings by the use of similar materials, color, proportion, and general details to the existing buildings in the applicable streetscape. The applicable streetscape shall be determined as set forth in Subsections 14-5.2(D)(9)(a)(ii) A., B., C., D., and E. A new structure or proposed alteration or addition shall not cause an adjacent contributing, significant or landmark structure to lose its status. Alterations and additions shall be in character with the style, detail and massing of the existing building. The dominating effect is to be that of adobe construction as follows: ...

(b) Contributing, Significant and Landmark Buildings

State capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2. Historic materials and architectural features and spaces that embody the status shall be preserved. A proposed alteration or addition shall not cause the structure to lose its status.

(4) Demolition of Historic and Landmark Structures; Minimum Maintenance Requirements

(a) A request for demolition of an historic or landmark structure shall include the report required in Section 14-3.14(C) and follow the standards set forth in Section 14-3.14(G). If there is a disagreement as to demolition, the procedures set forth in Section 3-22-6(G) NMSA 1978 shall be followed.

(b) The minimum maintenance requirements for historic or landmark structures set forth in Subsection 14-5.2(B) shall be met.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2(C) Regulation of Significant Structures, (D) General Design Standards, (E) Downtown & Eastside Historic District, and (M) State Capital Outlay Projects.

Questions to Staff

Member Katz noticed from the materials provided, that this is the first hearing and the Board gives input and then a 60-day period happens where other public groups can state their concerns. And if no one expresses a concern, it is approved.

Applicant's Presentation

Present and sworn were Mr. Shannon Pasmire, 408 Alejandro Street, and Mr. Michael Rodriguez, Solano Drive, who had nothing to add to the Staff Report and would stand for questions.

Questions to the Applicant

Chair Rios asked for the total of windows in the whole building and how many are being replaced.

Mr. Pasmire said there are 43 windows to be replaced and they will be repairing 11 wood windows, two of the large units - one on the east façade and one on the west façade, and 8 casement windows on the west (basement) façade and two doors including the main entry door.

On the north is a narrow alleyway.

There are 21 total windows to be repaired and two door units.

Member Roybal asked if the window they brought with them is a sample of the replacement window.

Mr. Pasmire agreed. It is a custom unit from Colby and this is a general sample. The muntin sizes, sills, and pediments are custom built to match existing.

Member Roybal asked if people would not see any difference.

Mr. Pasmire agreed.

Member Powell asked what species of wood they would be.

Mr. Pasmire said it would probably use Pine.

Member Powell asked if they come finished or if they would be painted on site.

Mr. Pasmire said they will come at least primed.

In response to Member Powell, Mr. Pasmire said they have already done the design drawings from measurements.

Mr. Rasch said the City has certified two window examiners and this was done by one of them.

Member Boniface asked if there is going to be any putty on the outside.

Mr. Pasmire said they would have a wood stop on the exterior and putty in the interior but it won't be seen. It takes about a month for the glazing to set up to paint them.

He related doing one like this and pointed out the traditional weighted sash. What is on the windows is cotton sash row and that will hold up to operate more smoothly. They have a real problem with them now. Sometimes they get painted over or break. The vinyl weather-stripping would be a benefit to what is there now with metal tracking that gets lots of dust. That is where the upper and lower sashes meet and at the lower sash at the rail.

Member Boniface explained and you can see the chain on the side. There is a box on the side with a weight with a counterweight. Most of the windows today don't have anything this sophisticated. It has good quality to it.

Mr. Rodriguez said one advantage is that you can see the condition of the interior of the wall.

Chair Rios understood they are replacing in kind and we can't tell the difference.

Member Powell said they are in-kind except you won't see the glazing. If SHPO approves it, he was okay with it.

Chair Rios added that this is a better option.

Member Katz asked if there were any special qualities of the glass now.

Mr. Rasch said the window are old but the glass is not hand made.

Member Powell asked if the glass won't have e-coating.

Mr. Pasmire said it was put on in a remodel in 85. SHPO was involved. We got an award on it. It is the same coating. It is on the inside of the glass and non-reflecting.

Mr. Rodriguez clarified that it is the existing coating.

Public Comment

Mr. Eddy (previously sworn) wanted to commend the Board for cleaning the glass so well. He commended Spears Architects for bringing this project to OSFA. It sets a wonderful collaboration with the State for this. And having said that, to provide historic context for this building. One of our board members introduced this as the Viagra Building and you pronounced it correctly.

Chair Rios said the building was built in 1934 and an excellent example of Territorial style. It is the Paul Bardacke Building in back which is a bad example and she guessed it was supposed to be Territorial style.

Mr. Eddy agreed and it is not.

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

Action of the Board

Member Boniface moved in Case #H-16-037 at 408 Galisteo Street, to approve the case as presented. Member Roybal seconded the motion.

Chair Rios added to the meeting that 43 windows are to be replaced, 21 windows and 2 doors are to be repaired; all replaced windows will be in-kind with single pane glass using either putty or wood stop.

Member Boniface accepted that detail as part of the motion and it passed by unanimous voice vote.

I. MATTERS FROM THE BOARD

Member Katz said the Board will soon be hearing the Garcia House and the Garret Desert Inn.

Member Katz moved to request Staff to provide a status update and allow the Board to rule on status for the Garret Desert Inn. Member Roybal seconded the motion and it passed by unanimous voice vote.

Chair Rios said she went into the Historic Preservation Office and observed Ms. Sayeda explain the checklist to an applicant. She had asked if Staff had a check list and Ms. Sayeda said they did. So applicants do know exactly what they have to submit for the Board to consider.

Mr. Rasch agreed. The packet tells them exactly what they must submit and Staff go over it at the site with the applicant. It is also on-line so we do have it everywhere.

Member Powell added that they are reviewed by Mr. Rasch.

J. ADJOURNMENT

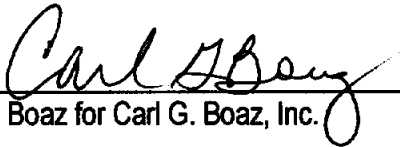
Having completed the agenda and with no further business to come before the Board, the meeting was adjourned at 9:51 p.m.

Approved by:



Cecilia Rios, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.

Historic Districts Review Board
May 24, 2016

EXHIBIT 1

**DO NOT SCALE DOWN OR
CONTRACTOR TO VIOLATE
ALL EXISTING CONDITIONS AND
DIMENSIONS - NOT A SUBJECT
OF ANY DISCREPANCY FINDER
TO BEGINNING CONSTRUCTION**

1	Revision Clarifications	7/9/15
NO.	REVISIONS/REMARKS	DATE

STAMP

NEW BUILDING FOR
TEME L.L.C.

CORNER OF
OLD SANTA FE TRAIL
AND WATER STREET
SANTA FE
NEW MEXICO

PROJECT NO.	98-06
CHECKED BY	CE
DATE	4/26/16
DESIGNED BY	HR
DATE	4/26/16
SHEET TITLE	

REVISED
PROPOSED
ELEVATIONS-
STREETSCAPE

Historic Districts Review Board
May 24, 2016

EXHIBIT 2

ATTACHMENT # 1





No 19

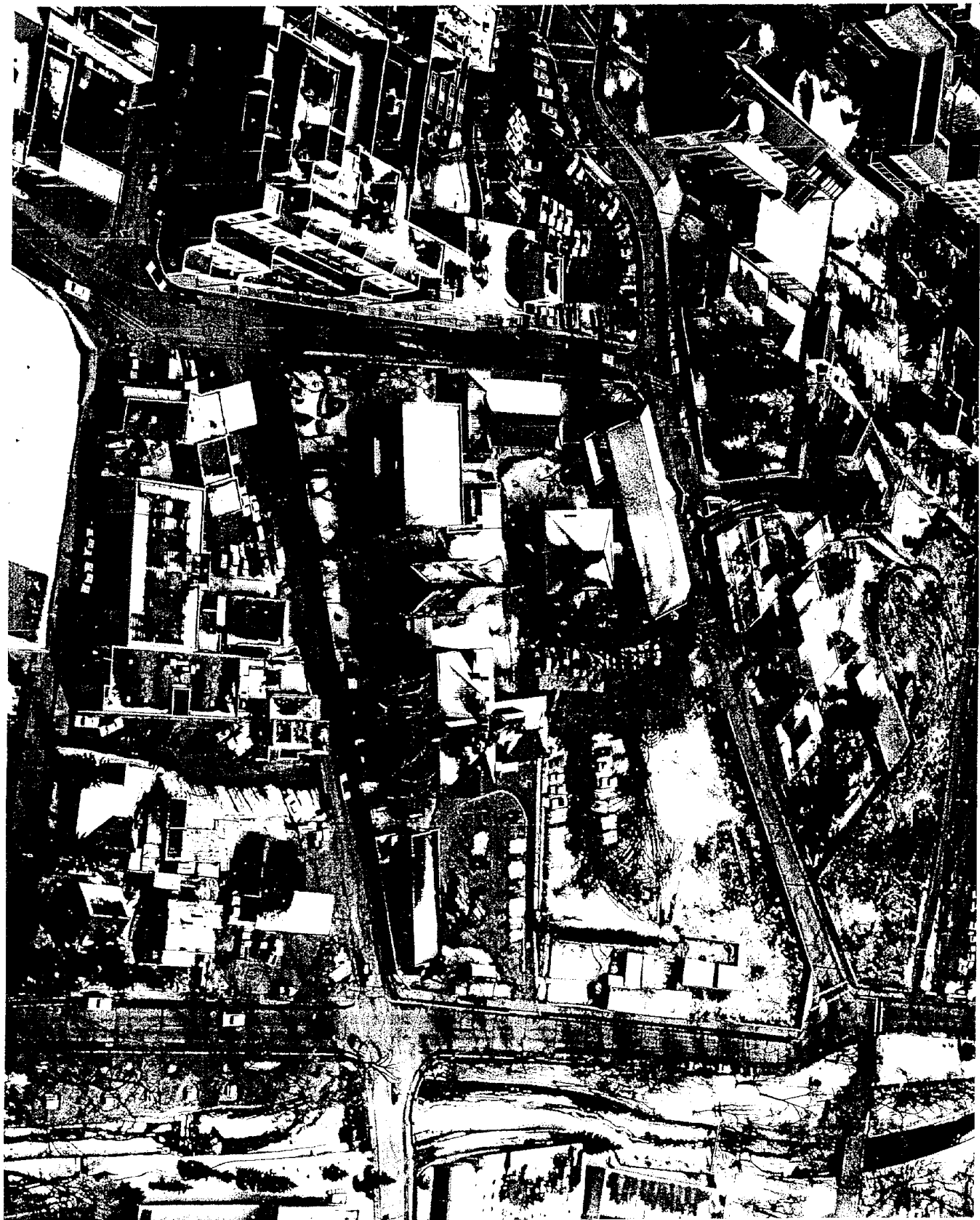
LORETTO ACADEMY

PUBLISHED BY
CANDELARIO'S CURIO
SANTA FE, N.M.

Ca 1910

Attachment #2

ATTACHMENT # 21



Historic Districts Review Board
May 24, 2016

EXHIBIT 3

ACER
ALLIANCE
INC.
432 OLD SANTA FE TRAIL
SANTA FE, NM 87505
Tel: 505-833-4200
Fax: 505-833-1179
E-Mail: info@allianceinc.com
Website: www.allianceinc.com

DO NOT SCALE DRAWING
ALL EXISTING CONDITIONS AND
CONSTRUCTION TO VERIFY
AND TO BE SHOWN AS SUCH
OR ANY DISCREPANCIES FROM
TO BEGINNING CONSTRUCTION

NO.	REVISIONS/CHANGES	DATE	BY

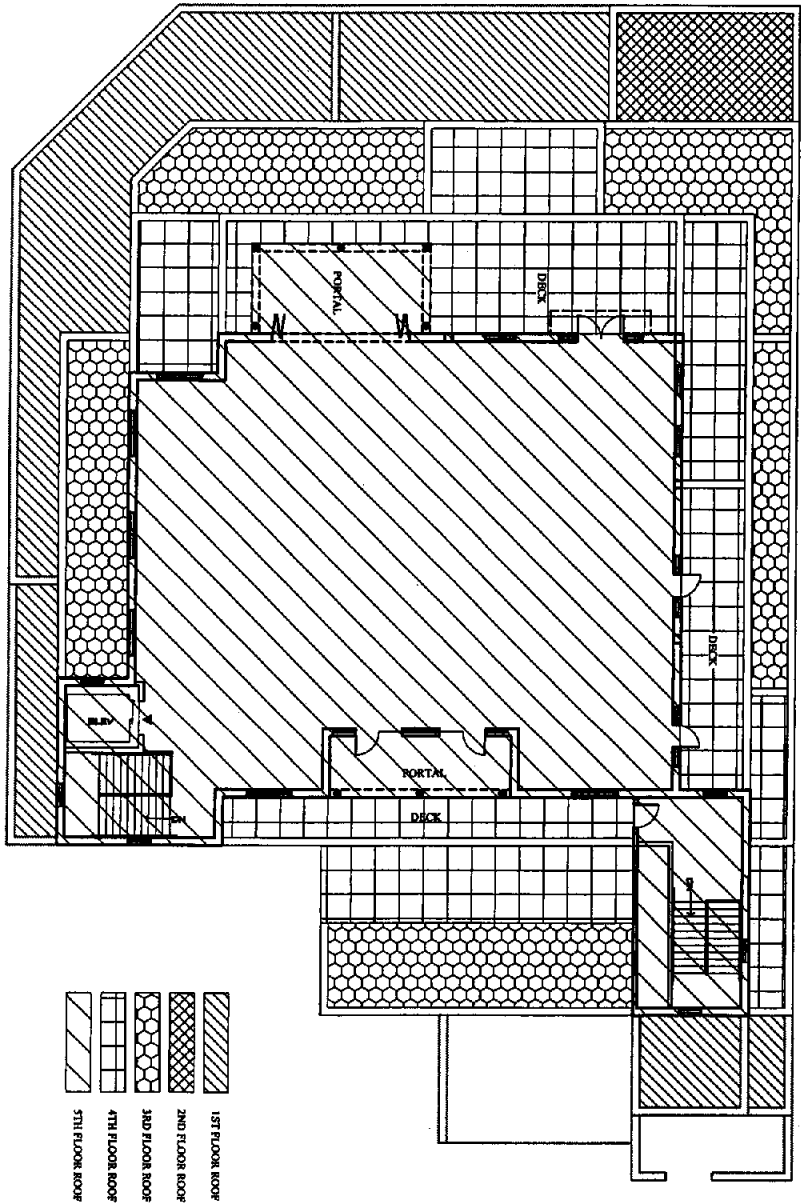
PROJECT TITLE
NEW BUILDING FOR
TEMEL L.C.

CORNER OF
OLD SANTA FE TRAIL
AND WATER STREET
SANTA FE
NEW MEXICO

PROJECT NO.	98-06
CHECKED BY	DATE
DRAWN BY	DATE
SHEET TITLE	

STEP BACK
PLAN

SHEET NO.
A-X



STEP BACK PLAN - ATTACHMENT #3

SCALE: 1/8" = 1'-0"

Historic Districts Review Board
May 24, 2016

EXHIBIT 4

Historic Districts Review Board
May 24, 2016

EXHIBIT 5

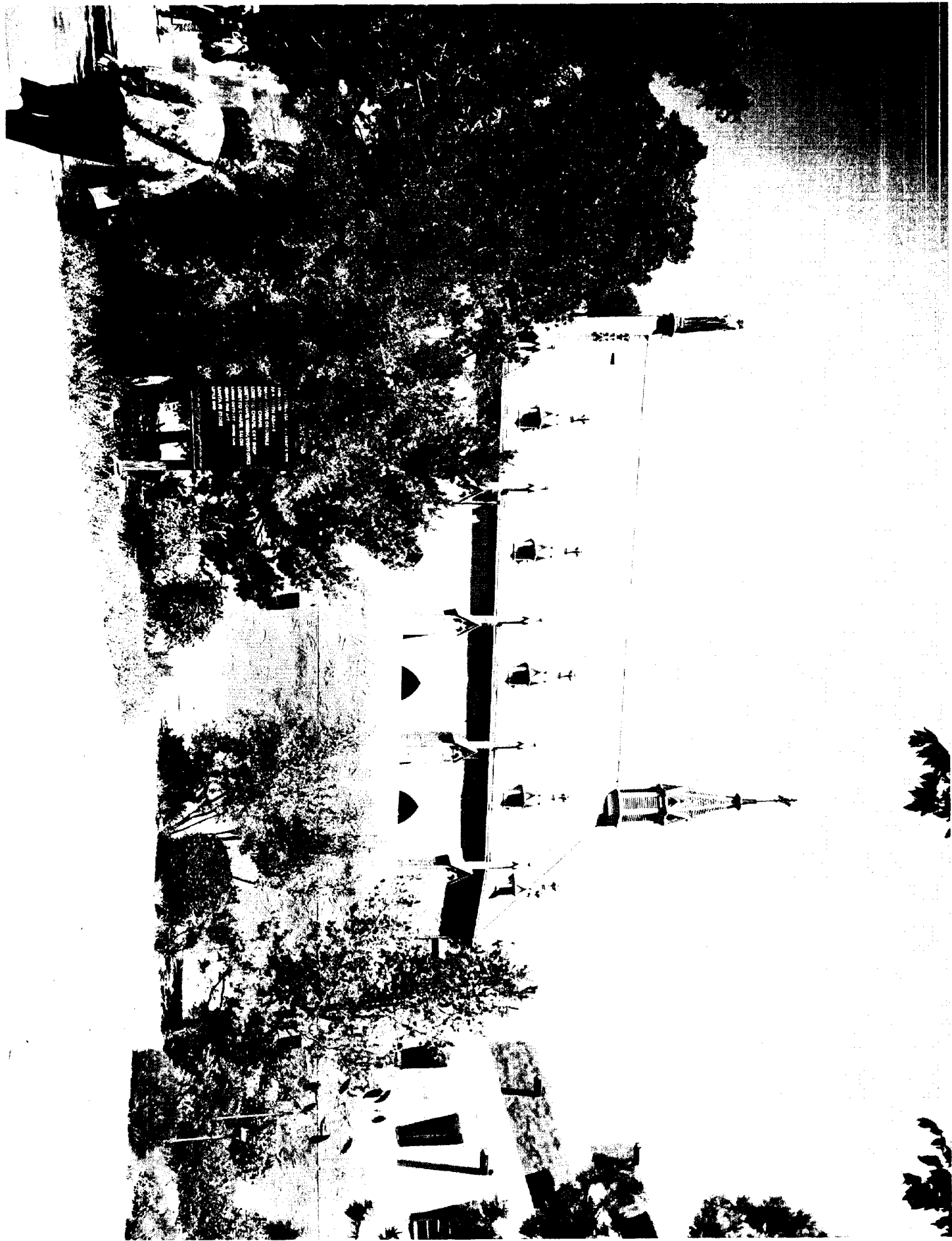


Proposed building looking north on Old Santa Fe Trail.

Attachment #4

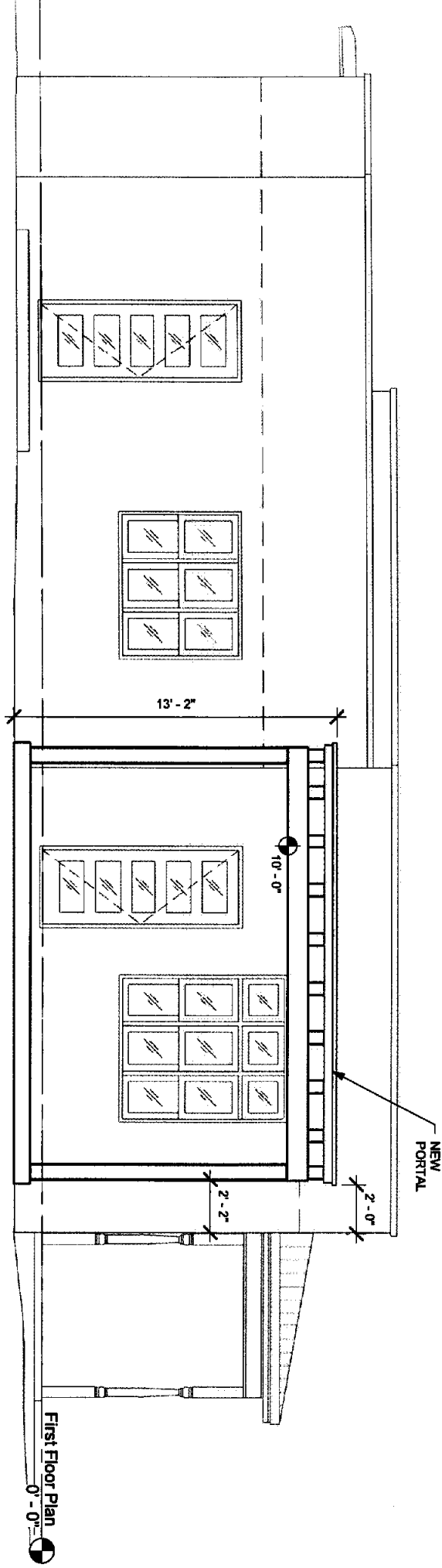
Historic Districts Review Board
May 24, 2016

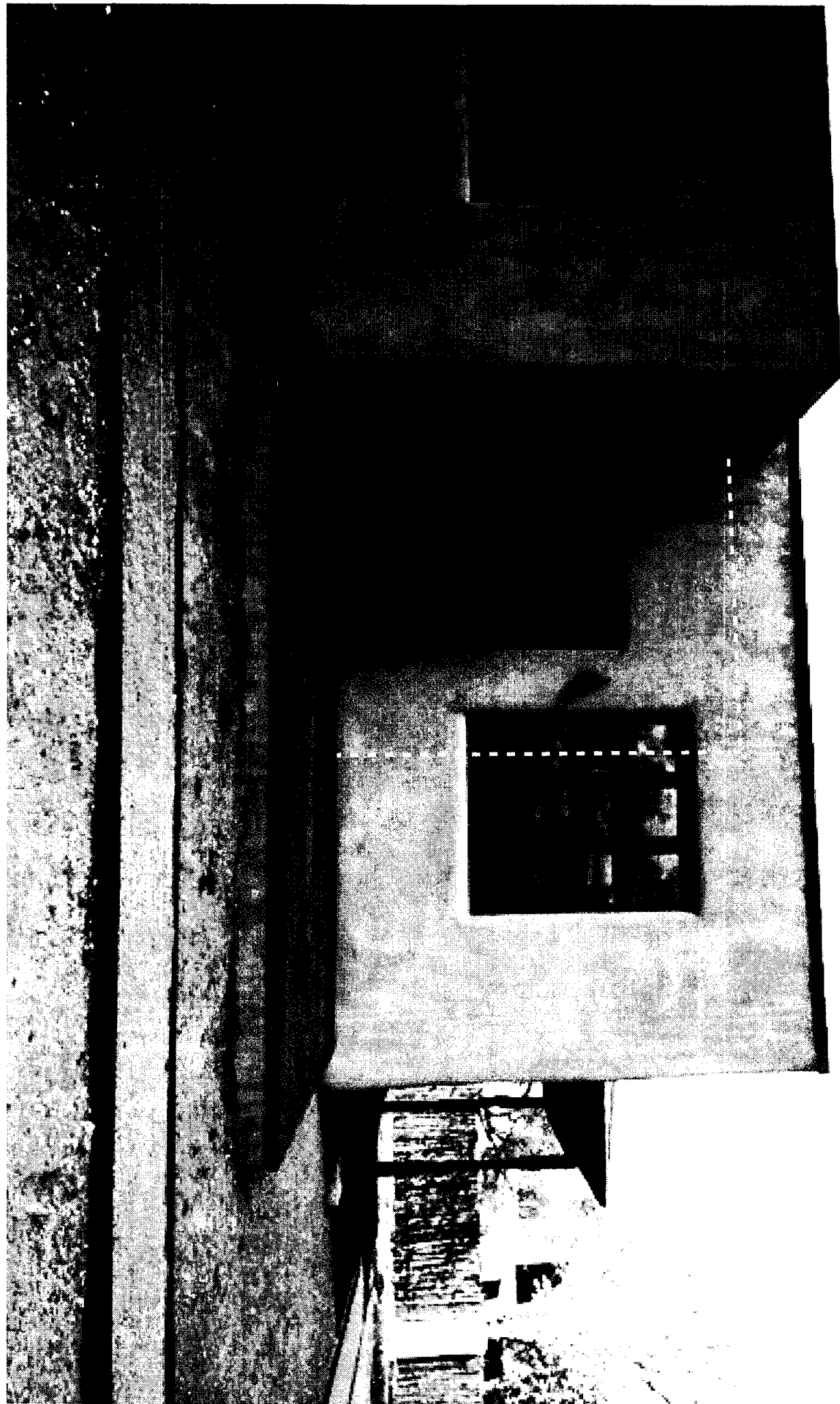
EXHIBIT 6



Historic Districts Review Board
May 24, 2016

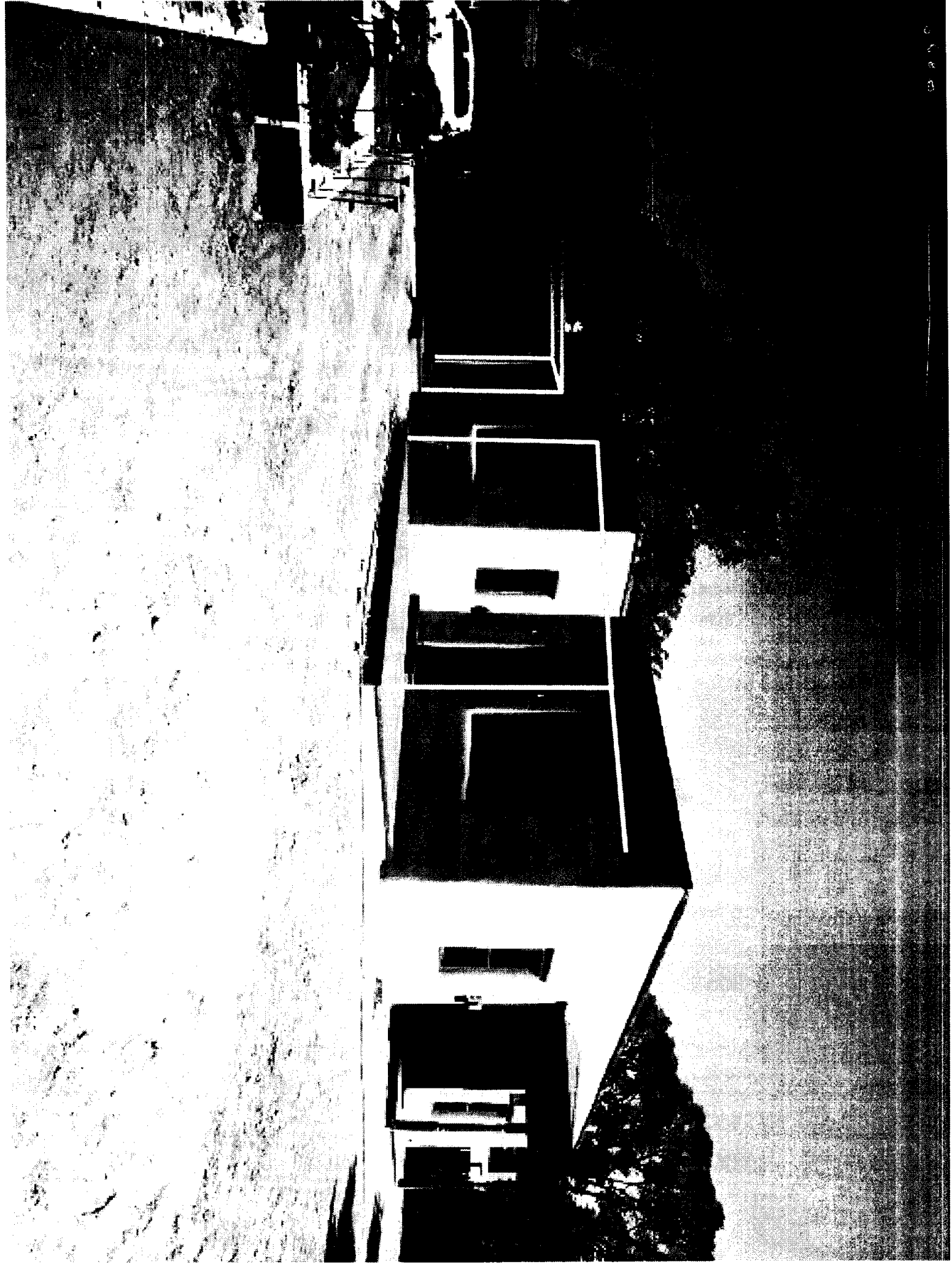
EXHIBIT 7











Historic Districts Review Board
May 24, 2016

EXHIBIT 8



APR 26 2016

1254 Calle De Comercio
Santa Fe, NM 87507
Ph. 505-438-7199/Fax 505-474-6108
ra@sunwestconstructionspecialties.com

April 19, 2016

State of New Mexico
Facilities Management Division
2542 Cerrillos Rd
PO Box 1650
Santa Fe, New Mexico
Attention: Michael Rodriguez

Re: Villagra Building
408 Galisteo

Historic window & door Assessment

2 story building with a basement consisting of 62 wood windows openings, 8 steel casements and 2 door openings

North elevation

3- Wood window openings
1- Door & transom opening

West elevation

25- Wood window openings
8- Steel casement openings

East elevation

26- Wood window openings
1- Door, sidelights, and transom opening

South Elevation

8- Wood window openings

STATUS OF EXISTING WINDOWS

North elevation

3 windows- wood double hungs and fixed windows B15, B14, B16. Door #2 and transom

- Exterior head casings rotted beyond detail (no flashing)
- Exterior casings- twisted and rotted (12") above sills
- Exterior sills- rotted beyond restoration
- Upper sashes- most putty glazing is failing, missing, and falling off
- Lower sashes- most glazing bead is failing, missing, and falling off
- Lower sash rotting along bottom rail and separation at stiles and rails
- Side jambs rotting up about 12" each side. Poor patching has been done in these areas, "poor" meaning existing rot not removed only patched over trapping the moisture behind the patch
- Units have so much rot that they would need to be removed to make sure no structure damage has been done to the historic building and to make sure there is no potential for mold
- Replace glazing (glass) where needed
- Doors in good shape- weather stripping and painting needed, transom above has been replaced and muttins don't conform to original divided lite on the rest of the building
- Putty glazing needs to be re-done
- Some ropes on interior have been painted over and are causing dry rot on the ropes and operating problems
- Where putty glazing is failing, its causing dry rot to the TDL bar causing a structural issue in the moving units

West elevation

Basement #11, 12, 13, 14, 15, 16, 17, & 18

- 8 steel casements in need of re-putty glazing
- Either made operational or made fixed
- Replace glazing where broken
- Strip loose paint for new painting

1st floor/2nd floor- A12, A13, A14, F1, F2, F3, E1, E2, F4, F5, F6, H1, B11, B12, B13, A15, A16, G1, G2, A17, A18, A19- 25 wood windows

- Exterior head casings rotting details failing and no drip caps or flashing
- Exterior casing rotting and twisting away from the building

- Upper sashes most putty glazing failing, missing, and falling off
- Lower sashes rotting along bottom rail and separation at stiles and rails. Also most putty glazing has failed
- Side jambs rotting at sill and jamb intersection, some patching at these areas poorly done, rot never removed and trapped rotted moist wood behind patch
- Exterior sill rotting and breaking stucco away causing leaking of moisture behind the stucco causing possible structural damage to the integrity of the building
- Where putty glazing is failing, its causing dry rot on the TDL bars and causing structural integrity issues on the fixed upper sashes
- Some ropes on the interior have been painted and are causing dry rot on the ropes and operating problems
- Weather stripping on most of the units are either falling off or missing
- G1, H1, G2

These are double hung/ fixed units being that they don't operate, putty and painting has some issues but sills are in good condition. Exterior casings and dental mould are in good condition. Head casing, drip cap, and flashing will need replacing, also this unit has some exceptional architectural detail of that era.

East elevation

1st floor/2nd floor-

A1,A2,A3,A4,C1,C2,C3,C4,A5,A6,A7,B1,B2,B3,B4,C5,D1,C6,D2,C7,B5,J1, B6
26 wood windows and Door #1 and transom

- Exterior head casings rotting details failing and no drip caps or flashing
- Exterior casing rotting and twisting away from the building
- Upper sashes most putty glazing failing, missing, and falling off
- Lower sashes rotting along bottom rail and separation at stiles and rails. Also most putty glazing has failed
- Side jambs rotting at sill and jamb intersection, some patching at these areas poorly done, rot never removed and trapped rotted moist wood behind patch
- Exterior sills rotting and breaking stucco away causing leaking of moisture behind the stucco causing possible structural damage to the integrity of the building
- Where putty glazing is failing, its causing dry rot on the TDL bars and causing structural integrity issues on the lager fixed units such as G1, H1, & G2

- Some ropes on the interior have been painted and are causing dry rot on the ropes and operating problems
- Weather stripping on most of the units are either falling off or missing

Exception C1, C2, C3, C4, and Door #1. These units have been under cover and are in great shape, only painting is needed. Wood and putty glazing is in good condition. Entrance Door #1 and transom are equally in great shape, only new weather stripping is needed and paint.

Also C5, D1, C6, D2, C7, J1 windows are in need of painting, putty, and mull cover replacement but they are part of the original building with the portal windows below and are in good condition. Sills are in epoxy condition and TDL bars are in good condition. J1 window is similar to west elevation double hung/fixed units. Putty and painting has some issues but sills are in good condition. Exterior casings and peaked head trim are in good condition. Again these windows have additional architectural detail of that era.

South elevation

1st floor/2nd floor- A8,A9,A10,A11, B7,B8,B9,B10

8 wood windows

- Exterior head casings rotting details failing and no drip caps or flashing
- Exterior casing rotting and twisting away from the building
- Upper sashes most putty glazing failing, missing, and falling off
- Lower sashes rotting along bottom rail and separation at stiles and rails. Also most putty glazing has failed
- Side jambs rotting at sill and jamb intersection, some patching at these areas poorly done, rot never removed and trapped rotted moist wood behind patch
- Exterior sill rotting and breaking stucco away causing leaking of moisture behind the stucco causing possible structural damage to the integrity of the building
- Where putty glazing is failing, its causing dry rot on the TDL bars and causing structural integrity issues on the larger fixed units such as G1, H1, & G2
- Some ropes on the interior have been painted and are causing dry rot on the ropes and operating problems
- Weather stripping on most of the units are either falling off or missing

It would be my recommendation that all the units (other than the units noted) be allowed to be replaced "in like kind". The units needing to be replaced the sills, side jamb, exterior side casings, exterior head casings, sash bottom rails, and side rails have 30-40% rot on them. More importantly is the windows with the sill rot, exterior head casing rot and exterior side casings pulling and twisting away from the exterior of the structure that there could be hidden damage to the building and could compromise the historic structure of the building. By just epoxying and putting "Dutchman" (cutting in wood piece) all we are doing is covering the issue. In order to do this correctly we would need to pull the existing windows and that would destroy the exterior casings and sills because of the rot. The buck (wood surround) is the jamb of the window so that would be damaged. The removal of the existing putty glazing usually cracks the existing historic glazing. At this point all these pieces would end being new and you have lost the historic value.

In conclusion, the assessment is to be of my opinion of the status of these existing windows & doors.

Please feel free to contact me with any questions.



Ra Patterson

- Attached- floor plan and elevation
- Attached- photographs of windows & door and rot issues.