



CITY CLERK'S OFFICE
Agenda DATE 8/3/16 TIME 10:05am
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HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP
TUESDAY, August 9, 2016 at 12:00 NOON
HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL
HISTORIC DISTRICTS REVIEW BOARD HEARING
TUESDAY, August 9, 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: July 26, 2016
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-043. 605 Alto Street.
Case #H-16-048. 702 Don Felix Street.
Case #H-11-051. 250 East Alameda Street.
Case #H-16-059A. 225 Canyon Road Unit 3.
Case #H-16-060. 1101 Camino de Cruz Blanca.

Case #H-16-046B. 1208½ Canyon Road.
Case #H-10-059. 1129 Paseo de Peralta.
Case#H-16-058. 631 Old Santa Fe Trail.
Case #H-15-067B. 700 Acequia Madre.

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

1. Case #H-16-057. 659 East Palace Avenue. Downtown & Eastside Historic District. Architectural Alliance, agent for 843 EPA, LLC, owner, proposes to construct a 5,684 sq. ft. residence to a height of 23' where the maximum allowable height is 17'5" on a vacant lot. An exception is requested to exceed the maximum allowable height (Section 14-5.23(D)(9)). (Sobia Sayeda)
2. Case #H-12-030. 494 Camino Don Miguel. Downtown & Eastside Historic District. Andres Mercado, agent/owner, proposes to construct an 885 sq. ft. addition to a maximum height of 12'6" where the maximum allowable height is 16'2", and yardwalls, fences, and gates to the maximum allowable heights of 5'8" and 6' on a contributing residential property. An exception is requested to exceed the 50% footprint standard (Section 14-5.2(D)(2)(d)). (David Rasch)
3. Case #H-16-061. 535 East Palace Avenue. Downtown & Eastside Historic District. Elisabeth Wagner, agent for James Baker, owner, proposes to remodel an enclosed terrace, raise parapet to 12'6" where the maximum allowable height is 21'5", replace garage door, repaint trim on house, addition of a balcony, reconstruct a gazebo, and add a vehicle gate on a contributing residential property. (Nicole Ramirez Thomas)
4. Case #H-16-062. 644 Canyon Road. Downtown & Eastside Historic District. Sef Valdez, agent for Steven Polevoy, owner proposes to construct a 269 sq. ft. addition to a height of 12'8" where the maximum allowable height is 16'5" on a non-contributing residential structure. (Sobia Sayeda)
5. Case #H-16-063. 635 ½ Garcia Street. Downtown & Eastside Historic District. McDowell Fine Homes, agent for Michael Off and Barbara Doroba-Ogg, owners proposes to construct a 3,961 sq. ft. residential structure to the maximum allowable height of 15'5" and 6' high yardwalls on a vacant lot. (Sobia Sayeda)
6. Case#H-16-065. 130 Lincoln Avenue. Downtown & Eastside Historic District. Architectural Alliance, agent for 130 Lincoln Avenue LLC, owner, proposes to remodel the exterior south elevation of an interior courtyard by replacing windows and doors on a non-contributing non-residential structure. (Nicole Ramirez Thomas)

7. **Case #H-16-066A.** 1281 ½ Cerro Gordo Road. Downtown & Eastside Historic District. Jacob Martinez, agent for Rudy Ortiz, owner, requests a historic status downgrade for a contributing residential structure. (Nicole Ramirez Thomas)
8. **Case #H-16-064.** 650 Old Santa Fe Trail. Don Gaspar Area Historic District/Downtown & Eastside Historic District. Katie Updike and Robert Wagner, agents/owners, propose to construct a 913 sq. ft. of additions on a contributing residential structure, a 14 sq. ft. canopy on a contributing casita, and 6' high coyote fence. An exception is requested to exceed the 50% footprint standard (Section 14-5.2(D)(2)(d)). (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 7.21.16 TIME 3:45 pm

SERVED BY M. Cullery

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HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, August 9, 2016 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

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Case #H-15-067B. 700 Acequia Madre.

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

1. Case #H-16-040B. 1433 Paseo de Peralta. Don Gaspar Area Historic District. Rudy Rodriguez, agent/owner, proposes to remodel two contributing residential structures by replacing windows, changing opening dimensions, removing a chimney, creating a 40 sq. ft. portal, re-roofing, and constructing 6' high fences. Exceptions are requested to remove historic materials, change opening dimensions, and replace a roof not in-kind (Section 14-5.2(D)(5)(a)(i)). (Nicole Ramirez Thomas)
2. Case #H-12-030. 494 Camino Don Miguel. Downtown & Eastside Historic District. Andres Mercado, agent/owner, proposes to construct an 885 sq. ft. addition and yardwalls, fences and gates to the maximum allowable heights of 5'8" and 6' on a contributing residential property. An exception is requested to exceed the 50% footprint standard (Section 14-5.2(D)(2)(d)). (David Rasch)
3. Case #H-16-061. 535 East Palace Avenue. Downtown & Eastside Historic District. Elisabeth Wagner, agent for James Baker, owner, proposes to remodel an enclosed terrace, raise parapet to 12'6" where the maximum allowable height is 21'5", replace garage door, repaint trim on house, addition of a balcony, reconstruct a gazebo, and add a vehicle gate. (Nicole Ramirez Thomas)
4. Case #H-16-062. 644 Canyon Road. Downtown & Eastside Historic District. Sef Valdez, agent for Steven Polevoy, owner proposes to construct a 269 sq. ft. addition to a height of 12'8" where the maximum allowable height is 16'5" on a non-contributing residential structure. (Sobia Sayeda)
5. Case #H-16-063. 635 1/2 Garcia Street. Downtown & Eastside Historic District. McDowell Fine Homes, agent for Michael Off and Barbara Doroba-Ogg, owners proposes to construct a 3,961 sq. ft. residential structure to the maximum allowable height of 15'5" and 6' high yardwalls on a vacant lot. (Sobia Sayeda)
6. Case #H-16-065. 130 Lincoln Avenue. Downtown & Eastside Historic District. Architectural Alliance, agent for 130 Lincoln Avenue LLC, owner, proposes to remodel the exterior south elevation of an interior courtyard by replacing windows and doors. (Nicole Ramirez Thomas)

7. **Case #H-16-066A. 1281 ½ Cerro Gordo Road. Downtown & Eastside Historic District. Jacob Martinez, agent for Rudy Ortiz, owner, requests historic status review with primary elevation designation, if applicable, for a contributing residential structure. (Nicole Ramirez Thomas)**

8. **Case #H-16-064. 650 Old Santa Fe Trail. Downtown & Eastside Historic District. Katie Updike and Robert Wagner, agents/owners, propose to construct a 952 sq. ft. of additions on a contributing residential structure, a 12 sq. ft. addition on a contributing casita, and 6' high coyote fence. Exceptions are requested to exceed the 50% footprint standard (Section 14-5.2(D)(2)(d)) and to place an addition on a primary façade (Section 14-5.2(D)(2)(e)). (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.

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HISTORIC DISTRICTS REVIEW BOARD
 August 9, 2016

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MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DISTRICTS REVIEW BOARD

August 9, 2016

A. CALL TO ORDER

A regular meeting of the City of Santa Fe Historic Districts Review Board was called to order by Ms. Cecilia Rios, Chair, on the above date at approximately 5:30 p.m. in the City Council Chambers at City Hall, Santa Fe, 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. Jennifer Biedscheid
Mr. Edmund Boniface
Mr. Buddy Roybal

MEMBERS EXCUSED:

Ms. Meghan Bayer
Mr. William Powell

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 approve the agenda as published. Member Boniface seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES: July 26, 2016

Member Katz requested the following changes to the minutes:

On page 21, 5th paragraph, it should say, "Member Katz assumed that there may be some fault."

On page 22, 3rd paragraph from the bottom, it should say "fence" instead of "wall."

Member Boniface requested a change on page 2, 5th paragraph where it should say "ten" instead of "gen."

Member Biedscheid requested the following changes to the minutes:

On page 6, under Action of the Board, second paragraph, to replace "it" with "the top railing dimension."

On page 38, under Questions to Staff, 1st paragraph, second line should say, "and asked if they are replacing other windows."

Chair Rios requested the following changes to the minutes:

On page 7 under Questions to Staff, 3rd paragraph, it should read, "Chair Rios asked if the new window openings would be changed and if so, if the changes would drastically the openings."

On page 7, under Questions to Applicant, 3rd paragraph, it should read, "Chair Rios said the roof color should be addressed in the motion."

On page 9, 1st paragraph should read, "Chair Rios understood that the Board has jurisdiction only over the color of the fence, not any odor or nuisance issues. She asked if this fence existed when it came to Staff."

In the 3rd paragraph on that page, it should say, "Chair Rios asked if this type of painting of this fence is considered maintenance that Staff would routinely approve."

Under Applicant's Presentation, "Chair Rios said they were sent to all Board members in color by email."

On page 12th paragraph, under Questions to Applicant, 5th paragraph, it should say, "Chair Rios asked if prior to any paint or stain on the fence was in existence."

On page 13, 12th paragraph, insert "have" been" between "could" and "built."

On page 21, it should say, "Chair Rios said there should be some kind of barrier there so they don't hit the neighbor's wall."

Member Roybal moved to approve the minutes of July 26, 2016 as amended. Member Boniface seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

Case #H-16-046B. 1208½ Canyon Road.

Case #H-16-048. 702 Don Felix Street.

Case #H-10-059. 1129 Paseo de Peralta.

Case #H-11-051. 250 East Alameda Street.

Case#H-16-058. 631 Old Santa Fe Trail.

Case #H-16-059A. 225 Canyon Road Unit 3.

Case #H-15-067B. 700 Acequia Madre.

Case #H-16-060. 1101 Camino de Cruz Blanca.

Member Katz moved to approve the Findings of Fact and Conclusions of Law for each of the nine listed cases as presented. Member Boniface seconded the motion and it passed by unanimous voice vote.

A copy of the Findings of Fact and Conclusions of Law are attached to these minutes as Exhibits 1-9.

F. BUSINESS FROM THE FLOOR

There was no business from the Floor.

G. COMMUNICATIONS

There were no communications.

H. ACTION ITEMS

1. **Case #H-16-057. 659 East Palace Avenue.** Downtown & Eastside Historic District. Architectural Alliance, agent for 843 EPA, LLC, owner, proposes to construct a 5,684 sq. ft. residence to a height of 23' where the maximum allowable height is 17'5" on a vacant lot. An exception is

requested to exceed the maximum allowable height (Section 14-5.23(D)(9)). (Sobia Sayeda)
Ms. Sayeda gave the staff report as follows:

BACKGROUND & SUMMARY:

659 East Palace Avenue is an 11,202 Sq. Ft. vacant lot in the Downtown and Eastside Historic District.

The applicant proposes to remodel the property with the following 7 items:

1. A 5,684 Sq. Ft. 23'-0" high single family residence with an attached garage is proposed, where the maximum allowable height is 17'-4". A height exception is requested (14-5.2(D)(9)) and the required exception criteria responses follow. Windows and French doors are clad with divided lite. Garage door, canals and other wooden elements are proposed to be "Walnut" wood finish. The stucco is El-Rey cementitious "Madera" color.
2. An inset portal on the south elevation and one in the interior courtyard with round viga posts and corbels are proposed.
3. A 2' deep overhang detail is proposed along the south elevation of interior courtyard. The proposed glass doors under the overhang are publicly visible and do not meet 30" glass requirement. The applicant has not requested an exception.
4. A freestanding fireplace at the deck above the garage is proposed.
5. Skylights at the at the dining portal are
6. Stuccoed yard walls and planters of varying heights are to be constructed on the north and south of the main structure.
7. Stairs at the entry are proposed, a handrail design is not provided.

Historic Districts and Historic Landmarks Height, Pitch, Scale, Massing, and Floor Stepbacks Exception Criteria

Re: 494 Camino Don Miguel, Santa Fe, NM

(l) Do not damage the character of the streetscape

There are many structures in our immediate vicinity that are much larger than what we are proposing. The proposed addition is in keeping with the character of the district by using traditional earthen plaster, divided light windows, single story design, and reasonable proportions.

Staff response: Staff agrees with this statement.

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

We have lived in our one-bedroom/one-bathroom house happily for a few years now. With the addition of our first child to the family and plans for a second, living in a one-bedroom house would present a hardship which I think can be appreciated by anyone. The addition will also provide much needed storage, as the original structure has no built-in closets.

Staff response: Staff agrees with this statement.

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

The neighborhood is a mix of single story and multi-story structures. We would like to keep the house single story rather than build a second story, for purposes of functionality—second stories are notoriously hard to heat and cool and we do not wish to have stairs in the house with young children or our parents—as well as for aesthetic reasons. We have a large lot, relatively speaking, and adding on to the existing single story structure makes sense and is in keeping with how our house (and others in this neighborhood) were added on to as the need arose. Additionally, our neighbors to the north have a patio that they like to use for al fresco dining and we are choosing to build in a way that maximizes their privacy and allows them to continue to use this patio. We considered remodeling an existing outbuilding on the property, but until our child is old enough to want to live by himself, this would not serve the purpose of giving him his own bedroom and bathroom near our own, nor would it serve the purpose of insulating our northern adobe walls.

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

We are limited on where we can build because of setbacks and primary elevations. Our property has a large area on the north which is undeveloped and that is where the addition can be built. The addition would maintain required set-backs. Because the existing structure is under 1000 sq. ft., adhering to the 50% rule would greatly limit the comfort and livability of the house for a family.

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 only space available (because of primary elevation designations and setbacks) for the addition is on the north. Our house is constructed of adobe and because adobe is a thermal sink, we would like to insulate the north wall to keep the house warmer in winter without having to use additional heating elements.

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)

This addition is on the north side of the house, away from the primary elevations. The addition will have a low streetscape impact because it will be situated approximately 30 feet from the street and will be partially hidden by an adobe wall. As for the impact to the existing structure, a single story addition will not cause undue stress on existing load-bearing walls. At 727 sq. ft. of heated space plus a 158 sq. ft. portal, the addition will be proportionate with the existing structure. We considered many building material options: frame, block, adobe, etc. In the end, we decided to go with straw bale for its insulating properties, ability to be mud-plastered, and its overall aesthetics and low environmental impact. The roof was chosen to match existing roof design and materials, windows were chosen to match existing design and materials, and adobe walls and coyote fencing were chosen to blend in with the overall streetscape aesthetic. We will use a simple metal drip edge on the adobe wall to keep the adobe wall and mud plaster in good repair. And again, the addition will be built in such a way as to maximize the privacy of our neighbors. We believe that by using traditional materials and finishes for the addition and for the yard walls, not only are we not negatively affecting the structure, but we are adding to the vernacular of the early 20th century in our neighborhood.

Staff response: Staff agrees with this statement.

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 the Staff

Member Boniface said he did not see evidence of an archeology study on the site visit. He asked if one had been done.

Ms. Sayeda said she didn't know.

Member Boniface said he thought that was supposed to occur before it got this far.

Mr. Rasch said no.

Chair Rios noted the applicant is requesting a height exception. She asked how the maximum height was determined.

Ms. Sayeda said since it was not a street frontage, it was a 300' radial streetscape calculation as shown on page 10. The maximum height is 17' 5" with an additional 4' allowance for slope change greater than two feet. Their maximum height is at 22'.

Chair Rios asked how the proposed project relates to other homes in the streetscape.

Ms. Sayeda said this lot is past another lower lot. The homes that are on the east and the west of it do step up as the lots go back. So the massing is fairly comparable to what is on the street scape.

Chair Rios noticed that Staff agreed with all six responses.

Ms. Sayeda agreed.

Applicant's Presentation

Present and sworn was Mr. Eric Enfield, 612 Old Santa Fé Trail, who said the exterior light fixtures will have a bronze finish with mica face.

He was not sure which glazing is referred to in the Staff report. He thought it was probably the small visible piece on the right hand side of the main house mass beyond the courtyard. All visible glazing will comply with the 30" rule. He appreciated the staff report. He agreed with the Staff report and clarified a few things. Staff agreed with his exception request. He also agreed that all publicly visible glazing will meet the 30" rule. The slope is over 17' on this lot from the front of the site to the back. All slopes are manmade and he thought it was remaining dirt from when they did La Vereda.

The house is in the escarpment foothills as well as the Eastside Historic District. That meant this house was measured three different ways: by the Building Permit department, by the escarpment manager and by historic staff. The site is zoned R-21 so on this site, they could have proposed five units but instead are proposing just one. It is a large house but proportional to the neighborhood. The proposal would result in 38.9% lot coverage but could do as much as 55%.

Mr. Enfield showed some 2-story and 1-story residences around the site location. He showed the area drawing off the City Map because he thought the Board was concerned with the mass compared with adjacent properties. He explained that his story pole showed the highest point. Most of the 2-story homes are on the east. R-21 zoning is like La Vereda. So there is a lot of mass already in the neighborhood.

The square footage that is primarily heated is 2,800 sq. ft. on the upper level. There are courtyards, portals and terraces - a lot in the design of this site.

He felt what he proposed meets the style of the neighborhood. He talked with nearby homeowners and altered the design as a result. It is under the 24' maximum height. Zoning measures it at 15'. Mr. Rasch measures it at 23'. He brought all three definitions of height. He mentioned it to Ms. Martínez how he had to go around to each department and satisfy their requirements. He didn't put the escarpment regulations on here but he handed out copies of it. [A copy is attached to these minutes as Exhibit 10.]

He measured it as 15' 4" along the perimeter. He has a walk-out basement and a garage. And the house is built on the higher level. He was limited on the garage location by the allowable by the fire department at a maximum 10% slope. The walk-out basement was a result of that requirement.

A family moving here has signed a purchase contract and they asked for a few minor changes. Basically it is lowering the building in a couple of places and eliminating a few windows. He brought those changes with him to the meeting. [a copy of the changes is attached to these minutes as Exhibit 11.]

Ms. Gheen believed these are changes which the Land Use Department would have to review before the Board could consider them.

Mr. Rasch agreed. Staff has not seen them.

Mr. Enfield explained that they are only window changes but if it would cause a problem for the Board, he would just rescind them.

Chair Rios asked if he would indicate them to the Board.

Mr. Enfield said on the south elevation, he added sidelights to the front door. He added a window to the right of the front door but removed the window that was further to the east and basically, moved a window to the west. He moved the southeast wall where the front door is located and to the east of the front door 30" and that is visible on the east elevation. He lowered the parapet above the entry by 3". The doors in the den changed to windows. The windows of the Master Bedroom moved 10" away from the corner so they are slightly closer to the center of the room. He changed the window in the basement office, located under a portal from 4' 8" wide to 9' 10" wide. On the east elevation, the front door moved 30", lowered parapet by 3", eliminated the truncated chimney on the east façade of the den, and eliminated the 2 windows on the east side of the den. He shortened the master bedroom window from five to six feet tall.

Chair Rios asked if the Staff felt these changes are approvable this evening or if further time is needed to review them.

Ms. Sayeda said she would be okay with everything except on south elevation under the portal. That change might not meet the 40% glazing rule. Perhaps Staff can work with the applicant on that design at the lower portal.

Mr. Enfield did not feel the 40% glazing rule was valid under a portal. None of the storefronts on the plaza would be legal if that were applicable. His understanding was that the 40% is not for under portals but on flat visible façades. But he could eliminate that proposed change. The 4' 8" is about 40%. They asked to do a larger window and nowhere in the code does it say you can't have more under a portal.

Chair Rios asked Mr. Rasch about it.

Mr. Rasch said divided lites are not required under a portal.

Questions to the Applicant

Chair Rios asked if they will be disturbing the grade in this project.

Mr. Enfield clarified that the Board saw one really tall pole with a black bottom. That is underground and goes to the top of the roof at the black part. So the visible façade would be seen. By definition, if it steps more than 4' it is a different façade by code. It is in the building portion of the code.

Chair Rios didn't understand in terms of grade.

Mr. Enfield said the walk out is cut into the slope and a portion below is filled in. They are cutting down about 3' at the bottom of it.

Mr. Rasch read the definition. The property is gated so that portal is not publicly visible.

Chair Rios reasoned that it can go over 40% glazing.

Mr. Enfield said he had it under 40% but his client asked for a larger window. A good place to see the grade is the west elevation. You can see the natural grade and the final grade and see how it works with the structure. The dotted lines show the basement under the house. It is underground on three sides.

Member Katz said the height maximum according to Mr. Rasch is 17' 4" plus four feet for slop to be 21' 4" and Mr. Enfield wants the project to be at 23'.

Mr. Enfield agreed. They are asking for a 1' 8" height exception.

Chair Rios asked if the skylights are low profile.

Mr. Enfield agreed. They would be hidden behind the parapet.

Member Boniface asked how thick the walls are.

Mr. Enfield said they were talking about doing ICFs on the exterior of the downstairs. They would be 10".

Member Boniface asked if he would be willing to thicken the walls where the garage is to about a foot and a half.

Mr. Enfield said he would. He would mark that in right now.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Katz moved in Case #H-16-057 at 659 East Palace Avenue, to approve as complying with 14-5.2 (B-9) and find that the exception has been met per the recommendation of staff; and as a condition the garage wall be thickened to 18". Member Roybal seconded the motion and added a condition that the new elevations be submitted to Staff for review and approval.

Member Katz agreed it was friendly and added the condition that the light fixtures design be submitted to staff for review and approval.

Chair Rios requested a condition that all glazing meet the 30" rule and that no rooftop appurtenances be visible. Member Katz agreed those were friendly.

Member Biedscheid asked for a condition that revised drawings be submitted to Staff before a construction permit is issued. Member Katz agreed it was friendly and the motion passed by unanimous voice vote.

- 2. Case #H-12-030. 494 Camino Don Miguel. Downtown & Eastside Historic District. Andres Mercado, agent/owner, proposes to construct an 885 sq. ft. addition to a maximum height of 12'6" where the maximum allowable height is 16'2", and yard walls, fences, and gates to the maximum allowable heights of 5'8" and 6' on a contributing residential property. An exception is requested to exceed the 50% footprint standard (Section 14-5.2(D)(2)(d)). (David Rasch)**

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

494 Camino Don Miguel is a single-family residence that was constructed before 1931 in a simplified Spanish-Pueblo Revival manner. The building is listed as contributing to the Downtown & Eastside Historic District and elevations 1 excluding the east porch infill, 2, and 3 are designated as primary.

On September 22, 2015, the HDRB approved remodeling on the property that included exceptions to remove historic materials, place an addition on a primary elevation, increase the height of a primary elevation, and to change the character of the roof.

Now, the applicant proposes to remodel the property with the following nine items.

- 1. A 727 square foot addition will be constructed on the north elevation of the residence to a height of 12.5' where the maximum allowable height is 16' 2". The addition will feature mud-plastered adobe walls, reused windows, and single-lite doors that will not be publicly visible. An exception is**

requested to exceed the 50% footprint standard (14-5.2(D)(2)(d)) and the required exception responses are at the end of this report.

2. A 158 square foot portal will be constructed at the northwest corner of the addition to a height of 10.75'. The portal will feature a corrugated metal shed roof and a corner fireplace that is integrated into a partially enclosing mud-plastered adobe wall.
3. A window on the north elevation of the residence will be removed and replaced with a single-lite door that will not be publicly visible.
4. Four solar tubes will be installed.
5. The existing mud-plastered adobe yardwall at the west side of the parking area will be modified by evening out the wall and installing a "drip edge cap" of unknown material (sheet C-3 # 5 A and B).
6. A mud-plastered adobe yardwall will be constructed behind the street frontage rock wall to a maximum height of 5' 8" and predominately at 4' high (sheet C-2 # 2). The wall will feature two window openings, steps in height at one end, a buttress in the center, and a "drip edge cap".
7. A 5' 8" high mud-plastered adobe yardwall with a "drip edge cap" and a bileaf wooden gate will be constructed at the north side of the parking area (sheet C-2 # 3).
8. A 5' 8" high mud-plastered adobe yardwall with a "drip edge cap" and a single-leaf wooden gate will be constructed at the south side of the parking area (sheet C-2 # 4).
9. A coyote fence will be constructed along the north side of the lot at 4' and 6' high (sheet C-2 #1).

EXCEPTION TO EXCEED 50% FOOTPRINT STANDARD (14-5.2(D)(2)(d))

(i) Do not damage the character of the streetscape

Response: There are many structures in our immediate vicinity that are much larger than what we are proposing. The proposed addition is in keeping with the character of the district by using traditional earthen plaster, divided light windows, single story design, and reasonable proportions.

Staff response: Staff agrees with this statement.

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

Response: We have lived in our one-bedroom/one-bathroom house happily for a few years now. With the addition of our first child to the family and plans for a second, living in a one-bedroom house would present a hardship which I think can be appreciated by anyone.

Staff response: Staff agrees with this statement.

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

Response: We have a deep appreciation for the historic fabric of our neighborhood and, like many of our neighbors (current and past), seek to expand our home to fit our growing family. In keeping with the original character of this neighborhood, we have planted grape vines and many fruit trees, used earthen plaster for the adobe walls, and have plans for an addition that is modest in nature but will accommodate a family with children.

Staff response: The applicant did not address the criterion, not providing any design options.

(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

Response: See response to (ii).

Staff response: The applicant did not address the criterion, not describing how this land or structure differs from others.

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

Response: See response to (ii).

Staff response: The applicant did not address the criterion, not describing things which are not resulting from their action.

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

Response: The proposed addition will consist of a modest 727 square feet of heated space and a 158 square foot portal. The addition will be post-and-beam construction with straw bale walls covered by earthen plaster. Windows and doors will match existing windows (brown aluminum cladding with divided-lights). The height will be approximately equal to the existing structure.

Staff response: The applicant did not address the criterion, not describing how this proposal is the least negative impact on the contributing structure.

STAFF RECOMMENDATION:

Staff finds that the exception request to exceed the 50% footprint standard has been met. Besides the required exception approval, this application complies with Section 14-5.2(D) General Design Standards and (E) Downtown & Eastside Historic District.

Questions to the Staff

Chair Rios said it is a contributing building and Mr. Rasch indicated that the south and the west are primary elevations. She asked if those primary elevations are not being touched by the application.

Mr. Rasch agreed.

Chair Rios asked if he believed after these changes are approved and built that the house will remain contributing.

Mr. Rasch agreed if the Board finds that the exception has been met.

Applicant's Presentation

Present and sworn was Mr. Andres Mercado, 494 Camino Miguel, who said the proposed addition is to change this one-bedroom, one bath house to be a 3 bedroom, 2 bath house to accommodate their growing family. And he is trying to remain true to its historic character by using mud plaster and the addition on north will be using straw bale walls. They will keep the same window and door materials.

Questions to the Applicant

Chair Rios asked if he was doing the mud plastering, himself.

Mr. Mercado said he would but he would contract with a contractor for the straw bale part.

Member Roybal asked if Mr. Rasch could help the applicant with the exceptions that were not met on number 3 and number 4.

Mr. Rasch said he spoke with applicant on Monday. They had already seen his report and rewrote their responses and now, he felt they did meet all of them. He emailed the new report to the members.

Member Katz had one concern. On the east elevation that façade is one flat façade and does not identify the old from the new. He asked if the applicant could consider offsetting the addition by a foot to distinguish that. That would mitigate some of the concerns about the 50% rule. Ideally it would be pushed back but they might have problems with that.

Mr. Mercado said it is up against the rear setback. We could push it out the width of a straw bale. He would extend it 12 to 16" to the south so it overlaps with the adobe wall and not have a thermal break.

Member Boniface noted in the floor plan that he saw no mechanical room.

Mr. Mercado said they don't have a cooling system and feel it will perform better without one. There is radiant floor heating with generous crawl space to accommodate a radiant floor boiler.

Member Boniface said the Board sometimes finds people wanting mechanical equipment on the roof. He asked if this would not have any mechanical equipment on the roof.

Mr. Mercado said no.

Chair Rios asked what the material would be used for the drip edge cap.

Mr. Mercado said it is 12" metal flashing bent to shape to cover the adobe wall.

Chair Rios asked for the color.

Mr. Mercado said it is natural unfinished metal.

Member Biedscheid asked if the coyote fence would have irregular latilla heights and stringers on the inside.

Mr. Mercado agreed. The horizontal supports are on the inside and it will be natural and irregular tops.

Member Katz asked if could show the Board the evidence of their need.

Mr. Mercado's wife held up their baby.

Mr. Mercado added that they would like sometime in the future to have a second child.

Public Comment

Present and sworn was Mr. John Eddy, 227 East Palace, Suite D, who commended the owners of this property for the approach they are taking specifically with materials. It is too often a thing of the past in Santa Fe and cautioned them to get the mix right so they don't have to redo it in a year.

In the streetscape is the vernacular dry stack stone work. This is one of the few properties still remaining with that sense of Santa Fe vernacular style. He would encourage the Board to make sure that stonework is not disturbed because it is very special.

Present and sworn was Ms. Stefanie Beninato, P. O. Box 1601, who felt the owner has been sensitive in developing this property. She reminded the Board that they already gave an exception for an addition on a primary façade. Now, there is another exception being requested where one was given before. There was a lot in the South Capitol area where the Board allowed more than 50% and it overwhelmed that lot. This is a connection and not a guest unit so it might not be applicable. But we need to be consistent instead of giving exceptions with ease.

Present and sworn was Mr. Peter Schoenfeld, 907 Camino Acacio, President of the San Acacio Neighborhood Association, who said he believed this to be in the best interest of the neighborhood and the City that folks who are interested in and active in building modest homes for themselves and not being occupied by folks from California and Texas and that is what Andres and Christina Mercado are doing and we are in total agreement.

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

Mr. Mercado said their lot coverage is 28% so it is modest. Mud plaster is much easier to care for. The mud plaster there is four years old with no maintenance required.

Action of the Board

Member Boniface moved in Case #H-12-030 at 494 Camino Don Miguel, to approve the application, finding that, after testimony, the exception responses to exceed the 50% footprint have been met with the amended responses with conditions

- 1. that the coyote fence have irregular top;**
- 2. That it have no rooftop appurtenances including visible skylights;**
- 3. that the applicant maintain the dry stack;**
- 4. That the applicant offset the proposed addition in front of the existing east elevation, extending it east approximately 18".**

Member Roybal seconded the motion with the condition

- 5. that staff review and approve the drawing for the offset. Member Boniface accepted the condition as friendly and the motion passed by unanimous voice vote.**

- 3. Case #H-16-061. 535 East Palace Avenue. Downtown & Eastside Historic District. Elisabeth Wagner, agent for James Baker, owner, proposes to remodel an enclosed terrace, raise parapet to 12'6" where the maximum allowable height is 21'5", replace garage door, repaint trim on house, addition of a balcony, reconstruct a gazebo, and add a vehicle gate on a contributing residential property. (Nicole Ramirez Thomas)**

Ms. Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

535 East Palace Avenue is the "Ashley Pond House" and is a contributing structure in the Downtown and Eastside Historic District. The house was constructed in 1925 and John Gaw Meem was the architect. The house is cited as being his first completed building in Santa Fe. Only minor remodeling has occurred since the time of its construction.

The house is set back from the road and is two stories tall with a flat roof, brick coping, and ironwork railings along the small balconies. Windows have brick sills and are single lite and 8-lite casement windows. Doors are solid, solid with single lite, 10-lite French doors, and solid with 4-lites. Trim on all the windows and doors is painted "turquoise." A gazebo is located in the garden area between the house and the wall of the property that lines East Palace Avenue.

The house has been well maintained throughout the years. Changes that occurred to the house in the 1960s include enclosure of a terrace on the northwest corner of the building, the addition of a wooden staircase to the rear of the house, addition of a metal garage door, and the addition of an iron balcony on the east elevation above the garage. An overhanging shed roof was added to the gazebo on the front lawn at some point as well. A discussion between the architect and a former resident of the house dates the enclosure of the terrace to 1967 or 1968.

The applicant proposes to remodel the property with the following.

Enclosed Terrace Area (NW Corner of House)

- 1) Remove the strip windows that currently enclose the terrace on the southwest corner of the building. Raise the sloped roof to level and create a parapet with brick coping. The new height of

the terrace area will be 12'6" where the maximum allowable height is 23' 5". Kolbe and Kolbe wood casement windows, KN23P-2 wide, with a lite pattern of 4/2 lite will be added to the terrace area. Cut sheets for windows provided. Wood trim on the windows will be painted "Atrium" white.

Other Areas of the House

- 2) Replace the existing metal garage door on the east elevation with a wood garage door. The door will be painted "Atrium" white and have black hardware.
- 3) Addition of a balcony on the north elevation to match the existing balcony on the east elevation. All balconies will be of black iron.
- 4) Restore and repaint all of the wood trim on the house. Paint will be "Atrium" white.
- 5) Original grills for the balconies and windows will be kept.
- 6) Add new light fixtures at all exterior doors to meet code. The fixtures will be Artesanos 526 Bola Arriba/Bola Abajo. Cut sheets provided.
- 7) Remove the wooden staircase at the rear of the house. Retain the concrete and stone stairs and add a black iron railing to meet code.

Gazebo

- 8) Reconstruct the wood portion of the front lawn gazebo by adding two columns at the front (north). The gazebo is 192 square feet and is constructed of stone. It is 7' in height. The wood columns will finish at 7' 6" high and have a 6' x 8' wood carrier beam with 9" diameter vigas and 5" fascia board. The finished height of the structure will be 9' 6" and will be stained a medium warm grey.

Vehicle Gate and Driveway

- 9) Add a vehicle gate at the entry of the property. The gate design is the original gate design by John Gaw Meem. The gate would match the gate located at 531 East Palace Avenue. It will be an automatic gate that opens into the property, away from the street, and is painted "Atrium" white.
- 10) Remove all existing coyote fence along the driveway. The applicant plans to replace the east coyote fence with a stucco wall 5' 6" tall to 6' tall with stucco pilasters at 6' 6" tall on the east side of the drive and a 5' tall stucco wall running east-west with a pedestrian gate which is in-line with the placement of the driveway gate. The yardwall and pilasters will have brick coping to match the

existing wall along Palace Avenue.

11) All stucco will be cementitious El Rey "Buckskin."

12) A planter lined with 2-3 courses of moss rock will line the driveway. The total height of the planter will be 12" to 18" in height. Two steps will step up from the driveway to the pedestrian gate/walk area.

13) Light sconces will be added to the pilasters and will match those on the house. See cut sheet.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project as it complies with 14-2.5 (D) General Design Standards for All H Districts and 14-5.2 (E) Downtown and Eastside Design Standards.

Questions to the Staff

Member Roybal asked Staff to clarify the historicity of the gazebo.

Ms. Ramirez Thomas said it has no current status but was part of the original construction. It is being treated as part of contributing property.

Chair Rios asked if the proposed changes would interfere with the historic status.

Ms. Ramirez Thomas said in her opinion, what they propose is restoring things more closely with the Meem design in mind. So would not interfere but be an improvement.

Applicant's Presentation

Present and sworn was Ms. Elisabeth Wagner, 528 Old Santa Fé Trail, Suite 1, who said she is pleased to bring this wonderful house to the Board. Regarding the Gazebo, there was at one-time clay tennis courts there and then that was removed and the gazebo added. So she didn't know that it was originally built with the house but they would like a place to sit outside.

Questions to the Applicant

Chair Rios asked if it is considered Territorial.

Ms. Wagner said it is Spanish Colonial. Ms. Pond commissioned Meem to do a house and it is the first brick coping Meem put on a house. The details are Spanish Colonial.

Chair Rios noted the windows are blue and now proposed to be white.

Ms. Wagner agreed. It is because they were originally white. The stucco was originally white too.

Chair Rios commended Ms. Wagner for the nice job with her submittal.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Boniface moved in Case #H-16-061 at 535 East Palace Avenue, to approve the application as submitted and follow staff's recommendation. Member Roybal seconded the motion and it passed by unanimous voice vote.

Chair Rios said the Board goes to every project site and if the Board doesn't ask many questions, it is that the Board saw every detail at the site visit.

Member Boniface added that he enjoyed reading through the staff report on how this was built and added onto. This is a nice change and well done.

4. **Case #H-16-062. 644 Canyon Road.** Downtown & Eastside Historic District. Sef Valdez, agent for Steven Polevoy, owner proposes to construct a 269 sq. ft. addition to a height of 12'8" where the maximum allowable height is 16'5" on a non-contributing residential structure. (Sobia Sayeda)

Ms. Sayeda gave the staff report as follows:

BACKGROUND & SUMMARY:

644 Canyon Road Unit 10 is a 1,946 Sq. Ft. single family residence built on a 2,433 Sq. Ft. lot in Territorial style at an unknown date in the second half of the twentieth century. This lot is part of a 43,072

Sq. Ft. 12-unit development. Alterations and addition to the residence were made in 2002. The building is listed as non-contributing to the Downtown and Eastside Historic District.

The applicant proposes to remodel the property with the following 5 items:

1. Existing 269 Sq. Ft. courtyard with 10-7" high exterior wall on the south side is proposed to be enclosed to become a heated living room space. The height of the existing courtyard parapets is proposed to be increased to 12'-8" where maximum allowable height is 16'-3". New wall is proposed to have brick coping to match existing. Stucco is proposed to be El-Rey Cementitious "Adobe" color.
2. Existing entry wood door and header is proposed to be refinished. Existing metal grill and wood window shutters on the south wall to remain.
3. Two wood canals on the south wall are proposed.
4. Four skylights on the new roof are proposed that are not publicly visible.
5. Exterior lights to remain, entry light is proposed to be restored.

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 the Staff

Chair Rios asked about public visibility.

Ms. Sayeda said from a private drive it is visible but not from a public way. The drive serves other units and this one is at the end of the driveway.

Chair Rios asked if that was through a long narrow driveway.

Ms. Sayeda agreed.

Applicant's Presentation

Present and sworn was Mr. Sef Valdez, 5 Kokopelli Drive, who said he is not the owner but just a representative for owners and the general contractor for the project. He had nothing more to add.

Questions to the Applicant

Member Boniface asked if it would have any rooftop equipment.

Mr. Valdez said no. He explained that they are using- a split system on the wall in the new proposed area with the compressor on a patio in the back. It would have no exposed piping.

Member Boniface asked to see the floor plan so the applicant could show the location of the compressor.

Mr. Valdez didn't think they submitted a plan that showed that because at the time, they had not decided. He said there is a latilla fence around the whole property. The compressor is 3' tall by 12" wide and not visible.

Mr. Rasch asked where the lines are located.

Mr. Valdez said they would go up the wall on the back side and across the roof. Clip on covers will be painted the same color as the stucco.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Roybal moved in Case #H-16-062 at 644 Canyon Road, to approve the application per staff recommendations for parts 1-5. Member Katz seconded the motion.

Member Biedscheid requested a condition that revised drawings be submitted to staff prior to a construction permit being pulled.

Member Boniface asked for a condition that no rooftop appurtenances that are visible. Member Roybal accepted both as friendly amendments and the motion passed by unanimous voice vote.

5. **Case #H-16-063. 635 ½ Garcia Street.** Downtown & Eastside Historic District. McDowell Fine Homes, agent for Michael Off and Barbara Doroba-Ogg, owners proposes to construct a 3,961 sq. ft. residential structure to the maximum allowable height of 15'5" and 6' high yardwalls on a vacant lot. (Sobia Sayeda)

Ms. Sayeda gave the staff report as follows:

BACKGROUND & SUMMARY:

635 ½ Garcia Street is an 16,021 Sq. Ft. vacant lot in the Downtown and Eastside Historic District.

The applicant proposes to remodel the property with the following 7 items:

1. A 3,961 Sq. Ft. 15'-5" high single family residence with an attached garage is proposed, where the maximum allowable height is 15'-5". Windows are wood metal clad with divided lite, cladding is "Timberwolf" color. Windows along publicly visible north elevation do not meet 30" glazing standard, an exception is not requested by the applicant 14-5.2(E)(1)(c) Doors including garage door are flush insulated metal in rusted finish. Exposed headers at entry and garage doors along with portal beams are 8" tube steel in natural finish. Canales are Fiberspan concrete in "Pewter" color. The stucco to be El-Rey cementitious "Buckskin" color. NOTE Staff submitted revised drawings.
2. An inset courtyard on the east side is proposed.
3. Portal on the south-west elevation with stuccoed parapet and column are proposed, stucco to be El-Rey cementitious "Buckskin" color.
4. Skylights, solar panels and hydronic panels are proposed and not publicly visible.
5. Stuccoed yard walls are proposed at 6' and 5' heights on the north side with 5' high wood paneled gates with steel frame in rusted finish, stucco to be "Buckskin" color.
6. Stuccoed yard walls are proposed at 4'-8" height on the east, west and south sides, stucco to be "Buckskin" color.

7. Exterior light fixtures are steel in rust finish, photos are provided.

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 the Staff

Chair Rios asked if the revised elevation glazing plan meets the 30" rule.

Ms. Sayeda agreed.

Applicant's Presentation

Present and sworn was Mr. Doug McDowell, 1317 B Cerro Gordo Road, who handed out the revised drawings. [A copy is attached to these minutes as Exhibit 12.] He also submitted samples of materials.

He said it was nice to work with the couple, who are long-term residents. The handout shows the finalization of gate design and compliant windows. They met with Ms. Sayeda and went over all of them. The gate is rusted metal and the top is open for good visibility and lower for dog visibility. The gate is a reproduction to the east of the other pedestrian gate. It would mimic the rustic garage door color.

The exterior light fixture is a box structure that will be stuccoed inside and out with a light inside. For lack of a better term, some boxes are innies and some are outies (recessed and proud of the wall).

On the site plan, it shows a few changes that were reviewed with Staff as well as the floor plan. The north elevation shows the gates there and the four windows behind the pedestrian gate which they had to resize to meet the 30" rule.

The east elevation shows the first window and the second window to the left of the entry door and the next one to the left of that, changed to meet the 30" rule, as well as the long window on the north elevation.

Lights are shown in the drawing at locations where they go.

On A 3.2, there are four doors in the living room under a portal that don't show divided lites but they will have them similar to the door to the right of them in the master bedroom and he will revise the plans

accordingly to show that.

He clarified that the window color was changed to Kolbe Truffle which is a bronze color. The stucco color is similar to Cottonwood with a custom blend that was done in elastomeric. He will send it to El Rey to match the batch color in cementitious and he will get the batch color on paper to present to Staff.

Mr. Rasch said it appears to be colder than the Cottonwood which is a color the Board doesn't allow.

Mr. McDowell said, "We think it works well with the neighborhood. I'm sure what David said holds, certainly. You've had these colors before. We've looked at the other colors in the area. This is the 9th house now we've built on the street. And, by the way, the neighbors have agreed to name of O'Leary Lane so we will try to get the address changed to O'Leary Lane and get renumbered."

He recapped the list of changes made and documentation provided. The windows were reduced from 2' 6" by 7' 6" height to 2' 2" by 6' 0" in height and the attached bottom awning window is 2' 0" and the casements above are 4' 0". Casements have one horizontal muntin. The diagonal glass measurement is less than 30". The four-ganged east studio windows are 2' 2" by 7' 6" with attached bottom awning windows that are 2' 0" tall and the casements above are 5' 6" with two horizontal muntins. The diagonal glass measurement is less than 30". The north studio windows have been changed from 3' 0" by 2' 0" to 3 hanged windows. The center window is 6' 6" by 2' 0" with two vertical muntins. Flanking this window are two 2' 0" by 2' 0" awning windows whose diagonal measurement on all are less than 30".

Mr. McDowell provided a list of those changes for the record. A copy of the list is attached to these minutes as Exhibit 12.

He said the paving materials are not certain but leaning to Bel Guard paved stone and possibly using a permeable paver in front of the garage to collect the water and using those pavers on the walk to the front door. They will implement lots of water catching and distribution features on this property like pumice wicks and possibly cisterns.

The owners have worked closely with him and they feel good about it.

Questions to the Applicant

Chair Rios asked about the red flags on the story poles and if those indicate the highest part.

Mr. McDowell agreed. He had it all set up on a picnic table for the Board's visit. He would like to keep the poles to use later on.

Chair Rios asked if the edges are sharp or rounded.

Mr. McDowell said the edges would be sharper than most that he does.

Chair Rios thought the color has more grey than brown.

Mr. McDowell said it has both brown and grey.

Member Roybal thought that custom color is darker than the Cottonwood that is not allowed. He thought there would be an issue with that. That should be addressed early on before going to the expense of the custom color.

Mr. McDowell asked what about the color bothers the Board.

Member Biedscheid said she would like to know from Staff how that color came to be disallowed.

Mr. Rasch explained that there is a house with its frontage on Cerro Gordo Road that the Board approved. And after it was built, the neighbors went to the mayor to complain and the Mayor came to the Board. And the Board said they approve everything in drawings so they don't really see everything. And at that point in time, this Board said earthtone colors are warm browns; not cold browns. And they said Cottonwood is not an allowable color. But Sahara is. Sahara is pretty cold also but Cottonwood is even colder.

Member Biedscheid asked where that is documented.

Mr. Rasch said it is in the minutes somewhere and the Board has been consistent with that ever since. It was in 2005 under Mayor Delgado.

Mr. McDowell disagreed. He saw this as a very soft subtle color. He sees these colors all the time. They are visible when going down La Bajada hill.

Mr. Rasch said compared with Cottonwood, it is definitely colder; not warmer.

Member Boniface didn't have a problem with the color. He has seen it around town. He just didn't see anything wrong with it. It is a brown color. We are looking at it under fluorescent light and that changes the color. "But I think I know what it looks like it and I don't have a problem with it."

Mr. McDowell said the house he just finished at 633 is Buckskin which used to be beige and now is almost orange. There is a yellow house across the street, etc. It adds to the character that they are not all the same color.

Member Katz said he didn't have a problem with the color but he is slightly color-blind.

Member Biedscheid asked if there is any issue with this Board voting differently than past boards on the color.

Ms. Gheen said the color is not a code issue but an interpretation issue. The code has to be interpreted and when interpreted in a specific way, then it does create de facto policy.

Member Roybal asked if this Board has the authority to make that change.

Ms. Gheen said it is the Land Use Department in consultation with the City Attorney's Office that develops the interpretation of the code. She agreed to look at that and give a more specific response.

Mr. McDowell said he showed the color to neighbors to the north and the west and they liked it. The neighbor to east liked it. He showed it to Immanuel Ramirez who lives nearby and he liked it. They all liked it. There were no neighbors who disliked the color. The whole thing happened because a couple of neighbors didn't like the Cotton wood color.

Public Comment

Ms. Beninato (previously sworn) said he felt sad that Garcia Street is being filled in. She found the design to be kind of plain but there is an offset here and there. She thought the whole issue on color is too much. The color will go with the neighborhood. The code says no arresting colors but that is for trim and many people are using red trim. This color will fade into the earth. It won't stand out. Which is what the ordinance is supposed to be doing.

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

Chair Rios asked for any further comment from Ms. Gheen.

Ms. Gheen said Section 14-5.2 (E) (1 b) regarding old Santa Fé Style said "colors range from a light earth color to a dark earth color. In E-2 concerning recent Santa Fe style, it says the New should harmonize with the old. That is all that the code says.

Mr. Rasch said we've been denying Cottonwood ever since that decision by the Board.

Chair Rios didn't know that it was anything ever adopted. She thought it was just a suggestion. So this Board has a responsibility to view the projects coming before the Board and make a decision on what is proposed.

Member Roybal suggested naming the custom color "earthen."

Mr. McDowell said this is not concrete. He has seen it in many different lights and it blends right in. He admitted the design is simple and clean. He added that when we are all gone, people will need to see the history including the present century.

He commended the Board for the great work it does with this 1950's ordinance. John Gaw Meme's thoughts were controversial. Here we are looking at those patterns but shifting them a tiny bit but staying consistent with the patterns that were set up.

Chair Rios recalled that before 1957, the homes were not just brown. They were green, orange, blue and yellow.

Mr. McDowell said some were salmon colored.

Ms. Gheen said under E - 2, the code says light earth or dark earth color. Cottonwood is not included.

Member Boniface said this custom color is not Cottonwood and not the same color as Cottonwood.

Mr. Rasch said Staff has told people if they used Cottonwood that they have to ask for an exception. If denied, Mr. McDowell could come back to ask for an exception.

Member Boniface thought this Board does have the power to grant such an exception.

Member Biedscheid asked what it would be an exception to if it is not part of the code. Why would that be binding on a single case.

Ms. Gheen said it is actually the HPD that does interpret the code. It is an interesting question. It has been their prerogative.

Mr. McDowell said that sounds like an extremely subjective decision.

Action of the Board

Member Roybal moved in Case #H-16-063 at 635 ½ Garcia Street, to approve parts 1-7 per staff recommendations with the changed new drawings to be submitted to Staff and the new colors tonight. Member Boniface seconded the motion.

Chair Rios added the condition that all glazing meets the 30" rule with the new drawings.

Member Roybal accepted the condition as friendly and the motion passed by unanimous voice vote.

6. **Case#H-16-065. 130 Lincoln Avenue.** Downtown & Eastside Historic District. Architectural Alliance, agent for 130 Lincoln Avenue LLC, owner, proposes to remodel the exterior south elevation of an interior courtyard by replacing windows and doors on a non-contributing non-residential structure. (Nicole Ramirez Thomas)

Ms. Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

130 Lincoln Avenue is the Lincoln Plaza commercial building and is the former location of Sears department store. Its construction date is late twentieth century and it is constructed in the Territorial Revival style. It is non-contributing to the Downtown and Eastside Historic District. Over the years the building has undergone several remodels to accommodate tenant needs. At one time, the south side of the upstairs courtyard was the location of a Mexican restaurant which is now closed. The applicant proposes to remodel the exterior of the south side of the courtyard to match the current look of the north side of the courtyard.

The applicant proposes the following remodel.

- 1) Remove an existing window and replace it with new windows. The windows will be wood trim to match the windows on the north elevation of the courtyard.
- 2) A pair of doors with sidelights will be removed and replaced with a single door, sidelights, and wood trim to match existing trim on the building.
- 3) A pair of doors with sidelights will be removed and replaced with two windows with wood trim to match windows on the north elevation on the courtyard.

- 4) A pair of doors will be removed and infilled.
- 5) Addition of a pair of double doors and side lites will be placed in a new opening. Wood trim will match the existing building trim.
- 6) A pair of doors will be removed and replaced with a single door, side lites, and wood trim to match the existing building.
- 7) Two small windows will be removed and replaced with three windows with matching wood trim to match the windows on the north elevation of the courtyard.
- 8) All wood trim will be painted white.
- 9) All existing and new stucco to be painted with elastomeric paint to match existing stucco color of El Rey #118 Suede.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project as it complies with 14-5.2 (D) General Standards for All H Districts and 14-5.2 (E) Downtown and Eastside Design Standards with the condition that elastomeric stucco be used for the remodel, not elastomeric paint.

Questions to the Staff

Chair Rios asked if this can be seen from Lincoln Avenue.

Ms. Ramirez Thomas said a very small portion of the east end could be seen but not very much at all.

Applicant's Presentation

Mr. Eric Enfield (previously sworn) said this is the old Garduños. The whole façade is painted and that is why he requested paint. It is on the opposite face and most of it is just painted white. He didn't think that came to the Board for approval. It is paint and glass. It has all been painted and they used drywall mud for texture on Garduños. There is nothing stucco up there.

Questions to the Applicant

Member Roybal asked him to explain all the colors inside the courtyard.

Mr. Enfield said there are five colors on the building and the most prevalent is Suede so that is what he is proposing to use. The windows and doors are white.

Chair Rios asked if it is in good condition if they are going to paint it.

Mr. Enfield said some details need to be sanded down.

Member Roybal asked if the elastomeric paint will match the elastomeric stucco.

Mr. Enfield said it would. His client would like an approval because he has a tenant moving in. We kept the exterior out of our interior permit for renovations for the tenants.

Member Boniface said it is rather amusing that you reference the north side. He said he designed that in 1991. It didn't come to Board because it was not publicly visible.

Mr. Enfield said he argued that point with Staff but he was happy to submit it.

Chair Rios asked Member Boniface if painting the building is proper.

Member Boniface said painting over cement stucco is not great because it doesn't allow stucco to breathe but since it is entirely painted now, he didn't have a problem with it. It is under a protective roof.

Public Comment

Ms. Beninato (previously sworn) commented that when people from the audience representing organizations ... Mr. Schoenfeld in a previous meeting, said their neighborhood association had not met for ten years. But when a person (not Mr. Schoenfeld) keeps holding the reins and not allowing other people to take over - it might not be the case on San Acacio, but it is in some others. So she was saying when people say they are representing the neighborhood association, maybe that should not be given great weight.

"The Board, says they have no standards. So you really put yourself in a bind when your Staff talks about precedent and that they have been following this precedent ever since. Yet you say you have no standards and it is individual, case-by-case decision that you are making. So it is really kind of a setup for failure when you have that dichotomy going on. I do believe the Board is the one who should actually be interpreting this ordinance. It is not the staff, really, that should be interpreting it. It is the Board's expertise

that should be used in making the decisions. I've said this many, many times to you and will keep saying it because, in administrative law, it is the Board and their expertise, that is being relied on, not the staff's expertise. So I ask you to take your power and use it fully, but also to use it wisely. And then begin having precedents and saying 'we are going to do this from now on.' I know you are going to change the ordinance forever but it has been years since that was going to happen. So maybe there has to be an administrative task list and this is the policy we will follow from now on. And it becomes clear to staff what they can and cannot say yes to rather than them taking something you said in one case and looking at precedent forever after."

Chair Rios asked if there were any comments on this case.

There were no speakers from the public regarding this case.

Discussion by the Board

Ms. Ramirez Thomas commented regarding staff's request for stucco. "We, across the board, don't allow painting on buildings in the Downtown and Eastside Historic District."

Member Katz said there are a few that are painted. First National Bank is painted.

Mr. Rasch said they got an exception to do that.

Ms. Ramirez Thomas said there is painting on buildings but Staff doesn't recommend it.

Mr. Rasch said according to code 14-5.2 (E) (2), "Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials." Is paint similar or not? And then in 2-d "No less than 80% of the surface of any publicly visible façade shall be adobe finish or stucco simulating adobe finish." We have required exceptions to paint buildings.

Member Katz said this is not publicly visible so that wouldn't apply.

Mr. Rasch said if it is slightly visible, it is publicly visible.

Member Katz suggested they stucco that one little corner then.

Action of the Board

Member Katz moved in Case#H-16-065 at 130 Lincoln Avenue, to follow staff recommendation and approve the application; that it may be painted with elastomeric paint rather than stucco because the entire rest of the building is already painted. And it is not very visible. Member Roybal seconded the motion with the clarification that the interior courtyard is painted. The rest of the exterior is stucco.

Ms. Ramirez Thomas thought that was correct. But different things have occurred to the building. The south elevation where Keller Williams is located never came to the Board.

Mr. Rasch said it would be nonconforming.

Mr. Enfield said there are both paint and stucco on the exterior. It was originally stuccoed. It is mostly painted on the west side.

Ms. Gheen said the degree of public visibility is not relevant for whether an exception should be granted or not. If a portion is visible by the general public, it is publicly visible.

Member Biedscheid said she might argue that stucco simulating an adobe finish could include painted stucco.

Ms. Gheen said, "This is a recurring issue tonight. I would remind the Board that the Land Use Department is the body that has the ability to interpret the code after consultation with the City Attorney's Office. I mentioned this on July 14th at the hearing. And to kind of reiterate, that this is based on code. So in 2-5.1 and also 14-2.11, the authority to interpret code is with the Land Use Director in consultation with the City Attorney's office. And that the Land Use Director shall render advisory opinions. So any Land Use Board or administrative body... let's see here... so that the Land Use Department can provide administrative or advisory assistance to the Land Use Boards. And 14-1.10 states that the Land Use Director is responsible for interpreting the provisions of Chapter 14 after consultation with the City Attorney. So if the Board has questions on how to interpret the code, if you ask the Land Use Department Director to provide interpretation in that 14-2.6 (C), it will list the Board's authority and code interpretation is not listed among its powers. So if there is an interpretation issue, it really comes back to the Land Use Department."

Member Katz said, "I understanding is that if it is not publicly visible, it may be painted. If it is publicly visible you want them to come for an exception. It is my judgment that public visibility is de minimus in this case, and therefore, an exception is not needed.

The motion passed by unanimous voice vote.

7. **Case #H-16-066A. 1281 ½ Cerro Gordo Road.** Downtown & Eastside Historic District. Jacob Martínez, agent for Rudy Ortíz, owner, requests a historic status downgrade for a contributing residential structure. (Nicole Ramirez Thomas)

Ms. Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

1281 ½ Cerro Gordo Road is a vernacular style building currently listed as “contributing” to the Downtown and Eastside Historic District. The applicant is requesting a status downgrade. Rudy F. Ortíz is the current property owner and is the son of the original owner and builder of the house, Jose D. Ortíz.

The house was constructed of adobe and was built around 1934. It is covered with cementitious stucco. The original floor plan of the house included three rooms which now compose the south end of the house. In 1948 two rooms were added to the north of the original footprint. The east elevation of the house has an enclosed porch which was enclosed in 1952. The garage, an addition to the north side of the house, was also constructed in 1952. In 1954 another addition was added and connected the main house to the garage. In 1959 a door was removed and the opening enclosed on the southeast corner of the house and a door was added to the southwest corner of the house.

In 1974 most of the wood windows were replaced by aluminum slide windows. The original windows were grouped eight lite casement windows based on a photograph taken before 1974. One wood window on the west elevation remains. The roof was changed from a flat roof to a pitched roof sometime in the 1970s or early 1980s in order to remedy a leaking roof.

While the footprint of the home is more than 50 years old, the character of the home has changed due to the addition of the pitched roof and the installation of aluminum sliding windows. These changes have removed the simple vernacular character of the house.

STAFF RECOMMENDATION:

Staff recommends approval of the request for downgrade of the structures at 1281 ½ Cerro Gordo Road from “contributing” to “non-contributing” as the request complies with 14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts.

Questions to the Staff

Chair Rios asked if the window openings were changed in terms of size.

Ms. Ramirez Thomas said it appears from the one window photo provided by the applicant that the old windows had dimensions that were different. There were different wood windows; different dimensions than what the slider windows were. Given that all the windows put into the house were sliders, she would say at least a majority of the openings changed significantly.

Chair Rios said the house originally was a pitched roof and then changed to a flat roof.

Ms. Ramirez agreed. There was an addition of about 2 feet of height to create a false roof on part of the house and now it is flat. And there are other areas where the flat roof is flush with what the top of the house would be.

Member Roybal asked about the condition of the house.

Ms. Ramirez Thomas said the house needs a lot of work. It was probably maintained to the best of the family's ability over time. The son would like to sell the property.

Applicant's Presentation

Present and sworn was Mr. Jacob Martínez, 24 County Rd 119.

Chair Rios asked him if he agreed with staff recommendations.

Mr. Martínez agreed and had nothing to add to the Staff Report.

Questions to the Applicant

There were no other questions to the Applicant.

Public Comment

Ms. Beninato (previously sworn) was concerned when the Board keeps downgrading houses and has seemed to do a lot of it on Cerro Gordo Road. Sliders are not favored but if they were done before 1966, they would be historic.

Mr. Martínez said they were put in during the 1970s.

Ms. Beninato said it is an unfortunate loss. As noncontributing, it will be sold and someone will want to do something very different.

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

Chair Rios asked when the lower part was done.

Ms. Ramirez Thomas said it was in 1954 and it connected the garage.

Action of the Board

Member Boniface moved in Case #H-16-066A at 1281 ½ Cerro Gordo Road to follow staff recommendations and downgrade the structure from contributing to noncontributing, based on the on-site observations today and the thorough HCPI report. Member Roybal seconded the motion.

Chair Rios asked if the address is 1280½ or 1281½.

Ms. Ramirez Thomas said it is 1281½.

The motion passed by unanimous voice vote.

8. **Case #H-16-064. 650 Old Santa Fe Trail.** Don Gaspar Area Historic District/Downtown & Eastside Historic District. Katie Updike and Robert Wagner, agents/owners, propose to construct a 913 sq. ft. of additions on a contributing residential structure, a 14 sq. ft. canopy on a contributing casita, and 6' high coyote fence. An exception is requested to exceed the 50% footprint standard (Section 14-5.2(D)(2)(d)). (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

650 Old Santa Fe Trail is a single-family residence and detached casita that were constructed at an unknown date perhaps as early as the 19th century in a vernacular manner. The southeast side of the building has non-historic alterations including the infill of a portal. The primary residence is listed as contributing to the Don Gaspar Area Historic District and the north elevation may be considered as primary. The casita is listed as contributing to the Downtown & Eastside Historic District and the south elevation may

be considered as primary.

The applicant proposes to remodel the property with the following 10 items.

Primary Residence Addition

1. A 702 square foot addition will be constructed on the west side of the residence to a height of 12'. An 84 square foot portal will be constructed on the east elevation of the addition. An 87square foot connection hallway will connect to the residence through an existing opening and at 10' back from the proposed primary elevation. An exception is requested to exceed the 50% foot print standard (14-5.2(D)(2)(d)) that required exception responses are at the end of this report.

The addition and connection hallway will feature aluminum clad divided lite windows and doors in a "brown" color and it will be finished in El Rey cementitious "Desert Rose".

2. Six solar tubes will be installed in the addition roof.

Primary Residence

3. A 22.5 square foot entry portal will be constructed on the east elevation to a height of 8'.
4. A 17.25 square foot addition will be constructed on the east elevation to match the solarium height of 9.75'.
5. Non-historic windows will be replaced with aluminum clad divided lite windows in a "brown" color in the existing openings.
6. The stucco will be repaired or replaced with El Rey cementitious "Desert Rose".

Casita

7. A 14 square foot canopy will be constructed over the entry door on the proposed primary elevation. The canopy will have bracket supports.
8. The non-historic entry door will be replaced with a solid wooden door in a "brown" color.
9. The stucco will be repaired or replaced with El Rey cementitious "Suede".

Site Work

10. 6' high coyote fencing will be installed around the perimeter of the primary residence and addition.

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 EXCEED 50% FOOTPRINT STANDARD (14-5.2(D)(2)(d))

1. Do not damage the character of the streetscape:

Single family homes in the 300-foot radius of the house, appear to range in size from 1200 to 3000 square feet, in addition to multiple casitas. There are also two 2-story structures, one of which is multifamily which appears to be larger. The addition to the house results in a structure totaling 2100 Santa Fé. This addition is maintained at one story, the predominant height of neighboring structures.

Staff response: Staff agrees with this statement.

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

The addition provides badly needed storage for the house (originally – no closets) and a second bathroom. Linking the addition to the house allows us to effectively utilize the additional space as a bedroom/bath.

Staff response: Staff agrees with this statement.

3. 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:

Linking the house and the studio/bedroom enhances the functionality of the house with appropriate storage (eliminating a non-conforming portable storage shed installed by prior owner) and a master bedroom. Separating the structure from the main house would not permit its use as a master bedroom. Alternatively, we could consider a second story, however, that too would require an exception to the predominant neighborhood character (and would still add more than 50% in square footage). Adding the addition directly onto the house would also violate the spirit of the historic façade.

Staff response: Staff agrees with this statement.

4. 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 lot was assembled from 5 parcels of land. It is oddly shaped and does not reflect the Don Gaspar neighborhood which was laid out in a more conventional rectangular lot format. The addition conforms with the odd shape of the lot itself which entails a unique set-back irregularity, while still maintaining required set-backs and open space requirements in the zoning district.

Staff response: Staff agrees with this statement.

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

The slope of the site from South to North (to Arroyo Tenorio) makes it important to site the addition as close to the Arroyo as possible (5 foot set back) in order to minimize the height of the addition and keep it in line with the height of the main house and the western neighbor.

Staff response: Staff agrees with this statement.

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

The connecting hallway has been set back ten feet from the historic façade and the addition itself is 10'8" in length, thereby keeping a distance from the historic portion of the main structure. We considered other alternatives (including building onto the structure), but felt this was the most complementary and within the spirit of the historic code.

Staff response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff recommends that the north elevation of the primary residence and the south façade of the casita be designated as primary elevations, finds that the exception request to exceed the 50% footprint standard has been met, and recommends that the application be approved as complying with Sections 14-5.2(C) Regulation of Contributing Structures, (D) General Design Standards, (E) Downtown & Eastside Historic District, and (H) Don Gaspar Area Historic District.

Questions to the Staff

Chair Rios asked where the property is visible to the public.

Mr. Rasch agreed it is difficult to see. From Old Santa Fé Trail, you see the casita first as you look down the driveway and further north, you can look back and see the building through the vegetation.

Chair Rios asked regarding item #7 about materials of the canopy.

Mr. Rasch said the applicant could clarify that.

Member Katz asked what the rules are for putting something on a primary façade.

Mr. Rasch said for additions, the code does say that additions need exceptions on primary elevations or less than 10' back. Staff has consistently interpreted that an addition must have a floor as well as a roof. So even a portal would be an addition but a canopy with a bracket doesn't qualify as an addition.

Applicant's Presentation

Present and sworn was Ms. Katie Updike, 650 Old Santa Fé Trail, who said Mr. Rasch has been very helpful. "I have done national historic register renovations - rehabilitations. And so I feel like I am learning here. We are really just trying to make the house work better for us. There were no closets in the house when we moved in. We have renovated the interior of the casita but we tried to have all of the historic board material come in one single package to you, even though we will probably be doing the work gradually as we can. But the interior work in the casita has been done. It had rotted boards, rotted interiors,. It was pretty awful inside. No one has lived in the house permanently as we are, for 45 years. So there is a lot of TLC that the house needs. And that is mostly what we have been doing to date and figuring out what we wanted for ourselves."

Chair Rios asked about the canopy material.

Ms. Updike said what she envisioned right now would be wood brackets with viga roofing top on it.

She explained that part of the reason is to keep the water from deteriorating the door. The ground level is now a good six inches under grade so we need to direct the water.

She added that probably the most interesting historic thing we discovered was that the State had it as noncontributing and since then changed it to contributing. Two brothers lived in the casita and chopped wood for the neighborhood. It was not covered by any historic mapping by Sanborn until the 1930's. They were in a poker game and probably had the local bar there too.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Ms. Beninato (previously sworn), said she believed it is really set back from the street. She was interested in what they are doing. The houses do better when occupied all along. She hoped the Board will support it.

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

Action of the Board

Member Katz moved in Case #H-16-064 at 650 Old Santa Fe Trail, to follow the Staff recommendation, to designate the north elevation of the main house as primary and the south elevation of the casita as primary; finding that the criteria for an exception to exceed the 50% footprint have been met; and to approve the application as submitted. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

I. MATTERS FROM THE BOARD

There were no matters from the Board.

Ms. Gheen said there were two applications with problems today because they were presented to the Staff after the submittal deadlines. We should consider whether or not applications that are submitted after the deadline should be considered by the Board. There were two applications today that were revised, just tonight. The Staff didn't have enough time to consider if they were compliant.

Mr. Rasch agreed that they need to be reviewed.

Chair Rios said that was why she asked Staff if it could go forward.

Member Boniface added that he didn't want to dump all this work on the Staff. It just doesn't make sense. He didn't want to see it either.

J. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Approved by:



Cecilia Rios, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.

Historic Districts Review Board
August 9, 2016

EXHIBIT 1

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

Case #2016-62, H-16-048, 702 Don Felix St.

Appellant – Arthur Firstenberg

THIS MATTER came before the Historic District Review Board (HDRB) for hearing on July 26, 2016, upon the appeal (Appeal) of Arthur Firstenberg (Appellant) from the May 9, 2016 action (the Action) of the City's Historic Preservation Division (HPD) within the City Land Use Department (LUD) approving the owner's application (Application) for approval of a color applied to a fence at 702 Don Felix Street, Santa Fe, NM 87501 (Property) located in the Westside Guadalupe Historic District.

The record on this Appeal (the Record) includes the following documents:

1. HPD staff's report dated July 26, 2016;
2. Assistant City Attorney's legal memorandum dated June 28, 2016;
3. New Mexico Historic Building Inventory Form for the Property;
4. Verified Appeal Petition filed on May 24, 2016 and its attachments: Exhibit A (HPD Administrative Approval dated May 9, 2016), Exhibit B (Behr Premium Solid Color Weatherproofing All-in-One Stain & Sealer), Exhibits C, D, E, F, G, H, and I (emails dated April 2016 to May 2016), Exhibit J (Handwritten letter dated April 14, 2016 from Appellant to HPD staff and photograph), and Exhibits K, L, M, N, O, P, Q, R and S (photographs);
5. "Supplemental Submittal pursuant to SFCC § 13-3.17(H)(2) by Appellant, dated May 25, 2016;
6. HPD Administrative Approval dated May 9, 2016;
7. Handwritten application by Property owners and neighbors Judy Goldbogen and Anthony Tapia dated May 5, 2016, with attached photographs;
8. Color photographs submitted by Appellant to HPD for Exhibits K, L, M, N, O, P, Q, R, and S;
9. Duplicate color photographs for Exhibits K, L, M, N, O, P, Q, R, and S entered for the Record at the Appeal hearing (Hearing) by Appellant; and
10. Documents entered for the Record at the Hearing by Appellant for Exhibit T (Board Action letter and HDRB Findings of Fact and Conclusions of Law for 211 Barela St. dated July 2010), and Exhibits U, V and W (color photographs).

After conducting a public hearing and having reviewed the Record and heard from City staff and the Appellants, the Historic Districts Review Board hereby FINDS, as follows:

FINDINGS OF FACT

1. The HDRB reviewed the Record, heard the legal memorandum of City staff, and heard testimony and evidence from the Appellant and members of the public interested in the matter.
2. Pursuant to Santa Fe City Code (Code) Subsections 14-2.5(C)(2) and 14-3.17(H)(3)(a), the HDRB has the power and authority to hear *de novo* and decide appeals of final actions of the land use director interpreting or applying historic district regulations pursuant to Section 14-5.2, after giving notice in accordance with the notice provisions of Code §14-3.1(H)(4).
3. Pursuant to Code Subsection 14-3.17(A)(1)(c), final actions of a land use director include the written issuance or denial of a permit or other approval within the land use director's jurisdiction, such as an administrative approval by the HPD.
4. The final action was subject to appeal to the HDRB to hear and decide the matter.
5. The Appellant has the burden of proof on appeal.
6. Notice of the Appeal was properly given in accordance with the notice provisions of Code Subsection 14-3.1(H)(4).
7. At the July 26, 2016 hearing (Hearing), Appellant withdrew his two issues relating to nuisance, and solely pursued the issue regarding the fence color.
8. Appellant lives across the street from the Property at issue.
9. A long plank fence has existed on the Property since before the historic design code for the Westside-Guadalupe Historic District went into effect in the 1980's.
10. In 1999, the HDRB passed the Wall and Fence Guidelines (Guidelines) to guide its decisions.
11. The Guidelines are not City Code.
12. In April 2016, Appellant's neighbors began to apply a stain and sealer to the fence in an opaque earth-tone color to match the adjacent stucco yard wall.
13. Within a short period of time thereafter, the neighbors completed applying the stain and sealer to the fence despite Appellant's protests.
14. On May 5, 2016, the neighbors applied for the HPD's retroactive approval of the applied stain and sealer on the fence.
15. On May 9, 2016, HPD staff granted administrative approval of the stain and sealer.
16. The fence is conforming as to the material.
17. Before the stain and sealer was applied, the fence was splintering and needed maintenance.
18. The application of the stain and sealer is considered fence maintenance.
19. The application of the stain and sealer is not considered an alteration because it did not change any architectural features of the fence.
20. If the fence were to have been found to be non-conforming before the application of the stain and sealer, Subsection 14-5.2(A)(6) does not prohibit its maintenance.
21. An opaque earth-toned stain and sealer on the fence is not prohibited under the Code.
22. The application of an earth-tone color does not intensify a nonconformity, to the extent a nonconformity exists.
23. The predominant colors in the streetscape are earth tones.
24. In the applicable streetscape (an adjacent property and the neighboring street to the Property), there is a fence painted white and a wood slat fence painted tan.

25. The Land Use Department in conjunction with the City Attorney's Office interprets Code Subsection 14-5.2(I)(1)(b) as giving the HPD the authority to approve of fence paint in an earth tone.
26. The HPD had authority to approve the stain and sealer pursuant to Subsection 14-5.2(I)(2).
27. The HPD correctly gave administrative approval of the fence stain and sealer.
28. Though Subsection 14-5.2(J)(3)(f) is technically not within the HPD's jurisdiction and therefore inapplicable to an appeal of an HPD action, the applied fence color nevertheless meets the factors under that Subsection.

CONCLUSIONS OF LAW

Under the circumstances and based upon the Record and the evidence and testimony submitted at the hearing, the HDRB CONCLUDES as follows:

1. The HDRB has the power and authority to hear and decide the matter that is the subject of the Appeal.
2. The Appellant did not meet his burden of proof to overrule the HPD's administrative approval of the fence stain and sealer.
3. The HDRB affirms the HPD's approval of the fence stain and sealer.

WHEREFORE, IT IS ORDERED ON THE 9th OF AUGUST 2016 BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE:

1. That the Appeal is denied.

Chair

Date:

FILED WITH THE CITY CLERK:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Kelley A. Brennan
City Attorney

Date:

Historic Districts Review Board
August 9, 2016

EXHIBIT 2

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

Case #H-15-067B

Address – 700 Acequia Madre

Agent's Name – Wilson & Co.

Owner/Applicant's Name – Santa Fe Public Schools

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 26, 2016.

700 Acequia Madre is a Territorial Revival building and is the location of Acequia Madre Elementary School. The original school building was designed by John Gaw Meem and it was constructed in 1953. The building has a stucco exterior, brick coping along the parapet, and brick window sills. The original windows have been replaced and an addition was added to the school in the 1960s. The building is listed as significant to the Downtown and Eastside Historic District. Wilson & Company, agent for Santa Fe Public Schools, proposed to install four lights in the large parking lot located on the west side of the school. The proposed design is as follows:

- 4 lights are proposed in the parking lot (Sheet E-101).
- Light pole height is 10 feet 5 inches with a 3-foot base.
- Total height for the lights will be at the maximum allowable height of 15 feet 5 inches (Sheet E-601).
- Proposed color of the fixture is black.
- Underground electrical conduit and wiring will be installed.
- The lights will only illuminate the parking lot and will have motion sensors.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff Recommendation: Staff recommended approval of this Application in that it complies with Code Subsections 14-2.5(N) County and Santa Fe Public Schools Capital Outlay Projects and 14-5.2(N)(3)(a)(vi) County and Santa Fe Public Schools Capital Outlay Projects Design Standard General Standards Height.
4. The project is, without limitation, subject to requirements of the following sections of the Santa Fe Land Development Code:
 - Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing (of any structure).
 - Section 14-5.2(D) General Design Standards
 - Section 14-5.2(C), Regulation of Significant and Contributing Structures
 - 14-2.5(N) County and Santa Fe Public Schools Capital Outlay Projects
5. The property is located in the following district and subject to the related sections of the Santa Fe Land Development Code:
 - Downtown and Eastside Historic District (Section 14-5.2(E))

6. An Exception Request was not applicable to this Application.
7. The proposal complies with the Night Sky Ordinance.
8. Under Section 14-5.2(N), the Board has authority to work collaboratively with Santa Fe Public Schools to arrive at compatibility of the project with the design standards, and to review and comment on the design plans.
9. SFCC Section 14-5.2(N)(2)(a) provides in part that "[t]he county or the Santa Fe public schools 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."
10. SFCC Section 14-5.2(N)(2)(c) provides in part that "[w]ithin 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 county or the Santa Fe public schools."
11. The information contained in the Application, and provided in testimony and evidence establishes that all applicable requirements for Board review have been met.
12. The information contained in the Application, and provided in testimony and evidence establishes that all applicable design standards for Board recommended approval as herein described have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board unanimously recommended approval of the Application as submitted as complying with SFCC Subsection 14-5.2(N)(2)(a) and (b):

X Additional conditions, which are: that the Applicant contact identifiable historic preservation community groups and that pursuant to SFCC Section 14-5.2(N)(2)(c), if any identifiable historic preservation community group or any other interested party raises concerns about the project within the sixty-day period, it shall be brought back to the Board for discussion.

IT IS SO ORDERED ON THIS 9th DAY OF AUGUST 2016, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Chairperson

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Assistant City Attorney

Date:

Historic Districts Review Board
August 9, 2016

EXHIBIT 3

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

Case #H-11-051

Address – 250 E. Alameda St.

Agent's Name – Duty and Germanas Architects

Owner/Applicant's Name – El Castillo Retirement Residences

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on July 26, 2016.

250 E. Alameda Street, known as El Castillo, was constructed in the Spanish-Pueblo Revival style in 1963 with additional structures in the late 1990s. The buildings are listed as non-contributing to the Downtown and Eastside Historic District. The Applicant proposed to remodel the property accordingly:

Raise the parapets 4’-6” to provide screening for hot and chilled water distribution piping installed 2’-6” above existing roof. The Stucco will be El-Rey elastomeric “Buckskin” color to match existing. The new parapets increase the building height to 25’-0” where the maximum allowed building height is 15’-10”. A height exception is requested (14-5.2(D)(9)) and the required exception criteria responses follow.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff Recommendation: Staff recommended approval of this Application in that it complies with complies with 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown and Eastside Historic District.
4. The project is, without limitation, subject to requirements of the following sections of the Santa Fe Land Development Code:
 Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing (of any structure).
5. The property is located in the following district and subject to the related sections of the Santa Fe Land Development Code:
 Downtown and Eastside Historic District (Section 14-5.2(E))
6. An Exception Request was applicable to this Application:
 Exception criteria were met, as found by staff.
7. The exception criterion of preventing a hardship is further met because removing the existing roof would entail removing 127 tons of material and would expose residents’ apartments to the atmosphere and dust while repairs were being made.
8. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), 14-5.2(C)(3)(a) and Section 14-5.2(D) the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant’s proposed design to assure overall compliance with applicable design standards.

9. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
10. The information contained in the Application, and provided in testimony and evidence establishes that all applicable requirements for Board review have been met.
11. The information contained in the Application, and provided in testimony and evidence establishes that all applicable design standards for Board approval as herein described have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board unanimously approved the Application as recommended by Staff.

 X Additional conditions, which are: no visible rooftop appurtenances and that the Applicant work with staff to reduce parapet heights as low as possible.

IT IS SO ORDERED ON THIS 9th DAY OF AUGUST 2016, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Chairperson Date: _____

FILED: _____

Yolanda Y. Vigil Date: _____
City Clerk

APPROVED AS TO FORM Date: _____

Assistant City Attorney Date: _____

Historic Districts Review Board
August 9, 2016

EXHIBIT 4

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

Case #H-16-043

Address – 605 Alto St.

Agent's Name – Carol Thomas

Owner/Applicant's Name – Carol Thomas

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on July 26, 2016.

605 Alto Street is a vernacular style residential structure contributing to the Westside-Guadalupe Historic District. The south elevation is designated primary. The structure was evaluated in 1998 and has an estimated date of construction of 1860s-1870s, and may have been one of the sheds of “Rancho Grande.”

The structure has undergone a moderate degree of remodeling on the south elevation. The window openings have undergone change as is indicated by the patching of what look to be taller openings for windows. The current windows are sliders with iron bars. The roof is a flat parapet with brick coping which conceals a shed roof on the west half of the structure when looking at the south elevation. It is constructed of adobe and has a cementitious stucco exterior.

The Applicant received a violation for constructing a deck over an existing portal, adding railing to the deck and replacing a window for a door without building permits or approval from the Board. The initial design for the decking was presented to the Board on June 14, 2016 at which time the Board postponed the case and requested the Applicant provide another design option for the deck railing. At the July 26 hearing, the Applicant asked to remodel the structure with the following items:

- 1) Replace an aluminum window with a wood door on the north elevation, changing the dimensions of the opening from 30”x18” to 30”x80”.
- 2) Replace the existing iron railing with treated wood railing to match other decks within the historic district. The rail will be 42 inches in height. It will be constructed of 2 x 2 inch wooden balusters which will be spaced <4 inches apart as required by code. The top rail will be 2 x 6-inch treated lumber. The color of the wood stain will be natural to medium.
- 3) Paint the door trim blue to match existing trim for windows and doors.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff Recommendation: Staff recommended approval of this Application in that it complies with 14-5.2 (D) General Design Standards for All H Districts and 14-5.2 (I) Westside-Guadalupe Historic District.
4. The project is, without limitation, subject to requirements of the following sections of the Santa Fe Land Development Code:

X Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing (of any structure)

X Section 14-5.2(D) General Design Standards

X Section 14-5.2(C), Regulation of Significant and Contributing Structures

5. The property is located in the following district and subject to the related sections of the Santa Fe Land Development Code:

X Westside-Guadalupe Historic District (Section 14-5.2(I))

6. An Exception Request was not applicable to this Application.

7. The south facing façade is designated primary and is probably the most contributing aspect of the house in that it helps maintain the street front.

8. The proposed alterations are not on the south facing façade.

9. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), 14-5.2(C)(3)(a) and Section 14-5.2(D) the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.

10. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.

11. The information contained in the Application, and provided in testimony and evidence establishes that all applicable requirements for Board review have been met.

12. The information contained in the Application, and provided in testimony and evidence establishes that all applicable design standards for Board approval as herein described have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board unanimously approved the Application as recommended by Staff.

X No additional conditions.

IT IS SO ORDERED ON THIS 9th DAY OF AUGUST 2016, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Chairperson

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Assistant City Attorney

Date:

Historic Districts Review Board
August 9, 2016

EXHIBIT 5

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

Case #H-16-058

Address – 631 Old Santa Fe Trail

Agent's Name – Doug Bell

Owner/Applicant's Name – Doug Bell

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on July 26, 2016.

631 Old Santa Fe Trail is a single-family residence constructed in the Spanish-Pueblo Revival style by 1928. In 1973, a tall intrusive solar addition was constructed on the west elevation, blocking public visibility of the characteristic older part of the structure. The building is listed as non-contributing to the Downtown & Eastside Historic District. On June 22, 2010, the HDRB granted approval for a previous owner to replace all windows and construct a storage shed. That project was not initiated and it has now expired. The Applicant proposed to remodel the property with the following five Items.

1. All windows and doors will be removed and replaced with 30”-compliant divided-lites for all glazing on the publicly-visible north and west elevations. The aluminum-clad wood windows will be “off-white” in color.
2. The exposed viga tails will be removed from the south elevations and stuccoed over.
3. The roof will be refinished with tar and gravel with the roofing material stuccoed over on the parapets.
4. The building will be restuccoed with El Rey cementitious material in “Adobe” or “La Luz” to match existing color.
5. The low yardwall around the front yard will be repaired and restuccoed and the pedestrian gates will be rebuilt to match existing conditions.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff Recommendation: Staff recommended approval of this Application in that it complies with section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown & Eastside Historic District.
4. The project is, without limitation, subject to requirements of the following sections of the Santa Fe Land Development Code:
 Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing (of any structure).
5. The property is located in the following district and subject to the related sections of the Santa Fe Land Development Code:
 Downtown and Eastside Historic District (Section 14-5.2(E))
6. An Exception Request was not applicable to this Application.

7. Regarding Item no. 2, the vigas are rotten, and the Applicant is unsure that metal caps would be feasible to save the vigas.
8. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), 14-5.2(C)(3)(a) and Section 14-5.2(D) the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
9. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
10. The information contained in the Application, and provided in testimony and evidence establishes that all applicable requirements for Board review have been met.
11. The information contained in the Application, and provided in testimony and evidence establishes that all applicable design standards for Board approval as herein described have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board approved the Application as recommended by Staff, and on Item 2, to leave it up to Applicant to try to save the vigas.

IT IS SO ORDERED ON THIS 9th DAY OF AUGUST 2016, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Chairperson

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Assistant City Attorney

Date:

Historic Districts Review Board
August 9, 2016

EXHIBIT 6

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

Case #H-16-059A

Address – 225 Canyon Rd. Unit 3

Agent's Name – Marc Naktin is agent for owner

Owner/Applicant's Name – HPD staff requested review; Owner is 225 Canyon Rd. Ltd.

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on July 26, 2016.

A status review for 225 Canyon Road, Unit 3 in the Downtown and Eastside Historic District, was requested by HPD staff. While no construction date for the property is known, aerial photos from June 27, 1969 and September 11, 1978 show a vacant lot in the location of the current Territorial Revival style structure, which demonstrates that the building is not 50 years of age or older.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Staff Recommendation: Staff recommended non-contributing historic status for 225 Canyon Road, Unit 3, per 14-5.2(C) Regulation of Significant and Contributing Structures in Historic District, as the structure is less than 50 years in age.
3. The project is, without limitation, subject to requirements of the following sections of the Santa Fe Land Development Code:
 Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing (of any structure).
4. The property is located in the following district and subject to the related sections of the Santa Fe Land Development Code:
 Downtown and Eastside Historic District (Section 14-5.2(E))
5. Under Section 14-12.1, the definition of a “contributing structure” is “a structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.”
6. Code 14-5.2(C)(2)(a – c) gives the Board authority to review and approve "significant," "contributing," or "noncontributing" status designations
7. The structure was built in the 1980's and is therefore less than 50 years old.
8. The Board, in response to the application, finds the structure:
 does not meet the Section 14-12.1 criterion for “contributing” as provided in the presentation and Staff Report
9. The information contained in the Application, and provided in testimony and evidence establishes that all applicable requirements for Board review have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board granted the Applicant's request to review historic status and voted to:
 Retain the existing noncontributing status;

IT IS SO ORDERED ON THIS 8th DAY OF AUGUST 2016, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Chairperson Date: _____

FILED: _____

Yolanda Y. Vigil Date: _____
City Clerk

APPROVED AS TO FORM

Assistant City Attorney Date: _____

Historic Districts Review Board
August 9, 2016

EXHIBIT 7

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

Case #H-16-046B

Address – 1208 ½ Canyon Road

Agent's Name – Scott Cherry

Owner/Applicant's Name – Christopher Watson

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on July 26, 2016.

1208½ Canyon Road is a single-family residential structure constructed in a vernacular manner in 1942. A 256 square-foot addition was constructed on the south elevation in 1998. All historic windows have been removed and replaced with non-compliant vinyl clad windows. The structure is listed as non-contributing to the Downtown & Eastside Historic District. The Applicant proposed to remodel the property with the following four items.

1. A 162 square-foot portal will be constructed on the south elevation to a height of 9’ with a shed roof. The simply designed portal will have a metal clad roof finish on a wooden structure that will be painted white or stained a light to medium brown.
2. All windows will be removed and replaced with 30”-compliant divided-lite aluminum clad wood windows in a white color. Many opening dimensions and locations will change.
3. All doors will be removed and replaced with 30”-compliant divided-lite wood doors. The arched entry design will be deleted.
4. The building will be restuccoed with El Rey cementitious “Adobe” or “Buckskin”.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff Recommendation: Staff recommended approval of this Application in that it complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown & Eastside Historic District.
4. The project is, without limitation, subject to requirements of the following sections of the Santa Fe Land Development Code:
 Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing (of any structure)
5. The property is located in the following district and subject to the related sections of the Santa Fe Land Development Code:
 Downtown and Eastside Historic District (Section 14-5.2(E))
6. The new windows will meet the thirty-inch rule and the three-foot corner rule.
7. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), 14-5.2(C)(3)(a) and Section 14-5.2(D) the Board has authority to review,

approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.

8. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
9. The information contained in the Application, and provided in testimony and evidence establishes that all applicable requirements for Board review have been met.
10. The information contained in the Application, and provided in testimony and evidence establishes that all applicable design standards for Board approval as herein described have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board approved the Application as recommended by Staff.

Additional conditions, which are: that the color of the portal roof come to Staff for approval.

IT IS SO ORDERED ON THIS 9th DAY OF AUGUST 2016, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Chairperson

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM

Assistant City Attorney

Date:

Historic Districts Review Board
August 9, 2016

EXHIBIT 8

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

Case #H-10-059

Address – 1129 Paseo de Peralta

Agent's Name – Andrew Lyons

Owner/Applicant's Name – Jennifer Day

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on July 26, 2016.

1129 Paseo de Peralta is a 1,008 square-foot commercial structure built in Spanish-Pueblo Revival style before 1912 on a 3,288 square-foot lot. The building is listed as contributing to the Downtown and Eastside Historic District. A stuccoed yard wall with varying height between 36" to 48" is located along the rear property line and along portions of east and west property lines. The Applicant proposed to remodel the property with the following 5 items:

1. 3' high irregular topped latilla fence along portion of west property line, and a 6' high irregular topped latilla fence along the inside of existing stuccoed yard wall are proposed where the maximum allowable height is 8'.
2. 8' high irregular topped latilla fence along south property line along the inside of existing stuccoed yard wall is proposed, where the maximum allowable height is 8'.
3. 6' high irregular topped latilla fence along east property line along the inside of existing stuccoed yard wall is proposed, where the maximum allowable height is 8'.
4. 6' high irregular topped latilla fence with a 6' high latilla gate on the west of the structure is proposed.
5. 6' high irregular topped latilla gate on the east of the structure is proposed.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff Recommendation: Staff recommended approval of this Application in that it complies with 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown and Eastside Historic District.
4. The project is, without limitation, subject to requirements of the following sections of the Santa Fe Land Development Code:
 Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing (of any structure)
5. The property is located in the following district and subject to the related sections of the Santa Fe Land Development Code:
 Downtown and Eastside Historic District (Section 14-5.2(E))
6. An Exception Request was not applicable to this Application.
7. The front north façade is primary.
8. Bollards which are less than four feet can be approved administratively by staff.

9. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), 14-5.2(C)(3)(a) and Section 14-5.2(D) the Board has authority to review, approve, with or without conditions, or deny; all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
10. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
11. The information contained in the Application, and provided in testimony and evidence establishes that all applicable requirements for Board review have been met.
12. The information contained in the Application, and provided in testimony and evidence establishes that all applicable design standards for Board approval as herein described have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and approve the Application.
2. The Board approved the Application as recommended by Staff.

X Additional conditions, which are: that the west fence for the first 15' remain at 54" and then continue to six feet after that; that the new fence attach to the wall; that the stringers be on the inside of the structure; that new drawings be submitted to staff for review; and that the Applicant repair the south yard wall.

IT IS SO ORDERED ON THIS 9th DAY OF AUGUST 2016, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Chairperson Date: _____

FILED: _____

Yolanda Y. Vigil Date: _____
City Clerk

APPROVED AS TO FORM _____

Assistant City Attorney Date: _____

Historic Districts Review Board
August 9, 2016

EXHIBIT 9

City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law

Case #2016-62, H-16-048, 702 Don Felix St.
Appellant – Arthur Firstenberg

THIS MATTER came before the Historic District Review Board (HDRB) for hearing on July 26, 2016, upon the appeal (Appeal) of Arthur Firstenberg (Appellant) from the May 9, 2016 action (the Action) of the City's Historic Preservation Division (HPD) within the City Land Use Department (LUD) approving the owner's application (Application) for approval of a color applied to a fence at 702 Don Felix Street, Santa Fe, NM 87501 (Property) located in the Westside Guadalupe Historic District.

The record on this Appeal (the Record) includes the following documents:

1. HPD staff's report dated July 26, 2016;
2. Assistant City Attorney's legal memorandum dated June 28, 2016;
3. New Mexico Historic Building Inventory Form for the Property;
4. Verified Appeal Petition filed on May 24, 2016 and its attachments: Exhibit A (HPD Administrative Approval dated May 9, 2016), Exhibit B (Behr Premium Solid Color Weatherproofing All-in-One Stain & Sealer), Exhibits C, D, E, F, G, H, and I (emails dated April 2016 to May 2016), Exhibit J (Handwritten letter dated April 14, 2016 from Appellant to HPD staff and photograph), and Exhibits K, L, M, N, O, P, Q, R and S (photographs);
5. "Supplemental Submittal pursuant to SFCC § 13-3.17(H)(2) by Appellant, dated May 25, 2016;
6. HPD Administrative Approval dated May 9, 2016;
7. Handwritten application by Property owners and neighbors Judy Goldbogen and Anthony Tapia dated May 5, 2016, with attached photographs;
8. Color photographs submitted by Appellant to HPD for Exhibits K, L, M, N, O, P, Q, R, and S;
9. Duplicate color photographs for Exhibits K, L, M, N, O, P, Q, R, and S entered for the Record at the Appeal hearing (Hearing) by Appellant; and
10. Documents entered for the Record at the Hearing by Appellant for Exhibit T (Board Action letter and HDRB Findings of Fact and Conclusions of Law for 211 Barela St. dated July 2010), and Exhibits U, V and W (color photographs).

After conducting a public hearing and having reviewed the Record and heard from City staff and the Appellants, the Governing Body hereby FINDS, as follows:

FINDINGS OF FACT

1. The HDRB reviewed the Record, heard the legal memorandum of City staff, and heard testimony and evidence from the Appellant and members of the public interested in the matter.
2. Pursuant to Santa Fe City Code (Code) Subsections 14-2.5(C)(2) and 14-3.17(H)(3)(a), the HDRB has the power and authority to hear *de novo* and decide appeals of final actions of the land use director interpreting or applying historic district regulations pursuant to Section 14-5.2, after giving notice in accordance with the notice provisions of Code §14-3.1(H)(4).
3. Pursuant to Code Subsection 14-3.17(A)(1)(c), final actions of a land use director include the written issuance or denial of a permit or other approval within the land use director's jurisdiction, such as an administrative approval by the HPD.
4. The final action was subject to appeal to the HDRB to hear and decide the matter.
5. The Appellant has the burden of proof on appeal.
6. Notice of the Appeal was properly given in accordance with the notice provisions of Code Subsection 14-3.1(H)(4).
7. At the July 26, 2016 hearing (Hearing), Appellant withdrew his two issues relating to nuisance, and solely pursued the issue regarding the fence color.
8. Appellant lives across the street from the Property at issue.
9. A long plank fence has existed on the Property since before the historic design code for the Westside-Guadalupe Historic District went into effect in the 1980's.
10. In 1999, the HDRB passed the Wall and Fence Guidelines (Guidelines) to guide its decisions.
11. ~~The Guidelines are not City Code.~~
12. In April 2016, Appellant's neighbors began to apply a stain and sealer to the fence in an opaque earth-tone color to match the adjacent stucco yard wall.
13. Within a short period of time thereafter, the neighbors completed applying the stain and sealer to the fence despite Appellant's protests.
14. On May 5, 2016, the neighbors applied for the HPD's retroactive approval of the applied stain and sealer on the fence.
15. On May 9, 2016, HPD staff granted administrative approval of the stain and sealer.
16. The fence is conforming as to the material.
17. Before the stain and sealer was applied, the fence was splintering and needed maintenance.
18. The application of the stain and sealer is considered fence maintenance.
19. The application of the stain and sealer is not considered an alteration because it did not change any architectural features of the fence.
20. If the fence were to have been found to be non-conforming before the application of the stain and sealer, Subsection 14-5.2(A)(6) does not prohibit its maintenance.
21. An opaque earth-toned stain and sealer on the fence is not prohibited under the Code.
22. The application of an earth-tone color does not intensify a nonconformity, to the extent a nonconformity exists.
23. The predominant colors in the streetscape are earth tones.
24. In the applicable streetscape (an adjacent property and the neighboring street to the Property), there is a fence painted white and a wood slat fence painted tan.

25. The Land Use Department in conjunction with the City Attorney's Office interprets Code Subsection 14-5.2(I)(1)(b) as giving the HPD the authority to approve of fence paint in an earth tone.
26. The HPD had authority to approve the stain and sealer pursuant to Subsection 14-5.2(I)(2).
27. The HPD correctly gave administrative approval of the fence stain and sealer.
28. Though Subsection 14-5.2(J)(3)(f) is technically not within the HPD's jurisdiction and therefore inapplicable to an appeal of an HPD action, the applied fence color nevertheless meets the factors under that Subsection.

CONCLUSIONS OF LAW

Under the circumstances and based upon the Record and the evidence and testimony submitted at the hearing, the Governing Body CONCLUDES as follows:

1. The HDRB has the power and authority to hear and decide the matter that is the subject of the Appeal.
2. The Appellant did not meet his burden of proof to overrule the HPD's administrative approval of the fence stain and sealer.
3. The HDRB affirms the HPD's approval of the fence stain and sealer.

WHEREFORE, IT IS ORDERED ON THE 9th OF AUGUST 2016 BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE:

1. That the Appeal is denied.

Chair

Date:

FILED WITH THE CITY CLERK:

Yolanda Y. Vigil
City Clerk

Date:

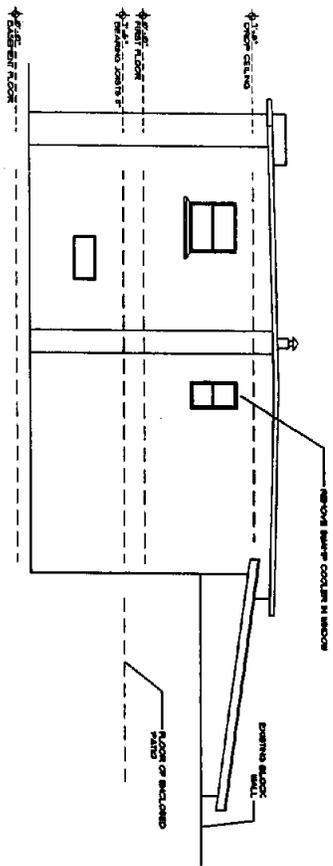
APPROVED AS TO FORM:

Kelley A. Brennan
City Attorney

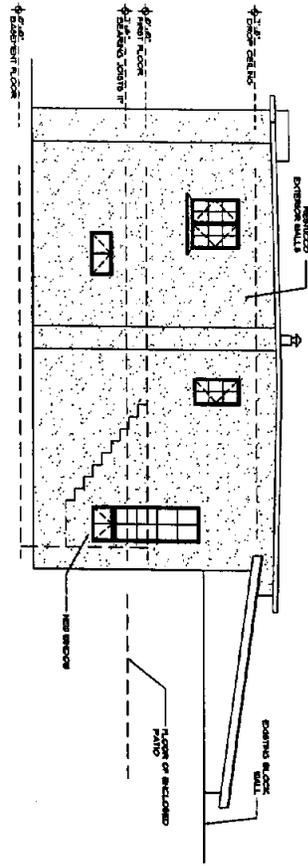
Date:

Historic Districts Review Board
August 9, 2016

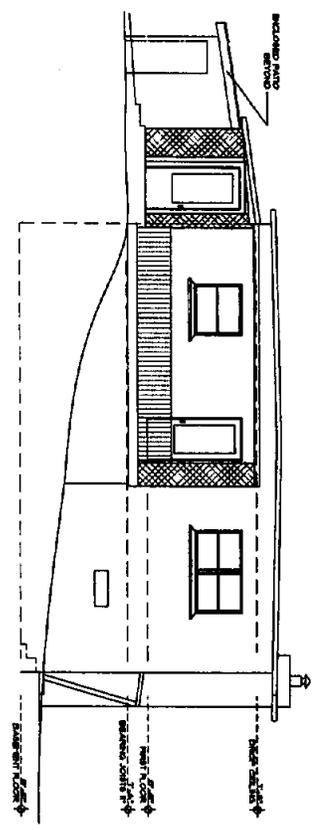
EXHIBIT 10



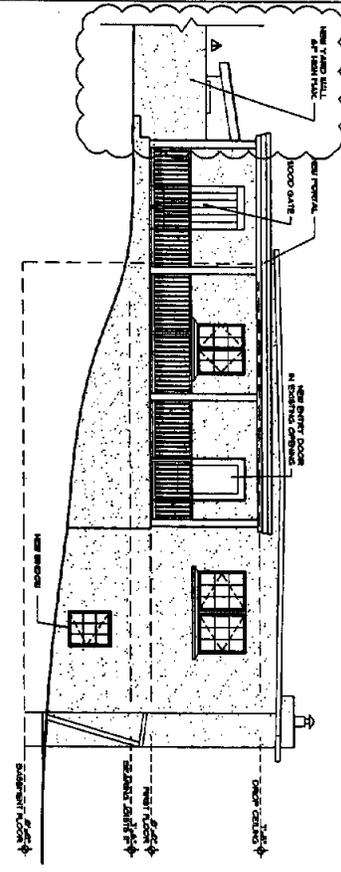
EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"



EXISTING EAST ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

GENERAL NOTES:
 1) PERFORM ALL WORK IN STRICT ACCORDANCE WITH THE SPECIFICATIONS AND NOTES.
 2) RESISTANCE EXISTING WALLS WITH ANCHORS.
 3) BRICK.

AGRICULTURAL ALLIANCE INC.
 612 OLD NORTH IN THE
 SANTA FE HIGH SCHOOL ZONE
 1000 1/2 AVENUE
 SANTA FE, NM 87501-1128
 PHONE: 505/424-1128
 WEBSITE: www.aalliance.com

DESIGN DEVELOPMENT
 CONTRACTOR TO VERIFY ALL DIMENSIONS AND MATERIALS WITH THE ARCHITECT BEFORE CONSTRUCTION TO AVOID DISCREPANCIES AND DELAYS.

NO.	REVISION/DESCRIPTION	DATE
1	WALL HEIGHT CORRECTED	08/15/16
2	REVISIONS TO MATERIALS	08/15/16
3	REVISIONS TO MATERIALS	08/15/16

PROJECT TITLE
 GONZALES RESIDENCE

PROJECT NO. 15-16
3975 Camino Real
Santa Fe, NM 87501

DESIGNED BY	DATE
ME	2/15/16
DRAWN BY	DATE
ME	2/15/16

PROJECT TITLE
 EXISTING & PROPOSED ELEVATIONS

SHEET NO.
 A-5

Historic Districts Review Board
August 9, 2016

EXHIBIT 11



**659 East Palace Ave.
Exterior Elevation Revisions 8/2/16**

South Elevation:

1. Add Sidelights to front door.
2. Add new window to right of front door and remove window further to the east.
3. Move Southeast wall where front door is located and to the east of the front door out 30". (This revision is visible on the east elevation.)
4. Lower Parapet above entry 3".
5. Doors in den to be changed to windows. (Slightly visible in back of entry block, just to the right.)
6. Windows at master bedroom moved 10" away from corner so slightly closer to center of room.
7. Change window in basement office, which is located under a portal, from 4'-8" wide to 9'-10" wide.

East Elevation:

1. Move Southeast wall where front door is located and to the east of the front door out 30".
2. Lower Parapet above entry 3".
3. Eliminate portion of chimney on east elevation of Den.
4. Eliminate (2) windows on east elevation of Den.

West Elevation:

1. Shorten Master Bedroom window from 6'-0" tall to 5'-0" tall.

DISCLAIMER
 THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DOCUMENT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS.

NO.	REVISION/DESCRIPTION	DATE

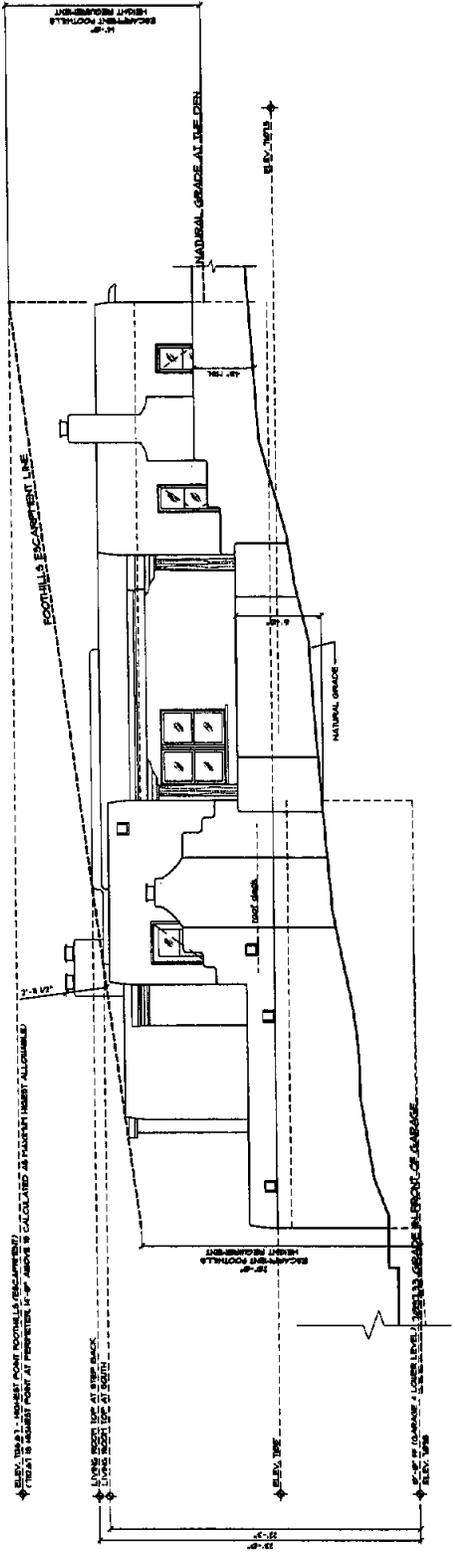
PROJECT TITLE
 PROPOSED NEW RESIDENCE

659 Palace Ave.
 Suite 100, Denver, CO 80202

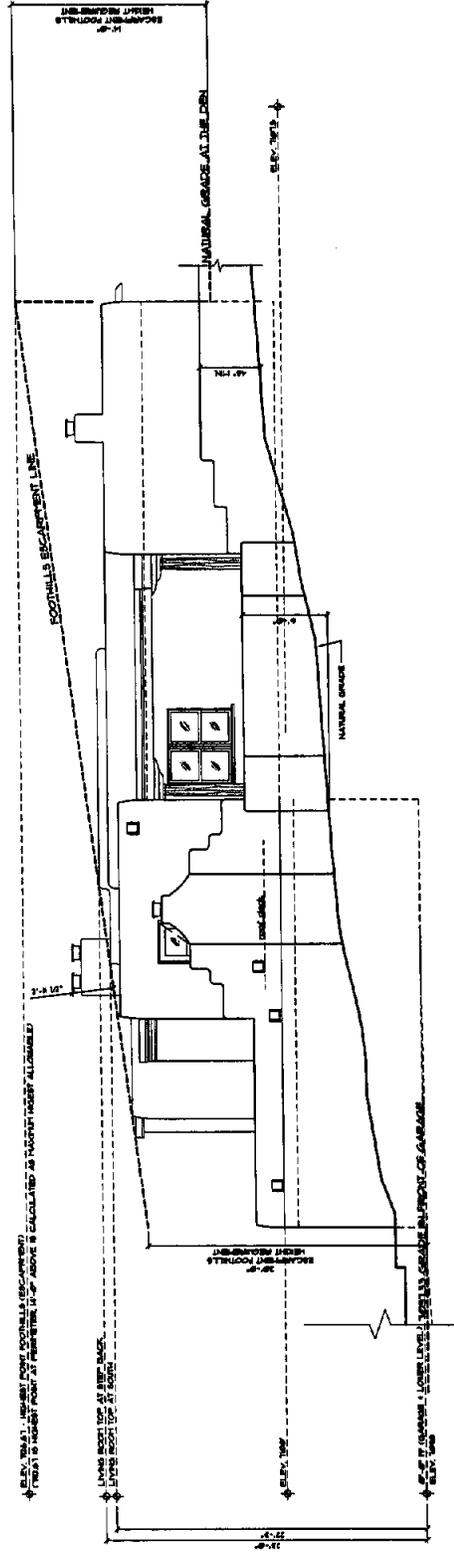
PROJECT NO.	14-01
CHECKED BY	EE
DATE	8/1/16
DRAWN BY	ME
DATE	8/1/16

REVISIONS
 REVISED PROPOSED EXTERIOR ELEVATIONS

SHEET NO.
 A-3.2



ORIGINAL SUBMITTAL - PROPOSED EAST ELEVATION - 659 PALACE AVE.
 SCALE: 1/4" = 1'-0"



REVISED 8/1/16 - PROPOSED EAST ELEVATION - 659 PALACE AVE.
 SCALE: 1/4" = 1'-0"

AXELL
ALLIANCE
INC
41100 SANDY AVENUE
SANDY, UT 84070
TEL: 801-581-1100
FAX: 801-581-1177
WWW.AXELLALLIANCE.COM

TRUE NORTH BUILDERS
COURTNEY
2000 W. 1000 S.
SALT LAKE CITY, UT 84119
WWW.TRUE-NORTH.COM

DELIVER SCALE DRAWINGS
CHECK FOR ALL DIMENSIONS AND
DIMENSIONS. NOTIFY ARCHITECT
IF ANY DISCREPANCIES ARE FOUND
OR ANY CHANGES TO CONSTRUCTION

NO.	PLANTING	DATE
1	REVISION	DATE

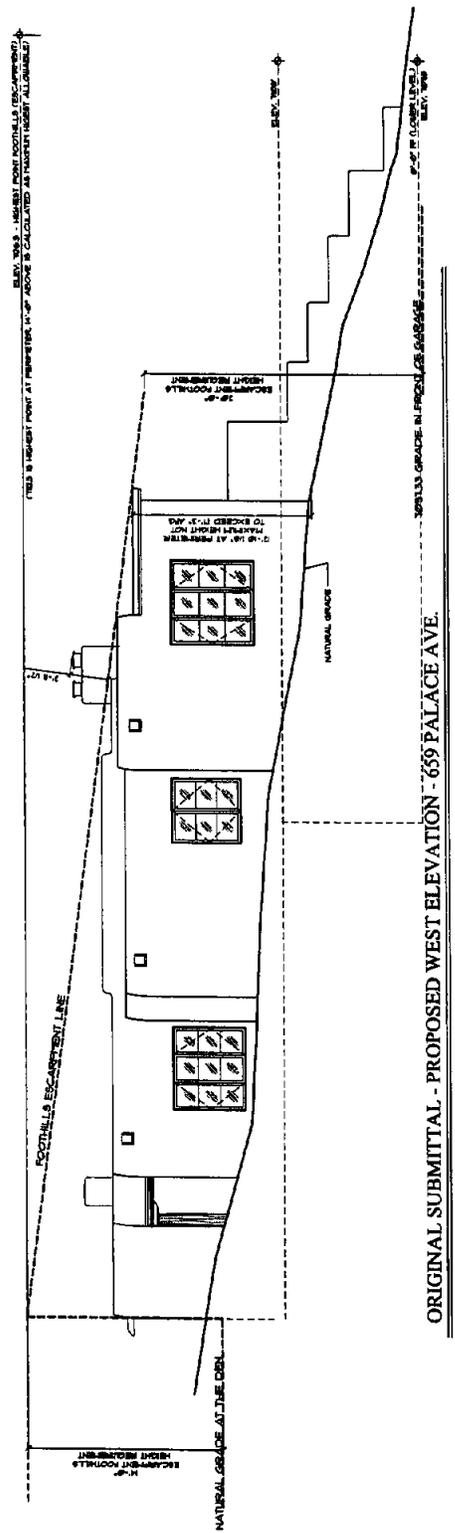
PROJECT TITLE
PROPOSED NEW RESIDENCE

659 PALACE AVE.
SANTA FE, NM 87501

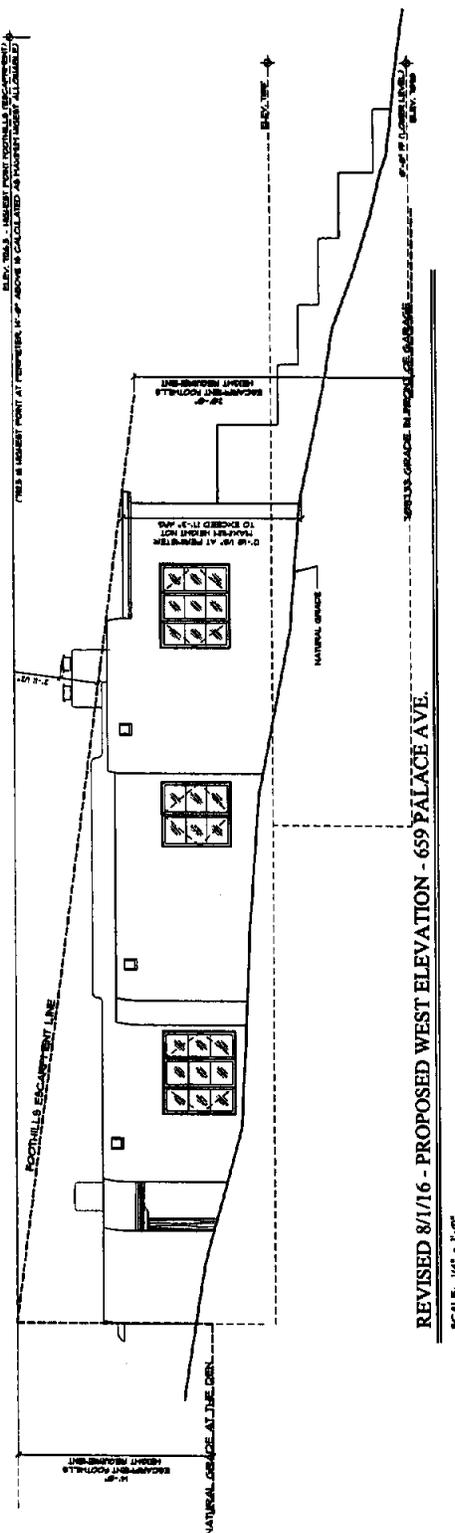
PROJECT NO.	14-01
CHECKED BY	DATE
DRAWN BY	DATE
DATE	DATE

REVISED
PROPOSED
EXTERIOR
ELEVATIONS

A-4.1



ORIGINAL SUBMITTAL - PROPOSED WEST ELEVATION - 659 PALACE AVE.
SCALE: 1/4" = 1'-0"



REVISED 8/1/16 - PROPOSED WEST ELEVATION - 659 PALACE AVE.
SCALE: 1/4" = 1'-0"

Historic Districts Review Board
August 9, 2016

EXHIBIT 12



McDOWELL
FINE HOMES

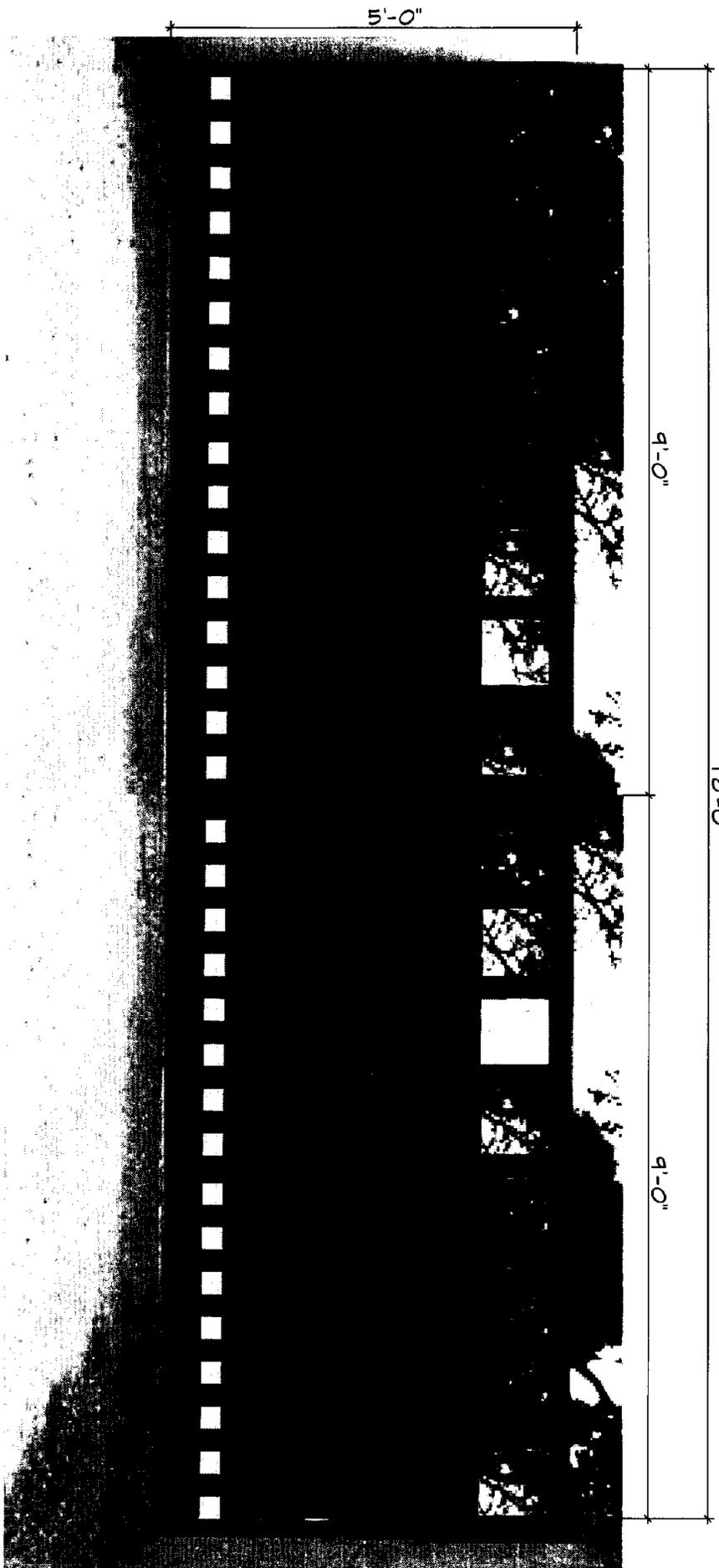
2016.08.09

Notes for Revisions

Re: 635 1/2 Garcia St.

1. Window Color has been changed to Kolbe "Truffle".
2. Stucco Color has been changed per sample.
3. Drive aisle gate has been revised.
4. Pedestrian entry gate has been revised.
5. Exterior light fixtures have been changed.
6. Site lighting has been added.
7. Windows on the publicly visible facades have been changed:
 - a) (4) ganged East Kitchen windows have been reduced from 2'-6" x 7'-6" height to 2'-2" x 6'-0" in height. The attached bottom awning window is 2'-0" and the casements above are 4'-0". The casements have 1 horizontal muntin. The diagonal glass measurement is less than 30".
 - b) (2) ganged East Dining Room windows are the same dimensions as East Kitchen windows.
 - c) (4) ganged east Studio windows are 2'-2" x 7'-6".
The attached bottom awning windows are 2'-0" tall and the casements above are 5'-6". The casements have (2) horizontal muntins. The diagonal glass measurement is less than 30".
 - e) (3) North Studio windows have been changed from 3'-0" x 2'-0" to (3) ganged windows. The center window is 6'-6" x 2'-0" with (2) vertical muntins. Flanking this window are (2) 2'-2" x 2'-0" awning windows. The diagonal glass measurement on all these windows is less than 30".

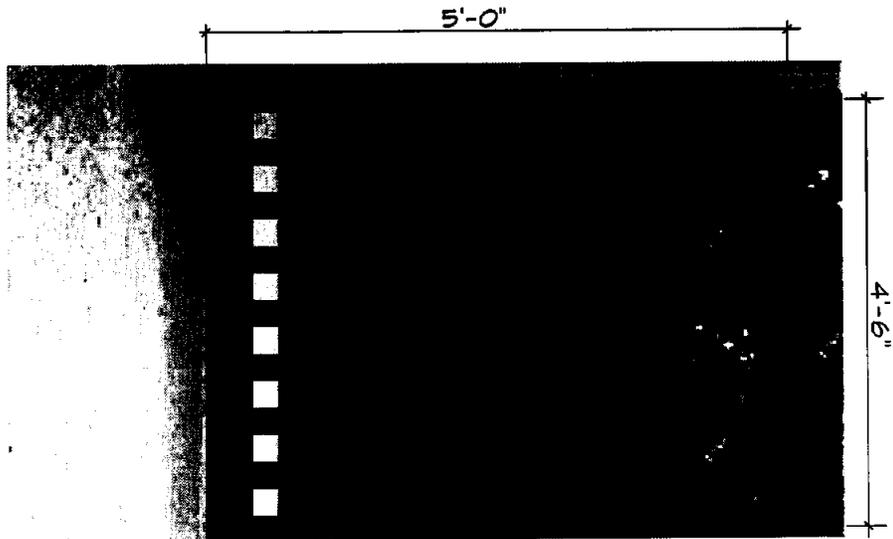
*SOUTH ELEVATION DOORS UNDER THE PORCH
WILL BE DIVIDED SIMILAR TO THE DOORS TO
THE RIGHT OF IT @ THE MASTER BEDROOM*



○ Drive Aisle Gate - Photo Simulation

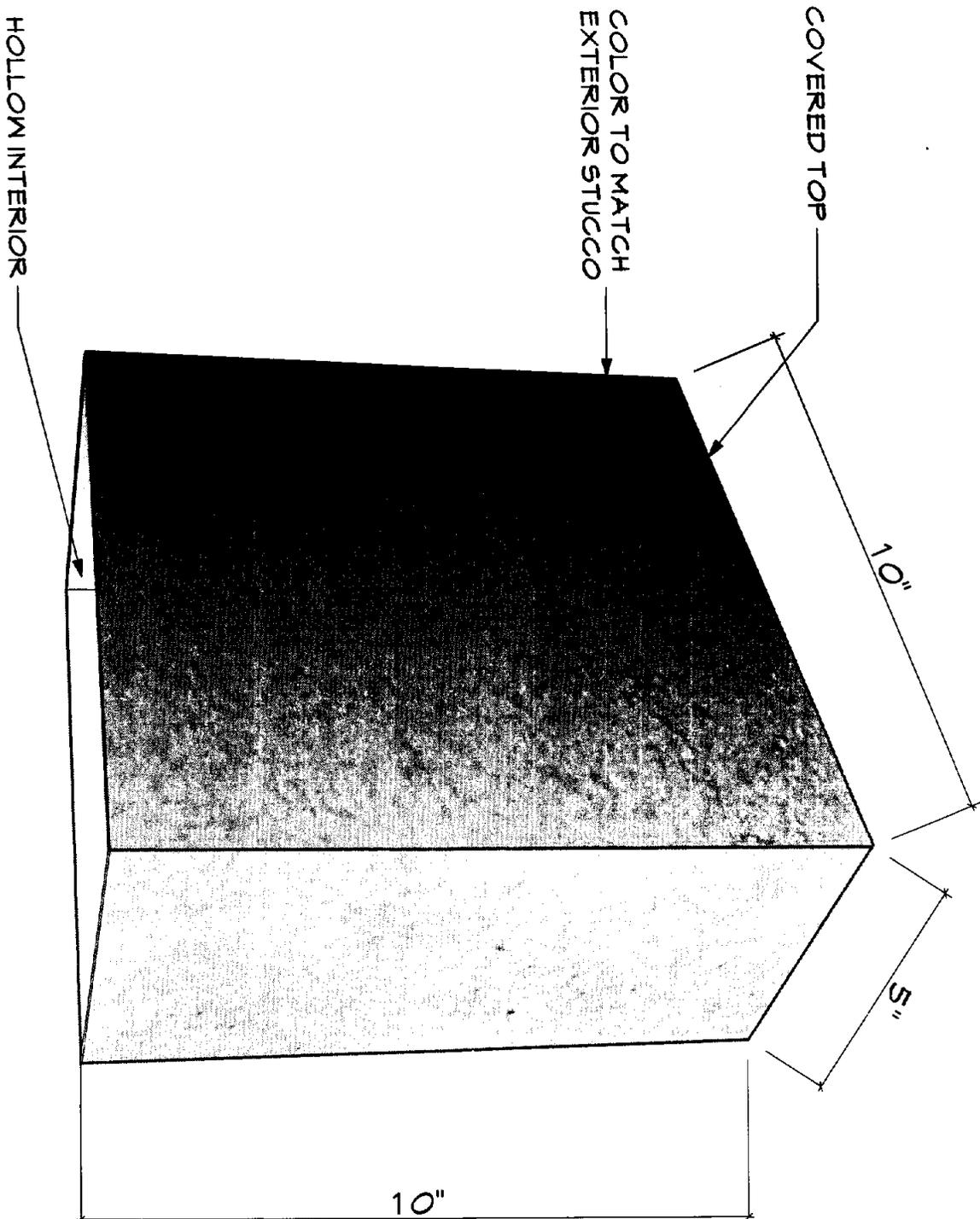
Scale: 1/2" = 1'-0"

<p>A-4.5</p>	<p>HDRB Submittal 2016.08.02</p>	<p>635 1/2 Garcia Street Santa Fe, New Mexico 87505</p>	<p>McDOWELL FINE HOMES 1317B Cerro Gordo Road, Santa Fe, NM 87501 505.982.5238</p>	
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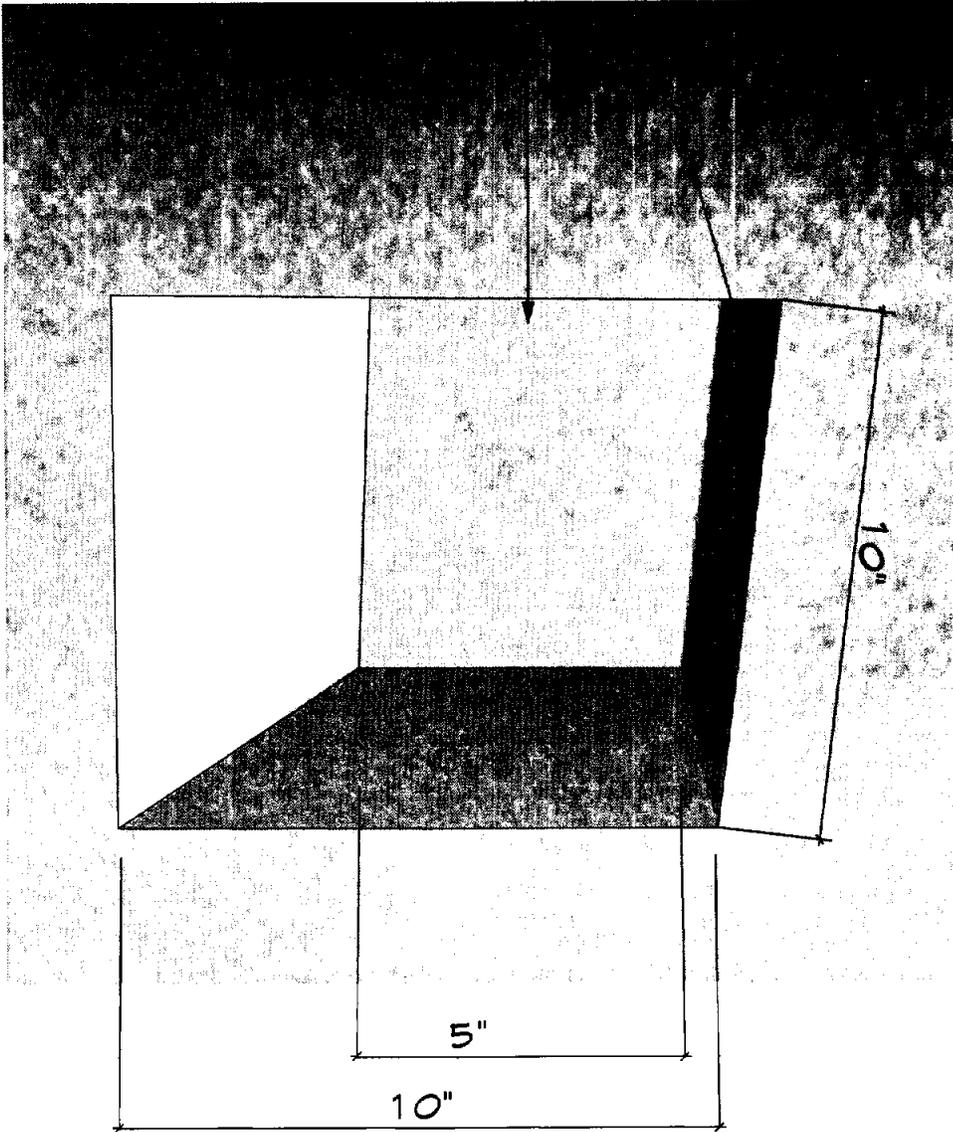
○ Pedestrian Gate Photo Simulation
Scale: 1/2" = 1'-0"

A-4.6	HDRB Submittal 2016.08.02	635 1/2 Garcia Street Santa Fe, New Mexico 87505	McDOWELL FINE HOMES 1317B Cerro Gordo Road, Santa Fe, NM 87501 505.982.5238	 McDOWELL
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○ Exterior Light Fixture BOX
Not to Scale

LIGHT LOCATION
ABOVE
INTERIOR COLOR
TO MATCH
EXTERIOR STUCCO



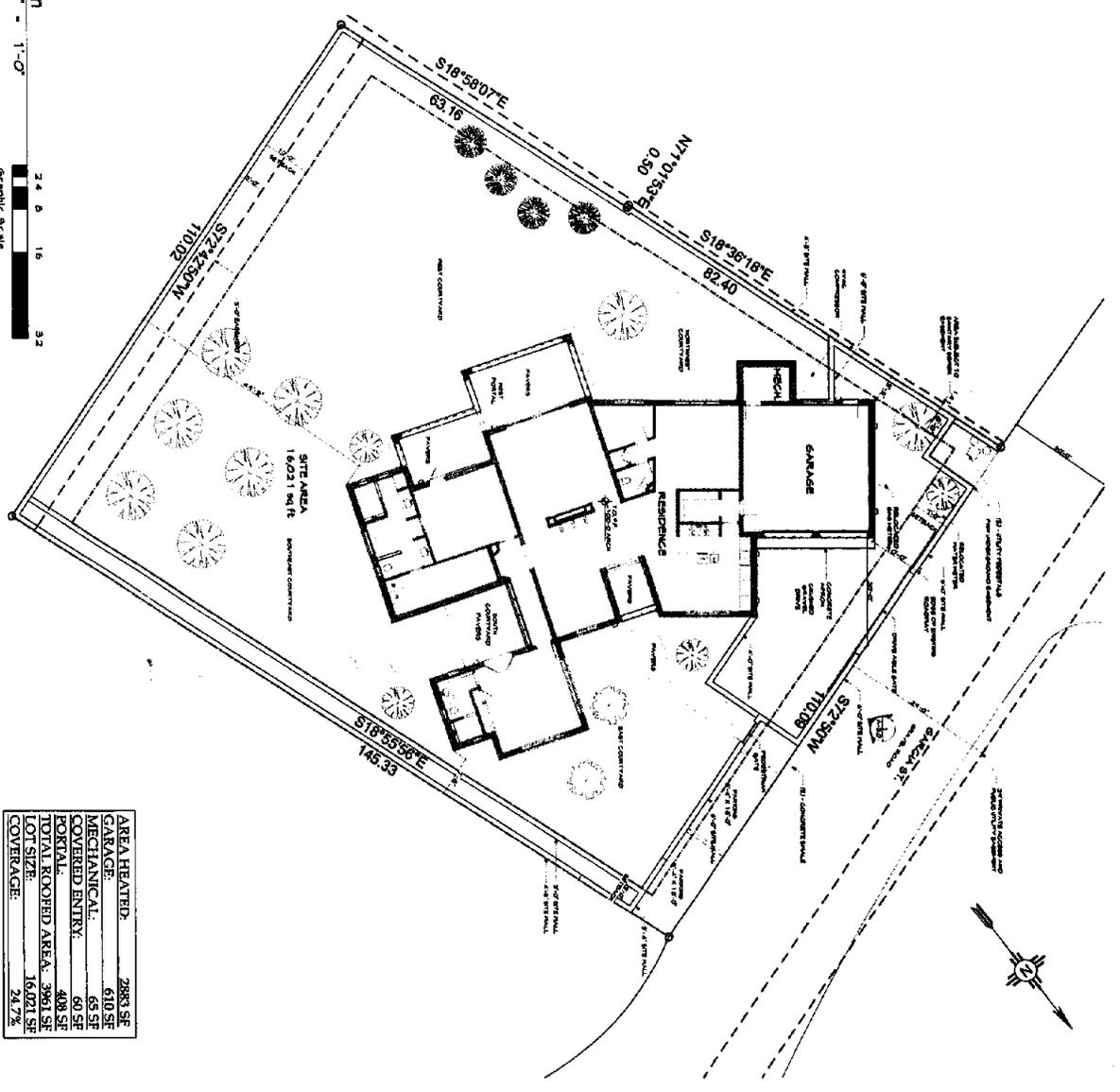
Site Light Fixture Recess

Not to Scale

Site Plan
Scale: 1/8" = 1'-0"



AREA HEATED:	2883 SF
GARAGE:	610 SF
MECHANICAL:	65 SF
COVERED ENTRY:	60 SF
PORCH:	408 SF
TOTAL ROOFED AREA:	3966 SF
LOT SIZE:	16,021 SF
COVERAGE:	24.7%



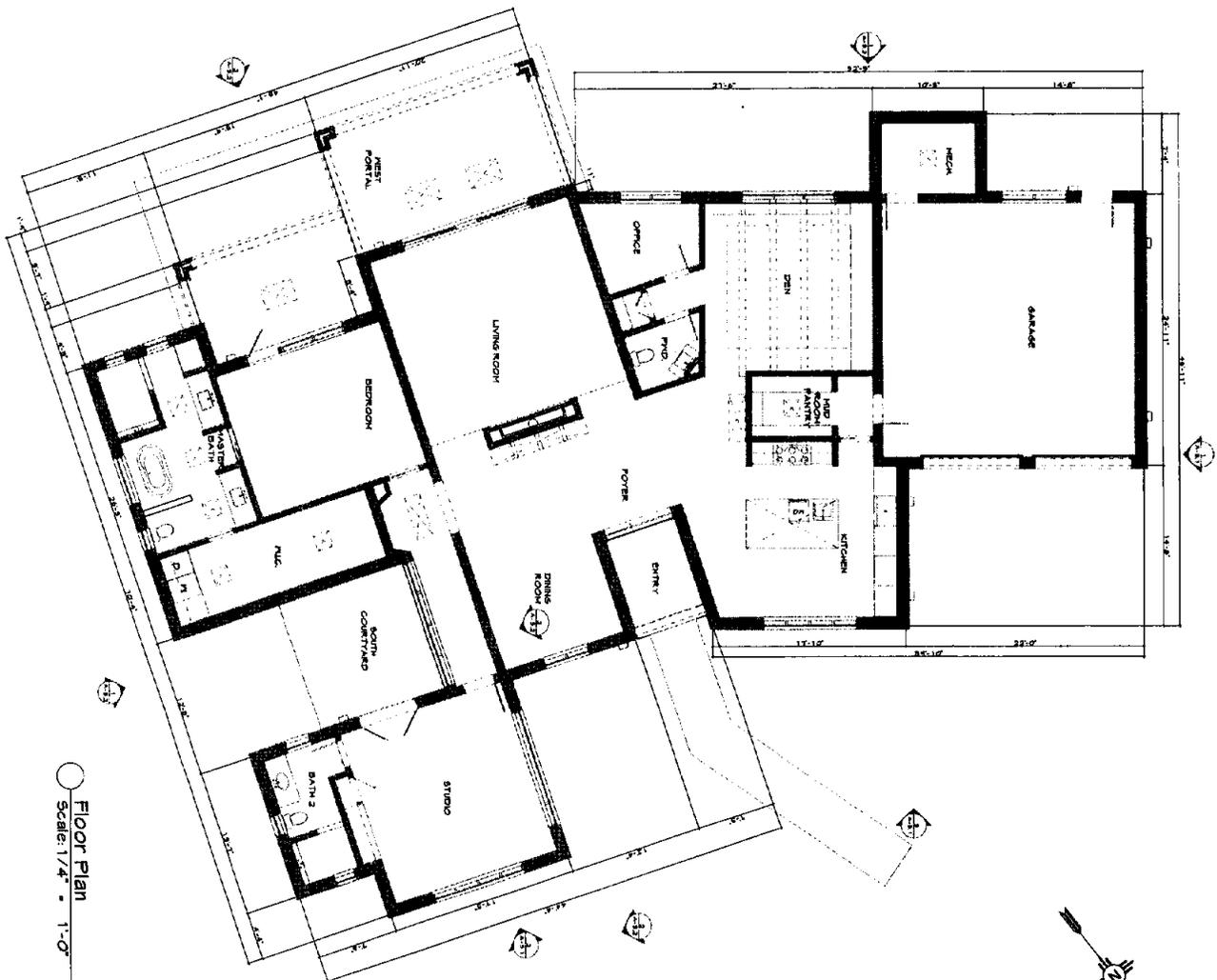
A-1.0

2016.08.09
Scale: 1/8" = 1'-0"

HISTORIC DESIGN
REVIEW BOARD
2016.08.09

McDOWELL FINE HOMES
SINCE 1976
P.O. BOX #1567 SANTA FE, NM 87504
505.982.5238

**RESIDENCE FOR
MICHAEL OGG
& BARBARA DORоба-OGG**
635 1/2 GARCIA STREET SANTA FE, NM 87501



FLOOR PLAN
 Scale: 1/4" = 1'-0"
 Graphic Scale

A-2.0

DATE: 02/14/00
 SCALE: 1/4" = 1'-0"

HISTORIC DESIGN
 REVIEW BOARD
 3011 ALAM
 SANTA FE, NM

McDOWELL FINE HOMES
 SINCE 1976
 P.O. BOX #1567 SANTA FE, NM 87504
 505.982.5238

**RESIDENCE FOR
 MICHAEL OGG
 & BARBARA DOROBA-OGG**
 636 1/2 GARCIA STREET SANTA FE, NM 87501

