



CITY CLERK'S OFFICE
Agenda DATE 9/19/16 TIME 3:36pm
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HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

THURSDAY, September 22, 2016 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

THURSDAY, September 22, 2016 at 5:30 P.M.

CITY COUNCIL CHAMBERS

*****AMENDED*****

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. BUSINESS FROM THE FLOOR
- E. COMMUNICATIONS
- F. ACTION ITEMS

1. Case #H-04-076. 201 Old Santa Fe Trail. Downtown & Eastside Historic District. Eric Enfield, agent for Teme LLC, owners, proposes to construct a 25,536 sq. ft. structure with a footprint of 13,105 sq. ft. to a height of 49' where the maximum allowable height is 21' 11". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (David Rasch).
2. Case #H-16-069. 715 Gregory Lane. Don Gaspar Area Historic District. Christopher Purvis, agent for Jack and Helaine Fisher, owners, proposes to construct a 2,915 sq. ft. residence to a height of 14'0" on a vacant lot where the maximum allowable height is 16'1". (Sobia Sayeda)
3. Case #H-16-070. 442 Camino de las Animas. Downtown & Eastside Historic District. Jim Swearingen, agent/owner, proposes to construct a 360 sq. ft. attached garage on a non-contributing residential structure. (Nicole Ramirez Thomas) (POSTPONED INDEFINITELY)
4. Case #H-16-071. 1112 Camino San Acacio. Downtown & Eastside Historic District. Architectural Alliance, agent for, Nancy Cook and Ed Breitenger, owners, propose to replace windows and construct 286 sq. ft. of additions on a non-contributing residential structure. (Nicole Ramirez Thomas)
5. Case #H-16-072A. 203 Canyon Road. Downtown & Eastside Historic District. HPD Staff requests a historic status review of a non-statused non-historic non-residential structure. (David Rasch)
6. Case #H-16-072B. 203 Canyon Road. Downtown & Eastside Historic District. Hoopes and Associates, agent for Ed and Kiyomi Baird, owners, proposes to remodel a non-contributing non-residential structure. (David Rasch)
7. Case #H-16-073A. 320 Paseo de Peralta. Downtown & Eastside Historic District. HPD Staff requests a historic status review of a non-contributing non-residential structure. (Nicole Ramirez Thomas)
8. Case #H-16-073B. 320 Paseo de Peralta. Downtown & Eastside Historic District. Santa Fe Sustainable, agent for FFT LLC, owner, proposes to replace windows and construct a 168 sq. ft. portal on a non-contributing, non-residential structure. (Nicole Ramirez Thomas)
9. Case #H-16-074A. 4 Placita Rafaela. Downtown & Eastside Historic District. HPD Staff requests assignment of primary elevation(s) for a contributing residential structure. (David Rasch)

10. Case #H-16-074B. 4 Placita Rafaela. Downtown & Eastside Historic District. Chateau Construction, agent for Mary Sanchez, owner, proposes to remodel a contributing residential building including replacing non-historic windows, installing a door opening on a non-primary elevation, enclosing a portal and constructing a 24 sq. ft. shed to a height of 8'. An exception is requested to enclose a portal (Section 14-5.2(D)(4)). (David Rasch)
11. Case #H-16-075. 1672 Cerro Gordo Road. Downtown & Eastside Historic District. Architectural Alliance, agent for Alexandra Pyle, owner, proposes to install publicly-visible roof mounted solar panels. An exception is requested for visible rooftop appurtenances. (Section 14-5.2(D)(3)(b)). (Sobia Sayeda)
12. Case #H-16-076A. 222 North Guadalupe Avenue. Westside-Guadalupe Historic District. HPD Staff requests assignment of primary elevation(s) for a contributing non-residential structure. (David Rasch)
13. Case #H-16-076B. 222 North Guadalupe Avenue. Westside-Guadalupe Historic District. Josh Johns agent for Timothy Kittleson, owner, proposes to remodel a contributing non-residential structure by altering a primary elevation and constructing a dining portal. Three exceptions are requested to enclose a portal (Section 14-5.2(D)(4)), use temporary materials for more than 90 days (Section 14-6.4(C)) and to construct a pitch where a pitch is not allowed (Section 14-5.2(D)(9)(d)). (David Rasch) (EXCEPTIONS FOR TEMPORARY MATERIALS AND PITCH WITHDRAWN BY APPLICANT)
14. Case #H-16-077. 216 Gonzales Road/216 Lorenzo Lane. Downtown & Eastside Historic District. Martinez Architecture Studio, agent for John and Laura Meyer, owners, propose to add a 248 sq. ft. addition to a non-contributing structure. An Exception is requested to use non-divided lite windows (Section 14-5.2(E)(1)(c)). (Nicole Ramirez Thomas)

G. MATTERS FROM THE BOARD

H. 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 9/14/16 TIME 11:45

SERVED BY [Signature]

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THURSDAY, September 22, 2016 at 12:00 NOON

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THURSDAY, September 22, 2016 at 5:30 P.M.

CITY COUNCIL CHAMBERS

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HISTORIC DISTRICTS REVIEW BOARD
September 22, 2016

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MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DISTRICTS REVIEW BOARD

September 22, 2016

A. CALL TO ORDER

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

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Ms. Cecilia Rios, Chair
Mr. Frank Katz, Vice Chair
Ms. Jennifer Biedscheid
Mr. William Powell
Mr. Buddy Roybal

MEMBERS EXCUSED:

Ms. Meghan Bayer
Mr. Edmund Boniface

OTHERS PRESENT:

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

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

C. APPROVAL OF AGENDA

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

D. BUSINESS FROM THE FLOOR

There was no business from the floor

E. COMMUNICATIONS

Mr. Rasch apologized for the microphone problem that halted the meeting last week. He explained the problem.

Chair Rios also apologized.

F. ACTION ITEMS

1. **Case #H-04-076. 201 Old Santa Fe Trail.** Downtown & Eastside Historic District. Eric Enfield, agent for Teme LLC, owners, proposes to construct a 25,536 sq. ft. structure with a footprint of 13,105 sq. ft. to a height of 49' where the maximum allowable height is 21' 11". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

201 Old Santa Fe Trail is a vacant 0.4352-acre parcel in the Downtown & Eastside Historic District. On July 28, 2015, the Board postponed action on the application to construct a 38,858 square foot (12,087 square foot footprint) 5 story structure to a maximum height of approximately 63' 6" high, pending legal review of the applicable maximum allowable height and submittal of a 3-D model that reveals harmony or lack of harmony with the adjacent streetscapes. On May 24, 2016, the Board postponed action on the application to construct the five-story structure, pending submittal of a proposal for a three-story structure with stepbacks and a model showing adjacent structures.

Staff has determined that the 1996 height ordinance applies to this application and the maximum allowable height is 21' 11". A height exception is requested to build a four-story structure to 49' high (Section 14-5.2(D)(9)) and the required exception criteria responses are at the end of this report.

The 25,536 square foot building (13,105 square foot is designed in the Spanish-Pueblo Revival style with room block massing, floor stepbacks, rounded edges, exposed wooden headers and carved corbels at

portals. Finishes will be cementitious stucco in "Buckskin", trim color "Mist Blue", a "Medium Walnut" wood stain, and a shale brick "Kiamichi" stone veneer base.

RELEVANT CODE CITATION

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

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

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

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

Response: The proposed building does not damage the character of the streetscape. With one of the important streetscape factors being structure height, the proposed building will be in harmony with and proportional to the neighboring buildings to its north and south: the 65'-0" height of La Fonda, the 73'-2" height to the top of Loretto Chapel's cross, 58'-0" height to the top of the existing metal roof, and the 63'-6" height of the Inn and Spa at Loretto. The traditional and historic streetscape of this portion of the Loretto property had tall buildings: the Academy building, the Loretto Chapel, the Loretto Convent. In addition, "The Business Capitol District Handbook" describes the streetscape of the Loretto Subdistrict as having "large, tall buildings." The proposed building also has large step backs on each story so as to fit in with the character of the streetscape.

Staff response: Staff agrees with this statement.

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

Response: The parking requirements present a hardship for this particular lot. Since this lot is very small, above ground parking for any building would mean that the building footprint would have to be so small that it would require multi-stories to meet programmatic needs. The design of a building on the remaining portion of the lot that did not have parking would have to be too tall and skinny if it were over one story, and would not meet the step back requirements if it was two-stories. A small single story with enough ground floor parking would not allow for enough programmatic space to make the project worth developing. An enclosed parking lot on the ground floor with the useable space in the building constructed on top of it on the second floor means that the program for retail would not be an option for the owner. Also, the building would not be inviting or visually pleasing with enclosed parking on the ground floor.

Therefore, the underground parking resolves the hardship of not having enough above ground space on the lot for parking. The other hardship is that, with a parking lot underground, the owner needs enough programmatic space above ground to make up for the investment of installing parking underground. Since

the building has to step back on each floor, the amount of square footage required needs to be spread over 4 stories to meet the necessary programmatic requirements. The 21'-11" height limit would pose a hardship by not allowing the client to construct enough programmatic space within the setback requirements on this site, and therefore eliminating the viability for the owner to develop the site.

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: Many different design options have been considered for this site; 1 and 2-story options with parking at grade and underground, that would be within the 21'-11" limit, and a 3-story option with parking underground. When looking at the scale of the surrounding buildings, a 21'-11" building, both the 1-story and 2-story options, appear dwarfed and out of scale. The building that steps back with a very small 4th story fits into the character of this portion of Old Santa Fe Trail providing the best design option. It also will provide living space for residents to continue residing within the historic district.

Also, the 21'-11" height limit along with the necessary setbacks does not provide enough square footage on this limited lot to make the building's program work. At smaller square footages, the client could not justify the construction of the underground parking on the project. Since the design is trying to comply with the large step backs required by code and additional step backs requested by the board, it was necessary to add a small 4th story to make up for the square footage lost to the step backs. At 3 stories, the mass of the 2nd and 3rd stories would have to have little or no setbacks and would be too massive because the square footage that is located on the proposed 4th story would need to be added to the 2nd and 3rd floors. So the small 4th story setback, so that it is not very visible from Old Santa Fe Trail, enables the 2nd and 3rd stories to be smaller and have step backs requested by the Board.

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;

Response: This property must meet code and the board requested setbacks that were discussed specifically in relation to this property. The lot is somewhat small and any structure on this lot needs to have an additional setback from Old Santa Fe Trail in order to preserve views of and not conflict with the adjacent Loretto Chapel. There are no other buildable areas on adjacent lots that are subject to the Loretto Chapel visibility issues that this corner lot faces. The step backs discussed at the HDRB meeting, the small lot size, the short height limit which is different from the tall buildings that surround this site, and the desire to preserve the views of the Loretto Chapel are all special conditions and circumstances which are peculiar to this lot. Also, on this exact location existed a building of the Loretto Academy that was +/- 70'-0" tall to the top of the cross and 45'-0" to the top of the third level. The proposed building would not be as tall as the building that existed on this site, next to the Loretto Chapel, for many years before. The city council recognized these special conditions and circumstances by creating the special BCD-Loretto Subdistricts.

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

Response: The owner purchased the property in 1971 with the assurance from the City Council, and a subsequent ruling from District Court, that he would be able to build up to 65'-0". However, the City attorney has ruled that now the 1996 Historic Height Ordinance is applicable to this property and that the 21'-11" height limit is the maximum height for this location, even though the building is surrounded by tall structures. The recent condition of 21'-11" height limit was unexpected and not a result of the actions of the applicant. The height exception is requested due to the enactment of the Historic Height Ordinance which is contrary to the intended use of the property, the best use of the property, and the overall complimentary aesthetic of its streetscape. A consequence of the Ordinance is that it excludes every commercial and religious buildings next to the site when establishing height limitations, yet it is those other buildings that define the streetscape adjacent to this lot and determine feel of the site. If the height ordinance hadn't been enacted we would not be seeking the exception, so the exception request is not a result of the applicant's application.

Staff response: Staff agrees with this statement.

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

Response: The owner purchased the property in 1971 with the assurance from the City Council, and a subsequent ruling from District Court, that he would be able to build up to 65'-0". However, the City attorney has ruled that now the 1996 Historic Height Ordinance is applicable to this property and that the 21'-11" height limit is the maximum height for this location, even though the building is surrounded by tall structures. The recent condition of 21'-11" height limit was unexpected and not a result of the actions of the applicant. The height exception is requested due to the enactment of the Historic Height Ordinance which is contrary to the intended use of the property, the best use of the property, and the overall complimentary aesthetic of its streetscape. A consequence of the Ordinance is that it excludes every commercial and religious buildings next to the site when establishing height limitations, yet it is those other buildings that define the streetscape adjacent to this lot and determine feel of the site. If the height ordinance hadn't been enacted we would not be seeking the exception, so the exception request is not a result of the applicant's application.

Staff response: Staff agrees with this statement.

STAFF RECOMMENDATION:

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

Ms. Gheen commented on page 5 in the packet in the response to criterion #5. In the second line, the applicant said the ruling from the District Court would allow him to build up to 65'. She said that is incorrect. The District Court said that the HDRB and Council did not have the authority to allow it up to 65'.

In response to criterion #6 on page 5 regarding the subsequent ruling from District Court and on page six, second to the last line said it could go up to 55'.

Ms. Gheen said to clarify, on the next page in the packet it talked about the recent ruling of 21' 11" height limit, she said it was in 1986 that the height ordinance was passed.

Mr. Rasch said that with those corrections on #5, and the response to special conditions not the result of the actions of the application he did not agree with the applicant's statement because the outcome is not 65' but 21' 11". He did think there is still a special condition for the applicant because of the previous actions that were taken.

Questions to Staff

Member Katz asked why it is a special condition for this taxpayer. The height limit was passed by Council and assumed that it doesn't guarantee subsequent applicants would be able to get an exception to any law that is subsequently passed.

Mr. Rasch explained that his point was that he agrees with the outcome. The height limit is 21' 11" and he agreed with that.

Member Katz objected that it was not special circumstances. The City Council passed the resolution.

Mr. Rasch said this process happened and no one else had to get through. It was a resolution for their property. No one else has a resolution for their property. And then for #6, with the correction of the recent condition, he still agreed it is the least negative impact.

Member Roybal said the Board still has authority to grant the exception.

Mr. Rasch agreed.

Chair Rios understood the maximum height is 21' 11". She asked Mr. Rasch to say how that height was reached and what buildings were excluded in the height calculation.

Mr. Rasch referred the Board to page 24 of the packet and explained the streetscape calculation began with the intersection of Old Santa Fé Trail and Water Street. From the midpoint on the two frontages, he drew a 600' line. From the midpoint on Old Santa Fé Trail the area included La Fonda and to the Cathedral. But those not included were any building that originally was for a hotel. La Fonda, being 55' and a significant building, was not averaged in. The Hotel Loretto at 53.5' was not averaged in. And there were several other buildings that are more than 16' tall and non-contributing. So it is average of all applicable.

Chair Rios asked about the lower buildings on the other side of Old Santa Fé Trail.

Mr. Rasch said there were a lot of 14' buildings and one at 12' but the Chapel is 51' high.

Chair Rios understood. So the application wants 49' which is over the 21' height limit and they must respond to all six criteria and Mr. Rasch accepted the six responses.

Mr. Rasch agreed.

Chair Rios asked if the Loretto Chapel is Significant.

Mr. Rasch said it is.

Chair Rios asked what the ordinance says about a building adjacent to a Significant structure.

Mr. Rasch said the adjacent building shall not cause the Significant building to lose its status. And, because of a lawsuit, the City cannot impose a view corridor condition.

Member Biedscheid noticed in a couple of the responses, the applicant referred to the height ordinance. She recalled in the past that Mr. Rasch he had mentioned a case dealing with it.

Mr. Rasch agreed. There was a federal court case. It is a given, by Supreme Court rule, that the details of that case is not applicable to a uni-story business.

Member Roybal asked if it wasn't also true that when the Board looks at new construction we look at adjacent buildings to see what can be approved.

Mr. Rasch agreed. The Board has the authority to grant a height exception if the Board feels the proposed building is harmonious.

Applicant's Presentation

Present and sworn was Mr. Eric Enfield, 612 Old Santa Fé Trail, who said the impact of this building on the Chapel was a concern in the previous meeting. In that meeting, Staff said it would not impact the adjacent Chapel and it is set back the same amount from the Chapel the same amount as the historic structure that once was there. He showed a drawing of the building that once stood there on that property. It was a very large building and was the same distance from the Chapel his proposal is.

At 5:46 p.m. because of an electrical storm, the electricity at City Hall went off. The electricity was restored at 5:53 p.m. When electricity was restored, a microphone was pointed to the ceiling and turned all microphones as 100% volume, creating feedback.

The microphones were restored a few minutes later and the meeting resumed.

Mr. Enfield continued his response.

He said the answers from staff was that this project would not impact the Chapel.

Chair Rios asked how close it is to the Chapel.

Mr. Enfield said it is 20' from the Chapel which is exactly where the historic structure was.

Chair Rios asked how far back from property line the proposed building will be.

Mr. Enfield said it varies from 14' 2" to 27' at the northwest corner.

Member Roybal asked Mr. Enfield how many times he had been before the HDRB for this project.

Mr. Enfield said this is the fifth time in front of the Board. He said regarding the issue of the question #5 and 65' or 21' 11" height that it was two meetings ago, when he was tabled in May, 2016 - was when he received the statement about 65' as the allowable height for this building.

Ms. Gheen commented that in March, 2015 was when the District Court ruled on it and that decision referenced the 1986 height ordinance and one could say it was litigated up to that point. There was also an email from Assistant City Attorney Zach Shandler to the applicant and copies to Council and the Sommer/Karnes law firm, also answering questions of that at August 10, 2015 and from that date, the applicant was informed about that issue and Mr. Shandler sent it to Karl Sommer and Maggie Emerson.

Mr. Enfield clarified that what he was addressing was that they did not get a height calculation until April, 2016 for this property.

Mr. Rasch said the City Attorney determined last year that the maximum height is 21' 11".

Chair Rios asked if the applicant disputed that.

Mr. Enfield said yes. He presented in March 2016 and the Board "tabled" it because they wanted a recommendation from Legal regarding the height calculation. There was a lot of paperwork regarding this project. So he wanted to know when the height was calculated by Mr. Rasch.

Mr. Rasch said it was "sometime around May of last year."

Mr. Enfield said that up to that time, we did not know the allowable height was. It was not like they knew what it was in 1996 or 1994. But still, he was just asking for an exception to the height and everyone had agreed from previous meetings that 21' 11" was not appropriate for the size and scale and the streetscape. That is also in the minutes.

He asked the Board to remember that there is a lot of history on this site and a lot of discussion.

Mr. Enfield thanked the Board for allowing him to present this revised design in this fifth time here. At the end of the last meeting, the Board felt a 3-story building would be appropriate. He felt a 4-story building would benefit the site with a minimal 2,400 square foot footprint on the 4th floor which would be almost not visible. There was discussion about the fourth floor so he is presenting a four story building.

The new above ground square footage is reduced from 38,858 to 25,136 which is 13,322 less or a reduction of 37% and reduced the height from 63' to 47' 6" for a 15' 6" reduction or 25% and stepped it back on Water Street and Old Santa Fé Trail Side as requested by the Board. The majority of mass is now in the southeast corner of the site and is the least visible. It is what the model presents. By the reductions, he converted it from vertical to horizontal orientation. Page A-6, (page 42 in the packet) shows it.

He also did a rendering and prepared a model to show the Board. He handed out the rendering [attached as Exhibit 1 to these minutes.] He briefly described the pictures including a Cottonwood with a 5' circumference. From Old Santa Fé Trail, the majority of the view is the chapel are the trees and the chapel. The building is designed to be outside the tree dripline. The perspective is from the opposite corner. He demonstrated at the model.

Member Katz pointed out that Water Street doesn't go straight

Mr. Enfield said it is on the left where the old service station was situated.

Member Roybal saw a 3rd line and asked if the fence is eliminated there.

Mr. Enfield said there is a portion of the historic wall that would remain. Mr. Rasch showed it. Mr. Enfield said the stone wall is to be rebuilt in kind and all of brick wall remains. At the last meeting in May he had agreed to come with a project the City could be proud of. "As an architect, I am proud of this building and know it would complement downtown. Maggie Emerson would like to give a statement."

As for the exceptions, Staff has reviewed and found they met the criteria to grant an exception.

Mr. Enfield showed what was there before. He said he agreed to rebuild what was there before but was told it would not comply with the ordinance. The tower on it was close to 65'. You can see the 20' distance between.

Present and sworn was Ms. Maggie Emerson, who said she is part of the family that owns the chapel. She has heard lots of conversation - a lot of it revolves around status of Loretto Chapel. The Findings of Fact and Conclusions of Law stated that there is no evidence that the Chapel would be altered or changed and the denial of application was arbitrary and capricious and unlawful. Having said that, I totally get it. My personal assurance is that my family has owned the Loretto Chapel for 45 years. That's a long time. This is who I am and how I have spent my entire life. No one alive has done more than my father for this Chapel. When we first purchased it, the developers renovated it because it was literally falling apart. The wood was rotting; the floors were rotting; and it was falling down. There were five different types of wood used. They didn't have much money but it was restored with utmost detail. Wherever possible, if we could find photos or other historic information, they tried to make it as authentic as possible. I recalled as a child growing up

there, Hal Stewart arguing with the architect about it. The chandeliers were patterned after the Chapel - everything was done to detail. So, in that sense, I am my father's daughter and I was raised with Harold Stewart and I intend to maintain it." It was the stylized logo for the City's 400th anniversary. We take this really seriously. I expect nothing less of this building. We really want it to be wonderful and I have literally dedicated my life to the Loretto Chapel. I feel very strongly about this responsibility, to the people who come here; to the community - the historical, the architectural and the spiritual legacy of the Chapel. I take it very seriously. And I promise, I would never knowingly do anything around it that I thought in any way would harm it. I have a responsibility to my family, to the entire Loretto property, to the City of Santa Fe, and to the many visitors who come. I want to make the entire property a place people can come and feel a part of our community. What Mr. Enfield has designed is a wonderful and functional building we can all be proud of."

Member Roybal asked what is on the lot right now what it will look like with multiple vendors.

Ms. Emerson said part of it is market. Things have been on hold for 20 years pending an approved application. We want to master plan it. Right now it is just sidewalk and rock - 1' rock everywhere. Vendors set up and tear down every day. We have 12 regular vendors and part of our plan is to have a deep portal with room for vendors to stay in the shade.

Chair Rios declared a brief recess so those present could view the model

The Board recessed from 6:15 p.m. to 6:18 p.m.

Public Comment

Present and sworn "was Ms. Renee Holmes, P. O. Box 32381, Santa Fe, who introduced herself as the Events Coordinator for the Loretto Chapel. "My admiration, respect, and love for this family who have always had this property in the best interests. I'm here for a selfish matter. Among my responsibilities, the most gratifying is coordinating destination weddings. Couples come from all over the world to be married in this Chapel for its beauty and history. One of the most requested questions is, may we get ready at the chapel? I have to say no and offer alternatives. This building would provide a gathering of changing rooms for the bridal parties or a reception area, making it a convenient location to gather and enter the Chapel. Currently, I've worn out several pair of shoes walking in the gravel through the current vacant lot to make sure the grounds are perfect, free of debris and trash on the day of weddings. Currently, outdoor photographs are taken around the Chapel and amongst the wind sculptures. However beautiful the sculptures are, this area limits photography. A more tranquil setting in a private courtyard area would be even more appealing to these destination couples. This empty lot will create a viable new structure with common architecture, providing retail shops, space for current vendors with shelter, under the portal, residential units, and underground parking. It will also transform weddings as we see it now. With this structure, the Chapel will become even more popular. Let Mr. Kirkpatrick's dream become a reality. It's a win-win.

Present and sworn was Mr. Randall Bell, 314 Garcia Street, who said, "I'm sure the building

constructed will be well made and nicely detailed. But that is not what your decision is about tonight. Your decision is, can you overrun the important concern that the city established by creating the height ordinance? To do that, you have to see and make findings that each and every one of the six criteria have been met. I contend that there is no possible way the exception criteria have been met. I frankly am quite surprised that Staff have suddenly turned on the because, in May, Staff strongly objected to 3 of them. And now, suddenly, even though nothing has changed except a little reduction of the building. Staff has just decided that all the criteria have been met. I'm troubled by that, actually.

Just looking at page 7 in the packet at the preliminary zoning review, the application is for a 3-story building. So I'm troubled by the fact that the zoning worksheet, which gave preliminary approval of this for a three-story building and now you see a 4-story building. I also would ask Staff to address the question of lot coverage. According to the worksheet, this building will cover 69% of the lot and I would like to hear from staff and the board if that is allowable. [His two-minute time limit was up.]

He said, "This is a complex thing. Could I just quickly address a couple of things?"

Chair Rios asked if he could continue.

Mr. Bell said, I would just say that most of the criteria that have been addressed, speak to the issue of economics. Economics cannot be considered by this Board. Basically, what the applicant says is that they don't like that law, therefore it is a hardship. Therefore, we shouldn't have to go with that.

Present and sworn was Mr. Scott Tobey, 327 East. DeVargas Street, who said, "I'm not as concerned about the building as the ordinances of the height exception and use. I understand the need for it, particularly with sloping lots and such. About a month ago, this Board approved El Castillo raising their parapets by 4', grossly exceeding their height allowance. And from my review of the minutes, it was primarily based on their unwillingness to bear the extra expense and inconvenience of having to relocate the mechanical equipment that had been illegally located on top of the building and was visible. So they wanted to hide it because they needed to do a new roof. Their option was just to add another roof 4 feet above that and thereby, creating an attic space. And really, their only thought was to avoid the extra expense. So as Randy said, economics is not necessarily playing into it.

So as a result, I will lose my view of the mountains. I am basically their only residential neighborhood. So I'm going to lose my view of the mountains. And from my portal, when I sit there in the evening, I can see the mountains and I don't see their building because of the fence. And then they go up 4 feet and I'm going to lose the mountains and see their building. So I'll be here next year seeking a height exception for a higher fence so that I can obscure the building they have now raised. So you see these exceptions just Brown and pile onto each other. And pretty soon the whole city will go up, up, up. The ordinance is there for a reason.

Present and sworn was Mr. John Eddy, 227 East Palace, Suite D, who said, "Madam Chair, Board members, first, I wanted to commend the Kirkpatrick family for their stewardship of the Loretto Chapel and I doubt anyone in this room who does not feel the same. They have done a wonderful job of maintaining that building. But what you are considering here is the code. And I don't think the exception should be granted

on any like basis. I also support the previous two speakers. When I looked at the model, my personal feeling is that we are moving in the right direction with this. I also feel strongly that this Board asked the architect to come back with a design that was within 40'. But that has not been honored and we gone beyond that. That needs to be clear to everybody but that's kind of poor we are right now. When I look at the model, one thing that kind of jumped out at me is the southern elevation of the building being basically, 90 degrees straight to the top of the parapet. And I presume it is an elevator access situation because elevators don't like to set back. But when you look at this model, and you see the beautiful step backs of the Hotel Loretto is set back very delicately, wedding cake style away from the church. And the new design of this building does step back very delicately on all but this one façade and elevation and that one façade and elevation goes straight up. And I am troubled by that. I think that is a little threatening to the Chapel. I'd like to see more discussion on the exceptions and how that was granted by staff.

Present and sworn was Mr. Brad Perkins, 3 Camino Pequeño, who said, "I was very impressed with the lady's presentation of the family's loyalty to the Chapel and I'm sure that loyalty will be evidenced by the building that's going to be a wonderful building to live in and work in. However, I have not heard anybody in the discussion mentioned the precedent setting that would be involved by approving 49' when the code is 21' 11". The implications of that precedent would be around, inside the Peralta. Already, we see problems with a multistory building in the parking lot at First National Bank which is returning to condos. The building to the west of the Lensic Theater is also going to be populated with a building much above the code.

Santa Fe for my grandchildren will be a different place if this kind of deviation from the code of John Gaw Meem and others who dedicated themselves to this style is continually violated. It won't be Santa Fe."

Present and sworn was Mr. Peter Wurzbarger, 905 Camino Sierra Vista, representing La Fonda Hotel and accompanied by Ms. Jenny Kimball, 1435 Canyon Road.

Mr. Wurzbarger said, "we are taking the nuts and bolts approach as opposed to the big picture. As the design is presented, we have no comments about the height issues. That is for you all to decide. Our questions - we have a couple of questions, a couple of observations and a couple of requests. Questions are: Is there any rooftop equipment? Where is the mechanical equipment? What is the color of the roofing material and the decking on the upper residential areas? Observation: I think the garage has an extremely steep ramp going down. It is about a 12 ½% went. I am a little concerned that subsequently, the building may want to pop up to have less of a drop. So how that would be addressed down the road. Our request would be that the roof material be tan or brown and not white or silver. And if possible, that gravel be considered because often times on a roof, you will end up with a number of scenes, overlap scenes that later that asphalt or tar and becomes unsightly on the roof. We have a hundred rooms looking down on it. That's part of the reason for the question about the mechanical. The biggest massing concern here would be if you look at Water Street. And I believe that is mischaracterized on page 7 where it is called Old Santa Fé Trail. It should be Water Street. It's basically a 30' vertical façade on Water Street. And I realize, of course, that La Fonda is higher than that. But this 30 foot the side will cast huge shadows in the winter. Water Street will be a sheet of ice in the winter. If it would be possible to consider some sort of step back there, it would be appreciated - or move it 5' away from Water Street.

Present and sworn was Mr. John Smallwood, P. O. Box 450, who said, I'm here as a little more

progressive point of view. There is nothing in your packets that I'm going to address about the technical designs of the buildings. I've known Jim Kirkpatrick for almost 40 years. And it is ironic that the last large building that he built is commonly photographed as one of the most iconic buildings in the City of Santa Fe - The Inn at Loretto. I think that Jim is a steward of the Loretto Chapel. He won't do anything to affect the Chapel. He thinks a tremendous amount about it. It is not necessarily bad because it is new. And it's not necessarily something that should be voted down because it doesn't fit exactly into the right boxes. If it is a good design and if it is a conciliatory design the way Jim has made it, I think we should take a 10,000-foot view of this. He has been trying for almost 30 years to get this thing built and is here as often as possible to get it done. So rather than being on opposite sides of this, if there is a way everyone could just kind of come together and find a way to make that happen, I think that is the right approach."

Present and sworn was Mr. Michel Grover, 340 Calle Serape, who said, "I've been around the Kirkpatrick's for 15 years and as a chef on that property, I've seen them care for this property as well as anyone could hear for a property. I make soap and have the property inside the hotel that I sell soap at. But I'm also outdoors with the vendors and I know how the weather can get kind of crazy out there. The rendering shows a great portal that looks nice. I think it would be a safe place; a safe haven for the vendors in the future - as soap can't get wet. It's kind of crazy when it does.

Present and sworn was Ms. Stefanie Beninato, P. O. Box 1601, Santa Fe, who also wanted to thank the Kirkpatrick's for restoring and maintaining the Chapel and adding on to the hotel. She remembered when the hotel was first built, it was considered a fairly ugly building. Now with landscaping laws, of course, it looks a lot better. She also appreciated their efforts to change and respond to the Board's suggestions. However, she agreed that it is not about economics; it is about whether those exceptions were met. She asked what kind of precedent the Board wants to set? Do you want to allow more than a 100% exception? If the maximum is 40', then she thought it needs to be kept under 40'. She agreed with La Fonda's representative about the Water Street façade, that it is very straight up, creating an alley effect and should have more setback there. She actually thought if the whole building could go back, although they might lose some, parking, or if they could cut off the first parts of those portals so it is clearly level with the Chapel, it would help the streetscape and not overwhelm the Chapel. It is now smaller and more sensitive and more responsive to those suggestions but it still overwhelms the Chapel.

Present and sworn was Mr. Pen La Farge, 647 Old Santa Fé Trail = it is complicated so I would like to dedicate his two minutes to Randal Bell.

Mr. Bell, speaking again, said more specifically on the criteria for an exception, first item, that there is no discussion of the full context of the streetscape. It is just La Fonda and Inn at Loretto but there is a full block of low buildings across the street.

In the second criterion - to prevent a hardship to the welfare etc., the applicant claims parking is a hardship - Every developer has to deal with parking and if everyone was granted that hardship we'd have no regulation at all.

In the same criterion, height is noted as a hardship and that is straight on an economic basis. There is no ability allowed to make an economic analysis so that can't be accepted.

For #3, to strengthen the character, there are no residential places in that part of downtown so it is not a continuation of residences - but just a few high priced condos.

He said he could go on - #6 is also economic.

Mr. Randall's time was up.

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

Questions to the Applicant

Chair Rios said one person asked questions about the neighbors at La Fonda. So she asked if there will be rooftop equipment.

Mr. Enfield said no.

Chair Rios asked for the roof color.

Mr. Enfield said it would be tan.

Chair Rios asked if he is proposing underground parking.

Mr. Enfield agreed and noted that underground parking has been a part of it since 2004.

Chair Rios asked about the ramps.

Mr. Enfield said the ramp meets code and is off of a curb cut on Water Street. The number of spaces underground is 24. The mechanical - boiler and chiller are called out on the basement plan. There is no visible ductwork and only vents are visible on the roof.

Chair Rios asked him to describe the north and south elevations and whether they have setbacks.

Mr. Enfield said the north is set back five feet from the property line and the south is 15 feet. On the south, there is a small area with verticality on the southeast corner of the site and the rest is stepped back. It is all the way in the back and is a stair tower and elevator shaft which are required.

Chair Rios asked if the lot coverage is 69%.

Mr. Enfield agreed but added that there is no lot coverage requirement in this area.

Mr. Rasch agreed because it is in the BCD.

Chair Rios asked if the wall is all historic.

Mr. Rasch said he didn't know if the Board made it a contributing structure. He knew it is in great need of repair.

Chair Rios asked if the proposal would tear down any part of the wall.

Mr. Enfield said no and they plan to restore it. They never got permission to maintain it.

Member Roybal asked, going back to the exceptions, is Staff could state why all of the exceptions are accepted. He noted that Staff recommended they were all met but asked why they were not all met in May.

Mr. Rasch said, "You might regret my comments but here goes. Do not damage the streetscape. The last time the applicant was here, I remember an exercise where you had him put his hand along the five-story building and when I saw the three-story building, I felt that was not harmonious; when I saw the 4-story building, I felt it was harmonious. Also, I'm not so in favor of making a height calculation not based on all the buildings in the applicable streetscape. There are two very tall buildings. This building is much lower than those tall buildings. It is even taller than the Chapel ... I mean it is even lower than the Chapel. So the three adjacent large buildings – it is lower than that. I felt it did not harm the streetscape because the streetscape has many tall buildings. So that's number one.

Number two, they need a height exception, no matter what, even to go to three stories. So forget how tall it is. Do you want to give an exception to the height ordinance? In my opinion, 21' 11" seems low for this site because of the 3 adjacent very tall buildings

Number three is about the design options; not whether we can live there as residents. Number three is what are the design options available to you and why did you choose these options? And I felt that the applicant ... I've seen this application 4 times now since 2003 when I started. And I felt that each time, the applicant did hear the Board and tried to make the application better. And, in this case, they have heard all of the concerns about this structure. The building is very beautiful building. And the design options they chose worked for me. That tall elevator, yes I'd like it in the middle of the building instead of on that south side. But that south side is the least publicly visible.

Number four, as I mentioned earlier, the special conditions and circumstances which are peculiar. There has been 20 years of work going on. That's pretty peculiar, in my opinion. But I still agree that a height exception is necessary. In this board has to either approve it or not. And please feel free to disagree with me but be very clear how you do that.

Number five, conditions and circumstances which are not the result of the actions of the applicant. Again, I'm not so happy about the height ordinance eliminating actual existing buildings. I think that's a fault of the height ordinance. I think we should average all the buildings in the streetscape and be honest to it. The state ordinance does that. Why can't the entire historic ordinance do that?

And then finally, the least negative impact with respect to this section, this is a nice design of a Spanish

Pueblo Revival building. It does have setbacks that we need from the street frontage. I thought it met the intent of. So that's why ... I don't look to grant an exception. I actually clearly examine it to see where I can say no, you haven't met it. Because you hear that from me a lot. And you often disagree with me and say, or, there is. But in this case, I really felt they met. I really do.

Mr. Enfield said he has the drawings that were presented to the Board. "Your packet is not complete with previous meeting minutes or submittals - I don't know if your packets include those previous applications. I have the drawings if you want. I could show the 21- 11" - 3 story or 4 story.

Chair Rios said Mr. Enfield has been coming before the Board for the last four times. 2003 was the first and that is 13 years ago. We are not the bad guys. We are trying to be the stewards for this community to preserve what we feel is in accordance with the ordinance. No one questions that the Kirkpatrick's have been good stewards of the Loretto property. But as Mr. Smallwood says, we have to work together on a common understanding for what is in harmony with the ordinance and if we feel the exception has been met, then we go forward with this.

Mr. Enfield said he understood. "In 2004, it was denied and it went to a small committee of Board members and Cecilia Rios was on it and we came up with a design that the committee felt was ready to go to the Board. And I went to the Board with that design and was denied. That was a process of 2-3 months of working with a committee on the Board. So we have worked very diligently with the Board to get this approved. I've come for 30 years to this Board, and enjoyed every meeting and appreciated what the Board does. In this case, I battled with my client over the height of this building. And I told my clients I would present a building I would be proud to get built. Not one that was 65' or 50' but one I felt scaled good with the streetscape. I appreciate what David is saying about the exception questions because there are cases where it is okay to do it. I just want to remind the Board that there was a residential project on Camino del Monte Sol where the Board approved a 26' height in a residential district. That was just a few months ago. And that was for a residence in a single family district in the historic district. I questioned it because it is above the allowable zoning height of 24' for the area that it is zoned. And this is zoned for 65'. If you look in the book today, it says we are allowed up to 65' by zoning. So that's true. I understand the confusion with the height calculation. David may have made it in 2015. But I did not receive it until 2016. So until 2016, I didn't know the height of it - allowable. So that is where the confusion is. David may have calculated it for the attorney, but guess who they failed to tell? The applicant.

Chair Rios said the 65' is allowed under what ordinance.

Mr. Rasch agreed that in the BCD zone it is 65' but the historic ordinance trumps that height.

Mr. Enfield showed the 3-story design which is under the roof of the Chapel. He recalled Member Katz said he could live with a smaller 4th story and that is what they chose to do. It is a penthouse of 2,100 square feet with portales all around. By code, the two required exits have to be separated, half the diagonal, so he put them both at the back. But they can't step back an elevator shaft. So he put it on the southeast corner.

He showed the 4-story building which he thought looks perfect. He showed the 5-story and agreed it is

too big. And it looks vertical. All the rest are horizontally oriented.

Mr. Enfield thought he had addressed the setbacks so the only exception is height.

Member Roybal went back to Mr. Rasch's statement on the 21' height limit and thought that needs to be adjusted for this building where there are significant taller buildings on this streetscape and that is very important.

Mr. Rasch said the 1996 height ordinance is a very important law for the historic district. But he loved it and he hated it and he didn't want to change it. The "green folks" believe it should be higher and denser. He disagreed with that. From a preservation point of view, this is not a skyscraper city.

He added that, "At national historic preservation conferences, people say I'm out of my mind when granting a 14' height exception. The west side of Old Santa Fe Trail here is 14' but the east side is over 50'. It is a disparate streetscape. So I have mixed feelings about the height ordinance. And I think we need a community discussion about it. But it is extremely important to keep buildings low.

Chair Rios said that is why the higher buildings were excluded.

Member Roybal said, "I understand that but there are already significant taller buildings and it wouldn't interfere with any significant buildings around it. I understand the ordinance but the Board does have authority to grant an exception to something in the downtown area when it is adjacent to buildings that are taller than the 21' 11'."

Member Katz said, "My problem is the streetscape. I'm sitting here looking at the very large Inn at Loretto. As you come down Old Santa Fé Trail and stop at the Alameda. You look across and you see virtually the entire Chapel with a very large building at however many feet high it is, not infringe on the Chapel. And I understand the restrictions on coming the other direction, I mean on the other side. They don't have the depth on the lot to set it way back. My concern is that from the corner of Water Street and Old Santa Fé Trail where the steps and the wall are = the current design blocks all of the Chapel but the front façade. And I can understand wanting the height in the back, making up the space that I think still needs to be ceded so that at that corner, as you walk from the Plaza, you walk along Old Santa Fé Trail along La Fonda, you turn left to go to the crosswalk that crosses right to this property and suddenly the Chapel has disappeared – everything except the front façade of the Chapel. You don't see a pretty view of the windows or anything else. I cannot support this design. I think maybe the next one I could. I think it does that ... It needs to be cut back – that southwest corner more. And I think one of the things that I've heard discussed is a great deal of concern about having something for the vendors – perhaps an open area there. It could even have a roof that didn't ... wasn't a thickness that you get when you do a portal on the top of a portal. But, to me, that is the problem with this design. And I think that the building, qua building is fine. But it is ignoring exactly where it sits. And I think Eric has always said 'Oh, where you really need to make that view is from the southwest corner of La Fonda. But that's not where people ... I mean people stop there, but they keep walking closer and you don't get to see the Chapel when you get to the intersection that I think people will be walking up and down the east side of the Old Santa Fe Trail in front of this4 new building, in front of the Chapel, and in front of the Inn at Loretto. That's my really big problem with

this. And there are all sorts of reasons that the speakers are absolutely correct about that the exceptions are based on economics, not on something that we should consider. And I think that that's, you know, yeah. The bigger they can make the building, the more money they would make. The bigger that they can make the building, the more they can offset the costs, the extra costs of putting the parking underground. We've seen that song so many times and so often where I think the Board makes a mistake in giving just a little bit too much. So the building is just a little bit too big, blocks things ... I mean, we all lament the loss of the view west from Palace Avenue that was blocked by the Eldorado Hotel. And we realized after it's gone, it's gone. And I would like to not see us make that mistake here.

Member Roybal said, "Eric, can you address this thing on economics. I don't totally agree with that. I think the Kirkpatrick's have spent so much time and effort onto this, I don't think that plays into it.

Mr. Enfield said there is no mention of economics in his letter; it was all about the design of the building and making it fit on the site. The Inn at Loretto was set at the center of the site because they chose not have underground parking. So they had to put parking all around the building, Jim Kirkpatrick reserved these development rights for a future structure and has been coming to the HDRB since 1994. That was Harold Stewart's first presentation with a torreón. He also mentioned that the Taos Pueblo, a World Heritage Site, one of 23 in the United States and it is a four-story structure and occupied for over a thousand years continuously.

He said he appreciated Member Katz' concerns. It sounded like he would like it set back further from the street.

Member Katz disagreed. He just needed to cut or set back the southwest corner a little more. It might mean sacrificing the size of one of the retail spaces on the first floor. It might mean making the size of the apartment on the southwest corner a little smaller to at least get a view of at least one of the windows. They are sweet on that building. "I just think that you haven't quite given the Chapel the respect that it needs from the size of the building proposed next to it.

Ms. Emerson responded and said, "I appreciate your concern. I just want to address that when the story poles went up, I very thoroughly walked, took pictures, and looked at the view, in part because in 1879, my Dad, Harold Stewart, and John Gaw Meem stood on the corner of the Kessler gas station where the vendors are over there on Old Santa Fe Trail. And they were very specific. There is a Master Plan for the entire property that was done in 1971 including a building on that corner. And John Gaw Meem stood there and agreed on the sight line. And you will see on your plans, there is a sight line. That is in every single set of plans we have ever done because we feel that was what was agreed upon. We will always, always honor that. Having said that, we have also gone to every ... I tried to see corner in the pattern of traffic. I think the corner you are talking about... Once you get there, you have already seen it. You come around that corner at La Fonda; that's where you see the Chapel. And with the story poles up, and I looked, not only do we keep the original agreed upon sight line, but you can see the whole top part of it and back to that first beyond that – what is the name of that thing that sticks out? [inaudible] thank you. So you can see beyond that. So I did walk it and we are aware of that sight line need because of our original agreement."

Chair Rios said, "Eric, you sounded like you were open to moving the building back. Is that true?

Mr. Enfield said, "I run out of room. You are talking about setting the building back further from Old Santa Fe Trail.

Chair Rios agreed.

Mr. Enfield said, "I'll just tell you, unfortunately, that is not in your purview – setbacks. That is controlled by Zoning only, not the Board. It specifically states that in your own code. Do you want me to read it – where setbacks aren't under your jurisdiction? This is Section 14-5 A-5. It says, *Zoning District Regulations: The property in a historic district shall be subject to the requirements, uses, and other regulations of the zoning district, of which the property is a part, except for height.* So everything else in the zoning is controlled by Zoning. The only control the Board has is height regulation, subsection 14 5.2 (D). And that specifically says it. So all the other items in zoning are not in your purview. Stepbacks of the building are, massing is, but not setbacks. Those are controlled by zoning only - the underlying zoning. And we have no setbacks and I have set this building on every property line.

Chair Rios asked Ms. Gheen if she agreed with that statement he just made.

Ms. Gheen thought for purposes of harmony, the Board can still require that.

Chair Rios said, "Exactly."

Mr. Rasch said, "It is true that you cannot be more restrictive than the zoning code. And that means, if a setback is five feet, you could not allow it at four feet. But I think you can say, for harmony reasons, it needs to be twenty feet. I think you have that authority. You can't be more restrictive than the zoning code.

Ms. Gheen said okay.

Mr. Enfield said he would like to ask the City Attorney if she agrees with that.

Member Katz said she just did.

Ms. Gheen said, "As I said before, under harmony, the Board could act in that way.

Member Katz said, "And that was exactly my argument, Eric, is that the harmony with the other side of the Loretto Chapel gives it a certain degree of not being crowded and this building crowds it; it crowds it too much and it's not harmonious.

Member Powell said, "I want to address the elephant in the room. We obviously have heard from the public and I find it a little frustrating. Don't get me wrong, I think the design has come a long way. It looks great. Last time, we spent an hour to an hour and a half on May 24th deciding height. And Mr. Enfield in the minutes, - I'll read them to you. Mr. Enfield thought the biggest thing he could do tonight on May 24 was to find it a compatible height. It would be best to get a height from the board and then design it. So we've given you a height. We deliberated an hour over that - all of the drawings that were rehashed and you

showed them to us. We had all come as a community, the Board and the public to agree that 40 feet, three stories, we thought was the maximum height that should be on that site. We were at 36 and you asked for a more generous ceiling heights because it's not the commercial property they had before. So we thought we were being ... Were making concessions. So I'm wondering why we are back here with a design of 41 feet and 4 floors? When I look at the drawing here, you've kind of cropped off the elevator shaft. That elevator shaft, particularly the fourth floor, the larger part of it is sort of what is dominating the building and the Chapel. The Chapel is 52', right?

Mr. Enfield said it is 58.

Member Powell said, "It says 52' in our packet. So you are proposing a 49' building. And what we had hoped to establish one's a 40' building which, again, we thought was being generous because the height restriction is 21' 11" - probably too low, I would agree, particularly by the rendering that you showed us of two stories. We thought that 40 was sufficient and very generous. So I'm wondering why we are rehashing that.

Mr. Enfield said, "Because you didn't give me a height exception in the last meeting."

Member Powell said, "That is a height exception."

Mr. Enfield said, "No. You didn't give it to me. You didn't give me a height in the last meeting."

Member Powell said, "That's because we didn't have a set design."

Mr. Enfield said, "Well, my argument in the last meeting was, if you guys give me a height, I'll design to it. And you didn't approve an exception for height.

Member Powell it was a height, based on the public and the Board's input.

Mr. Enfield said, "But what you are not reading are all of the notes, including the note where Frank said he could live with a 4th story if it was a small 4th story and put in the southeast corner."

Member Powell said, "One person doesn't constitute a majority."

Mr. Enfield said, "Oh, I know. I know that. My apologies. It's not a three-story building. I have already sent a three-story building to the Board that was denied. It was past history."

Member Powell said, "It's hard being put between a rock and a hard place."

Mr. Enfield said, "Yeah. I understand."

Member Powell said, "We are stewards of the community and we said a three-story building. If I would make a motion tonight, I would move to approve a 3-story at 40' and to come back with a design. Would you like for that to have happened?"

Mr. Enfield said, "Well, in the last meeting, I asked for a height and there was discussion all over the board. Buddy mentioned 50 feet. That was the letter that says that and come back with a three-story structure. But there was no vote on the height exception so I still didn't know how high the Board was going to allow me to go and the last time when I brought a 3-story building that I worked for two months with a committee on, the Board denied it."

Member Powell said, "I'm just frustrated because we spent hours on this last time. And now were spending more hours again on it and I don't understand where we are going with it."

Mr. Enfield said, "Here's all you can do. All you can do is to vote on what I have presented tonight. And that's what we are asking you to do. I'm not concerned about taking more of your time on this. Because I think that Frank is pretty clear about where he stands; you are pretty clear about where you stand on this. And if it's no – this building is not approved, that's fine."

Member Powell said, "Again, I have to work with the community on it."

Mr. Enfield said, "I understand. And I am okay with it. If I get denied tonight, then I'm fine with it. It is your choice. I've presented this building in a number of different ways. The client wants a vote either way – yes or no. That's what the client wants. So you guys can do that. So go ahead."

Member Biedscheid said, "I'm looking at this from an ordinance perspective and I haven't heard anything in the last hour. But contrary to the exception criteria, I have to say that I agree with staff, suggesting that the criteria was met. I did expect to see a three-story design based on the last meeting. I recognize that you've been here in the past but that was to a different board composition. I've been a Board member for a little over a year and, although I have seen it twice, I have not seen a 3-story building design to consider. I am still interested in that."

Mr. Enfield said, "Well, that's why I wish that everything that was in the past history was in your packet. Because all you guys have in your packet is this most recent submittal. And you don't see the evolution of the building from 5 to 3 to 5 to 4. My client is just trying to find a place he can be. That's all. And you guys can help me by voting yes or no."

Chair Rios believed the three-story building was a suggestion. That was not anything set in stone. Correct?

Mr. Rasch said, "No. That is the action of the Board to resubmit a 3 story building."

Chair Rios said, "So it was a motion."

Mr. Rasch agreed.

Chair Rios said, "Okay. So Will does have a very valid point."

Action of the Board

Member Katz moved in Case #H-04-076, at 201 Old Santa Fe Trail, to deny the application on the basis that the exception criteria have not been met. He made a finding that it is not necessary to prevent a hardship to the applicant because the only hardship there is an economic hardship and that is something that, under law, they don't get to use to trump historic standards.

Member Katz said, "It is a small lot and a certain parking amount is required so only an underground parking works so they have to build a bigger building, and so it goes until they have four stories. That is all economic. That was for exception 2. The first one is *Does not damage the character of the streetscape*. I would make a finding that it does affect the streetscape because it so closely crowds the chapel and makes it not stand out the way it does from the other side – from the south view. It crowds it from the north side. On the third criterion, *strengthen the heterogeneous character of the City by providing a full range of design options*. Well, there certainly is a design option that would not violate the height ordinance and they could still go build a building there. They could still have retail there which is what you have across the street – is a bunch of retail. So I don't think it would block them from using their site. It would not be as big a building. They couldn't have as much stuff there. Yes, we understand that. *The special circumstances that are peculiar...* It is a small lot and that does limit what they can build, but I don't know that there is any special circumstances to the lot. It's not like there is a big arroyo through it or it's cut off. It's just the size and that would inform what can be built on it. *Number 4, Special circumstances, not the result of the actions of the Applicant* - Well, to some extent that is true. It was the City Council that passed the height ordinance but my comment earlier, I would reference that we don't get a guarantee that we get to have all the rules stay the same. And, even though it is not the action of the Applicant, it was the action of the City Council to impose a height ordinance. We have to live with that. And I don't think that provides a basis for an exception or else, everyone would have an exception to a new ordinance on property that they owned at that time. *Finally, the least negative impact* – I don't believe I would find that this is not the least negative impact. The building can be less intrusive; less blocking of the chapel, less crowding of the chapel.

So, on that basis, I would find that because the criteria for the exception have not been met, the building does not meet the height ordinance, and I would move to deny the application. Member Biedscheid seconded the motion.

Discussion on the Motion

Member Powell said, "I would like to raise something. This might be a friendly amendment but since I think that we are in agreement that the building has come a long way in design, I'm wondering if it would be more advantageous to the Applicant and his client if we postponed this to reflect a 3-story building with a maximum height of 40'. I'd like to entertain that friendly amendment.

Member Katz said, "I think that depends on whether the applicant...

Member Powell said, "I just think they have been at this long enough that we should try and make this as painless as possible. And I think we have made a lot of headway."

Member Katz said, "I'm willing to accept that as a friendly amendment.

Chair Rios said, "So rather than a denial, this would be a postponement>

Member Katz said, "I would rather that way. But I don't think the applicant wants to go that route.

Chair Rios said it is not up to the Applicant. The Board has to make a decision here. And it is either approval, denial or a postponement.

Ms. Gheen said, "There is another option. You may consider withdrawing the motion and discuss it and then put it back.

Chair Rios asked if he wanted to withdraw his motion.

Member Katz said, "I would temporarily withdraw my motion."

Member Powell said, "I guess the point is, we have been down the road and we made a decision already. If we stick with the decision, the design work should follow. We asked for something."

Mr. Enfield said, "I would come back with the same building."

Member Powell reasoned, "So you want to be denied."

Mr. Enfield said yes. "I would come back with the same building.

Member Powell said, "Well that makes it pretty easy."

Mr. Enfield said, "That's where we are.

Member Katz moved again to deny the application. Member Biedscheid seconded the motion and it passed by majority (3-1) voice vote with Member Roybal dissenting.

2. **Case #H-16-069. 715 Gregory Lane.** Don Gaspar Area Historic District. Christopher Purvis, agent for Jack and Elaine Fisher, owners, proposes to construct a 2,915 sq. ft. residence to a height of 14'0" on a vacant lot where the maximum allowable height is 16'1". (Sobia Sayeda)

Ms. Sayeda gave the staff report as follows:

BACKGROUND & SUMMARY:

715 Gregory Lane is an 11,347 Sq. Ft. vacant lot in the Don Gaspar Area Historic District.

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

1. Construct a 2,915 Sq. Ft. single family residence with attached two car garage in Territorial Revival style to a height of 14'-0" where the maximum allowable height is 16'-1". Stucco is proposed to be El Rey cementitious "Buckskin" color, brick coping is "Endicott Ironspot" Windows, doors, trim and garage doors are wood clad painted "white" color.
2. Skylights are proposed and will not be publicly visible.
3. An entry portal on the west elevation is proposed, wood elements and detail is proposed to be painted white.
4. A portal on the east elevation is proposed, wood elements and detail is proposed to be painted white. Three proposed skylights will not be publicly visible.
5. An entry portal on the west elevation is proposed, wood elements and detail is proposed to be painted white.

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 (H) Don Gaspar Area Historic District Standards.

Questions to Staff

Member Biedscheid asked how consistently garages are attached on the streetscape.

Ms. Sayeda said the streetscape has garages throughout on both sides. Some are one car and some are two-car garages but they are all attached, not free-standing. So this is fairly harmonious to the streetscape.

Chair Rios asked if in this case, the garage is in a different plane.

Ms. Sayeda agreed.

Applicant's Presentation

Present and sworn was Mr. Christopher Purvis, 200 West Marcy, who explained that this is only 1800 sq. ft. of heated space. The roofed area is 2,900 square feet including the garage and portal.

Mr. Rasch said the staff report always provides the size of the roofed area.

Questions to the Applicant

Chair Rios asked if there would be no rooftop appurtenances.

Mr. Purvis agreed. His plan showed where they put the condensers.

Public Comment

Present and sworn was Mr. Steven Fisher, 727 Gregory Lane, who said he completely supports the proposal. It is consistent with other houses in the Don Gaspar Area Historic District. The design details are understated and elegant. And the residence, unlike two other new houses on Gregory Lane across the street will occupy a reasonable percent of the lot. He said he is not a fan of double-car garages in the district because very few contributing houses have them. And where they exist, they are almost always at the rear of the lot. Most are single set back and a couple of double car garages set way back. And one of the dreadful new residences, was approved recently with a very ugly double garage right at the front of the lot, which is very unfortunate. Mr. Purvis did his utmost to minimize the disability of the garage at 715 Gregory by placing it as far north and as far back on the lot as possible.

From his standpoint, Mr. Fisher said it would be great if the garage doors opened out rather than up. But he understood that might not be feasible. He and 20 other neighbors objected strongly to those two new houses but he strongly urged the Board to approve this one.

Ms. Beninato (previously sworn) thought this is a design that works well in the South Capitol area. She said she was the only one who supported the other two projects there. Having uniformity is not really characteristic of the Don Gaspar District. Rather, diversity of style is characteristic. She had no objections to this but the idea that it has to conform in an undeveloped area isn't appropriate. It is not a historic street so she said to let people be diverse. It is several lots on a dead end street.

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

Action of the Board

Member Roybal moved in Case #H-16-069, at 715 Gregory Lane, to approve the application as recommended. Member Katz seconded the motion and it passed by unanimous voice vote.

- 3. Case #H-16-070. 442 Camino de las Animas. Downtown & Eastside Historic District. Jim Swearingen, agent/owner, proposes to construct a 360 sq. ft. attached garage on a non-contributing residential structure. (Nicole Ramirez Thomas) POSTPONED INDEFINITELY**

Ms. Ramirez Thomas reported that this case is postponed indefinitely.

4. **Case #H-16-071. 1112 Camino San Acacio.** Downtown & Eastside Historic District. Architectural Alliance, agent for, Nancy Cook and Ed Breitenger, owners, propose to replace windows and construct 286 sq. ft. of additions on a non-contributing residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

1112 Camino San Acacio is a single family residence constructed in the 1990s. It is constructed in the Spanish-Pueblo Revival style and is noncontributing to the Downtown and Eastside Historic District.

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

1. Extend the existing west portal off the dining room to create a new dining portal. The dining portal will have a kiva fireplace and (2) new skylights. Add new 2'-6" portal wall. The dining portal will be a 114 square foot addition.
2. The master bathroom will be remodeled and an addition of 52 square feet will be added to the south of the existing master bathroom.
3. Remove existing French doors on west façade of the master bedroom. New French doors will be on the south façade under a new master bedroom portal. The portal will use an existing yard wall. This existing yard wall will be lowered to 6" above higher grade. Portal will be 120 square feet.
4. On the south elevation, add an overhang of 4x8 wood beams and 2x2 metal purlins. Depth of the overhang will be 2 feet deep.
5. Replace some existing windows in existing locations. Add new divided lite windows. Add (2) skylights in existing skylight location in master bathroom. Add (5) new clerestory windows to master bedroom. Stucco over lintel of existing clerestory windows on north elevation and south elevation.
6. Construct a 4'-0" high stucco masonry yard wall along a portion of the west and south property line. Addition of new gates along the east portion of the new wall to access the back area. Gates will be of rusted steel.
7. Lower existing 4'-0" yard wall off master bedroom to 3'-0", remove a portion to add a new gate, and new stairs to connect the dining portal to the master bedroom yard area.
8. Remove all the existing coyote fencing on top of the existing stucco masonry yard wall.
9. On the garage, remove existing door and replace with a new window.

10. Stucco will be elastomeric "Pueblo."

11. Window cladding will be "Hemlock Green."

12. Wood trim color will be "Basil."

STAFF RECOMMENDATION:

Staff recommends approval as the application complies with 14-5.2 (D) (9) General Design Standards for All H Districts Height, Pitch, Scale, and Massing and 14-5.2 (E) Downtown and Eastside Design Standards.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Mr. Eric Enfield (previously sworn) stood for questions.

Questions to the Applicant

Chair Rios asked what Hemlock Green is.

Mr. Enfield said Ms. Ramirez Thomas has the color chip. It is like Sage Green and it matches the color on the house.

Member Katz commented on the black and white packets and asked if there is any reason why the on-line packets couldn't be in color.

Mr. Rasch explained that the files become too large for their server to upload them.

Mr. Enfield showed the color version to the Board.

Chair Rios asked about the skylights.

Mr. Enfield said they are not visible and just to allow light in.

Public Comment

There were no speakers from the public regarding this case.

Action of the Board

Member Katz moved in Case #H-16-071 at 1112 Camino San Acacio, to approve the application as recommended by staff. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

- 5. Case #H-16-072A. 203 Canyon Road. Downtown & Eastside Historic District. HPD Staff proposes a historic status review of a non-statused non-historic non-residential structure. (David Rasch)**

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

203 Canyon Road is a non-residential structure that was constructed after 1989, as evidenced from photographs in HPD files and as stated by the applicant in 1993, in the Territorial Revival style. The building has no assigned historic status in the Downtown & Eastside Historic District.

STAFF RECOMMENDATION:

Staff recommends non-contributing historic status due to the lack of a historic date of construction.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Present and sworn was Mr. Craig Hoopes, 333 Montezuma who had nothing to add to the Staff report.

Questions to the Applicant

Chair Rios do you agreed with the Staff recommendations.

Mr. Hoopes agreed.

Member Katz questioned why this case is on the agenda.

Mr. Rasch said it is because Staff cannot assign status. He separated it out to make sure.

Member Powell asked if it has never come to the Board.

Mr. Rasch agreed but it needs a status before a remodel can be approved.

Public Comment

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

Action of the Board

Member Roybal moved in Case #H-16-072A at 203 Canyon Road, to designate the structure noncontributing due to lack of date of construction. Member Powell seconded the motion and it passed by unanimous voice vote.

- 6. Case #H-16-072B. 203 Canyon Road. Downtown & Eastside Historic District. Hoopes and Associates, agent for Ed and Kiyomi Baird, owners, proposes to remodel a non-contributing non-residential structure. (David Rasch)**

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

203 Canyon Road is a non-residential structure that was constructed in the late 20th century in the Territorial Revival style and it is non-contributing to the Downtown & Eastside Historic District.

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

1. Portals along the west and northeast corner of the building will be removed. Additional square footage will be added at the northeast corner. Two small entry portals will be constructed at the northwest and southwest doors.
2. Doors and windows will be removed and replaced with some opening dimension and location changes.
3. Finish colors will be El Rey cementitious "Sahara" stucco, "Bone White" metal trim, and "Black" portal posts.

STAFF RECOMMENDATION:

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

Questions to Staff

Chair Rios asked if Staff indicated the height.

Mr. Rasch said it remains at 17'.

Applicant's Presentation

Mr. Craig Hoopes (previously sworn) said the photo shows this building to be a very dark looking ominous entry to Canyon Road. He is trying to make it more open and appealing with increased sidewalk by eliminating the forest of columns existing on Paseo and to be able to see the artwork there.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Present and sworn was Mr. Paul Holton, 1237½ Cerro Gordo Road, who said he briefly wanted to echo Mr. Hoopes' comments. This is important as an entry to Canyon Road. He has lived here since 2001 and likes art and goes by there a lot. But he never went in because he couldn't tell if it was even empty. The Bairds who own it will make a great contribution to the City with this project.

Mr. Eddy (previously sworn) said he hadn't studied the application as well as the Board has. But he saw removal of the portales, which are an important part of vernacular style, and it is in a very high visible area. He would like to see a discussion of those portales and their nature. Essentially, that takes the building to a much more modern adobe look. It should be looked at carefully.

Chair Rios asked if it is moving to a new style.

Mr. Hoopes said it is not. It keeps the Territorial style and that is not changing. They are keeping the brick coping everywhere. It is a more austere version because of removal of the portales. He thought what is important at Canyon Road is to be invited to go down that street and dark buildings hide the invitation so they are trying to create a more congenial building in the streetscape and by doing so, invite the public to

participate in the finest street in Santa Fe.

Chair Rios asked Staff to point out the new entrance to the building.

Mr. Rasch did and said there are several entrances.

Mr. Hoopes said, "And we have this one here."

Chair Rios asked him to describe the elevation.

Mr. Hoopes said the entrance is on the west elevation and there is another under the portal on the southwest and on the northwest elevation. The corners have entrances along the street. The current entrance is on Canyon Road but you would never know it. One other is on the back side of the building. We are opening it up to make it more inviting along the streetscape.

Mr. Rasch said a portal has to be four feet deep and have a roof.

Mr. Hoopes said they would comply with that requirement. He added that the windows are also deep set 3' feet so light and shadows are cast because of the architecture so it is not a flat façade.

Ms. Beninato (previously sworn) said he has gone into that building many times and didn't find it uninviting and she did know where the entrance is. She thought it is a question of the look you want to have with a long portal for historic buildings and if there enough light where it is not a flat façade. It is the Board's decision if you want the historic look or the more modern commercial look. It is what you think is in harmony with street. It sticks out there all by itself.

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

Action of the Board

Member Biedscheid thought this design is reflective that Canyon Rod is eclectic with a range of art. She didn't think this is a complete departure from Territorial.

Member Biedscheid moved in Case #H-16-072B at 203 Canyon Road, to approve the application as it complies with Section 14-5.2 (D) (9) and (E). Member Roybal seconded the motion.

Member Katz personally, thought the proposed design was very attractive and he liked this style but he heard the views that it doesn't fit in. He never felt this building was dark but the picture looked dark. It might be improved by a skylight over the door. And it might not be appropriate there.

The motion passed by majority (3-1) voice vote with Member Katz dissenting.

7. **Case #H-16-073A. 320 Paseo de Peralta. Downtown & Eastside Historic District. HPD Staff requests a historic status review of a non-contributing non-residential structure. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas said the applicant was present earlier but not right now.

Member Biedscheid moved to table both #H-16-073A and #H-16-073B to the end of the agenda. Member Katz seconded the motion and it passed by unanimous voice vote.

8. **Case #H-16-073B. 320 Paseo de Peralta. Downtown & Eastside Historic District. Santa Fe Sustainable, agent for FFT LLC, owner, proposes to replace windows and construct a 168 sq. ft. portal on a non-contributing, non-residential structure. (Nicole Ramirez Thomas)**

Member Biedscheid moved to table both #H-16-073A and #H-16-073B to the end of the agenda. Member Katz seconded the motion and it passed by unanimous voice vote.

Break at 8:01 to 8:05.

9. **Case #H-16-074A. 4 Placita Rafaela. Downtown & Eastside Historic District. HPD Staff requests assignment of primary elevation(s) for a contributing residential structure. (David Rasch)**

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

4 Placita Rafaela is a single-family residential structure that was constructed in a simplified Spanish-Pueblo Revival manner in 1928. No historic windows are retained. Other alterations include the non-permanent partial enclosure of the front portal. No other alterations are apparent. The building is listed as contributing to the Downtown & Eastside Historic District, but no primary elevation(s) have been designated.

STAFF RECOMMENDATION:

Staff recommends that the street-facing façade, elevations 1-3 of 6 including the front portal, be designated as primary elevations due to character-defining massing and good historic integrity

Questions to Staff

Member Biedscheid asked Staff to please indicate with a pointer which elevations ones are recommended as primary.

Mr. Rasch pointed them out as #1, #2, and #3, including the portal.

Chair Rios asked for a description of that portal.

Mr. Rasch said it is a typical Spanish portal. The north side is closed with latillas and the street-facing with a temporary material.

Member Katz was puzzled at wanting to make that primary, especially with all the things she wants to do there. Why does Staff want it to be primary?

Mr. Rasch said it needs to be somewhere with character-defining features.

Member Biedscheid asked Mr. Rasch if it was his understanding that the north façade with the small window was original to the house.

Mr. Rasch agreed.

Applicant's Presentation

Present and sworn was Mr. Mark Naktin, who stood for questions.

Questions to the Applicant

Chair Rios said Staff indicated 1, 2, and 3 as primary elevations. She asked if he agreed with that.

Mr. Naktin said he would have to agree.

Public Comment

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

Action of the Board

Member Powell moved in Case #H-16-074A at 4 Placita Rafaela to approve as submitted with elevations 1, 2, and 3 designated at primary. Member Biedscheid seconded with an amendment to include the portal. Member Powell agreed it was friendly and the motion passed by unanimous voice vote.

9. **Case #H-16-074B. 4 Placita Rafaela.** Downtown & Eastside Historic District. Chateau Construction, agent for Mary Sanchez, owner, proposes to remodel a contributing residential building including replacing non-historic windows, installing a door opening on a non-primary elevation, enclosing a portal and constructing a 24 sq. ft. shed to a height of 8'. An exception is requested to enclose a portal (Section 14-5.2(D)(4)). (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

4 Placita Rafaela is a single-family residential structure that is listed as contributing to the Downtown & Eastside Historic District. The applicant proposes to remodel the property with the following four items.

1. The front portal will be enclosed. The entry door and "sidelites" will be divided-lite with a screen door designed by Carlie Carrillo and the latilla grille on the north elevation will be replaced in-kind. An exception is requested to enclose the portal (14-5.2(D)(4)) and the required exception responses are at the end of this report.
2. Windows and doors will be repaired or replaced. The primary elevation east window will be replaced with non-divided lites that do not meet the 30" standard and an exception has not been requested. Instead, a wooden grille will be applied on the exterior of the window. This treatment does not alleviate the 30" standard violation. Also, a pedestrian door will be installed on the south non-primary elevation.
3. The building will be restuccoed with El Rey cementitious "Adobe".
4. A 24 square foot free-standing shed will be constructed in the south yard to a height of 8'. The color of the wooden door was not specified. The shed finish will match the residence.

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:

(4) Porches and Portals

Existing porches or portals shall not be enclosed.

EXCEPTION TO ENCLOSE PORTAL (14-5.2(D)(4))

(I) Do not damage the character of the streetscape

The applicant only seeks to improve the character through restoration and cleanup of clutter. The house will be brought to such a level of good repair that it will be an asset to the neighborhood. The original structure will remain relatively the same.

Staff response: Staff does not agree with this statement, since the portal is a character-defining feature that will be changed with this proposal.

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

The applicant is a senior citizen on a fixed income, and as such, the house needs modernizing with a proper laundry room and the relocation of the existing refrigerator from portal to kitchen without the added expense of an addition. Given the small footprint on a small property with little room left to expand due to setbacks, the best solution for expansion is to enclose the existing portal, which had been already partially enclosed with lattice by a previous owner.

Staff response: Staff agrees with this statement.

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

During the design process all options were considered to provide the additional space. We looked at adding onto the existing structure but it negatively impacted the size of the yard. Adding a second story was not a practical or sensitive option. Renovation and enclosing the portal assures that the owner can live within her means through the more affordable solution that not only maintains the current yard but the original character of the building.

Staff response: Staff partially agrees with this statement, but the original character will not be maintained.

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

The property is very small in proportion to the already small house. Maintaining what little yard currently exists is important to the applicant and neighborhood. Unlike other homes on the street this home has direct exposure to street without a wall or another screen. There is no privacy. Neighboring properties are all larger with walls and front yards.

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 house is just as the applicant received it. As such, the current condition of the refrigerator being outside in a makeshift semi enclosed portal space was the solution of the previous owner when dealing with lack of storage space.

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)

Ultimately, security for the applicant when the portal is no longer accessible by the public and a cleaner looking street view for the neighborhood.

Staff response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff finds that the exception request to enclose the portal has not been met, but the Board may find that the exception has been met after additional information or testimony is submitted. Otherwise, staff recommends approval of the application which complies with Section 14-5.2(C) Regulation of Contributing Structures (D) General Design Standards, and (E) Downtown & Eastside Historic District with the condition that all publicly-visible windows shall meet the 30" lite standard.

Questions to Staff

Chair Rios - which are now primary - Mr. Rasch -all east facing and the north part on the left side.

Member Katz - can you go to page 25 - confused on 25 and 26.

Mr. Rasch - on 15 8-lite window is main door but on 26 you see the screen door.

Member Katz - thanks.

Member Biedscheid - in the recommendation you add a condition - what windows do that apply to.

Mr. Rasch - is was on east elevation - they just asked ?? And they met it with new design.

Member Biedscheid - response to #1 - you indicated that it did not meet the criterion - is there any change to the portal you would see as acceptable -

Mr. Rasch - you will be seeing another case that sees enclosed in a district where you don't need gazing.

That option doesn't work here.

After What Mr. Katz said - I'm not sure it is not very contributing.

Member Biedscheid - would a smaller portal work?

Mr. Rasch - the possibility of placing the enclosure behind the wall might help to retain the character and massing.

Chair Rios - what size.

Mr. Rasch - it is small - their refrigerator is on the porch.

Member Katz - I'm confused by your statement that it is >>> whereas the next one is not.

Mr. Rasch - in this case, since it has been partially enclosed is that neighbors have been used to having it not open. And >>>

Applicant's Presentation

Mark - the issue with the portal is obviously the need for space and the owner is passionate about keeping it in character. It is at the end of a dead end street. The owner does have the fridge out there and the only reason - Otherwise - everything we are proposing we believe is an improvement -it is in a state of disrepair now and this would make it better. It is only 800 square feet.

Chair Rios - okay.

I'm sure you saw it on your tour. All the others have luxury of bigger yards.

Questions to the Applicant

Public Comment

Stefanie - given the size and the fact that exceptions are allowed and you want houses to be livable, the enclosed portal should happen. I think the way it is proposed looks much better than existing. I would want you to make a finding that it doesn't change its contributing status.

No others.

Member Powell - the latillas on the north façade -are you proposing a glass behind.

Mark - yes - fixed glass without showing mass or window frames. It won't look any different.

Action of the Board

Member Katz moved in Case #H-16-074B at 4 Placita Rafaela, to approve the application as submitted, making a finding that the criteria for exception have been met, particularly #1. Although portales are a feature, the proposed elevation is almost more in character with Santa Fé style than what exists and is a unifying element of stucco and side lites. In criterion #3, the original look wouldn't be maintained but the original character is with sensitive enclosing of the portal. Member Roybal seconded the motion and it passed by majority (3-1) voice vote with Member Biedscheid dissenting.

- 11. Case #H-16-075. 1672 Cerro Gordo Road. Downtown & Eastside Historic District. Architectural Alliance, agent for Alexandra Pyle, owner, proposes to install publicly-visible roof mounted solar panels. An exception is requested for visible rooftop appurtenances. (Section 14-5.2(D)(3)(b)). (Sobia Sayeda)**

Ms. Sayeda gave the staff report as follows:

BACKGROUND & SUMMARY:

1672 Cerro Gordo is a single family residence constructed in the Spanish-Pueblo Revival style and Northern New Mexico Vernacular style. The building is listed as contributing to the Downtown and Eastside Historic District.

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

1. Install publicly visible solar panels on the roof. An exception is requested for the panels (14-5.2(D)(3)(b)) and the required exception criteria responses follow.

Historic Districts and Historic Landmarks Design standards exception criteria

- 1. Do not damage the character of the district;**

Response:

The proposed solar panels that will be placed on the existing residence roof will not damage the character of the district because the modules will be mounted at a 10-degree angle and be below the top of the parapet hence they will minimally obstruct views or vistas. We investigated and considered other possible locations on the roof and ground that would be less publicly visible, but we are not able to install the solar panels anywhere else on the roof because of obstructions such as skylights, exhaust/HVAC vents, and/or they would be shaded by the existing house, walls, and/or the surrounding vegetation most of the day. Ground mounting them at the private driveway would not be allowed as utilities are in the right of way.

Staff Response:

Staff agrees with this response.

2. Are required to prevent a hardship to the *applicant* or an injury to the public welfare;

Response:

We feel that using the sun's energy rather than relying on coal, nuclear, or other carbon based methods of generating energy will help prevent injury to the applicant and also to the public.

Staff Response:

Staff agrees with this response.

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.

Response:

The utilization of solar power ensures that future residents can continue to reside within this historic district without using inefficient off-site generated energy. The panel location design options were limited to these two roof areas due to existing trees, shading, and utilities in the right of way so we have no other option.

Staff Response:

Staff agrees with this response.

STAFF RECOMMENDATION:

The applicant has met the exception criteria and the staff recommends approval of this application.

Questions to Staff

Chair Rios recalled that this building has a lower section and a section more visible. She asked if there would be panels on both levels or just the lower level.

Ms. Sayeda said they would be on both levels but mostly to the half of the higher part of the roof.

Chair Rios asked if those would be visible, as well.

Ms. Sayeda said they would be partially visible because the house sits lower than Cerro Gordo Road.

Chair Rios saw there were six on the upper level.

Ms. Sayeda said on the upper there are nine panels mostly on half of the roof.

Applicant's Presentation

Mr. Eric Enfield (previously sworn) said this is a contributing structure. He considered raising the parapets but didn't think that would be allowed. He also looked at alternative locations. He read the letter from the solar company supplier, Solyluna Solar. It said the only possible location was on the customer's roof. The location was chosen to maximize production while taking into account the most inconspicuous location.

Mr. Enfield pointed out that they are demolishing the existing roof down to the vigas so they will be lower than the parapet. It has a coyote parapet and from the picture, you can see it is minimally visible. He put a good picture from Cerro Gordo on page one or two. You can see how it comes up to parapet as shown on page 10 in the packet. The roof was done completely wrong so it will have new foam with a tan finish. There is no other place to put it because of tree shading and they couldn't get the panels to meet the load.

If you walk the lower driveway, you won't see them and not at the house but they would be seen driving down Cerro Gordo although they are under the parapet. The array will be angled toward the river and not the road so they are not as visible. His client didn't want to raise the parapet. The house belonged to Greta Garbo and her brother lived there.

Chair Rios thought even with parapet raised, you could still see the panels.

Mr. Enfield agreed and the owner is spending a lot of money to get rid of that roof slope. This is the only possible location and we need that number of panels and she want to be off the grid.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Mr. John Eddy (previously sworn) said this is a really cool house and it was Greta Garbo's brother who lived there. He wondered if a short coyote fence between house and roof would be a solution because the coyote fence comes up on that elevation on the garage. It is a coyote parapet.

Chair Rios thought it would be minimal there.

Mr. Eddy said, "Okay. You know what you are doing."

Ms. Stefanie Beninato (previously sworn) said she was a proponent of solar but in this house, it doesn't work since it is so visible from the street. There are houses where you just can't them enough to make it work with rooftop appurtenances. This is also an economic argument for exceptions. The desire to sell electricity to PNM is an economic argument. There are certain buildings where, if we preserve the historic status, solar panels are not possible.

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

Member Powell saw the house today and thought he saw it quite well. He asked if the segment just south of where the proposed panels would be could accommodate the solar panels.

Mr. Enfield said that part is shaded by the trees. It is the same with all the rest of the locations.

Member Powell noted that the roof slopes in either direction. Half of it would have 9 panels and he thought they could put 9 on the garage on the other side. He felt the parapet won't solve it would that be a possibility.

Mr. Enfield understood the symmetry but unfortunately that part of the roof has multiple vents for bathrooms. He pointed out that State law allows every homeowner to have solar power. There are some trees on her property. He thought she would be okay to add some screening trees if the Board thought it would help. The problem is that unless you stop your car at that point, you wouldn't really see them.

Member Katz asked if he knew the angle of the panels.

Mr. Enfield said they would be set at 10 degrees.

Member Katz asked if a person on the street would only see the butt end of the panels.

Mr. Enfield agreed. Granted, they would be looking at the back of the panels but mostly just the edge and they are below the parapet line.

Member Katz asked if they could move the vents. If six panels could be put against that north wall, it would only leave three panels that would be seen.

Mr. Enfield was willing to get conditional approval and work with staff to try to locate the panels for minimal visibility.

Member Powell said the proposal is at the least effective angle. If those on the garage were at the maximum effective angle it would help.

Mr. Enfield said they might get a 5% to 8% increase. The loss with that angle isn't much and it might look odd with two different angles.

Member Katz thought if he had 12 on the garage then he could have six on the house.

Mr. Enfield said he wanted to bring the solar installer to the meeting but he lives in Rio Rancho and when he heard about the Loretto case on the agenda, he said no. But he added that he is willing to do the best location and angle. The owner is here if the Board wants to hear from her.

Present and sworn was Ms. Alexandra Pyle, who said, "My house is contributing because the back of it dates to 1880. The front is 1978 and to respect the old as well as the new is a challenge and decisions were made in 1970's that I'm still grappling with. Those below the road - I don't think our roofs have been the most beautiful part of it. It is a patchwork - a checkerboard of different things worked on by many different people and I'm trying to unify it and this could be a big improvement and need to realize that solar panels are attractive - it is not economic. I'm going to take years to catch up and doing it for environmental reasons.

Action of the Board

Member Katz moved in Case #H-16-075 at 1672 Cerro Gordo Road to find that the exception criteria have been met and move to approve with condition that the applicant work with staff to increase the angle of incidence on the garage with 12 and see if they can restrict panels on roof to only six to shield them at 10% angle. Member Powell seconded the motion.

Member Roybal requested a friendly amendment that the revised drawings be submitted for Staff review and approval. Member Katz accepted it as friendly.

Chair Rios suggested that the adjusted locations be at 10% for less visibility if possible.

Member Katz said his intent was to reduce the number of panels on the house.

Member Biedscheid asked for the motion, if it is not possible to achieve the same energy production with fewer panels, if he would agree to approve it as presented. Member Katz agreed and the motion passed by unanimous voice vote.

- 11. Case #H-16-076A. 222 North Guadalupe Avenue. Westside-Guadalupe Historic District. HPD Staff requests assignment of primary elevation(s) for a contributing non-residential structure. (David Rasch)**

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

222 North Guadalupe Street was a single-family residential structure that is now used commercially as Fire and Hops restaurant. It was constructed by 1928 in a vernacular manner with a pitched roof front block and a Spanish-Pueblo Revival front porch. Non-historic alterations to the one-story massing behind the front block have altered the historic integrity of the rear block with a post 1968 portal enclosure at the north end and a 1980s enclosure of a porch on the south end. The structure is listed as contributing to the Westside-Guadalupe Historic District and the north and east elevation of the front block may be designated as primary.

HPD staff requests that the primary elevation(s) be designated before the H-Board hears a proposal to remodel the property.

STAFF RECOMMENDATION:

Staff recommends that the street-facing north and the east elevation of the front block be designated as primary elevations. Staff finds that none of the exception requests have been met.

Questions to Staff

Chair Rios asked Mr. Rasch to point them out on the elevation.

Mr. Rasch showed the picture of the street-facing elevation. He pointed out the front block which has the eaves side of the pitched roof. The picture is the north elevation. Behind is the flat roof that has been altered.

Applicant's Presentation

Present and sworn was Mr. Josh Johns, 5001 Agua Fria Parkway, Santa Fe, who had nothing to add to the Staff report.

Questions to the Applicant

Chair Rios asked Mr. Johns if he agreed with staff recommendations. The building is already contributing but it needs to have primary elevations identified.

Mr. Johns agreed with the recommendation.

Public Comment

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

Action of the Board

Member Biedscheid moved in Case #H-2016-76A, at 220 North Guadalupe Street, to designate the primary elevations as north and east of front block, capturing the gable, windows and eaves. Member Katz seconded the motion and it passed by unanimous voice vote.

- 12. Case #H-16-076B. 222 North Guadalupe Avenue.** Westside-Guadalupe Historic District. Josh Johns agent for Timothy Kittleson, owner, proposes to remodel a contributing non-residential structure by altering a primary elevation and constructing a dining portal. Three exceptions are requested to enclose a portal (Section 14-5.2(D)(4)), use temporary materials for more than 90 days (Section 14-6.4(C)) and to construct a pitch where a pitch is not allowed (Section 14-5.2(D)(9)(d)). (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

222 North Guadalupe Street was a single-family residential structure that is now used commercially as Fire and Hops restaurant. It was constructed by 1928 in a vernacular manner. The structure is listed as contributing to the Westside-Guadalupe Historic District and the north and east elevation of the front block may be designated as primary.

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

1. The front portal was enclosed without approval or a permit with temporary materials for more than 90 days. Two exceptions are requested, to enclose the portal (14-5.2(D)(4)) and to enclose it with temporary materials for longer than the allowable 90-day period (14-6.4(C)) and the required exception criteria responses are at the end of this report. Wooden panel half walls partially infill the two side openings of the north side of the porch. Clear plastic sheeting with tan-colored framing encloses the two side openings. A bronze-colored aluminum storm door was installed in the pedestrian entry with tan-colored plastic sheeting infilling both sides of the wider opening. Finally, tan-colored plastic sheeting encloses the east and west opening of the portal. >>>
2. A dining portal was constructed without approval or a permit with a pitched roof. An exception is required to construct a pitch where a pitch is not allowed with only 6 out of 30 pitches in the applicable streetscape (14-5.2(D)(9)(d)) and the required exception criteria responses are at the end of this report. The portal was constructed with wooden timbers and a corrugated metal shed roof. On the east side.
3. A free-standing walk-in cooler was placed in the side yard without approval or a permit and it is not publicly-visible. A corrugated metal screen was constructed to block visibility from the dining portal and it is not publicly-visible.

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:

(4) Porches and Portals

Existing porches or portals shall not be enclosed.

(9)(d) Height, Pitch, Scale, Massing and Floor Stepbacks, Pitch

If the determined streetscape includes over fifty percent buildings with pitched roofs, the proposed building may have a pitched roof. A pitched roof is defined as a gable, shed, or hipped roof. The pitch of the roof shall match the predominant pitch extant in the streetscape.

14-6.4 Temporary Structures or Uses

(C) Temporary Structures Treated as Permanent Structures (Ord. No. 2013-16 § 35; Ord. No. 2014-31 § 16)

Structures other than temporary structures described in Subsection 14-6.4(A) that remain in place for a period of more than ninety days are subject to the same provisions of Chapter 14 as permanent structures, whether or not they are permanently affixed to the ground or constructed of lightweight or nondurable materials.

EXCEPTION TO ENCLOSE PORTAL (14-5.2(D)(4))

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

The proposed portal enclosure is temporary and will only be in place during the winter months (October - March). The character of the portal and the streetscape will not be changed.

Staff Response: Staff disagrees with this statement. Both the portal and the streetscape are changed and the alteration is not harmonious to the structure or the streetscape.

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

The temporary enclosure of the portal creates a waiting area with minimum warmth during the winter months for patrons. There is no waiting area inside and very limited dining seating. During the summer months' patrons can also wait outside in the rear patio area. This is not an option during the winter months so the front temporarily enclosed portal becomes the only comfortable waiting area.

The portal is on the north (front) side of the existing contributing building and HDRB staff has indicated they will recommend this to be the primary façade. The applicant does not intend to construct an addition to

create a waiting area and requests this temporary solution.

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.

As noted above, the applicant does not intend to construct an addition to the front, primary façade of the building to create a waiting area and seeks approval of this temporary solution. Residents living in the surrounding Historic Districts can utilize this amenity as part of a local restaurant / pub.

Staff Response: Staff does not agree with this statement. The applicant has not provided other design options and reasons for not choosing them, such as portable heaters to warm the space.

(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 Subject Property is a 0.13 of an acre parcel that accommodates two buildings: The Fire & Hops restaurant and a residence in the rear. The property was developed to this extent upon leasing by the applicant. The temporary enclosure of the portal is a simple solution to the need of a waiting area. In the future, easy removal of this material will maintain the original form and integrity of the historic property. Other properties in the vicinity are of different uses and have different conditions and circumstances.

Staff Response: Staff agrees with this statement.

(5) Are due to special conditions and circumstances which are not the result of actions by the applicant.

Neither the size of the Subject Property, or the existing structures on the site are the result of actions by the applicant.

Staff Response: Staff does not agree with this statement. The property does not require a restaurant with a heated waiting area in the front and the applicant brought this upon themselves.

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

The proposed portal enclosure is temporary and will only be in place during the winter months (October - March). The enclosure is distinct from the existing portal and can easily be removed during the summer months that maintains the historic character and preservation of this building.

Staff Response: Staff does not agree with this statement. The request is not the least negative solution.

EXCEPTION TO EXCEED 90 DAYS FOR TEMPORARY MATERIALS (14-6.4(C))

(1) Do not damage the character of the district.

The proposed portal enclosure is temporary and will only be in place during the winter months (October - March). The character of the portal and the streetscape will not be changed.

Staff Response: Staff does not agree with this statement; the aesthetics of the building have been changed.

(2) Are required to prevent hardship to the applicant or an injury to the public welfare;

The temporary enclosure of the portal creates a waiting area with minimum warmth during the winter months for patrons. There is no waiting area inside and very limited dining seating. During the summer months' patrons can also wait outside in the rear patio area. This is not an option during the winter months so the front temporarily enclosed portal becomes the only comfortable waiting area.

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.

The applicant does not intend to construct an addition to the front, primary façade of the building to create a waiting area and seeks approval of this temporary solution. Residents living in the surrounding Historic Districts can utilize this amenity as part of a local restaurant / pub.

Staff Response: Staff does not agree with this statement. Other design options have not been presented, such as a fitted enclosure instead of one that is not rigidly framed and does not exceed the size of the opening.

EXCEPTION TO CONSTRUCT A PITCHED ROOF (14-5.2(D)(9)(d))

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

The proposed shade structure is in proportion to its setting and surroundings. The materials are natural wood and corrugated metal keeping with their intended use as a temporary structure. The structure stands alone, detached from the building on site. The structure has no walls.

Views of the roof pitch will be relatively distant and limited by existing buildings, fences, and trees. The roof pitch is only visible from the street by viewers looking through the coyote fence on the east side of the property.

Existing buildings around the proposed building are substantially taller than the 9'-7" maximum height of the shade structure.

The wood and corrugated metal screen panels are completely underneath the shade structure and are not visible from the street. They are also temporary and can be removed that will maintain the form and integrity of the original building.

Staff Response: Staff agrees with this statement.

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

The applicant only seeks to provide additional covering to an existing outdoor seating area of the restaurant to enhance this amenity during the summer months. The restaurant has very limited seating inside. There is no waiting area inside and this outdoor area also functions as a waiting area for indoor seating

Outdoor seating in this area initially used umbrellas to shade / protect patrons from the weather. This was

not adequate during intense summer weather causing a dash to the already crowded interior. The applicant built the shade structure to alleviate this issue.

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.

The proposed shade structure provides a protected outdoor seating area to the restaurant during summer months. Residents living in the Historic Districts can utilize this amenity. The design of the shade structure and screen wall is the most simple with regards to them being temporary structures.

Staff Response: Staff does not agree with this statement. Other design options were not present, such as a flat roof shade structure or a pitched roof structure with a parapet screen.

(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 Subject Property is a 0.13 of an acre parcel that accommodates two buildings: The Fire & Hops restaurant and a residence in the rear. The property was developed to this extent upon leasing by the applicant. There is no other secure area to serve alcohol in an outdoor setting per State of NM regulations on the property. Other properties in the vicinity are of different uses and have different conditions and circumstances.

Staff Response: The applicant did not address the pitch exception. A pitched roof is not required in order to serve alcohol.

(5) Are due to special conditions and circumstances which are not the result of actions by the applicant.

Neither the size of the Subject Property, or the existing structures on the site are the result of actions by the applicant.

Staff Response: Staff does not agree with this statement. The applicant should have asked if a pitched roof would be allowed before constructing one.

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

As discussed above, the proposed shade structure is lower than existing buildings adjacent and in the immediate vicinity. The proposed roof pitch requires an exception on the basis that there are less than 50% other building in the streetscape with pitched roofs. The proposed exposed roof pitch was included to minimize the actual and apparent height and use the minimal amount of materials to construct a temporary structure. This is also the intent of the screen wall.

The roof pitch, combined with the screen wall on the existing building will have a minimum effect on the surrounding streetscapes.

Staff Response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff finds that the exception request has been met and recommends approval of this application which otherwise complies with Section 14-5.2 (C) Regulation of Contributing Structures, (D) General Design Standards, and (I) Westside-Guadalupe Historic District.

Questions to Staff

Member Katz asked what is happening on the west and east sides of the portal.

Mr. Rasch said it would have a single lite glazing infill. He didn't think it included that partial wooden part.

Applicant's Presentation

Mr. Johns (previously sworn) said the east and west sides would have a very minimal wooden frame, maybe a half-inch to keep glass in place and match with stucco to fill the whole side which would be about 4' by 5' and not visible from the front.

Questions to the Applicant

Member Katz said this is a very visible building and while driving by, you would see the sides of the portal.

Mr. Johns said it is set back so it would be difficult to see but they would be solid, clear glass.

Mr. Rasch agreed they would both be visible from the street.

Member Katz wondered if they could do the same thing with windows on the two sides of the front to see the nice windows there instead of wood that look so obviously as infill.

Mr. Johns said it could be done although he was concerned about the height. It would be quite substantial for just one piece of glass. The front is quite a bit taller so he was concerned with the height of the window.

Member Katz proposed an alternative of stucco instead of wood.

Mr. Johns said the opposite side is a little bench for people to wait in the portal but would have no problem stuccoing to mask that wood and probably have half glass and half stucco.

Member Katz said he was advocating for the same height as the bottom.

Member Biedscheid said it is shown on page 17 with a small stucco footing.

Member Katz said in the top picture, the height to the base of the windows and not as high as he has it in the other.

Mr. Johns understood what he was saying. It would match the sides.

Member Powell saw an opportunity here, code wise. If the window is lower than 18", it has to be tempered. And if it had a small banco, you could provide that for patrons and save the tempered cost.

Mr. Johns agreed that makes sense. At the standard bar stool height, you could put a drink there. It is inviting and it looks larger on the inside so the Board is asking to lower the bench. We could do that. There is a 3' minimum height.

Member Katz agreed but it is enclosed.

Mr. Rasch said it still might have to be tempered.

Mr. Johns said that for summer months, they would remove the glass.

Member Biedscheid said the metal shed roof and parapets seem uncharacteristic. An option would be to keep the pitched roof as it is.

Mr. Rasch agreed but didn't know that it was possible. A shed roof is still a pitched roof and he has asked applicants to construct a parapet. He is not proposing a parapet on the other three sides.

Member Biedscheid asked if it would be possible to connect the shade structure.

Mr. Johns said it would. It is within 2 feet right now.

Mr. Rasch pointed out that if it was attached, it would not need a parapet. It would be an addition to the building.

Member Powell thought it is more of a portal. The way it is constructed now is fine.

Mr. Johns said- it would be easy to connect it. He had no problem either way.

Member Powell said the Board might give both options in a motion.

Public Comment

Ms. Beninato (previously sworn) said she appreciated the applicant's willingness to attach it to the

building as part of original pitch. That would integrate much better than a little fake parapet. It is the primary façade and would be an addition. There are three exceptions and she understood one is pitch. She didn't understand making it a primary elevation and then granting an exception. It makes it a joke.

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

Action of the Board

Member Katz moved in Case #H-16-076B at 222 North Guadalupe Avenue, to make a finding that the exception criteria have been met and moved to approve the application with the condition that on the north façade of the portal that the two flanking openings be enclosed on the bottom by an adobe (stuccoed) wall to a height to match the height of the windows behind the façade and with single glazing on top for the remainder of the opening with as little framing as possible. Member Powell seconded the motion with an amendment that the very bottom portion be set back a couple of inches. Member Katz accepted the amendment as friendly.

Member Biedscheid asked if the motion could address the shed separately.

Member Katz added to his motion that the proposal include the option of a parapet or attaching it to the roof so that it no longer needs an exception and the motion passed by unanimous voice vote.

Member Biedscheid moved to reconsider the previous motion in order to add the condition of submitting revised drawings to Staff prior to issuance of a construction permit. Member Katz seconded the motion and it passed by unanimous voice vote.

- 14. Case #H-16-077. 216 Gonzales Road/216 Lorenzo Lane. Downtown & Eastside Historic District.** Martínez Architecture Studio, agent for John and Laura Meyer, owners, propose to add a 248 sq. ft. addition to a non-contributing structure. An Exception is requested to use non-divided lite windows (Section 14-5.2(E)(1)(c)). (Nicole Ramirez Thomas)

Ms. Ramirez Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

216 Gonzales Road (also 216 Lorenzo Lane) is a northern New Mexico vernacular style residential structure constructed in the late twentieth century. It is noncontributing to the Downtown and Eastside Historic District. Alterations occurred to the property in 1997.

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

1.) Addition of a new bedroom, bathroom and steps to the southeast elevation of the house. The total square footage proposed is 248 square feet.

2. New windows, doors, and trim will be white to match existing. An exception is requested to use non-divided lite windows and door as they do not comply with the district standards (14-5.2 (E) (1) (c)).
3. Exterior light fixtures will match existing.
4. An HVAC condenser will be placed on the ground in the 5' setback of the side yard.
5. The metal roof proposed for the addition will replicate the existing standing seam metal roof to a maximum allowable height of 13 feet and 6 inches.
6. Stucco will be cementitious El Rey "Bamboo" to match existing.

RELEVANT CODE CITATION

14-5.2 (E) (1) Downtown and Eastside Design Standards Recent Santa Fe Style

(c) Solid wall space is always greater in any façade than window and door space combined. Single panes of glass larger than 30 inches in any dimension are not permissible except as otherwise provided in this section.

EXCEPTION TO USE NON-DIVIDED LITE WINDOWS AND DOORS TO MATCH EXISTING.

(i) Do not damage the character of the district

Response: The character of the district is not damaged because the addition is not on the street, it is in our backyard. The addition is to match the design of the existing main house to which it is attached and the non-divided glass by being in the style of the existing main house is not offensive.

Staff response: Staff agrees with the statements provided but does not feel the response addresses window design choice in the context of the character of the district.

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

Response: These new windows and doors are required to prevent a hardship to the applicant because it allows their house to maintain a uniform look and this small addition of a third bedroom, which is not excessive for this neighborhood, is necessary to accommodate their family.

Staff response: Staff agrees with this response but does not feel the response addresses the criterion.

(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: The addition strengthens the unique character of the city because it allows us to add to this house in the only place an addition can be placed and allows the house to grow in a traditional manner to accommodate the needs of this family.

Staff response: Staff agrees with this statement but does not feel the response addresses the criterion.

STAFF RECOMMENDATION:

Staff recommends approval of the project as it complies with 14-5.2 (D) (9) General Design Standards for All H Districts Height, Pitch, Scale, and Massing but does not feel the exception criteria to use non-divided lite windows has been met, and the window and door design does not comply with 14-5.2 (E) (1) (c) Downtown and Eastside Old Santa Fe Style. Upon testimony from the applicant the Board may find the exception criteria have been met.

Questions to Staff

Chair Rios asked if this is publicly visible or not.

Ms. Ramirez Thomas said it would be if the fence was removed.

Chair Rios asked if all other windows are undivided.

Ms. Ramirez Thomas agreed.

Member Biedscheid noted the citation is old Santa Fé Style and the applicant's letter says recent Santa Fé Style.

Mr. Rasch said Staff does recognize E1 is old Santa Fe style and E2 is recent Santa Fe style. We have combined those standards and use them consistently and the 30" rule is only applicable to E1 in the code but Staff does apply it to E2, as well.

Member Biedscheid concluded that it is therefore, nonconforming.

Mr. Rasch agreed and that is very common in this part of town.

Member Powell asked how that happened.

Mr. Rasch explained that they didn't have inspectors then who looked for divided lites.

Member Biedscheid recalled that in a recent meeting, the Board talked about changes that might reduce nonconformities.

Mr. Rasch clarified that the code says the building remodel shall bring it more into conformity but the

Board could argue for conformity to the building. We are asking for that resolution in the rewrite.

Member Katz asked if that would be that what is required in addition is to make all the other windows divided lites.

Mr. Rasch said the Board should not allow it to intensify the nonconformity by the exception.

Applicant's Presentation

Present and sworn was Mr. Richard Martinez, 1524 Paseo de Peralta, who said regarding the windows that the addition is as small as possible to add another bedroom. It is not even internally accessible to this part of the house. It is in the style of this house. He didn't agree that they need an exception because the addition is not nonconforming. He read a section from the code and said the 30" rule was not possible here. This house is recent Santa Fé Style. This addition is not publicly visible. so it is not necessary to have an exception. We are trying to match the house and there is no change to any publicly visible portion. It is on the back. You can see there are windows.

Questions to the Applicant

Member Powell asked what the construction date was.

Mr. Martinez said there is a section of the front where the structure is actually two stories tall and part of the older section.

The closest neighbor sent an email which he read. The owner asked him to use undivided windows and doors to match the existing windows and doors on the house. The goal is to retain the character and charm of the house.

Member Katz said he would go with the interpretation of Staff and attorney that the limit on applying divided lites is what is publicly visible. It makes more sense to approve it on the basis of matching the rest of the house.

Mr. Rasch said that E-2 does say it shall be one of the old Santa Fé styles and that is not undivided windows. So it implies the 30" rule.

Member Roybal reasoned that it still needs an exception.

Public Comment

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

Action of the Board

Member Katz moved in Case #H-16-077 at 216 Gonzales Road/216 Lorenzo Lane, finding that the exception criteria have been met and undivided windows don't damage the character because many others are undivided in the area and some are some are not but all the rest in this building are undivided. Regarding the hardship, he thought it would be hardship to have to replace all of the windows rather than just matching what exists on the house now. It strengthens the unique heterogeneous character of the City and having undivided lites does that. So he moved to approve the application. Member Roybal seconded the motion and it passed by unanimous voice vote.

No motion was made to remove the tabled cases from the table but the Board proceeded to hear them.

- 7. Case #H-16-073A. 320 Paseo de Peralta. Downtown & Eastside Historic District. Santa Fe Sustainable, agent for FFT LLC, owner, proposes to replace windows and construct a 168 sq. ft. portal on a non-contributing, non-residential structure. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

320 Paseo de Peralta is a property composed of two non-residential buildings constructed in the Spanish-Pueblo Revival style. Both buildings are designated as noncontributing to the Downtown and Eastside Historic District. Staff is requesting a status review of the two structures per input from the Board. If the Board finds one or both of the buildings to be contributing to the Downtown and Eastside, primary elevations will need to be assigned.

Building A

Building A is described as an irregularly shaped one story building. Multiple flat roofs adjoin and the report from the architectural historian notes that there is only a suggestion of the original 1912 building underneath the modifications and additions that comprise the current building. A portal with wood posts defines the entrance on the front of the building. The addition of the portal and massing on the north side of the building occurred sometime between 1958 and 1973. The east of the elevation is entirely covered by a portal. This area serves as a corridor between the north side of the building and the south side of the building. The south side of the building was added onto sometime before 1973 and after 1958. A courtyard area was enclosed by an adobe yard wall which was recently demolished. No date is given for the yard wall but the aerial photos indicate that it too was constructed before May of 1973 and after November of 1958. The west elevation is not connected to the 1985 Building B but is not visible and provides another passage from between the north side and the south side of the property.

1886 is stated as the first date for a house to have existed on the property. There is no indication that any portion of the original house remains. The house noted on the Kings Map 1912 indicates the "u" shape the property possessed until sometime after 1958 when the massing of the building changed significantly within a 15-year period. Little information is given about the wall.

Building B

Building B was constructed in 1980s as an addition to the property but it is a separate building. The photos associated with the 1985 building inventory compared with the current HCPI photos demonstrate changes to the northwest corner of the building.

Conclusion

While some of the changes to the structure of Building A are historic in their own right, the preservation of distinctively historic elements the building may have had are relatively unknown and are overshadowed by alterations from the 1970s and 1980s. The aerial photos indicate the change in massing to the building, and while historic material is retained in places, intrusive architectural features have taken away the character. Additions to the building were added in a manner that if removed would show that the building has been permanently altered.

The aerial photographs indicate clearly that Building B was constructed after 1973, making the building less than 50 years old.

Little information is provided regarding the demolished yard wall associated with Building A.

STAFF RECOMMENDATION:

Staff recommends Building A and Building B remain as non-contributing to the Downtown and Eastside Historic District 14-5.2 (C) Regulation of Significant and Contributing Structures in the Historic Districts. In regard to the yard wall, we have no known date of construction and the applicant has already removed the wall so there is no opportunity of evaluation. Staff makes no recommendation regarding the yard wall.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Present and sworn was Mr. Jay Herrera, who stood for questions.

Questions to the Applicant

Chair Rios asked if Mr. Herrera agreed with the staff recommendations.

Mr. Herrera said he did.

Member Katz asked how old the yard wall was.

Mr. Herrera said he didn't know. It was bumped into and demolished.

Member Katz asked how long Mr. Herrera has been connected with the building.

Mr. Herrera said he has for two months.

Public Comment

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

Action of the Board

Member Biedscheid moved in Case #H-16-073A at 320 Paseo de Peralta, to approve the application as recommended that the structures remain non-contributing and that no status be assigned to the non-existent yard wall. Member Powell seconded the motion and it passed by unanimous voice vote.

- 8. Case #H-16-073B. 320 Paseo de Peralta. Downtown & Eastside Historic District. Santa Fe Sustainable, agent for FFT LLC, owner, proposes to replace windows and construct a 168 sq. ft. portal on a non-contributing, non-residential structure. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

320 Paseo de Peralta is a property composed of two non-residential buildings with an original construction date of 1886 according to the Historic Cultural Property Inventory (HCPI). It is constructed in the Spanish-Pueblo Revival style and is designated as noncontributing to the Downtown and Eastside Historic District. An updated HCPI form is provided and demonstrates the dates and types of alterations to the property.

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

1) Add a 168 square foot portal to the south elevation of the structure to a height of 8 feet. Trees near the building will remain.

2) Replace damaged windows. The applicant has provided a window replacement plan and cut sheets. All windows will be divided lite and the window opening dimensions will not change unless the window will be replaced for a door. Windows will be wood interior with a clad exterior in "Desert Sand."

- a) Replace all windows on the north elevation.
- b) Replace a window for a door on the south elevation.
- c) Replace one window on the south elevation.
- d) Removal of a door opening on the south elevation.
- e) Replace two windows for two doors on the east elevation.
- f) Replace two existing doors on the east elevation.
- g) Replace two windows on the east elevation.
- h) Replace all windows on the west elevation.

3) Stucco will be El Rey cementitious "Kokanee."

4) Replace existing brick and cement paving in the courtyard on the south side of the property with pave stone.

5) Replace existing flagstone on the north entrance of the building with pave stone.

6) Replace an existing wall that was demolished without a permit. The wall will replicate the previous wall in height and style. Maximum height of the wall was 8 feet and the wall was constructed of exposed adobe. The applicant plans to replace the wall with a stucco wall to enclose the courtyard.

STAFF RECOMMENDATION:

Staff recommends approval as the application complies with 14-5.2 (D) (9) Design Standards for All H Districts Height, Pitch, Scale, and Massing and 14-5.2 (E) Downtown and Eastside Design Standards.

Questions to Staff

Chair Rios asked what the proposed lite pattern is on the west.

Mr. Rasch said it is four over four.

Member Powell asked to see the courtyard.

Member Powell, upon seeing it, said it seems like the improvements are good improvements. He added that on contributing structures, the Board asks that all rooftop appurtenance be covered.

Mr. Herrera explained that was why they wanted the parapet.

Applicant's Presentation

No presentation was given.

Questions to the Applicant

Chair Rios commented that if it is in a historic district, rooftop equipment is to not be publicly visible, whether contributing or not.

Mr. Rasch said the code actually is silent for non-contributing structures but the Board's practice has been to require screening because at 50 years, it becomes nonconforming.

Chair Rios agreed and said the applicant is moving in that direction.

Public Comment

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

Action of the Board

Member Powell moved in Case #H-16-073B. at 320 Paseo de Peralta, to approve the application as submitted and requiring that rooftop equipment be screened by the parapet. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

G. MATTERS FROM THE BOARD

There were no matters from the Board.

H. ADJOURNMENT

Having completed the agenda and with no further business to come before the Board, the meeting was adjourned at 9:36 p.m.

Approved by:


Cecilia Rios, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.

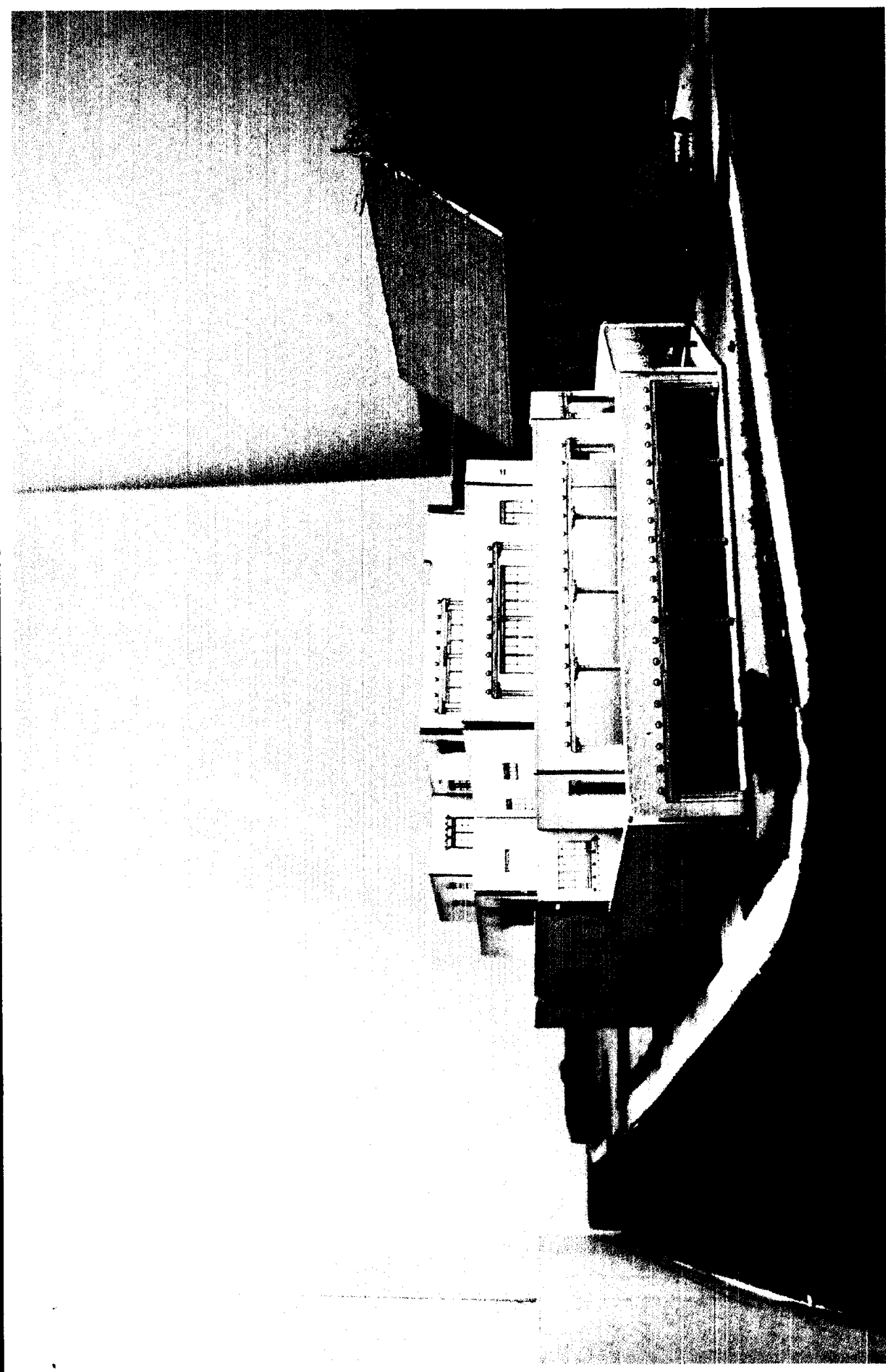
Historic Districts Review Board
September 22, 2016

EXHIBIT 1





VIEW NORTH ON OLD SANTA FE TRAIL



VIEW AT CORNER OF OLD SANTA FE TRAIL AND WATER
LOOKING SOUTHEAST



No 19

LORETTO ACADEMY

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

Ca 1910 Attachment #2

ARCHITECTURAL
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SANTA FE, NEW MEXICO 87505
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DATE: 04/11/2006
PROJECT: NEW BUILDING FOR
CLIENT: TEME L.L.C.
ARCHITECT: ARCHITECTURAL ALLIANCE, INC.
DESIGNER: ARCHITECTURAL ALLIANCE, INC.
ENGINEER: ARCHITECTURAL ALLIANCE, INC.
CONTRACTOR: ARCHITECTURAL ALLIANCE, INC.

1	Drawings	04/11/2006	04/11/2006
2	Revisions	04/11/2006	04/11/2006
3	Revisions	04/11/2006	04/11/2006
4	Revisions	04/11/2006	04/11/2006
5	Revisions	04/11/2006	04/11/2006
6	Revisions	04/11/2006	04/11/2006
7	Revisions	04/11/2006	04/11/2006
8	Revisions	04/11/2006	04/11/2006
9	Revisions	04/11/2006	04/11/2006
10	Revisions	04/11/2006	04/11/2006

PROJECT TITLE
 NEW BUILDING FOR
 TEME L.L.C.

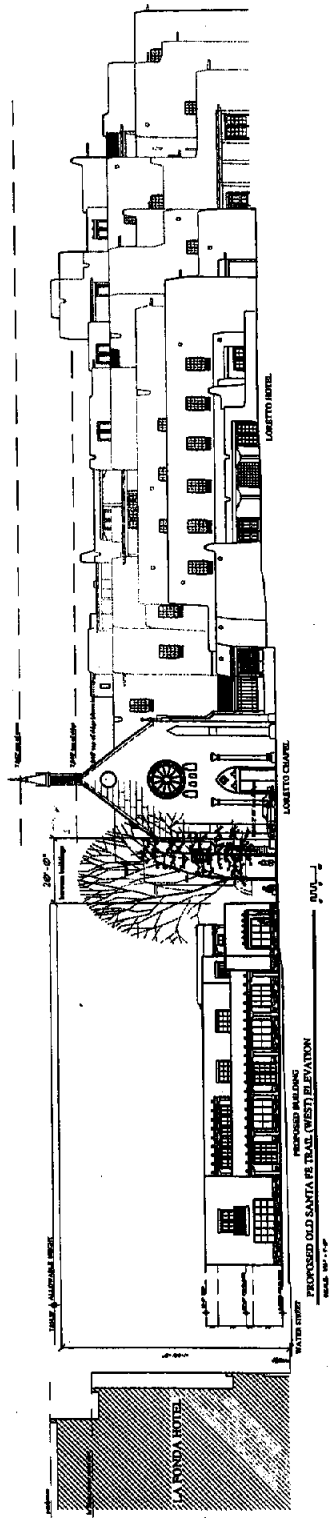
CORNER OF
 OLD SANTA FE TRAIL
 AND JAMES STREET
 SANTA FE
 NEW MEXICO

PROJECT NO.	98-06
DESIGNED BY	AA
DATE	04/11/2006
CHECKED BY	AA
DATE	04/11/2006
PROJECT TITLE	

REVISED
 PROPOSED
 ELEVATIONS-
 STREETSCAPE

A-10

ATTACHMENT #6



ARCHITECTURAL
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1	REVISION	DATE
1	REVISION	DATE

STAMP

PROJECT TITLE
NEW BUILDING FOR
TEME L.L.C.

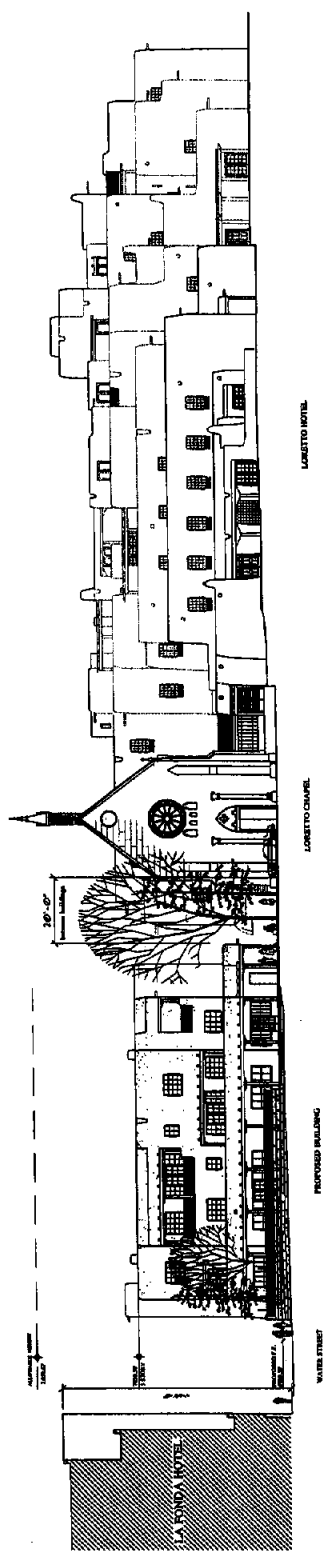
CORNER OF
OLD SANTA FE TRAIL
AND SANTA FE STREET
SANTA FE
NEW MEXICO

PROJECT NO. 98-06
CHECKED BY: [] DATE: 08/04/04
DRAWN BY: [] DATE: 08/04/04

SHEET TITLE
REVISED
PROPOSED
ELEVATIONS-
STREETSCAPE

SHEET NO.
A-11

ATTACHMENT #7



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NO.	REVISION/DESCRIPTION	DATE
1	Revised Client/Owner	7/2013
2	Revised Client/Owner	DATE

STAMP

PROJECT TITLE
NEW BUILDING FOR
TEME L.L.C.

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

PROJECT NO.	98-06
CHECKED BY	DATE
DESIGNED BY	DATE

REVISION
PROPOSED
ELEVATIONS-
STREETSCAPE

SHEET NO.

A-9

ATTACHMENT #5

