



Agenda

DATE 9/12/16 TIME 11:30
 SERVED BY [Signature]
 RECEIVED BY [Signature]

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, September 27, 2016 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, September 27, 2016 at 5:30 P.M.

CITY COUNCIL CHAMBERS

AMENDED

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: September 13, 2016
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-059B. 225 Canyon Road Unit 3.
Case #H-16-069. 715 Gregory Lane.
Case #H-16-072A. 203 Canyon Road.
Case #H-16-073A. 320 Paseo de Peralta.
Case #H-16-074A. 4 Placita Rafaela.
Case #H-16-075. 1672 Cerro Gordo Road.
Case #H-16-076B. 222 North Guadalupe Avenue.

Case #H-04-076. 201 Old Santa Fe Trail.
Case #H-16-071. 1112 Camino San Acacio.
Case #H-16-072B. 203 Canyon Road.
Case #H-16-073B. 320 Paseo de Peralta.
Case #H-16-074B. 4 Placita Rafaela.
Case #H-16-076A. 222 North Guadalupe Avenue.
Case #H-16-077. 216 Gonzales Road/216 Lorenzo Lane.

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

1. AN ORDINANCE AMENDING SUBSECTION 14-8.10 OF THE LAND DEVELOPMENT CODE TO PERMIT PLACEMENT AND CONSTRUCTION OF ELECTRONIC READER BOARD SIGNS TO FACILITATE WAYFINDING AND THE DISSEMINATION OF INFORMATION IN REAL TIME ON LOCAL SERVICES, PROGRAMS, ACTIVITIES AND EVENTS IN ACCORDANCE WITH A CITY PROGRAM; AND ESTABLISHING CERTAIN GUIDELINES ON ELECTRONIC READER BOARD SIGNS. (Mayar Gonzales) (Marcos Martinez) (POSTPONED TO OCTOBER 25, 2016.)
2. Case #H-16-044A. 124 West Booth Street. Don Gaspar Area Historic District. Gregory Chavez, agent/owner, requests a historic status review of a historic non-statused street frontage yardwall and primary elevation designations of a contributing residential structure and a contributing free-standing garage. (David Rasch)
3. Case #H-16-044B. 124 West Booth Street. Don Gaspar Area Historic District. Gregory Chavez, agent/owner, proposes to demolish a yardwall, construct a 3' yardwall and gates, alter opening dimensions on a primary elevation, and demolish a porch. Exceptions are requested for altering a primary elevation (Section 14-5.2(D)(1)(a) and (5)(a) and (b)) and demolishing a contributing structure (Section 14-5.2(D)(1)(a)). (David Rasch)
4. Case #H-16-078. 564 Garcia Street. Downtown & Eastside Historic District. Joseph Bransford Builders, agent for Roy and Linda New, owners, proposes to demolish a non-contributing carport and construct a 576 sq. ft. garage to a maximum height of 10'6". (Nicole Ramirez Thomas)
5. Case #H-16-079. 984 Acequia Madre Unit A. Downtown & Eastside Historic District. Rod Gesten, agent for, Greg, Skye and West Cooper, owners, propose to add a window, doors, and a screened roof-mounted air conditioning unit to a non-contributing residential structure. (Nicole Ramirez Thomas)

6. **Case #H-16-080.** 550½ Canyon Road. Downtown & Eastside Historic District. Thomas Lechner, agent for Louanne Ellis, owner, proposes to relocate one door and one window and add two new windows to a non-contributing residential structure. (Nicole Ramirez Thomas)
7. **Case #H-16-081A.** 417 Agua Fria Street. Downtown & Eastside Historic District. HPD Staff requests a historic status review with primary elevation designations, if applicable, for a non-contributing residential structure. (Nicole Ramirez Thomas)
8. **Case #H-16-081B.** 417 Agua Fria Street. Downtown & Eastside Historic District. Jake Rodríguez, agent for Shrine of Our Lady Guadalupe, owners, proposes to replace windows on a contributing structure. An exception is requested to remove historic material from a primary façade (Section 14-5.2(D)(a)(i)). (Nicole Ramirez Thomas) (POSTPONED INDEFINITELY)
9. **Case #H-16-082.** 326 South Guadalupe Street. Westside-Guadalupe Historic District. Suby Bowden and Associates, agent for Daniel Razatos, owner, proposes to install exposed bulb neon signage at 17'9" high on a significant non-residential structure. Two exceptions are requested (Section 14-8.10(H)(10)(c) and (26)(a)(1)(D)). (David Rasch)

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

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



Agenda

CITY CLERK'S OFFICE

DATE 9/8/14 TIME 3:45
SERVED BY McCallum
RECEIVED BY SSS

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, September 27, 2016 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, September 27, 2016 at 5:30 P.M.

CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: September 13, 2016
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-008. 338 Otero Street
Case #H-16-040B. 1433 Paseo de Peralta.
Case #H-16-069. 715 Gregory Lane.
Case #H-16-071. 1112 Camino San Acacio.
Case #H-16-072B. 203 Canyon Road.
Case #H-16-074A. 4 Placita Rafaela.
Case #H-16-075. 1672 Cerro Gordo Road.
Case #H-16-077. 216 Gonzales Road/216 Lorenzo Lane.

Case #H-16-059B. 225 Canyon Road Unit 3.
Case #H-04-076. 201 Old Santa Fe Trail.
Case #H-16-070. 442 Camino de las Animas.
Case #H-16-072A. 203 Canyon Road.
Case #H-16-073. 320 Paseo de Peralta.
Case #H-16-074B. 4 Placita Rafaela.
Case #H-16-076. 222 North Guadalupe Avenue.

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

1. AN ORDINANCE AMENDING SUBSECTION 14-8.10 OF THE LAND DEVELOPMENT CODE TO PERMIT PLACEMENT AND CONSTRUCTION OF ELECTRONIC READER BOARD SIGNS TO FACILITATE WAYFINDING AND THE DISSEMINATION OF INFORMATION IN REAL TIME ON LOCAL SERVICES, PROGRAMS, ACTIVITIES AND EVENTS IN ACCORDANCE WITH A CITY PROGRAM; AND ESTABLISHING CERTAIN GUIDELINES ON ELECTRONIC READER BOARD SIGNS. (Mayor Gonzales) (Marcos Martinez)
2. Case #H-16-044A. 124 West Booth Street. Don Gaspar Area Historic District. Gregory Chavez, agent/owner, requests a historic status review of a historic non-statused street frontage yardwall and primary elevation designations of a contributing residential structure and a contributing free-standing garage. (David Rasch)
3. Case #H-16-044B. 124 West Booth Street. Don Gaspar Area Historic District. Gregory Chavez, agent/owner, proposes to demolish a yardwall, construct a 3' yardwall and gates, alter opening dimensions on a primary elevation, and demolish a porch. Exceptions are requested for altering a primary elevation (Section 14-5.2(D)(1)(a) and (5)(a) and (b)) and demolishing a contributing structure (Section 14-5.2(D)(1)(a)). (David Rasch)
4. Case #H-16-078. 564 Garcia Street. Downtown & Eastside Historic District. Joseph Bransford Builders, agent for Roy and Linda New, owners, proposes to demolish a non-contributing carport and construct a 576 sq. ft. garage to a maximum height of 10'6". (Nicole Ramirez Thomas)
5. Case #H-16-079. 984 Acequia Madre Unit A. Downtown & Eastside Historic District. Rod Gesten, agent for, Greg, Skye and West Cooper, owners, propose to add a window, doors, and a screened roof-mounted air conditioning unit to a non-contributing residential structure. (Nicole Ramirez Thomas)

6. Case #H-16-080. 550½ Canyon Road. Downtown & Eastside Historic District. Thomas Lechner, agent for Louanne Ellis, owner, proposes to relocate one door and one window and add two new windows to a non-contributing residential structure. (Nicole Ramirez Thomas)
7. Case #H-16-081A. 417 Agua Fria Street. Downtown & Eastside Historic District. HPD Staff requests a historic status review with primary elevation designations, if applicable, for a non-contributing residential structure. (Nicole Ramirez Thomas)
8. Case #H-16-081B. 417 Agua Fria Street. Downtown & Eastside Historic District. Jake Rodriguez, agent for Shrine of Our Lady Guadalupe, owners, proposes to replace windows on a contributing structure. An exception is requested to remove historic material from a primary façade (Section 14-5.2(D)(a)(i)). (Nicole Ramirez Thomas)
9. Case #H-16-082. 326 South Guadalupe Street. Westside-Guadalupe Historic District. Suby Bowden and Associates, agent for Daniel Razatos, owner, proposes to install exposed bulb neon signage at 17'9" high on a significant non-residential structure. Two exceptions are requested (Section 14-8.10(H)(10)(c) and (26)(a)(1)(D)). (David Rasch)

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

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

SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
September 27, 2016

ITEM	ACTION TAKEN	PAGE(S)
B. Roll Call	Quorum Present	1
C. Approval of Agenda	Approved as presented	1-2
D. Approval of Minutes September 13, 2016	Approved as amended	2
E. Findings of Fact & Conclusions of Law	First only approved as presented	2-3
F. Business from the Floor	None	3
G. Communications	None	3
H. Action Items		
1. <u>Ordinance on Urban Ag</u>	Postponed	4
2. <u>Case #H-16-044A</u> 124 West Booth Street	Designations made	7-9
3. <u>Case #H-04-044B</u> 124 West Booth Street	Approved with conditions	9-20
4. <u>Case #H-16-078</u> 564 Garcia Street	Approved as submitted	4-6
4. <u>Case #H-16-069</u> 15 Gregory Lane	Not considered	
5. <u>Case #H-16-079.</u> 984 Acequia Madre Unit A	Approved with conditions	21-23
6. <u>Case #H-16-080.</u> 550½ Canyon Road	Approved with conditions	23-25
7. <u>Case #H-16-081A.</u> 417 Agua Fria Street	Designated Significant	25-33
8. <u>Case #H-16-081B.</u> 417 Agua Fria Street	Postponed to October 11	33
9. <u>Case #H-16-082.</u> 326 South Guadalupe Street	Approved	33-41
I. Matters from the Board	Discussion	41
J. Adjournment	Adjourned at 7:50 p.m.	41-42

MINUTES OF THE
CITY OF SANTA FÉ
HISTORIC DISTRICTS REVIEW BOARD

September 27, 2016

A. CALL TO ORDER

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

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Ms. Cecilia Rios, Chair
Mr. Frank Katz, Vice Chair
Ms. Jennifer Biedscheid
Mr. Edmund Boniface
Mr. Buddy Roybal

MEMBERS EXCUSED:

Ms. Meghan Bayer
Mr. William Powell

OTHERS PRESENT:

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

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

C. APPROVAL OF AGENDA

Mr. Rasch said under Findings of Fact and Conclusions of Law that only the first one was to be considered at this meeting. In addition, Item #1 is postponed and #8 is postponed to October 11, 2016

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

D. APPROVAL OF MINUTES: September 13, 2016

Member Biedscheid requested the following changes to the minutes:

On page 10 under Action of the Board, second to last sentence where "that door space for the gallery based on weather, security, or optimal design" should read, "the outdoor space for the gallery, based on whether security is not an optimal design."

On page 21, in the first paragraph, second to last line where it should say, "In 1995 it was Significant and in excellent condition."

On the same page, 4th paragraph, "isn't" should be changed to "is."

Member Katz requested the following changes to the minutes:

On page 18, second full paragraph, there should be a comma after "visit." Also, on page 18, second to last paragraph, he thought the word should be "alleged" rather than "allegated."

[Stenographer's Note: It was a direct quote and alleged was the word spoken.]

Member Katz moved to approve the minutes of September 13, 2016 as amended. Member Boniface seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACT & CONCLUSIONS OF LAW

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

Member Katz moved to approve the Findings of Fact and Conclusions of Law for Case #H-16-059B as presented. Member Roybal seconded the motion and it passed by unanimous voice vote.

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

Case #H-16-069. 715 Gregory Lane.

Case #H-16-071. 1112 Camino San Acacio.

Case #H-16-072A. 203 Canyon Road.

Case #H-16-072B. 203 Canyon Road.

Case #H-16-073A. 320 Paseo de Peralta.

Case #H-16-073B. 320 Paseo de Peralta.

Case #H-16-074A. 4 Placita Rafaela.

Case #H-16-074B. 4 Placita Rafaela.

Case #H-16-075. 1672 Cerro Gordo Road.

Case #H-16-076A. 222 North Guadalupe Avenue.

Case #H-16-076B. 222 North Guadalupe Avenue.

Case #H-16-077. 216 Gonzales Road/216 Lorenzo Lane.

The Findings of Fact and Conclusions of Law for these cases were all postponed to October 11, 2016 under Approval of the Agenda.

F. BUSINESS FROM THE FLOOR

There was no business from the floor.

G. COMMUNICATIONS

There were no communications.

H. ACTION ITEMS

1. **AN ORDINANCE AMENDING SUBSECTION 14-8.10 OF THE LAND DEVELOPMENT CODE TO PERMIT PLACEMENT AND CONSTRUCTION OF ELECTRONIC READER BOARD SIGNS TO FACILITATE WAYFINDING AND THE DISSEMINATION OF INFORMATION IN REAL TIME ON LOCAL SERVICES, PROGRAMS, ACTIVITIES AND EVENTS IN ACCORDANCE WITH A CITY PROGRAM; AND ESTABLISHING CERTAIN GUIDELINES ON ELECTRONIC READER BOARD SIGNS. (Mayor Gonzales) (Marcos Martínez) (POSTPONED TO OCTOBER 25, 2016.)**

This matter was postponed to October 25, 2016 under Approval of Agenda.

2. **Case #H-16-044A. 124 West Booth Street.** Don Gaspar Area Historic District. Gregory Chávez, agent/owner, requests a historic status review of a historic non-statused street frontage yardwall and primary elevation designations of a contributing residential structure and a contributing free-standing garage. (David Rasch)

The applicant for this case was not present.

Member Katz moved to table Case #H-16-044A and Case #H-16-044B to the end of the agenda. Member Boniface seconded the motion and it passed by unanimous voice vote.

4. **Case #H-16-078. 564 Garcia Street.** Downtown & Eastside Historic District. Joseph Bransford Builders, agent for Roy and Linda New, owners, proposes to demolish a non-contributing carport and construct a 576 sq. ft. garage to a maximum height of 10'6". (Nicole Ramirez Thomas)

Ms. Ramirez Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

564 Garcia Street is a Spanish-Pueblo Revival style residential structure that is listed as contributing to the Downtown and Eastside Historic District. No remodel is proposed for the home. The applicant proposes to demolish and existing car port and construct a garage. The carport has no status within the district. It was constructed in the mid-1990s and is therefore less than 50 years in age. A carport existed in nearly the same location prior to 1993 but was approved for demolition by the Board in H-93-088. The existing carport was constructed in its place.

The applicant proposes the following three items.

1. Demolish the old carport. A building inspection report from Inspections and Enforcement is included in the packet. The structure is not more than 75 years old as is stated by the applicant and is evidenced by the materials used to construct the carport. In addition, the 1993 HDRB case provides evidence that the carport was reconstructed after approval to demolish the old carport (photos of the carport in 1993 are provided). An archaeological clearance permit may be required if grading of an area greater than 2500 square feet will be required for drainage.

14-3.14 (G) Standards

(1) In determining whether a request for demolition in a historic district should be approved or denied, the HDRB shall consider the following:

- (a) Whether the *structure* is of historical importance;

Staff response: The structure is has no status within the historic district. The structure was constructed after 1993 and is therefore less than 50 years old.

- (b) Whether the *structure* for which demolition is requested is an essential part of a unique *street* section or block front and whether this *street* section or block front will be reestablished by a proposed *structure*; and

Staff response: The structure is located behind the house (to the west) and is not visible from any streetscape. The structure is not part of a unique street section or block.

(c) The state of repair and structural stability of the structure under consideration.

Staff response: The inspection report provided by the building inspector indicates damage to the foundation of the structure due to contact with the soil, and grading and drainage issues.

2. Construct a garage in the Spanish-Pueblo Revival style to replace of the carport.

a) The garage will measure 24' x 24' (576 sq. ft.) and will be 10' 6" high where the maximum allowable height is 14' 9". The garage will be framed and stuccoed cementitious El Rey "Sahara" to match the house.

b) Trim color is proposed to be "Island Oasis."

c) Garage doors are metal with divided lites. Divided lites are not shown on the drawing but the specs for the garage are provided in the packet.

d) The entrance door located on the east elevation of the proposed garage will be a metal clad wood door with half glass, divided lite.

e) Skylights will not be visible.

f) The viga arbor proposed on the plans will not be added.

3. Remove existing 4 ft. high coyote fence and existing gate. Replace fence with a 4 ft. tall CMU stucco wall in cementitious El Rey "Sahara." Replace the gate with a cedar post gate.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project as it 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.

Questions to Staff

There were no questions to Staff concerning this case.

Applicant's Presentation

Present and sworn was Mr. Joseph Bransford, 3000 Governor Mechem Road, who had nothing to add to the staff report. The Board saw the picture of the old carport which has posts in the dirt that are rotting out and it is not in good shape. The owners want a nice garage similar to the one next door.

Questions to the Applicant

Chair Rios asked him to describe the color of Island Oasis.

Mr. Bransford said it is the same as the existing trim color on the house. It is light blue like turquoise.

Ms. Ramirez Thomas showed the color sample to the Board.

Member Boniface noticed in the elevation that it has what seem to be very big notches for the canales. He asked what material he would use to construct the canales.

Mr. Bransford said the canales have 2x12 bottoms and 2x6 sides. He has arches in it just to give a little design because "that is the way the house is." That is the way the rest of the canales are on the house. He offered to close them in a little bit.

Member Boniface said it is okay. He was just trying to understand the drawing and it does match the rest of the house.

Public Comment

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

Action of the Board

Member Boniface moved in Case #H-16-078 at 564 Garcia Street, to approve this application as submitted and with Staff recommendations. Member Roybal seconded the motion and it passed by unanimous voice vote.

The applicant for 124 West Booth Street was now present.

Member Katz moved to remove from table Case #H-16-044A and Case #H-16-044B. Member Boniface seconded the motion and it passed by unanimous voice vote.

2. **Case #H-16-044A. 124 West Booth Street.** Don Gaspar Area Historic District. Gregory Chávez, agent/owner, requests a historic status review of a historic non-statused street frontage yardwall and primary elevation designations of a contributing residential structure and a contributing free-standing garage. (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

124 West Booth Street is a single-family residence that was constructed in a vernacular manner by

1928. The southeast corner of the residence with a porch appears to have been filled in sometime between 1930 and 1948, as evidenced by Sanborn maps (see attached), but there is no physical evidence of this. Historic wood casement windows are retained. A free-standing single-car garage was constructed between 1930 and 1948, also. The carriage doors do not appear to be original. Both structures are listed as contributing to the Don Gaspar Area Historic District, but primary elevations have not been assigned, yet.

A low, painted, concrete masonry yardwall that surrounds the property on both street frontages was constructed by 1966 and it has no historic status.

STAFF RECOMMENDATION:

Staff recommends that the north (1) and east (2) elevations of the residence and the east (1) elevation of the garage be designated as primary elevations and that the yardwall be designated as non-contributing due to lack of integrity, streetscape harmony, or value-adding character in the historic district.

Questions to Staff

There were no questions to staff regarding this case.

Applicant's Presentation

Present and sworn was Mr. Gregory Chávez, 124 West Booth Street, who stood for questions.

Questions to Applicant

Chair Rios asked if he agreed with Staff recommendations.

Mr. Chávez said he did.

Member Katz said the garage was not impressive and he wondered about downgrading it to noncontributing. The problem is that it was not advertised as such.

Mr. Chávez said he could submit another application.

Mr. Rasch said it would require sending a certified letter to all of his neighbors within a hundred feet and repost the notice. As a contributing structure, it requires preservation. As a non-contributing structure it would not require preservation.

Mr. Chávez said he would be okay with that. He asked about any time line for that and said he could meet with Mr. Rasch to get details.

Member Biedscheid asked Staff if she was correct that the Don Gaspar District has a number of detached garages that adds to the character of that district.

Mr. Rasch agreed. These "vehicle houses" were often free-standing and pushed back on the driveway. There are a number of them in the Don Gaspar area and some are in better condition than this one.

Member Biedscheid asked if it would also be true to say that the presence of an unattached garage on a street like that does add to the character of the district.

Mr. Rasch said yes, but like Member Katz stated, is this specific one worthy of preservation. The Board should either designate a primary elevation on the garage or postpone that part of the application.

Member Biedscheid thought in spite of its condition that its existence is important to the district.

Chair Rios asked the applicant about the condition of the garage.

Mr. Chávez said the doors were added sometime later on. It is in need of repair. The water flows into and out of the garage now. There is a pipe made out of fired clay that channels the water back out of it into the acequia in the back. It has not been taken care of for a while.

Chair Rios asked if the garage is used now.

Mr. Chávez said no.

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-16-044A at 124 Booth Street, to postpone the status of the garage and to designate as primary the North elevation and the East elevation on the main house and to leave the yardwall as noncontributing. Member Boniface seconded the motion and it passed by unanimous voice vote.

3. **Case #H-16-044B. 124 West Booth Street.** Don Gaspar Area Historic District. Gregory Chávez, agent/owner, proposes to demolish a yardwall, construct a 3' yardwall and gates, alter opening dimensions on a primary elevation, and demolish a porch. Exceptions are requested for altering a primary elevation (Section 14-5.2(D)(1)(a) and (5)(a) and (b)) and demolishing a contributing structure (Section 14-5.2(D)(1)(a)). (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

124 West Booth Street is a contributing structure in the Don Gaspar Area Historic District. The applicant proposes to remodel the property with the following four items.

1. The existing entry door and the existing adjacent historic window will be switched in location. If the north elevation was found to be a primary elevation, then an exception is requested to alter openings on a primary elevation (14-5.2(D)(1)(a)) and the required exception responses are at the end of this report.
2. The historic, but non-original, north porch will be not retained in place. Instead, an exception is requested to remove (14-5.2(D)(5)(b)) and reconstruct the porch, with the door and window swap, and the required exception responses are at the end of this report.
3. The non-historic east elevation aluminum slider window will be removed and replaced with a window in the existing opening dimensions and location.
4. The existing yardwall will be demolished. If the wall was found to be a contributing structure in the previous hearing, then the applicant requests an exception to remove historic material (14-5.2(D)(1)(a)) and the required exception criteria responses are at the end of this report. A 3' high yardwall will be reconstructed in the same location with a stone base and stucco-clad top in the color "Colonial White" or "Adobe Brown". An alternative to stone base and stucco is all "sandstone". There are no proposed changes in height or plane. A simple pedestrian gate and a natural finish wrought iron vehicle gate are proposed.

RELEVANT CODE CITATIONS

14-5.2 (C) Regulation of Contributing Structures in the Historic Districts

(1) Purpose and Intent

It is intended that:

- (a) Each structure to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings, shall not be undertaken;
- (b) Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time;
- (c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved.

(D) General Design Standards for All H Districts

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

(1) General

- (a) The status of a significant, contributing, or landmark structure shall be retained and preserved. If a

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

(5) Windows, Doors, and Other Architectural Features

(a) For all façades of significant and landmark structures and for the primary façades of contributing structures:

(i) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double pane glass may be used. No opening shall be widened or narrowed.

(ii) No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence.

(iii) No existing opening shall be closed.

(b) For all façades of significant, contributing and landmark structures, architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced. In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Replacement or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence.

EXCEPTION TO ALTER PRIMARY ELEVATION (Section 14-5.2(D)(1)(a) and (5)(a-b))

(i) Do not damage the character of the streetscape

Response: *The swapping of the one window with one door along West Booth Street of the residence on 124 W. Booth Street will not damage the existing character of the current street scape from the front door along 600ft in either direction of West Booth Street. Likewise, the existing aluminum window facing Granada will not damage the existing character as the proposed window will be homogenous to the existing windows of the home and the current aluminum window is not.*

Staff response: Staff agrees with this statement.

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

Response: *Currently the doorway on W. Booth St. is located in a bedroom which may inhibit emergency egress for the occupants on the west side of the home in case of an emergency such as a fire in the center of the home. The owner is proposing swapping the current windows in the living room with the existing door in the bedroom which will facilitate egress access to the residents of the home.*

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: *The owner has proposed only swapping the aluminum window with a homogenous window and swapping the existing living room windows with the existing bedroom door and will not in any way impact the heterogeneous character of the city or that of the Don Gaspar Historic District. Therefore, the existing character will continue to be maintained.*

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: *The home currently has a special condition which is the existing egress of the home is through a bedroom and the other through the kitchen. This is a special circumstance which is peculiar to this structure and not applicable to other residences in the area. Furthermore, it is a safety concern for the residence of the home and therefore the crux of the window/door swap. In addition, the existing aluminum window is peculiar to the structure and out of sync with the other windows of the home and that of the neighborhood. The home will now have a special use as a residence for the owner and his family.*

Staff response: Staff agrees with this statement.

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

Response: *The current condition of the home was purchased in the current condition with this special condition and peculiar circumstance for the residents. The owner would like to remediate this circumstance and improve the livability of the home for its residents.*

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 proposed window/door swap will maintain the material of the window and door. The proposed change will only shift the current façade but maintain the qualities of the home while enhancing its current use and perpetuate its function as a residence. Therefore, the owner will continue to preserve the qualities set forth in 14-5.2(A)(1) and will enhance the qualities set forth therein.*

Staff response: Staff agrees with this statement.

EXCEPTION TO REMOVE HISTORIC MATERIAL (porch) (Section 14-5.2(D)(1)(a))

(I) Do not damage the character of the streetscape

Response: *The removal of the portal on the entrance along West Booth Street of the residence on 124 W.*

Booth Street is a consequence of the window and door swap. The portal material was added sometime to the residence sometime between 1958 and 1966. It is possible the material is not considered historic. The swap of the existing windows/doors will not damage the existing character of the current street scape from the front door along 600ft in either direction of West Booth Street. Likewise, the removal of the material will be homogenous to the existing massing of the home.

Staff response: Staff does not agree with this statement. The porch is historic. The applicant has not addressed how removing it not damage the streetscape, but the porch will be reestablished at a different location on the same façade.

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

Response: Currently the portal doorway on W. Booth St. is located in a bedroom which may inhibit emergency egress for the occupants on the west side of the home in case of an emergency such as a fire in the center of the home. The owner is proposing swapping the current windows in the living room with the existing door in the bedroom which will facilitate egress access to the residents of the home and will impact the massing by removal of the existing portal material.

Staff response: Staff does not agree with this statement. The applicant has not addressed the hardship presented by leaving the porch where it is.

(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 owner has proposed removing the portal and will not in any way impact the heterogeneous character of the city or that of the Don Gaspar Historic District. Therefore, the removal of the portal will maintain the existing character and will continue to be maintained.

Staff response: Staff does not agree with this statement. The applicant has not addressed other design options such as placing a rope along the entry to close it off or placing a potted plant in that area.

(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: The portal at this location is not required as the window and door will be swapped and the existing portal will inhibit the placement of the swapped window. The use of the home is different now than previously as the owner will occupy the home with his family. The home will now have a special use and serve functional need for the owner and his 4-member family.

Staff response: Staff agrees with this statement.

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

Response: *The current portal condition of the home was purchased existing condition and with this special condition of having the only two egress points in a bedroom and kitchen which poses a peculiar circumstance for the residents. The owner would like to remediate this circumstance and improve the livability of the home for its residents.*

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 proposed portal removal will maintain the historic integrity of the façade. The proposed change will only shift the current façade but maintain the original qualities of the home while enhancing its current use and perpetuate its function as a residence. Therefore, the owner will continue to preserve the qualities set forth in 14-5.2(A)(1) and 14-5.2(C)(5)(C) and will enhance the qualities set forth therein.*

Staff response: Staff agrees with this statement.

EXCEPTION TO REMOVE HISTORIC MATERIAL (yardwall) (Section 14-5.2(D)(1)(a))

(I) Do not damage the character of the streetscape

Response: *The exposed existing cinder block wall which is used as the boundary wall on primary facing streets of Don Gaspar and West Booth Street is not a characteristic of current street scape from the front door along 600ft of these streets in either direction. Thus, the proposed property wall renovation and driveway gate will enhance the existing character of the streetscape and will not damage the existing character.*

Staff response: Staff agrees with this statement.

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

Response: *Currently the wall does not have a foundation and is falling in many places. It is a danger to pedestrians on the sidewalk and the owner is concerned of collapse of portions of the wall on his children. The Owner is also proposing a gate be placed in the driveway to prevent his small children from running into the road.*

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: *The owner has proposed a replacing the existing wall with a replacement wall made from entirely from brown sandstone or a stuccoed wall (EL Rey Color –Colonial White) with a suitable foundation designed by a professional engineer. Both of these options are in compliance with the District Standards for the Don Gaspar Historic District. The proposed gate is similar and consistent with other gates in Don Gaspar Historic District.*

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: *In this particular case the existing wall does not have a foundation which is conditions that is peculiar to the structure and is not shared by other structures. This lack of foundation is the main cause of its deterioration.*

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 lack of foundation is not the result of actions of the applicant.*

Staff response: Staff agrees with this statement.

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

Response: *By demolishing the existing wall the owner of the property will be eliminating the current danger to pedestrians and residents of the property. By replacing the wall, the owner would contribute to the character of the Don Gaspar Neighborhood continue to preserve the qualities set forth in 14-5.2(A)(1) and will enhance the qualities set forth therein and provide a safe wall alternative to the public.*

Staff response: Staff agrees with this statement.

STAFF RECOMMENDATION:

Staff finds that the exception request to alter a primary elevation has been met, that the exception, if needed, to remove the historic yardwall has been met, and that the exception to remove the historic porch has not been met. Additional testimony at the hearing may bring the exception request into compliance. Otherwise this application complies with Section 14-5.2(C) Regulation of Contributing Structures, (D) General Design Standards, and (H) Don Gaspar Area Historic District.

Questions to Staff

Member Biedscheid asked if there is a proposed elevation in the packet showing the portal.

Mr. Rasch thought it was an added sheet.

Member Katz noted there is a retouched photo showing that portal but the elevation doesn't show it.

Member Biedscheid asked then, if the application is considered complete.

Mr. Rasch said yes. At first, the applicant was not sure and still might want to talk about it. He is not necessarily wed to the idea of reestablishing that porch.

Member Biedscheid asked on item #4 to clarify if "sandstone" is the material or the color.

Mr. Chávez said it is the material. It is a stone wall.

Chair Rios asked for the date of the portal.

Mr. Rasch thought it was 1949, clearly not original. After looking, he said it is between 1930 and 1948. But not original.

Applicant's Presentation

Mr. Chávez (previously sworn) said regarding the portal and the porch, that if you look at the Sanborn maps that on the southeast corner was an addition but the porch material is on the north side of the house. He was not proposing any modification on the southeast. That portal was converted between 1930 and 1948. So they are two different things.

From aerial photos in 1958, there is no porch. In the 1966 aerial there is the porch and the yardwall. Those photos were included in his packet. On the porch, he initially had submitted responses for the six criteria to remove historic material. Since then, he worked with Mr. Rasch to improve those responses to meet the criteria and read them to the Board. He made no changes to the responses for #4, #5, and #6, which Staff accepted.

For criterion #1, he said, "Not all the buildings along West Booth Street have a porch. Just across the street, there is a residence that has been modified into apartment complex and removing the porch material

will not impact the streetscape along West Booth Street as the residences along Booth Street do not share similar porch streetscape as the West Booth house does. Likewise, not removing the porch material and leaving it as is, could be out of sync with the streetscape."

Initially, it was brought up earlier and he just wanted to reference it when it came to mind that he proposed initially removing the material and in his conversations with the Staff, as an alternative, it was suggested to try moving it and do something with a photo-shopped image of what it would look like if he had to move it. His revised responses to #2 and #3 address the issue if he left it in there and how it would affect him to swap the window and the door.

For #2, "As an alternative, I would try to keep it. But my first hope would be to remove that material. The question was *prevent a hardship to the applicant or an injury to the public welfare*. My improved response was that the swapped window and door would not fit into the soft area, thus preventing the swap of the entire window from taking place. Swapping the window would involve removing some of the porch material and possibly destabilizing the porch, as it is not anchored into the original structure. As an alternative, I could attempt to swap only a portion of the window that exists in the living room. However, leaving the porch material would inhibit placing a window in that opening. There is also a structural hazard, as the porch material was added after the main home was built and is not anchored to the home's adobes. Finally, the porch material impedes passage between the house and the yard wall around the perimeter of the residence. And, as a second thought, I wanted to make the first option to remove the historic material rather than to rebuild it in the new location."

For #3, he said, "the criterion is, *strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that the residents can continue to reside within the historic districts*. I examined several alternatives - options for removing the porch material. Putting a planter there would be one option, which would make it not a useful space as would roping off the outside entrance and creating an obscurity in the historic district. Most importantly, leaving the porch material as is would pose a hindrance for first responders as they would be directed to a porch that had an insufficient opening or none at all, presenting a hazard to the welfare of the residents in case of an emergency."

He said the whole impetus for swapping the door and the window, he wanted to move the door from an existing bedroom to a living room because it is centralized to the house and the other door is in the kitchen. So it doesn't provide an alternative means to get out of the home in case there is a fire inside the center of the house.

Questions to Applicant

Chair Rios asked if right now, the living room does not have an entrance/exit door.

Mr. Chávez agreed.

Chair Rios said he indicated that the porch was not anchored to the house. She asked him to explain that further.

Mr. Chávez said the adobes are up to the wall but not attached into the wall.

Member Katz asked if swapping the door and window meant he would change each opening.

Mr. Chávez agreed. To maintain and salvage the window, with as little disturbance as possible and to satisfy the need to have a door in a central location beside having just one in the kitchen and one in the bedroom where one would have to go from room to room in order to get out, he proposed swapping the window and door - the door that is in the middle, with the opening that is on the door and have as little impact on the structure as possible. There are already openings in both locations.

Member Katz understood but he would make the opening where the door is now wider.

Mr. Chávez agreed - or an alternative is he could put only part of the window into the door opening. That is also an option.

Member Katz asked if there would be any problem in changing the size of the opening dimension.

Mr. Rasch said there is. Since it is a primary elevation, he needs an exception and he thought the applicant met the criteria.

Member Boniface noted in the drawing, there appeared to be a few poles. He first asked what the proposed yardwall material would be.

Mr. Chávez said it would have a rock foundation and adobe for the remaining part of the wall. An alternative to that would be a stucco finish in Colonial White or Adobe Brown. Exposing the rock foundation underneath and an alternative to that would be just all out of rock with no stucco.

Member Boniface said with adobe it would be about 10" wide.

Mr. Chávez agreed.

Member Boniface asked how high the wall would be.

Mr. Chávez said the rock base would be 6" above the ground (not sidewalk). The sidewalk pushes the

existing wall out right now. That is on the east side. The north side is different.

Member Boniface said he didn't see a drawing or read a description for the two gates - pedestrian and vehicle.

Mr. Chávez said the pedestrian gate is shown on page 31.

Member Boniface said that just shows a square. He asked if that is of metal or wood and solid or open.

Mr. Chávez went first to page 40 that showed the driveway gate. In his proposal letter, he indicated that the vehicle gate of metal - wrought iron and rust colored. The gate on page 31 for pedestrians would also be wrought iron and similar color.

Member Boniface noticed on the site visit a nice iron pedestrian gate there now and asked if he could re-use that one.

Mr. Chávez agreed. That was his plan.

Member Biedscheid asked if his preference is to remove the porch altogether.

Mr. Chávez agreed.

Member Biedscheid thought he was also open to rebuilding that over the new front or the same location.

Mr. Chávez agreed.

Member Biedscheid thanked him for his revised responses. She asked if he had further testimony on rebuilding the porch.

Mr. Chávez said he thought he had when he talked about what it would look like if moved. His concern with a new location was that it needs to be stable but if he used the same material it would not be structurally sound so he would need to dig into every other adobe for anchoring. Still he thought it would not be that structurally sound. So a better alternative would be to construct it out of wood and anchor it with bolts.

He explained that there are competing factors here. One is maintaining the façade and the other is maintaining structural stability of the building. To him, those were competing and it would be a detriment later on to stability. He took pictures and was trying hard to maintain both structural and historic integrity.

Member Biedscheid presumed he would need a step for entry to the front door. Maybe our Board architect could comment on that.

Member Boniface understood what is going on structurally. It is peeling off since the adobes are just against the wall and the ground beneath was probably not stabilized. But he mentioned recreating he portal and that would allow him to anchor it to the wall. It might not be historically accurate with replacing it but he wanted the applicant to replace the portal in the new location. There are engineers here in town who could guide him through that to avoid the problem that exists now.

He agreed with the revised responses and they could also address removing historic material. That is a separate issue. He could accept those modified answers but would want to see the portal replaced.

Public Comment

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

Action of the Board

Member Boniface moved in Case #H-16-044B at 124 West Booth Street, to find that the exception criteria to alter the primary elevation has been met and that concurs with staff; for the removal of the yardwall, he accepted the exception responses as met; for removing historic material, he made a finding that in response to criterion #1, although the current portal is not original, it is historic and by replacing it in a new location that it would reestablish the streetscape; for #2, he agreed with the applicant's testimony that it is not structurally sound, also based on observations at the site; #3, he found this is reestablishing the heterogeneous character and maybe not all alternatives but replacing visually what is there. The others, Staff accepted. So he agreed with the applicant statement that by leaving the existing portal in current location and simply swapping window and door would possibly misdirect visitors and could misdirect first responders and he moved to approve the application.

Member Biedscheid seconded the motion with requested conditions that the deep inset of the window be recreated and the design of the portal be submitted to staff for review and approval.

Member Boniface agreed the amendments were friendly and he added that the yardwall meet the historic guidelines for fences and walls which is a vertical offset of at least 8" every 25' so recreating the pilasters that are already there but with slightly new locations; and that the drawings will be revised and submitted to Staff for approval before submitting for a construction permit. He

would approve the vehicle gate be wrought iron as proposed and that the existing pedestrian gate be reused in the new location. Member Biedscheid agreed and the motion passed by unanimous voice vote.

5. **Case #H-16-079. 984 Acequia Madre Unit A.** Downtown & Eastside Historic District. Rod Gesten, agent for, Greg, Skye and West Cooper, owners, propose to add a window, doors, and a screened roof-mounted air conditioning unit to a non-contributing residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

984 A Acequia Madre is a residential structure built in the Spanish-Pueblo Revival style. The residence is listed as noncontributing to the Downtown and Eastside Historic District. An Historic Cultural Properties Inventory form evaluated the property in 2003. At the time, the property was owned by John and Mary Wolf. At that time the building was recommended noncontributing to the Downtown and Eastside Historic District due to the degree to which the property has been remodeled. The applicant has provided a statement signed by Mr. Wolf stating the home was constructed in 1984.

The applicant intends to remodel the property with the following items.

1. Mount an air conditioning unit to the roof of the house. The unit is 51 1/4" deep x 35 3/4" wide x 47" in height. The unit will be placed behind the existing chimney to minimize its visibility from the east side of the house (Martínez Lane). In an effort to completely obscure the visibility of the air conditioning unit the applicant proposed to construct a screen of wood frame and stucco finish which will be placed around two sides of the unit and will be attached to the existing fireplace chimney. The height of the screen will be 14' 5" where the maximum allowable height is 14' 9".
2. On the south façade the applicant proposes to add a fixed transom window that measures 5' in length and 15" in height. The window will be wood clad with divided lites.
3. On the west and rear façade of the unit a 4' 0" wide and 6' 8" wood clad double French door with divided lite panes will replace an existing window.
4. Minor patching of stucco to match existing cementitious El Rey "Buckskin" stucco.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed remodel as it 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.

Questions to Staff

Chair Rios asked for clarification of her report about the height of the screen.

Ms. Ramirez Thomas said the screen will not be 14' 5" high. That is the height of the structure to the top of the screen.

Member Biedscheid noted the Staff said the house was constructed in 1984 but the HCPI on page 7 of the packet says it had modifications made in 1956.

Ms. Ramirez Thomas said the report actually say the house was built in the 1950s with a significant remodel in 1956 and then again in 1984. In the statement signed by Mr. Wolf and submitted by Mr. Cooper, said the house was built in 1984 but she thought the intention of the statement was that the building was greatly remodeled and reconfigured at that time. The configuration is significantly different today than at the time of the HCPI and the plat indicates that some lot lines were removed and the house structure was different.

Applicant's Presentation

Present and sworn was Mr. Rod Gesten, who said he concurred with the Staff recommendations.

Questions to Applicant

There were no questions to the Applicant.

Public Comment

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

Member Boniface noted the compressor would be on the roof and be screened. He asked if there

would be any ducts.

Mr. Gesten agreed there will be ducts associated with it but they will be painted the same color as the stucco.

Member Boniface asked if the ducts will be visible.

Mr. Gesten said no.

Action of the Board

Member Roybal moved in Case #H-16-079 at 984 Acequia Madre Unit A, approve the application as recommended by staff. Member Boniface seconded the motion with a condition that ducts be painted to match the stucco and that they not be visible from a public way. Member Roybal accepted the amendments as friendly and the motion passed by unanimous voice vote.

- 6. Case #H-16-080. 550½ Canyon Road. Downtown & Eastside Historic District. Thomas Lechner, agent for Louanne Ellis, owner, proposes to relocate one door and one window and add two new windows to a non-contributing residential structure. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

550 ½ Canyon Road is a residential structure build in the Spanish-Pueblo Revival style and is noncontributing to the Downtown and Eastside Historic District. A building inventory was conducted in 1984 for 550 Canyon Road which is now the Pushkin Gallery. The form includes a photo of the property and indicates the proposed building site for 550 ½ Canyon Road. The building is noncontributing to the district because it was built after 1984.

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

1. Remove a window and replace the opening with a door on the north elevation. The current location of the door on the north elevation will be filled in.
2. Relocate the window that was removed from the north elevation and place it at the southwest corner of the south elevation.

3. Remove a window from the west elevation and fill in the wall where the window was removed.
4. Add two new windows to the east elevation.
5. All windows will be simulated divided lite.
6. Paint color for the windows and door will match the existing "turquoise green."
7. Stucco color for patching will be cementitious El Rey in "Buckskin."

STAFF RECOMMENDATION:

Staff recommends approval of the proposed remodel as it 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.

Ms. Ramirez Thomas realized today about the question regarding the location of the proposed 550½ project. She had a photo from 1984 and passed it around to the Board members.

Questions to Staff

Chair Rios asked if this structure is both contributing and noncontributing.

Ms. Ramirez Thomas clarified that the 550 property is contributing but the 550½ is not.

Applicant's Presentation

Present and sworn was Mr. Thomas Lechner, 24 Vista de Luna, who said the window is being relocated from the west to the south elevation. That window will be replaced with a conforming window like those on the east elevation. The existing window has snap in muntins and the new windows will be architectural series.

Questions to Applicant

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

Mr. Lechner said no.

Public Comment

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

Action of the Board

Member Boniface moved in Case #H-16-080 at 550½ Canyon Road to approve the application as submitted and with the staff recommendation. Member Roybal seconded the motion.

Member Biedscheid requested a condition that the window design be submitted to Staff for final approval. Member Boniface agreed the amendment was friendly and the motion passed by unanimous voice vote.

- 7. Case #H-16-081A. 417 Agua Fria Street. Downtown & Eastside Historic District. HPD Staff requests a historic status review with primary elevation designations, if applicable, for a non-contributing residential structure. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas gave the staff report as follows:

BACKGROUND & SUMMARY:

417 Agua Fria is a mixed Territorial Revival and Mission Revival style building which is currently listed as noncontributing to the Downtown and Eastside Historic District. The building has served as the rectory and office for the Shrine of Our Lady of Guadalupe Parish. An historic building inventory was conducted in 1996 and recommended the status of the building be designated as contributing.

Staff has requested a status review to evaluate the building's status and designate primary elevations. The inventory describes the building as an historic and modern church initially constructed in the 1800s as an estimated date but known to have existed by 1902 according to the 1902 Sanborn map.

The 1958 aerial photo graph shows the existing footprint of the building without the 1960s addition to the north. A gabled roof is noted in the 1958 aerial and the current photos of the rectory and office building. The roof line provides a character defining feature of the east (elevations 6, 7, and the north half of 8), west (north half of elevation 3 and elevation 4), and north (elevation 5) elevations of the church. Dormers adorn the roof.

A Territorial Revival style addition was added to the south elevation of the church sometime between 1958

and 1969 (elevations 1 and 2, south corner of elevation 3, and south corner of elevation 8). No definitive date has been determined for the addition though the 1985 building inventory form indicates a remodel in 1961. The Territorial Revival character includes the brick coping, window pediments, a flat roof, and columns under the portal.

A porch was enclosed on the north side of the building (east half of elevation 5), also at an unknown date that appears to have occurred before 1958. She suggested 1930's.

Window styles include wood double hung windows on the north elevation and the east elevation of the building. All of the windows on the east side of the building are newer and have snap-in muntins which are broken. Six lite casement windows are also noted on the north side of the building. The west elevation consists of wood double hung windows. The south elevation is composed of large steel casement windows with fixed lites over hoppers.

Doors on the building are comprised of wood panel with upper lites, wood panel with side lites, transoms, and pedimented lintels. One French door exists on the east elevation.

Ms. Ramirez Thomas said the wall for the courtyard is not addressed in this evaluation although it probably was constructed at same time as the addition to the south, based on the aerial photographs. She also read the definitions of significant and contributing structures as a reminder.

STAFF RECOMMENDATION:

Staff recommends the building as significant to the Downtown and Eastside Historic District 14-5.2 (C) Regulation of Significant and Contributing Structures in the Historic Districts.

Ms. Ramirez Thomas explained that she felt the building is significant because it has a number of distinct characteristics which include the gabled roof with nice overhanging eaves; it has both a pitched roof and an intersecting roof; it has both Territorial revival and Mission architectural features; nine of the other windows are historic and, overall, she thought the building has been well maintained and has a high level of integrity in its entirety.

Questions to Staff

Chair Rios pointed out that with this building, the Board is looking at two distinctively different architectural styles. She asked Staff to reiterate to the Board the two styles of the building now and indicate the year it was constructed.

Ms. Ramirez Thomas said she thought the Territorial was constructed in 1964 but no later than 1968 - Territorial features include the pediments of the window, the brick coping, the flat roof portal. There is also Mission Revival architectural features at the top of the building. The older part of the building would be characterized as Territorial Revival.

Ms. Ramirez Thomas showed another section that has no certain date for it. It was before 1958 according to the aerial photographs and has a suggested date of the 1930's when the porch was enclosed. She characterized it as Territorial also.

Mr. Rasch said that section was part of the Americanization period in the country. It is Territorial but not Territorial Revival.

Member Roybal asked if it was known what the status is on the rest of the property.

Ms. Ramirez Thomas said it was also constructed in 1961 or before 1969,

Mr. Rasch agreed and added that the Santuario is Significant.

Member Boniface noted the portal does connect to the building to the west. So he asked when it was added and if it was separate or later than the 1960s.

Ms. Ramirez Thomas said late 1960's aerial photograph shows that the portal was present but wasn't in 1958. She believed the portal was constructed at the same time. Maybe the Applicant could speak to that more clearly. She didn't know if it was reconstructed.

Member Boniface asked if that portal is intended to be part of the application.

Ms. Ramirez Thomas agreed.

Member Boniface asked if it was up to the west building.

Ms. Ramirez Thomas agreed. The west building has not been evaluated yet.

Member Biedscheid wondered if it was first a portal just on this building and then replaced and connected later.

Ms. Ramirez Thomas said it could be.

Member Biedscheid asked if the 1996 survey indicated that it was listed on the state register of cultural

properties and if it was still current.

Ms. Ramirez Thomas said they didn't have that information because the City doesn't take that into account.

Member Biedscheid asked if that uses different criteria.

Ms. Ramirez Thomas agreed. There is some overlap but also significant differences.

Mr. Rasch believed it is still eligible.

Applicant's Presentation

Present and sworn were Mr. Jake Rodriguez, architect, with Fr. Dennis Garcia, pastor and Mr. Karl Mackin, property manager. They were sworn.

Chair Rios asked if the applicant agrees with the Staff recommendations.

Mr. Rodriguez said they would prefer the current designation (non-contributing) remain. They acknowledge that the building is old - beyond 50 years old. The addition shown was in the dedication bulletin from December, 1961. The portal is contemporary with that building along with the church which was completed at the same time. As noted, it has been well maintained as a parish. But you can tell it does need maintenance right now. There is some deferred maintenance.

He asked Staff about replacement of windows and proposed to upgrade to them with one door added for security. That is what led to the status review. As stated, this portion was built in September 1961 and that same dedication booklet showed behind the pedimented wall, the building with pitched roof that was built in 1917. He had a photo he could email to Staff after the meeting.

The courtyard wall at the northeast corner showed up in 1969 photo. He went to the archives office on Cathedral and found a courtyard garden was approved in 1977 and it explains why it doesn't show in that aerial but it is in the 1996 aerial.

They also think the windows facing the courtyard on the second floor and on the north were replaced in 1980 work in the interior. Those are the ones with broken snap in muntins. Those windows were added in the 80's and are what they want to replace.

Chair Rios asked him to indicate which building he is talking about.

Mr. Rodriguez said it is all one building to him. This is the 1961 addition. Everything else on the back side is the older building. That was built in the Territorial period. It is more eastern revival style that got imported into Santa Fe.

Other reasons for continuing the designation is that the parish already has several buildings. The original Santuario is the oldest. This building is the rectory and offices. There is the new church built in 1961 and a building behind it that was the school and not for parish activities. And across the street is the old convent that became La Tertulia Restaurant, as well as a building on Agua Fria. The likelihood of adding to this building is unlikely because they already have enough space. The Santuario and convent are shown on the HDRB map as Significant and the old school as Contributing. So they already have a lot of buildings to maintain. The parish has limited means. We perceive in the future it will be a burden upon them.

Another reason is that in this building there is a gabled metal roof and we don't know its age. But it is probably close to end of life. It has embossed metal and would be hard to replace in kind.

This whole project is to improve the quality and safety and integrity of the building. And on the inside, we want to improve the quality of life.

Questions to Applicant

Member Roybal said these windows look modern and asked how the windows play into the whole status of the building, given the age.

Ms. Ramirez Thomas said they are part of the 1961 addition and not part of the courtyard windows in 1980's.

Mr. Rodriguez said the windows on the front are part of original construction - the windows in courtyard were added in 1980's. The photo shows double hung windows in the gabled part and covered over with the 1961 addition. We would plan to restore the double-hung windows in the back portion

Member Boniface asked if the windows were added or did they simply replace the windows that were there.

Mr. Rodriguez said he meant replaced. He asked Mr. Rasch to show the back part of the building.

Mr. Rasch showed the photo and said there are screens here but the windows are set back from the face of the casing. The windows on the east side are flush with the casing which is another reason we know they were added later.

Member Boniface asked if on the west side, they are original windows.

Mr. Rodriguez agreed, as far as we can tell.

Member Boniface said the 1996 HCPI recommended Contributing status. He wondered if these windows have been replaced on the east side and how that plays into upgrading to Significant.

Ms. Ramirez Thomas assumed the openings remain the same, she thought the character of that east side is slightly different than the west. That was the nuance she was looking at. The west side is very straight in configuration of windows.

Member Boniface pointed out that they are nonhistoric windows but understood from Staff that it doesn't come into play in making it Significant.

Ms. Ramirez Thomas said the massing is the same and the windows are different. In discussion with Mr. Mackin, they stated that going forward and making repairs would be a significant challenge for them with the implications of significant status.

Member Boniface wondered if they understand that they could still do repairs on the building but just have to have a different application.

Ms. Ramirez Thomas agreed.

Mr. Rasch said the only difference is significant means all elevations are primary elevations.

Chair Rios said on the east elevation there are changed windows. She asked if the openings were altered.

Mr. Rodriguez said the openings were not altered that we are aware of. They all appear with wood cased openings on the inside.

Member Katz said if it were significant and had non historic elements, would they have to have an exception to replace that material.

Mr. Rasch said no.

Member Biedscheid said each façade has a different character and distinct enough to merit primary designation.

Ms. Ramirez Thomas agreed.

Fr. Dennis Garcia said many members were here. They would prefer to have no change in historic status of the rectory. It is a really financial hardship. We need renovation. It is living quarters for the resident priest and offices for the parish. Even some interior spaces have been used for meetings and other different needs over the years. The parish has limited financial means. Work is needed in the interior for safety. There are many vagrants in the area, - heating of the building including residential is expensive. There is not a functional kitchen right now. The members want to make sure their pastor has a kitchen. There is a lot of delayed maintenance. They do their best to keep things there. He has been there seven months and it was very cold last winter.

We have no money in the bank to do any of this work. Many of the members are having bake sales and yard sales to raise money for it. More status would mean more costs for us. And it would be a hardship.

We are blessed to have many buildings on our property. The old convent is a significant building and contributing for the old school so we find ourselves between rock and hard place. It would be hard to replicate historic elements.

Member Roybal asked Staff to explain what would happen with historic status.

Mr. Rasch said there are 3 options: as noncontributing, the exterior needs to follow downtown design standards. They apply no matter the status. So windows without muntins would require an exception. With Contributing status, we also follow preservation of historic materials and at least one primary elevation, historic doors and windows all would be repaired and retained or replaced in-kind. To replace not in kind requires an exception. Historic features shall be maintained. With Significant, all historic material shall be retained. Exceptions can always be applied for.

Chair Rios said the Board has an obligation to uphold the ordinance that guides it. The members all know we live in a historic community and Ms. Ramirez Thomas read the definitions that we are to uphold. It is more difficult to make changes but changes can be made. She heard Mr. Rodriguez say he wanted to take the windows back to what they were. So it is not that you can't make changes but you can if they can't be restored. So don't think things cannot be done to the building.

Fr. Garcia thanked her for helping him understand that. He understood exceptions can be requested. But that means costs too. A custom window or door is costly. He understood that exceptions can be granted. But for a community like ours, we are happy to be here but it translates into higher costs for customer materials. We are very interested in maintaining the integrity of it and to maintain the historic attributes.

Member Boniface said the Board isn't allowed to consider decisions based on monetary considerations. As an architect, looking at these windows that they might be custom. You'd be surprised how many window manufacturers have a wide range of sizes and styles. And if you did have to do a custom window, it is not that much more expensive. The interior is not under our purview. You could gut the entire interior and we would have nothing to say about that.

Mr. Tom Mackin, property manager for the diocese, said the archdiocese owns the property in trust for the parish. Even though we are a larger entity, we don't contribute to the parish so they have to take care of it themselves.

Public comment

Present and sworn was Mr. John Eddy, 227 East Palace, Suite D, who really appreciated the Board's patient and gentle demeanor in dealing with this. The foremost task is education and the restrictions on the Board such as the fact that you cannot address economics. He encouraged the Board to follow staff's recommendation to designate it Significant. It is iconic and greatly contributes to the streetscape. He'd like for the Board to be very careful that what they do doesn't impact the Santuario.

Present and sworn was Mr. James Gorman, 119 Spruce Street, who said this parish has been part of his life and his family's life for a very long time. Our pastor and members are working to upgrade. I would advocate for the current status. From the west, it is obscured by the main church and from the south by the parking garage and from Agua Fria, from the east, obscured by the Santuario. And there are courtyard walls that distract from the building. The proposed door would be to the left of the main door and a minimum impact. It also provides for greater security and energy efficiency.

Present and sworn was Mr. Raymond Herrera, 379 Hillside Avenue, who thought that this building should maintain its current status. The building itself, it is a gem we need to maintain. Personally, I never liked the new church but that is my personal view. I thank Fr. Garcia for taking the interest in this.

When asked by Chair Rios, he said it should be made Contributing.

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

Mr. Rodriguez said regarding Member Boniface's comments that they will match the current muntin style simulated divided pattern and not use snap ins regardless of the status. He thanked the Board and Staff for their work on this.

Chair Rios said they seemed to be really preservation minded. She thought all of them have made unconsciously made preservation minded comments and recognize the need to maintain certain buildings.

Mr. Rodriguez said he lives on the east side. He was the architect for restoration of the cathedral and also worked with Fr. Garcia at Neri in Albuquerque and also Santa Maria. He worked in preservation through nearly all the 1990s cataloguing historic churches. Our only concern here is that the designation upgrade limits the parish's ability to take care of the buildings.

Action of the Board

Member Katz also noted the disconnect between what everyone said and leaving it noncontributing. He agreed that this should be a statused building and confident the Board will work with the church and not make them jump through awful hoops.

Mr. Katz moved in Case #H-16-081A at 417 Agua Fria Street, to follow the recommendation of Staff to upgrade the property to Significant status. Member Biedscheid seconded the motion and it passed by unanimous voice vote.

8. **Case #H-16-081B. 417 Agua Fria Street.** Downtown & Eastside Historic District. Jake Rodriguez, agent for Shrine of Our Lady Guadalupe, owners, proposes to replace windows on a contributing structure. An exception is requested to remove historic material from a primary façade (Section 14-5.2(D)(a)(I)). (Nicole Ramirez Thomas) (POSTPONED to October 11, 2016)

Case #H-16-081B at 417 Agua Fria Street was postponed to October 11, 2016 under Approval of Agenda.

9. **Case #H-16-082. 326 South Guadalupe Street.** Westside-Guadalupe Historic District. Suby Bowden and Associates, agent for Daniel Razatos, owner, proposes to install exposed bulb neon signage at 17'9" high on a significant non-residential structure. Two exceptions are requested (Section 14-8.10(H)(10)(c) and (26)(a)(1)(D)). (David Rasch)

Mr. Rasch gave the staff report as follows:

BACKGROUND & SUMMARY:

326 South Guadalupe Street, formerly known as D.L. Miller Cracker Factory Co., Capital Coal Warehouse, H.B. Cartwright and Brother Grocery and Produce Co., and Zia Dinner, is a commercial structure that was originally constructed in a vernacular manner in 1882 and remodeled in the Mission Revival Style in 1910. The building is significant to the Westside-Guadalupe Historic District.

The applicant proposes to install a neon sign on the front, east façade. Previously, Zia Diner had a neon sign with exposed bulbs on the front façade above 15' high. The sign has been removed without permission and both of the non-conformities are no longer grandfathered in, so two exceptions are requested to alter and reinstall the previously existing sign. Vandalism was cited as the reason for removal, but no evidence is apparent on the mount or was submitted by the applicant. The large "Zia" signage on the south elevation has also been removed without approval.

The sign will be altered to show the name change for this restaurant and install at 18' above grade. No other changes are proposed.

RELEVANT CODE CITATIONS

14-8.10(H) Special Sign Regulations in the H Districts

(10) Illumination Restrictions (Ord. No. 2009-29 § 6)

(c) Wall signs to be illuminated shall be so constructed as to have all illumination from behind each letter. No visible bulbs, neon tubing or other lighting shall be allowed.

(26) Wall Signs

(a) Area Limitations

(I) A wall sign is subject to the following limitations:

(D) No sign shall be permitted fifteen (15) feet or more above street grade measured in front of the façade where the sign is to appear.

EXCEPTION TO HAVE EXPOSED NEON BULBS ON SIGNAGE (14-8.10(H)(10)(c))

(I) Do not damage the character of the district

Response:

326 S Guadalupe Street was the home of the former Zia Diner restaurant for the past 30 years. Zia Diner, with its iconic Neon sign on the Guadalupe Street has been a pleasant sight in Santa Fe's downtown streetscape. We believe that it has become part of the district's character and does not damage the character of the district. The sign was temporarily removed due to vandalism.

Staff response: Staff agrees with this statement. But, the non-conforming exposed bulb sign was removed and therefore has lost its grandfathered status.

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

Response:

Owner of the building (Landlord) would not have removed the sign if it had not suffered vandalism after closing of the Zia Diner. Now that the Owner has removed the sign to save it from getting further damaged, our client is facing the need to fulfill these exceptions which we think is an unnecessary course of action causing him delays in opening his restaurant. We do not see harm to the public welfare, as the sign is high enough that people walking under it do not face any harm.

Staff response: Staff agrees with this statement. But, the applicant has not responded to this criterion regarding a potential hardship of not having signage with exposed bulbs.

(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:

As mentioned in item (I) above, the sign has been part of the streetscape for the last 30 years and our client would like to restore it by simply changing the name of the business on the sign from Zia Diner to Café Sonder. We have several signatures from neighboring businesses in support of keeping the original iconic neon sign.

Alternately, we can look into replacing the neon bulb to LED rope light and use the same sign.

Staff response: Staff does not agree with this statement. There are other signage options that do not require an exception. A rope light is still an exposed bulb by ordinance definition.

EXCEPTION TO INSTALL SIGNAGE ABOVE 15' (14-8.10(H)(26)(a)(i)(D))

(I) Do not damage the character of the streetscape

Response:

326 S Guadalupe Street was the home of the former Zia Diner restaurant for the past 30 years. Zia Diner, with its iconic Neon sign on the Guadalupe Street has been a pleasant sight in Santa Fe's downtown streetscape. We believe that it has become part of the district's character and does not damage the character of the district. The sign was temporarily removed due to vandalism.

Staff response: Staff agrees with this statement. But, even if the Board were to approve the exposed bulbs, the neon sign does not need to be above 15' and the applicant has not addressed the proposed height within the streetscape.

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

Response:

Owner of the building (Landlord) would not have removed the sign if it had not suffered vandalism after closing of the Zia Diner. Now that the Owner has removed the sign to save it from getting further damaged, our client is facing the need to fulfill these exceptions which we think is an unnecessary course of action causing him delays in opening his restaurant. We do not see harm to the public welfare, as the sign is high enough that people walking under it do not face any harm.

Staff response: Staff does not agree with this statement. The applicant has not addressed why the height limit is a hardship.

(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:

As mentioned in item (i) above, the sign has been part of the streetscape for the last 30 years and our client would like to restore it by simply changing the name of the business on the sign from Zia Diner to Café Sonder. We have several signatures from neighboring businesses in support of keeping the original iconic neon sign

Staff response: Staff does not agree with this statement. There are other design options that do not require a height exception and the applicant has not addressed them.

(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:

The building is an historic structure which was restored in the past, at a time that the neon sign was allowed by the City. Due to the historic districts current concerns about Neon, we could alternately look into replacing the neon tubes with LED rope lights and use the same sign.

Staff response: Staff does not agree with this statement. The applicant has not addressed this criterion.

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

Response:

The applicant (café Sonder) did not know that removing the vandalized sign, would cause it to no longer be considered "existing" and would not have removed it without notifying the Historic Staff.

Staff response: Staff does not agree with this statement. This exception is clearly a result of the actions of the applicant.

(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:

We are not proposing any exterior alterations to the building other than the proposed sign. We are reusing the sign installation system which is still left on the building. Since we are not altering any exterior features of the building, by keeping the same neon sign we are preserving its continued existence.

The existing sign was mounted at 18 ft (top of the sign) above the sidewalk level. By reusing the sign and mounting hardware in its existing location, we are preserving its appearance that has been in existence for the last 30 years.

If we were to lower the sign and still have a way of shining light onto the sign, it would cause damage to the existing stucco, which we are trying to avoid.

In the course of interior refinishing, we discovered that the existing walls are made of adobe bricks and Pentile in some areas. Crocker Ltd. had carried out major wall restoration in early 1990s to prevent the walls from sinking. By reusing the existing sign and the sign mounts we are trying to avoid the guesswork of mounting sign at a different location, thus avoiding as any possible damage to the historic walls.

Staff response: Staff does not agree with this statement. Effective and harmonious signage can be achieved without exceptions.

STAFF RECOMMENDATION:

Staff finds that neither of the exceptions have been met to install signage with exposed bulbs or to place a sign above 15'. Additional testimony at the hearing may bring the application into compliance.

Questions to Staff

Chair Rios said the applicant wants to have the same sign but with a new name.

Mr. Rasch agreed.

Chair Rios and the sign was there 30 years. Mr. Rasch agreed.

Member Roybal asked if that sign was grandfathered in.

Mr. Rasch said before they removed, he would have warned them about grandfather status. Now it is too late. But it still has the original bracket. Would an applicant, a normal person know that fact?

Mr. Rasch said people in the historic district are required to know the rule.

Member Roybal said the renter is renting from the landlord and the landlord might have removed the sign.

Mr. Rasch agreed that is a possibility but it is not a good excuse.

Member Roybal asked in a different location, what could be used.

Mr. Rasch said they are asking for exposed neon which is prohibited and it is above the 15' maximum height. 18' needs an exception. If the Board approves the sign, it could be installed at 15' and not require an exception. Still, the neon exposed bulb needs an exception.

Applicant's Presentation

Present and sworn was Mr. Sunil Sakhalke, 333 Montezuma, who said he appreciated Mr. Rasch's help. He began with a time line of what happened.

The Zia Diner closed in February and was in a New Mexican article. They removed the sign in March as the owner was not aware of the rule. We were not involved in the project until the end of February. As soon as they signed the contract with the owner, his first call was to Mr. Rasch to talk about this. He was aware of historic structures around the city and appreciated them. He is not proposing changes on the outside. It is also interesting that most of the owners don't want to take away anything from the old business but this owner wanted to use that sign because it is part of the streetscape for over 30 years. It was opened in 1966. So the sign was seen for many years and there is an emotional attachment. So knowing that, Staff does not agree with what we proposed because of the code. We appreciate the code but it is more like nostalgia to maintain it. But with the sign removed, all bets are off. If the landlord had known about it, he might have not removed it but there was vandalism, so he removed it. The bracket was not removed. The owner of the building is not here.

As far as height is concerned - we are going back to the same brackets that are there. This building is 150 years old and we have seen some signs of restoration in the 1990s to add steel cages to reinforce the walls. We are afraid that another location would run into a problem because it is a heavy sign. So we want to use the same supports. Historically, there are signs above doors in most businesses. So it has always been there and they would like to reuse the sign in the same location.

Chair Rios understood it was removed by the owner because of vandalism.

Mr. Sakhalter agreed. He talked with the owner today. He could not find more information on it but he would be happy to pursue more. He wanted to keep the sign safe. There is also restoration of neon signs along Route 66 that have been there for last 30 years and hoped the Board respected that and would allow them to reuse the sign.

Member Roybal said the next door sign at Guadalupe Station appears to be higher than 15'.

Mr. Rasch said it is quite possible they got an exception or did it illegally. He had not done the research.

Chair Rios said in answers to the criteria. They said it would cause damage to the existing stucco which they wish to avoid.

Mr. Sakhalter confirmed it. Anything is possible with technology in this day. But anything we can avoid on the outside is what we want.

Present and sworn was Ms. Suby Bowden, 333 Montezuma, who said Mr. Sakhalter made the comment earlier that Ed Crocker was brought in to help with restoration. It was built with pen tile. The walls were falling away from each other. So pen tile was added to the adobe on the inside. It is not that it can't be done but we are not trying to do that if not necessarily.

Questions to Applicant

There were no other questions to the applicant.

Public Comment

Mr. Raymond Herrera (previously sworn) said this was a garage fifty years ago and having seen the Zia sign there for 30 years adds to the streetscape of this building and an exception should be allowed to replace it.

Mr. John Eddy (previously sworn) said he was a little conflicted. He offered a disclaimer that the applicant is a friend but he agreed with Mr. Herrera that the Zia sign has become iconic on Guadalupe. He asked the Board to consider it grandfathered. That building is very sensitive and he didn't object to it being that high for 30 years.

Mr. Rasch said there was a misrepresentation. Staff did not recommend denial but just that they did not meet exception criteria.

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

Action of the Board

Member Boniface said they have to address the six criteria and Staff didn't agree with five of them so he would state why he believed the Applicant has answered them.

Member Biedscheid said they disagreed with more than those that were stated.

Mr. Rasch agreed. There are three for the exposed neon and six for height.

Ms. Gheen clarified that the Board needed to address those that Staff did not accept.

Member Boniface said the first criterion is that the exception required that it doesn't damage the character of the district. Given the fact that the sign was there for over three decades that it not only doesn't damage it but helps define it. Second is not to present a hardship or injury to public welfare. He would find that the hardship is that they want their sign and he didn't see that the sign is any different than what was there so he saw no reason why it should not continue to be there. So

it is not injurious to the district. Thirdly, to strengthen the heterogeneous character - they are not residing there - it is a business these signs contribute to the character of city and streetscape so he has have met those.

Regarding the height exception:

1 - doesn't damage the character - He would accept the same argument for 1 in neon; it is actually already part of the character of the streetscape.

2 - prevent hardship - this doesn't contribute to injury of public welfare as it was there for 30 years.

3- strengthen the unique heterogeneous character and provides design options - having been part of the character for 30 years, it fits right in.

4 - special circumstances - this is a special condition peculiar to this structure and was there for 30 years.

5 - not result of applicant actions. It is the action of the owner, but not of the applicant.

6 - least negative impact - there is no negative impact due to fact that it is an economic part of city and streetscape.

So Member Boniface accepted all responses for the exceptions and moved in Case #H-16-082 at 326 South Guadalupe Street, for approval. Member Roybal seconded the motion.

Member Katz added to the findings regarding hardship, that- there is an element of hardship that for 30 years, people knew by that sign of the restaurant there and any other kind of sign would be less clear. And there is a sign right next door above 15'. For the Strengthening criterion, we often hear that there could be other options and the location could be different, but any other location would be less optimum. And on criterion 6 - least negative impact - putting it anywhere else would be more of an impact.

Member Boniface accepted those as friendly amendments.

Member Biedscheid said for criteria #2 and #3, that the use of existing brackets means less damage to the wall. #4 - peculiar circumstances - it is restoration of a sign that was there which is a special circumstance. And on #5 - is not the result of the applicant - the transfer of one business to another is a special condition of the application.

Member Boniface those are friendly. Member Roybal seconded the motion and it passed by unanimous voice vote.

I. MATTERS FROM THE BOARD

Member Roybal complimented the Staff, Board and City Attorney for all the work. I've been here for almost a year. And I am amazed at the work done here to balance between the rights of client and the code. Being a new member, I really appreciate all your hard work.

Member Katz wished for Ms. Gheen to have a wonderful trip.


J. ADJOURNMENT

Member Roybal moved to adjourn the meeting. Member Boniface seconded the motion and it passed by unanimous voice vote. The meeting was adjourned at 7:50 p.m.

Approved by:

Cecilia Rios, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.