



Agenda

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**HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP**

**TUESDAY, August 22, 2017 at 12:00 NOON**

**HISTORIC PRESERVATION DIVISION, 1<sup>st</sup> FLOOR CITY HALL**

**HISTORIC DISTRICTS REVIEW BOARD HEARING**

**TUESDAY, August 22, 2017 at 5:30 P.M.**

**CITY COUNCIL CHAMBERS**

**\*\*\*AMENDED\*\*\***

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: July 25, 2017 and August 8, 2017
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-16-100B. 1039 Camino San Acacio.  
Case #H-17-050B. 335 Camino Cerrito.  
Case #H-17-067. 720 Don Gaspar Avenue.  
Case #H-17-066. 415 Camino Manzano.

Case #H-16-072B. 203 Canyon Road.  
Case #H-08-043. 325 & 325½ Delgado Street.  
Case #H-17-065. 1411 Paseo de Peralta.

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

1. Case #H-16-100B. 1039 Camino San Acacio. Downtown & Eastside Historic District. Will McDonald, agent for Tamar Hurwitz, owner, proposes to amend a previous approval to remodel a contributing residential structure by screening roof-mounted HVAC with a stuccoed screen to a height of 13' where the maximum allowable height is 15'10". (David Rasch)
2. Case #H-16-103. 503 Apodaca Hill. Downtown & Eastside Historic District. Antonio Gonzales agent/owner proposes to alter yardwalls and construct yardwalls and fences not to exceed 6' high on a non-contributing property. (David Rasch)
3. Case #H-17-014B. 201½ Ambrosio Street. Westside-Guadalupe Historic District. Marc Naktin, agent for Liz Perelstein, owner, proposes to modify a previous approval to increase the height of the clerestory on an addition to a height of 13'8" where the maximum allowable height is 14'4" on a contributing residential structure. (Nicole Ramirez Thomas)
4. Case #H-16-101. 5 Cerro Gordo Road. Downtown & Eastside Historic District. Christopher Purvis, agent for Charles Gillan and Cathy Nunnally, owners, proposes to modify a previously approved exception for a bathroom addition to the east elevation of a significant residential structure (Nicole Ramirez Thomas)
5. Case #H-12-030. 494 Camino Don Miguel. Downtown & Eastside Historic District. Andres Mercado and Christine Chen, agents/owners request a historic status review with primary elevation designations, if applicable, for a non-statused accessory structure. (Nicole Ramirez Thomas)
6. Case #H-16-019. 1340 Canyon Road. Downtown & Eastside Historic District. Ed Boniface, agent for David Weir, owner, proposes to construct a 534 sq. ft. addition to a height of 13'6" on a non-contributing residential structure. (Nicole Ramirez Thomas)
7. Case #H-17-069. 334 Garcia Street. Downtown & Eastside Historic District. Thomas Hughes, agent for Krista Peters, owner, proposes to remodel a significant free standing garage. Three exceptions are requested to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)), to change opening dimensions on a primary elevation (Section 14-5.2(D)(5)(a)(1)), and to remove historic materials (Section 14-5.2(D)(5)(a)(1)). (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](http://www.santafenm.gov/historic_districts_review_board_hearing_packets) for more information regarding cases on this agenda. Persons with disabilities in need of accommodations, contact the City Clerk's office at (505) 955-6521 five (5) working days prior to the meeting date.



CITY CLERK'S OFFICE  
**Agenda** DATE 8/3/17 TIME 4:45  
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**HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP**

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Case #H-16-100B, 1039 Camino San Acacio.

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

Case #H-08-043, 325 & 325½ Delgado Street.

Case #H-17-065, 1411 Paseo de Peralta

Case #H-16-038, 1369 Cerro Gordo.

Case #H-17-050B, 335 Camino Cerrito.

Case #H-17-067, 720 Don Gaspar Avenue.

Case #H-17-066, 415 Camino Manzano.

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

1. Case #H-16-103, 503 Apodaca Hill. Downtown & Eastside Historic District. Antonio Gonzales agent/owner proposes to alter yardwalls and construct yardwalls and fences not to exceed 6' high on a non-contributing property. (David Rasch)
2. Case #H-17-014B, 201½ Ambrosio Street. Westside-Guadalupe Historic District. Marc Naktin, agent for Liz Perelstein, owner, proposes to modify a previous approval to increase the height of the clerestory on an addition to a height of 13'8" where the maximum allowable height is 14'0" on a contributing residential structure. (Nicole Ramirez Thomas)
3. Case #H-16-101, 5 Cerro Gordo Road. Downtown & Eastside Historic District. Christopher Purvis, agent for Charles Gillan and Cathy Nunnally, owners, proposes to modify a previously approved exception for a bathroom addition to the east elevation of a significant residential structure (Nicole Ramirez Thomas)
4. Case #H-16-029, 716 Gildersleeve Street. Don Gaspar Area Historic District. Lawrence Catanach, agent for Mavinn Tassin, proposes to remodel a contributing residential structure by expanding the rear portal by 63 sq. ft., constructing a 45 sq. ft. portal, constructing a 64 sq. ft. addition, and altering several windows. An exception is requested to exceed the 50% footprint standard (Section 14-5.2(D)(2)(d)). (David Rasch)
5. Case #H-17-059, 827 East Alameda Street. Don Gaspar Area Historic District. Rachele Griego and Andrew Gough, agents/owners, propose construct a 534 sq. ft. addition, raise parapets and construct a 6' high wall on the south property line of a contributing residential structure. Four exceptions are requested to enclose a portal (Section 14-5.2(D)(4)), construct an addition on a primary elevation (Section 14-5.2(D)(2)(c)), exceed the maximum allowable height of a yardwall (Section 14-5.2(D)(9)(c)(i)(e)), and increase the parapet height on a primary elevation (Section 14-5.2(D)(9)). (Nicole Ramirez Thomas)
6. Case #H-12-030, 494 Camino Don Miguel. Downtown & Eastside Historic District. Andres Mercado and Christine Chen, agents/owners request a historic status review with primary elevation designations, if applicable, for a non-statused accessory structure. (Nicole Ramirez Thomas)

7. Case #H-17-070. 316 Aztec Street. Transition Historic District. Kevin and Monika Moores, agents/owners, request a historic status review with primary elevation designations, if applicable, for a contributing residential structure and a non-statused yardwall. (David Rasch)
8. Case #H-17-071. 424 Arroyo Tenorio. Downtown & Eastside Historic District. Sandra Donner, agent for Brad and Morgan Moody, owners, request a historic status review with primary elevation designations, if applicable, for a contributing residential structure and a non-statused yardwall. (David Rasch)
9. Case #H-16-019. 1340 Canyon Road. Downtown & Eastside Historic District. Ed Boniface, agent for David Weir, owner, proposes to construct a 434 sq. ft. addition to a height of 13'6" on a non-contributing residential structure. (Nicole Ramirez Thomas)
10. Case #H-17-068. 434 and 434A Acequia Madre. Downtown & Eastside Historic District. McDowell Fine Homes, agent/owner, proposes to construct a 3,470 sq. ft. residence and a 1,016 sq. ft. casita each to a height of 16'6" where the maximum allowable height is 15'7" on a vacant lot, and to construct yardwalls from 3'6" to 7'6" high. An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Nicole Ramirez Thomas)
11. Case #H-17-069. 334 Garcia Street. Downtown & Eastside Historic District. Thomas Hughes, agent for Krista Peters, owner, proposes to remodel a significant free standing garage. Three exceptions are requested to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)), to change opening dimensions on a primary elevation (Section 14-5.2(D)(5)(a)(1)), and to remove historic materials (Section 14-5.2(D)(5)(a)(1)). (David Rasch)

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**SUMMARY INDEX**  
**HISTORIC DISTRICTS REVIEW BOARD**  
August 22, 2017

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**MINUTES OF THE**  
**CITY OF SANTA FE**  
**HISTORIC DISTRICTS REVIEW BOARD**

**August 22, 2017**

**A. CALL TO ORDER**

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

**B. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

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

**MEMBERS EXCUSED:**

**OTHERS PRESENT:**

Mr. David Rasch, Planner Supervisor  
Ms. Nicole Ramirez Thomas, Senior Planner  
Ms. Theresa Gheen, Assistant City Attorney  
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 and available on the City of Santa Fe web site.**

**C. APPROVAL OF AGENDA**

Mr. Rasch said case #1 is postponed.

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

**D. APPROVAL OF MINUTES:**

**1) July 25, 2017**

Member Katz requested the following changes to the minutes.

On page 10, penultimate paragraph, second sentence, it should say, "At the last meeting, the height exception in another case ...."

On page 12, sixth paragraph, is should say, "Member Katz didn't think it made a difference. If built 20 years ago, you would determine height allowance in the same way."

On page 14, second paragraph at the end, it should say "...below 7070 feet."

On page 17 in the motion, "... that the whole garage inside ..."

**Member Katz moved to approve the minutes of July 25, 2017 as amended. Member Biedscheid seconded the motion and it passed by unanimous voice vote.**

**2) August 8, 2017**

Member Biedscheid requested a change on page 16 in the motion that the second condition should say "Member Biedscheid requested a condition that the overhang on the guest house on the north elevation be lowered so that it is closer to the door than the parapet...."

Member Bayer requested a change on page 28 in the motion where it should say, **Member Bayer requested a friendly amendment that the HCPI Form include not only the building but the wall and water tower and that if the surveyor makes any recommendation about change in designation, there should be a full discussion in the report.**"

Member Katz requested a change on page 4, where it should say, "Mr. McDonald said there is very little exterior space ~~there~~ on the lot to do that."

Member Boniface requested on page 11, second paragraph, to strike last three words "would keep it.

**Member Boniface moved to approve the minutes of August 8, 2017 as amended. Member Biedscheid seconded the motion and it passed by unanimous voice vote except for Member Powell who abstained.**

## E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

**Case #H-16-100B, 1039 Camino San Acacio.**

**Case #H-17-050B, 335 Camino Cerrito**

**Case #H-17-067, 720 Don Gaspar Avenue**

**Case #H-17-066, 415 Camino Manzano**

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

**Case #H-08-043, 325/325½ Delgado Street**

**Case #H-17-064, 1411 Paseo do Peralta**

Member Katz pointed out that two cases, Case #H-16-070 at 442 Camino de las Animas, and Case #H-17-062, 168 Lorenzo Lane were continued from the last meeting and should have been on this agenda.

Ms. Gheen said that to follow proper procedure, the cases needed to be postponed to a date certain to be heard. She was not sure that has been done. She further explained that they were on the previous meeting agenda and the Board voted to postpone them until after the approval of the minutes.

Ms. Ramirez Thomas referred to page 2 of those minutes and said they were postponed but not to a date certain.

Cahir Rios asked if the Board could move forward on those two Findings.

Ms. Gheen recommended not acting on them at this meeting since they are not on the agenda. She recommended postponing to a date certain.

**Member Boniface moved to postpone the Findings of Fact and Conclusions of Law for Case #H-16-070, 442 Camino de las Animas and Case #H-17-062, 168 Lorenzo Lane to September 12, 2017. Member Katz seconded the motion and it passed by unanimous voice vote.**

Member Biedscheid asked if her amendment to the minutes would require a change to the Findings of Fact and Conclusions of Law for Case #H-17-050B, 335 Camino Cerrito "so that it is closer to the door than the parapet."

Ms. Gheen agreed to hand write that in and have the Board sing-off on the change.

**Member Boniface moved to approve all Findings of Fact and Conclusions of Law on this agenda as amended. Member Biedscheid seconded the motion and it passed by unanimous voice vote except Member Powell abstained.**

## F. BUSINESS FROM THE FLOOR

Ms. Stefanie Beninato provided an update on 616½ Galisteo. There is now a concrete cap on wall facing the south but no waterproofing between it and the wall which means the concrete will draw moisture out of the wall and cause it to crumble. It is already crumbling and there is no protection. A pile of sand looks hopeful.



She reported that at 600 Galisteo, a grill was supposed to be approved either by Board or Staff that she thought was over some windows. "It kind of looks like a bat but not bozart and certainly not art deco." Maybe Staff could photograph it for the Board. She also clarified that when she said, "they are not yet owners," it was because the owner who died had no will and the heirs have not taken legal action to show they own it yet. It makes it hard for them to get a loan.

There were no other speakers from the public and the Matters from the Floor portion was closed.

## **G. COMMUNICATIONS**

There were no communications.

## **H. ACTION ITEMS**

1. **Case #H-16-100B, 1039 Camino San Acacio. Downtown & Eastside Historic District.** Will McDonald, agent for Tamar Hurwitz, owner, proposes to amend a previous approval to remodel a contributing residential structure by screening roof-mounted HVAC with a stuccoed screen to a height of 13' where the maximum allowable height is 15'10". (David Rasch)

This case was postponed under Approval of the Agenda.

2. **Case #H-16-103, 503 Apodaca Hill. Downtown & Eastside Historic District.** Antonio Gonzales agent/owner proposes to alter yardwalls and construct yardwalls and fences not to exceed 6' high on a non-contributing property. (David Rasch)

Mr. Rasch presented the staff report as follows:

### **BACKGROUND & SUMMARY:**

503 Apodaca Hill is a single-family residential structure with an attached guest house on the east elevation and an attached carport on the southwest corner that was constructed in a vernacular manner in 1952 with alterations in 1980, 1988, and 1991. From 1988 through 2000, many rock walls were constructed around and within the property. All structures on the property are listed as non-contributing to the Downtown & Eastside Historic District.

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

1. The existing coyote fence along the west end of the north lot line will be removed and replaced with a 6' high masonry yardwall that will continue east along the entire lotline and stuccoed with El Rey cementitious material in "Buckskin".

2. The existing concrete yardwall near the east end of the south lotline, that encroaches on adjacent property to the south, will be removed and replaced with a 6' high masonry yardwall stuccoed that will continue west along the entire lotline and stuccoed with El Rey cementitious material in "Buckskin".
3. A 6' high masonry yardwall will be constructed 18" from the east lotline and finished with El Rey cementitious stucco in "Buckskin".

**STAFF RECOMMENDATION:**

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

**Questions to Staff.**

Chair Rios asked if the west side will remain as is but the rest will be walled in.

Mr. Rasch agreed. It is mostly enclosed now but in disrepair.

Chair Rios asked if it would all be at six feet.

Mr. Rasch agreed.

Chair Rios asked him to comment on the wall and fence guidelines.

Mr. Rasch read the purpose and intent.

Chair Rios asked about the public visibility.

Mr. Rasch said it is open to the public when the gate is open. The east wall is only visible from the private driveway.

Member Bayer asked if item #2 is resolving the lot line encroachment.

Mr. Rasch thought so but understood the neighbor to the south had some concerns to share with the Board.

Chair Rios noted that lot line encroachment is not in the Board's purview.

Mr. Rasch said that is true but it could affect the Board's decision on the design.

**Applicant's Presentation**

Ms. Sunny Velasquez was sworn and had nothing to add to the Staff Report.

### Questions to Applicant

There were no questions to the Applicant.

### Public Comment

Ms. Iscah Carey, 505 Apodaca Hill, was sworn and said she is the east side neighbor and grateful for the wall which will block her from future construction. There are questions. These are old Santa Fe homes. When she bought her house 12 years ago, she asked the owner of the subject property if she could put up a fence against his wall. She did and thought it was within her property line. But there are places where her fence veers into her neighbor's property and places where her neighbor's veers into her property. Her primary concern is the 60-year-old Cottonwood tree that is exactly on the property line. The stake is right in the middle.

Through research, she found that it is a historic landmark tree and blocks the noise and the view from up on the hill and blocks that noise and view to her neighbor's yard. The new owner doesn't understand that it blocks views, but she will benefit from the blocked noise and wanted to come to a resolution that will save the tree. She thought this is a place to start.

Chair Rios asked Ms. Velasquez if she was planning to tear down the tree.

Ms. Velasquez said she is not trying to tear down the tree. Ms. Velasquez added that Ms. Carey is her neighbor to the south, not the east.

Mr. Rasch noted that Santa Fe is a Tree City recognized by the National Arborist Association and there is a local tree board and a tree ordinance which designates any tree over six inches in diameter as significant. That means it would require Land Use approval to remove it.

Member Roybal asked Mr. Rasch about the City's policy and if the HDRB has any jurisdiction in this matter.

Mr. Rasch clarified that the Board doesn't have jurisdiction over the tree but it does over the wall or fence - location and design.

Ms. Gheen asked to clarify for the record, the authority for whom Ms. Velasquez is speaking.

Ms. Velasquez said she has authority to speak on behalf of the owner as the owner's architect.

Member Boniface asked the speaker where the tree is located.

Mr. Rasch pointed out the southeast corner.

Ms. Carey agreed. She said her property was previously owned by the Armijo's. The old man planted that tree to mark the lot line which Mr. Rasch said is not legal. But there was a line of cottonwoods there.

Member Biedscheid asked if there was a wall where the tree is now.

Ms. Carey said her neighbor's east wall is ten feet in from her property line. The tree is just outside her (Ms. Carey's) fence because the power pole was put on her property.

Member Biedscheid noted on the site plan a small note near the gate that says, "Per wall height calculation, 65" max allowed."

Mr. Rasch said that note is for the front but the project doesn't work on that.

Member Katz reasoned that if the tree is on the property line, the wall could go around it one way or the other. He asked if Ms. Carey was willing to have the wall on her side.

Ms. Carey said she was, but the owner was clear that she needed it to be straight that was engineered to hold earth and water back. My understanding is a shared tree needs to have both neighbors to come to an understanding. And it is clearly on the property line.

Ms. Stefanie Beninato, P. O. Box 1601 was sworn. She said it is a very long distance for the wall and she wondered what other walls are there. Going down the hill, people would see into the property anyhow. It is two feet down so it is only a 4' wall. She wondered what the purpose of the wall was. Regarding the tree, maybe they could have a fence around the tree or a triangle and put the wall on the applicant's property but exclude that part except a small retaining wall and still get the retention needed.

She didn't understand how wide the tree is; how big it is. If it is not big enough to be subject to the ordinance, it would be up to the owners to settle it.

Ms. Carey said it is well over six inches in diameter. She offered the picture which the Board members viewed and later returned to her.

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

Member Powell mentioned from the guidelines that the Board asks the applicant to articulate the wall if it is long.

Mr. Rasch clarified that regulation only addresses the part that is publicly visible and the Downtown and East Side standards are silent regarding the wall standards.

Member Powell said Apodaca Hill is the only one. He asked what the distance is there.

Mr. Rasch said the lot width is only about 40' but it is very deep.

Member Powell asked the architect about the wall and gate length. The lower right corner is Apodaca Road and has the gate.

Ms. Velasquez said the longest length is the north. The west wall has no change and the length is about 35-40 feet.

Mr. Rasch said the guidelines call for a change in height for every 25' and for every 50 feet a one-foot horizontal jog.

Ms. Velasquez said there is no change on that wall. We are trying to preserve that existing wall.

Member Powell said the Board normally asks for that articulation.

Member Katz reminded the Board that they can't tell the applicant to do something when they are not remodeling it.

Member Boniface noted on page 29 is the site plan - Sheet A -.2. He asked Ms. Velasquez about the photograph the Board members just saw where it appears the tree is right on that southeast corner where there are two property corners set with 2 iron stakes that are part of the property line. So, the applicant is proposing to add a second fence behind the existing fence, which he described as a "stone fence" that is about several feet back from the property line.

Maybe a way to make everyone happy and instead of taking the masonry fence right to that corner, to stop it at the existing rock wall and maybe 10' to the north the masonry wall would return and connect to proposed east yard wall. So, it would lose about 10' to the southeast corner of the east boundary and that would save that tree and still have the privacy.

Ms. Velasquez agreed but that would need some engineering to make sure the retaining is maintained.

Member Boniface said it would not affect the retaining wall and you could build on top of the retaining wall part. Whatever you do, digging a foundation for it you would want to stay outside of the drip line. He explained that he didn't want to postpone it so she could measure it. This way she could keep it away from the drip line of the tree.

Mr. Rasch agreed they should strive for minimal root disturbance within the drip line. He had no concern about any other area of it except this drip line area.

Member Boniface surmised that if they stopped the masonry yardwall at the rock wall on the southern boundary and then ask that the eastern wall be coyote fence, would that save the tree?

Mr. Rasch thought so.

Mr. Salomon Velasquez, P.O. Box 1351 was sworn. He wanted to clarify some things. The tree is larger than six inches, so he asked if they should go before the City instead of the H Board. The client would be open to stopping the wall short of the tree. Aside from the retainage, she wants to secure the

property and retain the dirt and wants privacy. While the tree is important, he thought they should go to the appropriate group for the tree. She would like to have the wall where it is drawn because she wants a border between the rock wall and the retaining wall in the future to plant more trees. There is a two-story house to the south east that looks into the property and she wants to plant more trees to further screen it and enhance the beauty. The wall facing Apodaca is not being touched at all.

Member Powell asked Mr. Velasquez which is more important, the design or the time. He explained that the ruling tonight would be solid but maybe he would like to talk with his client further.

Mr. Velasquez said she doesn't want to put it off. The walls are not visible from the street. So, they want it is on the property line and retainage. The footings will be inside but at the property line.

Member Powell thought the option could give a design option that would work if you had more time.

Member Boniface pointed out that it would take more time for Mr. Velasquez to take the tree to the City for consideration. The Board could postpone this case and Land Use would give guidance and then come back here with an amended plan or we would approve the application with amendments or deny it.

Member Powell added that the Board doesn't have complete information.

Mr. Velasquez asked if he amended it, whether it would have to come back to the Board.

Member Boniface said they could approve with conditions.

Member Biedscheid said the design would be better as a coyote fence and asked if he had considered a coyote fence.

Mr. Velasquez said "we did and we didn't. The priority is the retainage. The wall is leaning and cracking on the north side and is outside of the property. So, we need to secure the property so it doesn't fall over and obviously, the aesthetic. But coyote does nothing for retainage. On the north side is a huge grade difference and on the south east because of the water down the old arroyo and topo difference between Maura's property and Iscah's property.

#### Action of the Board

**Member Boniface moved in Case #H-16-103 at 503 Apodaca Hill, to approve the application as presented with the condition that the proposed southern yard wall stop at the existing rock retaining wall parallel to the east property line and that the proposed east yard wall stop approximately 15' from the southeast corner of the property line and shall return to the existing rock yard wall that is parallel to the east property line and the applicant can also build on top of the existing retaining wall to the six foot height so they could join each other in that corner. Member Roybal seconded the motion and it passed by unanimous voice vote.**

3. **Case #H-17-014B, 201½ Ambrosio Street.** Westside-Guadalupe Historic District. Marc Naktin, agent for Liz Perelstein, owner, proposes to modify a previous approval to increase the height of the clerestory on an addition to a height of 13'8" where the maximum allowable height is 14'4" on a contributing residential structure. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

#### **BACKGROUND & SUMMARY:**

201 ½ Ambrosio Street is a 1030 square foot single family residence located in the Westside-Guadalupe Historic District. The house was constructed in the vernacular style sometime between 1933 and 1939 and has a contributing historic status. The primary elevation is the west elevation at the portal area, including the portal. The applicant was given approval by the Board in February of 2017 for the proposed remodel. During an inspection, it was discovered that the addition to the house had been built too high. The applicant is returning to request permission to maintain the built at height.

#### **Current Application**

- 1) The applicant requests to revise the parapet height 13'-8" where 12'-10" was approved in the initial application. The maximum allowable height is 14'-4". Aside from the height change there are no changes to the approved design.

#### **Previous Approval**

For the Board's review, the previous approval is provided here:

- 1) Addition of a 280-square foot bedroom and bathroom to the west elevation, within the courtyard. The addition would attach to the primary elevation at 201 ½ Ambrosio Street and to the east elevation (non-primary) of 201 Ambrosio Street. An exception to place an addition less than 10' from a primary elevation is requested (14-5.2(D)(2)(d)). The addition will be 12'-10" where the maximum allowable height is 14'-4" inches. The addition does not exceed the 50% footprint rule for historic structures.

Current square footage:	1030
50% of current square footage:	515
Square footage requested:	280

- 2) Extend the existing portal structure to include a 90-degree turn, creating an L-shaped portal structure. The proposed portal portion would be located on the south elevation of the proposed addition.
- 3) Windows on the addition will match existing and will be painted in the color "Scylla."
- 4) Stucco parapets where they were not stuccoed from previous roof repair.
- 5) Stucco color will be cementitious El Rey "Taos."

## RELEVANT CODE CITATIONS

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

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

(2) Additions

(d) Additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten (10) feet from the primary façade. The addition shall not exceed fifty percent of the square footage of the existing footprint, and shall not exceed fifty percent of the existing dimension of the primary façade. To the extent architecturally practicable, new additions shall be attached to any existing noncontributing portion of structures instead of attaching them to the significant or contributing portion.

### EXCEPTION TO PLACE AN ADDITION LESS THAN 10' FROM A PRIMARY ELEVATION.

(I) Do not damage the character of the streets scape.

**Applicant Response:** The applicant seeks only to maintain the character. The addition is not only designed to match the existing buildings seamlessly but to stay centralized on the existing floor plans and property maintaining a low profile and low visibility.

**Staff Response:** Staff agrees with this response.

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

**Applicant Response:** The applicant is a senior citizen on a fixed income retiring to Santa Fe. The house needs a proper master bedroom and some relief from the existing low ceilings. While hardship is relative, it physiologically and mentally makes a huge difference to the owner by introducing more daylight and volume to a typically dark and cramped adobe.

**Staff Response:** Staff agrees with this response in regard to the benefit of light to one's well-being.

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

**Applicant Response:** During the design process all options were considered to provide the additional space. We looked at adding onto the outside of the existing structure but it negatively impacted the size of the yard along with changing the original character of the buildings from the street. Any other exterior locations are impossible due to almost zero lot line conditions with the neighbors on Alto Street and to both Alto and Ambrosio streets. Adding a second story is not a practical or sensitive option. Infilling between the two houses made the most sense. It is the most invisible and utilizes the useless and long dark 'alley' between the buildings that cannot be utilized for even a live garden.

**Staff Response:** Staff agrees with this response.



(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 and structures in the related street scape.

**Applicant Response:** there is no practical on street parking and parking has to be maintained on site. Maintaining what little garden and parking that exists is important to the applicant. Leaving the parking/garden area also maintains the current density on the property and neighborhood.

**Staff Response:** Staff agrees with this response.

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

**Applicant Response:** The house is just as the applicant purchased it. It was a fantastic opportunity for a retired person to gain passive income by renting one home and living in the other. Improving the west building to a level worthy of a permanent dwelling with a proper master bedroom, closet and bath will give it the hierarchy on the property needed to differentiate it from the rental unit.

**Staff Response:** Staff does not agree with this response.

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

**Applicant Response:** Subsection 15-5.2(A)(1) calls for the buildings in historic districts to maintain a "harmonious outward appearance which includes " a general harmony as to style, form, color, height, proportion, texture, and material between buildings of historic design and those of more modern design." The proposed addition will meet these requirements, as they will harmonize with the design of the existing house and neighborhood in general.

**Staff Response:** Staff agrees with this response.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the application as it complies with 14-5.2(D) General Design Standards for All H Districts and 14-5.2(I) Westside-Guadalupe Historic District.

#### **Questions to Staff**

Chair Rios asked if it is exactly as approved except it is just 10" higher.

Ms. Ramirez Thomas agreed.

Member Boniface asked at what point Staff would have been allowed to do it administratively.

Ms. Ramirez Thomas said at 4".

### Applicant's Presentation

Mr. Marc Naktin, 1305 Luján Street, was sworn and had nothing more to add.

### Questions to Applicant

Member Roybal asked if he was aware of the allowable height at 14' 10".

Mr. Naktin said he was.

Member Roybal suggested he probably should have come back and got it re-approved.

Mr. Naktin said he didn't propose the maximum allowable height but they unexpectedly found a nonexistent bond beam that had to be put in place when they opened the roof.

Member Roybal asked if he was stopped by HPD Staff.

Mr. Naktin said no. He understood the inspector stopped by and he was informed after the fact. Otherwise, they would have come back. This was contractor driven.

### Public Comment

Ms. Beninato (previously sworn) said she knew it is still within the approved maximum height, but felt the Applicant didn't really answer the question. But now the Board knows why it is higher. A bond beam had to be put in but the Applicant knew then that he had to come back. It is not a huge amount but these are people who work in the field every day and should have known to come back but came back after the fact.

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

### Action of the Board

**Member Powell moved in Case #H-17-014B at 201½ Ambrosio Street, to approve the application as submitted with the increased height of 10" that is within the allowable height. Member Bayer seconded the motion and it passed by unanimous voice vote.**

- 4. Case #H-16-101. 5 Cerro Gordo Road. Downtown & Eastside Historic District. Christopher Purvis, agent for Charles Gillan and Cathy Nunnally, owners, proposes to modify a previously approved**

exception for a bathroom addition to the east elevation of a significant residential structure (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

**BACKGROUND & SUMMARY:**

5 Cerro Gordo is a 2,781-sq. ft. Spanish Pueblo Revival residential structure that is designated as significant to the Downtown and Eastside Historic District. The home was built before 1924 and is the former home and studio of Sheldon Parsons. The home is characterized by a flat roof with parapets, earth tone stucco, a long portal on the west elevation, and other elements of the Old Santa Fe style. The HCPI form indicates that the property has been well maintained and that most alterations done to the property were done by Parsons in the 1930s. The applicant is requesting to remove and replace some windows on the property, and to create an addition to the east elevation of the home. Exceptions are requested.

A 2001 HDRB case was heard and approved by the Board for rehabilitation of the property. Another case was heard by the HDRB in 2005 and was a request by staff for a correction to the database which corrected the historic designation of the property from contributing to significant. In 2013, the HDRB approved the installation of pedestrian entry gates, construction of coyote fences, and the reconstruction of a stone wall on the property. In 2016 the Board approved changes in windows and the addition of 51 square feet to the east elevation of the home, finding that the exception to add to a primary elevation had been met.

The applicant is requesting a modification to the previous approval for the addition of a 51-square foot bathroom with the following items.

- 1) Add a second story bathroom over the approved bathroom addition on the east elevation. The parapet height will be 6 inches lower than the existing parapet height.
- 2) Stucco will be cementitious El Rey "Pecos" to match the existing stucco.
- 3) Trim will be painted yellow to match the existing windows.
- 4) Replace the sash of the existing west elevation window which is "Window A" in the window assessment document. The window was evaluated and deemed beyond repair.

The Board made a request if the previous responses apply and Staff feels they do and did not request a new round of responses. The location of the bathroom was chosen because it is not visible from the street and probably the best location on the property for the addition - south, west and north are undisturbed. So, it is not more disruptive than the previous application.

**STAFF RECOMMENDATION:**

Staff recommends approval of the application as the exception for the addition to a primary elevation was met in a previous hearing and the application complies with 14-5.2(D) General Design Standards for all H Districts and 14-5.2(E) Downtown and Eastside.

### Questions to Staff

Chair Rios understood this is adding 51 square feet and asked what the height is.

Ms. Ramirez Thomas said the it adds 51 square feet to the footprint and looked for the height.

Chair Rios asked if the historic status would be retained with this application.

Ms. Ramirez Thomas said yes because of the location. This is the most open and plainest aspect of the house and in a previous hearing, it was noted that the addition is removable at some point and the wall re-established.

Member Katz addressed the attorney and said this makes that addition quite a bit larger and his question is about notice for seeking an exception. Maybe the responses are the same but asked if it would need to be noticed as an exception to enlarge the addition.

Ms. Gheen said in the prior case, the Board did grant an exception for the addition and the applicant now is not changing the footprint so it is just an amendment of the previous approval. Regardless, if the exception is requested, the criteria would be all the same. So, the short answer is no. There is no separate exception request here for the Board to consider.

Member Katz said his concern is that it is to build on a primary façade. If you were blocking a small portion of primary façade but this is blocking a large portion. It was a one story before and now a two-story so he didn't understand why it wouldn't require notice of the exception. This is not what was approved the first time around

Member Powell felt this is as critical as the footprint.

Ms. Gheen said the Board can take into consideration all the facts before the Board and decide if it can be granted or not and with what conditions.

Member Powell asked Staff about it when a building is being revised from what was approved, whether the Board could take a different position from what was taken before.

Mr. Rasch was not sure that changing this property from contributing to significant was appropriate. Staff felt it was not needed because it was just an amendment. The Board does have authority to postpone this for property notice if you want to review the responses again. Staff just didn't feel that was necessary.

Member Powell asked when it was assigned Significant status.

Ms. Ramirez Thomas side it was on 2005.

Member Powell asked when the changes were approved.

Ms. Ramirez Thomas said it was 2013 for part of them and then in 2016, this Board approved others and the addition of the bathroom.

#### Action of the Board

Member Katz moved in Case #H-16-101 at 5 Cerro Gordo Road, to postpone it to September 12, 2017 for proper notice for the second story. Member Biedscheid seconded the motion and it passed by majority vote with all voting in favor except Member Roybal who dissented.

5. **Case #H-12-030. 494 Camino Don Miguel.** Downtown & Eastside Historic District. Andres Mercado and Christine Chen, agents/owners request a historic status review with primary elevation designations, if applicable, for a non-statused accessory structure. (Nicole Ramirez Thomas)

Member Biedscheid recused herself from consideration of this case and left the room.

Ms. Ramirez Thomas presented the staff report as follows:

#### **BACKGROUND & SUMMARY:**

494 Camino Don Miguel is a vernacular style home located within the Downtown and Eastside Historic District. The main house is contributing. The secondary structure on the property has no status. The applicant is requesting a status review of the secondary structure.

The secondary structure is currently used as a shed. It is constructed of adobe and has a pitched roof. The east elevation has a wooden double door and a wooden single door. The south elevation has a tall window that appears to be from the 1980s. The north elevation has one window, and the west elevation has no openings.

The structure, which is listed as a garage on the Historic Building Inventory form, may be historic but does not exhibit unique craftsmanship or character with distinctive features and is an accessory building on the property which has never seen much care.

#### **STAFF RECOMMENDATION:**

Staff recommends the historic status to be noncontributing per 14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts.

#### Questions to Staff

There were no questions to Staff.

### Applicant's Presentation

Mr. Andres Mercado, 494 Camino Don Miguel, was sworn and had nothing to add to the Staff Report.

### Questions to Applicant

Chair Rios asked if he agree with the Staff recommendation.

Mr. Mercado agreed.

Member Boniface asked him to describe the wooden doors.

Mr. Mercado said they have large hinges, made of grade wood. The one on the right is just fencing slats there to keep raccoons out. Some wood slats on the larger door is original. He matched other boards to it. Those doors are in bad shape and just held up by the hinges.

Member Boniface reasoned they are not historic.

Mr. Mercado agreed.

Member Boniface asked about the windows on the east side. They look recent.

Mr. Mercado said no. When he bought it in 2012, a man came by who was related to the last woman who lived there and said he built the garage. He had not seen this HCPI. The man was only in his late 30's or early 40's so he didn't know when the windows were put in.

Member Boniface said they looked like they might have been added recently because they didn't have that historic sash and jam. It might have been something that someone just carved into the side of the wall.

Mr. Mercado wasn't sure. The one on the north is just an opening with no window. He didn't know about the history of it.

Chair Rios said the mud plaster is not original.

Mr. Mercado agreed. He just mud plastered to protect the adobes.

### Public Comment

Ms. Beninato (previously sworn) guessed the changes were made by the previous owner and repairs by this owner and that would not make it lose status. She didn't think it should be contributing. It doesn't have much character. There is a lot of supposition about age. She knew there is a way to date things. It seems rather casual that the owner has not done much to try to determine the age. It is a little too casual.

And if the Board changes the status, it is just guessing. The Board should read what contributing means. What is different for significant from contributing if you can just give an exception for an addition. She wished the Board would ask them to be more thorough.

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

### Action of the Board

**Member Roybal moved in Case #H-12-030 at 494 Camino Don Miguel, to approve it as non-contributing. Member Boniface seconded the motion and it passed by unanimous voice vote except for Member Biedscheid, who had recused herself and was not present for the vote.**

Member Biedscheid returned to the bench after the vote was taken.

- 6. Case #H-16-019. 1340 Canyon Road.** Downtown & Eastside Historic District. Ed Boniface, agent for David Weir, owner, proposes to construct a 534-sq. ft. addition to a height of 13'6" on a non-contributing residential structure. (Nicole Ramirez Thomas)

Member Boniface recused himself from consideration of this case and left the room.

Ms. Gheen asked that the record reflect that Member Boniface left the room and that Member Biedscheid had returned.

Ms. Ramirez Thomas presented the staff report as follows:

### **BACKGROUND & SUMMARY:**

1340 Canyon Road is a 3,900-sq. ft. single family residence located within the Downtown and Eastside Historic District. A house was first constructed in this location by 1920. Since that time the property has undergone many changes. The currently the property can be described largely as a vernacular style home that once was a log cabin.

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

- 1) Addition of a 534-sq. ft. garage to the north elevation of the home. This will bring the total footprint of the home to 4524 sq. ft. The parapet will come to 13'-6" in height.
- 2) Stucco will be elastomeric stucco in custom color similar to "Buckskin."
- 3) Windows will be 2/2 lite and painted "White" to match existing windows on the house.
- 4) Garage door will have one row of windows and will be painted "White."

### **STAFF RECOMMENDATION:**

Staff recommends approval of the application 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**

Member Roybal asked if there is a record of what changes have happened since 1920.

Ms. Ramirez Thomas said there is a photo of the original log cabin and what it was then and how it has grown over time.

Chair Rios said she remembered the log cabin.

### **Applicant's Presentation**

Mr. Naktin (previously sworn) said he had nothing to add to the Staff Report.

### **Questions to Applicant**

Member Powell asked when this was made non-contributing.

Ms. Ramirez Thomas said it was done last year.

Member Powell asked if it was based on the additions.

Ms. Ramirez Thomas agreed. There were changes over time.

### **Public Comment**

Ms. Beninato (previously sworn) said this is a very small addition to a very large structure. She would like to know when the changes were made. That information is missing. Procedurally, it is odd that a Board member took on a project that would come before the Board. It seems odd because the Board has a built-in bias to support him. She did not know if Mr. Naktin works with Member Boniface or not. But having somebody who is not on the agenda listed as an agent speaking for the project is also very strange.

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

### **Action of the Board**



**Member Roybal moved in Case #H-16-019 at 1340 Canyon Road, to approve the project, items 1-4 per Staff recommendations. Member Katz seconded the motion and it passed by unanimous voice vote except for Member Boniface who had recused himself and was not present for the vote.**

Member Boniface returned to the bench after the vote.

- 7. Case #H-17-069. 334 Garcia Street.** Downtown & Eastside Historic District. Thomas Hughes, agent for Krista Peters, owner, proposes to remodel a significant free-standing garage. Three exceptions are requested to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)), to change opening dimensions on a primary elevation (Section 14-5.2(D)(5)(a)(1)), and to remove historic materials (Section 14-5.2(D)(5)(a)(1)). (David Rasch)

Member Katz recused himself and left the room.

Mr. Rasch presented the staff report as follows:

**BACKGROUND & SUMMARY:**

334 Garcia Street, known as the Frank Leonard Smith Residence, is a single-family residence and free-standing garage that was designed in the Spanish-Pueblo Revival style by Isaac Hamilton Rapp in 1920. Both structures are listed as significant to the Downtown & Eastside Historic District and all facades are designated as primary.

The applicant proposes to remodel the garage only, by conversion into a guest house, with the following six items.

1. A 224-square foot portal addition will be constructed on the west elevation to a height of 12' 9" where the adjacent parapet height is 15' 6". The parapets will mimic the undulating existing parapets. A fireplace will be constructed at the north end of the portal. An exception is requested to place an addition on the structure (14-5.2(D)(2)(c)) and the required exception criteria responses are at the end of this report.
2. The historic garage doors on the front east elevation will be removed and not replaced in-kind. The historic doors have triple 6-lite panels above wood panels and the replacement doors will have paired 9-lite panels over wood panels installed within the existing historic openings. An exception is requested to remove historic material and not replace it in-kind (14-5.2(D)(5)(a)(1)).
3. The two 6-over-6 historic wood windows on the rear west elevation will be removed and the opening dimension altered for installation of 18-lite paired French doors with 18-lite sidelights. An exception is requested to remove historic material and change opening dimensions (14-5.2(D)(5)(a)(1)).

4. The solid wood panel historic pedestrian door on the south elevation will be removed and not replaced in-kind. A 21-lite French door will be installed within the existing historic opening. An exception is requested to remove historic material and not replace it in-kind (14-5.2(D)(5)(a)(1)).
5. The 6-over-6 historic wood window on the north elevation will be removed and replaced in-kind with thermal panes. An exception is requested to remove historic material (14-5.2(D)(5)(a)(1)).
6. A 161square foot pergola will be constructed on the south elevation to a height of 10' 6". This structure shall not be roofed or the property will be in violation of the 50% footprint standard. If the portal addition (item 1 above) is approved, then the remaining square footage allowance for additions to the historic structure is approximately 127 square feet.

#### RELEVANT CODE CITATIONS

##### **14-5.2(B) Minimum Maintenance Requirements**

All buildings and structures in the historic district over which the board has jurisdiction to determine whether a demolition permit should be approved or denied and all landmark structures over which the governing body has such jurisdiction shall be preserved against decay and deterioration and free from certain structural defects in the following manner, by the owner thereof or such other person or persons who may have the legal custody and control thereof. The owner or other person having legal custody and control thereof shall repair such building or structure if it is found to have any of the following defects:

- (1) Those which have parts thereof which are so attached that they may fall and injure members of the public or property;
- (2) Deteriorated or inadequate foundation;
- (3) Defective or deteriorated flooring or floor supports or flooring for floor supports of insufficient size to carry imposed loads with safety;
- (4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
- (5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
- (6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
- (7) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;
- (8) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration;
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;
- (10) Deteriorated, crumbling or loose plaster;
- (11) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
- (12) Defective or lack of weather protection for exterior wall covering, including lack of paint, or weathering due to lack of paint or other protective covering; or
- (13) Any fault or default in the building or structure that renders the same structurally unsafe or not properly watertight.

#### **14-5.2(C) Regulation of Significant 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; and
- (d) New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.

#### **14-5.2(D) General Design Standards for All Historic Districts**

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

##### **(1) General**

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

##### **(2) Additions**

- (a) Additions shall have similar materials, architectural treatments and styles, features, and details as the existing structure, but shall not duplicate those of the existing structure in a manner that will make the addition indistinguishable from the existing structure.
- (b) Additions to buildings that meet the standards of Subsection 14-5.2(E) shall continue to meet those standards set forth in Subsection 14-5.2(E) in addition to the standards set forth in this section.
- (c) Additions are not permitted to primary façades.
- (d) Additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten (10) feet from the primary facade. The addition shall not exceed fifty percent of the square footage of the existing footprint, and shall not exceed fifty percent of the existing dimension of the primary facade. To the extent architecturally practicable, new additions shall be attached to any existing noncontributing portion of structures instead of attaching them to the significant portion.

##### **(5) Windows, Doors, and Other Architectural Features**

##### **(a) For all facades of significant 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 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 CONSTRUCT AN ADDITION ON A PRIMARY ELEVATION

i. Do not damage the character of the streetscape:

The addition we are proposing has been thoughtfully conceived to align with the historic style of the home. The addition will not be visible from the streetscape. It is my intention that the addition from any location on the property is not perceived as an addition but a thoughtful evolution to the home design.

Staff response: Staff agrees with this statement. This is the best location for an addition on this historic structure.

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

Currently the west side of the structure sits unused with little life in it. It is a space that the living bodies inhabiting the home currently do not go, because it is not usable as an outdoor space being behind the backside of an inactive garage. This addition will allow this unused area of the lot to be brought to life, with visible gardens and living presence, which in turn will increase the warmth and liveliness of the property. This will also allow for more accessibility to maintain this area of the property.

Staff response: The applicant has not addressed the hardship of why this significant historic structure must have an addition that is prohibited by law.

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

This addition, in keeping with the historic qualities of the home, will add additional use of this historic structure on the East side of Santa Fe. It will allow this structure to feel in one with the surrounding landscape, and offer greater livability in it. It is my intention to bring this space to life through this thoughtful addition that will enable long-lasting use.

Staff response: The applicant has not addressed other design options for additional square footage that do not impact the historic character of this structure, such as a disattached portal or a free-standing guest house.

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

The land, which surrounds the main house and the garage at 334 Garcia Street, is a precious space. There is no logical manner to which one can build a wholly new structure that can maintain the historic feel of this East side estate. Because of this it is my intention to utilize solely the historic structures in place, i.e. the garage, for a potential guesthouse. It is my intention to create a small addition to the garage to help manifest it into a functional guesthouse. The livability of this garage, as guesthouse, hinges on the ability to create this small addition on the back of the garage. It is this small portal space that can create a livable space since the current garage space is quite small. This small but transformative option of walking outside to a covered sitting area can offer this structure the domestic livability that we all seek for a functional home.

Staff response: The applicant has not addressed issues of other lands or structures within the streetscape.

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

This structure sits unused and unable to do so because of the evolution of wear. It is because this structure has not been attended to for decades that it is necessary to make large changes with doors and windows to make it usable. While it would be wonderful if it was already fully functional and not subject to the elements, but it is the case that I find myself in the position to try and bring it back into use.

Staff response: Staff disagrees with this statement. The lack of preservation or restoration is an action of the applicant; in fact, the owner is required to maintain the structure according to 14-5.2(B) and (C) and state tax credits may be able to assist with funding of those projects.

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

It is my hope to be able to convert this garage into a livable guesthouse without considering building any other structures on this lot to do so. I believe this addition on the garage to make it a more habitable space presents the least possible negative impact on the property as a whole in maintaining its historic style, true to its creation. It is my hope that Rosina would approve.

Staff response: Staff disagrees with this statement. An attached portal addition is not required to make the garage a livable guest house.

#### EXCEPTION TO REMOVE HISTORIC MATERIAL / NOT REPLACE IN-KIND (east garage doors)

i. Do not damage the character of the district:

These set of garages doors are visible from Garcia Street. In replacing these doors, it is our intention to recreate doors of almost exact style, with the additional component of expanding the window size. From the street view, these recreated doors will match the historic style of the original doors, in keeping with the historic style of the home.

Staff response: Staff disagrees with this statement. The replacement doors do not preserve the historic character of the historic doors.

ii. Are required to prevent a hardship to the applicant or an injury to the public welfare:

Currently these doors, by design, do not open properly for use as a modern-day garage because of current car sizes. The doors currently pivot open and slide across the interior space resting on the two adjacent interior walls. This style does not allow for use as a contemporary garage because they cannot open while an automobile or two are located within the garage. The doors currently have wear and disrepair and are not fully able to keep out the outside elements. The recreated version will offer a substantial upgrade in insulation and prevent structure vulnerability from rain, cold and dirt.

Staff response: Staff does not agree with this statement. Although, the historic mechanism is unique, the Board could approve alteration of the mechanism to prevent 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:

The replacement doors will remain within the homes historic style, while offering new wood and glass for this unique style, which will offer the ability to last much longer than the current historic doors.

Staff response: Staff disagrees with this statement. Historic wood will last much longer than new wood.

#### EXCEPTION TO REMOVE HISTORIC MATERIAL / ALTER OPENING DIMENSIONS (west windows)

This is a request to remove the current historic windows on the backside of the garage to open into doors to a potential portal. Note: one of these windows prior to my ownership was replaced to a non-historic style.

i. Do not damage the character of the streetscape:

These two windows on the backside of the garage are not visible from any street view or neighbor view. The style of doors replacing these windows will match the same style of the original openings (though increased in size). Two windows will be replaced to a set of portal doors in keeping with the integrity of the historic style of the home.

Staff response: Staff does not agree with this statement. The header height and lite length and width ratio is not preserved.

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

Currently there is one working door egress in this structure. The removal of these windows into double doors will allow a second working egress in the structure. Which will provide greater safety while making use of this structure.

Staff response: Staff does not agree with this statement. Two means of egress/ingress are not required by code.

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

The removal of these two windows, with a larger opening for doors, will allow this structure to open to an outside space. One of the wonderful qualities of historic east side homes (having grown up in one) is the ability for these homes to enjoy the beauty of the rich natural land of the east side. Removing these windows and allowing an egress to an outdoor area will enhance the livability and enjoyment of this historic property.

Staff response: Staff does not agree with this statement. The existing pedestrian door on the south elevation can be used to access a nearby exterior living space without altering the west elevation.

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:

Since this home is historically significant, both in family and the Historic Preservation Society, it is my intention to make this structure livable with the least possible alteration to the structure. Allowing the removal of the windows into opening double doors will greatly increase the ability to convert this garage into a guesthouse, without the need to create a new structure on the lot. Since it is such a significant lot, I believe it is of great value to use the original garage for this use to maintain the historic feel of the entire property.

Staff response: The applicant did not address the issues of other lands or structures within the streetscape.

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

This structure is outdated and in disrepair, although majestic. It is currently uninhabitable. The garage size is too small to allow for a modern day garage and is best suited to be utilized as a living space. Allowing the windows to be converted into a double door will allow this space to be usable for living.

Staff response: Staff does not agree with this statement. Conversion of the garage into a guesthouse is 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):

It makes logical sense in this structure's revitalization to allow its evolution into a living space. One of the best methods to make this structure more habitable and functional is to open these two windows into a double door. Allowing this will prevent any need to consider an additional structure on the lot, or enclosed expansion of the garage structure. Removing these windows and placing in doors will offer the least negative impact to make a functional guesthouse on the property.

Staff response: Staff does not agree with this statement. A free-standing guesthouse is the least negative impact on this significant garage structure.

EXCEPTION TO REMOVE HISTORIC MATERIAL / NOT REPLACE IN-KIND  
(south pedestrian door)

i. Do not damage the character of the district:

This doorway will be replaced with a door of similar style to the original door, with the addition of window panes within the door to add additional light within the structure. This doorway is not visible to the street view and only visible to the neighbor on the south and the main home at 334 Garcia Street.

Staff response: Staff agrees with this statement. The door is not publicly-visible.

ii. Are required to prevent a hardship to the applicant or an injury to the public welfare:

This doorway is currently inactive and difficult to use because of age and wear. To have a safe main egress in and out of the structure it is our intention to replace this door with a functional door to have a working method of entering and exiting this structure.

Staff response: Staff does not agree with this response. An assessment by an approved consultant has not been presented on whether or not the historic door is beyond repair. In addition, the applicant has not provided a reason why the door cannot be replaced in-kind, if it is indeed beyond repair.

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:

This replaced door will offer a functional evolution to this structure in keeping with its original style. It will offer longevity to the structure and allow for more available use by its users.

Staff response: Staff does not agree with this statement. Other options were not presented such as operational/non-operational skylights, restoring the historic door operation and weatherization, and installation of true divided-lite thermal panes in the existing historic material.

#### EXCEPTION TO REMOVE HISTORIC MATERIAL (north window)

i. Do not damage the character of the district:

This single window to be replaced on the north side will be replaced by a functional window that offers greater insulation with the addition of a double pan design. This window will be replaced with a window of similar style to match the integrity of the original design of the window. This window is not visible from the street view or any neighboring homes.

Staff response: Staff agrees with this statement. The window is not publicly-visible.

ii. Are required to prevent a hardship to the applicant or an injury to the public welfare:

This window does not currently work properly and its replacement will allow for proper ventilation within the structure.

Staff response: Staff does not agree with this statement. An assessment by an approved consultant has not been presented on whether or not the historic window is beyond repair.

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



The replacement of this window will offer an updated and cared for version of the original window. Which will improve the lasting quality and integrity of the structure. This window is currently inactive because of age and damage.

Staff response: Staff does not agree with this statement. Other options were not presented such as operational/non-operational skylights, restoring the historic window sash operation and weatherization, and installation of true divided-lite thermal panes in the existing historic material.

#### **STAFF RECOMMENDATION:**

Staff finds that the exception criteria have not been met to alter the significant garage structure. The applicant should pursue a free-standing guest house west of the primary residence and south of the garage to not impact these significant historic structures, which retain a high degree of integrity.

#### **Questions to Staff**

Chair Rios noted the applicant requests removal of a lot of doors, windows that are historic material. She asked if, in Mr. Rasch's opinion, they are in good condition/

Mr. Rasch agreed they are in good condition. That is why they need an exception.

Chair Rios thought they appeared to be in good condition on the site visit. If they were beyond repair, the Applicant wouldn't have needed an exception.

Chair Rios asked him to describe the area where he was suggesting they build.

Mr. Rasch said there is a large area in back that is not visible publicly.

#### **Applicant's Presentation**

Mr. Thomas Hughes, 1409 Hickox, was sworn. He said it is straightforward what they want to do. The garage is set back so far from the streetscape and remodeling the doors because one of the garage doors would be within what would be the new bedroom. They wanted to change from the three-lite to the two-lit so that would have means of egress. That was why they wanted to change the configuration, but it is still in a historic style. Very few people would notice the difference when done and is complementary of the existing building.

#### **Questions to Applicant**

Chair Rios asked if his client had considered a free-standing structure.

Mr. Hughes said she did consider that but she wants to work with the garage and not increase the lot coverage density. This will better meet her needs.

Chair Rios commented that the yard is wonderful.

Mr. Hughes said it has been in and out of her family for a long time. Her great aunt built the home there and she wants to preserve it. The garage doesn't function as a garage now. This would be best for her. The garage is only partly visible to the street and back 60 feet.

#### Public Comment

Ms. Beninato (previously sworn), asked if someone could clarify for her if it is contributing.

Chair Rios said it is not contributing. It is significant.

Ms. Beninato was opposed to changing windows into doors - the French doors and the single door. She didn't know how that could be justified. If the portal and fireplace were added where they were not so visible, it might be in keeping. And if something is in bad condition, it would be okay but this is not in bad condition. She understood the need for egress if that part of the garage is changed into a bedroom but maybe with an awning window it could be used for egress so it could look the same as well as meet the safety requirement. She also heard the portal, which is not that big, would be another 150 feet before reaching the 50% limit (which would require a Board of Adjustment meeting) and didn't think adding a whole different structure would make that feasible.

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

#### Action of the Board

Member Biedscheid wanted to give the Applicant a chance to expand on the exception criteria responses. Staff disagreed with the majority of responses and only accepted three. She asked if Mr. Hughes could provide any other information that might help the Board determine that the criteria for an exception have been met. Otherwise, the Board must deny the application.

Mr. Hughes said some people have a lot of experience with them. They are tough to answer. It should be what we are doing aesthetically with it. I'm surprised that you put so much weight on it. As a novice, the criteria are pretty tricky. She (the owner) is committed one way or another to alter this into a guest house. I don't know if we need to look at each part separately. For instance, on the garage, where we want to go is from three light to two light windows, to either approve or deny. Even if we have to do a more modest remodel and not add the portal, it would be a possibility. She would still want to go that way rather than build a new structure. Hopefully, we could look at it item by item or come back and re-apply.

Member Roybal asked if he would be opposed to postponing to really work on the criteria. And since this is the first time, maybe you could work with Staff so it could be approved.

Mr. Hughes asked if they would not approve any of the alterations tonight.

Member Roybal said yes. The problem is that if the Board denies it, the Applicant would have to go through a lot more work.

Mr. Hughes understood but it would be very helpful to know, for instance, if the garage elevation was approved just so they would know what to make better, they could do it. It would be helpful if he could see a similar project.

Chair Rios suggested that Staff can actually help and he could look at old cases.

Member Powell said the Board is not being insincere but our hands are tied since all elevations are primary. He didn't know if taking two weeks and returning would help. It is a very important building.

Mr. Hughes said he valued the Board's opinions but was just hoping there is some way to make it work. Possibly on the north elevation if we added a double hung window and it is not seen at all. That would provide a means of egress and they could leave the three-lite window. Maybe we could do more or a restoration. We have thought about it. The garage can't be seen from anywhere. A new residence next door went to the maximum lot coverage and a tall wall so the addition won't be affecting anyone. It would be good to have a little guidance on what the Board is completely opposed to that our redesign could be approved.

Chair Rios said retaining historic material is a big plus.

Mr. Hughes said it would be fine to maintain the historic material on the garage elevation if they would be allowed to have a new double hung window on the north elevation. He had an example of what it would look like.

Member Powell said it would have to be resubmitted. It couldn't be part of this application tonight.

Member Powell said in the addition shown, on the north elevation with the fireplace, the proposed elevation for the front of the garage is not shown accurately. We would see the top of that addition and the top of the chimney.

Mr. Hughes didn't think it would be seen or maybe just the back of the chimney. The buttress in front blocks it.

Member Powell asked him to revisit it just to make sure.

Mr. Rasch showed the west elevation.

Mr. Hughes thought it was pretty accurate. The right side with the buttress - you might see a few inches.

Member Powell explained that the Board is expected to follow the ordinance. So, unless there is a reason to change the windows, like deterioration the windows should be retained.

Mr. Hughes understood, but buildings and uses do change over time.

Member Powell agreed and sometimes, a compromise can be reached.

Mr. Hughes said they would be okay with not doing the portal, the fireplace and the large opening on the west elevation. So, the only exception would be to alter the garage from 3 lite to two lit - or matching double hung on north elevation. And on the west, to restore the double hung window on the left side to a door. We would be fine with a compromise.

Member Boniface would like to see the drawings now being proposed in order for the Board to give feedback. We can't decide on those changes tonight. And he thought the Board should be polled for things that concerned each member.

To start, Member Boniface said this is significant building so it is in a much different category. It is at the apex of historic preservation and very limiting because it has such a great history and preservation and is still in good shape. Rarely does the Board give exceptions to a significant building. We have more leeway with contributing buildings. All elevations here are considered primary. He would like to see the drawings Mr. Hughes brought.

Mr. Hughes distributed them to the Board. [A copy of the drawing is attached as Exhibit 1.]

Secondly, you were asked for four exceptions responses - that is 18 separate questions to answer and you only answered two that were approved. And that raises red flags. He had to agree with the majority of those. We do like to work with applicants. And for him, it would not damage the character to add the second window on the north side and if you maintain the garage doors as they are, it would go a long way. The portal and fireplace pushes a little too far. That was his opinion.

Member Biedscheid agreed with those comments and with staff's assessment of the responses. As a guide for any future proposal, she would reference some statements he made that he was interested in maintaining the historic style and in pursuing the least possible alteration, in particular, the east and west façades should be paid careful attention. She agreed on the portal. It is changing the structure in such a way that is not consistent with the style. Free-standing portals or pergolas on the property could be considered on the property. She strongly suggested he flesh out any possibility of doing a separate structure and give reasons why it is not a possibility.

Mr. Hughes said his client just wants to make best use of the property. Maybe there is a median. The drawings show a much more modest change - just remove a window for a door.

Mr. Rasch added an opening on the north.

Mr. Hughes agreed. Entry to the garage is a wood door that we would like to replace with a door that has divided lites to bring in more light.

Member Powell said he was a little more conservative on the Board. What Staff recommended for the addition is to meet your needs and meet your objectives. The only room for alteration is the north elevation. He thought it would have to be a door for the guest house and the east and south façades should remain intact.

Mr. Hughes understood that going for a door instead of a window would be objectionable.

Member Powell agreed. And for that, you would need an exception.

Member Roybal agreed with what has been said and we should postpone it and bring it back with different design options.

Member Bayer pointed out that, as significant, all five items require exceptions so the Applicant should reduce them to as few as possible. In order to do any of them you must have an acceptable exception and you must meet all criteria, so work with the Staff.

Chair Rios said the least number of changes is best. But you brought up a good point that buildings do change as needs change. So, the Board has to be open to listen to your needs. That open space in back is lovely so I would try to remodel this building instead of building something else.

Ms. Krista Peters was sworn and said she wrote the application and it is the first time to do so. For my family and myself, it is very important to me. I'm opposed to adding any other structure on this land. It is unique and beautiful as it is so any way I can use this as a guest house is what I want; and to understand how difficult a process this is.

Chair Rios agreed it is a difficult process. The application as stated this evening - you will go back and bring something else to us.

**Member Roybal moved in Case #H-17-069 at 334 Garcia Street to postpone is so the applicant can work with Staff to meet the exception criteria. Member Boniface seconded the motion and it passed by unanimous voice vote except for Member Katz who had recused himself from consideration of this case and was not present for the vote.**

Member Katz did not return to the bench after the vote.

## **I. MATTERS FROM THE BOARD**

Ms. Gheen announced that the appeal of the Don Felix case about the painted fence, was heard by the Court of Appeals who denied the appeal so it stands as approved.

Member Powell said while he drove down St. Francis, he saw a gabion wall at about 9' high. The Shapiro office with a dental office.

Mr. Rasch asked if it was on the east side.

Member Powell agreed.

Member Roybal asked if the bank on Paseo has been approved.

Mr. Rasch said that project was all repair and stabilization so it was approved by Staff. Sometimes people water too much and on the west side, they had to put in new piers. It was all staff approved.

#### J. ADJOURNMENT

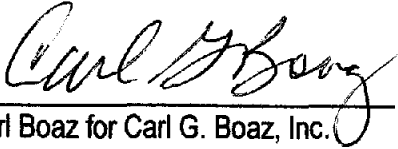
The meeting was adjourned at 7:37 p.m.

Approved by:



Cecilia Rios, Chair

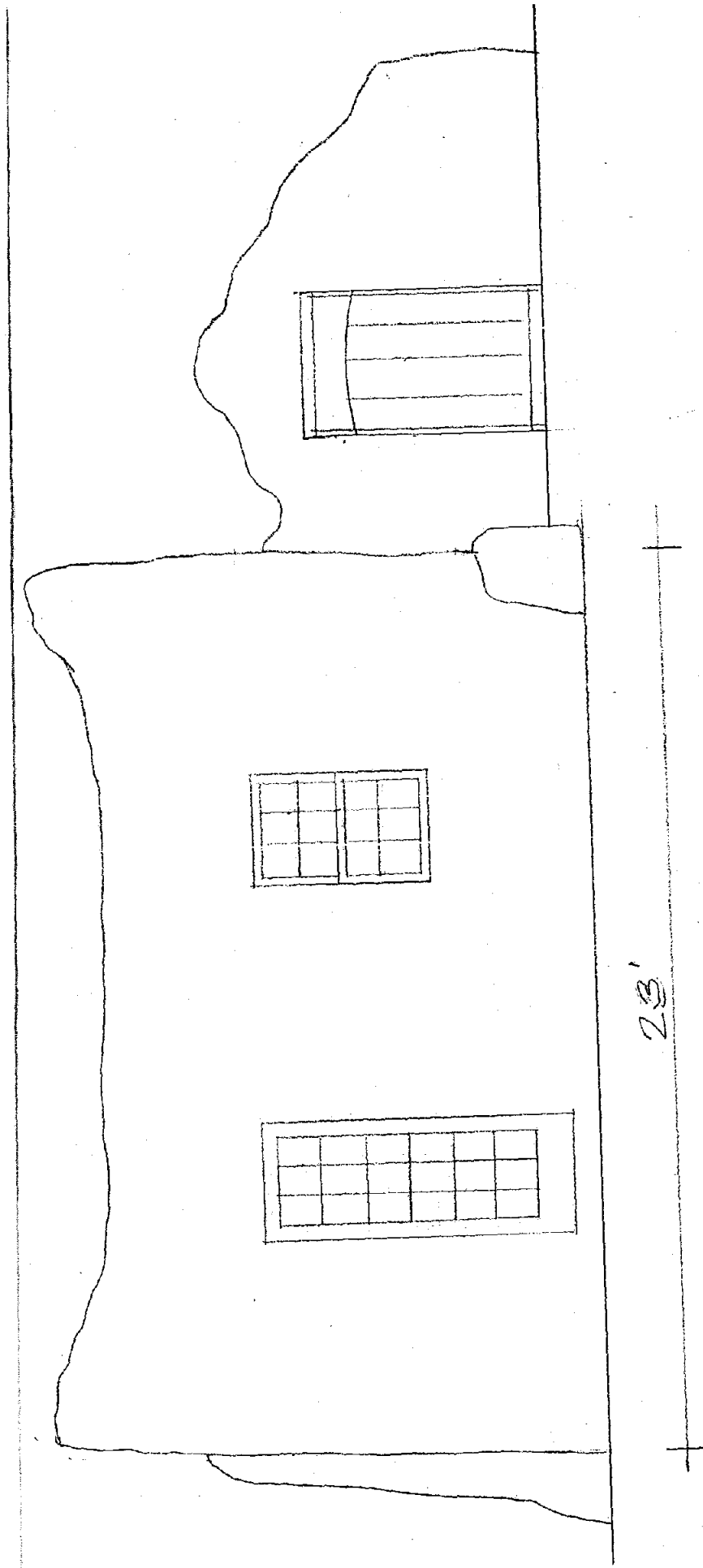
Submitted by:



Carl Boaz for Carl G. Boaz, Inc.

Historic Districts Review Board  
August 22, 2017

**EXHIBIT 1**



WEST GARAGE FL. proposed option b; door replaces  
one window