



# Agenda

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, November 13, 2018 at 12:00 NOON

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

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, November 13, 2018 at 5:30 P.M.

500 MARKET STATION SUITE 200

ROUND HOUSE CONFERENCE ROOM

\*\*\*SECOND AMENDED\*\*\*

### CALL TO ORDER

- A. ROLL CALL
- B. APPROVAL OF AGENDA
- C. APPROVAL OF MINUTES: October 23, 2018
- D. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-18-092B, 1150 Camino San Acacio.

Case #H-18-109, 833 East Alameda Street.

Case #H-18-022, 1126½ Camino Delora.

Case #H-18-104A, 823 Acequia Madre.

Case #H-18-114, 846 Old Santa Fe Trail.

Case #H-18-122, 504 Apodaca Hill.

Case #H-18-086, 107 Cienega Street.

Case #H-17-088, 578 West San Francisco Street.

Case #H-18-118A, 740 Agua Fria Street.

Case #H-18-119A, 947 Acequia Madre.

Case #H-18-120, 139 Candelario Street.

Case #H-18-106, 216 West San Francisco Street.

Case #H-18-069B, 130-132 Berger Street.

Case #H-18-097B, 613 Garcia Street.

Case #H-18-102, 124 Quintana Street.

Case #H-18-113, 600 Agua Fria Street.

Case #H-18-117, 1463 Canyon Road.

Case #H-17-083, 110 Delgado Street Unit A.

Case #H-18-060B, 310 Otero Street.

Case #H-18-082, 1469 Canyon Road.

Case #H-18-118B, 740 Agua Fria Street.

Case #H-18-119B, 945 and 947 Acequia Madre.

Case #H-18-121A, 132 Lorenzo Road.

Case #H-18-107, 201 West Marcy Street

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

1. Case #H-18-031, 644 Camino del Monte Sol. Downtown & Eastside Historic District. Lorn Tryk, agent for Karen and Scott Malouf, owners, proposes to add 1778 sq. ft. to the main house and construct a 1,413 sq. ft. free-standing studio on a non-contributing residential property. (Carlos Gemora, Planner, CEGemora@santafenmn.gov, 955-6670)
2. Case #H-18-123, 129 Duran Street. Downtown & Eastside Historic District. Anne-Marie and Mika Jones, agents/owners, proposes to construct a 72" high coyote fence and pedestrian gate where the maximum allowable height is 64". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Lani McCulley, Planner Technician Senior, LJMcCulley@santafenm.gov, 955-6605)
3. Case #H-18-124A, 636 Garcia Street. Downtown & Eastside Historic District. D. Maahs Construction, agent for David and Rebecca Glover, owners requests a historic status review with designation of primary elevations, if applicable, for one contributing and one non-statused residential structure. (Carlos Gemora)
4. Case #H-18-126A, 247 Rodriguez. Downtown & Eastside Historic District. Christopher Purvis, agent for Ashok Kaushal, owner, requests a historic status review with designation of primary elevations, if applicable, for two contributing residential structures. (Carlos Gemora)
5. Case #H-18-128, 121 Camino Escondido. Downtown & Eastside Historic District. Daniel Hall, agent for Thomas Bowker, owner, proposes to construct a 252 sq. ft. carport to a height of 9', a 6' high yard wall with pedestrian gate, coyote fences to a maximum height of 52", and an exterior fireplace on a non-contributing residential structure. (Carlos Gemora)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 11/13/2018

TIME: 4:39 PM

6. Case #H-18-130. 8 Camino Pequeno. Downtown & Eastside Historic District. McDowell Fine Homes, agent for Larry and Michelle Martin, owners, proposes to construct a 1,370 sq. ft. bedroom addition to a height of 15'6" where the maximum allowable height is 15'6", enclose and expand an existing portal 158 sq. ft., replace a 5' high rock wall with a 6'3" high rock wall, and construct a 5' high stucco yardwall and 6'4" vehicular gate on a non-contributing residential structure. (Carlos Gemora)

H. **MATTERS FROM THE BOARD**

I. **ADJOURNMENT**

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Case #H-18-107, 201 West Marcy Street

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

1. Case #H-18-031, 644 Camino del Monte Sol. Downtown & Eastside Historic District. Lorn Tryk, agent for Karen and Scott Malouf, owners, proposes to add 1778 sq. ft. to the main house and construct a 1,249 sq. ft. free-standing studio to a non-contributing residential property. (Carlos Gemora, Planner, [CEGemora@santafenmn.gov](mailto:CEGemora@santafenmn.gov), 955-6670)
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RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 11/07/2018

TIME: 10:09 AM

6. **Case #H-18-130. 8 Camino Pequeno. Downtown & Eastside Historic District.** McDowell Fine Homes, agent for Larry and Michelle Martin, owners, proposes to construct a 1,370 sq. ft. bedroom addition to a height of 15'6" where the maximum allowable height is 15'6", enclose and expand an existing portal 158 sq. ft., replace a 5' high rock wall with a 6'3" high rock wall, and construct a 5' high stucco yardwall and 6'4" vehicular gate on a non-contributing residential structure. (Carlos Gemora)

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- D. APPROVAL OF MINUTES: October 23, 2018
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Case #H-18-086, 107 Cienega Street.

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Case #H-18-118A, 740 Agua Fria Street.

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Case #H-18-120, 139 Candelario Street.

Case #H-18-116, 650 A Old Santa Fe Trail.

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4. Case #H-18-125A, 535 and 535 1/2 Hillside Avenue. Downtown & Eastside Historic District. Michael Sandrin, agent, requests a historic status review with designation of primary elevations, if applicable, for a contributing residential structure. (Carlos Gemora)
5. Case #H-18-126A, 247 Rodriguez. Downtown & Eastside Historic District. Christopher Purvis, agent for Ashok Kaushal, owner, requests a historic status review with designation of primary elevations, if applicable, for two contributing residential structures. (Carlos Gemora)
6. Case #H-18-127, 132 Lorenzo Road. Downtown & Eastside Historic District. Mark Mortier, agent for Janet Kay Lee, owner, proposes to replace windows and doors on a non-contributing residential structure. (Carlos Gemora)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: 10/25/2018

TIME: 4:23 PM

7. Case #H-18-128. 121 Camino Escondido. Downtown & Eastside Historic District. Daniel Hall, agent for Thomas Bowker, owner, proposes to construct a 252 sq. ft. carport to a height of 9', a 6' high yard wall with pedestrian gate, coyote fences to a maximum height of 52", and an exterior fireplace on a non-contributing residential structure. (Carlos Gemora)
8. Case #H-18-129. 621 Camino Rancheros. Historic Review Historic District. Sibylle Mueller Architect LLC, agent for Susan and Tom McMichael, owners, proposes to construct a 1,056 sq. ft. garage and bedroom addition to a height of 12', a 5'11" high coyote fence, a 4' high split rail fence, two decks, replace windows and doors, and install exterior lighting on a non-statused residential structure. (Carlos Gemora)
9. Case #H-18-130. 8 Camino Pequeno. Downtown & Eastside Historic District. McDowell Fine Homes, agent for Larry and Michelle Martin, owners, proposes to construct a 1,370 sq. ft. bedroom addition to a height of 15'6" where the maximum allowable height is 15'6", enclose and expand an existing portal 158 sq. ft., replace a 5' high rock wall with a 6'3" high rock wall, and construct a 5' high stucco yardwall and 6'4" vehicular gate on a non-contributing residential structure. (Carlos Gemora)

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**SUMMARY INDEX**  
**HISTORIC DISTRICTS REVIEW BOARD**  
November 13, 2018

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2. <u>Case #H-17-123.</u>	Approved with conditions 129 Duran Street	5-13
3. <u>Case #H-18-124A.</u>	Approved part; postponed part 636 Garcia Street	13-17
4. <u>Case #H-18-126A.</u>	Postponed to January 8, 2019 247 Rodriguez	17
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**MINUTES OF THE**  
**CITY OF SANTA FE**  
**HISTORIC DISTRICTS REVIEW BOARD**

**October 23, 2018**

**A. CALL TO ORDER**

A regular meeting of the City of Santa Fé Historic Districts Review Board was called to order by Mr. Frank Katz, Vice-Chair, on the above date at approximately 5:36 p.m. in the Round House Conference Room, 500 Market Station, Suite 200, Santa Fé, New Mexico.

**B. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

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

**MEMBERS EXCUSED:**

Ms. Cecilia Rios, Chair  
[one vacancy]

**OTHERS PRESENT:**

Mr. Carlos Gemora, Senior Planner  
Ms. Theresa Gheen, Assistant City Attorney  
Ms. Carol Johnson, Land Use Department Director  
Ms. Lani McCulley, Planner Technician Senior  
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. Gemora asked that the agenda be amended with Case #H-18-126A at 247 Rodriguez being postponed to January 8, 2019.

**MOTION: Member Boniface moved, seconded by Member Roybal, to approve the agenda as amended with Case #H-18-126A, postponed to January 8, 2019.**

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface, and Roybal voting in favor and none voting against.**

#### **D. APPROVAL OF MINUTES: October 23, 2018**

Ms. Gheen requested a change in the minutes on page 2, third paragraph from the bottom, where it should say "... for historic matters, it has asserted jurisdiction."

Chair Katz requested two changes as follows:

On page 18, 5<sup>th</sup> paragraph, second sentence should read, "He thought if it was to be attached to the deck against the inside of the parapet, it would not compromise the deck size." It should have that same language in the motion: "**...the railing around the roof deck be attached to the deck against the inner edge of the parapet so as to not diminish the size of the roof deck...**"

On page 23, second paragraph from the bottom - thanked the applicant for moving the entry door from the primary façade; not to the primary façade.

Ms. Gheen asked if the Findings of Fact and Conclusions of Law for that case would need to be changed with those amendments.

Chair Katz thought they were fine as they are.

Member Biedscheid requested a change on page 51, 7<sup>th</sup> paragraph to say, that the criteria for the wood frame portion of the structure did not require exception responses.

Member Boniface /Member Biedscheid - as amended but Member Bayer abstained.

**MOTION: Member Boniface moved, seconded by Member Biedscheid, to approve the minutes of October 23, 2018 as amended.**

**VOTE: The motion passed by unanimous (3-0-1) voice vote with Members Biedscheid, Boniface, and Roybal voting in the affirmative and none voting against. Member Bayer abstained.**

## **E. FINDINGS OF FACT & CONCLUSIONS OF LAW**

Case #H-18-092B, 1150 Camino San Acacio

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Case #H-18-121A, 132 Lorenzo Road.

Case #H-18-107, 201 West Marcy Street

**MOTION:** Member Roybal moved, seconded by Member Boniface, to approve the Findings of Fact and Conclusions of Law as presented.

**VOTE:** The motion passed by unanimous (3-0-1) voice vote with Members Biedscheid, Boniface, and Roybal voting in the affirmative and none voting against. Member Bayer abstained.

## **F. BUSINESS FROM THE FLOOR**

There was no business from the floor.

## **G. COMMUNICATIONS**

Ms. Gheen announced appeals that have been filed with the Governing Body.

## **H. ACTION ITEMS**

Chair Katz announced to the public that anyone who wants to appeal a decision of the Board has the right to appeal within 15 days after the Findings of Fact and Conclusions of Law have been approved. He also requested that applicants take down the posted signs after the case is acted on.

1. **Case #H-18-031, 644 Camino del Monte Sol.** Downtown & Eastside Historic District. Lorn Tryk, agent for Karen and Scott Malouf, owners, proposes to add 1778 sq. ft. to the main house and construct a 1,413 sq. ft. free-standing studio on a non-contributing residential property. (Carlos Gemora, Planner, [CEGemora@santafenmn.gov](mailto:CEGemora@santafenmn.gov), 955-6670)

Mr. Gemora presented the staff report as follows:

### **BACKGROUND & SUMMARY:**

644 Camino del Monte Sol is a 2,858 square-foot single-family residential building and 980 square-foot detached guesthouse built in the Spanish-Pueblo Revival style after the year 2000. The buildings are designated non-contributing to the Downtown and Eastside Historic District.

In April 2018 the Historic Districts Review Board approved a 1,778 square-foot addition to the main house, a 594 square-foot addition to the guest house, a 1,036 square-foot studio, and a yard wall. The applicant now proposes to alter the previous approval with the following modifications:

1. The 594 square-foot addition to the guest house will no longer be requested.
2. The porch on the master bedroom will be reduced by 25 square feet.
3. The total roofed area of the proposed freestanding studio will be increased from 1036 to 1413 square feet. The heated square footage will increase from 730 to 1046 square feet and the portal area will decrease from 333 to 203 square feet.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project as the application complies with Section 14-5.2(D)(9) General Design Standards for all Historic Districts, Height, Pitch, Scale, and Massing, and 14-5.2(E) Downtown and Eastside Historic District.

### **Questions to Staff**

Member Biedscheid noticed in the applicant letter that the square footage amounts seemed to be different than in the Staff Report.

Mr. Gemora said there were some complications with that. He thought perhaps it was an issue of going from the old plan to the new revised plan.

### **Applicant's Presentation**

Mr. Lorn Tryk, was sworn and pointed out where the changes are. It changed very little and the only ones the Board would see is a small window in the corner and shaping and reductions over the recessed entry. The square footage and fenestration

remain the same. The studio has an added piece and where the portal was before is now reduced and is a wraparound at the fireplace.

In addition, they also reduced the studio height by one foot. The colors match existing El Rey Adobe, windows are black - stained the same color as existing.

He stood for questions.

#### 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 portion was closed.

#### Action of the Board

**MOTION: Member Roybal moved, seconded by Member Boniface, in Case #H-18-031 at 644 Camino del Monte Sol, to approve the application as recommended by Staff.**

**Member Biedscheid asked for a friendly amendment that, per the Applicant's letter, selection of fixtures be brought to Staff. Member Roybal accepted the amendment as friendly.**

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface, and Roybal voting in the affirmative and none voting against.**

- 2. Case #H-18-123. 129 Duran Street.** Downtown & Eastside Historic District. Anne-Marie and Mike Jones, agents/owners, proposes to construct a 72" high coyote fence and pedestrian gate where the maximum allowable height is 64". An exception is requested to exceed the maximum allowable height (Section 14-5.2(D)(9)). (Lani McCulley, Planner Technician Senior, [LJMcCulley@santafenm.gov](mailto:LJMcCulley@santafenm.gov), 955-6605)

Ms. McCulley presented the staff report as follows:

## **BACKGROUND & SUMMARY:**

129 Duran Street is a residential structure that was constructed by 1934. The building is listed as contributing to the Westside-Guadalupe Historic District and is constructed in the vernacular style.

The applicant proposes to remodel the property by constructing a coyote fence to a height of 72" where the maximum allowable height is 64" along the street frontage. A height exception is requested, and the criteria responses are at the end of this report (Section 14-5.2(D)(9)).

### **EXCEPTION TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT**

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

*Response: The proposed Coyote Fence is consistent with other fences and walls found on Duran Street and in the broader neighborhood, in terms of design, materials, and height. It is consistent with the aesthetic of this historic district neighborhood. Photographs of existing fences in the neighborhood are attached to this packet for reference.*

Staff Response: Staff agrees with this statement. The yardwalls on Duran Street tend to be 5' or higher. The coyote fences are a combination of heights on most residences ranging from 3' to 6'. The chain link fences are all at 4' and the board fences are around 5' high. However, a 6' high fence will block the view of this contributing structure.

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

*Response: Upgrading the existing chain link fence and increasing the height of the fence will increase the security and safety of our home, as we have had multiple attempted break ins. The existing 4' chain link fence is only across a portion of the front of the house, leaving several large windows with unobstructed access from the unprotected/ open driveway and carport.*

Staff Response: Staff does not find the criteria has been clearly met because staff is unsure if a structure that is raised from 4' high to 6' high adds any security or safety.

- (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: A coyote fence with alternating stick heights (none of which will exceed 6') is a fence option that is aesthetically pleasing and aligns with historic design elements for the Westside Guadalupe District. In terms of design, it has more character than the existing chain link fence, it is less "fortress" like than a stucco wall of similar length and*

*has elements of the natural environment of the arroyo and along the river. This type of fence also allows for a wide range of individuals and family types to live comfortably at this home, with maximum privacy and security (including the owners, who come to stay at the home at various times of the year, sometimes on her own and sometimes with other friends and members of their extended family.)*

Staff Response: Staff agrees that the materials and design of the fence are aligned with the district and the neighborhood of Duran Street. The height is also consistent with the neighborhood as there are several residences with 72" high walls or fences.

- (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 existing site plan and property footprint situates the carport approximately 25' back from the street. The windows along that 25' stretch in the driveway and the large window at the back of the carport are not protected by any fencing currently, and at the same time, can be relatively hidden from view from neighbors or the casual passerby. This creates a situation that invites "the opportunistic" break in because there are multiple, easy access points to the home. The proposed fence would create an additional barrier to prevent this type of activity.*

Staff Response: Staff disagrees that the layout of the property is unique to the neighborhood. The majority of residences on Duran Street have off street parking areas that run the length of the side of their structures; however, most do not have carports at the end of the parking area.

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

*Response: The current owners inherited the property from their mother, Lillian Jones, who was retiring to Santa Fe, and purchased the home to live in full-time, with her beloved Siberian Husky. Their mother died from a terrible fall just days after closing escrow on this house in November 2017. Lillian was a trained historian, who loved the house she purchased, its proximity to the Plaza, and Santa Fe history, design and culture. She had planned potential upgrades to the home (and the chain link fence in particular!) over time while she lived in the house. Since her death, the issues with additional security and privacy have now become more pressing because her daughters, the current owners, are in Santa Fe for several months out of the year, but not on the premises full-time. The upgraded fence will help them manage the property and prevent any potential issues with theft before they happen. The current alarm system works well, but it should be a last resort.*

Staff Response: Staff does not find the criteria have been clearly met because staff does not agree that part-time residents have a special circumstance when it comes to design of the structures for the residence.

- (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: This subsection asks that buildings and structures in Historic districts be built to have a "harmonious outward appearance," and, more specifically, calls for "general harmony as to style, form, color, height, proportions, texture and material..." The proposed Coyote Fence meets these requirements, in that the fence is of similar size, design, and material to many others found in the Westside Guadalupe District. The proposed fence is more in line with historic elements in the neighborhood than the existing chain link fence and will enhance the streetscape once it is constructed.*

Staff Response: Staff agrees with this statement. There are 6 properties on this street frontage with yardwalls that are 72" or higher. Staff agrees that coyote fencing has a lower impact on the streetscape than masonry walls.

### **STAFF RECOMMENDATION:**

Ms. McCulley explained that the project was red-tagged. Staff finds that the applicant did not meet all of the exception criteria requirements (Section 14-5.2(D)(9)). However, the Board may find that the exception criteria have been met after hearing additional testimony. If the Board finds that the height exception has been met, then staff cites that the application complies with Section 14-5.2(I) Westside-Guadalupe Historic District.

### **Questions to Staff**

Member Biedscheid said the wall height calculation says 64 inches is the maximum allowable height. The applicants argued that there are more properties on the street frontage at six feet or higher. If that were true, then the height would be allowed.

Ms. McCulley agreed that some are over, and some are under but the average is 64 inches.

Chair Katz had a question about the sight triangle for the driveway.

Ms. McCulley said from the corner, it has to go back 4' high and four feet back. Chair Katz asked how long is the front facing the street.

Mr. Gemora said the front fence is about 36' in length.

Ms. Anne-Marie Jones, before being sworn, started speaking.

Ms. Anne-Marie Jones, 129 Duran Street, was sworn.

Chair Katz asked Ms. McCulley how high the fence would be in the sight triangle.

Ms. McCulley said it would be four feet high.

#### Applicant's Presentation

Ms. Jones asked to clarify that. She said the wall is actually six feet tall on the other side, so it is four-feet back from the street at the fence line and 15' along the street. And the height would be six feet all the way across.

Chair Katz understood - the fence is going to be six feet the whole way.

Ms. Jones agreed. What they propose is to change the chain link fence, which is 4' and bring it back along the driveway. On the field trip, the Board probably saw that the fence is half up, and she didn't realize they needed a permit for that. They have to fix the windows, too. She thought the fence was a good alternative

Chair Katz asked her about the carport. It didn't look as though there was a gate that would allow a vehicle to go into the carport.

Ms. Jones agreed. That was part of the sign-off . We are prepared to enlarge that opening.

Chair Katz asked if there would be no gate.

Ms. Jones said there will be a gate to match the coyote fence.

Ms. Michael Jones, 129 Duran Street, was sworn. She provided the background. Essentially, about a year ago, her mother bought a house here and she passed away the day she moved in. Right now you can put cars underneath that carport. But the moving truck was there and had a ramp out, but it was up too high, and she hit her head on carport and she fell.

She was concerned because there is no protection at the house to prevent break-ins and with the car port, she didn't realize they needed a permit and she was very impulsive. "I realize it was not allowed and it was ignorance and a little fearful. Everyone has been very helpful. My mother was excited about being part of this neighborhood. Our neighbor Louise is also here. I understand the coyote fits in more. But the protection - that is the motivation and why we are here. We are up to this point and as it



is getting cold, we want to get it finished. I'm very concerned with the security and the low carport."

### Public Comment

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

### Board Discussion

Member Boniface said he understood what she just described about her mother and security. "I get it. I'm also sorry to hear about the tragedy that happened."

He explained that as a Board, they have authority to grant exceptions and by asking for an exception to the height limitation of 5' 4", to go an additional eight inches up to six feet meant the Board has to review the responses of the exception criteria. Staff did not accept three of the six criteria as meeting the criteria. That is not the end of the world.

Member Boniface tried to help her understand how to provide an acceptable response.

In #2 - *prevent a hardship to the applicant or injury to the public welfare*: "You answered that a higher fence would increase security and safety of our home and I get it. Staff's response was: *Staff did not find that the criteria has been clearly met because Staff is unsure if the structure if it is raised from 4 feet to 6 feet adds any security or safety.* I think that it probably does in this case, considering this low four-foot chain link fence. So my question to you is, Would you be willing to consider raising it to 5' 4", which would not require answering the exception criteria?"

Ms. Jones said she was confused because the existing fence doesn't go around the perimeter. Going from zero to six feet would do it. Some of the staff interpretation was perhaps as a six-foot person. I wasn't sure if it was staff interpretation or staff response.

Member Boniface explained that they could go up to 5' 4".

Ms. Jones replied, "The average is 5' 4" but there are many that are over six feet. And because I am six feet tall, it is an issue. If it is a deal breaker, we would consider it."

Member Boniface asked if she wrote down other responses.

Ms. Jones said she had in her notes. She agreed that 5' 4" does increase security somewhat. You can see the six-foot coyote. She disagreed with Staff but understood the interpretation.

Member Boniface said the issue is that you are allowed to go up to 5' 4".

Ms. Michael Jones noted that there are natural barriers that do help keep people out. She mentioned that she was 5' 6" but had a good vertical leap. She asked if this is about visibility.

Member Boniface explained that what happens when someone wants to increase the height of their wall above the allowable height, the Staff takes an average of all the surrounding walls to determine the average height. Here, Staff has determined that the average is 5' 4". So you are allowed to go that high with no exception. There are some other issues in the six criteria.

"You convinced me that you have responded to the need for that height but I'm not sure it is due to special conditions and circumstances peculiar to the land. You might say there are other circumstances such as if you have had multiple break-ins on that street. That could be an answer for #4. I'm trying to help answer these for you."

Ms. Jones said there are others who have a 25' driveway and also have a gate across the driveway and some are set back. So intruders don't have access. There is a lot more traffic here. She didn't know if that counted as special circumstance, but their home is one of the few that have no additional barrier.

Member Boniface asked how many times they have had attempted break-ins during the past year or vagrants on their property.

Ms. Jones said they had people trying to get into their windows three different times.

Chair Katz said the Board is here to decide on an 8" difference. And with the problems you have had, he thought a 5' 4" fence would discourage most of that from happening. But he was not sure that difference meets the criteria.

Chair Katz asked Ms. McCulley if that 5' 4" controls all of the fence around all of the house, front and back.

Ms. McCulley clarified that the height limit covers up to 20' feet back from the street.

Ms. Jones said the part that is unfinished is 23' back.

Member Biedscheid thought they had met the criteria. She pointed out that her house is also a contributing structure, which means it is 50 years old and has some characteristics the Code deems worthy of preservation. Putting a fence across the structure deprives the community from viewing the house. So there are things to consider. The way the fence is proposed is very close to the house. She thought the fence should stay ten feet away from the house on all angles. She asked if they would

consider something just straight across at the street rather than the wrapping of the house. She didn't know about the sight triangle. She assumed that either the corner has to be lower.

Chair Katz understood she was saying have a fence all the way straight across the driveway at the point where the sight triangle begins and that would provide a larger area .

Member Biedscheid agreed. The angle doesn't seem to keep the character.

Ms. Jones said it is an awkward angle.

Member Bayer said she heard the added testimony but didn't think it qualifies for an exception. She didn't think she could vote to approve the exception criteria, but she thought the 5' 4" fence would accomplish what they wanted.

Ms. Jones asked if the Board could clarify the question about parking spaces.

Member Biedscheid asked if having a gate would allow enough parking spaces.

Ms. Jones thought it would.

Mr. Gemora explained that he wanted to make sure there would be adequate parking spaces with the gate put in about where the visibility triangle begins.

Ms. Biedscheid asked if to have the sight triangle, they would still have to have the angled wall.

Mr. Gemora agreed. Once she comes back four feet, she could angle it across the property right there. It would comply with zoning standards and allow enough parking.

#### Action of the Board

**MOTION: Member Biedscheid moved, seconded by Member Roybal, in Case #H-18-123 at 129 Duran Street, to approve the application, finding that the exception criteria have been met with additional testimony provided by the Applicant. With respect to item #2, the added security provided by two of the four feet is substantial and would be a hardship to the Applicant, considering that the current fence is chain link, and to allow 8" higher than the allowable height at additional security and the gate that would also provide added security. With respect to criterion #4, the applicant said the carport complicates the location of the fence and agreed in this hearing that they would be amenable to a revised design as a condition of**

approval. With respect to criterion #5, which Staff did not agree with, they have a very special condition and circumstance, especially with health and family tragedy that makes this worthy of some special consideration.

Her motion included the following conditions:

1. That the fence be allowed to be six feet as proposed, across the street frontage, allowing for the proposed, angled corner for sight visibility traffic triangle;
2. That the fence currently located along the side of the house and carport be taken down and replaced with a fence and vehicle gate across the driveway at least four feet back from the visibility triangle; and,
3. That the plans be revised and submitted to staff.

**VOTE:** The motion passed by majority (3-1) voice vote with Members Biedscheid, Boniface, and Roybal voting in the affirmative and Member Bayer voting against.

3. **Case #H-124A. 636 Garcia Street.** Downtown & Eastside Historic District. D. Maahs Construction, agent for David and Rebecca Glover, owners, requests a historic status review with designation of primary elevations, if applicable, for one contributing and one non-statused residential structure. (Carlos Gemora).

Mr. Gemora presented the staff report as follows:

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

636 Garcia Street is a single-family Territorial style residential house and Spanish-Pueblo style guest house, both listed as contributing to the Downtown and Eastside Historic District. The front portion of the structure was built pre-1912, some additions and the guesthouse were built pre-1956, and extensive additions and remodeling were done in the mid-1990's. Most of the windows are assumed to have been replaced in the 1990's and although the 1990's addition is large, the front façade facing Garcia Street and the rear guest house appear to be relatively preserved. A recent historic report recognizes brick coping, the central doorway, and two large window openings on the front façade as being particularly significant features of a classic façade.

Finding that the non-historic addition neither dominates nor detracts from the historic elements of the main house's front façade and finding that the guest house is relatively well-preserved, staff recommends maintaining the status of contributing and designating primary the western, street-facing façade (elevation 1) of the main house and the northern façade of the guest house (elevation 5).

## **STAFF RECOMMENDATION:**

Finding that the non-historic addition does not dominate or detract from the historic elements of the main house's front façade and that the guest house is relatively well-preserved, staff recommends maintaining the status of contributing and designating primary the western, street-facing façade (elevation 1) of the main house and the northern façade of the guest house (elevation 5) per 14-5.2(C) Designation of Significant and Contributing Structures.

### **Questions to Staff**

Chair Katz asked, noted the members had discussed the north elevation of the house, and asked what his views were on that elevation.

Mr. Gemora said the north elevation was #11. It appeared to be a part of the house built prior to 1956. A prior staff member working on this believed that elevation was non-primary and not a contributing part of the façade. Technically, it is over 50 years old. His assumption was that the elevation did not really contribute to the District. On the site visit and his own visit to the property, it doesn't appear to be historic. We saw that the brick coping does go a little further back so the HCPI said the coping was part of the original house. And the brick coping went further than what the site plan showed. There might be ambiguity on its actual age.

Member Bayer asked if the coping goes all along that façade.

Mr. Gemora said no. The coping stops at the chimney. For the record, that was the front two northeastern rooms. On page 4, the architectural historian talked about brick coping on the oldest part of the house. It could have been added some time after the 1912 period so there would be two sections. But it was there prior to 1956 so it meets the 50-year standard.

Member Bayer noted also that one of the windows was 1912.

Mr. Gemora agreed. The part designated per 1912 appears to match the front northeast façade.

### **Applicant's Presentation**

Mr. Douglas Maahs, 2108 Calle Tecolote, was sworn. He stated that he had a site meeting with the previous planner and was informed there was no status on this structure and in working with Mr. Gemora, there was confusion about having multiple structures at this address and was informed it is a contributing structure. We had the

HCPI done by Beverly Spears and submitted it and was then informed of the contributing structure and were asked if the new owners wanted to ask for a downgrade. They do wish to do that. It was based on the extensive 1995 remodel and what would be the top left corner - the 1956 change - there was significant change left of the fireplace in 1995. It is where the brick coping ends and the patio constructed.

Staff did recommend retaining contributing status on northeast of main house and northern façade of guest house (façade #5). The casita appears to be original condition.

The owners want a shade structure on the Garcia Street façade and additional remodeling that won't alter the north elevation of the guest house.

He hoped to appear before the Board later with a remodeling proposal.

#### Questions to Applicant

Chair Katz said if he wanted a downgrade, the case would require a re-notice.

Mr. Maahs said that would not be a problem for them.

Chair Katz said, "There was an impression that perhaps façade 11 should be considered primary and you indicated it was nonhistoric, so it would be excluded from a primary designation and not subject to those restrictions.

Mr. Maahs explained that the new owners were looking to propose an extension of that room that says pre-1956 for five feet to become a master bedroom and would require a change of the circular wall which is also nonhistoric.

Member Bayer asked to clarify on the site plan that it was remodeled in 2009.

Mr. Maahs said the remodeling was done in 1995.

Member Bayer asked what was remodeled then.

Mr. Maahs pointed out the part affected which was basically the whole left side in 1995.

Member Bayer asked if the footprint was the same.

Mr. Maahs said he would have to look at those plans from 1995. There was a change in the carport and between there and the casita. He didn't remember what was in the previous plan. The left side of that room was rebuilt, and the historic material is at the four-foot level and the entire corner which is master bedroom was rebuilt. It might be

of the same size that it was before.

Member Bayer commented that remodeling would exclude that portion of the façade if it is designated primary.

#### Public Comment

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

#### Action of the Board

**MOTION:** Member Boniface moved in Case #H-18-124A at 636 Garcia Street, to maintain the contributing status of the building and designate the north façade (#11) of the main house as primary and the north façade of the guest house (#5) as primary.

The motion died for lack of a second.

Member Bayer asked if the guest house was contributing.

Mr. Gemora said that according to GIS map, the casita has no status. 636 blends in with a neighboring property and may not include the guest house.

Member Bayer asked then if it is contributing or non-statused.

Ms. Gheen conferred with Mr. Gemora.

Mr. Gemora said the 2<sup>nd</sup> amended agenda was updated to notice this property has a contributing and a non-statused building, but the memo was not changed to reflect the two contributing structures. It appears to be different than how zoning considers them - with an adjoining breezeway affecting it and the GIS map appears to have errors but it looks like the casita was not statused.

**MOTION:** Member Bayer moved in Case #H-18-124A at 636 Garcia Street, to designate façade #1 (east façade) and #11 (north façade) of the main house as primary and to note architectural features of brick coping and sills on the windows; and to make the casita contributing (upgraded) with ...

Ms. Gheen said the status for the casita must be properly noticed before taking action on it. She suggested postponing that part of the case.

**Member Bayer changed her motion to postpone status of the casita.**

Member Biedscheid said if this is the Board requesting the status.

Mr. Maahs said, "We are requesting a status and request a date as soon as possible."

Member Bayer restated her motion:

**MOTION: Member Bayer moved, seconded by Member Roybal, in Case #H-18-124A at 636 Garcia Street, to designate façade #1 (east façade) and #11 (north façade) of the main house as primary and to note architectural features of brick coping and sills on the windows; and to postpone the status review for the casita to a date certain of November 27, 2018.**

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface and Roybal voting in the affirmative and none voting against.**

4. **Case #H-18-126A. 247 Rodriguez.** Downtown & Eastside Historic District. Christopher Purvis, agent for Ashok Kaushal, owner, requests a historic status review with designation of primary elevations, if applicable, for two contributing residential structures. (Carlos Gemora)

This case was postponed to January under Approval of the Agenda.

5. **Case #H-18-128. 121 Camino Escondido.** Downtown & Eastside Historic District. Daniel Hall, agent for Thomas Bowker, owner, proposes to construct a 252 sq. ft. carport to a height of 9', a 6' high yard wall with pedestrian gate, coyote fences to a maximum height of 52", and an exterior fireplace on a non-contributing residential structure. (Carlos Gemora)

Mr. Gemora presented the staff report as follows:

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

121 Camino Escondido is a single-family residence and studio constructed with Territorial Revival elements and designated non-contributing to the Downtown and Eastside Historic District. The applicant requests the following:

1. Add a 250 square-foot carport to the existing studio in the rear of the property to a height of 8'-0" (lower than the existing structure). The existing studio and main house have a cantilevered "flat" roof and the carport will be wood-framed with a



pitched, "ivory-colored" pro-panel roof.

2. Replace an existing 6'-0" high coyote fence in the rear/side of the property with a 6'-0" masonry wall and 10'-0" high fireplace structure. The wall will use cementitious "straw-colored" stucco to match the existing house.
3. Construct a 4'-0" to 6'-0" high coyote fence with gates to replace an existing 4'-0" coyote fence and which will connect the proposed side masonry wall with a masonry wall in the front.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project as the application complies with Section 14-5.2(D)(9) General Design Standards for all Historic Districts, Height, Pitch, Scale, and Massing, and 14-5.2(E) Downtown and Eastside Historic District.

He added that the proposed roof on the carport would be a shed style roof, not a pitched roof.

Chair Katz agreed, but it is different than the pitch on the main house.

Mr. Gemora agreed. The pitch would be greater than that of the building to which it is attached.

### **Questions to Staff**

There were no questions to Staff.

### **Applicant's Presentation**

Mr. Daniel Hall was sworn. He said this is simple construction as Mr. Gemora stated. Part of the fencing is just a reconstruction to add value to the property. It is straightforward.

Member Bayer we appreciate the thorough application.

Mr. Hall thanked her.

### **Questions to Applicant**

Member Bayer said the shed roof on the carport in the drawing, looked incongruent with the other roof lines on the house and the property. In the drawing, it was really noticeable.

Mr. Hall said it is gradual in the ten-foot span with only a drop of one foot.

Chair Katz said the Board is looking for something that matches that. We are looking for less slope on it. And it would give more room there.

Mr. Hall said he could do a quarter inch per foot slope.

Member Boniface asked if there is ProPanel existing on the property now.

Mr. Hall said there was not on the property but some ProPanel next door.

Member Boniface asked to see page 15 on the screen (which was not available) and said, regarding the slope, he also felt the slope was a little incongruous with the rest. It just didn't quite fit in. "You said you would be willing to go to a quarter-inch per foot. That is kind of a standard roof design. I did some calculations here, based on those dimensions. So you have a 12' wide span between the existing building and the column. And it doesn't show on this drawing, but on page 15, it says that it is 7'6" high on the side that is attached to the building, the left side of this drawing, that your rafters are 7' 6" above grade. And then on the other drawing I'm referring to, it is 7' from grade to the bottom of the rafter. So doing a quick calculation, that is a slope of half-inch per foot. Would you be willing to raise that to a slope of 1/4" per foot?"

Mr. Hall agreed.

Member Boniface thought that would help. As far as the attachment underneath that eave - trying to attach it to the side of the eave and make it look like it was part of the existing roof, would be a real mess. "I think, in terms of the way you've got it attached, there is really not much else you can do. But if you would please flatten that to a quarter-inch per foot slope. It means really only raising it from 7' to 7' 3". So it is not a big difference. So 7' 6" on the right and 7' on the left over 12' is half-inch per foot."

Chair Katz asked if there is a fascia board on the other roof.

Mr. Hall said yes, and it is white.

Chair Katz asked if he could put fascia on the carport, painted white to match.

Mr. Hall agreed and would do it.

Member Biedscheid pointed out that Santa Fe Style with the columns would look better to add at least 8" to the width.

Member Boniface agreed.

Mr. Hall said they were thinking of painting them white.

### Public Comment

Mr. John Eddy, 227 E. Palace Avenue, Suite D, was sworn. He appreciated where the Board has gone on this application. It is more a plantation-style flat roof which is a very strong statement on the streetscape and very different from a parapet style. Raising the bottom of the shed roof, you are getting up to the plantation style. What concerned him was the shed roof. If the Applicant lowered the attachment, it would create a separation from one plantation roof to the other plantation roof. It is attached right underneath, it is still a shed roof. He proposed that he take half the distance of raising and lowering. They would still have the slope.

Member Boniface suggested, rather than splitting it, although he agreed with the suggestion, to keep the column on the left at 7' but drop the one connection to the building down 3".

Mr. Eddy said okay.

Member Roybal asked if they would still be able to have a vehicle underneath.

Mr. Hall thought so.

Member Boniface pointed out that garage doors are typically 7'. He said his own garage doors are 7' and he can drive his SUV under them.

Mr. Douglas McDowell was sworn and asked if ProPanel could handle that slope.

Member Boniface thought so.

Mr. Hall said he would be okay with a 1/8" slope but his client liked the look and style of ProPanel.

Member Bayer asked about the columns and corbels.

Mr. Hall said they felt corbels would add to the value of the home.

Member Bayer noted that they don't appear anywhere else on the house and she did not think it would be harmonious. Also, on page 17, the carport drawing looks like there is a 2' overhang. That is good.

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

### Action of the Board

**MOTION: Member Boniface moved, seconded by Member Bayer, in Case #H-18-128 at 121 Camino Escondido, to approve the application as recommended by Staff with the following conditions:**

- 1. That the slope of the roof be changed to between 1/8" and 1/4" per lineal foot;**
- 2. That the attachment on the south side of the carport be lowered at least 3";**
- 3. That the fascia be added to the exterior trim to match existing;**
- 4. That the fascia and columns be painted white;**
- 5. That the corbels be deleted;**
- 6. That the drawings be revised and submitted to Staff before a building permit is secured.**

**Member Biedscheid asked for a condition**

- 7. That the coyote fence metal structure be on the inside and that the latillas be at irregular height.**

**Member Boniface accepted the condition as friendly.**

**VOTE: The motion passed by unanimous (r-0) voice vote with Members Bayer, Biedscheid, Boniface, and Roybal voting in the affirmative and none voting against.**

- 6. Case #H-18-130. 8 Camino Pequeño . Downtown & Eastside Historic District. McDowell Fine Homes, agent for Larry and Michelle Martin, owners, proposes to construct a 1,370 sq. ft. bedroom addition to a height of 15'6" where the maximum allowable height is 15'6", enclose and expand an existing portal 158 sq. ft., replace a 5' high rock wall with a 6'3" high rock wall, and construct a 5' high stucco yardwall and 6'4" vehicular gate on a noncontributing residential structure. (Carlos Gemora)**

Mr. Gemora presented the staff report as follows:

### **BACKGROUND & SUMMARY:**

8 Camino Pequeño is a 2,500 square-foot single-family residence and guest house designated as non-contributing to the Downtown and Eastside Historic District. Originally constructed in the Modern style in the 1950's, the home appears to have major alterations which detract from the historic form. In 2011 the Historic Districts Review Board approved remodeling which sought to bring the building more into

conformity with Santa Fe style. In 2012 the structure was raised from 9'-8" to 14'-4" and door and window openings were changed. Now, the applicant proposes to slightly expand the kitchen, add a master bedroom suite, and construct a gate and yardwall.

The following proposals are requested:

1. Enclose the "dining portal" to expand the kitchen and expand the remaining portal area. The proposal would add 200 square feet of heated area and 160 square feet of roofed, portal area. The sliding kitchen door will be relocated, a window will be replaced with a metal clad wood window, and walls will be stuccoed to match the existing building. A 5'-0" high stone veneer wall will be constructed at the edge of the expanded portal.
2. Add a 1,000 square-foot bedroom addition and 370 square feet of portal area to a maximum allowable height of 15'-6". The addition will have a flat, parapet roof and a cementitious "buckskin-colored" stucco to match the existing building. All windows will be metal clad wood with divided lites.
3. Construct a masonry/stucco yard wall to a height of 5'-0" on the south and east portions of the property surrounding the addition. A 6'-0" non-fenestrated wooden gate will face the street to match the existing vehicular gate.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project as the application complies with Section 14-5.2(D)(9) General Design Standards for all Historic Districts, Height, Pitch, Scale, and Massing, and 14-5.2(E) Downtown and Eastside Historic District.

#### **Questions to Staff**

Member Bayer asked in #1, if the stone wall was publicly visible.

Mr. Gemora said it is not publicly visible and imitates an existing wall that is close by. The proposal is to rebuild it in a similar style.

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

Mr. Douglas McDowell (previously sworn) gave positive feedback to the current HPD staff.

He said, "We renovated this quite a bit. It was designed in the 1960's and used the foundations, although most of the walls came down. The owners did a great design, while still paying attention to what it was before. We wished we could do a bedroom

addition, but the lot is too high there. The stone wall is not publicly visible.”

#### Questions to Applicant

Chair Katz asked, referring to page 26, if there is going to be a higher adobe wall that comes closer to the road there.

Mr. McDowell said no and asked if he could say where that would be.

Chair Katz went to the bottom right drawing and asked how high that wall is.

Mr. McDowell said it is 5' 5". He pointed out the low stone wall at the road and the six-foot gate that is set back. There is green space around the set back wall.

Chair Katz was concerned that going back two feet would be better.

Mr. McDowell was okay with two feet.

Member Biedscheid thought the design of the addition looks quite different.

Mr. McDowell said it will look more modern with exact window sizes and fenestration on it. We tried to recreate what the siding looked like. We wanted to raise it, but the visual and detailing would be exactly the same.

#### Public Comment

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

#### Action of the Board

**MOTION: Member Boniface moved, seconded by Member Roybal, in Case #H-18-130 at 8 Camino Pequeño, to approve the application as recommended with a condition that the yardwall on the southeast corner be set back four feet.**

**Member Biedscheid asked for a condition that the drawings be revised and submitted to Staff. Member Boniface accepted the condition as friendly.**

**VOTE: The motion passed by unanimous (4-0) voice vote with Members Bayer, Biedscheid, Boniface, and Roybal voting in the affirmative and none voting against.**

## **H. MATTERS FROM THE BOARD**

Member Bayer announced that she would be absent next time. She talked about a Historic Preservation class at UNM and she was trying to get some of the students to work on our projects. Nicole gave her ideas and she would be working with them tomorrow. That could be a resource for the Board.

Chair Katz said the Board would like additional help please.

Member Bayer wanted to hear an update about filling the vacant position on the Board.

Ms. Johnson reported that the Mayor's office has posted calls for applicants and we just wrapped it up for Planning Commission and now on the HDRB and some applications were received.

She added that they will also deal with those members whose terms are expiring and mindful that we need to get applicants to fill vacancies.

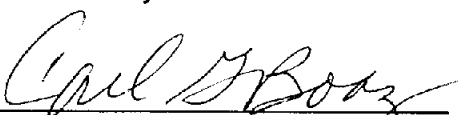
## **I. ADJOURNMENT**

The meeting was adjourned at 7:23 p.m.

Approved by:

  
Cecilia Rios, Chair

Submitted by:

  
Carl G. Boaz, for Carl G. Boaz, Inc.