



# Agenda

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, April 9, 2019 at 12:00 NOON

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

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, April 9, 2019 at 5:30 P.M.

CITY COUNCIL CHAMBERS

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

### CALL TO ORDER

- A. ROLL CALL
- B. APPROVAL OF AGENDA
- C. APPROVAL OF MINUTES: March 26, 2019
- D. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-19-010. 646 East Barcelona Road.

Case #H-15-072. 940 Acequia Madre.

Case #H-05-172. 535 East Alameda Street.

Case #H-19-019. 105, 113, 114, 115, 118, 120, 121 Camino Santiago.

Case #H-19-020A. 920 Paseo de Peralta and 250 East Alameda Street.

Case #H-17-107B. 233 West Manhattan Avenue.

Case #H-18-104B. 823 Acequia Madre.

Case #H-19-021. 311 Old Santa Fe Trail.

- E. BUSINESS FROM THE FLOOR
- F. COMMUNICATIONS

- 1. Draft Land Use Department Code Interpretation Regarding Administrative vs. HDRB Review

### G. ACTION ITEMS

- 1. Case #H-19-025. South Guadalupe Street. Downtown and Eastside, Westside-Guadalupe, and Historic Transition District. Guadalupe Street Association, agent for City of Santa Fe, owner, proposes to install 22 double-sided banners on light poles owned by the City of Santa Fe and located on the South Guadalupe Street right-of-way. (Carlos Gemora, Planner, CEGemora@santafenm.gov, 955-6670)
- 2. Case #H-19-018. 940 1/2 East Palace Avenue. Westside-Guadalupe Historic District. Mifsud & Associates Architects, agent for Nancy Mammel, owner, proposes a garage door and gates amending approved new construction. (Carlos Gemora)
- 3. Case #H-18-136B. 525 Camino Cabra. Downtown & Eastside Historic District. Tom Lechner, agent for Rebecca Koskela, owner, proposes to raise parapet heights to a height of 13'0", amending a previous approval to construct an addition to a height of 13'0". (Carlos Gemora)
- 4. Case #H-19-023. 576 1/2 West San Francisco Street. Westside-Guadalupe Historic District. Estevan Trujillo, agent for Gordon and Mitzi LeBlon Ledingham, owners, proposes to construct a 165 sq. ft. addition to a height of 14'0" where the existing building is approximately 14'7", and install a gate, exterior lighting, and hardscaping at a non-contributing residential structure. (Carlos Gemora)
- 5. Case #H-19-024. 207 West San Francisco Street at Burro Alley. Downtown & Eastside Historic District. 207 West San Francisco Street/Burro Alley LLC applicant/owner proposes to install a mural on a contributing non-residential structure. (Lisa Roach, Planner Manager, lxroach@santafenm.gov, 955-6657)

### RECEIVED AT THE CITY CLERK'S OFFICE

DATE: April 3, 2019

TIME: 11:32 AM

6. Case #H-19-026A. 404 Montezuma Avenue. Historic Transition District. Staff requests the designation of primary façades on a contributing non-residential building. (Lisa Roach)

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

##### **I. ADJOURNMENT**

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- 4. Case #H-19-023, 576 ½ West San Francisco Street. Westside-Guadalupe Historic District. Estevan Trujillo, agent for Gordon and Mitzi LeBlon Ledingham, owners, proposes to construct a 165 sq. ft. addition to a height of 14'0" where the existing building is approximately 14'7", and install a gate, exterior lighting, and hardscaping at a non-contributing residential structure. (Carlos Gemora)
- 5. Case #H-19-024, 207 West San Francisco Street at Burro Alley. Downtown & Eastside Historic District. 207 West San Francisco Street/Burro Alley LLC applicant/owner proposes to install a mural on a contributing non-residential structure. (Lisa Roach, Planner Manager, lroach@santafenm.gov, 955-6657)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: April 2, 2019

TIME: 3:54 PM

6. Case #H-19-017. 460 Camino de las Animas. Downtown & Eastside Historic District. Lightfoot Inc., agent for Robbin and Alice Dawson, owners, proposes to construct a 51 sq. ft. addition and to replace windows and doors, amending an approval to remodel a significant structure. Exceptions are requested to change windows, doors, and openings on primary facades of a significant structure (Section 14-5.2(D)(5)(a)), and to construct an addition to a non-historic portion of a primary façade (Section 14-5.2(D)(2)(c)). (Carlos Gemora)
7. Case #H-19-022A. 300 Sena Street. Don Gaspar Area Historic District. Staff requests the designation of primary façades on a contributing residential structure and a contributing garage. (Carlos Gemora)
8. Case #H-19-022B. 300 Sena Street. Don Gaspar Area Historic District. William Beck, agent for Julie Gallegos, owner, proposes to replace windows on a contributing residential structure and contributing garage. An exception is requested to replace historic windows on a primary façade, not in-kind (Section 14-5.2(D)(5)(a)(i)). (Carlos Gemora)
9. Case #H-19-026A. 404 Montezuma Avenue. Historic Transition District. Staff requests the designation of primary façades on a contributing non-residential building. (Lisa Roach)

**H. MATTERS FROM THE BOARD**

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- 5. Case #H-19-024, 207 West San Francisco Street at Burro Alley. Downtown & Eastside Historic District. 207 West San Francisco Street/Burro Alley LLC applicant/owner proposes to install two murals on a contributing non-residential structure. Exceptions are requested to 14-8.10(H) Special Sign Regulations in the H Districts and 14-5.2(E) Downtown and Eastside Design Standards. (Lisa Roach, Planner Manager, lxroach@santafenm.gov, 955-6657)

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: March 21, 2019

TIME: 1:14 PM

6. **Case #H-19-026A**, 404 Montezuma Avenue, Historic Transition District. Staff requests the designation of primary façades on a contributing non-residential building. (Lisa Roach)

**H. MATTERS FROM THE BOARD**

**I. ADJOURNMENT**

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**HISTORIC DISTRICTS REVIEW BOARD**

April 9, 2019

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

**April 9, 2019**

**CALL TO ORDER**

A regular meeting of the City of Santa Fe Historic Districts Review Board was called to order by Ms. Cecilia Rios, Chair, on the above date at approximately 5:30 p.m. in the Council Chambers at City Hall, 100 Lincoln Avenue, Santa Fe, New Mexico.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Ms. Cecilia Rios, Chair  
Mr. Frank Katz, Vice Chair  
Ms. Jennifer Biedscheid  
Ms. Flynn G. Larson  
Mr. Herbert Lotz

**MEMBERS EXCUSED:**

Mr. Anthony Guida  
Mr. Buddy Roybal

**OTHERS PRESENT:**

Mr. Carlos Gemora, Senior Planner  
Ms. Lisa Roach, Planner Manager  
Ms. Sally A. Paez, 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.



## **B. APPROVAL OF AGENDA**

**MOTION:** Member Biedscheid moved, seconded by Member Katz, to approve the agenda as published.

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

## **C. APPROVAL OF MINUTES: March 26, 2019**

*Member Katz requested the following changes to the minutes:*

On page 12, in the penultimate sentence, to change "it" to "the office" - "The sewer is not being used or you could put it the office in front to the west of the exercise room."

On page 34, in the middle of the paragraph where he was speaking, it would be better, instead of saying "It looked gorgeous" to say, "The stucco job looked gorgeous."

*Member Biedscheid requested the following changes to the minutes:*

On page 12, under Board Discussion, the first paragraph, should say, "Member Biedscheid said, the streetscape application was for long and small ~~windows~~-hung and in the third sentence, it should say, "... as Member Katz mentioned, they seem to have been placed low on the wall."

On page 57, 4<sup>th</sup> paragraph at the end of the first sentence, it should say, "much of what fronts the river" please insert "many windows or other views to the river."

On page 59, 7<sup>th</sup> paragraph, 3<sup>rd</sup> sentence [actually the fourth sentence], it should say, "It is a very difficult site and the proposal is a little too large."

On page 27, third paragraph, it should read, "Member Biedscheid asked if the applicant, on the casita and shed, would be willing to recess the windows and door."

*Chair Rios requested the following changes to the minutes:*

On page 35, 2<sup>nd</sup> paragraph, it should read, "I do agree with Ms. Beninato on Unit 5 that it should be done in a color other than Wet Cement."

**MOTION:** Member Katz moved, seconded by Member Biedscheid, to approve the

**minutes of March 26, 2019 as amended.**

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

**D. FINDINGS OF FACT & CONCLUSIONS OF LAW**

**Case #H-19-010. 646 East Barcelona Road.**

**Case #H-17-107B. 233 West Manhattan Avenue.**

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**Case #H-19-019. 105, 113, 114, 115, 118, 120, 121 Camino Santiago.**

**Case #H-19-020A. 920 Paseo de Peralta and 250 East Alameda Street.**

Member Biedscheid commented regarding Case #H-19-019 that typically, when the Board considers a contributing status, that the Board usually has a detailed discussion of the integrity of each structure and the specific characteristics. In this instance, we did not do that. A single motion was made for all seven of them. She thought each structure should have been individually discussed, and for each, a primary façade should have been assigned. Although she did think the end status was correct, she still had questions about a couple of things. One was the primary façades and the second was the interpretation of the 50-year criteria that we use to consider status. And the third is about the possible eligibility of Plaza del Monte to be considered as a historic compound.

For those reasons, she did not think the decision adequately justifies the contributing status. She said she might ask for a little help from the attorney that she would make a motion to rescind that decision for consideration on April 23 and not approve the Findings of Fact and Conclusions of Law for Case #H-19-019.

Chair Rios concluded that Member Biedscheid is simply giving notice.

Member Katz referred to the Finding #9 for Case #H-19-010 where it said the Board is permitted to increase height on a sloping height but there is no finding that the Board found it appropriate to find that to allow additional 4' for grade.

Ms. Paez asked if there should be a finding that the Board found it appropriate to allow extra height on a sloping site. It is in the background and implied, but it could be clearer to include as a finding.

Member Katz decided not to amend it.

Member Biedscheid said regarding Case #H-18-104B, in light of the change to the minutes she made, it would affect the Findings of Fact and Conclusions of Law for that case. She asked if that should be included on the first page under items 1 and 2.

Ms. Paez asked if she was referring to the contributing shed.

Member Biedscheid agreed. She read #1 under contributing shed as it is amended to provide a recess on the primary elevation and on east elevation for the replaced door and match the windows including the recess of both windows and door.

**MOTION: Member Biedscheid moved to amend the Findings for Case #H-18-104B as she stated. Member Katz seconded that motion.**

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

Ms. Paez did not think the motion to not approve the Findings for Plaza del Monte findings had a second.

Member Katz seconded the motion.

Chair Rios stated that the Findings of Fact for Case #H-19-019 is being removed from this agenda and that the Board has amended the Findings for Case #H-18-104B.

Member Katz asked Ms. Paez about the options for reconsidering or rescinding the motion on the Plaza del Monte case.

Ms. Paez explained that the Board, in the same meeting, could vote to reconsider an action, but that cannot be done at this subsequent meeting. Voting to rescind, or *a motion to amend*. A motion to rescind requires a prior notice in the call for the next meeting in order to have a lower voting threshold. With prior notice, the vote can be a simple majority of the quorum. If such a motion were made at this meeting, it would require a minimum 2/3 vote to pass.

Chair Rios summarized in the action on the Findings of Fact and Conclusions of Law, there is one amendment (to Case #H-18-104B) and one Finding removed (Case #H-19-019) for future action.

**MOTION:** Member Biedscheid moved, seconded by Member Katz, to approve the Findings of Fact and Conclusions of Law as amended with Findings for Case #H-19-019 removed for consideration at a future meeting and amending Case #H-18-104B as stated.

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

#### **E. BUSINESS FROM THE FLOOR**

Ms. Stefanie Beninato wished the Board had reconsidered rather than rescind. It was a little too simplistic and you did not specify primary elevations. I like the compound which could be simpler.

She also brought to the Board's attention, the appeal to City Council on the carport. "There are two Councilors who are very anti-historic with questions like if it was a separate property. I understand they can review it. But they didn't want to consider what the Board was thinking. The Council spent more time on it than the Board did but there was a lack of the background. She also found it distressing and if Board approval is necessary, that they must also meet the requirements in the Code. Also, the Board was undercut by the LUD. They rely on your staff and their opinion rather than on your opinion. I looked up the specifications for the portions, and the Planner for this Board may make recommendations to other staff, but nothing says they may make recommendations to the Historic Board."

Mr. John Eddy appreciated what Ms. Beninato brings to these meetings and that needs to be considered. "Specifically to the first part about Plaza del Monte, I echo her feedback and it might have been better at the last meeting but the effort to clarify what took place at the last meeting is appropriate and you did a good job." He looked forward to that.

#### **F. COMMUNICATIONS**

Mr. Gemora said the case at 300 Sena will not be heard tonight but next time. There was a problem with notification.

## **1. Draft Land Use Department Code Interpretation Regarding Administrative vs. HDRB Review**

Ms. Roach read her memo. She asked the Board to review them and provide feedback on the draft of department interpretation of the code.

*A copy of the Staff memo is incorporated herewith to these minutes as Exhibit 1.*

Chair Rios was very glad this is being brought to the Board. She noted that often there are requests that can be approved by the Board when it seems simplistic that could have been administratively approved and other times, things were approved administratively by Staff when it should have come before the Board. This is a good starting point to discuss tonight and we will have public discussion. She proposed that for each of the 17 items, Staff read the subject and what administrative approval and board approval should be. She felt there were too many to consider all of them together. She asked if this is just policy or part of the code and clarity in guidelines for the Staff to use in their work.

Ms. Roach said it is not part of the code but an official interpretation of the code. This is intended to provide a written interpretation of the code to clarify the actions of the Board. Other divisions in the LUD are also undergoing this process.

Chair Rios said she would limit public comment to two minutes each.

Ms. Beninato rose for a point of order. She said it was not clear that this was going to be acted upon and she was caught off guard. She wondered if it could be postponed to the next meeting, so people have an adequate time to review it.

Ms. Roach said this was properly noticed on the agenda and it was included in the packet as well.

Mr. Boaz affirmed that it was also on the web site.

Chair Rios decided to go forward with this as it was on the agenda and the 17 items were on-line.

Ms. Roach referred to the table on historic status and reviewed the authority with the Board and read the interpretation.

### **1. Status**

Board reviews status as a result of request for changes or demolition, can be requested by Staff, Board, or the property owner.

Member Katz assumed the Board can also review a status initiated by staff. It says by City but assumed that meant Staff. It needs to clearly state that the Board may initiate a status review. That needs to be clear.

Chair Rios agreed. That was on her notes.

Ms. Roach pointed out that this is a draft. The public and Board members may email written comments after the hearing. Her email address was included on the agenda. She will present the final interpretation later when it is final.

#### Public comment

Mr. Eddy appreciated that. He asked if it is available on-line.

Ms. Roach agreed.

Ms. Beninato wanted to be sure that the Board is not giving away its power to review status. If staff doesn't feel a status review is needed, the Board should be able to make that request. She apologized that she had trouble finding this on-line.

Ms. Roach agreed with the Board's suggested change.

## 2. Maintenance and Repair

Ms. Roach went to the second topic - Staff to review request for maintenance and repair to meet minimum maintenance requirements. It includes restucco, reroof, repainting, repair of deteriorated architectural features, replacement exactly in-kind of architectural features when deterioration has rendered such features structurally unsafe. Board is to review proposed maintenance and repair activities that may negatively affect historic integrity, alter historic character, adversely affect streetscape harmony or intensify a nonconformity.

Member Katz said he has problems with the minimum maintenance requirements. Those refer only to buildings with a historic status and not with every house in the district. It is in the portion that talks about historic buildings and thought that is what it is all about. It sounds like when someone proposes a repair project, the Board could weigh in, but should it be the Board rather than Staff? I'd be happy for Staff to deal with those, but it could affect the historic status. He thought this one needs more work.

Ms. Roach said the intent is to provide some basis for Staff to allow review and approve really minor repair and maintenance. Her impression was that the Board doesn't really want to hear about restucco or reroof. This requires qualified staff in the

inspection process. This tries to specify where it begins and ends.

Member Katz pointed out that there is nothing in the paragraph that says Staff shall not review it if it would affect integrity. The Board only gets to do it if Staff sends it to the Board. He thought it would be helpful if in Staff's view it would likely affect the historic integrity.

Ms. Roach was not sure she understood because the Staff gets applications every single day and have to decide whether it needs to go to the Board or not.

Mr. Gemora clarified in his interpretation, if it will negatively affect historic integrity then it would be reviewed with the Board. That tries to imply that HDRB reviews when it could, and staff would review it administratively when it clearly does not so affect the historic integrity.

Chair Rios asked regarding proposed repair of deteriorated architecture features, who makes that determination. Ms. Roach feels Staff are qualified to determine that.

Ms. Roach explained that the Staff doesn't do that, but they have a licensed professional do that kind of review.

Chair Rios understood and that Staff can determine who is qualified. So, if an Applicant wants to stucco their house or reroof it, Staff doesn't want to come before the Board. That should have staff review and approval for that.

#### Public Comment

Ms. Beninato agreed with Chair Rios. Staff has the authority to okay restucco or repainting in the same color, but other architectural features deteriorated without coming back to Board could affect historic integrity and that should be a Board decision. She would want the Board to make that decision. Even replacing windows in kind - what is deteriorated? Those are terms not defined so they are subjective so let's have it publicly subjective.

Member Biedscheid asked whether colors of stucco are allowed and if that would be a different code interpretation.

Ms. Roach said she planned to do that separately.

#### 3. Exceptions

Staff to determine whether that section of code is needed, and the Board determines if the exception has been met.

Chair Rios asked when exceptions are needed.

Ms. Roach said an exception is needed when a proposed activity does not conform with requirements of the Code. An exception is a variance to the Code.

Chair Rios suggested like a change to a primary façade.

Member Biedscheid was not sure where it belongs but on the evaluation of the criteria responses, she would be interested in seeing Staff guide the applicant on the number of exceptions that are required.

Ms. Roach explained that the code is very specific on the exception criteria that apply to each one.

Member Biedscheid agreed but the consideration is different for removal of historic material from height exceptions.

Ms. Roach said the Staff does work with every applicant to minimize the number of exceptions that are needed. It is in everyone's best interest for that.

#### Public Comment

Ms. Beninato suggested that one way to help minimize exceptions is to do things in a different way and be stricter on the design alternatives. A lot of times, the applicant would say they considered alternatives but those would not work. If you were strict on why it won't work, that would also cut down on them.

#### 4. Rooftop Appurtenances -

Ms. Roach said Staff reviews for them to make sure they are properly screened and not publicly visible when they are on contributing or significant buildings.

Member Katz said there are several sections that refer to them which he listed. That complicates things but he thought the only time the Board needs to review rooftop appurtenances is if they are visible. If it is not publicly visible, Staff can do it. But when an exception is needed, the Board decides it.

Chair Rios pointed out the code says, "provided they are properly screened." She asked if Staff will determine how it will be screened.

Mr. Gemora said there are two ways. The code does allow a screen of rooftop appurtenance vs. obscured from public view. Both screening and hidden from public



view are two parts. The Code wants to not need screening.

Chair Rios said the Board tries to get screening that has the least negative impact.

Ms. Roach said we can go back and review the other citations. The idea is that, e.g., if an application has HVAC on the roof, screening is a popular method and the Board could require it.

Member Katz noted that screening can sometimes be really ugly. That is the concern. For some, the screening would be obvious.

Ms. Roach agreed there is not good guidance in how to screen. What is an attractive or appropriate way to screen a big HVAC? Does the Board need to review every application for rooftop screening?

Mr. Gemora said when it is administratively approved, it is a given that any administrative action that could impact status or character, would require us to bring to the Board any threat to status. What is the basis for that?

#### Public Comment

Elizabeth West said on screening that if the LUD and Staff take that part of the job away from the HDRB, good luck. There would be a lot of push for solar on top of their house. Staff have to make up their mind and make it clear when it must come to the Board. The material to screen that involves the structure of the building. She liked having it come to the Board.

Ms. Roach reiterated that there is no intent to take away the Board's right to review rooftop appurtenances. When the code is not clear, it goes to the Board.

Ms. Beninato would rather have the Board do this. It is a subjective decision. The Code needs to have very specific screening standards with specific measurements and sizing. So make it not subjective and everything else come to the Board.

Chair Rios pointed out that they have 13 more items to review and she recommended tabling them to the end of the meeting in order to accommodate the projects and the people here to have them considered.

**MOTION: Member Katz moved, seconded by Member Lotz to table the rest of this item to the end of the meeting.**

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

## **G. ACTION ITEMS**

Chair Rios announced to the public the procedures for appealing a decision of the Board to the Governing Body and indicated that appellants have up to 15 days after approval of the Findings of Fact and Conclusions of Law to make their appeal. She added that Staff can assist anyone wishing to make an appeal.

1. **Case #H-19-025. South Guadalupe Street.** Downtown and Eastside, Westside-Guadalupe, and Historic Transition District. Guadalupe Street Association, agent for City of Santa Fe, owner, proposes to install 22 double-sided banners on light poles owned by the City of Santa Fe and located on the South Guadalupe Street right-of-way. (Carlos Gemora, Planner, CEGemora@santafenm.gov, 955-6670)

Mr. Gemora presented the Staff Report as follows:

### **BACKGROUND & SUMMARY:**

South Guadalupe Street extends approximately 0.6 miles from West Alameda and De Vargas Park to Cerrillos Road and the Railyard Park. Approximately half the street is within the historic districts. It includes the Santuario de Guadalupe, in the Downtown and Eastside Historic District, complexes like the Guadalupe Station in the Westside-Guadalupe Historic District, and the Guadalupe Center in the Historic Transition District. Another half of the street constitutes the gateway into the Railyard District. Being a corridor which bridges the historic and railyard centers, it has a unique blend of overlapping districts, styles, and history. Most of the adjacent buildings are populated with retail, galleries, offices, and restaurants.

A group of businesses seeking to bring a more recognizable identity to the unique area have come together, calling themselves the Guadalupe Street Association. Over the past several months, the Association has worked with various city departments, mainly Economic Development, to develop a banner proposal. 22 double-sided banners would be constructed on city light poles which earlier held the city's 400-year anniversary banners. 9 of the banners are proposed in the Historic Transition District, the other four would be in the Westside-Guadalupe and Downtown and Eastside Historic Districts.

Under the municipal sign code (Section 14-8.10), signs are reviewed by staff and proposals requiring exceptions are reviewed by the Historic Districts Review Board. A proposed ordinance would exempt city or city-designee banners from the municipal sign code but would instead require city or city-designee banners to be approved

through a resolution from the Governing Body. Such a resolution would detail specifics like duration, location, number, approval process, installation, and maintenance. Prior to the Governing Body's consideration of a resolution for the South Guadalupe Street banners, the Historic Districts Review Board is asked to make an advisory recommendation regarding the suitability and harmony of the banner proposal to the streetscape. In evaluating suitability and harmony, staff encourage the board to consider the general purpose of the historic district regulations (14-5.2(A)(1)) and the purpose of the historic sign regulations (14-8.10(H)(1)).

**STAFF RECOMMENDATION:**

Staff find the banner proposal to accomplish the general purposes of the historic districts and the special regulations for signs placed in the historic districts. Staff additionally find the proposal would accomplish a more recognizable identity for the South Guadalupe Street area. Staff defer to the Historic Districts Review Board, however, specific recommendations related to the suitability and harmony of the proposed banners with the streetscape. Otherwise, staff recommend the Board make a positive recommendation to the Governing Body to approve the proposal, provided that the banners are exempted from the sign code, Section 14-8.10.

**Questions to the Staff**

Chair Rios asked if the application is for 22 banners.

Mr. Gemora agreed.

Chair Rios understood that 13 of them would be in historic districts.

Mr. Gemora agreed.

Chair Rios asked if the identified poles belong to City.

Mr. Gemora said yes.

Chair Rios asked how far apart the poles are.

Mr. Gemora estimated, at the closest, they are probably 60 ft. apart.

Chair Rios thought it appeared some would go on the east side and others on the west side.

Mr. Gemora agreed.

Chair Rios asked if he knew whether the Association had contacted the Guadalupe church.

### Applicant's Presentation

Ms. Liz Camacho said she was working closely with the Guadalupe Association and advocating on their behalf. She explained that in Santa Fe, neighborhood areas have a stronger identity as a destination. One thing that happened is that the Guadalupe Association reached out for City support. The Railyard has a really strong identity and Canyon Road does also. The businesses on Guadalupe has gotten lost in that effort. So they want to create something symbolic to establish their public identity. They have chosen banners. The poles are already up and were tested for safety at the 400<sup>th</sup> anniversary. They wish to gain momentum with banners, which were considered important to do. Many of the businesses have a strong sense of aesthetic and this could bring more opportunity to bring the merchants together. *Some of them are here.*

Chair Rios asked them to raise hands and they did.

### Public Comment

Ms. Christy Nardi, a business owner in the Guadalupe area, was sworn and read a presentation to the Board. She noted that some businesses have been there for 20 years; others much less than that. They participated in the New Mexico Main Street Program. Two years ago, an anchor business at Sanbusco was emptied out and what was once local shopping and an eating area disappeared. It has been on the downturn ever since. Guadalupe area is one of the most visible shopping areas but is not vibrant. It will not sustain without some attention and more visibility. "We are struggling. One way to attract attention is art and history - the banners were created as a rendering of Our Lady of Guadalupe and reveal represent the importance of our history and epicenter of southwest culture. There is lots of Santa Fe pride over the years. "If we can tap into what is here, we believe we can draw people back."

Ms. Shawna Tatum, owner of the Curiosa store, was sworn and said she has been in business for 13 years and in Guadalupe for 5 years. Since moving to Guadalupe, she has encountered more of a narrative that is not accurate or positive - "That Guadalupe has nothing to offer since closing of Sanbusco and before that of Borders and that it is unkempt and unsafe."

She put forth an alternative narrative she knew to be true. It is a unique location - literally and figuratively bridging two distinct districts - the Railyard and the Plaza. The Railyard is contemporary and the Plaza is historic. It doesn't represent either exclusively but of both. "We'd like to be a destination. Not simply a road but a district with lots of amenities both cultural and historic. It should be a place to spend time in.

We have a great pride of place. It is unique because it is a busy street. The Plaza has a distinctive look with traffic blocked off. Canyon Road is very narrow. But Guadalupe is a main thoroughfare. We are aware we own businesses in a historic district and recommend our banner proposal because we are committed to business on Guadalupe Street."

Justin Arkos was sworn. He said he represents 15 artists who have a gallery near the Plaza Hotel. He believed the banners would be great so people would know who we are.

Chair Rios understood the concept was that if they put up 22 banners, it would draw people to their area. She asked if they have contacted the Guadalupe Church there.

Mr. Albert Downer, artist and gallery owner on Guadalupe Street, was sworn. He described the banner as an image of the Virgin of Guadalupe, although it is not a religious statement but honoring our heritage and the street itself. There is a statute at the end of the street, and it appears everywhere and is not taken as a bad thing. They were not trying to disgrace it in any way.

The whole point was to signify where we are. People kind of know that is a destination.

Member Katz asked if he could assume that no one contacted the church.

Mr. Downer said he would be happy to contact the church.

Chair Rios said the church evokes a different feeling for her.

Mr. Downer said, "We see the Virgin on almost anything. We are not trying to sell banners.

Member Katz felt, just for respect, it should include contact with the church before going forward.

Mr. Downer said they didn't know who they should talk to about it.

Chair Rios understood. They just need some guidance.

Member Lotz said he has driven on Guadalupe for 50 years now and participated with many businesses there. Santa Fe Chevrolet used to be just across the street. The change happened for him when the City redesigned the curbing and the lanes on the street and that really changed the nature of the street. "The banners, to me, are something we don't need. When I moved here, one thing I found most menacing was the sign ordinance. As the community has grown, I have seen a lot of sign violation

that take away from the vision of buildings, trees, etc. I don't think we should use those banners."

Elizabeth West was sworn. She said she had two main issues, both of which impact the HDRB. The first was whether to have banners and second was the design. She said, "I agree with Member Lotz but also about proper procedure. The church is likely to agree it is okay. But this is a historic area. I personally did not like the long skinny 400<sup>th</sup> banners. We might have a difference of opinion. I really agree with Member Lotz and what he said. I live near the Guadalupe area. I hate to say no to you guys but want the HDRB to be firmly involved in it."

Raymond Herrera was sworn. He said, "As a member formerly of HDRB - we had requests 15-20 years ago. Out of respect for the church, I don't believe this is appropriate. I think the church should have been informed to start with. I don't think it symbolizes the Virgin of Guadalupe. It is not only insulting but not really appropriate."

Ms. Beninato (previously sworn) agreed with Member Lotz's statement. Visually being distracted from why you are here to appreciate the architecture and the sky and mountains. "I remember when Becker's Lunch opened, and I might trip over someone on the sidewalk. I don't think the banners are appropriate at all. The street is so narrow and dangerous. I'm not sure it is appropriate and more distracting than less signage. Signs are not normally allowed off premises. These are businesses and the City wants to incentivize businesses. My suggestion was wayfinding signage. I'm also opposed because of the design. There is a problem with the design having a religious connotation whether intended or not. And on City poles and being excluded from City ordinances is not a good idea and think about how it is setting a precedent. Everyone somehow wants to attract more people."

Mr. Philip Goodwin was sworn. He has had a business on Guadalupe Street since 1970's and watched them change Guadalupe Street. "I would ask if the City consulted the church before naming it Guadalupe Street. Like all businesses, those on Guadalupe are struggling and the City should support them. The City set up the infrastructure on those poles. I don't think they came here in the first place. The community has gotten together to figure out how to create some excitement on the street and it is up to you to support us."

Ms. Iverson, owner of Calvers(?) was sworn. She said they have been there since 2008. "Many businesses have gone away, and we need something and need the City to support of it. I need help. We can't put signs in the parking lot. This is a historic district. Yes, we do need to talk with the church. But the bottom line is that we need help. Consumer spending has been down. It was down in December and abysmal in January and February. Where are we going? We need help."

Mr. Eddy (previously sworn) said, "I commiserate with merchants on Guadalupe,

but I don't think this is the answer. I strongly support Member Lotz's sentiments. I grew up in Santa Fe considering Guadalupe Street where the tracks were and on the other side of the tracks, it was dangerous. I watched the transitions over the years and feel that largely have been good. It is a painful process, but it will bring a regeneration of the neighborhood. Two things about the signage - the banners are too large and garish and too many of them. The sign at the statute a few years ago was really pushing things. Guadalupe has tremendous character. I understand the need to bring attention to it but could be done in a different way. Perhaps signs on a temporary basis could be done but a permanent signage is the wrong thing."

Ms. Cindy Cornelsen, a new business owner, was sworn. She said she just opened last month. "I've come as a visitor for the last 20 years and am excited to be a resident. The more we can bring another reason for people to come to Santa Fe, the better. The Railyard and Plaza and Canyon Road are reasons, and this is just another reason to come here rather than somewhere else. As for the area being less safe, I know this is all one neighborhood. We care about each other and the tourists who come. It might seem garish - but as long as they are here, they are safer because the merchants and neighbors are trying to take care of each other keeping people safe."

Ms. Tatum apologized from any offense they might have cause and acknowledge they should have considered the church. "I respectfully disagree that architecture is the only reason people come. Shopping here is a very large reason. We are open for a different banner design, but we want to make our business district better, not distract from it."

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

#### Board Discussion

Chair Rios said she felt for these merchants and wanted them to thrive. She said, "I don't know that the banners are the answer but maybe we could explore other things and don't know what the motion will result. I do feel you should speak with the church to be in the good graces of the neighbors."

Member Larson said, "I agree it is so important to establish an identity and Main Street is the perfect starting point. The church should review the banners. They are a good starting point and they should consult with Main Street for development of this district. It is a wonderful place to shop."

Member Katz found the banners to be okay. He definitely agreed the church should be on board with it and strongly felt it should be up for three months maximum.

Member Biedscheid said, "Thanked the merchants for coming here and expressing

their opinion. Part of our job on this Board is to ensure that our community - all aspects of our community have a voice and that includes what the merchants have to say. I am mindful of what the church's opinion may be. There are other industries - the contemporary gallery - and I didn't hear from anyone in the proposal that they are permanent or temporary.

Ms. Camacho said the resolution asks for a 12-month trial period with a six-month review. The burden was on the merchants to design and pay a deposit and to put them up. And if there is resistance, to take them down.

An ordinance is going to Council to alter the banner ordinance which now would be on a case-by-case basis, and how to make clear guidelines. One condition would be to go before the HDRB except on the south side of Santa Fe.

She said the financial burden would be on the merchants and to make it a resolution.

Chair Rios was glad the City is exploring that proposal.

Ms. Camacho said, "We definitely want your recommendations. And going to the church is something that can go forward. We are happy to adapt."

Mr. Gemora specified that in the future, the HDRB would be required to review. He clarified that the Board gave approval in 2009 for those 400<sup>th</sup> anniversary banners. Regarding precedent, the Board could always find unique characteristics that would be limiting the precedent. Because this only asks for a recommendation, some of those things could be included as proposed to a final action.

Member Lotz said that, having lived here as long as he has, he has seen lots of businesses open and a lot close. And we cannot serve all of them. To allow banners to help your business do better, I don't think that choice would work.

#### Action of the Board

**MOTION: Member Katz moved, seconded by Member Biedscheid, in Case #H-19-025. South Guadalupe Street, to submit to City Council a recommendation that would allow the Banners for three months, if the Guadalupe Church agrees with them. Member Biedscheid requested the Applicant indicate specifically who supports this project and provide a written statement of approval from the Guadalupe Church. Member Katz accepted the amendment as friendly.**

#### Discussion on the Motion



Member Biedscheid said she was also concerned with the colors. She also mentioned the lettering could be confused with a saint.

Ms. Paez informed the Board that the Planning Commission made amendments to the recommendation that the banners have no political or religious imagery. The ordinance is still subject to fluidity before going to Council and if there are other conditions or suggestions they could be submitted while it is still in process.

The Board understood this is just a recommendation.

Ms. Paez agreed. The Council makes the final decision and the Board can just weigh in at this stage. This is about general suitability, but specifics of design could change. The ordinance change is different and the specifics for duration and design are subject to the resolution.

Chair Rios asked about the outcome if the church objects to the proposal. e motion.

Member Katz said the church would need to have a positive approval. Member Biedscheid agreed.

**VOTE: The motion passed on a majority (3-1) voice vote with Members Biedscheid, Katz and Larson voting in favor and Member Lotz voting against.**

- 2. Case #H-19-018. 940½ East Palace Avenue.** Westside-Guadalupe Historic District. Mifsud & Associates Architects, agent for Nancy Mammel, owner, proposes a garage door and gates amending approved new construction. (Carlos Gemora)

Mr. Gemora presented the Staff Report as follows:

**BACKGROUND & SUMMARY:**

940½ East Palace Avenue is a vacant lot in the Downtown and Eastside Historic District. To the east, the property is set back from East Palace by approximately 40'. To the north the property borders the Santa Fe River.

To the west and south the property borders residential and commercial uses. On March of 2019, the Board approved a 1,985 sq. ft home and a 570 sq. ft. detached garage. The Board, however, postponed the request for a garage door and two gates and asked the applicant to redesign the garage door to be wood, to have more of a

"carriage style" design, to have windows, and to be brought back to the board for approval.

The applicant returns with gate details and a revised design for the garage door.

1. The yardwall gate will be stained wood and will match the approved "walnut stain."
2. The coyote gate will be constructed with coyote latillas to match the approved coyote fence.
3. The garage door will be wood (instead of clad), will be stained to match the approved "walnut stain", and will have windows in it.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project and finds that 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 Design Standards.

#### **Questions to the Staff**

There were no questions to Staff.

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

Mr. Mifsud was sworn and said he had nothing to add. He went with the Board's suggestions. This will be the first garage door on East Palace with windows.

Member Katz thanked the applicant and noted that it looks good.

#### **Questions to the 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.

### Discussion by the Board

Member Larson thanked them for the revised design.

### Action of the Board

**MOTION: Member Katz moved, seconded by Member Larson, in Case #H-19-018 at 940½ East Palace Avenue, to approve the application as submitted.**

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

- 3. Case #H-18-136B. 525 Camino Cabra. Downtown & Eastside Historic District.** Tom Lechner, agent for Rebecca Koskela, owner, proposes to raise parapet heights to a height of 13'0", amending a previous approval to construct an addition to a height of 13'0". (Carlos Gemora)

Mr. Gemora presented the Staff Report as follows:

### **BACKGROUND & SUMMARY:**

525 Camino Cabra is a 1,600 sq. ft. Spanish-Pueblo Revival style residential home designated as contributing to the Downtown and Eastside Historic District. The house is believed to have been originally built with adobe in the late 1940's or early 1950's with a series of pre-1967 historic additions that established the current footprint. In November 2018, the Historic Districts Review Board elevated the building to contributing status and designated the south-western portal and walls underneath as primary façades. In December 2018 the board approved a 200 sq. ft. kitchen addition to the south-eastern (side/rear) portion of the building to a height of 13'-0" where the maximum allowable height is 15'-8", a rear deck, and new aluminum-clad windows.

The applicant now returns with two modifications to their original proposal:

1. The applicant proposes to raise the height of an existing, 45 sq. ft. room which is connected to the approved kitchen addition. The existing kitchen area is approximately 10'-6" high and the approved kitchen addition is 13'-0". The higher building walls will use "Adobe" colored cementitious stucco to match the existing house.
2. The kitchen addition was approved with four clerestory windows on the south

elevation. The applicant requests replacing the clerestory windows with two "bronze" colored clad, divided-lite windows to match the previously approved clad, divided-lite windows.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project and finds that 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 Design Standards.

#### **Questions to the Staff**

There were no questions of Staff.

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

Mr. Thomas Lechner was sworn. He said the kitchen proved to be too low for adequate access and he will raise the ceiling to the additional height.

#### **Questions to the Applicant**

Member Katz liked the way he did that. He pointed out that he did not provide the Board with the original dimensions. It would have helped to show the changes to the Board.

Mr. Lechner explained that the lower left-hand corner shows the original design.

Mr. Gemora said that was discussed and the other three elevations are not changing so he suggested to Mr. Lechner to just show the south elevation.

Member Katz said that west elevation is the same and that was why he was very much in favor of the Application. However, the Applicant did not show what was previously approved. The south is better balanced.

#### **Public Comment**

Ms. Stefanie Beninato, P.O. Box 1601, was sworn. She said this is a much better design, but it was a problem for her because it was giving Staff more discretion and the Board gets less information. That could be a problem in the future, although not in

this case.

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

#### Discussion by the Board

Chair Rios said, "Staff, in my opinion, do an outstanding job. They go out to the field and review every site and then come back and do a lot of writing and do a good job at it."

#### Action of the Board

Member Biedscheid thanked Mr. Lechner for coming back with this. She appreciated that.

**MOTION: Member Biedscheid moved, seconded by Member Katz, in Case #H-18-136B at 525 Camino Cabra, to approve the application as submitted.**

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

- 4. Case #H-19-023. 576½ West San Francisco Street.** Westside-Guadalupe Historic District. Estevan Trujillo, agent for Gordon and Mitzi LeBlon Ledingham, owners, proposes to construct a 165 sq. ft. addition to a height of 14'0" where the existing building is approximately 14'7", and install a gate, exterior lighting, and hardscaping at a non-contributing residential structure. (Carlos Gemora)

Mr. Gemora presented the Staff Report as follows:

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

576½ West San Francisco Street is a residential structure designated non-contributing to the Westside-Guadalupe Historic District. Built in the 1930's, the structure was, at one point in time, a home with an automotive repair garage and the front-facing façade has a simple and non-descript single-car garage door. The residential building has since undergone major non-historic alterations include an eastern wing, an eastern portal, and additional height in the rear (H-92-089).

The applicant requests the following changes to the property:

1. A 165 sq. ft. addition to the rear of the property and a remodel of a 135 sq. ft. cuartito (a small, separated room or studio). The 300 sq. ft. space is proposed to be constructed to a maximum height of 14'-1" where the existing building is approximately 14'-7".
  - a. Cementitious stucco will match the existing El Rey "Kokanee" or "Fawn" colors.
  - b. A window will be replaced on the cuartito, maintaining the same opening dimensions and a new door and windows will be installed on the addition. The south side of the addition uses large, glazed surfaces for solar heat gain. All windows and doors will match the existing "Seawall" or "Slate" gray color of the existing house.
  - c. A wooden 24" overhang, stained dark brown, will be installed on the south side of the addition to shade the windows during the summer.
2. Remove an existing wood-plank fence and gate on the east elevation and to install a new wood-plank gate between the cuartito and the property line wall.
3. Rebuild or replace a 6'-0" high coyote fence in the rear of the property.
4. Install a ground-mounted, shielded HVAC condenser. Staff encourage the applicant to consider audible impacts to the adjacent property.

#### **RELEVANT CODE CITATIONS:**

##### **14-5.2(l) Westside-Guadalupe Historic District**

##### **(1) District Standards**

Compliance with the following structural standards shall occur whenever those exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished:

- (a) Slump block, stucco, brick, or stone shall be used as exterior wall materials. Wood and other materials may be used for details. Aluminum siding, metal panels, mirrored glass, and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior wall materials;
- (b) The color of stuccoed buildings shall predominantly be in browns, tans, local earth tones and soft pastels. Surfaces of stone or brick shall be in the natural color. Entryways, and portales or porches may be emphasized by the use of white or other colors. Painting of buildings with a color that causes arresting or spectacular effects or with bold repetitive patterns or using buildings as signs is prohibited. Murals, however, are permitted and may be referred to the city arts board for an advisory recommendation;
- (c) Roof form, slope, and shape. It is intended that buildings be designed to be "wall dominated". "Wall dominated" means that the building's geometry is more defined by walls than by roofs. Buildings with flat, gabled, shed, or hipped roofs can be designed as "wall dominated" solutions and are allowed. The height of the roof above the wall shall be no greater than the height of the

- wall. Folded plate, hyperbolic or mansard roofs are not allowed;
- (d) The use of solar and other energy collecting, and conserving strategies is encouraged. The use of large glazed areas on south facing walls for trombe walls or other solar collectors, direct gain, or other energy collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened as follows:
- (i) raising the parapet;
  - (ii) setting back from the edge of the roof;
  - (iii) framing the collector with wood;
  - (iv) in the case of pitched roofs, by integrating the collector into the pitch;
  - (v) in the case of ground solar collectors by a wall or vegetation;
  - (vi) in the case of wall collectors, by enclosing by end or other walls;
  - (vii) other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.
- (e) Mechanical, electrical, telephone equipment, microwave satellite receiving dishes, and other obtrusive equipment shall be architecturally screened with opaque materials by raising the parapet, boxing in the equipment, or other appropriate means. The equipment shall be of a low profile to minimize the screening problems;
- (f) Walls and fences shall be of brick, adobe, masonry, rock, wood, coyote fencing, or similar materials. Wrought iron fences and slump block walls are allowed. Walls of unstuccoed concrete block, unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited, except where the wall or fence is not in the street frontage;
- (g) Greenhouses
- (h) Attached greenhouses that front on the street shall give the appearance of being integrated into the structure of the building or of being a substantive addition rather than having a lean-to effect. The use of corrugated fiberglass or rolled plastic for the external surface of attached or freestanding greenhouses that front on the street is prohibited. Greenhouses with slanting sides shall be bracketed at the ends and that greenhouses made from enclosed porches or portales maintain the shape of the porch or portal;
- (i) Porches and portales are encouraged;
  - (j) When parking spaces are required for commercial or multi-family residential buildings, they shall be placed to the rear or side of the building.
- (2) Walls; Fences; Solar Collectors; Administration
- Applications for erection, alteration, or demolition of walls, fences, and solar collectors and required submittals shall be reviewed by the land use department. Approval, disapproval or referral shall be indicated by the division on the application for the building permit and on each of the required submittals, all of which shall be signed by the division staff assigned to the review. The division shall report approvals, disapprovals, and referrals to the board at its next regular meeting as an informational item. (Ord. No. 2007-45 § 30)

### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project with the condition that coyote fence use latillas of irregular and varying heights without an outward-facing horizontal structure and finds that 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(I) Westside-Guadalupe Historic District.

#### **Questions to the Staff**

Chair Rios asked what faces the south elevation.

Mr. Gemora said it is 5' from the property line and on the other side is an adjacent residential property.

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

Mr. Estevan Trujillo was sworn and responded that an empty, land-locked lot faces the south elevation. He had clarification on the horizontal infrastructure location and stood for questions.

#### **Questions to the Applicant**

Member Biedscheid asked if there would be one skylight.

Mr. Trujillo agreed and said it would not be visible from the street, with a parapet in front of it. *It is a low-profile skylight.*

Member Larson asked for clarification if the windows are historic or not.

Mr. Trujillo said the window is on the cuartito which is not historic so he would say windows are not historic.

#### **Public Comment**

Ms. Beninato (previously sworn) said she appreciated the applicant coming to the Board for this fairly small addition that is not visible from the street. It looks like the mass is as high as the house and she was not sure what the lines represented. She went by it yesterday and hoped the hand screening from the porch could be removed and put coyote fencing there as well.



### Action of the Board

**MOTION:** Member Biedscheid moved, seconded by Member Katz, in Case #H-19-023 at 576½ West San Francisco Street, to approve the application with conditions recommended by Staff, that the coyote fence have the horizontal stringers on the inside and not visible from the street.

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

- 5. Case #H-19-024. 207 West San Francisco Street at Burro Alley.** Downtown & Eastside Historic District. 207 West San Francisco Street/Burro Alley LLC applicant/owner proposes to install a mural on a contributing nonresidential structure. (Ms. Lisa Roach, Planner Manager, [lxroach@santafenm.gov](mailto:lxroach@santafenm.gov), 955-6657)

Ms. Roach presented the Staff Report as follows:

### **BACKGROUND & SUMMARY:**

270 West San Francisco Street is a commercial structure built in a vernacular manner in approximately the 1920s with an addition in the rear that was constructed after 1945. The building is listed as Contributing to the Downtown and Eastside Historic District, and the south and west façades (both street-frontages) are designated as primary.

*The applicant proposes to place a mural on the west façade. The "Burro Mural" measures 8'1" wide by 4'1" high and is proposed to be placed in an existing inset panel that features a wooden lintel and corbels. The mural was designed by Gabriel Brooks and is fabricated of self-adhesive vinyl applied to aluminum composite. It will be laminated with anti-graffiti coating and mounted to the stuccoed masonry building with screws and anchors. Staff has determined that no exception is needed for this proposed mural due to its allowable placement under an overhang.*

Although the applicant originally proposed placement of a second mural, as referenced in the proposal letter attached, she has now decided to find an interior location for this second mural. It is therefore not included in this application.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed mural and finds that 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 Design Standards.

#### Questions to the Staff

Member Katz thanked Ms. Roach for the color rendition in the packet.

#### Applicant's Presentation

Ms. Shawna Capling was sworn. She said, "My family has owned Burro Alley and Palace Avenue for many years. It has been overlooked by the City for many years. This mural pays homage to the beast of burden who helped with economics in Santa Fe history. It is something I came up with to fill that spot with something other than a burger stand menu and to attract foot traffic down the alley. The sculpture burro is one of most highly photographed attractions in Santa Fe and I thought the mural would invite people down the street. It is just a contribution to the City."

#### Questions to the Applicant

Member Biedscheid asked who the artist is.

Ms. Capling said it is Arthur Brooks and Brent Cost who used an air brush and she would keep the original. Their rendition is supposed to be anti-graffiti and if it gets torn up or defaced, it will be replaced. It is vinyl on aluminum and laminated. It is not shiny; it is muted.

#### Public Comment

Ms. Elizabeth West, 318 Sena, was previously sworn. She said, "I'm very much in favor of having burros on Burro Alley. We don't know how much it is set in. She didn't know about the vinyl material. I know the sculptor got flak for the burro looking sad, and he changed that, and someone cut off the tail, but it is okay.

She thanked the applicant for her presentation.

Ms. Roach clarified the material. She said the print is thicker and the aluminum underneath does not appear.

Mr. Raymond Herrera, 357 Hillside Avenue, was previously sworn. He explained that a mural was long ago commissioned for that spot. "My only objection is the fabrication of it I think it cheapens the wall and distracts from the overall streetscape It is beautiful but distracts from the alley."

Ms. Beninato, previously sworn, asked why have two murals right next to each other. There is already one there and if it doesn't draw people in, so she questioned how this one would. She liked the one on the left better. "I wish you would get away from red. But in this case, there are two murals right next to each other and a sculpture nearby. It sets a precedent again. On the drawing is a gate to the north where you go into the courtyard. It looks different with a curve on it and looks flat. Are they changing the gate? That was very controversial. The people who rented it said the gate had to be there to comply with the law and be closed when they are not open. And ever since as I walk by, the gate is open. We should be alert whether the gate is changing or not."

Ms. Roach said the gate is not part of this proposal. It was approved in 2016 and was just used in clarifying where the mural was to be located.

Mr. Eddy commended the applicant for not putting burger stand menus there. "I kind of feel the same on the character of the artwork there. The artwork of the single burrow is nice because it is painted on the wall and not how the other mural is fabricated. It is a little bit jarring. And it appear a little redundant. I know the applicant invested a lot to get the artist to produce it. This is a big slice of the alley and an opportunity to learn something about Burro Alley. I would challenge the applicant to come up with more historic art and copy on the history in the development of Santa Fe in this area. It could be something very interesting."

Chair Rios asked if he wanted writing there instead of a picture.

Mr. Eddy agreed. "It could have information there for people to learn something about Burro Alley. Aesthetically, I like the art but a little redundant. I'd like to see what you come up with."

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

#### Discussion by the Board

Member Katz loved the art, but it was not good on the material.

Ms. Roach said she had an example in her office that Mr. Gemora went to get. She commented that it is a common sign fabrication material. Regarding the red mural

- we don't have any record of that mural ever being reviewed by this Board.

Chair Rios asked Ms. Caplin when that was done.

Ms. Capling said the renter was supposed to come to the HDRB, but they put it on the wall while drunk one night. A lot of people really do walk down there just to take a picture of the red burro. It has been there for many, many years.

The example was passed around the Board members to inspect.

Member Biedscheid was thinking about the definition of mural and asked if it is defined in the code. She understood that a mural is something that is applied directly to a wall. She asked if that changes the application of the code.

Ms. Paez said it is in the definition section, but we don't have a designated dictionary in our code.

Member Biedscheid said, "Clearly not everything on a wall is considered a mural."

Ms. Capling recalled a lot of discussion on it and defined this as a mural. It is technically not a sign so what else could we call it?

Member Larson would like to see an example of a matte finish on the sign. One consideration was to ask if they have had graffiti on the red mural.

Ms. Capling said no.

Member Larson surmised that since there was none on that mural, it was unlikely this would have any.

Ms. Capling added that there was some in the spot where the proposed mural is to be located.

Member Larson thanked her for that.

Ms. Capling said the proposed mural is 4' x 8' and she could probably go to a sign shop for something.

Member Larson said she would like to see an example in a matte finish.

Ms. Capling believed she could do that.

Mr. Gemora agreed. They often have extra material to do that.

Member Biedscheid said she really liked that the location is a perfect spot for something but didn't know that the vinyl is in keeping with the material in Historic district. She would rather see it painted directly on the wall for a better context.

Ms. Capling said that would not be economically feasible and instead, she would just put up a menu.

#### Action of the Board

**MOTION: Member Katz moved, seconded by Member Biedscheid, in Case #H-19-024 at 207 West San Francisco Street at Burro Alley, to deny the application.**

Member Katz explained the reason for denial was on the basis that the vinyl material is inappropriate and needed assurance that it is not a shiny material.

Ms. Capling said, "The last thing I would want it a shiny appearance. I don't want to have it painted on the wall. I don't want it vandalized either. She said she did not want a postponement. She didn't seem to have any way to persuade the Board of her intent to keep it clean and nice.

**VOTE: The vote on the motion resulted in a (2-1-1) voice vote with Members Biedscheid, and Katz voting in the affirmative, Member Larson voting against and Member Lotz abstaining.**

Chair Rios said she did not like to vote to deny an application, but it is always the applicant's option to come back. So **Chair Rios voted to deny, creating a majority vote.**

Ms. Capling asked what material would please the Board so she would not have to go through this again.

Chair Rios said the Board favored painting right on the wall.

Ms. Capling said she would consider that.

Ms. Roach asked, if she chooses to have the mural painted on the wall, if she would need to come back to the Board with an application.

Chair Rios and Member Katz agreed.

Ms. Capling said, "I don't think I should be penalized that way because the code is not clear about the murals."

Chair Rios said the Board is not opposed to the mural but to the material being proposed.

Member Katz said the proposed material doesn't look authentic.

6. **Case #H-19-026A. 404 Montezuma Avenue.** Historic Transition District. Staff requests the designation of primary façades on a contributing non-residential building. (Ms. Lisa Roach)

Ms. Roach presented the Staff Report as follows:

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

404 Montezuma is a large non-residential structure listed as Contributing to the Transition Historic District, just north of the Railyard District. Known presently as the Halpin State Archives Building, the former Charles Ifeld Company Warehouse, is located at the southwest corner of Guadalupe and Montezuma Streets, just north of the Atchison, Topeka & Santa Fe Depot (AT&SANTA FE Depot, c. 1880), with Garfield Street at the southern property boundary. The Charles Ifeld Company Warehouse was constructed by 1948, as it appears on the Sanborn Fire Insurance Map from that year, and possibly as early as 1938 (HCPI #H27150) in simplified Territorial Revival Style featuring rectangular stuccoed brick masonry massing with brick coping at the parapets. Extensive historical information about the Charles Ifeld Company is provided in a report prepared by architect Jonathan S. Craig and provided to the City's Historic Preservation Division by the New Mexico Department of Cultural Affairs. It is believed that the building was constructed by Mr. M. W. Cooper and that the plans for the building were prepared by Gordon Street, who was a well-known designer in the region in the 1930s and John Gaw Meem's chief draftsman and delineator for five years.

The warehouse structure originally consisted of a main high-bay room of approximately 11,500 square feet with an interior height of 16' to the bottom of the roof joists, over a basement of approximately the same floor area. The warehouse was aligned with the railroad tracks, as it was situated between the terminus of the AT&SANTA FE line and the Chili Line (Denver, Rio Grande, Western narrow gauge), as can be seen on the 1948 Sanborn map. A single-story office wing of approximately 1,800 square feet abuts the northwest corner of the warehouse and is oriented to Montezuma Street. This historic addition was constructed at an unknown date prior to 1948 and remodeled after 1970, altering its footprint. An approximately 650 square foot historic addition at the southeast corner of the building is also visible on the 1948 Sanborn map and was likely a loading between 1948 and 1959, as is evidenced in a 1959 survey of the property done prior to the acquisition of the building by the State of New Mexico. A concrete railroad loading platform extends along the entire east façade

of the original warehouse and connects with a vehicle loading dock along the north façade. It appears that this north loading dock originally featured a canopy supported off the building with tension rods and turnbuckles. This north loading dock below the canopy was infilled during renovations in 1970, when the interior of the building was extensively altered.

Windows are generally 3 over 2, approximately three-foot square, inward opening steel hoppers positioned high along the east, south and west sides of the main warehouse, with similar windows approximately half this height with a single row of three lites along the north façade. Most of the windows are paired symmetrically within structural bays, but on the north and south façades, windows are omitted from the westernmost bays, with only one window in the easternmost bay. On the east façade, there is a mulled double window centered over the former freight door in the middle of the façade, and a similar window in the northernmost bay over the exit door from the basement. The windows on the west façade originally featured two small casement windows and six 36" square windows similar to the east and south façades, but these were replaced with non-historic aluminum sliders. The northwest office wing has approximately 36"x80" steel windows with a fixed glass top pane, and operable horizontal sashes below (now inoperable). It is unclear as to whether these windows were original to the historic addition or if they were replaced during a later renovation. An additional steel casement window was likely a later addition on the north elevation. Decorative wood grilles are now present on the exterior of the windows on the northwest office wing, though dates for these were not specified. Finally, basement windows on the south and west façades were infilled prior to 1970.

The most substantial exterior change to the building was the boarding up of the windows on the east façade and installation of a mural covering the entire east façade facing Guadalupe Street. The 1997 HCPI for the property indicates that this mural was painted by Zara Kriegstein, Giberton Guzman, et al, and was featured in the book "Street Murals" by Volker Barthelmeh in 1982. The NM Department of Cultural Affairs undertook an assessment of this mural in 2015, during which time it was determined that the mural was installed a year or two before the book was published. This assessment also indicated that a portion of the mural covering the central double window was beginning to delaminate from the building and subsequently fell off the building during an attempt to repair it. As a result, this is the only window currently visible on this façade, though the remaining windows still exist and are covered by stuccoed and painted mural panels. The historical analysis provided by the State reports that as many as four attempts have been made to restore this mural, and that its current state differs significantly from the original.

#### **RELEVANT CODE CITATIONS:**

##### **14-5.2(A)(1) General Purpose**

In order to promote the economic, cultural, and general welfare of the people of the

city and to ensure the harmonious, orderly and efficient growth and development of the city, it is deemed essential by the governing body that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve property values and attract tourists and residents alike, be preserved, some of these qualities being:

- (a) The continued existence and preservation of historical areas and buildings;
- (b) The continued construction of buildings in the historic styles; and
- (c) A general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design.

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

(1) Purpose and Intent  
It is intended that:

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

#### 14-12 Contributing Structure:

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

#### 14-12 Primary Façade:



One or more principal faces or elevations of a building with features that define the character of the building's architecture.

#### 14-5.2(M) State Capital Outlay Projects

##### (1) Purpose

- a) Recognizing the fragility of the *city's* historic heritage, the purpose of Subsection 14-5.2(M) is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the *city* and the *state* will collaborate in good faith and work jointly to preserve and protect the historic districts of Santa Fe as well as contributing, significant and *landmark structures*.
- b) *State* capital outlay *projects* in historic districts shall be carried out pursuant to the procedures set forth in Section 3-22-6 NMSA 1978 and Subsection (2) below and in a manner that is harmonious and generally compatible with the design standards set forth in Subsection (3) below. These procedures and standards apply to new *structures* and additions to and alterations and demolition of existing buildings.

##### 5. Procedures

- 6. Before commencing with the design phase of a capital outlay *project*, the *state* and the historic districts review board shall consult as to the appropriate design standards and how those design standards would impact costs and the operation or manner in which the *project* will ultimately be expected to function. The historic districts review board shall work collaboratively with the *state* to arrive at compatibility of the *project* with the design standards, considering reasonable costs and preserving essential functionality. The *state* shall also make every reasonable effort to obtain input from members of identifiable community groups involved in historic *preservation* in Santa Fe before commencing the design phase.
  - a. After the design phase and before soliciting a bid or proposal for design-build or lease-purchase for a capital overlay *project*, the *state* shall submit the plans to the historic districts review board for review and comment. The historic districts review board in conjunction with the *state* shall conduct a public meeting to receive public input. Notice of the public meeting shall be given to any identifiable community groups involved in historic *preservation* in Santa Fe.
  - b. Within sixty days after the public meeting the historic districts review board, any identifiable historic *preservation* community group or any other interested party shall communicate recommendations and comments in writing to the *state*. The *state* shall consult with the historic districts review board or other entity to resolve any issues raised. If at the end of the sixty-day period unresolved issues remain, the *city* may within five days after the end of the

period, notify the *state* that the issues remain unresolved and these issues shall be finally determined as set forth in Section 3-22-6(G) NMSA 1978, provided that if notice is not timely given, the *state* may, after incorporating those provisions to which the *state* and the *city* have agreed, proceed with the *project*.

- c. The *state* shall not take any irrevocable action on the capital *project* in reliance on the plans until the procedures set forth in Section 3-22-6 NMSA 1978 have been followed.

## 7. Design Standards

- a. General Standards: A *state* capital outlay *project* shall be designed appropriate to the seat of government and with the intent of achieving harmony with existing buildings by the use of similar materials, color, proportion, and general details to the existing buildings in the applicable *streetscape*. The applicable *streetscape* shall be determined as set forth in Subsections 14-5.2(D)(9)(a)(ii) A., B., C., D., and E. A new *structure* or proposed alteration or addition shall not cause an adjacent contributing, significant or *landmark structure* to lose its status. Alterations and additions shall be in character with the style, detail and massing of the existing building. The dominating effect is to be that of *adobe* construction as follows:

### 1. Roofs

Roofs, generally, shall be flat with a slight *slope* and surrounded by a parapet of the same color and material as the *walls* or of brick. Roofs shall generally not be carried out beyond the line of the *walls* except to cover an enclosed *portal* or *porch* formed by setting back a portion of the *wall* or to form an exterior *portal*, the outer edge of the roof being supported by columns, posts or other vertical supports. No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof *treatment* not to exceed an overhang of thirty (30) inches. The restriction as to flat roofs shall not be construed to prevent the construction of skylights or installation of air-conditioning devices, or any other necessary roof *structures*, but such *structures* other than chimneys, flues, vents and aials, shall be so placed as to be concealed by the parapet from any public way.

### ii. Walls and Windows

The combined door and window area in any *publicly visible* facade generally shall not exceed forty percent of the total area of the facade except for doors or windows located under a *portal*. No door or window in a *publicly visible* facade shall be located nearer than three (3) feet

from the corner of the facade except in circumstances where the unique purpose of the space may warrant special design considerations. Windows, doors and *portales* on *publicly visible* portions of the building and *walls* shall be of one of the old Santa Fe styles. Glass and window trim shall be nonreflective. Windows shall be similar in proportion to the fenestration pattern in the *streetscape*. Deep window recesses are characteristic.

### iii. Finishes

Construction shall be with materials with which the *adobe* effect can be simulated provided that the exterior *walls* are not less than eight (8) inches thick. Mud plaster, hard plaster or other materials simulating *adobe* , laid on smoothly, is required. No less than eighty percent of the non-fenestration surface area of any *publicly visible* façade shall be *adobe* finish, stucco or other material simulating *adobe* finish. The balance of the *publicly visible* facade may be of natural stone, wood, brick, tile, terra cotta, or other material. Materials shall convey a sense of substance and permanence.

### iv. Colors

The *publicly visible* facade of any building and of any adjoining *walls* generally shall be of one color but no more than three colors and simulate a light *earth* or dark *earth color* , matte or dull finish and of relatively smooth texture. However, facade surfaces under *portals* or inset panels in a *wall* under a roof overhangs, in church-derived designs, may be painted white or be of contrasting or complimentary colors or have mural decorations.

### v. Other Features

Facades shall be flat, varied by inset *portals* , exterior *portales* , projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices. Depending upon the existing *streetscape* and if permitted otherwise in this chapter, a *portal* may cover the entire sidewalk with the columns set at the curb line.

### vi. Height

The height shall be limited to the average height of *institutional buildings* as measured within the applicable *streetscape*. When determining an applicable *streetscape* , vacant *lots* or *parcels* shall not be included in the calculation for allowable height. If no *institutional buildings* are included in the *streetscape* , the maximum height shall not exceed the average height of existing buildings in the *streetscape*. The land use department staff shall determine the applicable *streetscape* as set forth in

Subsections 14-5.2(D)(9)(a)(ii) A., B., C., D., and E. Height shall be measured as set forth in Subsection **Error! Hyperlink reference not valid.**(D)(9)(c)(iii). Heights of existing *structures* shall be as set forth on the official map of building heights. If the height of an existing building is not given, the *state* shall submit a statement from a NM licensed surveyor of the actual height. No building facade shall be over two stories in height unless the facade includes projecting or recessed *portales* , balconies, *setbacks* or other design elements.

(b) Contributing, Significant and Landmark Buildings

*State* capital outlay *projects* that involve contributing, significant or *landmark structures* shall be undertaken in such a manner as to preserve the status of the *structure* and in accordance with the standards for alterations or additions to contributing, significant or *landmark* buildings as set forth in **Error! Hyperlink reference not valid.** Historic materials and architectural features and spaces that embody the status shall be preserved. A proposed alteration or addition shall not cause the 2 *structure* to lose its status.

(4) Demolition of Historic and Landmark Structures; Minimum Maintenance Requirements

(a) A request for demolition of an historic or *landmark structure* shall include the report required in **Error! Hyperlink reference not valid.**© and follow the standards set forth in Section 14-3.14(G). If there is a disagreement as to demolition, the procedures set forth in Section 3-22-6(G) NMSA 1978 shall be followed.

(b) The minimum maintenance requirements for historic or *landmark structures* set forth in Subsection 14-5.2(B) shall be met.

**STAFF RECOMMENDATION:**

Staff recommends that the Board designate the East and North faades as primary for this contributing structure, per 14-5.2(C) Designation of Significant and Contributing Structures. Although alterations have taken place, staff feels that these faades are most prominent, capture the building's character-defining features (stuccoed brick massing, brick coping repetitive punched openings with steel divided lite windows situated high on the walls, and loading docks), and could easily be restored.

**Questions to the Staff**

Chair Rios asked if this case is simply to designate primary faades. She said the

east elevation is the mural façade.

Ms. Roach agreed. She said she did not have the book that showed the original mural.

Member Larson asked about the State's evaluation of it.

Ms. Roach said she didn't have a copy of the state's evaluation of the mural.

Member Katz asked if the two recommended primary elevations were both of the main façades of the building.

Ms. Roach said the entire north façade could be considered primary.

Member Biedscheid asked if she was considering the grills on the north as character-defining and the narrow windows.

Ms. Roach said she did not include the mural as historic and it is failing. She did not know if the grills are historic or not. She thought it would be beneficial to number the façades. She could not find the floor plan in the packet.

Mr. Gemora showed the picture of it and explained that north is the left side.

Ms. Roach numbered the façades and displayed the drawing to the Board. She added that the bottom right floor plan is the basement.

Member Lotz asked if the DCA has presented a new design for the building.

No one answered his question, but Ms. Roach reiterated that this hearing was only to designate primary elevations. She indicated that Staff have not received any proposal for the changes to the building.

Member Larson asked if the report from DCA would include the history of the building. It might be helpful to review that chronology.

Ms. Roach said it was in the report.

Member Larson said she was searching for additions in a particular year to find when the grills were added, and the mural was created.

Ms. Roach said she had no date on the grills. "As I understand, it was constructed in 1936 to 1938 and the wing was added in 1948. But the stem wall was all poured at the same time so that wing might be original. And before 1948, a single-story addition with a shed roof was added. The southeast addition was likely not original as it had clay tile and was a different roof construction.

The building was extended to Baca Street in 1950 and ownership went to the State and extensive interior renovations and expansion into the north loading dock were done at that time. Also at that time, the basement windows were all infilled, we believe.

From 1980 to 1982, the windows were boarded up and mural installed on the east side. Later, at the southwest corner, frame and stucco were built to expand restrooms. And the ramp along the north side. While the north and east are most visible, they are also the most altered elevations. She felt those two are most prominent and changes made are reversible. The windows are still there. So character defining features could be restored.

#### Applicant's Presentation

Staff explained that there is no applicant because this is a request from Staff.

Member Lotz asked if the Department of Cultural Affairs has presented a design for the building yet.

Mr. Gemora said no.

#### Public Comment

Ms. Barbara Fix was sworn. She said, "There are so many ironies here. You are hard working. The destruction of this mural makes me want to cry. The report in the packet says it was probably painted in 1980. And this is a museum of contemporary art. John Eddy was talking about Guadalupe being the dividing line. The artists were from the barrio. The mural is an assertion of self-respect and belonging. It had value and is mindlessly being destroyed without any significant analysis. There was some analysis in the 1971 report. This is a historic artifact that still continues in this town and so should not be treated scornfully and disrespectfully. The mural shows where Santa Fe came from. The young people who did this - some are dead and others barely alive. The quote on the building says it well, 'A nation that forgets its past has no future.' Is it to be the Disneyland that Mayor Jaramillo talked about?

Because a window fell off doesn't mean it can't be repaired. Art can be conserved and to throw it away means throwing away some of our past.

Chair Rios asked if she believed the mural should be part of the primary façade.

Ms. Fix agreed and thought it should be studied for preservation value and exemplar of its time as part of the basis of where we are now.

Ms. Gayla Bechtol, Montezuma Ave., was sworn. She said, "I appreciate the report

and what Mr. Boyd had to say. I'm a historic architect and have practiced here for 27 years. It was close to being a barrio on that side."

"I feel like the whole building deserves to be preserved on the east elevation as shown on page 179, other than the windows that are still behind the mural. I agree with Barbara Fix that the mural represents our culture and very little of that is left. Most has been pushed aside for progress. But the only changes on the west were bathrooms added and now she was not sure if they were existing or not. Otherwise the warehouse is intact except the color of stucco. She referred to the north façade picture in the packet and thought maybe the windows were left in the door. It might or might not be a new window. The loading dock could be restored. So there were hardly any changes. She agreed on the north and east façades, but also the south was the same as was there in 1940's so why not preserve the whole character of the building. Why is it not considered significant? It defines the Railyard District. I went on the web to see what the State is proposing. It is on the web. And only a portion of the north is left. I don't know about the mural side on the east. I would be bold on the lack of respect for the historic ordinance.

Ms. Elizabeth West (previously sworn) apologized to Member Lotz for calling him a Commissioner. She asked, if the east is designated primary, whether that means the mural automatically goes.

Chair Rios said it depends on what the recommendation is. The staff recommended the east minus the mural.

Ms. Roach said she was not suggesting getting rid of the mural. The mural is 39 years old.

Ms. West said she never knew to be afraid of the west side. "I'm luke warm about the mural if it truly is difficult to preserve. A version of the mural is probably able to be kept, I would really want to consider the other parts of design. It grounds that area. I am sympathetic with the position you are in and appreciate the clarification. I personally would like to see the mural kept. If it isn't, it should be well recorded as part of the inside of the museum's decoration. I guess it is primary and good luck.

Ms. Roach clarified that regarding comments of what is being proposed, there will be a process for public comment in a special hearing on May 9<sup>th</sup> in Council Chambers and will be noticed.

Chair Rios clarified that the mural is not historic.

Ms. Beninato (previously sworn) said she was interested in the suggestion for Significant. "We did have a building, Sanbusco, which should have been significant, but Council didn't follow the right procedure. If it could be not significantly altered on primary façades, maybe it should be significant. I worked in it when it was archives and

love the north side with the tiles and the window. It should be kept and the epigram over the door should also. This was the State archives for a very long time in this Mercantile building."

She added that she had done research on it and it was an older warehouse. At the one on Galisteo, there was a reconfiguration of those. If you could preserve it, go for it. It is going to be changed drastically. What I heard in the report was not that it was damaged that described the condition of the mural. Whether it has been studied enough to say it is not repairable, it does capture what was going on in 1960's and 1970's in town. Radical Chicano - They were all pure-blooded Spaniards.

Mr. Herrera (previously sworn) said there is a ten-year difference from 1940 and not 1950 which makes it eligible for destruction. That mural could be destroyed. On north and east elevations, they should be considered historic and the writing above the door and no future without a past are part of that building and should be preserved.

Also, instead of the outsiders having their names on the building, that should not be the same as a lifetime of contribution to the community.

Mr. Eddy (previously sworn) echoed everything already said. The community will be passionate about it going forward. Regarding the date of the mural, the bottom line is that it contributes hugely to the history of Guadalupe Street. And those individuals created murals throughout Santa Fe and contributed the vernacular movement and we are losing that. I think the DCA should provide proof on the viability of that mural to be fair to the community rather than hearsay. The entrance to Tomasitas is actually a continuation of Montezuma. It is a public thoroughfare and so the south and west façades should figure in the status of this building as primary façades. Because of the public access to those two sides. I would urge you to adopt the advice of staff that north and east be designated primary. But please consider also the west and south as well.

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

### Board Discussion

Mr. Gemora put up a drawing with numbered façades and described them - 1-5 on north side including the enclosed loading dock enclosed in 1970.

Mr. Eddy remembered what he forgot to say, "Charles Ifeld was an important person in this both here and in Las Vegas. As represented in this building and the restaurant across the street, both are important.

Member Larson appreciated the feedback. Regarding the mural, we can get caught



up in that period of significance and we have the technology now to preserve the mural and is not expensive - We should think about that, going further with the information we have.

Member Biedscheid asked about the report on the windows.

Ms. Roach said the repetitive pattern of windows is on all façades. It was identified as a warehouse. I would say re designation - we have noticed a reconsideration of status, so I encourage the Board to not go there now. We could postpone to a date certain for that, if the Board wants to reconsider status. If not, the Board could still designate primary façades as primary, if they are principal façades that define the character. It is not necessary to choose all that have character-defining features. She encouraged the Board to choose as few as possible of them to preserve the character and how it reads in the streetscape.

#### Action of the Board

**MOTION: Member Katz moved, seconded by Member Lotz, in Case #H-19-026A at 404 Montezuma Avenue, to designate façades #6, #5, #3, and #1 as primary.**

#### Discussion on the Motion

Mr. Katz commented that the problem with 5 is the loading dock is not historic but what is behind it is historic so it would be 6, behind 5, 3 and 1 as primary - and why I feel the Staff recommendation is well taken is that these are the façades that are mostly visible to the street and are in the Historic district.

At the right of the property, #9 and #10, are out of the Historic district and in the Railyard District.

Ms. Roach clarified as case precedent, to exclude nonhistoric portions.

Chair Rios agreed.

Member Katz said he was not taking a position on the mural.

Member Lotz agreed with that.

Member Biedscheid thought #4 was also recommended. She thought the report made a strong case for preserving the warehouse so that would include #10 and #11 as well. It would be great for it to read as a warehouse from all angles and the sign on the archives building and exclude the grill which seem to not be historic. The mural is character-defining of Guadalupe Street. And it is important to the community and the

scale.

Chair Rios asked if she was asking to add façades 10 and 11.

Member Larson did not think it would be responsible to include the grills without further research.

Member Katz said he did not accept that amendment as friendly. He explained that he did not include the grills, the mural or the sign because we don't know if they are historic. That would need to be determined at another time.

Member Lotz said he liked doing it on the minimal amount and making east and north as primary façades, as historic and contributing.

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

## **F. COMMUNICATIONS (continued)**

### **1. Draft Land Use Department Code Interpretation Regarding Administrative vs. HDRB Review**

The Board resumed their discussion of the proposed code interpretations that was previously tabled to this time.

Member Katz noted that it is late and questioned whether they could do all of them at this meeting.

Ms. Roach commented that this is a fairly light agenda and the next meeting would have a heavy agenda. We could continue to chip away with it. The Board could consider the rest of the table and then at the next hearing, chip away at it district by district. We have three more items to complete the first table. She asked if the Board could accomplish that now and then consider the next step.

### **5. Windows and Doors**

Ms. Roach said the code citation is 14-5.2 D-5 and said Staff reviews for replacement of windows and doors, except when replacement of historic materials and on significant structures or on primary façades of contributing structures. Staff can lead discussion when replacing historic materials on non-primary façades. Board would review replacement of windows and doors on significant structures and primary façades of contributing structures. An exception may be required to replace historic material or changed openings or dimensions.

Chair Rios said she underlined that Staff use their discretion when reviewing proposals to replace historic material on non-primary façades.

Ms. Roach explained that she meant either non-primary or contributing structures or non-contributing structures.

Mr. Gemora said when there is historic materials on non-primary or non-statused buildings, Staff uses discretion to figure out whether it should go for status or not. That is always the question Staff must consider.

Ms. Roach felt that with non-statused buildings to establish whether replacement of historic materials should be considered. The suggestion was that Staff could review and approve replacement of windows and doors on non-contributing buildings, provided that they still comply with the design guidelines - they are not preservation requirements.

Member Katz understood that Section D-5 only applied to historically statused buildings.

Ms. Roach agreed.

#### Public Comment

Ms. Beninato said she always gets nervous when Staff has discretion. It is very subjective anyway. And if someone complains in front of the Board, they will say, 'Staff told me we could do it.' If it is clearly noncontributing, staff could have discretion on doors and windows but not whether to replace historic materials on a building and have public discussion. That could chip away at it."

#### 6. Signs and Awnings - D 10 and D 10-H -

Staff to review proposals for signs and awnings in historic districts. Board to review requests for signs and awnings in historic districts if an exception if required.

Chair Rios felt the Board *has not been inundated* with those requests. In the past, they would always come to the Board.

Ms. Roach understood that they come to the Board when it is part of a larger proposal. She had one come in today. The language of the ordinance indicates that staff has review of signs unless some other request is associated with it.

Mr. Gemora added that they are prohibited if architectural features would get covered up and requires an exception.

Ms. Roach said this is not to replace the code. The proposal is to clarify what the code fails to make clear. And for transparency and collaboration in public to be on the same page with this. It is absolutely not to reduce the Board's authority.

Chair Rios observed that those issues come up all the time. And the Board asks why very small things need to come to the Board.

Ms. Roach said when the Department goes digital this summer with the new electronic system for permitting and applications, management will have a much clearer process for the public and the Board to be able to see what decisions staff has made.

#### Public Comment

Ms. Beninato noted there are applications where the procedures have not been followed. There was one on Galisteo of a mural sign that would cover a window. And that is part of the three elements you are supposed to consider but didn't. Also, the colors of the sign - like the burro mural tonight. It appeared the staff would approve it, but the Board would not. But for a small simple sign with two colors, the Staff could approve it.

Ms. Roach explained that staff's authority is delegated by the LUD in compliance with the code. Everything in this memo has a code basis and we are here to discuss the nuances of this interpretation; not whether staff should have any authority or not.

Chair Rios asked if that Burro Alley mural was something that Staff would have approved.

Ms. Roach said Staff would not have made that decision. It needed to come to the Board. "I would not have administratively approved it. I don't want animosity or fear between Board and Staff. We are doing what we are empowered to do."

#### 7. Amendments to HDRB Approval -

Ms. Roach read the proposed roles. If it is minor and does not alter the previously approved design, staff can make the decision but can defer to the Board when that is needed. Board to review amendments to previous approvals when they are substantial changes or if the proposed changes either alter the character of the design or deviate from code in Chapter 14-5.2.

Member Katz thought this was a good example that Ms. Roach is trying to express. He read it to say if there is any doubt that it is minor, it should come to the Board.

#### Public Comment

Mr. Eddy asked if there is any part that says Staff must report those to the Board at the next meeting.

Ms. Roach agreed. The appeal of staff decisions, either by posting on the web site or through the new electronic system that is coming out this summer - for required noticing and opportunity for appeal. For many years it has been very unfair. We don't have a proper way to notice it now. And she did not have a definitive answer and Staff is open to your suggestions.

Ms. Beninato said the authority is the ordinance. She was concerned about discretion. There may be good people working here now but we cannot guarantee that will be true in the future. It becomes problematic. That development on Alameda - that had a developer so incredibly willing to work with you. You gave David Rasch authority to determine the colors and they worked with the staff, but it was not symmetrical, and you did not care for it but had given authority to staff.

Permits are supposed to be posted within 24 hours of issue and often, they are not. I like Mr. Eddy's suggestion that staff would report how the conditions were modified and I hope appeals of staff's decision could be clearer. I just wanted that clarity - If it doesn't occur, it is a problem. We would have to check every day to know that staff had made those alterations. This one says, "careful discussion." I like Member Katz's suggestion that any change at all would come to the Board. It is subjective. Thank you.

Member Katz asked how feasible it is to report on minor modifications - to just report at the next board meeting what you allowed them to do.

Mr. Gemora agreed that is a feasible option. But with some, they are very small. Sometimes it takes me 10-14 days just to look at it. And then two more weeks to have it go into effect. It is feasible but it would add another two weeks plus to administrative approval of it

Ms. Roach added that it could come back with better guidance. That is something we need to do. But then we are into the appeal window. Although sometimes there are three weeks between meetings. Board members would have to pay attention to the website for appeals. It would then essentially fall on the Board. We have a place where we post the decision of the Board. The process has not been nailed down.

Mr. Gemora said Staff has have not considered exactly what it would entail here. We also do action letters before permits are issued. We just need to figure out what it would entail.

Member Katz said on the Alameda case, Ms. Beninato mentioned that it was a real mistake to approve that. It was really putting the City at risk. It was not fresh for approval and then Staff allowed a modification. He asked if Staff was enabled to approve it.

Ms. Roach said that particular case was one of the drivers that did it for her. What colors are approvable and what colors are not? So creating more clarity for everyone involved is important. So we can have more predictable outcomes within that discretion.

Chair Rios said that finished that section.

The Board did not want to continue with more of the code interpretation in this meeting.

Ms. Roach asked if it would be okay to consider all the rest at the next meeting or if the Board would prefer to take them one at a time.

Chair Rios thought it would depend on the number of cases the Board had in the agenda.

Ms. Roach suggested they could go by topics and break it down by district and consider one at a time. She agreed to think more about how best to do it.

Member Lotz suggested having a meeting elsewhere around a table.

Ms. Paez agreed it could be around a table but reminded the Board that it should be as a public meeting with input from the public.

Chair Rios was pleased to be moving forward on this. It comes up so often. Both Board and Staff need this to be done.

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

Member Katz had comments. He was concerned about our authority over state buildings. The only reason the HDRB has it is because the State gives it to us. But they modified that to make it non applicable to the Halpin Building. They are approving capital outlay that brings it to our authority. But the questioning at the Legislature suggested to him that the Board should be a little cautious. Although we might wish to preserve that building as it is - we need to be mindful that we cannot have everything we want. We will see the design and go through the process but just remind you that we won't benefit by taking a very strong stand for preservation.

Ms. Paez said SB 219 was what passed -

Ms. Roach agreed, and it is effective on July 1, 2019.

## I. ADJOURNMENT

The meeting was adjourned at 9:40 pm.

Approved by:

  
\_\_\_\_\_  
Cecilia Rios, Chair

Submitted by:

  
\_\_\_\_\_  
Carl Boaz for Carl G. Boaz, Inc.

# City of Santa Fe, New Mexico

## memo

DATE: April 9, 2019

TO: Historic Districts Review Board

FROM: Lisa Roach, Planner Manager, Historic Preservation Division

VIA: Carol Johnson, Land Use Director

SUBJECT: Draft Code Interpretation Regarding Administrative (Staff) versus HDRB Review for Historic Preservation Applications

### **Background and Summary:**

In order to better administer the City of Santa Fe's Land Development Code (Chapter 14 of the Santa Fe City Code) as it pertains to Historic Preservation, the Land Use Department is undergoing a process of creating written interpretations of the Code. It is our intent to make the process of both administering and complying with the Code in the City's historic districts more transparent and more efficient for city staff, for the Historic Districts Review Board (HDRB), and for the public. Section 14-1.10 of the Code dictates that the Land Use Director, in consultation with the City Attorney, shall be responsible for making interpretations of the provisions of Chapter 14 and that these interpretations shall be made in writing and available to the public. This memo represents such an effort. The Land Use Department presents this policy to the HDRB for review and feedback regarding guidelines to be utilized by City staff in making a determination as to whether an application for new construction, demolition, or external modifications to structures in historic districts may be reviewed and approved administratively by staff or requires review by the HDRB at a public hearing.

Section 14-5.2(C)(3) states, "Except where this chapter provides for review by staff, the historic districts review board shall review all applications for new construction, alteration, or demolition in the historic districts, and of landmark structures throughout the city, based on the standards set forth in this Section 14-5.2." The tables below are a compilation of instances in which Section 14-5.2 has provided for staff to have administrative review authority and when a full HDRB review process is required, by district. That said, in any instance in which these guidelines are not clearly applicable, HDRB review shall be required.

### **Action Requested:**

Historic Preservation Division staff requests review and feedback from the HDRB on the draft Land Use Department Code Interpretation regarding administrative (staff) versus HDRB review for applications within the Historic Districts.



### City of Santa Fe Historic Districts (ALL)

Subject	Code Citations	Review Authority	
		Administrative/Staff	HDRB
Historic Status	14-5.2(C)(2)	Staff to determine whether a review of historic status is needed when applications are presented for construction, demolition, or exterior alteration. Staff may also initiate a status review for a property, provided the property owner is notified prior to initiating the request.	Board to review historic status when initiated as a result of an application for construction, demolition, or exterior alteration. Review of historic status may also be initiated by a property owner or by the City.
Maintenance and Repair	14-5.2(A)(6) and 14-5.2(B)	Staff to review requests for maintenance and repair that meet the "Minimum Maintenance Requirements." This includes re-stucco, re-roof, re-painting, repair of deteriorated architectural features, replacement exactly in-kind of architectural features when deterioration has rendered such features structurally unsafe.	Board to review if proposed maintenance and repair activities may negatively affect historic integrity, alter historic character, adversely impact streetscape harmony, or intensify a nonconformity.
Exceptions	14-5.2(C)(5)	Staff to determine whether an exception to Section 14-5.2 is needed.	Board to review exception requests and approve if exception criteria have been met.
Rooftop Appurtenances	14-5.2(D)(3)	Staff to review requests for rooftop appurtenances (including solar collectors and other mechanical equipment) provided they are properly screened, are not publicly visible, or are required by building code.	Board to review requests for rooftop appurtenances that are not properly screened or are publicly visible, and an exception may be required if the publicly visible rooftop appurtenance is on a significant or contributing building.
Windows and Doors	14-5.2(D)(5)	Staff to review requests for replacement of windows and doors, except when replacements are proposed for historic materials on significant structures or on primary façades of contributing structures. Staff to use discretion when reviewing requests to replace historic materials on non-primary façades.	Board to review requests for replacement of historic windows and doors on significant structures and on primary façades of contributing structures, and an exception may be required if replacing historic material and/or altering opening dimensions.
Signs and Awnings	14-5.2(D)(10) and 14-8.10(H)	Staff to review proposals for signs and awnings in historic districts.	Board to review requests for signs and awnings in historic districts if an exception is required.
Amendments to HDRB Approvals	14-2.11(C)(2 and 3)	Staff to review amendments to HDRB approvals if the changes proposed are minor and do not substantively alter the character of the previously approved design. Staff to use careful discretion when making this determination and to defer to the Board when needed.	Board to review amendments to previous approvals if substantial changes are proposed and/or if the proposed changes either alter the character of the design or otherwise deviate from the standards set forth in Section 14-5.2.

## Downtown and Eastside Historic District

Subject	Code Citations	Review Authority	
		Administrative/Staff	HDRB
New Construction, Additions, Exterior Alteration, and Demolition	14-5.2(E) and 14-3.14	Staff to review only when specified for such activities in all historic districts.	Board to review.
Height, Pitch, Scale, and Massing	14-5.2(D)(9) and 14-2.11(C)(2 and 3)	Staff to determine applicable streetscape, calculations of allowable building height, and whether or not pitched roofs are allowed. Staff to review minor height and other dimensional changes deemed to be <i>de minimus</i> by the Land Use Director, provided they do not adversely impact the historic character of a building or negatively impact the health and safety of the community.	Board to review substantial changes in building height, scale and massing. Board may require that upper floor massing be stepped back and that heights be lowered below the calculated allowance in order to achieve streetscape harmony.
Walls and Fences	14-5.2(D)(9)(c)(ii)	Staff to review proposals for yard walls and fences up to 4' in height if they are within 20' of the street frontage or up to the maximum allowable height as determined by underlying zoning for walls and fences elsewhere on the property. Staff to review demolition of non-historic and/or non-contributing walls and fences.	Board to review requests for yard walls and fences if they exceed 4' in height at the street frontage. An exception shall be required if the proposed yard wall or fence exceeds the maximum allowable height (not to exceed average wall/fence height in the applicable streetscape).
Murals	14-5.2(E)(1)(b)	Staff to determine whether an exception is required (applicable to murals not under an overhang or portal or in an inset panel).	Board to make an advisory recommendation to the Governing Body as to whether colors and motifs proposed in the mural are in harmony with the streetscape.

## Don Gaspar Area Historic District and Westside Guadalupe Historic District

Subject	Code Citation	Review Authority	
		Administrative/Staff	HDRB
New Construction, Addition, and Demolition	14-5.2(H), 14-5.2(I), and 14-3.14	Staff to review only when specified for such activities in all historic districts.	Board to review.
Exterior Alterations to Contributing or Significant Structures	14-5.2(H) and 14-5.2(I)	Staff to review when proposed alterations are not publicly visible and adhere to the district design standards (14-5.2(H)) and to the general design standards (14-5.2(D)).	Board to review when proposed alterations are publicly visible, when proposed alterations are on primary elevations, or when exceptions are required.
Exterior Alterations to Non-contributing structures	14-5.2(H) and 14-5.2(I)	Staff to review when proposed alterations are not publicly visible and adhere to the district design standards (14-5.2(H)) and to the general design standards (14-5.2(D)).	Board to review when alterations are publicly visible or when exceptions are required.
Height, Pitch, Scale, and Massing	14-5.2(D)(9) and 14-2.11(C)(2 and 3)	Staff to determine applicable streetscape, calculations of allowable building height, and whether or not pitched roofs are allowed. Staff to review minor height and other dimensional changes deemed to be <i>de minimus</i> by the Land Use Director, provided they do not adversely impact the historic character of a building or negatively impact the health and safety of the community.	Board to review substantial changes in building height, scale and massing. Board may require that upper floor massing be stepped back and that heights be lowered below the calculated allowance in order to achieve streetscape harmony.
Walls and Fences	14-5.2(D)(9)(c)(ii), 14-5.2(H)(2) and 14-5.2(I)(2)	Staff to review erection, alteration, and demolition of yard walls and fences, utilizing maximum allowable wall and fence heights. Staff to review demolition of non-historic and/or non-contributing walls and fences.	Board to review if the requested yard wall or fence requires an exception to exceed the maximum allowable height.
Murals	14-5.2(H)(1)(a) and 14-5.2(I)(1)(b)	Staff to determine whether an exception is required (applicable when proposed mural is a sign).	Board to make an advisory recommendation to the Governing Body as to whether the proposed murals are in harmony with the streetscape and do not use colors that "cause arresting or spectacular effects or with bold repetitive patterns."

### Historic Review District and Transition District

Subject	Code Citation	Review Authority	
		Administrative/Staff	HDRB
New Construction, Addition, Exterior Alteration, and Demolition	14-5.2(F), 14-5.2(G), and 14-3.14	Staff to review applications for adherence to the district design standards (Section 14-5.2(F)) and to the general design standards (Section 14-5.2(D)(9)).	HDRB to review requests for alteration and/or demolition of statused historic structures or if exceptions are required by staff for non-statused structures.
New Construction of Commercial, Residential Multi-Unit, and Public Structures	14-5.2(F) and 14-5.2(G)		HDRB to review.