



# Agenda

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## HISTORIC DESIGN REVIEW BOARD FIELD TRIP

TUESDAY, OCTOBER 27, 2009 – 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2<sup>ND</sup> FLOOR CITY HALL

## HISTORIC DESIGN REVIEW BOARD HEARING

TUESDAY, OCTOBER 27, 2009 – 6:00 PM

## CITY COUNCIL CHAMBERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA  
September 1, 2009
- D. APPROVAL OF MINUTES
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW
- F. COMMUNICATIONS
- G. BUSINESS FROM THE FLOOR
- H. ADMINISTRATIVE MATTERS
- I. OLD BUSINESS
  - 1. Case #H-09-022. 1301A Canyon Road. Downtown & Eastside Historic District. Mark C. Little, agent for Elizabeth Keefer, proposes to amend a previous approval to remodel a non-contributing building. (David Rasch)
  - 2. Case #H-09-036. 625 Garcia Street. Downtown & Eastside Historic District. Richard Horcasitas, agent for Hassan Salam, proposes to construct an approximately 310 sq. ft. addition to a height of 13'2" where the existing is 13'8" on a contributing building. An exception is requested to Section 14-5.2(D, 2,d) to exceed historic building footprint. (Marissa Barrett)
- J. NEW BUSINESS
  - 1. Case #H-09-062A. 526 Agua Fria Street. Westside- Guadalupe Historic District. Watson Conserves, agent for Andrew Binns & Susan Carswell, proposes a historic status review for this significant residence and historic non-contributing shed. (David Rasch)  
  
Case #H-09-062B. 526 Agua Fria Street. Westside- Guadalupe Historic District. Watson Conserves, agent for Andrew Binns & Susan Carswell, proposes to remodel the residential building by installing a handrail and storm windows. (David Rasch)

2. Case #H-09-065. 606A Canyon Road. Downtown & Eastside Historic District. Dolores Vigil, agent for Moll Anderson, proposes to construct an approximately 183 sq. ft. addition to a height of 10'6" where the existing is 12'6", construct an approximately 50 sq. ft. portal to a height of 9'6" where the existing height is 12'6", alter openings, and construct a pilaster and coyote fence to a height of 5'4" where the maximum allowable height is 6' on a non-contributing property. (Marissa Barrett)
3. Case #H-09-069. 130 Camino Escondido. Downtown & Eastside Historic District. Renewal by Anderson, agent for Jane Terry, proposes to remove a non-historic portal and build an approximately 527 sq. ft. portal in the same location, replace historic windows on non-primary elevations, replace a non-historic window on a primary elevation, and restucco a contributing residential building. Staff proposes primary elevations. (David Rasch)
4. Case #H-09-071. 453 Calle La Paz. Downtown & Eastside Historic District. Dolores Vigil, agent for Richard Cronin, proposes to increase yardwall height to not exceed the maximum allowable height of 6', replace a pedestrian gate and coyote fence on a contributing property. (Marissa Barrett)
5. Case #H-09-066. 119 Martinez Street. Downtown & Eastside Historic District. Dale Zinn, agent for Jesse Rael & Linda Casey, proposes to construct an approximately 216 sq. ft. addition on a contributing property. Staff proposes primary elevations. Two exceptions are requested to place an addition at less than 10' back from a primary elevation (Section 14-5.2(D)(2)(d)) and to place an addition on a primary elevation (Section 14-5.2(D)(2)(c)) and to meet zoning regulations. (David Rasch)
6. Case #H-09-67. 665 Don Gaspar Avenue. Don Gaspar Area Historic District. Renewal by Anderson, agent for Roy Olson, proposes to replace historic windows on a significant residential building. An exception is requested to remove historic material on primary elevations (Section 14-5.2(D)(5)(a)(i)). (David Rasch)
7. Case #H-09-068. 111 & 113 E. Buena Vista Street. Don Gaspar Area Historic District. Renewal by Anderson, agent for Roy Olson, proposes to replace historic windows on a contributing residential building. An exception is requested to remove historic material on primary elevations (Section 14-5.2(D)(5)(a)(i)). (David Rasch)
8. Case #H-09-070. 816-818 Don Cubero Street. Don Gaspar Area Historic District. John A. Padilla, agent for Jeff & Francine Miles, proposes to remodel a contributing residence by removing a concrete landing at the rear and constructing a 35 sq. ft. deck in the same location, replace all windows and doors, remodel the non-historic front porch, re-roof, and restucco. Staff proposes primary elevations. An exception is requested to remove historic material on primary elevations (Section 14-5.2(D)(5)(a)(i)). (David Rasch)

#### **K. MATTERS FROM THE BOARD**

#### **L. ADJOURNMENT**

For more information regarding cases on this agenda, please call the Historic Preservation Division at 955-6605. Persons with disabilities in need of accommodations or an interpreter for the hearing impaired, contact the City Clerk's office at 955-6520, five (5) working days prior to hearing date. If you wish to attend the October 27, 2009 Historic Design Review Board Field Trip, please notify the Historic Preservation by 9:00 am on Tuesday, October 27, 2009.

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October 27 2009

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

**October 27, 2009**

**A. CALL TO ORDER**

A regular meeting of the City of Santa Fe Historic Design Review Board was called to order by Vice Chair Cecilia Rios on the above date at approximately 6:00 p.m. in the City Council Chambers at City Hall, 200 Lincoln, Santa Fe, New Mexico.

**B. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Ms. Cecilia Rios, Vice Chair  
Mr. Dan Featheringill  
Dr. John Kantner  
Ms. Deborah Shapiro  
Ms. Karen Walker

**MEMBERS ABSENT:**

Ms. Sharon Woods, Chair  
Ms. Christine Mather

**OTHERS PRESENT:**

Mr. David Rasch, Historic Planner Supervisor  
Ms. Marissa Barrett, Senior Historic Planner  
Ms. Kelley Brennan, Asst 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.**

**C. APPROVAL OF AGENDA**

Mr. Rasch noted a typo - minutes were listed under the wrong heading.

**Ms. Shapiro moved to approve the agenda as amended. Ms. Walker seconded the motion and it passed by unanimous voice vote.**

#### **D. APPROVAL OF MINUTES**

**September 1, 2009**

**Ms. Shapiro moved to postpone the September 1, 2009 minutes until the rest of the Board was present. Ms. Walker seconded the motion and it passed by unanimous voice vote.**

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

None.

#### **F. COMMUNICATIONS**

Mr. Rasch asked how many members could be present for the November 24<sup>th</sup> meeting. All but Ms. Walker could not be present.

Mr. Rasch asked about the December 22<sup>nd</sup> meeting. Most of the members responded that they did not yet know if they could attend that meeting. Mr. Rasch said he would ask again later.

Mr. Rasch announced that tomorrow night the Council would appoint seven members to the Historic Green Building Code Task Force. Mr. Featheringill was recommended as a representative of the HDRB.

Ms. Walker said it had been clear that the six criteria were silly and indefinable, most particularly there was no definition of "hardship." Ms. Brennan promised her that after the Nov 9 meeting they would have a chance to refine that.

Mr. Rasch said they also needed criteria for sustainability.

#### **G. BUSINESS FROM THE FLOOR**

None.

#### **H. ADMINISTRATIVE MATTERS**

None.

Vice Chair Rios announced that anyone who wanted to appeal a decision of the HDRB had only seven days to do so and encouraged them to get with staff to guide them through the process.

## **I. OLD BUSINESS**

1. **Case #H 09-022.** 1301A Canyon Road. Downtown & Eastside Historic District. Mark C. Little, agent for Elizabeth Keefer, proposes to amend a previous approval to remodel a non-contributing building. (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

### **BACKGROUND & SUMMARY:**

1301A Canyon Road is a single-family residence that was constructed by 1946 in a simplified Spanish-Pueblo Revival style. Major remodeling has occurred including additions and replacement of historic materials. The building is listed as non-contributing to the Downtown & Eastside Historic District.

On May 12, 2009, the HDRB approved an increase to the maximum allowable height at 18' 4" due to slope and granted preliminary approval to remodel the building with the conditions that the main east elevation remain at 12' 3" high, that the existing north elevation remain at 18' 2" high, and that an exception would be needed for the north addition to step downslope to a maximum allowable height of 19' 6"

On August 25, 2009, the HDRB conditionally approved a remodel of the building which included approximately 3,000 square feet of additions on all elevations except for the south elevation and a courtyard wall and gate. A height exception was granted to 22' 2".

Now, the applicant proposes to amend the application by proposing fewer alterations. The southeast garage addition and the north addition have been deleted. The west portal and elevation has been slightly altered and a stair has been added to the northwest corner.

Materials and finishes are noted in the applicant's proposal letter.

Mr. Rasch had the existing drawings and the newly proposed footprint.

### **STAFF RECOMMENDATION:**

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

Present and sworn was Mr. Mark Little 1123 South Luna Circle, who had nothing to add to the staff report.

There were no speakers from the public regarding this case.

Ms. Walker said the design now looked better.

**Ms. Walker moved to approve Case #H 09-022 as recommended by staff. Mr. Featheringill seconded the motion and it passed by unanimous voice vote.**

2. **Case #H 09-036.** 625 Garcia Street. Downtown & Eastside Historic District. Richard Horcasitas, agent for Hassan Salam, proposes to construct an approximately 310 sq. ft. addition to a height of 13' 2" where the existing is 13' 8" on a contributing building. An exception is request to Section 14-5.2(D,2,d) to exceed historic building footprint. (Marissa Barrett)

Ms. Barrett presented the staff report for this case as follows:

**BACKGROUND AND SUMMARY:**

The 770 square foot (footprint) single family residence with a basement located at 625 Garcia Street is Vernacular style and part of the Alire Family Compound. According to the 1991 Historic Building Inventory Form it was built in approximately 1950. The HDRB at their June 7, 2005 hearing upgraded the historic status from non-contributing to contributing.

The HDRB approved remodeling of the building in 2007 which included replacement of windows and an approximately 216 square foot addition on the non-primary south elevation. The new total square footage for the building is 986 square feet.

This application now proposes construction of an approximately 310 square foot addition to the non-primary north elevation. The addition will be set back approximately 10' from the primary west elevation and will be to a height of 13' 2" where the existing height is 13' 8" . The addition will include three wood true divided light windows on the west elevation and one on the east elevation. The building will be stuccoed with a cementitious stucco to match the existing in color and texture and all window trim will match the existing.

The addition is exceeding the 50% footprint rule by approximately 141 square feet. Therefore the applicant is requesting an exception to exceed the historic building footprint, Section 14-5.2 (D,2,d). As required by code the applicant has answered the exception criteria in Section 14-5.2 (C,5,c,i-vi).

- 1 Do not damage the streetscape;

*The character of the streetscape is not compromised since the project is at the end of a private lane of a secluded compound. The appearance of the addition will be in harmony with the style of the original home.*

Staff concurs with the applicant that the addition will not damage the streetscape due to its

non-publicly visible location as well as the addition's location on the site and its small size (only exceeds by approximately 141 sq. ft.).

2. Prevent a hardship to the public welfare;

*The applicant and public welfare is not a hardship. The addition of the bedroom and bathroom on the main floor of the home will further stabilize the safety and welfare of the public and the occupants of the home by having a bedroom and bathroom on the main floor with no steps, thus allowing the occupants to avoid the steep narrow flight of stairs down the basement currently accessing the only bedrooms in the existing floor plan. Granting the exception will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

Staff concurs with the applicant that the current bedroom and bathrooms are located in the basement area and that the small first floor bedroom and bathroom addition will help to prevent a hardship to the home owner.

3. Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents reside within the Historic Districts;

*Staff concurs that the request to build a bedroom and bathroom on the main floor of the home strengthens the unique heterogeneous character of the City. The style of the proposed addition is to reflect the intention of the Historic District not deviate from it. Currently the home has been for sale for nearly two years with no one willing to reside in the home with such an inconvenient floor plan with the only bedrooms underground in the basement. The exception is the minimum exception that will make possible the reasonable use of the land, building or structure.*

Staff concurs with the applicant the design of the addition strengthens the character of the City in regards to the location, setback, and size of the addition in comparison to the contributing building and that by allowing the addition residents can continue to comfortably reside in the building.

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

*Due to the location of the addition, it will not affect the streetscape, since the addition will blend in harmoniously with the architecture of the existing home and homes surrounding it. The main floor bedroom and bath will remedy an already particularly inconvenient and possibly dangerous situation.*

Staff concurs with the applicant that the proposed location is the best possible place on site for the new addition. The addition is on a non-primary elevation, is setback 10' from the primary elevation and is small with only approximately 141 square feet exceeding the historic footprint of the building. The addition as designed will be harmonious with the contributing building and the historic compound.

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

*The home of the applicant was originally built with limited living area considerations incorporated into the floor plan. The addition of the bedroom and bathroom will create a much needed and much more convenient bedroom bathroom space for the occupants and visitors while reflecting the integrity and the intended spirit of the Historic District.*

Staff concurs with the applicant that the floor plan, which includes all bedrooms and the bathroom on the basement elevation, as unique circumstance and not the result of the applicant and that having the new bedroom/bathroom addition on the first floor will help alleviate the situation while keeping the integrity of the building and Historic District.

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

*The request is in keeping with the general provisions and purpose of the section as set forth in 14-5.2(A) (1).*

Staff concurs with the applicant that the proposed addition in its proposed location will have the least negative impact on the contributing building, Historic Compound, and Historic District. The addition is only exceeding the footprint rule by approximately 141 square feet, is 6" lower than the original building, is setback 10' from a primary elevation, and is tucked into the corner of the Historic Compound.

Ms. Barrett added they were not able to get a zero lot line affidavit.

#### **STAFF RECOMMENDATIONS:**

Staff recommends approval of the application including the exception to exceed half of the historic building footprint citing the exception criteria has been met and that allowing the addition will not have a negative impact on the status or Historic District. Staff also recommends that there are no-publicly visible rooftop appurtenances and that any new exterior light fixtures are approved by staff before a building permit application is submitted. Otherwise this application complies with Section 14-5.2 (C) Regulations for Contributing buildings, Section 14-5.2 (D) General Design Standards for All H-Districts, and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards.

Present and sworn was Mr. Richard Horcasitas, 421 St. Michael's Drive, who was comfortable with the recommendations and felt the project was in accord with the R-3 zoning and historic standards.

It has been a problem for the owner because of the floor plan and split level. He explained the design and the features of the house. There were no bedrooms on the main floor and it was the primary reason for the proposal. Their first proposal was to have the addition on the right hand side to the west. However working with staff, that was coming forward of the primary elevation. So they decided to put it on the north side where the walk out basement was – five feet away from property line and rear even with the house

and ten feet from primary elevation.

Vice Chair Rios noted this was not visible from Garcia Street but it was a contributing building.

Mr. Horcasitas said the design would have deep set bullnosed windows and corners.

Ms. Shapiro asked if they were using true divided light windows (not simulated). Mr. Horcasitas agreed.

Ms. Walker thought he was doing the right thing. It was awkward to go in a hole to go to sleep. She thought it looked good.

Mr. Featheringill asked what was downstairs in the existing house.

Mr. Horcasitas said there was a bath and two bedrooms.

Mr. Featheringill asked if his design was covering the egress for them.

Mr. Horcasitas explained that one bedroom had egress to the west.

Mr. Featheringill said without egress it wouldn't meet code. It had to have a door or window.

Vice Chair Rios asked if they should go forward if the applicant didn't meet the egress rule.

Ms. Barrett said they should go ahead. Zoning did review it and the Board could condition a review with zoning.

Mr. Horcasitas showed the rear of the house and where the access would be.

There were no speakers from the public regarding this case.

**Ms. Shapiro moved to approve Case #H 09-036 as recommended by staff and that the responses to the criteria for exception were accepted. Dr. Kantner seconded the motion**

Ms. Walker asked if the motion had to state the recommendations by staff.

Vice Chair Rios said it did not.

**The motion passed by unanimous voice vote.**

Mr. Horcasitas showed pictures of light fixtures.

## **J. NEW BUSINESS**

1. **Case #H 09-062A.** 526 Agua Fria Street. Westside-Guadalupe Historic District. Watson Conserves, agent for Andrew Binns & Susan Carswell, proposes a historic status review for this significant residence and historic non-contributing shed. (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

### **BACKGROUND & SUMMARY:**

526 Agua Fria Street is a single-family residence that was constructed during the 1920s in the Bungalow style. The rear porch was enclosed in the 1970s, but no other alterations are present. There are no cultural associations with events or individuals of note. The residence is listed as significant to the Westside-Guadalupe Historic District.

A brick, pitched-roof, free-standing shed was constructed at the rear of the property perhaps contemporaneously with the residence. There are a number of these rear sheds along Agua Fria Street. The shed may have functioned as an outhouse originally. At a later historic date, an adobe, shed-roof addition was constructed on the east side of the shed, doubling its size. The shed is listed as non-contributing to the Westside-Guadalupe Historic District.

Three Historic Cultural Property Inventories are on file from 1985, 1996, and 2009. Code definitions are as follows:

### **SIGNIFICANT STRUCTURE**

A structure, located in an Historic District, that is approximately 50 years old or older, and embodies distinctive characteristics of a type, period or method of construction. A structure may also be designated as significant for its association with events or individuals that are important on a local, regional, national, or global level. In order for a structure to be designated as significant, it must retain a high level of historic integrity. A structure may also be significant if it is listed in or is eligible to be listed in the State Register of Cultural Properties or the National Register of Historic Places. (Ord. No. 2004-26 §5)

### **CONTRIBUTING STRUCTURE**

A structure, located in an Historic District, approximately 50 years old or older that helps to establish and maintain the character of the Historic District. Although the structure is not unique in itself, it adds to the historic associations and/or historic architectural design qualities for which a District is significant. The structure may have had minor alterations, however, its integrity remains. (Ord. 2004-26 § 5)

### **NON-CONTRIBUTING STRUCTURE**

A structure, located in an Historic District, which is less than fifty years old and/or does not exhibit sufficient historic integrity to establish and maintain the character of the Historic District. (Ord. No. 2004-26 §6)

### **STAFF RECOMMENDATION:**

Staff recommends an historic status downgrade for the residence from significant to contributing and

an historic status upgrade for the shed from non-contributing to contributing.

Vice Chair Rios asked Mr. Rasch on what he was basing the downgrade to contributing.

Mr. Rasch said it was based on the definition of contributing and significant and explained those to the Board. The alteration on the rear was what he considered a little too much alteration.

Vice Chair Rios asked if the shed in the rear was built at the same time.

Mr. Rasch said staff believed the pitched roof part was built at the same time and the adobe part was also built in historic times.

Vice Chair Rios asked for the square footage.

Mr. Rasch said it was about 200 square feet.

Dr. Kantner asked if it embodied the characteristics of construction...

Mr. Rasch agreed but it was not unique. There were other bungalows on the streetscape and the addition was slightly visible.

Vice Chair Rios asked who recommended significant.

Mr. Rasch didn't know but in the 1985 inventory it was recommended Contributing and in the 1996 inventory, "MJH" recommended Significant status.

Ms. Walker said it did have distinctive characteristics and saw no reason to downgrade it.

Present and sworn was Mr. Alan Watson, 1522 Canyon Road who said the owner concurred with the staff recommendations although she preferred to have the shed non-contributing.

There were no speakers from the public regarding this case.

Ms. Walker asked staff why the shed became contributing in his mind.

Mr. Rasch said both early inventories did not mention the shed so staff asked for the 2009 inventory that gave the added information. It included that there were several sheds along Agua Fria.

Vice Chair Rios asked if the consultant was positive that it was historic. Mr. Rasch agreed.

Ms. Shapiro asked if there was evidence that other sheds still existed.

Mr. Rasch agreed and added that Chair Woods brought forward one next door for change to a residence.

Vice Chair Rios asked if it was publicly visible.

Mr. Rasch said it was not but it contributed because of the sheds on the streetscape.

Ms. Walker asked if any of them were contributing to streetscape.

Mr. Rasch said Chair Wood's was.

Ms. Walker asked if any of the other sheds were visible to the streetscape.

Mr. Rasch said he didn't check that.

**Ms. Walker moved that in Case #H 09-062A the main house remain significant and the shed be designated non-contributing. Dr. Kantner seconded the motion and it passed by majority voice vote with Mr. Featheringill opposed.**

**Case #H 09-062B.** 526 Agua Fria Street. Westside-Guadalupe Historic District. Watson Conserves, agent for Andrew Binns & Susan Carswell, proposes to remodel the residential building by installing a handrail and storm windows. (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

**BACKGROUND & SUMMARY:**

The residential structure at 526 Agua Fria Street was confirmed in historic status as significant in the previous case. Now, the applicant proposes two modifications to the building, as follows.

1. A simple wooden handrail will be installed at the main entrance side steps. The finish will match existing finish on other wood elements.
2. Storm window inserts will be installed on the exterior of the historic single-hung windows. The finish will match existing finish on other wood elements.

**The applicant has provided info on the historic windows and showed the storm inserts.**

**STAFF RECOMMENDATION:**

Staff recommends approval of this application which complies with Section 14-5.2 (C) Regulation of Significant and Contributing Structures, (D) General Design Standards, and (I) Westside-Guadalupe Historic District.

Ms. Walker asked Mr. Watson to explain the value of maintaining these windows. He said he had intended to do that later in the meeting for the last three cases on the agenda. He said it would take about ten minutes and he had been asked to make some expert testimony on that for those cases.

Vice Chair Rios decided they should wait then.

Ms. Shapiro asked to go back to the window installations. She asked if the windows were extruded aluminum frames. Mr. Watson agreed.

Ms. Shapiro asked if the aluminum could be painted.

Mr. Watson said that might be possible but it would have to be powder coated. He was not sure it could be done that way.

There were no speakers from the public regarding this case.

**Dr. Kantner moved to approve 09-062B approve per staff recommendations with encouragement to explore having the aluminum framing the same color/Ms. Walker. Unanimous.**

Ms. Walker recused herself from this case and left the bench at this time.

2. **Case #H 09-065.** 606A Canyon Road. Downtown & Eastside Historic District. Dolores Vigil, agent for Moll Anderson, proposes to construct an approximately 183 sq. ft. addition to a height of 10' 6" where the existing is 12' 6", construct an approximately 50 sq. ft. portal to a height of 9' 6" where the existing height is 12' 6", alter openings, and construct a pilaster and coyote fence to a height of 5' 4" where the maximum allowable height is 6' on a non-contributing property. (Marissa Barrett)

Ms. Barrett presented the staff report for this case as follows:

#### **BACKGROUND AND SUMMARY:**

The approximately 1,871 square foot Territorial style single family residence does not have an exact date of construction available but has received major alterations with the latest remodel in 2004 which included major additions and opening alterations. The Official Map lists the building as Non-contributing to the Downtown and Eastside Historic District.

The applicant requests the approval of an approximately 183 square foot addition to the non-publicly visible south elevation. The addition will be to a height of 10' 6" where the existing height is 12' 6". The addition will include divided light French doors, a divided light window, a single door, and canales. All new doors and windows will include a wood surround and pediment. All window trim will be a dark gray color to match the adjacent house's trim. The addition will be stuccoed to match the existing in color, type, and texture.

A 50 square foot inset portal is proposed on the non-publicly visible, east elevation to a height of 9' 6" where the existing is 12' 6". The portal will include a shed roof to match the existing on the same elevation as well as wood posts. The window under the portal will be replaced with French doors with a surround

and pediment.

A non-historic door on the north elevation will be replaced with three adjacent divided light windows with a surround and pediment.

Lastly proposed are wall and fence alterations for the property. This includes the removal of the non-publicly visible yard wall on the east property line since the properties are now owned by the same person. Also proposed is the extension of the west property line fence to the north elevation. The fence will be to a height of 5' 4" where the maximum allowable height is 6' and will include coyote latillas and stuccoed pilasters. The fence matches the existing in height, style, and finish.

#### **STAFF RECOMMENDATIONS:**

Staff recommends approval of the application on the condition that there are no publicly visible rooftop appurtenances and that any new exterior light fixtures are approved by staff before a building permit application is submitted. Otherwise this application complies with Section 14-5.2 (D) General Design Standards for All H-Districts and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards.

Vice Chair Rios asked if it was publicly visible.

Ms. Barrett said it was visible from the drive and from Acequia Madre School

Present and sworn was Ms. Dolores Vigil, 501 Rio Grande, who said she felt comfortable with the staff report and would answer questions.

Dr. Kantner questioned the dark grey color that was proposed and asked if it could be painted to match the white and cream trim.

Ms. Vigil said the trim color would match exactly the home to the east that had already been approved and they wanted to match it for a compound feel. It was a condo.

Dr. Kantner clarified that he would prefer to see it be white or cream that was more consistent with the brick coping and Territorial style. He asked if that was considered as an option and to have the eastern structure painted with white trim.

Ms. Vigil said her clients wanted to make it more a big compound so they would not consider that option at this time.

Vice Chair Rios agreed that the traditional trim for Territorial was white or off white.

Ms. Vigil said she understood that. They took the colors from a gallery in front that had a Territorial style building approved by the Board.

#### **PUBLIC COMMENT**

Present and sworn was Ms. Joy Busch 820 Acequia Madre

Ms. Busch said she was here to contest the grey paint. When it went on the first building no one was notified. She said she owned 606b and 600 Canyon Road where the sign was presently. The grey to which she was referring was on the Gephart Gallery which was not part of a compound. It was right on the street across the driveway from her other property. In the condominium declarations on page 26 was a requirement that said "exterior color may not be changed through future maintenance except with the approval of the Board of Directors of the Association. Details of external additions must be approved by the Board of Directors." she said no one approved that gray. It just happened to be there.

Now they were going for grey again and the traditional colors of the compound were green shutters, all the trim was white, the exterior doors were light and owning 606B, which was to the west of the subject property. They also shared a common wall. She said, "Quite frankly, I have been livid about the grey because I agree these are Territorial looking buildings." She explained that she once owned 606A and sold it two owners before the present owner bought it. Her studio was located within the compound as was her husband's office She said one day she discovered all the shutters had been painted grey and did not recall seeing any H Board sign prior to that or she would have been present that night.

She said Ms. Lacy and she and her husband didn't want to see any more grey paint in that compound. They wanted to pass on their building to their daughter. So she was here to fight for white trim and green shutters where they were. She thought it was best for Santa Fe and they had striven to uphold the Santa Fe feel.

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

Vice Chair Rios clarified that the previous project was not under application this evening.

Ms. Barrett added that the grey color was approved. It came before staff and was not visible so it was approved by staff.

Ms. Vigil said she would like to not hold this project up for the trim and get the building together and get their permit. She agreed to meet with Ms. Busch and meet with the neighbors.

Mr. Rasch agreed that traditionally Territorial structures had white or cream trim. The code wasn't specific in Section 14-5.2 A, 1 c General Harmony and in Eastside - Recent Santa Fe style - harmony by color, etc.

**Ms. Shapiro moved to approve Case #H 09-065 according to staff recommendations except the trim color must be white or cream or Navajo White. Dr. Kantner seconded the motion and it passed by unanimous voice vote. Ms. Walker did not vote on the motion, having recused herself.**

Ms. Vigil asked if they could come back for the trim color.

Vice Chair Rios said that was the motion.

Ms. Walker returned to the bench after the vote was taken.

3. **Case #H 09-069.** 130 Camino Escondido. Downtown & Eastside Historic District. Renewal by Anderson, agent for Jane Terry, proposes to remove a non-historic portal and build an approximately 527 sq. ft. portal in the same location, replace historic windows on non-primary elevations, replace a non-historic window on a primary elevation and restucco a contributing residential building. Staff proposes primary elevations. (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

### **BACKGROUND & SUMMARY:**

130 Camino Escondido is a single-family residence with attached garage that was constructed in the 1930s in the Spanish-Pueblo Revival style. There were minor alterations to the building, including alteration of the garage and the construction of a non-historic rear porch which was removed without permission. The building is listed as contributing to the Downtown & Eastside Historic District. Following the floor plan map of 14 elevations, elevations 1, 2, 3, 4, 13, and 14 may be considered as primary.

Since the application depended on which were primary and which are not, he proposed that the Board consider a motion on primary elevations first. He showed a map of the elevations as numbered clockwise from 1 to 14. He showed several photographs.

Vice Chair Rios asked if he was proposing primary status for 1, 2, and 3. Mr. Rasch agreed.

Mr. Rasch saw no unique characteristic on #5. On six, the porch might not be historic and interfered with the header.

He recommended primary for #4. 13 and 14 had no openings but helped make the front block more interesting so he recommended primary status for them.

#9 was not primary and #8 below it was not primary. All windows were in good condition. #7 was the rear of the garage and was not unique. #10 had historic windows. It was on the north side of the building. #11 and #12 had historic windows but he was not recommending them as primary. The historic windows had headers and true divided lights. So out of 14, he was recommending six of them.

Mr. Featheringill asked why five would not be primary since it was part of that doorway.

Mr. Rasch said five only had a window to consider and it was similar to the others plus it had a portal that was not original because of the way it died into the header beam.

Vice Chair Rios informed the Board they could agree or not with the recommendations.

Ms. Walker said on the two primary façades covered with ivy - if the ivy died, what would make them primary.

Mr. Rasch said it was the little jog on that side so it was more about massing and not about ivy.

Ms. Shapiro wanted to consider number six on the side of the kitchen as a possible primary elevation because of the juxtaposition of the windows and it was in very good condition.

Mr. Featheringill noted that it had been disturbed by the electrical panels. But he still liked five as primary from the front of the street.

Ms. Walker said five was much more visible than six.

Present and sworn was Mr. Jim Strozier, 302 8<sup>th</sup> Street, Albuquerque, 87102, who said they were in agreement with staff's recommendations and thanked staff for the thorough analysis of façades and relation of all the elements. They were trying to work with those as primary to make renovations.

Vice Chair Rios explained the entire building was contributing and only some elevations were primary.

Mr. Strozier understood and agreed with staff on this matter.

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

**Mr. Featheringill moved on Case #H 09-069 to designate as primary elevations numbers 1-5, 13 and 14. Dr. Kantner seconded the motion and it passed by unanimous voice vote.**

Mr. Rasch continued his report.

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

1. The non-historic rear porch will be removed and an approximately 527 square foot porch will be constructed to a height of 11 feet. The porch is simply designed with a shed roof. Materials and finishes were not submitted and should be discussed.

2. All windows will be replaced, except on primary elevations. The non-historic picture window under the front portal will be replaced with true divided-light windows. The new true divided-light windows are a wood composite and will be finished to match existing windows.

Some historic windows are proposed for replacement as shown on the submitted drawings even though they are located on primary elevations and no exception has been requested. Discussion should clarify which windows must be retained and which may be replaced.

3. The building will be restuccoed, presumably to match the existing stucco material, texture, and color. Discussion should clarify the stucco.

### **STAFF RECOMMENDATION:**

Staff recommends approval of this application which complies with Section 14-5.2(C) Regulation of Contributing Structures, (D) General Design Standards, and (E) Downtown & Eastside Historic District.

Mr. Rasch also noted on page ten that the exception was from another case and not this one.

Ms. Walker noted that the applicant wanted to replace historic windows on primary elevations without an exception.

Mr. Rasch clarified that he wouldn't recommend replacing any historic windows on primary elevations.

He pointed out that he had handed out earlier some citations on windows from the code (Exhibit B). He read from C and D of the handout. Those standards directed the Board that historic materials shall be retained. He read the part that those that could not be repaired could be duplicated. He pointed out a slight conflict in the two sections of the code.

Vice Chair Rios asked if, in his opinion, were all the windows were in good condition. Mr. Rasch agreed that they were definitely repairable.

Vice Chair Rios asked if the applicant would not replace those historic windows on primary elevations then.

Mr. Rasch agreed. He said there were about ten windows to be replaced.

Vice Chair Rios explained it to Mr. Strozier.

Mr. Strozier said they would modify their request to correlate with the Board's decision on what elevations were primary.

Vice Chair Rios asked what he proposed on non-primary elevations.

Mr. Strozier said they proposed to replace those and put new window inserts into the historic window locations, maintaining the frame around the window and keeping the size and shape of sash and window pane delineation with full divided light windows.

Vice Chair Rios asked what he meant by full divided light.

Mr. Featheringill said full divided was not true divided.

Mr. Strozier explained that they were permanent dividers that were incorporated into the window construction.

Ms. Shapiro said that was simulated divided light.  
Mr. Strozier had a sample.

Mr. Featheringill asked about the window on the front they wanted to replace (the picture window).

Mr. Rasch said that window was non-historic and their proposal was in keeping with the other historic windows and light pattern.

Ms. Shapiro asked if it might be possible for a window on elevation #9 to be used as the window under the portal.

Mr. Rasch explained that the question was if the board allowed the replacement of historic windows on the back, perhaps one of them could be used under the portal to replace the picture window. It would be okay to replace with a historic window but the opening could not be enlarged.

Mr. Strozier thought the answer was yes or at least possibly or very likely.

Ms. Shapiro asked if they were keeping the framing and just replacing the sashes.

Mr. Strozier agreed - just the mechanical part would be replaced. They would not replace the window frame. The operating part has new working with insulated glass.

Ms. Shapiro said it was a pretty interesting product and it mimics very well the historic look of the windows from the streetscape. You would not see any difference.

Mr. Featheringill said it was not as good as the historic windows but about the best solution possible.

Vice Chair Rios asked why they would want to replace them if they were in good condition. She suggested they could use storm windows.

Mr. Strozier said their client wanted to have windows that worked well and locked and would not have to put up storms or screens. They could be replaced and still keep the historic appearance.

Vice Chair Rios asked if these windows did not work well.

Mr. Strozier said he didn't know.

Ms. Shapiro said he was putting fibrex material in there. The historic windows had been there from the 1930s so they were about 80 years old and in good condition. So they still operated. Renewal's warranty only covered the fibrex material and hardware for only ten years and the glass for 20 years. Yet these windows have been there 80 years. The thermal factor of his windows was better but storms could do that just as well.

Mr. Strozier said the historic windows were out of warranty. It was the operation of the window, the

locking, and the energy efficiency. He didn't think storms could achieve the same level of efficiency. UV was also added.

Ms. Shapiro said the warranty was for only ten years.

Mr. Strozier agreed the warranty was ten and twenty years but he believed they would last just as long.

Present and sworn was Mr. Michael Kells, 7401 Indian School Road, Albuquerque (Renewal by Andersen) said these were serial number windows so at any time in the future, if there was failure of the produce Anderson could provide replacement parts for it. They had been around since 1903. That was a form of warranty.

Ms. Walker said the Board always heard and cared about what a client wanted but their job was to stay with the code.

Vice Chair Rios agreed that was of utmost importance and they were here to uphold the ordinance.

Mr. Watson said he had been asked to address this Board with expert testimony. He explained the expert designation. He had been described at the New Mexico Historic Preservation Division as "the foremost authority on wood windows in New Mexico." He did a lot of work with historic windows and he chaired the Cultural Properties Review Committee for New Mexico. He was a former board Chair of the Historic Santa Fe Foundation and current was on the Old Santa Fe Association Board now. He said he was speaking for the Board of the Old Santa Fe Association.

He said he would address the questions the Board was asking about this one and three other cases tonight that all involved window replacement.

He said the Dean of New Mexico architecture, George Clayton Pearl, once said adobe structures were boring until you get to the holes in them. Windows were the most character defining feature of the structure.

He understood this Board was guided by Secretary of the Interior Standards for rehabilitation. Standard #6 said, "Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the replacement shall match the old in design, color, texture and other visual qualities. And where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence."

The windows he saw today, in a quick tour of the sites except the one they were looking at tonight, all appeared to be character defining windows and in good working condition. So to his mind they should only be replaced if they had deteriorated beyond repair.

He shared some visuals with the Board on work being done at the hydro-electric plant, window #2 that was not beyond repair. He said it was important that the Board insist on the standard. Each one should have an assessment by a qualified professional to determine if they were beyond repair. He would insist on

that step in the process in any request for exception. All the other issues could fall into place.

He said Ms. Walker asked earlier what strategies could come into play to make them function better mechanically and their ability to transmit light, ventilation, and keep in some of the heat. There was weatherstripping that would prevent dust, etc from entering. The issue of UV can be handled with window film and heat reflecting window trim. A building owned by state that met the energy standards simply by installing the heat reflective film. There was not a huge amount of difference between R-1 and R-2. The energy institute looked at the building as a whole rather than just looking at the windows. The walls and the roof should also be included.

Finally there was the issue that was so important - determining what you were throwing away when you discarded historic windows. You were throwing good material that functioned well and substituting other materials. Most contemporary windows were clad with aluminum which was not energy efficient.

The conservation quality of retaining windows was also important because if someone threw a rock through one of the new windows, you have to replace the sash. If a rock was thrown through the old ones, you just replace the glass. He urged the Board to resist the temptation to just replace them.

Vice Chair Rios asked Mr. Watson how long he had been doing refurbishing of windows.

Mr. Watson said it was about 20 years. He worked on the oldest double hung windows in the State that were in the Presbyterian mission in Las Vegas. They were about 145 years old.

Vice Chair Rios asked for his comment about double pane vs. single pane.

Mr. Watson said the energy savings was very close so that you would not detect the difference and with film it might be better than the new ones. The difference financially in analysis, an owner would never get them paid for in their lifetime. These where you don't take out the frames were better.

Vice Chair Rios asked the applicants if they had questions for Mr. Watson -

Mr. Strozier asked who had asked him to come make these comments.

Mr. Watson said he was asked by Marilyn Bane, president of the Board of the Old Santa Fe Association, who could not be here tonight.

Mr. Strozier asked for Mr. Larry Chávez to speak

Present and sworn was Mr. Larry Chávez 7401 Indian School Road, Albuquerque who said he would like to fill in some of the gaps on efficiency of single pane glass and insulated double pane glass to make sure it was clear. Fibrex was not aluminum but a wood composite of wood residue from Andersen's manufacturing process. It was readily paintable as you would with any wood. He was the President of Renewal by Andersen and had been installing windows for 20 years and this product for three years. They installed hundreds of windows each week and many of those were in Santa Fe and Santa Fe County.

In the materials they provided were some well documented representations made by Andersen Corporation that had been in business since 1903. There was demonstrable improvement of 41% in efficiency. They were double pane with 7/8" in between with Low E coating and coating on the outside to minimize spotting. They were tested at the national lab in Tennessee. Films and weatherstripping could be added but wouldn't help with heat loss through the window. The difference was pointed out to them every day. There was a huge difference in comfort and noise reduction. They didn't have to run their furnace as much.

He said the warranty Andersen provided included an inventory of parts back to 1946. With regard to breakage, he said they could count on one hand the breakage they have had and it was at low cost.

He explained this would be what they called a hybrid installation. All surrounding trim would be restored to original conditions.

Regarding repainting and restoring, he said there were new EPA regulations regarding disturbance of lead paint which made restoration much more difficult and expensive. There were limited sources for that type of work.

Ms. Walker excused herself from the meeting.

He said in his opinion, the windows were not repairable in a practical manner to get the performance they were seeking - freedom from high energy bills, drafts, noise penetration, dust penetration, ease of operation and indoor air quality. Fibrex was first tested in 1976 and 1975 including here in Albuquerque. It was tested for 20 years before being put on the market and tested throughout the world.

He thought the reference to adobe was a good one. Adobe was a great insulator for cold and sound.

Ms. Shapiro noted that this house on Escondido was made of pentile which was a great conductor of heat and cold very easily. So if they beefed up the windows, she wondered if they were going to do anything with walls, roof and floors.

Mr. Chávez said there would be a layer of insulation installed and there would be a new roof.

Vice Chair Rios asked if that insulation would change the reveal on the windows.

Mr. Featheringill noted that insulation was not included in the application letter.

Mr. Rasch agreed. They talked about it on the site visit.

Vice Chair Rios asked if they would use cementitious stucco.

Mr. Chávez agreed.

Vice Chair Rios asked Mr. Watson about the lead paint.

Mr. Watson said he could not tell the Board the percentages but he carried lead testing kits in his briefcase. He was very aware of how lethal lead was. He noted that the City hired a lead abatement company to abate the lead from windows and frames. It was unpredictable so he always tested it. Probably 40% of historic woodwork did have lead in the paint. He felt the Board was responsible for preservation rather than with energy. He would focus on preservation issues. This work inevitably would qualify for tax credits with New Mexico up to 50% of costs to a maximum of \$50,000. Replacements would not qualify but rehabilitation would qualify for the tax credits but not for throwing away the historic windows.

Mr. Strozier addressed the question regarding roof, walls and crawl space. The roof was replaced two years ago and the floor was well insulated. But the place was still cold and it came down to quality of life for the homeowner and doing it in a way he thought was responsible and would address the character of these windows and only the windows on non-primary façades. It was a hybrid and would end with a look and feel of the historic character and windows would look identical.

He showed a project recently done in Albuquerque on a historic home, showing both the previous condition of the window and the finished product. It kept the original framing. The owners had improved their quality of life and their windows were more efficient and had less dust and noise. This helped them do it in a way that was responsible. He said they took the ordinance seriously too.

Vice Chair Rios thanked him.

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

Vice Chair Rios said the Board had listened to the applicant diligently.

Mr. Featheringill said these replacements were not historic windows and the Board's charge was to preserve historic windows. The applicant bought property in the historic district knowing what the requirements were. Maintaining historic material was the Board's responsibility too. These proposed windows were great windows but not historic. He had big problems with exterior insulation on pentile house. It would change the reveal and the thickness of the parapets. He was not sure that would pass. That was not brought to the Board to discuss, however, and that would have to come back. He thought putting these windows in this house was a mistake.

Dr. Kantner said he would make a motion based on his understanding of the ordinance and recognizing there was some inconsistency here but section D 5 guided him.

**Dr. Kantner moved that the Board approve Case #H 09-069, accepting the staff recommendations with the following conditions:**

- 1. The no windows would be replaced on any primary façade (elevations 1-5, 13, 14);**
- 2. That the casement picture window on the front (window #1) would be replaced with one of the historic windows from the back in consultation with staff, if that was possible;**
- 3. That if insulation was to be added to the outside of the structure, it must come back to the Board for review;**

4. **That cementitious stucco to match existing be used;**
5. **That on non-primary façades where historic windows were being replaced that historic window frames would be retained;**
6. **That the removal of the portal would be as recommended by staff.**

**Mr. Featheringill seconded the motion.**

Ms. Shapiro asked if this approval would affect the status of the building.

Mr. Rasch thought it would not. Removing non-historic material would not compromise its status. He did not see unique features on the historic windows on non-primary façades.

Mr. Featheringill said a non-primary elevation did not need to be unique.

Vice Chair Rios clarified that character-defining features were what made an elevation primary.

Mr. Rasch agreed and added that the general purpose was to preserve the historic character in Santa Fe. So he asked himself how the elevations that were not publicly visible would add to the historic character of Santa Fe.

Vice Chair Rios asked how many in this project were non-visible.

Mr. Rasch said that elevations 7-12 were not visible and 6 was marginally visible.

Vice Chair Rios argued that all of the historic windows make up the whole. She thought removing any historic material was a mistake the Board would be making.

**The motion failed on a 1-2 vote with Dr. Kantner voting in favor, Mr. Featheringill and Ms. Shapiro voting no. Vice Chair Rios did not vote and Ms. Walker was not present for the vote.**

**Mr. Featheringill moved in Case 09-069 to approve with staff recommendations including the portal change with the exception that the historic windows be surveyed by a qualified window surveyor and results be brought back to the Board and the applicant bring stucco and insulation details and drawings to show the changes that would be made. Ms. Shapiro seconded the motion.**

**Ms. Shapiro requested an amendment that any exterior lighting details and any rooftop appurtenances also be brought back to the Board. Mr. Featheringill accepted them as friendly and the motion passed by unanimous voice vote. Ms. Walker was not present for the vote.**

Mr. Chávez asked for clarification on who would do the survey.

Mr. Featheringill explained that Mr. Rasch had a list of people who were qualified.

Mr. Chávez asked if they could present an alternative. Mr. Rasch agreed.

4. **Case #H 09-071.** 453 Calle La Paz. Downtown & Eastside Historic District. Dolores Vigil, agent for Richard Cronin, proposes to increase yardwall height to not exceed the maximum allowable height of 6', replace a pedestrian gate and coyote fence on a contributing property. (Marissa Barrett)

Ms. Barrett presented the staff report for this case as follows:

#### **BACKGROUND AND SUMMARY:**

The Spanish Pueblo Revival style, with some Territorial style trim, single family residence was constructed before 1938 and has received minor alterations which include an attached garage. The building is listed on the Official Map as contributing to the Downtown and Eastside Historic District.

A stop work order was issued to the owner in the summer of 2009 for doing work without HDRB approval or a building permit.

The applicant requests increasing the height of an existing yard wall at the southeast corner of the property approximately 2' to a height of 5' 9" and 5' where maximum allowable height is 6'. The wall will be stuccoed to match the existing in color, type, and texture.

Also proposed is to install a wood pedestrian gate at the northwest end of the property. The gate will be approximately 4' high and will be finished with a natural wood stain.

Lastly proposed is to replace a coyote fence and gate at the northeast end of the property. The new fence and gate will have irregular latilla tops and will not exceed the maximum allowable height of 6'.

#### **STAFF RECOMMENDATIONS:**

Staff recommends approval as the application is in Compliance of Section 14-5.2 (C) Regulations for Contributing Buildings, Section 14-5.2 (D) General Design Standards for All H-Districts, and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards.

Present and previously sworn was Ms. Vigil who said they agreed with staff recommendations. There was recently a wall approved at 463 Calle La Paz and they would match that wall.

There were no speakers from the public regarding this case.

A quorum was not present at that moment to vote so the Board waited briefly for reestablishing a quorum.

**Ms. Shapiro moved for approval of Case #H 09-071 per staff recommendations. Dr. Kantner**

**seconded the motion and it passed by unanimous voice vote. Ms. Walker was not present for the vote.**

5. **Case #H 09-066.** 119 Martínez Street. Downtown & Eastside Historic District. Dale Zinn, agent for Jesse Rael & Linda Casey, proposes to construct an approximately 216 sq. ft. addition on a contributing property. Staff proposes primary elevations. Two exceptions are requested to place an addition at less than 10' back from a primary elevation (Section 14-5.2(D)(2)(d)) and to place an addition on a primary elevation (Section 14-5.2(D)). (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

**BACKGROUND & SUMMARY:**

119 Martínez Street is a single-family residence that was constructed between 1934 and 1944 in a vernacular manner. The building is listed as contributing to the Downtown & Eastside Historic District. The street-facing west elevation and the south elevation may be considered as primary with character-defining portal, sculpted chimney, stepped parapet, and historic windows.

Mr. Rasch showed the elevations and recommended south and west elevations as primary. And north and east as non-primary.

Present and sworn was Mr. Dale Zinn, PO Box 756 who said they agreed with staff assessment of primary façades.

There were no speakers from the public regarding this case.

**Ms. Shapiro moved to designate the west and south elevations as primary. Dr. Kantner seconded the motion and it passed by unanimous voice vote. Ms. Walker was not present for the vote.**

Mr. Rasch continued his report:

The applicant constructed an approximately 216 square foot addition on the rear, east elevation without permission or a permit. Now, the applicant requests permission to construct this addition with changes. The portal section of the addition is located back 1' 6" from the south primary elevation and an exception is requested to the 10' setback rule, Section 14-5.2(D)(2)(d). Also, in order to meet zoning and fire codes, the south lotline yard wall is required to increase in height and to be considered as a building wall. This regulation requires an additional exception to place an addition on the south, primary elevation as in Section 14-5.2(D)(2)(c). Two exceptions are requested and the required criteria responses are entered at the end of this report.

He agreed with three of the six responses.

The addition is designed in a manner that creates a portal over the exit door and extends the square footage of the rear sunroom. The side lotline wall must be extended in height in the area of the addition to match the adjacent parapet height of approximately 11 feet. The wall increase will be achieved through a series of steps and it will be attached to the addition with a spur wall and a header beam.

**EXCEPTION TO CONSTRUCT AN ADDITION AT LESS THAN 10' BACK FROM A PRIMARY ELEVATION AND ON A PRIMARY ELEVATION**

i. The proposed addition in this area does not damage the character of the streetscape.

*The proposed addition is placed on the back non primary façade of the structure and the "wall" modification is on the South non primary façade and will be recessed in a manner that does not harm the primary façades and thus, maintains completely the original context of the dwelling with the street.*

Staff response: Staff is not in agreement with this response, since it is recommended that the south elevation be considered as primary. However, the addition is not visible from the streetscape and therefore does not damage it.

ii. The proposed addition shall prevent a hardship to the applicant or an injury to the public welfare.

*The applicant like many in the neighborhood has extended family throughout Northern New Mexico. The portal, addition and "wall" modification, are logical vernacular additions to enhance the use of the house for family gatherings which is a privilege being enjoyed by many others in the neighborhood.*

Staff response: Staff is in agreement with this response.

iii. The proposed addition shall strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the Historic Districts.

*The proposed portal addition and "wall" modification is of a type that responds to two unique city ordinances and creates a solution that solves the spirit and intent of both. The zoning code requires a side yard setback of 5-0" that the house currently does not successfully meet. A zero lot line affidavit agreement can be executed to allow building up to the edge of the property but there are building codes that require a fire protective wall at that point where the building exists to prevent spreading of fire from one property to another. The Owners have obtained, notarized zero lot line agreements from all neighbors and letters of support for the project as it is designed. An absolute Zero lot line for the portal would extend the portal past the face of the contributing building. The Zero lot line agreement allows for a small setback of at least 1-6" which will fall within zoning codes and protect the integrity of the contributing building. The overall effect of the proposed design is to reinforce the character of the historic district in our opinion and can be found to have no negative affect that harms that character at the very least.*

Staff response: Staff is in agreement with this response.

iv. The proposed addition is due to special conditions and circumstances which are peculiar to the land or

structure involved and which are applicable to the other lands or structures in the related streetscape.

*The structure was placed on the property at an angle to the final established lot lines which were most likely created subsequent to the original construction of the building. The South side property line dimension from approximately 10 feet of side yard at Martinez Street south edge to zero at the back of the property. This unique condition is indeed the shaping force that requires an addition to either follow the line of the south property line or of the house. The design proposed is to follow the property line to allow a minimal coverage over the back door and portal. The somewhat odd shape to the resulting design is masked from public view with a standard streetscape device of a property line building "wall" that due to zoning codes is actually a part of the dwelling structure at that point of the addition. This is a highly unusual and unique circumstance and creates a unique but symbiotic design solution as it relates to the historic character of the dwelling.*

Staff response: Staff is in agreement with this response.

v. The proposed addition is due to special conditions and circumstances which are not a result of the actions of the applicant.

*While the portal and addition indeed were created by the actions of the Applicant; but the conditions were not. The conditions and unique circumstances of the house being at an angle to the property line was created at least 70 years ago or whenever the side yard ingress and egress easements were created. This condition would be extant for any owner of the property wishing to construct a small addition.*

Staff response: Staff is not in agreement with this response. The exception requests are due to illegal actions of the applicant who appears to be unwilling to remove or alter the construction in a manner so that it does not require exceptions.

vi. The proposed addition shall provide the least negative impact.

*Most importantly among the justifications for exceptions to the ordinance language; is the argument that the proposed addition, portal and "wall" modifications tend to continue the preservation of historic areas and building and reinforce the construction of walls and additions in the historic styles, while maintaining a harmony as to style, form, height, proportion, textures and materials of historic buildings in the district. We firmly believe the proposed addition, portal and "wall" modifications continue to reinforce the character of the historic district **without** causing a negative impact on the character of a contributing structure within the context of the historic district.*

Staff response: Staff is not in agreement with this response. An addition could be designed that does not require creative design or exceptions, including relocating the rear door or adding another door so that a cover could be placed over it.

#### **STAFF RECOMMENDATION:**

Staff recommends denial of the exception requests to place an addition at less than 10' back from a

primary elevation and on a primary elevation.

Dr. Kantner asked if it were a yard wall then an exception would be required to exceed height.

Mr. Rasch agreed. Zoning conditioned it as acceptable only as a building wall so he felt it was unfair to consider it a yard wall. As a yard wall it would not have been approved by Zoning.

Mr. Zinn said the dilemma here was the conflict between Zoning, the Fire Department, zero lot line and Mr. Rasch's issues. He understood the Board was okay with the addition on the east side. So they were really talking about "this goofy portal." The owner's uncle came down from Questa and built it and that was why he was present with this case today.

He clarified that the one part that actually became a building wall was the part of the portal that he extended over to touch that wall. He did that specifically so they would meet the definition as a zero lot line wall. They had zero lot line affidavits from all sides, even though they only needed one.

He said he did the research on it because there was no historic survey sheet. He truly believed it was not but accepted it being designated as contributing. He then worked on how to mask off that portal, and they were modifying it by cutting it in one and a half feet behind the primary façade. And then they would bring a piece of the portal over to be supported on that wall and meet the criteria of a zero lot line wall and trying to make that wall go up and back down as quickly as possible so that it would not interfere with the primary façade. The wall was built long after the building and it could be removed (was reversible).

He understood Mr. Rasch's need to object to the exception as they presented it. It could also have been presented as an exception to a yard wall as he wanted it to read as a yard wall and thought that was successful and was something people saw everyday in the context of this neighborhood.

Vice Chair Rios asked if the one and a half feet being cut off that portal was the part that protruded.

Mr. Zinn said that was correct. That was the visible part on the primary façade. That would set it back one and a half feet rather than ten feet and they paid \$350 for the exception in order to find a happy medium to get behind the primary façade and still provide some protection for that door.

Ms. Shapiro asked if the neighbors understood the wall would be raised to ten feet high.

Mr. Zinn said the owner took the design around and they agreed. He had a few letters of support.

Ms. Shapiro said she hadn't seen a ten foot yard wall anywhere around Santa Fe and asked if any existed.

Mr. Rasch said there were some that were built before the height ordinance and some may have received an exception no.

Mr. Zinn said there were many zero lot lines walls that high and this wall was designed to look like a

building wall.

Ms. Shapiro asked how long the ten feet part was.

Mr. Zinn said it was about 7-8 feet. He just needed for it to be 30" above that portal. Once he got past the portal it could drop way down. He was balancing several different ordinances.

There were no speakers from the public regarding this case.

Ms. Shapiro asked Mr. Rasch if the Board allowed it to be at ten feet and moved the portal back to the edge of the house if it would still need both exceptions. Mr. Rasch said it would.

Mr. Zinn clarified that it didn't attach to the house but to the portal.

Mr. Rasch agreed; if that spur wall was removed, he was correct and it would not attach to the primary façade.

**Dr. Kantner moved to approve Case #H 09-066, accepting the responses for the exceptions and with the understanding there was not an attachment to the primary south façade. Mr. Featheringill seconded the motion.**

**Ms. Shapiro asked for a friendly amendment with the condition that 1.5 feet of the portal be removed and that the spur wall become a temporary structure. Dr. Kantner accepted those conditions and it passed by unanimous voice vote. Ms. Walker was not present for the vote.**

- 6. Case #H 09-067.** 665 Don Gaspar Avenue. Don Gaspar Area Historic District. Renewal by Anderson, agent for Troy Olson, proposes to replace historic windows on a significant residential building. An exception is requested to remove historic material on primary elevations (Section 14-5.2(D)(5)(a)(I)). (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

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

665 Don Gaspar Avenue is a single-family residence that was constructed before 1912 in the Bungalow style. The building has little or no alteration with original 1-over-1 wood windows, often with the original dimpled glass, in very good condition. The building is listed as significant to the Don Gaspar Area Historic District.

The applicant proposes to replace all windows with wood composite windows that will match the originals in size, operation, and light configuration. An exception is requested to remove historic material on primary elevations (Section 14-5.2(D)(5)(a)(I)) and the required criteria responses are given below.

## EXCEPTION TO REMOVE HISTORIC WINDOWS ON PRIMARY ELEVATIONS

### i. The proposed removal of historic windows in this area does not damage the character of the streetscape.

*The window replacements requested in this project will not damage the character of the streetscape of the Don Gaspar Historic District. After the window replacement project is complete, the Olson residence will continue to contribute to the District and help preserve property values in the District. The proposed window replacement will not damage the character of the District.*

Staff response: Staff is not in agreement with this response. The applicant has not provided a reason for their argument that the streetscape will not be damaged by removal of original historic material that helps to embody the significant historic status of the property which also lends historic integrity to the streetscape and the district.

### ii. The proposed removal of historic windows shall prevent a hardship to the applicant or an injury to the public welfare.

*This project will prevent hardship to Mr. Olson by improving the livability of his home. The new thermal double pane windows will reduce the intensive noise that intrudes into Mr. Olson's home from Don Gaspar, a busy street, and Buena Vista, which gets busy during school pickup and drop-off hours. New windows are the only practical solution to this problem, George Reinhart, an architect retained by Renewal by Andersen to work on this project, is of the opinion that the windows used in the Olson residence will not practically allow for re-glazing of the windows with double pane glass. In addition to the noise reduction benefit, the new windows will also reduce dust infiltration from outside, and, very importantly, lower Mr. Olson's energy expenses. With the replacement windows, Mr. Olson will have a home that is quieter, more comfortable and less drafty. This project is the most economical way to meet Mr. Olson's livability goals, greatly improving his quality of life.*

Staff response: Staff is not in agreement with this response. New windows are not proven to be more economical than retaining the historic windows, since they do not last as long and will require more frequent costs for replacement. Also, there are other means to achieve the desired results that do not require an exception.

### iii. The proposed removal of historic windows shall strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the Historic Districts.

*This window replacement project will allow Mr. Olson to reside in his home in enjoyable comfort. Mr. Olson and Renewal by Andersen find it impractical to repair the existing windows or contend with the installation and storage of twenty-two storm windows which provide no summer cooling benefits. Mr. Olson desires the benefit of modern window technology for his home. The products chosen for this project will strengthen the character of the city by providing new windows that maintain the historic character of the house. The requested design option will ensure that Mr. Olson can continue to reside in the district.*

Staff response: Staff is not in agreement with this response. If lack of storage is an issue for purchasing storm windows, then operational storm windows can be purchased which would remain in place year-round.

iv. The proposed removal of historic windows is due to special conditions and circumstances which are peculiar to the land or structure involved and which are applicable to the other lands or structures in the related streetscape.

*While Mr. Olson's residence is not unique in that it is a significant structure, it is different from many others within the district in that it continues to be used as a residence. Mr. Olson is a homeowner who lives in this home. This is not a restoration project of a publicly owned property, or a developer led project, this is a residence homeowner trying to make his residence more comfortable, affordable, and livable while retaining the property's historic character. As a residence, his property is exceptional because of its location on a busy street, which when combined with the current windows, negatively impacts his ability to reside in the District.*

Staff response: Staff is not in agreement with this response. There are many significant residential structures and contributing residential structures in the historic districts, especially along Don Gaspar Avenue in the Don Gaspar Area Historic District, which retain integrity and their historic windows.

v. The proposed removal of historic windows is due to special conditions and circumstances which are not a result of the actions of the applicant.

*Mr. Olson has done nothing to cause this request. His windows are old technology, drafty, and allow excessive dust and noise to enter his home. Mr. Olson wants to replace them with modern replacement window technology that will mimic in appearance what is already there, thereby, maintaining the historic aspects of his house and the general harmony of the District.*

Staff response: Staff is not in agreement with this response. By code, old technology is required to be maintained. The applicant is responsible for the lack of maintenance claimed that allows drafts and dust to enter the building.

vi. The proposed removal of historic windows shall provide the least negative impact.

*This project will have the least impact on both the City of Santa Fe and Mr. Olson. The streetscape, the city's primary interest, will not be damaged by this project, and Mr. Olson will have increased livability in his residence. This project will maintain the general harmony as to style, form, color, height, proportion, texture and material that exists within the Don Gaspar Historic District.*

Staff response: Staff is not in agreement with this response. This proposal is not the least negative impact on the historic districts overlay zoning code in that there are other means to achieve the desired goals that do not require an exception.

#### **STAFF RECOMMENDATION:**

Staff recommends denial of the exception request to remove historic material from primary elevations because none of the criteria have been met. Rather, the applicant should investigate the New Mexico state tax credit program to repair the historic windows and install storm windows to reduce noise, reduce dust infiltration, gain more thermal capacity, and preserve the historic material from further deterioration.

Mr. Featheringill asked if a window replacement would drop its status from Significant.

Mr. Rasch believed so. And if all historic windows were gone, it was more than an alteration.

Mr. Strozier respectfully disagreed with staff on this. He said he would try to make a few points and not rehash their submittal. They recognized the value of this significant structure and also that the client lived in the house. He would ask Mr. Olson to tell the Board about living there on this busy street. The quality of life issues they addressed in the application could not be dealt with through repair because of dust, noise, operation, security and energy efficiency.

Their request for an exception was that Mr. Olson's quality of life could not be achieved with traditional repair of the windows. He clarified that they were talking about hybrid replacement and repair. Maintaining both interior and exterior of the frames was important to consider. He didn't think repair with storms and film would get it done and their proposal would maintain the aesthetics. They would be full divided lights as shown in the example. They addressed all the criteria and felt strongly that this was critical. The ability of this homeowner to reside there was critical.

Present and sworn was Mr. Troy Olson, 665 Don Gaspar, who said the house had been in his family since 1937. It was his grandmother's then his aunt's and uncle's and then became his. He lived in it for awhile in the 1960s and then his parents bought a house across town and then he moved back in it in 1977. It was a cold house and he was trying to improve his quality of life. The windows let dust in and Don Gaspar was a noisy street - busy with lots of traffic and noise from buses and school buses early in the morning. He could hear people talking when they walked by his home.

Some stuff had already been talked about. Storm windows were recommended. There were 40 windows and storms would have to be stored somewhere and they would take lots of room. Most of the windows for the apartment were second story and someone could be hurt trying to put them up or take them down.

Vice Chair Rios said right now they were talking only about the main house. She said she admired him for his upkeep of this house and for keeping it in his family from generation to generation.

#### **PUBLIC COMMENT.**

Mr. Larry Chávez, who was previously sworn, said he personally inspected these windows earlier today. They were in very poor condition and virtually inoperable. It was quite a struggle to open and close them. The noise was quite loud from the traffic while he was there. In his opinion they were not repairable. The paint would have a major impact on doing any repairs because the pre 1978 paint would have to be

disturbed. In this case it would be impossible to repair.

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

Vice Chair Rios asked what caused them to be inoperable.

Mr. Chávez said they were old and worn out. They didn't slide well.

Vice Chair Rios asked if that was true for both interior and exterior. From what the Board saw, they looked like they were in very good condition from the exterior.

Mr. Chávez said there was chipping paint and they were very difficult to operate. Some of the windows had holes in them.

Vice Chair Rios asked Mr. Olson if he had done anything else to help with the cold and noise.

Mr. Olson said there was insulation in the attic but it probably could use more. There was none over the kitchen or the back bedroom.

Vice Chair Rios asked about energy efficiency.

Mr. Olson said he wanted to change the windows because energy costs keep going up.

Mr. Featheringill noted that this was part of what they would look at in the green historic code. He felt sorry for this family who had owned it forever and ever and was there before it was a historic district. That was different from someone who bought their house after it had become a historic district. He didn't know how to work around it.

He said he would like to know they were truly not repairable. Everyone had their vested interests. He was sure Mr. Olson would like the most cost effective result. His first thought was that he would like to have a qualified person look at them.

Mr. Rasch said he suggested to the applicant that he should be able to prove they were not repairable.

**Mr. Featheringill moved to postpone Case #H 09-067 to have a consultant look at the windows and determine which were repairable and which ones were not and have the applicant come back to the Board with that recommendation. Ms. Shapiro seconded the motion and it passed by unanimous voice vote. Ms. Walker was not present for the vote.**

Vice Chair Rios suggested to Mr. Olson to talk with Mr. Watson so he could see some of the windows that had been refurbished in case the Board decided to not allow replacement.

Ms. Shapiro mentioned that he could get up to 50% tax credits from the State for repairing them.

Mr. Rasch said staff were preparing a list of qualified experts if anyone was interested.

7. **Case #H 09-068.** 111 & 113 E. Buena Vista Street. Don Gaspar Area Historic District. Renewal by Anderson, agent for Troy Olson, proposes to replace historic windows on a contributing residential building. An exception is requested to remove historic material on primary elevations (Section 14-5.2(D)(5)(a)(I)). (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

### **BACKGROUND & SUMMARY:**

111 and 113 East Buena Vista is a duplex residence that was constructed before 1944 in the Territorial Revival style. The building has minor alteration consisting of a non-historic enclosed porch on the rear, north elevation and the addition of a ramp at the front, south entrance. Otherwise, there is good integrity on the building with historic 6-over-6 wood windows and 8-light basement wood windows. The building is listed as contributing to the Don Gaspar Area Historic District and the south and west elevations may be considered as primary.

He said it would be important to determine the primary elevations. He suggested that the street elevation facing south with the inset portal was probably the most character defining on the building. The south elevation also had the brick coping, brick fill and wooden exposed headers and historic windows that were in good condition.

The west elevation and east elevation were identical except on the west the grade went down enough to have an indoor garage on the first floor which was not on the east side. He recommended the west elevation as primary and not the east elevation and certainly not the north elevation.

Vice Chair Rios asked if the applicant agreed with the primary façades.

Present and sworn was Mr. Michael Kaz, who said they didn't agree with the proposed primary elevations. He said "A duplex is a duplex." The way the staff recommended left one part of the duplex able to replace and the whole side of the house was the duplex. He thought they should consider that.

Vice Chair Rios asked him if he thought the south should be primary.

Mr. Kaz agreed.

Vice Chair Rios asked him about the west and the east elevations.

Mr. Kaz said on the site visit they were given a choice and they picked the west as an elevation for their product. There was a building next to it on the east but not on the west. They picked the one they thought would be best for the resident to have windows replaced.

Vice Chair Rios clarified that the Board chose primary elevations because of their character defining

features - something worthy of preservation.

Mr. Kaz said he was aware of why they chose them. He thought only the south should be primary and not the east or the west elevations.

Vice Chair Rios said when a façade was primary and another façade was identical or almost identical, she would consider both to be primary.

Mr. Featheringill said the east elevation was not really visible so he liked the west elevation.

Ms. Shapiro believed that all sides of the house were important. It was hard to evaluate. The applicant wanted to not have the west elevation as primary so he could show off his product there but that was not a reason for deciding which should be primary.

**Mr. Featheringill moved in Case #H 09-068 to designate the east, west and south elevations as primary. Dr. Kantner seconded the motion and it passed by unanimous voice vote. Ms. Walker was not present for the vote.**

Ms. Rasch continued with the staff report.

An exception is requested to remove all historic windows from both primary and non-primary elevations (Section 14-5.2(D)(5)(a)(I)), except for the 8-light basement windows, and the required criteria responses are as follows.

#### EXCEPTION TO REMOVE HISTORIC WINDOWS ON PRIMARY ELEVATIONS

##### i. The proposed removal of historic windows in this area does not damage the character of the streetscape.

*The window replacements requested in this project will not damage the character of the streetscape of the Don Gaspar Historical District. After the window replacement project is complete, the Olson duplex will continue to contribute to the District and help preserve property values in the District. The proposed window replacement will not damage the character of the District.*

Staff response: Staff is not in agreement with this response. The applicant has not provided a reason for their argument that the streetscape will not be damaged by removal of original historic material that helps to embody the significant historic status of the property which also lends historic integrity to the streetscape and the district.

##### ii. The proposed removal of historic windows shall prevent a hardship to the applicant or an injury to the public welfare.

*This project will prevent hardship to Mr. Olson's tenants by improving the livability of their duplex apartments. The new thermal double pane windows will reduce the noise that intrudes into the duplexes from Buena Vista which gets busy during school pick up and drop off hours. New windows are the only*

*practical solution to this problem, George Reinhart, an architect retained by Renewal by Andersen to help develop this project, is of the opinion that the design of window used in the Olson duplex does not practically allow for re-glazing of the windows with double pane glass. The new windows will also reduce dust infiltration from outside, and, very importantly, lower the tenant's energy expenses. With the replacement windows, Mr. Olson tenants will have homes that are more comfortable and less drafty. This project is the most economical way to meet Mr. Olson's livability goals for his tenants, greatly improving their quality of life.*

Staff response: Staff is not in agreement with this response. New windows are not proven to be more economical than retaining the historic windows, since they do not last as long and will require more frequent costs for replacement. Also, there are other means to achieve the desired results that do not require an exception.

iii. The proposed removal of historic windows shall strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the Historic Districts.

*The window replacement project will allow Mr. Olson's tenants to reside in their homes in enjoyable comfort. Mr. Olson and Renewal by Andersen find it impractical to repair the existing windows or contend with the installation and storage of sixteen storm windows which provide no summer cooling benefits. It is noteworthy that the majority of the windows in this project are second story – making storm windows dangerous to install and remove. Mr. Olson desires the benefit of modern window technology for his duplex. The products chosen for this project will strengthen the character of the city by providing new windows that maintain the historic character of the house. The requested design option will ensure that Mr. Olson and his tenants can continue to reside in the district.*

Staff response: Staff is not in agreement with this response. If lack of storage and difficulty of access is an issue for purchasing storm windows, then operational storm windows can be purchased which would remain in place year-round.

iv. The proposed removal of historic windows is due to special conditions and circumstances which are peculiar to the land or structure involved and which are applicable to the other lands or structures in the related streetscape.

*This is not a restoration project of a publicly owned property, or a developer led project, this is a private owner making his tenant's apartments more comfortable, affordable, and livable while retaining the property's historic character.*

Staff response: Staff is not in agreement with this response. There are many significant residential structures and contributing residential structures in the historic districts, especially along Buena Vista Street in the Don Gaspar Area Historic District, which retain integrity and their historic windows.

v. The proposed removal of historic windows is due to special conditions and circumstances which are not a result of the actions of the applicant.

*Mr. Olson has done nothing to cause this request. The windows of the duplex are old technology, drafty, allow excessive dust and noise to enter the homes, and are not energy efficient. Mr. Olson wants to replace them with modern replacement window technology that will mimic in appearance what is already there, thereby, maintaining the historic aspects of the duplex and the general harmony of the District.*

Staff response: Staff is not in agreement with this response. By code, old technology is required to be maintained. The applicant is responsible for the lack of maintenance claimed that allows drafts and dust to enter the building.

vi. The proposed removal of historic windows shall provide the least negative impact.

*This project will have the least impact on both the City of Santa Fe and Mr. Olson. The streetscape, the city's primary interest, will not be damaged by this project, and Mr. Olson's tenants will have increased livability in their apartments. This project will maintain the general harmony as to style, form, color, height, proportion, texture and material that exists within the Don Gaspar Historic District.*

Staff response: Staff is not in agreement with this response. This proposal is not the least negative impact on the historic districts overlay zoning code in that there are other means to achieve the desired goals that do not require an exception.

**STAFF RECOMMENDATION:**

Staff recommends denial of the exception request to remove historic material from primary elevations because none of the criteria have been met. Rather, the applicant should investigate the New Mexico state tax credit program to repair the historic windows and install storm windows to reduce noise, reduce dust infiltration, gain more thermal capacity, and preserve the historic material from further deterioration.

Mr. Strozier said some of this was rehash of the last application and there were obviously similar issues. They respectfully disagreed and felt they have provided good responses for the criteria. He showed the Board some photographs of the windows.

In this building, the windows were in much worse condition. It was not just peeling paint but there was obvious damage to the wood and they could not be operated or were very difficult to open and operate in any reasonable manner.

There had been excellent maintenance so from the exterior with the screens they appeared to be in better condition than they really were.

Mr. Olson was trying to do a lot of work to fix them up nicely and the hybrid of repair and replacement would really add value to this property and make them more rentable. That was the basis of their application.

**PUBLIC COMMENT**

Mr. Chávez clarified that they always liked to show off their product but they recognized their charge here was to enhance the quality of life for Santa Feans.

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

**Mr. Featheringill moved to postpone Case #H 09-068, subject to a window restoration consultant review with a report to be brought back to the Board. And direction to the applicant to work with staff more on the responses. Dr. Kantner seconded the motion and it passed by unanimous voice vote. Ms. Walker was not present for the vote.**

Ms. Shapiro thanked the Renewal folks for their presentation which was very informative.

8. **Case #H 09-070.** 816-818 Don Cubero Street. Don Gaspar Area Historic District. John A. Padilla, agent for Jeff & Francine Miles, proposes to remodel a contributing residence by removing a concrete landing at the rear and constructing a 35 sq. ft. deck in the same location, replace all windows and doors, remodel the non-historic front porch, re-roof, and restucco. Staff proposes primary elevations. An exception is requested to remove historic material on primary elevations (Section 14-5.2(D)(5)(a)(I)). (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

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

816 and 818 Don Cubero Avenue is a single family residence that was constructed before 1930 in a Mission Revival-vernacular manner. There is minor alteration which includes a garage conversion to another residential unit with an addition at the rear of the garage and some historic window replacement with aluminum windows. The building is listed as contributing to the Don Gaspar Area Historic District. Following the floor plan map of 10 elevations, elevations 1, 2, 3, and 4 may be considered as primary.

Mr. Rasch said one through four were contiguous and excluded the garage infill (5). He reviewed those he considered primary. The rear had no additional character.

Vice Chair Rios noted that elevations 1-4 also had historic windows.

Mr. Rasch said that on one was an aluminum slider.

Present and sworn was Mr. John Padilla, 1925 Aspen Drive, who said he appreciated the photograph. They agreed with 1, 2, and 3. He asked that # 4 not be primary because it only would become primary when you photograph it right up close off the street.

Mr. Rasch said the photo was taken at an obtuse angle and it was minimally visible from the street.

Mr. Padilla said that angle was not from the street and was an obtuse angle.

Dr. Kantner said the photo taken from across the street showed it as still pretty visible.

**Dr. Kantner moved in Case #H 09-070, to designate as primary elevations 1-4. Mr. Featheringill seconded the motion and it passed by unanimous voice vote. Ms. Walker was not present for the vote.**

Mr. Rasch continued with the staff report.

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

1. All windows, historic and non-historic, will be removed and replaced with similar windows or windows that were more traditional in light pattern. An exception is requested to remove historic material on primary elevations 3 and 4 (Section 14-5.2(D)(5)(a)(I)) and the required criteria responses are entered at the end of this report.

2. The non-historic front porch iron column and lattice-work will be removed. The porch will be reconstructed in the Spanish-Pueblo Revival style with carved corbel, header beam, and viga post.

3. The rear landing and steps will be removed and a larger landing with steps and a handrail will be installed in the same location.

4. The doors will be replaced with similar doors that have glass lights and the front door will retain the sidelights.

5. The flat roof sections will be reroofed.

6. The gutters and downspouts will be replaced.

7. The building will be restuccoed with synthetic stucco and the color is to be determined.

8. The yardwalls and fences will be repaired.

#### EXCEPTION TO REMOVE HISTORIC WINDOWS ON PRIMARY ELEVATIONS

I. The proposed removal of historic windows in this area does not damage the character of the streetscape.

*The replacement windows proposed for these locations will be sized to fit into the existing openings and will not require any change in the existing openings. The new windows will have the same look as the old windows including frame thickness, glass patterns and operations to match those being replaced. This will allow the residence to be more energy efficient and will not damage the character of the streetscape.*

Staff response: Staff is not in agreement with this response. The few remaining historic windows should

be retained in order to maintain the contributing historic status.

ii. The proposed removal of historic windows shall prevent a hardship to the applicant or an injury to the public welfare.

*The proposed improvements call for replacement of all the windows on this residence and with the approval of this exception would allow the Owners to go a long way in making this residence more energy efficient. This will prevent a hardship to the applicant by reducing their energy bills and would prevent injury to the public welfare by being good stewards of the environment.*

Staff response: Staff is not in agreement with this response. There are other means for gaining energy efficiency that does not require an exception.

iii. The proposed removal of historic windows shall strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the Historic Districts.

*The proposed improvements will allow this residence to strengthen and continue the heterogeneous character of the City and this Historic District. The proposed improvements will also allow this residence to continue to be viable and will be more energy efficient which will allow the resident/owner to continue to reside within the Historic District.*

Staff response: Staff is somewhat in agreement with this response.

iv. The proposed removal of historic windows is due to special conditions and circumstances which are peculiar to the land or structure involved and which are applicable to the other lands or structures in the related streetscape.

*The conditions described in the three Façades at this residence are specific to this structure and are not applicable to other lands or structures in the related streetscape. However, the special conditions which this residence has are the renovation of the existing garage to accommodate an entrance to 818 Don Cubero which is not original and the windows in Façade #4 are exposed to the elements which have taken its toll on the existing window frames.*

Staff response: Staff is not in agreement with this response. There are other contributing structures in the historic districts that retain historic windows and the owner is required by code to maintain the historic windows and preserve them from further deterioration. The New Mexico state tax credit program can help defer the costs for rehabilitating the windows and installing exterior storms.

v. The proposed removal of historic windows is due to special conditions and circumstances which are not a result of the actions of the applicant.

*The conditions described in the three Façades at this residence are specific to this structure and are not a result of the actions of the Owner. Significant additions and alterations to the building have been made and*

*the majority of the windows have been replaced with non-conforming windows by previous owners. This applicant is requesting approval of the proposed changes to strengthen the character of the residence and the life span of this residence.*

Staff response: Staff is not in agreement with this response. The historic windows, when properly maintained, will last longer than new replacement windows.

vi. The proposed removal of historic windows shall provide the least negative impact.

*The proposed changes in this exception will have little impact to this residence and with respect to the section as set forth in section 14-5.2(A)(1).*

Staff response: Staff is not in agreement with this response. There are other means which do not require and exception in order to achieve the desired goals.

### **STAFF RECOMMENDATION:**

Staff did not agree with five of the responses.

Staff recommends denial of the exception request to remove historic windows on primary elevations. Otherwise, this application complies with Section 14-5.2(C) Regulation of Contributing Structures, (D) General Design Standards, and (H) Don Gaspar Area Historic District.

Vice Chair Rios asked if staff agreed that synthetic stucco was okay.

Mr. Rasch explained that it was not an adobe structure so he recommended synthetic stucco was okay.

Mr. Featheringill said they were going right back to the question of whether the windows really did need to be replaced. The Board could approve everything except replacing the historic windows on 3 and 4. He agreed with all the other changes.

Mr. Padilla wanted to allow the owner to make a statement on this. They didn't want a denial or a postponement but were willing to work with the Board on it.

### **PUBLIC COMMENT**

Present and sworn was Ms. Francine Miles, 2206 Calle Cacique, who said she had owned this property since 1980. It was sold to her by her dad so it had been in her family a long time. Her great grandmother and her grandmother lived there. She said she just wanted to enhance the historic look of the property there. They wanted to replace the aluminum with something that was as close to the window under the porch as possible.

She said there needed to be a meeting of the minds to understand about sustainability and energy

efficiency and how it would affect the values of homes in the future. It would be great if the Board could give more consideration to energy efficiency.

Vice Chair Rios said she knew the Ms. Miles heard Mr. Watson .Many properties have been restored and insulated.

Ms. Miles said she was very aware of that. She knew it went beyond just the window.

Vice Chair Rios said the value of keeping the home in the family did count as an extra point for what she was doing to the property.

Mr. Padilla said unlike the previous testimony, they didn't want that same route. They wanted a decision. They would consider doing some repairs to the windows on 3 and 4. Maybe 20% of the window would have to be replaced. About 25-30% needed to be worked on. The possibility of adding storm windows was under consideration but they wanted a decision tonight.

Ms. Shapiro asked if he could tell the Board which ones they wanted to replace.

Mr. Padilla said there were 18 total openings. On #1 they were looking at replacing the aluminum slider. #2 had a door to replace.

On #3 they would like to replace the window under the portal or agree to repair.

On #4 these two windows on 3 and 4 were on a bedroom and worn out and couldn't be locked. There was also a little window on the bathroom. They would consider repairing those on #4 and #5.

#5 was a narrow door on the garage and they would consider repairing.

The balance of the windows they wanted to replace.

Ms. Shapiro asked him to describe the openings on 6-10.

Mr. Padilla said #6 had only aluminum sliders. #7 had no windows. #8 had an old insulated door to be replaced. #9 had a multi light casement wood window they would like to replace. It was at the back and when garage was expanded, it came right up against the jamb of that window. So we would like to replace it.

#9 had the door that was multi light double panel door to replace. And the windows there were old and they would like to replace. And #10 were all aluminum sliders. So the majority were aluminum sliders with 3 wood frame windows.

Vice Chair Rios asked if they were keeping the size of the openings.

Mr. Padilla said they would fit them in the exact frame and slide a new window in.

**L. ADJOURNMENT**

**Mr. Featheringill moved to adjourn the meeting. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.**

The meeting was adjourned at approximately 9:45 p.m.

Approved by:

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Cecilia Rios, Vice Chair

Submitted by:

  
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Carl Boaz, Stenographer