



Agenda

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HISTORIC DESIGN REVIEW BOARD FIELD TRIP

TUESDAY, MARCH 9, 2010 – 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2ND FLOOR CITY HALL

HISTORIC DESIGN REVIEW BOARD HEARING

TUESDAY, MARCH 9, 2010 – 5:30 PM

CITY COUNCIL CHAMBERS

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

January 26, 2010

February 9, 2010

E. FINDING OF FACTS & CONCLUSIONS OF LAW

Case #H-08-128. 538 ½ Hillside Avenue

Case #H-08-141. 500 & 700 blocks of W. Alameda Street

Case #H-10-008. 1148 Camino San Acacio

Case #H-10-009. 433 W. San Francisco Street

Case #H-10-010. 60 E. San Francisco Street.

Case #H-10-011. 557 Agua Fria

Case #H-10-003. 862 Don Cubero Avenue

Case #H-09-018A. 456A Acequia Madre

Case #H-10-013. 526 Hillside Avenue

F. COMMUNICATIONS

G. BUSINESS FROM THE FLOOR

H. OLD BUSINESS

1. Case #H-09-043B. 108 Candelario Street. Westside-Guadalupe Historic District. Jeff McFall, agent for Janet Lowe, proposes to remodel the residence by constructing a deck and portal on an existing second story, replacing non-historic windows and other minor alterations. (David Rasch)

2. 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)

I. NEW BUSINESS

1. Case #H-10-017. 642 Camino de la Luz. Downtown & Eastside Historic District. Victor Johnson, agent for Bettina Milliken, proposes to construct an approximately 350 sq. ft. addition to height of 11'6" where the existing height is 18' on a non-contributing building. (Marissa Barrett)

J. MATTERS FROM THE BOARD

K. 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 March 9, 2010 Historic Design Review Board Field Trip, please notify the Historic Preservation Division by 9:00 on Tuesday, March 9, 2010.

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MINUTES OF THE
CITY OF SANTA FE
HISTORIC DESIGN REVIEW BOARD

March 9, 2010

A. CALL TO ORDER

A regular meeting of the City of Santa Fe Historic Design Review Board was called to order by Chair Sharon Woods on the above date at approximately 5:30 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. Sharon Woods, Chair
Ms. Cecilia Rios, Vice Chair
Mr. Dan Featheringill
Dr. John Kantner
Ms. Christine Mather
Ms. Karen Walker

MEMBERS ABSENT:

Ms. Deborah Shapiro

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Ms. Kelley Brennan, Assoc. 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

Ms. Walker moved to approve the agenda as presented. Ms. Rios seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES

January 26, 2010

Ms. Rios requested the following changes to these minutes:

On page 23 under Matters from the Board, the sentence should read, "Ms. Rios said Mr. Ellenberg also invited her to speak to a group addressing this issue when that group would convene and after thinking about it, she thought it was not a good idea because this matter would come before the H Board."

Ms. Mather moved to approve the minutes of January 26, 2010 as amended. Ms. Walker seconded the motion and it passed by unanimous voice vote.

February 9, 2010

Ms. Rios moved to approve the minutes of February 9, 2010 as presented. Ms. Mather seconded the motion and it passed by unanimous voice vote.

E. FINDING OF FACTS AND CONCLUSIONS OF LAW

Case #H 08-128 538½ Hillside Avenue

Case #H 08-141 500 & 700 blocks of W. Alameda Street

Case #H 10-008 1148 Camino San Acacio

Case #H 10-009 433 W. San Francisco Street

Case #H 10-010 60 E. San Francisco Street

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Case #H 10-003. 862 Don Cubero Avenue

Case #H 10-018A. 456A Acequia Madre

Case #H 10-013. 526 Hillside Avenue

Ms. Mather a typo on 10-009 page 2 where the last paragraph should read the east elevation - not eat elevation.

Ms. Walker moved to approve the Findings of Fact and Conclusions of Law as corrected. Ms. Rios seconded the motion and it passed by unanimous voice vote.

F. COMMUNICATIONS

Mr. Rasch said they were considering May 13th for awards ceremony. The ARC said that would work for them. State HP awards were on May 21 at the Scottish Rite Temple. They needed a slogan or phrase to use on the poster - perhaps something to relate to the 400th anniversary.

He also had nominations to hand out to the Board to think of cases that might be nominated.

Chair Woods asked to check with sponsors on the date.

G. BUSINESS FROM THE FLOOR

There was no business from the floor.

H. OLD BUSINESS

1. **Case #H 09-043B.** 108 Candelario Street. Westside-Guadalupe Historic District. Jeff McFall, agent for Janet Lowe, proposes to remodel the residence by constructing a deck and portal on an existing second story, replacing non-historic windows and other minor alterations. (David Rasch)

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

BACKGROUND & SUMMARY:

108 Candelario Street is a non-contributing property in the Westside-Guadalupe Historic District. The applicant proposes to remodel the building with the following four items.

On July 28, 2009, the H-Board granted approval to remodel the property as follows:

1. The existing roof deck will be expanded along the second-floor of the addition on the east elevation by approximately 230 square feet. The wood railing will also extend around the deck.
2. A 128 square foot portal will be constructed over the north end of the new deck. It will mimic the existing front portal in details.
3. A 13 square foot metal awning will be installed over the rear non-visible door which mimics the pitched roof over the second story addition on the south elevation.

4. Existing windows will be replaced with some window and door alterations, wall infills, and new openings created and the building will be restuccoed to match the existing color.

Additional conditions of approval were that the rooftop light tubes shall not be publicly visible and that staff shall approve the design of stuccoed massing at the ends of the second-story portal balustrades and the exterior light fixture designs be approved before applying for a permit.

This application must be reheard due to a failure of notice. The application was noticed with a caption on an agenda posted in City Hall and on a courtesy publication in the New Mexican. However, the legal posting requirement (Section 14-3.1(H)(3)) is that a public notice poster must be placed in a publicly visible location on the property at least 14 days before the hearing. This requirement was not met because while the poster was displayed as needed and it did have a telephone number for additional information, the hearing date was not printed on the poster. Therefore, there was not adequate notice.

The adjacent neighbor to the north at 110B Candelario Street filed an appeal on January 4, 2010. The appeal asserts that the second story portal will block her solar access and intrude on her privacy. In addition, the neighbor asserts that the addition violates the Historic Districts Overlay Zoning Code and it is out of character with the neighborhood. There are three items cited for the basis of the appeal: A. misapplication of the height standard; B. lack of policy basis for the addition; and C. inadequate notice.

Staff agrees that there was a failure of notice. Thus, this hearing is not an appeal; it is a rehearing. However, staff is responding to these assertions as follows:

A. Section 14-5.2(D) regulates height for all structures within all of the historic districts as a calculation of the average heights within the streetscape, excluding certain structures. That maximum allowable height calculation yields 13'10".

The existing structure is slightly less than 22'6" high.

Section 14-5.2(D)(2)(e) regulates the height of additions on recognized existing historic structures as 6" lower on significant structures and at no more than 1 story higher on contributing structures. For at least the last decade, staff and the Board has practiced that additions may match the existing height of a contributing or non-contributing structure, even though this section is silent concerning non-contributing structures. In addition, the height ordinance has only been used to determine the maximum allowable height for new structures. Many applications have been heard using these practices.

(As a side note, Mr. Rasch added that staff also used the height calculations for increasing height in existing structures.)

Section 14-7.1(A) regulates heights for structures outside of historic districts with one exception, that within the Westside-Guadalupe Historic District the height shall be 24'.

Section 14-5.1 states that the requirements of an overlay district shall apply whenever they are in conflict with those in the general use district.

Finally, Section 14-5.2(A)(6) states that a structure that is non-conforming in style cannot be altered or have an addition unless the alteration or addition brings the whole into conformity. Staff interprets this to not to apply to height. For example, an existing building should not remove excessive height before the addition can be constructed and an addition on a tall building should be harmonious to the tall massing rather than conforming to a lower maximum allowable height. (So we haven't practiced the nonconformity ordinance)

B. The height of additions to non-contributing structures that already exceed the maximum allowable height is specifically not addressed in the code. It is a long established practice to match existing height.

C. A height exception was not required for this case, therefore no special exception notice was followed. The poster did not state the hearing date. The black and white building permit for interior remodeling did not indicate the exterior work with a red and white exterior building permit in an historic district. Failure of notice occurred.

The applicant has responded to other concerns of the appellant such as solar access and privacy. These items are not within the jurisdiction of the H-Board.

For a non-contributing structure they had practiced matching the height. In those sections that talked about additions it didn't say the six inches below existing height was allowed only if the height allowance allowed it. It stood separately. In a non-contributing structure to say that it was nonconforming in height would use a stricter standard than with a significant or contributing building. That was why the City had never used nonconformity issue to height.

STAFF RECOMMENDATION:

Staff recommends approval of this application, as previously conditionally approved, which complies with Section 14-5.2 (D) General Design Standards and (I) Westside-Guadalupe Historic District and based upon current practice.

Mr. Rasch brought in the floor plan of all the top and lower stories as well as the elevations of the existing and proposed building that were considered at the previous hearing. The Board did make a condition on the railings and balustrades with stucco massing which he had not completed yet so with the appeal, he stopped and intended to complete them later.

He displayed and explained each of the elevations.

Ms. Rios asked Ms. Brennan, since this was a rehearing, if the actions taken by the Board were now considered null and void since the posting requirements were not met, even though the Board was operating under the assumption that those requirements had been met.

Ms. Brennan said since there was not proper notice it was being reheard as a new hearing.

Dr. Kantner told Ms. Brennan he was confused with the legal standing of practice vs. ordinance.

Ms. Brennan said practice carried weight. They had looked at this question before. Mr. Rasch's point that significant properties were the most strict and contributing were less restrictive and the Code was silent on non-contributing meant that the long standing practice had independent weight.

Ms. Rios asked Ms. Brennan regarding the comment on the non-conforming aspect if it was binding upon the Board to require the applicant to conform the entire structure.

Ms. Brennan read the language of the Code and recalled they discussed it in the context of the Drury hearing. Height was a factor in style. The design standards would be the Westside Guadalupe standards and there was some room for flexibility. The most specific height was 24'. If the Board believed the building was conforming as to style you would not want to approve a very modern addition. But even that discussion was not as relevant as practice. The long practice reflected a common sense posture. And if the Board sensed that matching kept architectural integrity, that was in the Board's purview.

Chair Woods asked if Mr. Rasch felt it conformed to the Westside-Guadalupe standards.

Mr. Rasch felt it did and read sections A through J of the standards. A talked about the materials of building and the one that was relevant to this was stucco. Section B said the color of stucco would be predominantly browns and this one was brown. It said other materials could be used for details and that would be the wood portals. Section C dealt with roof form - "It is intended that buildings be designed to be wall dominated." This building was definitely wall dominated. Section D was about solar collectors which were encouraged. This structure had no solar collectors. Section E was about mechanical equipment and screening them. The Board did discuss about the light tubes not being visible so it was conforming there. Section F was about walls and fences which was not relevant. Section G was about greenhouses which was not relevant. Section H was also about greenhouses and not relevant. Section I encouraged porches and portals and the applicant was requesting permission to build a porch or a portal. And Section j was on open spaces and not relevant to this case. In his opinion it did conform to the standards.

Chair Woods said the Board saw a lot of exposed equipment on the field trip and asked if the applicant was going to raise parapets to screen it and how that would be seen as non-conforming.

Mr. Rasch said since they existed before and were not being changed in this proposal it would be considered a legal nonconformity on underlying zoning.

Chair Woods countered that they were changing the building. She asked if it didn't say that then the entire building would have to be brought up to the standard.

Mr. Rasch said they were not proposing to touch that part.

Chair Woods agreed they were not proposing to touch the mechanical things but were proposing to touch the building. If what was being said that if a non-conforming building was being touched, that everything had to be brought up to standard. She apologized to the applicant and appellant but said they were trying to get an understanding of the Code here. It was a little bit of new territory here and asked for their patience.

Ms. Brennan said she thought she would agree that to bring it up to standard, the electrical and mechanical equipment would have to be screened.

Chair Woods added that by definition they were also saying that it was not non-conforming because it did have the architectural styles. She said she was confused and didn't know about the rest of the Board.

Ms. Brennan thought that if a visible mechanical structure made a building nonconforming the project would eliminate the non-conformity by screening it. She did not think that the rest of the building would have to be brought to conformity. It appeared that it conformed except for that mechanical equipment so it should be screened.

Mr. Featheringill asked if the Board normally required that the whole building be brought to conformity when they were touching just one part of the building.

Chair Woods said that was the big question because Mr. Rasch was saying it was conforming; the style made it conforming to the District's standards. As she understood staff's interpretation, she thought that was what they were saying.

Mr. Featheringill thought the Board usually made the applicant bring up to conformance the part that was being changed but typically did not require that the rest of the building that was not being altered to be brought up to conformance.

Ms. Brennan explained that If they were touching part of the building, then that part must be brought up to conformity.

Mr. Rasch agreed.

Ms. Rios thought the Board had practiced not asking the applicant to bring every aspect into conformity.

Dr. Kantner said the important clause here was that Board had the authority to bring conformity to a degree acceptable to the Board.

Ms. Brennan agreed.

Ms. Rios asked what the 24' mentioned would apply to.

Mr. Rasch said it was the historic district's height ordinance that came into existence in 1996. The average was 13' 10" but in the code the height had a table and for Guadalupe, it said it shall be 24' and this was 22' so it met the underlying zoning.

Ms. Brennan questioned whether that was applicable. In the heading it said if there was a conflict, this section would apply. And it referred back to 14-5.2. (She quoted the language). So there was an issue

there. They discussed it in the Casa Alegre case. Mr. Katz felt this was the controlling height.

Present and sworn was Mr. Jeff McFall. He noted that they had already made the application and been approved and felt they were doing what the Board asked for. He had a letter from a neighbor who could not be here. The letter was submitted and is attached to these minutes as Exhibit A.

His view was that they were making the massing look better and the height didn't detract from the building.

Chair Woods said that averaging was only done with historic buildings.

Mr. McFall agreed.

Ms. Rios asked if this application was asking for exactly what they asked for in July 2009.

Mr. McFall agreed plus the conditions the Board imposed.

Ms. Rios asked what now was lacking on their work.

Mr. McFall said they lacked a color coat and infill.

Ms. Walker thought the height of the parapet over the porch seemed excessive and asked if those were the exact heights.

Mr. McFall thought it was what was approved. He said the architect was here.

Mr. Rasch said Gary Moquino went out and measured and he believed the building was at or lower than what was approved. They could not measure the parapet. The header decreased in width and the parapet increased in width.

Chair Woods thought it looked higher because they covered a lot of the header with stucco.

Mr. Rasch said they did know that the portal parapet was at the height proposed. The building height was about 22½' and the portal parapet was supposed to be two feet.

Dr. Kantner wondered what happened to the header because the plans showed a much more substantial header.

Mr. McFall deferred to the contractor.

Mr. Kevin Skelly, 10 Calle Contando, was sworn. He explained that their framer was trying to match the original one in front. That was the instruction.

Mr. Rasch pointed out the odd quality of the front portal with narrow corbel and narrow header.

Ms. Rios asked if that was what they applied for.

Mr. Rasch said it was not. Their drawings did show a rather standard header but they testified here that it was done to conform to the original. Either one was acceptable to staff.

PUBLIC COMMENT

Present and sworn was Ms. Janet Lowe, 108 Candelario who pointed out that these people (present) were from the neighborhood and were in support of the remodel. It took them (including the builder and the architect) 4½ months to get the original permits and had to change the plans for what the Board wanted and what the building people wanted. It was not a frivolous effort. The signs went up in May and construction started in September and the complaint didn't come until January. It was really upsetting and disappointing. Staff members measured today and told her it was in conformity. She said they had no interest in breaking the rules and wanted to play by the rules. They proceeded under the belief that they were going with the rules.

Chair Woods told Mr. McFall she found it odd that this thing was perched on the pitch as opposed to cutting off the pitch and putting on parapets and covering up some of that rooftop equipment. It looked even worse now without stucco. She said if she had realized that at the first hearing she would have brought it up then. It looked added on.

Mr. McFall felt once it was completed, if they needed to they would saw off the eaves and put on a parapet.

Chair Woods said she understood why they did it.

Ms. Rios asked Mr. Rasch to outline the infill.

Mr. Rasch said on the south elevation was the area that would be filled in. So the peak was in the center of the portal and the public would not see it.

Chair Woods asked those who were opposed to speak only about things under the Board's jurisdiction.

Present and sworn was Mr. Alan Bradford, 112 Callejon Tisnado, who said he was very pleased with this neighbor who took the extra step to everything right - going through the HDRB and City. He said it did his heart good that

Present and sworn was Ms. Karen Groves, 109 Candelario across the street. She thought it was a huge improvement and believed that when color coded it would make a big difference. It was a positive thing in her opinion.

Present and sworn was Ms. Marilyn Bane, 622½B Canyon Road, who asked whether height was part of architectural style and appreciated the conversation with Ms. Brennan and Mr. Rasch. A precedent could be set by this case and it concerned her greatly. She wanted to know if this was non-conforming. It

appeared to her that it was non-conforming. It was two stories and the others were not. So she was concerned with the interpretation on it.

Present and sworn was Mr. Joseph Karnes, 200 West Marcy, speaking on behalf of Patricia Conway. He provided a handed out [Attached as Exhibit B]. He felt it was unfortunate that notice was not proper or that code issues were not presented the first time around. From his perspective the outcome turned on one section of the Code - the non-conforming section on page 2 of the handout from which he would be quoting.

They had concerns were two: 1) the effect on the neighborhood and 2) the precedential effect on the district. It was said earlier that the 24' height trumped height averaging and that height was not part of nonconformity. So that combined together would turn every single structure in the district into a two-story structure.

The HCPI said the neighborhood was predominantly one story structures. The non-conforming section was designed to ensure harmony. There had been separate discussions on the section pertaining to 6" lower for conforming structures. But with non-conforming - the whole needed to be brought into conformity.

The Code said "No non-conforming building may be altered or added to without bringing the whole into conformity."

As an alternative, reading height out of architectural style, he said he could not conceive of such a conclusion. In the Code, Santa Fe style started by talking about height. To read it out of the non-conforming structure section had no basis in the Code. The Code was what controlled it in the first instance. If this Board was prepared to say height was not a part of Santa Fe style, they needed to hear that tonight.

Under what the Board heard, the ramification of allowing this would be open season for building a second story on every structure in this district. He would request an interpretation that applied the Code as written.

Ms. Walker noted that this house was built before the height ordinance was established.

Ms. Rios agreed. The second story was built in 1978 so it was 31 years old. She asked Mr. Karnes if his client was opposing the portal of 128 feet and any decking. Mr. Karnes agreed.

Ms. Rios objected that the second story had been there for 31 years.

Mr. Karnes said that was understood. That was what the non-conforming section was there for - to deal with that non-conforming aspect. They couldn't build that house today. That was the basis of his argument. This was a legal non-conforming structure and the requirement was to bring it into conformance with Code with this project. If height was not to be considered as part of style and conformance, he wanted to hear the basis for that at this meeting.

Ms. Rios asked staff if they felt that height was not a part of architectural style.

Mr. Rasch said staff agreed that height was part of architectural style but were stating that height was not part of the non-conformity phrasing on how to deal with non-conformity. That was very clear in the Downtown and Eastside Standards. But the Code did not say buildings were long and low in the Westside-Guadalupe Historic District.

Ms. Walker asked if this issue was being considered in the rewriting - She wanted to know -

Chair Woods said Mr. Karnes was asking for a very strict interpretation of this Code.

Mr. Karnes said in reading the Code for standards of architectural style, this building did not meet the averaging height element.

Chair Woods believed these were interpretations. She asked Mr. Karnes if he believed the intent was to be more restrictive on a non-contributing house than on a contributing house. (Non-historic building).

Mr. Karnes said no, but he believed that section applied to structures that were conforming among contributing, and non-contributing.

Ms. Walker asked Mr. Karnes if it was his opinion that this proposed addition did not increase non-conformity.

Mr. Karnes said no.

Ms. Walker asked if that was the main objection of these people. Concerning this issue of degree of conformity, she asked if the objectors felt this proposal did not bring it closer to conformity.

Mr. Karnes agreed. The proposal didn't bring it into greater conformity.

Ms. Mather was still confused. She said Section D 2(e) regulated heights on recognized historic structures. She understood that non-contributing buildings could go one story higher.

Mr. Rasch said that was for buildings that had characteristics that contributed to the district. The height increase by code could be one story taller but this Board would probably say it would not contribute to the harmony of the district.

Ms. Walker felt this was all a moot point since the second story was constructed before the height ordinance existed.

Mr. Rasch agreed and said the existing building was well above the 13' 10".

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

Chair Woods reminded the audience that anyone wishing to appeal a decision of the Board to the

Governing Body had 30 days in which to file their appeal.

Chair Woods summarized that there was a great legal question here and none of the Board members were lawyers. There seemed to be disagreement on whether this building was non-conforming or not.

Ms. Brennan thought the action the Board took before was that it was within the Board's jurisdiction to determine that if it was their desire.

Chair Woods asked for more to help them understand. There were two different interpretations and when looking at the intent of the ordinance, this height was clearly part of style. It was pueblo style and fit within the elements of the code for this historic district. So the Board had two interpretations and needed to know how the Board should act in the future when looking at this interpretation of non-conforming.

Ms. Brennan said non-conforming referred to style and height was one element of style that was listed in the Code; massing was another. All of these were weighed together in overall style. She was talking about the Board's unique jurisdiction. This and landscaping could bring it into a higher degree of conformity.

Ms. Mather asked staff if when the Board said something was non-conforming, then it was up to the Board to decide on the degree of conformity.

Ms. Brennan agreed. It was because it was the Board's jurisdiction about architectural style and included several elements.

Chair Woods concluded that height was one element but might be not the determining factor.

Ms. Walker recalled that last time, the Board felt it brought it into greater conformity.

Chair Woods asked Jeff McFall to come back to the podium.

She said this was a difficult situation. She was going to propose a possible solution. She asked him what he would think about taking off the parapet and have just a flashing detail. That would lower the height by almost three feet on this structure and make it not look so big. It wasn't taking off the second story portal. She asked if that was something he would even consider.

Mr. McFall said the only problem was the roof slope and probably he couldn't conceal that with flashing.

Chair Woods said the Board could ask for it since it was a new application.

Mr. McFall was concerned that it could still be appealed.

Ms. Rios asked if the owner was willing to consider that.
Mr. McFall said the owner said she was willing to consider it.

Chair Woods invited Mr. Karnes to respond.

Mr. Karnes said his client was open to that idea if in addition the deck from the French doors toward her side, the north portion of the deck was removed as well. They had photos of portals in the neighborhood and none were as wide as this one.

Ms. Rios asked Mr. Featheringill if it wouldn't be a safety issue coming into play if the deck was removed.

Chair Woods didn't think that was going to work.

Ms. Walker said it was never going to be perfect. It was what it was. The Board felt last time that the proposal increased the degree of conformity.

Ms. Walker moved to approve Case #H 09-043B with the same conditions as was previously approved by the Board, finding that it would bring it into a greater degree of conformity and harmony with the neighborhood. Ms. Mather seconded the motion and it passed by unanimous voice vote.

2. **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 request 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 elevation. 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, west, and east elevations are considered as primary.

On October 27, 2009, the Board assigned primary elevations and postponed action on a request to replace historic windows by requiring that a window preservation expert be consulted on what is repairable or not.

Now, the applicant requests an exception 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. Ra Patterson, an HPD-approved consultant, examined the windows and submitted reports citing that the windows on primary elevation west and east are 30-35% beyond repair and that the two windows on the south, street-facing

elevation not under the portal are 40-45% beyond repair. However, the two historic windows under the portal on the south elevation are not beyond repair.

The required criteria responses are as follows and staff is responding to the exception request to remove the two historic windows which are not beyond repair on the south primary elevation.

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.

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 contributing historic status of the property and 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. 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. According to Building Trade Specialists, the cost of rebuilding the windows in the duplex would be approximately \$2500.00 per window or \$40,000 plus tax versus our replacement cost of \$1,121.88 average per window or \$17,950.00 plus tax. Replacing the windows with Fibrex full-divided lite with maple interior replacement window inserts is clearly the less expensive of the two options for Mr. Olson, creating the least financial hardship for him.

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 cost for replacements as opposed to the lower cost of proper maintenance. Staff is aware that historic preservation, much like green code issues, may be more costly. Since most of the primary elevation windows are determined to be beyond repair, i.e. replaceable, and only 2 may require restoration the cost differential between replacing 12 windows and replacing 10 windows and restoring 2 windows would be reduced to only \$2,756. 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 many 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 and the two windows that are not beyond repair are located near grade on the south elevation.

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. The requirement to preserve historic material is relevant to all structures not dependent upon ownership or project type. There are many 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 and has been diligent in his request. The seventy-five percent of the windows of the duplex are beyond 30% deteriorated, 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 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, as cited in Section 14-5.2(B) Minimum Maintenance Requirements.

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 all historic material from primary elevations because none of the criteria have been met. Rather, staff recommends replacing the non-primary elevation windows and the historic windows on primary elevations which are determined to be

beyond repair and to preserve the two historic windows which are repairable in order to preserve the historic status of the building.

Mr. Rasch clarified that he was recommending restoration of two of those windows and the rest of the windows could be removed. He added another section to his staff report about when the windows were beyond repair. 14-5.2 D 5 a (i). For primary façades of contributing structures, historic windows shall be restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in size, style and material of the original.”

Ms. Rios asked if Mr. Rasch was saying the expert considered those two windows repairable.

Mr. Rasch agreed and would allow the replacement of the others.

Ms. Rios asked about the percentage of irreparability.

Mr. Rasch explained that the City had a procedure on what was repairable and what was not repairable and it was not in the code. The standard they had worked with for many years was the 30% rule. It meant that if the deteriorated wood could be cut out and a wooden patch inserted so only the rotted part would be gone and the rest of the historic material could be retained. So the general rule was that if 30% or more needs to be cut out, then the historic window could be replaced. If it was less than 30%, then the rotted piece only should be replaced.

Chair Woods asked that he be very clear with this practice in his staff reports since it would be very important for applicants.

Mr. Rasch said on non-primary elevations windows could be replaced with different materials. But on primary elevations the window must have the same, the same light pattern, same reveal, same mechanical operation, same muntin depth and width and same material and color.

If the applicant didn't want to replace in kind that must have an exception.

Chair Woods asked if a vinyl finish on a window would be in kind.

Mr. Rasch said that would be part of the discretion of the Board in how specific they needed to be it would go to the question of how far the proposal could go in alteration before it wouldn't be a contributing structure anymore.

His preference would be to have wood windows on primary elevations.

Ms. Rios said same material was in the ordinance. She noted that these windows also had screens on them for a long time. She asked if the replacement would also require the screens be retained.

Mr. Rasch replied that on the front the screens could be reached but on the west and north one would have to use a ladder to get to them. Part of their hardship response was the difficulty of getting them on and

off and the storage problem. On the front it was not a problem. Or thermal panes might not need a storm or screen. The removal of storm windows would change the reveal.

Present and sworn was Mr. Michael Gazard, 199 Paseo de Peralta (DeVargas Center) who quickly read a prepared written statement. No copy was presented for inclusion as an exhibit in these minutes.

His testimony was on behalf of his client Roy Olson. The inspection was completed on January 25, 2010 and was made available to the Board. The report indicated that more than 75% of the windows had over 30% deterioration and that the windows should be replaced with full divided light, wood interior, double-hung windows manufactured with Fibrex, a wood composite material. The windows would mimic the original window patterns and would be white in color. The applicant met the requirement of the Board for window inspection by a preservation expert and asked that the project be approved as submitted.

Chair Woods asked if the windows were being replaced with exactly the same in muntin pattern, size of mullion, size of the window and materials.

Mr. Gazard said it was not exactly but was not a radical departure from the original style.

Chair Woods said that was not good enough as it was a contributing building. The Board needed to see the elevations of every single window to see just exactly how different it was.

Mr. Gazard said that was very doable. The Board had the specs on it and they could do the drawings. And they also had alternative products available - Eagle wood windows.

Chair Woods said the ordinance regarding historic buildings stated that windows had to be replaced in kind on the three primary façades. They needed to be as close as possible. And not vinyl windows on primary elevations - they needed to be wood.

Mr. Gazard said the window was vinyl clad.

Chair Woods explained that the Board did not approve metal cladding or vinyl cladding. She suggested postponing the case for those elevations.

Mr. Featheringill added that the jamb thickness also needed to be the same so that the reveal would be consistent with the historic reveal on those windows.

Chair Woods said the storm panels were flush and when taken out the window have needed to maintain the original reveal or what it looked like with storms. The Board was also going to ask that the historic windows under the portal be kept.

Ms. Rios asked Mr. Rasch to reiterate the primary.

Mr. Rasch said the south, street-facing elevation as well as the and west and east were primary with all the windows identified as not reparable. There was an enclosed porch on the north elevation and it was not

character-defining.

There were no speakers from the public regarding this case.

Mr. Featheringill moved to postpone Case #H 09-068 for further information on materials and elevations. Ms. Rios seconded the motion with the addition that they specifically have the comparison of existing and proposed windows side by side so the Board could compare them. The motion passed by unanimous voice vote.

I. NEW BUSINESS

1. **Case #H 10-017.** 642 Camino de la Luz. Downtown & Eastside Historic District. Victor Johnson, agent for Bettina Milliken, proposes to construct an approximately 350 sq. ft. addition to a height of 11' 6" where the existing height is 18' on a non-contributing building. (Marissa Barrett)

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

BACKGROUND AND SUMMARY:

The approximately 1,797 square foot Spanish Pueblo Revival style, single family residence was constructed in 2002. The Official Map lists the building as non-contributing to the Downtown and Eastside Historic District due to age.

The application proposes construction of an approximately 350 square foot addition to the publicly visible south elevation. The addition will be located behind a yard wall and will be to a height of 11'6" where the existing height is 18'. The addition will include divided light doors and windows in a sage green color to match existing. The addition will be stuccoed with El Rey "adobe" to match the existing building.

One skylight is proposed on the floor plan of the addition. Exterior lighting fixtures will be shielded down lighting.

STAFF RECOMMENDATIONS:

Staff recommends approval of the application on the condition that the skylight is not publicly visible and that the final design of the exterior light fixtures be approved by staff before a building permit 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.

Present and sworn was Mr. Victor Johnson. Box 1866, who said staff conditions were acceptable.

Ms. Walker felt the story poles were a huge help.

There were no speakers from the public regarding this case.

Ms. Rios moved to approve Case #H 10-017 per staff recommendations. Ms. Walker seconded the motion and it passed by unanimous voice vote.

J. MATTERS FROM THE BOARD

Mr. Rasch said he had mentioned the funding for the state conference and the National Alliance of Historic Preservation Commissions. Ms. Barrett was expected to be giving birth at that time so he received permission to have a board member join him in attending the conference in Grand Rapids on July 29th through August 1st. The condition was that the Board member had to pay for the registration but travel and per diem were covered. The registration was between \$100-150. He needed to know in the next few days.

Ms. Rios asked if other people could go and pay for everything. Mr. Rasch agreed.

Ms. Mather asked if they could split the money if more than one went. Mr. Rasch agreed.

K. ADJOURNMENT

Ms. Walker moved to adjourn the meeting. Ms. Rios seconded the motion and it passed by unanimous voice vote. The meeting was adjourned at 7:02 p.m.

Approved by:

Sharon Woods, Chair

Submitted by:



Carl Boaz, Stenographer