



Agenda

DATE 8/12/10 TIME 8:35
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HISTORIC DESIGN REVIEW BOARD FIELD TRIP

TUESDAY, August 24, 2010 – 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2ND FLOOR CITY HALL

HISTORIC DESIGN REVIEW BOARD HEARING

TUESDAY, August 24, 2010 – 5:30 PM

CITY COUNCIL CHAMBERS

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **APPROVAL OF MINUTES July 13, 2010 and July 27, 2010**
- E. **FINDING OF FACTS & CONCLUSIONS OF LAW**

<u>Case #H-10-059</u>	1129 Paseo de Peralta	<u>Case #H-10-064</u>	223 Montoya Circle
<u>Case #H-10-061</u>	512 Garcia Street	<u>Case #H-07-041</u>	1209 Upper Canyon Road
<u>Case #H-10-063</u>	1131 E. Alameda	<u>Case #H-10-069</u>	409 Canyon Road
<u>Case #H-10-065</u>	247 Rael Road	<u>Case #H-10-070</u>	569 Garcia Street
<u>Case #H-10-066</u>	1033 Old Pecos Trail	<u>Case #H-10-042</u>	623 Camino de la Luz
<u>Case #H-10-068</u>	444 Camino de Las Animas	<u>Case #H-10-062</u>	712 Don Gaspar
<u>Case #H-10-060</u>	124 W. Palace Avenue	<u>Case #H-09-045</u>	621 Garcia Street

- F. **COMMUNICATIONS**
- G. **BUSINESS FROM THE FLOOR**
- H. **ADMINISTRATIVE MATTERS**
- I. **OLD BUSINESS**

1. Case #H-10-065. 247 Rael Road. Don Gaspar Historic District. Kevin Fedarko, owner/agent, requests a reconsideration to remodel a contributing property including the construction of an arch over the pedestrian gate, sliding doors instead of French doors, and replacing non-visible non-primary elevation windows with glass block. (David Rasch)
2. Case #H-10-072. 713 ½ Canyon Road. Downtown & Eastside Historic District. Cyndy Lynch, owner/agent, proposes to construct a 1,831 square foot addition on a 970 square foot non-contributing residence at the existing height. (David Rasch).

J. NEW BUSINESS

1. Case #H-10-075. 310 Delgado Street. Downtown & Eastside Historic District. Trey Jordan Architecture. agent for Allene Lapidis, owner, proposes to remodel a contributing property by altering existing yardwalls, gates, and a ramada and replacing a door with a window on a primary elevation. (Dan Esquibel)

2. Case #H-10-076. 703 Don Gaspar Avenue. Downtown & Eastside District. Marion Wasserman, owner/agent, proposes to remodel a rear patio on a contributing property with the construction of a 277 sq. ft. pergola to a height of 9' and the installation of a hot tub. (David Rasch).
3. Case #H-10-077. 1500 Cerro Gordo Road. Downtown & Eastside District. Eileen Fresquez, owner/agent, proposes to replace original metal easement windows on a non-contributing residence with aluminum-clad windows, construct a small portal at the north door with a 6' high coyote fence. (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 August 24, 2010 Historic Design Review Board Field Trip, please notify the Historic Preservation Division by 9:00 on Tuesday, August 24, 2010.

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August 24, 2010

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MINUTES OF THE
CITY OF SANTA FE
HISTORIC DESIGN REVIEW BOARD

August 24, 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. Deborah Shapiro
Ms. Karen Walker

MEMBERS ABSENT:

OTHERS PRESENT:

Mr. David Rasch, Historic Planner Supervisor
Ms. Kelley Brennan, Asst. City Attorney
Mr. Dan Esquibel, Planning Staff
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 said the third case under New Business, Case #H 10-077 was postponed because the application was not complete.

Ms. Walker moved to approve the agenda as amended. Ms. Shapiro seconded the motion and it

passed by unanimous voice vote.

D. APPROVAL OF MINUTES

July 13, 2010

Dr. Kantner requested a change on page 33 at the bottom of the page. The first condition should say, "The fence along the driveway would not exceed the height of the existing fence until it turned to the east, at which point the height could be six feet."

Ms. Rios moved to approve the minutes of July 13, 2010 as amended. Ms. Shapiro seconded the motion and it passed by unanimous voice vote.

July 27, 2010

Ms. Mather requested a change on page 6, 2/3 down the page – Mac Watson – testimony asked the Board should be an average of 10 feet, not 12 feet.

On page 11, 2/3 down the page, it should said the addition was added In the 1990s not the 1960's.

Ms. Rios requested that the footer date be changed to July 27, 2010.

She requested a change on page 6, fourth paragraph, where it should say "rationale" instead of "rational."

On the same page in the last paragraph it should say "...effect it had on him."

Mr. Featheringill requested a change on page 12 where it should say, "... existing rock to repair the opening."

Ms. Shapiro moved to approve the minutes of July 27, 2010 as amended. Ms. Walker seconded the motion and it passed by unanimous voice vote.

E. FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Case #H 10-059. 1129 Paseo de Peralta

Case #H 10-061 512 Garcia Street

Mr. Rasch amended this one at the end adding, "By maintaining the historic status of non-contributing to the residence and the garage as not having sufficient merit for preservation."

Case #H 10-063 1131 E. Alameda

Case #H 10-065 247 Rael Road

Case #H 10-066 1033 Old Pecos Trail

Case #H 10-068 444 Camino de las Animas

Case #H 10-069 124 W. Palace Avenue

Case #H 10-064 233 Montoya Circle

Mr. Rasch amended the conclusions of law to include after the statement on accepting the exception criteria that this was in compliance with Section 14-5.2(C) Regulation of contributing structures, (D) – General Design Standards and (E) – Downtown and Eastside District Standards.

Case #H 10-041 1209 Upper Canyon Road

Case #H 10-069 409 Canyon Road

Case #H 10-070 569 Garcia Street

Dr. Kantner noted that in the text this case had the wrong owner and agent which apparently was copied from the previous case. Mr. Rasch agreed and corrected it.

Case #H 10-042 623 Camino de la Luz

Mr. Rasch corrected a typo that said “09” to read “10-042.” In the Conclusions of Law he said the project was in compliance with General Design Standards and Downtown & Eastside District standards.

Case #H 10-062 712 Don Gaspar

Case #H 09-045 621 Garcia Street

Ms. Rios moved to approve the findings of fact and conclusions of law as listed and as amended. Ms. Walker seconded the motion and it passed by unanimous voice vote.

F. COMMUNICATIONS

There were no communications.

G. BUSINESS FROM THE FLOOR

There was no business from the floor.

H. ADMINISTRATIVE MATTERS

Chair Woods announced to the public that anyone who wished to appeal a decision of the HDRB had thirty days to file an appeal to the Governing Body.

I. OLD BUSINESS

1. **Case #H-10-065.** 247 Rael Road. Don Gaspar Area Historic District. Kevin Fedarko, owner/agent, requests a reconsideration to remodel a contributing property including the construction of an arch over the pedestrian gate, sliding doors instead of French doors and replacing non-visible non-primary elevation windows with glass block. (David Rasch)

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

BACKGROUND & SUMMARY:

247 Rael Road is a single-family residence that was constructed in the Spanish-Pueblo Revival style in approximately 1940. The residence is listed as contributing to the Don Gaspar Area Historic District. The south elevation may be considered as primary. A free-standing garage at the rear has been converted approximately 10 years ago and it is listed as non-contributing to the district.

On July 13, 2010, the H-Board approved a project to remodel the property with the conditions that the arches over the pedestrian gates be removed, that the sliding glass doors be changed to French doors, and that the glass block replacement of windows on the north elevation not be allowed.

Now, the applicant requests reconsideration about the conditions of approval for the following three items.

1. The two damaged wire vehicular gates will be removed and the wire pedestrian gate will be reused in a yardwall on the east side of the residence. The low coyote fence will be removed from the front of the property and replaced with a stuccoed yardwall to the maximum allowable height of 56". The front yardwall will feature a wooden pedestrian gate and a 7' high arch. An interior and east lotline yardwall will be constructed to 6' high with an additional archway over a pedestrian gate and placed to separate the parking area from the front and east side yards.

Evidence was provided that one of the nine properties within the applicable streetscape has a pedestrian gate archway and that there are other arches in the neighborhood.

2. A window on the non-primary east elevation will be removed and replaced with sliding-glass doors. These doors will mimic French-doors in appearance but not in operation.

3. Windows on the non-primary north elevation will be removed and replaced glass block. Evidence is provided that glass block already exists within this courtyard location on the south elevation of the casita and on a west yardwall, but not on the contributing structure.

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 (H) Don Gaspar Area Historic District.

Ms. Rios asked what the ordinance said about glass block in Don Gaspar.

Mr. Rasch believed it was allowed but he would check.

Chair Woods noted it was a contributing building.

Present and sworn was Mr. Kevin Fedarko, 247 Rael Road, who thanked the Board for allowing him to come before the Board to reconsider the evidence he had to present. He wanted to stress that he didn't want to appear obstreperous but with the other evidence that arches were quite prevalent and it was very important to him as a resident and in light of photographs he provided, he hoped the Board would reconsider.

When he was here last month, several Board members expressed concern that his changes might render the front residence as contributing moot by these changes. There was a question about his front door being historic. Mr. Rasch visited and found it was historic and Mr. Fedarko said it would be retained.

Another board member was concerned about the metal awnings on the east elevation.

Mr. Rasch said the Board did approve the metal awnings.

Chair Woods explained that the way the applicant came back was highly irregular and the case being heard at this meeting would not including the metal awnings but only the three issues mentioned.

Mr. Fedarko said apparently there was a metal awning on the west side and it was removed before he bought the property. He was not asking for reconsideration but making the point that these requests were not out of character with the structure or the streetscape.

Chair Woods said they didn't know when it was put on because they had no evidence.

There were no speakers from the public regarding this case.

Ms. Rios asked about the glass block.

Mr. Rasch said code had no reference to glass block so it would be allowed.

Ms. Rios said she knew the front wall was approved already at 4.5 feet. She asked how much higher it would be.

Mr. Fedarko could not recall.

Ms. Rios asked what he was proposing here.

Mr. Rasch said it was a 56" wall and an arch over the pedestrian entrance.

Ms. Rios asked about the fence gates.

Mr. Fedarko said there were no gates there.

Ms. Rios asked if he was proposing sliders to look like French doors.

Mr. Fedarko said they were true divided lights like French doors but would slide.

Ms. Rios asked where he was putting the glass blocks and if he was not creating new openings.

Mr. Fedarko said he was not creating new openings but would put them in the space where there were two windows now but the dimensions of the opening would change. This had to do with privacy. It was a tiny courtyard and was 4.5 feet from the casita.

Ms. Rios agreed that the glass block was not publicly visible but wondered about the door.

Mr. Rasch said the door was slightly visible from the extreme end of that road.

Mr. Fedarko said there were photographs of the courtyard

Mr. Rasch said the photos were on page 15 in the packet.

Mr. Featheringill noted he was making the openings a foot wider and wondered if that was acceptable.

Mr. Rasch said it was acceptable.

Ms. Rios thought this gentleman was really married to the suggestions and she agreed with staff's recommendation to approve. She also agreed what was proposed would not change the historic status.

Ms. Rios moved to approve the application for Case #H 10-065 as submitted. Ms. Mather seconded the motion.

Ms. Walker commented that this was extraordinary to hear the same case twice so she could not support approving it.

The vote on the motion ended in a three to three tie vote which Ms. Rios, Ms. Shapiro and Ms. Mather voting in favor.

Chair Woods said before she voted, she would like to hear the reasons for the votes.

Ms. Mather said she was looking at the general standards and in terms of contributing structures that only the primary façade would be affected by changes. None of the windows and doors were on the primary façade so according to the ordinance they could be replaced with glass block or sliders.

Chair Woods asked Ms. Brennan if the Board had jurisdiction over the glass block if it was not visible.

Ms. Brennan's opinion was that the Board had no jurisdiction over them on a contributing building if they

were not on a primary façade.

Ms. Walker asked if the sliders were publicly visible.

Mr. Rasch said the sliders were slightly visible but most would be blocked by the six foot wall.

Chair Woods asked how wide the sliders were.

Mr. Rasch said the sliders were five feet wide.

Mr. Fedarko agreed that it was the exact dimension of the windows.

Chair Woods suggested she would vote in the affirmative if the mover would amend the motion to not allow the sliders.

Ms. Rios thought what he was proposing was reasonable. It might be the Board's preference to have French doors there but it would not affect the contributing status of the house. She did not amend her motion.

Chair Woods said her concern was the cumulative effect and she didn't want it to come back in the future and the Board find it was non-contributing.

Mr. Rasch said it did give lots of leeway to the Board since only one façade was primary. All the proposed alteration was allowed by code for a contributing structure.

Chair Woods reluctantly voted in the affirmative and the motion passed. But she hoped it would not set a precedent.

2. **Case #H 10-072** 713½ Canyon Road. Downtown & Eastside Historic District. Cyndy Lynch, owner/agent, proposes to construct a 1,831 square foot addition on a 970 square foot non-contributing residence at the existing height. (David Rasch).

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

BACKGROUND & SUMMARY:

703 ½ Canyon Road is a 970 square-foot single-family residence that was constructed recently in the Spanish-Pueblo Revival style. It is listed as non-contributing to the Downtown & Eastside Historic District. On the City GIS map the structure is listed as 717 ½ and located far away from Canyon Road with more visibility from East Alameda Street.

The applicant proposes to remodel the property by constructing a 1,831 square foot addition to match or be lower than the existing structure height. The addition will feature wall-dominated stepped parapet massing, window surrounds, projecting vigas, and exposed wooden elements on an "L-shaped" portal. Some windows proposed appear to violate the 30" rule (Section 14-5.2(E)(1)(c)) and an exception was not proposed.

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 with the conditions that all glazing shall meet the 30" rule and that all exterior light fixture designs shall be approved by staff before a building permit application is submitted.

Present and sworn was Mr. Kegan Clay, 501 Northfield Road, Bernalillo, New Mexico.

Mr. Clay said he had redrawn the windows and submitted those three days later. He thought the Board had that. They put four lights on all the windows and the ones on the left.

Mr. Rasch agreed to check on that.

There were no speakers from the public regarding this case.

Ms. Walker noted on the drawings that in some places he talked about east view or south view.

Mr. Clay explained that the front was the north elevation.

Ms. Walker said that elevation was well covered during summer but would be more visible in winter.

Mr. Clay said one wouldn't see the windows. Just the top of the parapet was publicly visible.

Ms. Mather asked about the proposed south view which was also called the right elevation. .

Mr. Clay said the proposed south view was looking at it from the north west. The right elevation was the west elevation.

Ms. Mather was concerned with the stepped parapet with the cross in the center. She asked how much the owner was wed to that feature.

Mr. Clay said if it didn't fit with the area, they would look at something else.

Ms. Mather said the proposed parapets should match the existing parapets. She was also confused about the fireplaces and asked how the chimneys would look.

Mr. Clay said the one chimney was on existing structure and they just matched it on the kiva.

Ms. Rios asked if there were any rooftop appurtenances.

Mr. Clay said there were none.

Ms. Rios asked about the garage door.

Mr. Clay said it was just an insulated metal door. It would be brown. He asked if he needed to change it to wood

Ms. Rios asked what the building color was.

Mr. Clay said the stucco was all tan and they submitted color photos. The window frames would be tan.

Chair Woods encouraged that applicant to come back with the color palette, exterior lighting plan and garage design.

Mr. Rasch added that the movant could mention the 30" rule.

Dr. Kantner said the chimney looked trapezoidal and asked if they were rounded.

Mr. Clay said they would have no sharp corners; the chimney would be rounded.

Chair Woods said the horizontal windows also needed divided lights.

Mr. Clay said they were all true divided light windows but described snap ins.

Chair Woods explained that the Board required the mullions on the outside and inside as in the Pella architectural series.

Mr. Clay said he was misdirected about the windows.

Mr. Featheringill asked if the drawings were supposed to match the chimney on the guest house as opposed to these.

Mr. Clay apologized and said it was their architectural software. They would match existing.

Ms. Mather was concerned, since this was such a large addition, with all these changes and the Board was having trouble reading the elevations.

Ms. Mather moved to postpone Case #H 10-072 to the September 14 2010 meeting to have applicant return with correctly marked elevations and the drawings indicate that all windows were true divided lights that complied with the 30" rule, that the parapets not have the stepped features, that the chimney match existing; that the colors be as indicated to the Board; that the garage doors and materials be indicated and stucco be indicated. Ms. Walker seconded the motion and it passed by unanimous voice vote.

J. NEW BUSINESS

1. **Case #H 10-075** 310 Delgado Street. Downtown & Eastside Historic District. Trey Jordan Architecture, agent for Allene Lapidis, owner, proposes to remodel a contributing property by altering existing yardwalls, gates and a ramada and replacing a door with a window on a primary elevation. (Dan Esquibel)

Mr. Esquibel apologize for all the errors on this case.

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

BACKGROUND & SUMMARY:

The residential property is located at 310 Delgado St. Existing development on the site consists of a house with attached carport, detached guest house, walls and fencing. The property has one street frontage which is located along the east property line (Delgado St.). The main residence is considered contributing and built before 1928. In 2004 a carport was added on the residence and was constructed before 1928. The main building had been considerably altered between 1953 and 1964, but, incongruously, it remains listed as Contributing, along with the garage, to the Downtown & Eastside Historic District.

In 1964, a two-story addition was constructed at the rear of the building, a carport was attached to the west end of the south elevation, doors and windows were changed, and other alterations occurred. A drop ceiling was added to cover vigas in approximately 1953. At an unknown date, a low-pitch hipped roof was constructed over the flat roof and an entry porch was constructed at the front door on the east elevation.

In 2004 the then owners were approved for changes to the property which included remove the second-story addition, remodel the other non-historic additions, and redesign the building in the Spanish-Pueblo Revival Style by removing the pitched roofs over the original building and the front porch. The carport footprint was filled in with heated living space; the front porch was redesigned; and, a 272 square foot addition was constructed at the rear of the building. Three new fireplaces were also added to the residence.

The additional square foot allowed to the original footprint was approximately 576 square feet. The previous additions that were remodeled include approximately 282 square feet, leaving 294 square feet remaining.

The two front windows were replaced with windows that more closely resemble those that the previous owner remembers.

A wooden trellis was attached to the carport infill on its east elevation. The trellis did not attach to the south elevation of the original building.

The garage was converted into a casita with a fireplace.

A latilla fence that separates the current parking from the side yard was also constructed however this fence was constructed without City approvals.

The proposal includes:

1. Alterations to the unmerited coyote fence to reflect irregular cuts at the top of the structure, replacing the existing entry gate with a coyote gate also with irregular cuts at the top and wooden pedestrian arch a top of the gate.

2. Modification of the existing trellis by eliminating the back 2 columns and replacing front 2 viga columns with square timber columns;
3. Replacing an existing door with a window to match style of existing windows and to maintain the size and of existing historic opening;
4. Infilling the existing gate opening in yard wall at bedroom, stucco to match existing;
5. Increase the height of the street frontage yard wall to the allowable height of 3'-0", stucco to match existing;
6. Repaint all windows, doors and wood trim dark bronze (Sherwin Williams 7048 Urbane Bronze):

STAFF RECOMMENDATION:

Staff recommends approval subject to the following conditions:

1. Replacement existing Latillas with Juniper (Cedar) Latillas

Ms. Mather asked what the primary elevation was.

Mr. Rasch said the east and south elevations were primary.

Present and sworn was Mr. Trey Jordan, 161 South Armijo, and had nothing to add to the staff report.

PUBLIC COMMENT

Present and sworn was Ms. Reggie Cox, 314 Delgado, who had several concerns. She had lived there since the 1970s and had concerns about the yardwalls. She wanted like to know if Mr. Jordan would change anything along the driveway that she shared and if it would be used by the guest house occupants. They had have to have three spaces. It had a kitchen so it was not just a studio.

Also with the last alteration, there was a lot of vegetation put in and she lost all of her views. She felt it was too congestive. She wanted to be reassured that there was no attempt to change the zoning to make this an arts and crafts zone.

Mr. Jordan said there was no intention to modify the common yardwall in front of the primary façade. She was right that the third space should have been required with the kitchen but there was no intent to use it as a guest quarters.

Mr. Jordan explained that there was a wall between the two driveways.

Mr. Rasch said there was a small coyote fence that took away the 3rd parking space. They were proposing to alter that fence.

Mr. Esquibel they were only going to make it irregularly shaped and the gate would have a lintel at six feet high.

He said he made sure Mr. Jordan knew about the rezoning and Mr. Jordan agreed they would follow the zoning correctly. Any proposed rezoning would be very difficult and would require ENN, Planning Commission and Council hearing before it could be changed.

Mr. Jordan said he was stunned. He had zero knowledge of anything about a rezoning and he knew the owner very well.

Regarding the landscaping, he agreed it was a night mare. They intended to remove some of it but he could not speak to a landscape design. He thought it would be pleasing to Ms. Cox.

Ms. Rios asked if the fence alteration would increase the height.

Mr. Jordan said the alteration was to match the shared wall which was 4' 10".

Ms. Rios noticed on the east elevation he proposed to change the door to a window.

Mr. Jordan said it was not on the east but on the south elevation. It was not on the street facing elevation.

Mr. Rasch said they would change a door to a window on the primary elevation.

Ms. Walker asked if the gate would be six feet with the same material. She asked if they had thought of other material.

Mr. Jordan said he had but not his clients.

Ms. Rios asked if he would consider having the gate be the same height. The new fence was more imposing.

Mr. Jordan pointed out that it was forty feet from the street and his client had concerns about exposure in the front. They now had a bedroom on the street side and this would raise it about a foot. The gate was six feet and the lintel was 6' 8"

Ms. Mather said the existing south elevation showed a small metal gate and the project would fill that in and build a wall.

Mr. Jordan agreed. That area was the master bedroom and it would be confusing because one might think that was the front door but it was the bedroom.

Ms. Mather asked if on the east elevation he was going to match that yard wall.

Mr. Jordan said no. He said that was only three feet high all across the Delgado side and returning to the house.

Ms. Shapiro asked if his client was married to the latillas on the gate.

Mr. Jordan said they were.

Dr. Kantner moved to approve Case #H 10-075 as recommended by staff with the conditions that the gate in the east facing fence not exceed 4' 10 and have a material other than latillas. Ms. Walker seconded the motion and asked for a friendly amendment that the gate not have a lintel. Dr. Kantner agreed and the motion passed by unanimous voice vote.

2. **Case #H 10-076.** 703 Don Gaspar. Downtown & Eastside District. Marion Wasserman, owner/agent, proposes to remodel a rear patio on a contributing property with the construction of a 277 sq. ft. pergola to a height of 9' and the installation of a hot tub. (David Rasch)

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

BACKGROUND & SUMMARY:

703 Don Gaspar Avenue is a single-family residence that was constructed before 1928 in the Prairie style. The building is listed as contributing to the Don Gaspar Area Historic District and the east elevation may be considered as primary.

The applicant proposes to remodel the property by redesigning the rear patio area to include a pergola and a recessed hot tub along with additional landscaping and hardscaping.

The new concrete patio pad will be stained an earth-toned color. The pergola will be 277 square feet at 9' high and constructed of oiled wood.

STAFF RECOMMENDATION:

Staff recommends approval of this application which is in compliance with Section 14-5.2 (C) Regulation of Contributing Structures, (D) General Design Standards, and (H) Don Gaspar Area Historic District.

Present and sworn was Ms. Marion Wasserman who had nothing to add to the staff report.

There were no speakers from the public regarding this case.

Ms. Rios moved to approve Case #H10-076 per staff recommendations. Ms. Mather seconded the motion and it passed by unanimous voice vote.

3. **Case #H 10-077.** 1500 Cerro Gordo Road. Downtown & Eastside District. Eileen Fresquez, owner/agent, proposes to replace original metal easement windows on a non-contributing residence with aluminum-clad windows, construct a small portal at the north door with a 6' high coyote fence. (David Rasch)

This case was postponed under Approval of the Agenda.

K. MATTERS FROM THE BOARD

Ms. Rios asked Ms. Brennan if having the applicant come back to have his case reconsidered was an acceptable procedure.

Ms. Brennan didn't believe they had a right to come back essentially on the same application but if there were changes, it could be considered and the applicant could have an appeal.

Ms. Walker said he shouldn't be allowed to come back to the next meeting.

Mr. Rasch said he allowed it because there was material evidence that he added.

Chair Woods explained that he represented to Mr. Rasch that the arch was evident elsewhere in the neighborhood.

Ms. Brennan agreed to look into it. There were circumstances that through oversight of applicants or staff could be brought back to the Board with the argument that the Board didn't have this evidence. She said again that she was not sure the Board had jurisdiction over things that were not visible.

Mr. Rasch said the façades of a significant structure were not dependent upon visibility.

Ms. Rios said the Board had dealt with anything that was being altered.

Chair Woods thought the publicly visible part had come from the state statute.

Ms. Walker characterized this as "slider creep."

Ms. Mather said the code talked about windows and doors under general design standards and restoring them. In 5 b it said for all façades – architectural finishes other than doors and windows. In Section A there was no mention of doors.

Mr. Rasch agreed that citation said the Board had jurisdiction on things that were not visible.

Chair Woods said they needed direction.

Ms. Mather agreed but added that he wasn't working on the primary façade.

Chair Woods felt they had set a dangerous precedent. There was no motion to reconsider. She was under the impression that an applicant could not come back within a year.

Mr. Rasch said that was on the same application.

Chair Woods hoped this was not a precedent. The Board needed a little backbone on it.

Ms. Walker said there were no other arches on Rael Road so this would stick out greatly and change the whole character of the street.

Mr. Featheringill said he was in favor of everything but the arch.

Chair Woods said the code might allow it but this was a contributing building.

Ms. Mather questioned that glass block was permitted just because it was not listed.

Ms. Shapiro questioned having a slider door that looked like a French door.

Chair Woods agreed it was not the same.

Ms. Walker said they needed to look over that section to make sure it had doors included.

Ms. Mather asked how the rewrite would be presented to the Board.

Chair Woods said she had asked Greg Smith to present pieces of it to the Board so they could look at each one. It was hard to divide it up. Hopefully they would get it soon.

Ms. Mather assumed this board would have some say so.

Chair Woods said they were meeting on Wednesdays from 3:00 – 4:30 on weeks they didn't have HDRB.

Mr. Featheringill announced that at the next Board meeting, the Taos Historic Preservation Committee was coming to see how the HDRB did it.

L. ADJOURNMENT

Ms. Walker moved to adjourn the meeting. Ms. Rios seconded the motion and the meeting was adjourned at 6:50 p.m.

Approved by:

Sharon Woods, Chair

Submitted by:


Carl Boaz, Stenographer