

City of Santa Fe
Historic Design Review Board

Case #H-08-095B

Owner's Name – DSW Santa Fe, LLC

Applicant's Name – Mark A. Hogan for Hogan Group, Inc.

THIS MATTER came before the Historic Design Review Board (Board) for hearing (Hearing) on August 26, 2008 (August 26 Hearing) upon the application (Application) of Mark A. Hogan for Hogan Group, Inc., as agent for DSW Santa Fe, LLC (Applicant).

The Applicant proposes to develop 4.9-acre parcel located at the southwest corner of Palace Avenue and Paseo de Peralta (Property) by remodeling the existing buildings at 224 East Palace Avenue, known as Marian Hall (Marian Hall), and 228 East Palace Avenue, known as the Old St. Vincent's Hospital (the Hospital Building), as well as the boiler plant (Boiler Building) built to serve Marian Hall, which is located on the Property behind the Hospital Building and includes two additions on its west elevation (the Maintenance Buildings) and constructing five (5) new buildings on the Property, including a retail building (the Retail Building), a parking garage building (Parking Garage Building) and three (3) hotel room buildings (Building 1, Building 2 and Building 3, collectively the New Hotel Buildings), together with certain related site improvements (the Site Improvements) (collectively, the Project). The Project also includes the demolition of two hallways connecting Marian Hall and the Hospital Building (the Connecting Hallways), a mechanical equipment bridge between the Hospital Building and the Boiler Building (the Mechanical Gangway), the Maintenance Buildings and certain other non-historic elements of Marian Hall, the Hospital Building and the Boiler Building, as well as the construction of three additions on the south side of the Hospital Building. The Project is more specifically described on Exhibit A, attached hereto and incorporated herein.

The Project is located in the Downtown and Eastside Historic District (H-District). At the time the Application was filed, Marian Hall and the Connecting Hallways were designated as "significant". The Hospital Building, the Boiler Building, the Maintenance Buildings and the Mechanical Gangway were "noncontributing".

The Applicant has requested overall final design approval for the Project as presented by the Applicant to the Board, including the following exceptions to the H-District design standards:

1. The Applicant requests exceptions from the H-District permitted height standards to construct (a) the Parking Garage Building to a height of 29 feet, 6 inches; (b) Building 1 to a height of 36 feet; (c) Building 2 to a height of 36 feet; and Building 3 to a height of 27 feet.
2. The Applicant requests exceptions from the H-District general design standards (a) to construct a portal and canopy to facade no. 9 of the Hospital Building, a primary facade; (b) to create new window openings and modify existing window openings on facade no. 9 of the Hospital Building; (c) to install windows with single panes in excess of 30 inches in any direction on facade nos. 9 and 10 of the Hospital Building; (d) to create a new window opening on the north end of the east elevation of the Boiler Building; (e) to construct an

arcade of arches on the north elevation of Building 2; and (f) to construct a pitched roof on Building 3.

The Applicant has also requested that the Board grant an allowance pursuant to Santa Fe City Code (Code) Section 14-5.2(D)(9)(d)(ii)(F) to increase the permitted height of the Retail Building to 20 feet, 9 inches for difference in slope.

At the August 26 Hearing the Board confirmed the significant status of Marian Hall. The Hospital Building and the Boiler Building were designated as contributing. The Maintenance Buildings, the Mechanical Gangway, and the Connecting Hallways were designated as noncontributing. The matter was postponed to a future date and two Board study sessions were subsequently held, the first on November 5, 2008 and the second on December 2, 2008, at which the Applicant presented the design to the Board, responded to the Board's questions, and took the Board's comments. The Hearing was resumed on May 26, 2009 and was heard on June 30, 2009, July 22, 2009 and September 1, 2009, when the Board decided finally on the matter.

After conducting the Hearing on the matter and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

1. The Board heard testimony and received evidence from staff, the Applicant, and members of the public interested in the matter. The matter was heard on August 26, 2008, May 26, 2009, June 30, 2009, July 22, 2009 and September 1, 2009. In addition, study sessions were held on August 26, 2008, November 5, 2008 and December 2, 2008, at which the Applicant presented the proposed design to the Board, responded to the Board's questions, and took the Board's comments.
2. Board staff provided the Board with a report (Staff Report) describing the Project and evaluating the Application's compliance with applicable Code requirements and recommending that the Board:
 - (a) Designate Marian Hall as a significant structure, the Hospital Building as a contributing structure, and the Maintenance Buildings, the Mechanical Gangway, and the Connecting Hallways as "non-contributing.
 - (b) Designate certain facades of the Hospital Building as primary facades.
 - (c) Approve the Applicant's request for exceptions from the H-District design standards in order to (i) construct the Parking Garage Building to a height of 29 feet, 6 inches; (ii) construct Building 1 to a height of 36 feet; (iii) construct Building 2 to a height of 36 feet; (iv) construct Building 3 to a height of 27 feet; (v) construct a portal and canopy to primary facade no. 9 of the Hospital Building; (vi) create new window openings and modify existing window openings on primary facade no. 9 of the Hospital Building; (vii) install windows with single panes in excess of 30 inches in any direction on facade nos. 9 and 10 of the Hospital Building; (viii) create a new window opening on the north end of the east elevation of the Boiler Building; (ix) construct an arcade of arches on the north elevation of Building 2; and (x) construct a pitched roof on Building 3;

- (d) Approve under Section 14-5.2(D)(9)(c)(ii)F an allowance to increase the permitted height of the Retail Building to 20 feet, 9 inches for difference in slope; and
 - (e) Approve the Application as complying with Section 14-5.2(D), and Section 14-5.2(E).
3. The Property is located in the Downtown and Eastside Historic District and is subject to the requirements of the following sections of Code:
 - (a) Section 14-5.2(C)(2), Designation of Significant, Contributing, or Noncontributing Status within Historic Districts.
 - (b) Section 14-5.2(C)(3)-(5), Review by [Board] Required; Compliance with General and Specific Design Standards Required; and Exceptions.
 - (c) Section 14-5.2(D)(1)-(9), General Design Standards for All H Districts.
 - (d) Section 14-5.2(E), Downtown and Eastside Historic District.
 - (e) Section 14-3.14, Demolition of Historic Structure.
 - (f) Section 14-12.1, Definitions.
4. Under Sections 14-5.2(A)(1)(b) and (c), 14-2.7(A)(1), and 14-2.7(A)(3), the Board has the authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
5. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
6. Under Section 14-5.2(C)(2) the Board has the authority to designate a status of "significant", "contributing", or "noncontributing" and to change the designated status of structures within the Historic Districts in accordance with the requirements set forth in such section.
7. Marian Hall is designated as a significant structure. The Hospital Building and the Boiler Building are contributing structures. The Maintenance Buildings, the Mechanical Gangway, and the Connecting Hallways are noncontributing structures.
8. Section 14-12.1 defines "primary facade" as "*[o]ne or more principal faces or elevations of a structure with features that define the character of the structure's architecture.*"
9. With respect to Marian Hall, all facades are primary, since all facades of a structure designated as "significant" are deemed to be primary.
10. With respect to the Hospital Building, using Board staff's numeric inventory of that building's facades, facade nos. 1, 3, 4, 5,6, 9 and 12 have features that define the character of the Hospital Building's architecture.
11. With respect to the Boiler Building, using Board staff's numeric inventory of that building's facades, facade nos. 1, 2 and 3 have features that define the character of the Boiler Building's architecture.
12. Under Section 14-5.2(C)(5) the Board has the authority to grant exceptions to the regulations set forth in Section 14-5.2 provided that any such exception does not exceed the underlying zoning. Under 14-5.2(C)(5)(c) the Board has the authority to grant exceptions and impose conditions thereon from the regulations set forth in Section 14-5.2(D)(9). The Applicant for such exceptions shall conclusively demonstrate that such exceptions:
 - (a) Do not damage the character of the streetscape;
 - (b) Prevent a hardship to the applicant or an injury to the public welfare;

- (c) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside with the Historic Districts;
 - d) Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape;
 - (e) Are due to special conditions and circumstances which are not a result of the actions of the applicant; and
 - (f) Provide the least negative impact with respect to the purpose of this section as set forth in Section 14-5.2(A)(1).
13. The Board has considered the exception criteria established by Section 14-5.2(C)(5) and Section 14-5.2(C)(5)(c) and based upon the submissions of the Applicant in support of its requests for exceptions as described in paragraph 2(a) above and upon the recommendations on such requests contained in the Staff Report, the Applicant has met the exception criteria.
14. There is a difference in the natural grade along the foundation of the Retail Building that exceeds two (2) feet and under Section 14-5.2(D)(9)(c)(ii)F the Applicant is entitled to increase height by four (4) feet in accordance with the requirements of such section.
15. Subject to the conditions set forth herein and in accordance with the approval by the Board of the exceptions and the allowance described in paragraphs 2(a) and (b) hereof, the Project complies with all applicable requirements of Code.

CONCLUSIONS OF LAW AND ORDER

Under the circumstances and given the evidence and testimony submitted at the Hearing, the Board CONCLUDES AND ORDERS as follows:

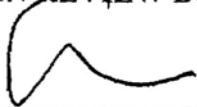
1. Marian Hall is a significant structure. The Hospital Building and the Boiler Building are contributing structures. The Maintenance Buildings, the Mechanical Gangway, and the Connecting Hallways are noncontributing structures.
2. All the facades of Marian Hall are primary facades. Facade nos. 1, 3, 4, 5, 6, 9 and 12 of the Hospital Building are primary facades. Facade nos. 1, 2 and 3 of the Boiler Building are primary facades.
3. The Applicant's requests for exceptions to construct the Parking Garage Building to a height of 29 feet, 6 inches; Building 1 to a height of 36 feet; Building 2 to a height of 36 feet; and Building 3 to a height of 27 feet, are granted.
4. The Applicant's requests for exceptions to construct a portal and canopy to primary facade no. 9 of the Hospital Building; create new window openings and modify existing window openings on primary facade no. 9 of the Hospital Building; install windows with single panes in excess of 30 inches in any direction on facade nos. 9 and 10 of the Hospital Building; create a new window opening on the north end of the east elevation of the Boiler Building; construct an arcade of arches on the north elevation of Building 2; and construct a pitched roof on Building 3 all are granted.
5. The Applicant's request to increase the height of the Retail Building to 20 feet, 9 inches due to slope is granted.
6. The Applicant's request to demolish the Connecting Hallways is granted.

7. The Applicant's request to remove the Mechanical Gangway is granted.
8. The Applicant's request to remove the Maintenance Buildings is granted.
9. Subject to the conditions set forth in paragraph 10 below, the Applicant's request for final design approval for the Project as presented to the Board is granted, including approval approval of colors, materials and lighting.
10. The approvals set forth herein are subject to the following conditions:
 - (a) The maximum height of the torreon on the Parking Garage Building, which is considered a roof-top appurtenance, will not exceed 33 feet.
 - (b) As to Marian Hall, all historic elements on this building such as windows (including the divided light pattern and proportion of the windows) will be duplicated; the verandas, balustrades and solarium will be restored to their original historic appearance; any material that is being replaced, such as roofing material, will be replaced in kind; the non-historic elements proposed for removal by the Applicant will be removed; the southeast stairway will be removed; the signage on the building will be brought back to the Board for review and approval; the lighting will be downlighting and meet the City's lighting ordinance; there will be no visible rooftop appurtenances; and existing rooftop appurtenances (such as air conditioning units) will not be replaced if removed in the future.
 - (c) As to the Hospital Building, the awning type canopies proposed for façade no. 2 are not approved and will be eliminated from the remodel; the windows for the new subgrade window openings on façade no. 5 will be reused from other existing windows from the building; the deck of the portal on façade no. 9 will be ten feet deep rather than 12 feet deep; the ceiling material of the second-level balcony will be wood tongue and groove; the trim will be white; and the brick will be a color approved by the Board.
 - (d) As to the Boiler Building, the garage door will be painted to match the stucco; the French doors on the north elevation will be two-over-two with single light transom over each and arched if possible; the windows on the left corner of the north elevation will match the two-over-five pattern of the window on the east elevation; the windows on the east elevation are to match the corresponding windows to the south of each of the new windows being installed; roof-top appurtenances will not be visible; the two gates that are 8 feet high and 10 feet wide will be stained rather than painted; the railing on the north elevation will be painted a cream color; and the foregoing items will be reviewed once more by staff and at least one member of the Board before applying a building permit.
 - (e) As to Building 1, the coping detail will be brick throughout; rooftop appurtenances (excluding the pergola) will not be visible; the window on the far right of the east elevation will be two-over-three; all trim will be painted white except for the pergola; the ground level beams and posts and the second story portal will be stained; the pitched roof will be zinc standing seam; and the coping details will be reviewed and approved by staff and at least one member of the Board before applying for a building permit.
 - (f) As to Building 2, all coping on the building will be brick; the windows on the torreon should be two-over-three (which may be offset one side to the other a little bit for the stairway); rooftop appurtenances will not be visible (excluding cupola); trim color will be cream; and the height of the cupola and design of the windows will be constructed in

accordance with the east and west elevations on Applicant's sheet SD 9 as opposed to what is shown for the north and south elevations on the same sheet.

- (g) As to Building 3, the roof material will be true standing seam; the railing will be painted cream; rooftop appurtenances will not be visible; the fence will be black wrought iron; and the building will include the window on the second floor of the north elevation that was inadvertently omitted from the drawing submitted to the Board.
- (h) As to the new canopy to be constructed at the east elevation of Marian Hall, the glass covering the canopy will be clear.
- (i) As to the Parking Garage Building, muntins will be installed over the window openings and will have a minimum face width of 1 inch and a minimum depth of 2 inches, and the end-wall on the parapets on the rooftop will be thickened to 2 feet.
- (j) The exterior colors of buildings will be limited to a single color per building (excluding the Hospital Building, which will have different colors for new and existing brick).
- (k) The Applicant will submit drawings to the Board showing the heights of walls, locations of walls and signage for review and approval by the Board, including any requests for exceptions from applicable regulations, if required.
- (l) The sconce design submitted by the Applicant (type "B") will be replaced with a sconce that has a more rectangular shape similar to the other lighting fixtures submitted for approval.
- (m) Rectangular step lights will match adjacent stucco color.
- (n) All other standing lighting (excluding landscape lighting) will be resubmitted for approval by the Board.
- (o) Signage, the design, height and location of walls, and site lighting shall remain subject to further review and approval by the Board and will include requests for exceptions if necessary.

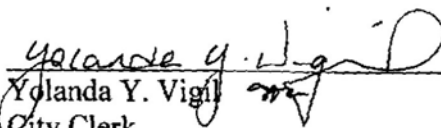
IT IS SO ORDERED ON THE 6th OF OCTOBER 2009 BY THE HISTORIC DESIGN REVIEW BOARD OF THE CITY OF SANTA FE



Sharon Woods
Chair

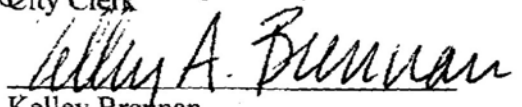
Date: 10/6/09

ATTEST:



Yolanda Y. Vigil
City Clerk

Date: 10-8-09



Kelley Brennan
Assistant City Attorney

Date: 10/6/09

Exhibit A

Project Description

1. The Property includes the following existing structures:

- (a) **Marian Hall, located at 224 East Palace Avenue.** This building was formerly known as St. Vincent's Sanatorium, constructed of brick around 1908 by Isacc Hamilton Rapp for the Sisters of Charity in the Craftsman style. Original porches have been removed. Two hallway connections and a stairwell were constructed on the east elevation when the new hospital building (old St. Vincent hospital building) was constructed in 1952-1953. All historic windows were removed, and replicated windows were installed in their place in 1984. Marian Hall has been designated as a significant structure.
- (b) **Old St. Vincent Hospital, located at 228 East Palace Avenue.** This building, previously known as La Villa Rivera and the old St. Vincent Hospital ("Hospital Building"), was constructed in 1950 and designed by John Gaw Meem in the Territorial Style. (Staff prepared a numeric inventory of each façade of the Hospital Building which was used by the Board in its discussion and approvals for this building.) In its present condition, the Hospital Building includes a number of non-historic renovations, including two stair towers on façade nos. 2 and 11, closure at the entrance to Palace Avenue on façade no. 3, changes in the dimensions of openings on façade no. 7. The building has been designated as contributing.
- (c) **Connecting hallway between the Hospital Building and Marian Hall.** This connection was constructed at the time that the Hospital Building was constructed. The connection was constructed using the same materials and style as the Hospital Building. The connections have been designated as non-contributing and are proposed to be removed.
- (d) **Boiler Building.** The building located to the south of and behind the Hospital Building is known as the Boiler Building. It was originally constructed of concrete and brick in 1904 to serve Marian Hall. At a later and unknown date, the original historic stairway and landing on the north elevation were removed. The original arched double entry doors were also changed to a rectangular opening. In the 1950s, a large addition was constructed by John Gaw Meem on the east and south elevations, and the character of the entire structure was altered by replacing the original pitched roof with a flat roof and adding Territorial detailing to match the Hospital Building that it now served. A small CMU block addition was constructed on the west elevation at an unknown, presumably non-historic date. The building has been designated as contributing.
- (e) **Maintenance Buildings.** The additions to the west elevation of the Boiler Building are known as the Maintenance Buildings. The two-story portion of this structure was built of poured concrete between 1935 and 1951. The two one-story portions were built of CMU

block and brick coping in 1958-1960 and 1960-65 respectively. The additions comprising the Maintenance Buildings have been designated as non-contributing and are proposed to be removed.

2. Summary of the Project

- (a) **Hospital Building.** The Applicant proposes to remodel the Hospital Building to include various changes and additions depicted in the materials presented to the Board and to add approximately 39,000 square feet of additions to façade nos. 7 and 11. The entrances to the building will be located at the south side, where the Applicant proposes the construction of a new canopy and portal and other design features associated with this entrance. The proposed additions will not exceed the existing height of the building façades where they are to be added. The Applicant also proposes to remove the mechanical gangway between the Hospital Building and the Boiler Building.
- (b) **Boiler Building.** The applicant proposes to make modifications to the Boiler Building to include the construction of a new landing and stairs, infilling of various window and door openings, creation of new window and door openings, removal of the non-historic CMU block addition at the northwest corner of the building, installation of a new railing at the landing on the west elevation, and modifications to the garage doors, as further described in the materials presented by the Applicant to the Board.
- (c) **Marian Hall.** The Applicant proposes to restore the original historic character of this building by removing various non-historic materials, including the stucco finish where applicable, cladding on bay windows and the wheelchair ramp and handrail on the south elevation. The non-original stair addition to the southeast corner will also be removed. Verandas and a solarium will be added to the south and west elevations intended to replicate those features as shown in historic documentation. A new canopy will be added at the front of the east elevation entry door without attaching to the structure. The connecting hallway between Marian Hall and the Hospital Building will be removed.
- (d) **New Retail Building.** The Applicant proposes the construction of a new 5,518 square foot retail building ("Retail Building") along Paseo de Peralta to a height of 20 feet, 9 inches. The maximum allowable height for this location, based on a linear calculation, is 16 feet, 9 inches. There is difference in the natural grade along the proposed structure's foundation that exceeds two feet.
- (e) **New Parking Garage Building.** The Applicant proposes the construction of a new two-story parking garage building ("Parking Garage Building"), with a 13,310 square foot footprint and a height of 29 feet, 6 inches. This building is adjacent to the new Retail Building, but is considered a separate building from the new Retail Building because a fire wall separates the two structures. The window openings will include muntins without glass, and the lower portion of the window openings will include safety grills affixed to the interior of the openings. The permitted height at this location is 18 feet, 8

inches based on a radial calculation. There is a difference in the natural grade along the proposed structure's foundation that exceeds two feet.

- (f) **Building 1.** The Applicant proposes the construction of a new 21,209 square feet, three-story building, with a height of 36 feet, referred to throughout these proceedings and shown on the materials presented by the Applicant as Building No. 1. The building is designed in the Territorial Revival Style with architectural features that include white-finished window and door surrounds with cornices and pediments, shutters and balconies, arches over hallway entries and low-pitched roofs over portals, as further described in the materials presented by the Applicant to the Board. The permitted height at this location is 18 feet, 8 inches based on a radial calculation.
- (g) **Building 2.** The Applicant proposes the construction of a new 23,232 feet, three-story building, with a height of 36 feet, referred to throughout these proceedings and shown on the materials presented by the Applicant as Building No. 2. The structure includes a tower element, which is excluded from the measurement of permitted height because it is considered a roof-top appurtenance. The building is designed in the Territorial Revival Style. Architectural features include balconies, white-finished window and door surrounds with cornices and pediments, as further depicted in the materials presented by the Applicant to the Board. The permitted height at this location is 18 feet, 8 inches based on a radial calculation.
- (h) **Building 3.** The Applicant proposes a new 7,486 feet, two-story building, with a height of 27 feet, referred to throughout these proceedings and shown on the materials presented by the Applicant as Building No. 3. The building is designed in the Territorial Style with a U-shaped floor plan with a low-angled pitched roof to reflect the pitched roof of Marian Hall, as depicted further in materials presented by the Applicant.
- (i) **Other Site Improvements.** As further depicted in the materials presented by the Applicant, the project also includes:
 - (i) removal of multiple yard walls, curbs and ramps, including the wall along Palace Avenue on the northeast corner of the site;
 - (ii) two new curb cuts along Palace Avenue, stuccoed retaining walls and yard walls, an iron fence surmounting certain interior yard walls, arched iron gates with flanking pilasters and spherical ornaments, and iron pedestrian gates in the locations and with the features depicted in the materials presented by the Applicant to the Board; and
 - (iii) new lighting throughout the project, and signage.