

1 October 2024

Historic Design Review Board

Proposal Letter

Coyote Fencing at 614 Paseo de Peralta

The owner mistakenly put up a 5ft 8 in coyote fence based on the advice of the contractor (FabianNava) who installed the fence.

It is made of wood coyote fencing approximately 2 inches in diameter. The frame is 2 3/8 steel vertical bars placed every 4 feet and 1 inch steel pipes for the cross bracing at top and bottom of fence. Bracing is on the inside of the fence as it faces the street. The vertical bars are placed in 2 3/4 inch steel pipes in the ground. On the W side, there is 15 ft of coyote fencing starting at the corner of Paseo de Peralta that is connected by a 5 ft extension to the residence. The elevation drops sharply at this point on the W side. The fence extends the 35 ft length of the property facing Paseo de Peralta with a white-painted, three-foot wide, solid wood gate with a curved top placed approximately midway down that line. The fence then angles behind a utility pole and extends another 60 feet with the elevation dropping at approximately 20 ft from the street. There is a second gate at the lower elevation just where the elevation change occurs on the E side. The fence runs approximately 36 ft past the gate on the E side and attaches to the pre-existing coyote fencing on the lower part of the property. The fence is partially hidden on the E side by the existing picket fence on the neighboring property. Other than the top, it is not visible approximately 20 feet from the street on the E side because of the elevation change.

4/26

614 Paseo de Peralta  
Miriam Leth-Espensen, owner

REQUEST FOR AN EXCEPTION TO FENCE HEIGHT  
Historic Districts and Historic Landmarks  
Height, Pitch, Scale, Massing, and Floor Step backs Exception Criteria

- (i) Do not damage the character of the streetscape

Response: The streetscape has a variety of fencing types from stone and solid masonry walls to wood fencing including coyote and picket fencing. There are 8 and 10 ft retaining walls less than half block away at the intersection of Paseo and Otero (NW and NE corners) and several coyote fences across the street.

- (ii) Prevent a hardship to the applicant or an injury to the public welfare

Response: The owner is and has been a full time resident at the address since 1988 and in order to continue to reside there safely needs to raise the fence to its current built height. There have been several 911 calls and a break in at the residence which is located in close proximity to two parks—the Cross of the Martyrs and the Tommy Macione park.

The owner had replaced a blue wood fence with a lower chain link fence that supported the older wire fencing in 2003. However with the increase in trespass and robbery at her residence, the owner felt her only recourse was to replace the damaged wire fencing with a fence made of stronger material that will deter unwanted entries.

The coyote fencing will be also be easier to maintain given the heavy barrage of salt that it gets in the winter due to the location of the residence at a curve and its extreme proximity to Paseo

- (iii) 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

Response: The streetscape has a variety of fencing types from stone and solid masonry walls to wood fencing including coyote and picket fencing. The increased height will allow the continued use of the structure as a residence since it will increase the owner's personal safety and decrease maintenance costs.

- (iv) 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

Response: Other structures have more setback from the street. This lot lost most of its setback when Paseo de Peralta was created in the 1960s. Additionally this

614 Paseo de Peralta Miram LPA -  
Request for Exception Espensen

structure is the only one that still serves as a live work space which has been the historic use of these homes since the 1960s.

(v) Are due to special conditions and circumstances which are not a result of the actions of the applicant

Response: The owner is not responsible for the rise in property crime and drug use. Her property is located near two parks which at times serve as magnets for these types of behavior

(vi) Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2(A)(1)

Response: The owner understood from the contractor that if she kept the fence below six feet, she would not need a permit. She deliberately kept the fence to 5ft 8 inches for its entire length whether on the street or on a side line. It is the minimum she feels will deter entry onto her property from Paseo. The type of material being used is compatible with the existing streetscape. There are fences and walls in close proximity that are or will be higher

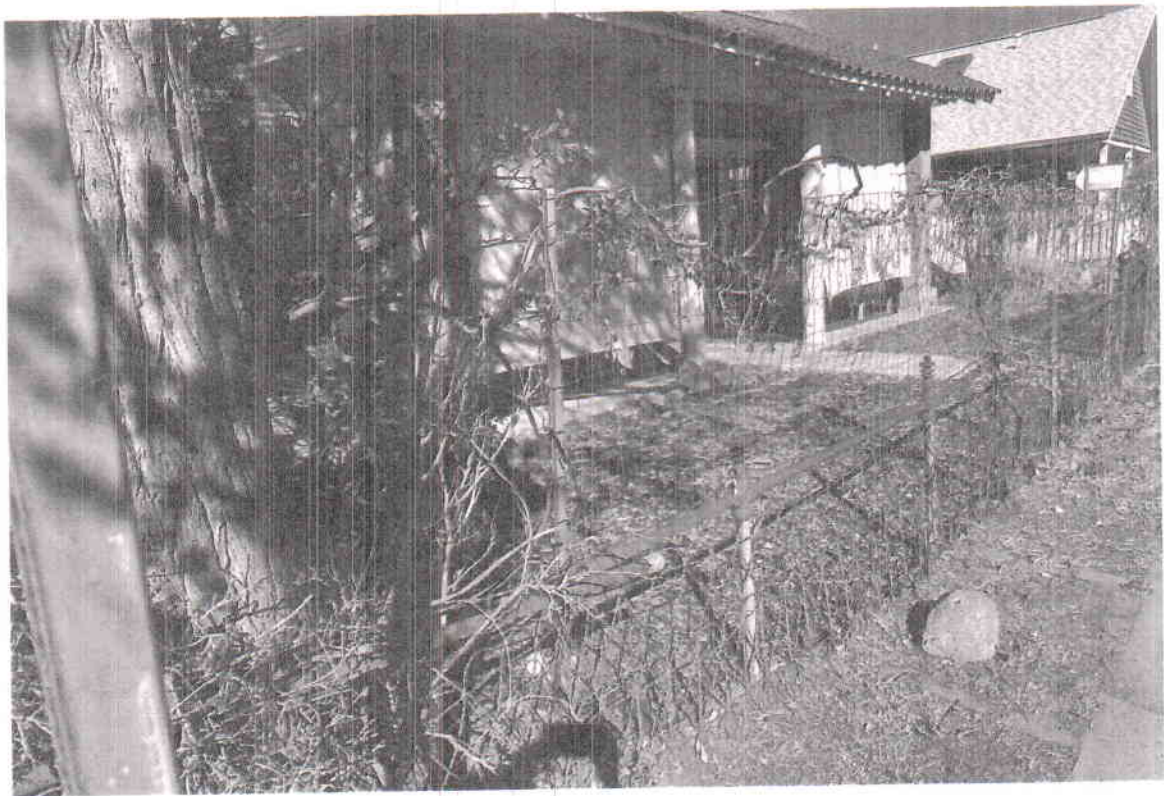
614 Paseo de la Alta  
Meriam Beth Espensen



Original fence in 1988 when I  
moved here

7/21

614 Aequia Madre  
Miriam Leth-Espensen



Original wire fence supported by newer  
wire fence behind

8/21

6144 Paseo de Peralta  
Exhibit W

my new fence  
5'8"

Miriam Leah  
Espensen



9/21

614 Paseo de Terabita  
M. Lehn-Bensen

10/21



11 03 2024

12/11



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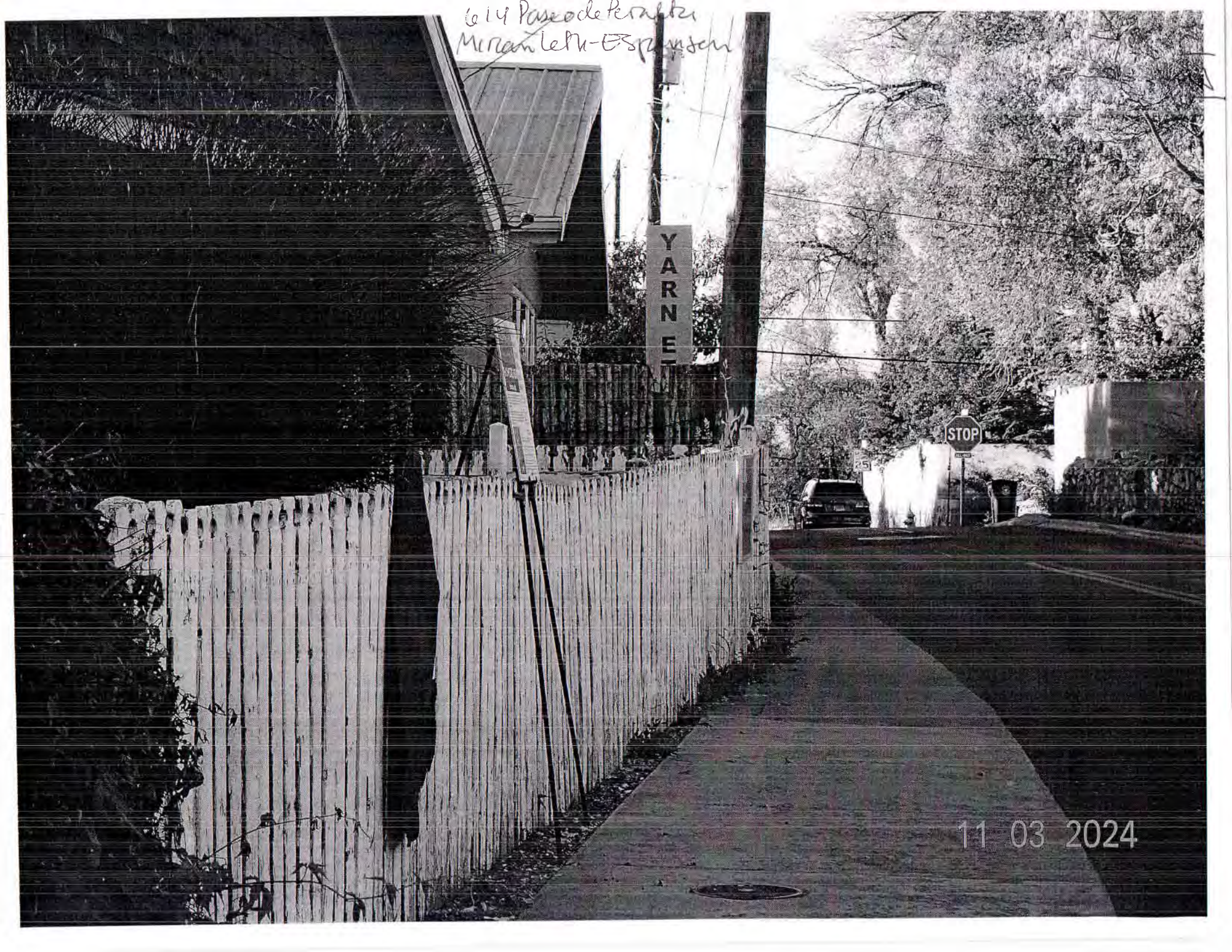
614 Paseo de Peraltas  
Miramonte, CA

YARNER

STOP

25

11 03 2024



614 Paseo de Peralta  
Mr. Tom Espersen

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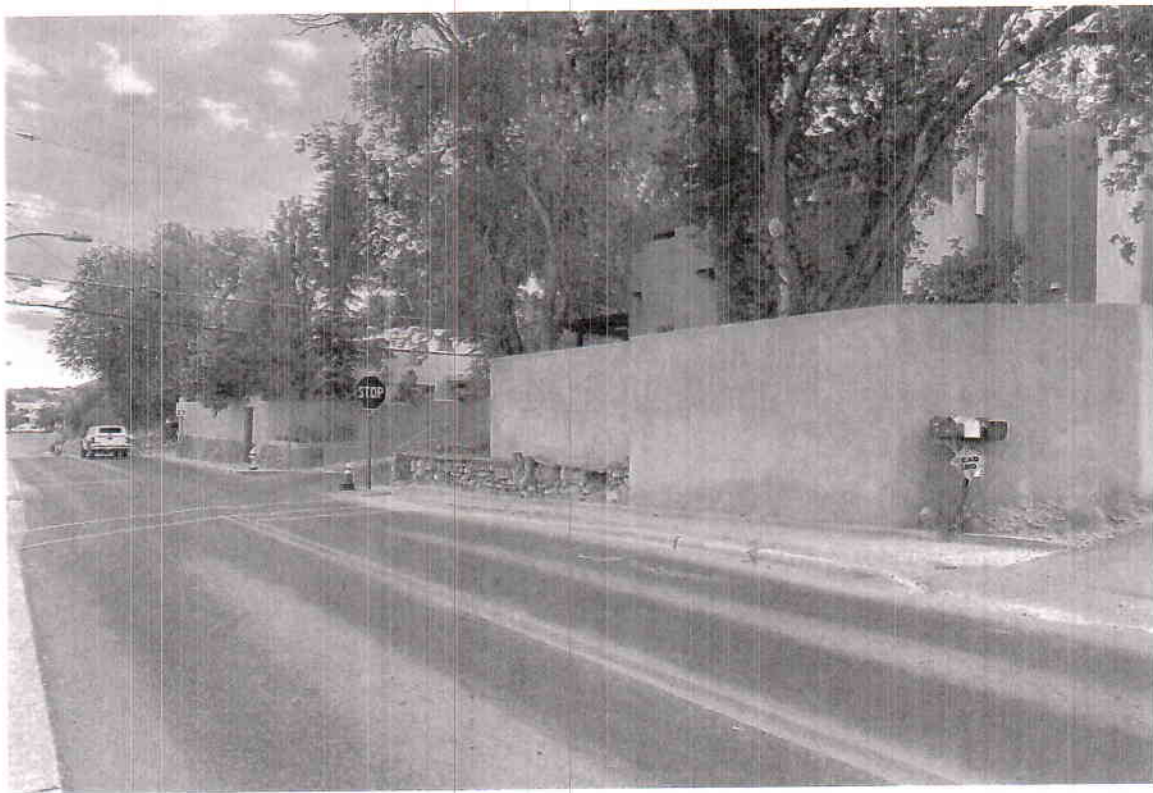


11 03 2024

614 Paseo de Peralta 2  
M. John Espensen

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614 Paseo de Peralta  
Miramonte - Escondido

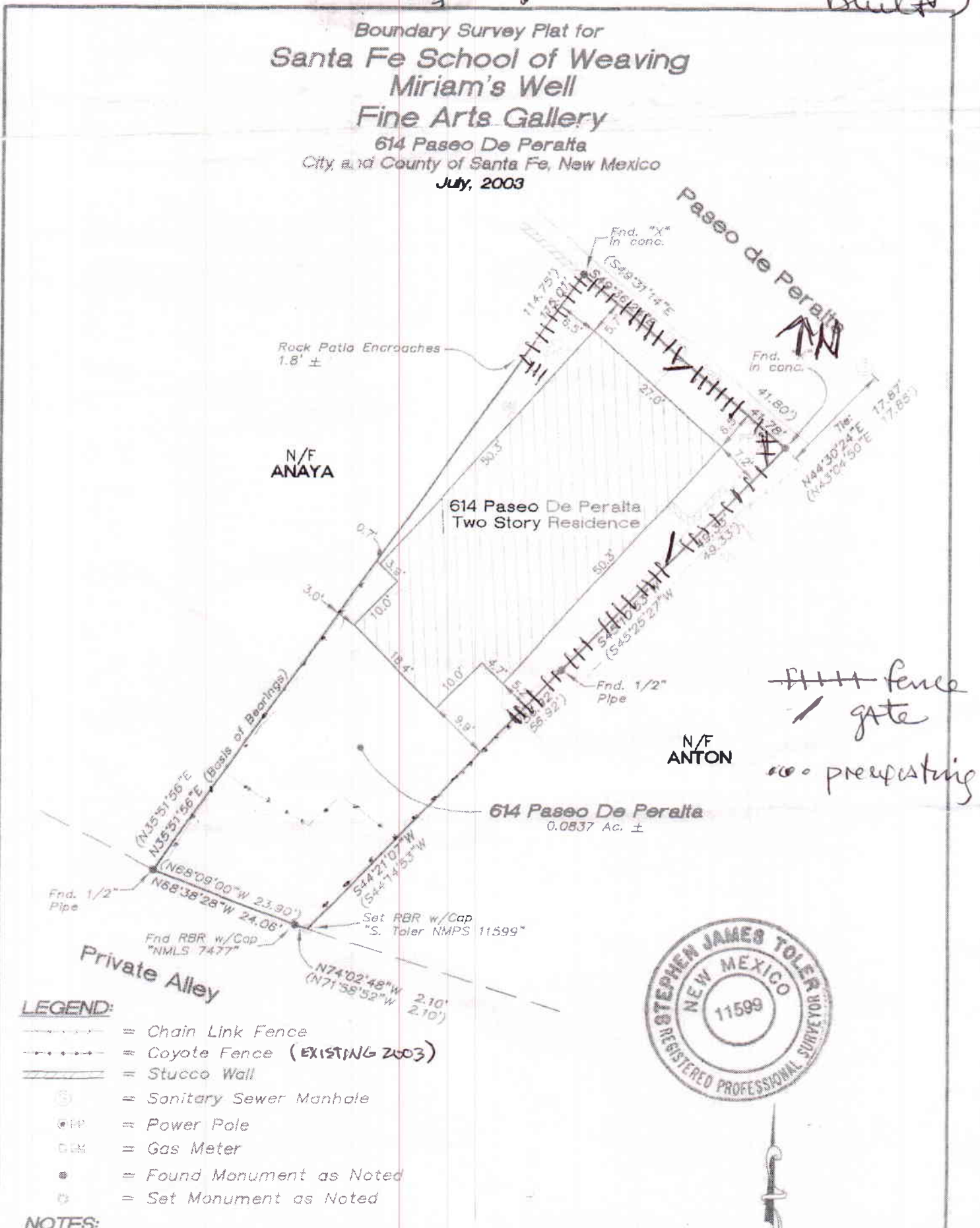


concrete wall / corner of Peralta and Otero 10'

15/21

614 Paseo de Peralta  
~~Existing~~ Proposed Site Plan (Already built)

Boundary Survey Plat for  
**Santa Fe School of Weaving**  
**Miriam's Well**  
**Fine Arts Gallery**  
 614 Paseo De Peralta  
 City, and County of Santa Fe, New Mexico  
 July, 2003



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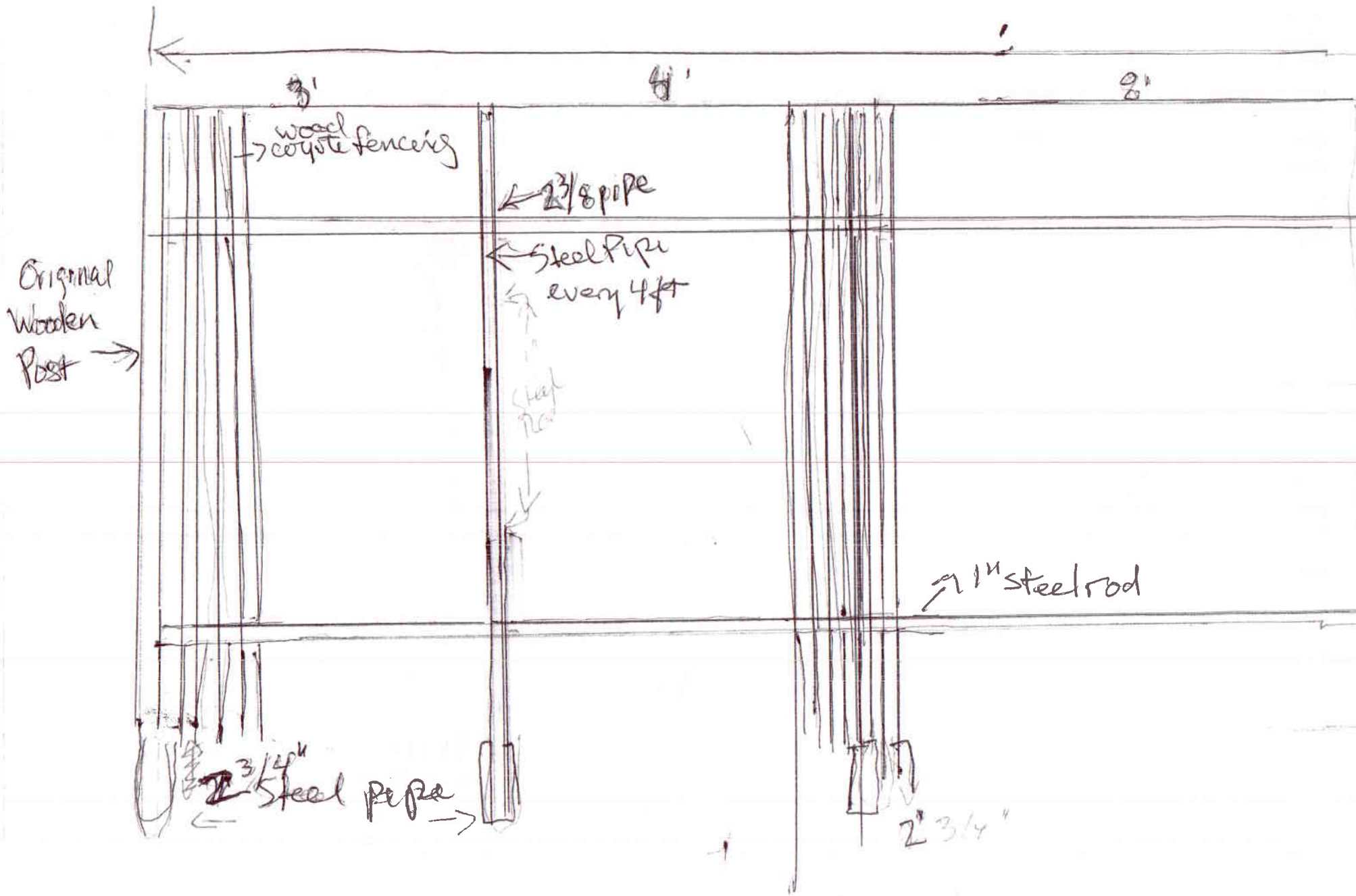


Location Map of Fencing Stream

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Typical Fence Elevation (Inside) View  
614 Paseo de Peralta  
Miriam Leth-Espensen

12/8/21

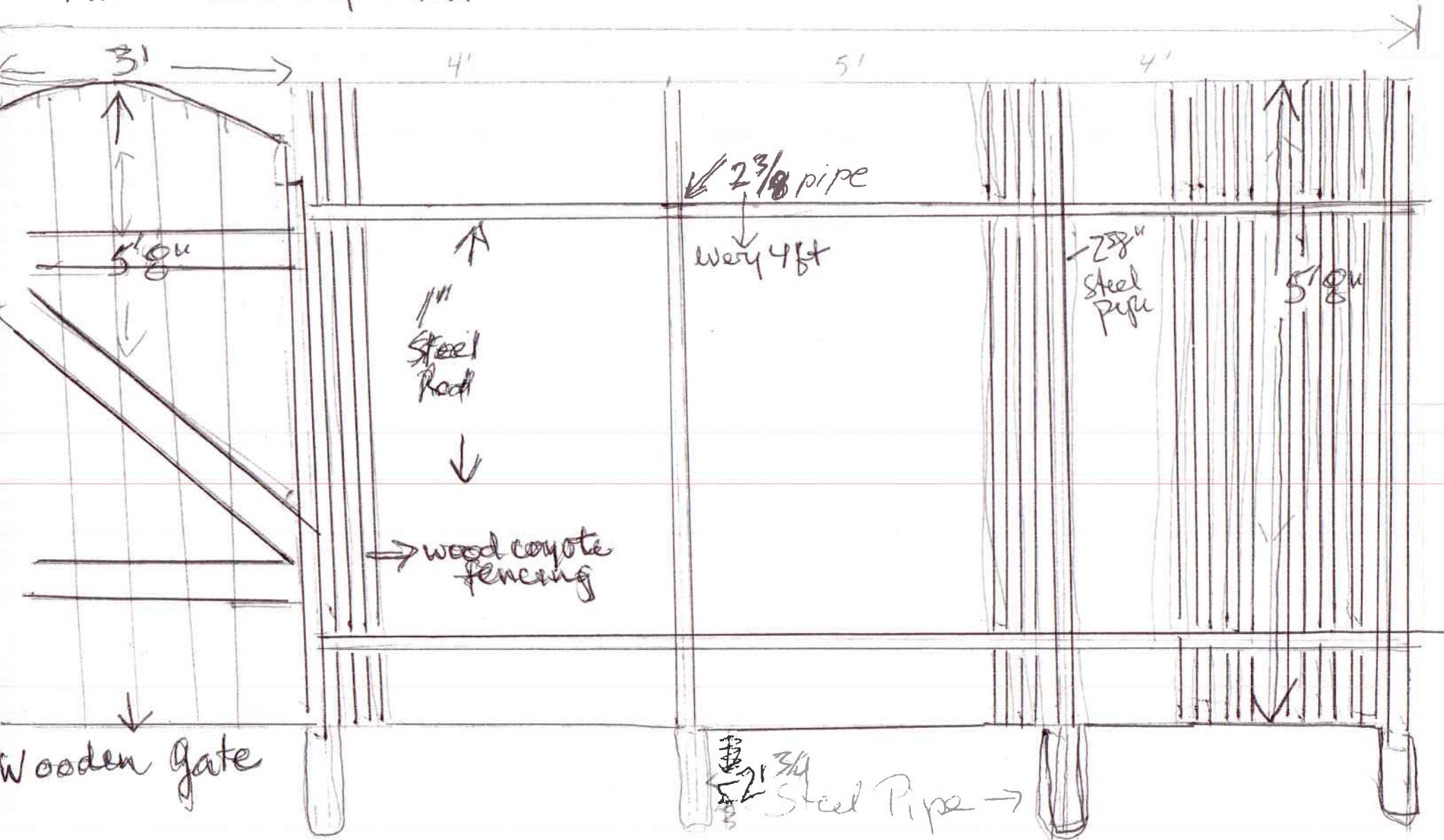


6/4  
Paseo de Peralta  
Typical Fence Elevation w/ Gate (Inside View)

HDRB

12/51

Miriam Leth-Espenson



letter from owner to planning staff

**From:** Miriam Leth-Espensen miriamsf@mac.com  
**Subject:** The fence  
**Date:** August 18, 2023 at 9:25 AM  
**To:** Lani J. McCulley ljmcclley@santafenm.gov  
**Cc:** Miriam Leth-Espensen miriamsf@me.com

Good morning!

I couldn't fall asleep last night, till I remembered why I thought I did not need a permit for the Peralta fence. When I came in 1988, there was a wooden fence on my Peralta property, it was natural wood. After a couple of years the fence started to deteriorate, in part because when it snows and the city truck sprays salt on the street, it sprays the nasty salt mixture onto my fence. So, for a couple of years in the spring I would clean it off, and then I began painting it white to make it look nice. I finally had enough and thought that if I replaced it with a coyote fence, which I wouldn't have to paint.

I did go to the permit office to make sure that was ok, and I was told that as long as the new fence did not exceed the old one in height, I did not need a permit. As it turned out I could not afford the coyote fence at the time with two kids still in college, so I opted for the cheap wire fence.

I don't remember exactly how many inches the wooden fence measured, but it was tall enough, so I didn't need curtains for privacy and similar in height to the new fence.

The rules may have changed since that time, and I should have checked back. I apologize. I hope everything will turn out okay, because in addition to aesthetics, I also have security concerns. In the second picture I sent you see a large police presence. There are regular 911 calls from this area. I myself had to call three times during COVID, and before that several times, including when I was robbed at by home.

Thank you for your help and consideration.

Miriam

20/21

614 Paseo de Peralta  
Miriam Leth-Espensen owner  
HDRB Application Supplement  
TIME LINE ACCORDING TO OWNER'S DOCUMENTATION

Ms Leth-Espensen (Miriam) hired Fabian Nava in August 2023 to build the fence. Nava, holding myself out as a licensed contractor, assured Miriam that she would not need a permit if the fence was under 6 ft tall. She chose to make it 5 ft 8 inches.

The first LUD meeting was with Eric Sommer who accompanied Miriam to the meeting, Lani McCullen, Ramon Sarason and one other member from zoning on 9/14/2024. Mr Mann, Miriam's neighbor, filed a complaint about the fence. This meeting was in response to the complaint. At that meeting Miriam was told by Lani that coyote fences visible from the street were not allowed in the Historic district and the only fencing in that area that would be allowed was a 4'6" white picket fence.

Anthony Maestas inspected the fence and told Miriam not to change the current fence without a permit because it would cause a lot of trouble. Miriam received 2 red tags by mail dated 2/23/24 and 4/17/24 from Mr. Maestas following his inspection. NO redtag was ever posted on the property and Miriam did not remove any redtag.

After the first redtag by mail, Miriam met with Paul Duran who helped her with the application form (Email 3/1/2024). The email from Mr. Duran indicates that a 48" coyote fence was ok without a permit and at that time he also told Miriam what documents to prepare for the application.

Miriam prepared the documents but was told by Mr. Duran not to bring them in until a planner was assigned and that a planner would be assigned shortly. 3/8/2024 email.

Miriam and her son Rob Kohn met with Gary Moquino on 5/15/2024 following her court appearance in municipal court when she pleaded not guilty to the criminal charge the city lodged against her for construction of the fence. Again Gary Moquino assured them a planner would be assigned shortly. Gary Moquino told them he could administratively approve a 6 ft high white picket fence.

Miriam hired Stefanie Beninato as her agent on approximately 9.26.2024 when there was no movement by the city to assign a planner and resolve this issue.

Beninato requested a planner for the case and followed up with the LUD (9/30/2024 email) on the matter and was assigned HDRB staff, Lani McCulley in the beginning of October 2024.

Beninato submitted the PZR on 10/21/2024 and was told on 10/23/2024 that the case would have to first go to the BOA and that dual approval was needed.

After speaking with Beninato on 11/1/2024, the LUD agreed to have the HDRB decide the case first and then send it to the BOA. The HDRB application was submitted on 11/11/2024

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