

City of Santa Fe
 Historic Districts Review Board
 Findings of Fact and Conclusions of Law

Case #H-17-098A

Address—122, 124, 125, 126 Camino Santiago & garages/carports South of 126 Cam. Santiago

Agent’s Name – Lloyd and Associates

Owner/Applicant’s Name – Plaza del Monte LLC

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on June 26, 2018.

101-126 Camino Santiago and 104-120 Camino Matias are 26 structures constructed in a vernacular manner after approximately 1966 in Plaza del Monte. Evidence of non-historic alteration consists of added massing with Spanish-Pueblo Revival portals and loss of original windows with non-historic replacements. The structures, along with associated yardwalls, have no historic status (17) or are presently designated as contributing (1) and non-contributing (8) to the Downtown & Eastside Historic District.

Plaza del Monte was originally developed for retired members of the Presbyterian Church. Generally, the buildings represent mid-century Santa Fe with some Santa Fe Style elements.

The applicant requests historic status review for five buildings and associated yardwalls at the southwest section of Plaza del Monte. Additional information was submitted regarding aerial images, dates of construction for buildings and yardwalls, documents from the Menaul archives in Albuquerque, documents from the Presbyterian Church archives in Santa Fe, and documents from the County of Santa Fe tax assessor’s office.

Address	Construction Date(s)	Current Status	Proposed Status
122 Camino Santiago	after 1969	NS	NC
124 Camino Santiago	1968	NS	NC
125 Camino Santiago (Units 1-4)	after 1969	NS	NC
126 Camino Santiago	1968	NS	NC
Structures south of 126	W part 1966, E part after 1969	NS	NC

NS = Non-Statused; NC = Non-Contributing

Staff stated that for structures that have historic dates of construction, the following items offer additional information that helped to inform the staff’s NC recommendations:

- 124 Camino Santiago has a borderline construction date.
- 126 Camino Santiago has a borderline construction date and Spanish-Pueblo elements.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Zoning staff determined that the Application meets underlying zoning standards.

3. **Staff Recommendation:** Staff recommended the Board follow the recommendations of the architectural historian consultant, who studied the structures in depth, to designate the five structures as non-contributing to the Downtown & Eastside Historic District.
4. The project is subject to requirements of the following sections of the Santa Fe Land Development Code:
 - X Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing (of any structure);
 - X Section 14-5.2(D) General Design Standards; and
 - X Section 14-5.2(C), Regulation of Significant and Contributing Structures.
5. The property is located in the following district and subject to the related sections of the Santa Fe Land Development Code:
 - X Downtown and Eastside Historic District (Section 14-5.2(E)).
6. Under Santa Fe City Code (SFCC) Section 14-12.1, the definition of a “contributing structure” is “a structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.”
7. Under Section 14-12.1, the definition of a “non-contributing” structure is “A structure, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.”
8. Section 14-5.2(C)(2)(a – c) gives the Board authority to review and approve "significant," "contributing," or "noncontributing" status designations
9. The information contained in the Application and provided in testimony and evidence establishes that all applicable requirements for Board review for the status of the five properties at issue have been met.
10. A threshold requirement for “contributing” status is that a building must be located in a historic district and be “approximately fifty years old or older.”
11. All structures within Plaza del Monte are located in the Downtown and Eastside Historic District (“District”).
12. Plaza del Monte was constructed when owned by former owner, the Presbyterian Church.
13. Plaza del Monte was originally conceived in the late 1950’s as rent-subsidized residential communal housing for retired Presbyterian pastors, missionaries, officials, teachers and church members.
14. The original units in Plaza del Monte were constructed between 1965 and 1977 with some later alterations.
15. Plaza del Monte was constructed in phases; only a few structures reflect the original design, with later constructions reflecting evolving architectural trends.
16. The retirement center operated until approximately 1988.
17. In or around 2014 or 2015, then-owner Presbyterian Medical Services sold Plaza del Monte to the current owners, Plaza del Monte LLC.
18. Plaza del Monte is a condominium, and Plaza del Monte LLC owns all units therein.
19. Architectural historian John Murphy provided information about each structure.
20. Generally, in estimating the construction date of the structures, John Murphy reviewed dated aerial photographs, City directories, newspaper accounts, and architectural drawings, among other resources.

21. According to John Murphey's own estimates, a large number of units were constructed between 1968 and 1971.

124 and 126 Camino Santiago

22. The structures in Plaza del Monte generally reflect a simplified Spanish-Pueblo Revival style, and include elements from a variety of architectural styles.
23. Generally, the Plaza del Monte structures are designed simply and built inexpensively.
24. The structures in Plaza del Monte are some of the few mid-century structures examined by the Board for historic status and comprise a unique mid-century neighborhood in this District.
25. The mid-century architecture of the residences in Plaza del Monte is unique to Northern New Mexico; it contains regional references and stylistic cues to New Mexico's unique architecture heritage and provide a direct lineage to our historic buildings.
26. As a group, the structures in Plaza del Monte tell a history of the neighborhood's development.
27. The structures have associations with the long-standing history in Santa Fe of the Presbyterian Church and Ghost Ranch; these structures were built specifically for clergy and teachers, which housed them for decades.
28. The structures at 124 and 126 Camino Santiago meet the threshold requirements for contributing status, since they are located in the District and are at least "approximately 50 years old".
29. SFCC Section 14-5.2(C)(1)(a) states that as a purpose and intent of the City's regulation of significant and contributing structures in the historic districts that "[e]ach structure be recognized as a physical record of its time, place and use."
30. Although the Historic Ordinance (SFCC Section 14-5.2) doesn't specifically recognize mid-20th century style, it does recognize that it is as important to protect buildings that are approximately 50 years old as it is to protect buildings from earlier eras, especially when they conform to historic district design standards, while embodying elements of design associated with their specific time.
31. 124 Camino Santiago and its associated rock yardwall help to establish and maintain the character of the Eastside and Downtown Historic District in that the residence has unique architectural elements incorporating mid-century elements such as the carport and the picture window flanked by casements into Recent Santa Fe Style dominated by block-massing, a flat roof with an overhang of under 30 inches, no window or door within three feet of a corner, inset entry under a portal with non-decorative corbels, battered walls, and no cantilevers except for vigas, among other characteristics.
32. The Board, in response to the application, finds that the structure at 124 Camino Santiago and associated rock yardwall:
X meet the Section 14-12.1 criterion for "contributing" as provided in the presentation and Staff Report.
33. The west façade at 124 Camino Santiago is the primary elevation of the structure with features that define the character of the structure's architecture.
34. 126 Camino Santiago is an example of Spanish-Pueblo Revival style with contemporary elements.
35. 126 Camino Santiago and its associated rock yardwall help to establish and maintain the character of the Eastside and Downtown Historic District in that it has regional character-defining features such as its dominating effect to be that of adobe construction, no

window or door within three feet from the corner, no cantilevers except over projecting vigas, beams or wood corbels, a flat roof with an overhang of under 30 inches, among other characteristics. Battered walls, central block massing and inset entries under portals also reference Northern New Mexico's regional architectural traditions.

36. The totality of the architectural features of 126 Camino Santiago comprise a Spanish-Pueblo Revival style which conforms to and brings mid-century character to Recent Santa Fe Style design standards (Section 14-5.2(E)) in the District.

37. The Board, in response to the application, finds that the structure and associated rock yardwall at 126 Camino Santiago:

X meet the Section 14-12.1 criterion for "contributing" as provided in the presentation and Staff Report.

38. The north façade at 126 Camino Santiago is the primary elevation of the structure with features that define the character of the structure's architecture.

122, 125 and structures south of 126 Camino Santiago

1. At a prior hearing on April 24, 2018, the aerial photograph dated February 27, 1969 did not include the area on which 122 and 125 Camino Santiago are located and could have been constructed prior to this date.

2. At the hearing on June 26, 2018, an additional aerial photograph from the New Mexico Department of Transportation was provided which clearly shows that 122 and 125 Camino Santiago had not begun to be constructed by February 1969.

3. At the June 26, 2018 hearing, the County Assessor Gus Martinez testified that if there was a discrepancy between the County Assessor's records and the NMDOT aerial photograph regarding the estimated date of construction, that he would rely on the NMDOT photograph as being more accurate.

4. 122 and 125 Camino Santiago, including but not limited to the associated rock yardwalls, do not meet a threshold age requirement for contributing status.

5. The garage structures south of 126 Camino Santiago do not contribute to maintain the character of the District.

6. The Board, in response to the application, finds the structures and associated yardwalls at 122, 125, and the garage/carport structures south of 126:

X do not meet the Section 14-12.1 criterion for "contributing" as provided in the presentation and Staff Report.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.

2. The Board granted the Applicant's request to review historic status and voted to:

X Designate contributing status to the residence at 124 Camino Santiago and its associated rock yardwall, with the west façade as the primary elevation;

X Designate contributing status to the residence and associated rock yardwall at 126 Camino Santiago, with the north façade as the primary elevation; and

X Designate noncontributing status to the structures at 122, 125 and the garage/carport structures south of 126, along with any associated yardwalls.

IT IS SO ORDERED ON THIS 24th DAY OF JULY 2018, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Ross
Chairperson

24 July 2018
Date:

FILED:
Yolanda Y. Vigil
Yolanda Y. Vigil
City Clerk

7/25/18
Date:

APPROVED AS TO FORM:
[Signature]
Assistant City Attorney

24 July 2018
Date:



City of Santa Fe, New Mexico

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Chris Rivera, District 3

Mike Harris, District 4

JoAnne Vigil Coppler, District 4

PROJECT DESCRIPTION: Lloyd and Associates, agent for Plaza del Monte LLC, owners, requests historic status reviews with primary elevation(s) designation, if applicable, for non-stated residential structures and associated yardwalls.

Case number: **17-098A**

Project Type: **HDRB**

PROJECT LOCATION(S): 122, 124, 125, 126, and garages/carports south of 126 Camino Santiago

PROJECT NAMES:

OW – Plaza del Monte LLC 8814 Horizon Blvd. Suite 400 Albuquerque, NM 87113

AP - Lloyd and Associates 321 West San Francisco Street Suite A Santa Fe, NM 87501

BOARD ACTION

This is to certify that the Historic Districts Review Board (HDRB) acted on your request at their hearing on June 26, 2018. The decision of the Board was to list the historic status of 124, and the associated rock wall shown on page 98 of the packet, as contributing with the west façade of the residence designated as primary, list the historic status of 126, and the associated rock wall shown on page 97 of the packet, as contributing with the north façade of the residence listed as primary, and list 122, 125, the garages south of 126, and the associated walls as non-contributing. For further information please call 955-6605.

Sincerely,

David Rasch
Supervising Planner, Historic Preservation Division

NOTE: Applicant can use this action letter to apply for construction permit, but the permit shall not be released until the end of the appeal period which starts on the date of filing of the Findings and Conclusions in the City Clerk's office (SFCC 14-3.17(D)). Your permit will be denied if any changes on plans that were not approved by the HDRB or if conditions of approval are not met. Please attach copies of this letter to all sets when submitting for construction permits.

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HISTORIC DISTRICTS REVIEW BOARD
June 26, 2018

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I. Matters from the Board	None.	122-123
J. Adjournment	Adjourned at 9:25 p.m.	123

MINUTES OF THE
CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD

June 26, 2018

A. CALL TO ORDER

A regular meeting of the City of Santa Fé Historic Districts Review Board was called to order by Ms. Cecilia Rios, Chair, on the above date at approximately 5:30 p.m. in the City Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Mr. Frank Katz, Vice Chair
Ms. Meghan Bayer
Ms. Jennifer Biedscheid
Mr. William Powell
Mr. Buddy Roybal

MEMBERS EXCUSED:

Cecilia Rios, Chair
Edmund Boniface

OTHERS PRESENT:

Mr. David Rasch, Planner Supervisor
Ms. Nicole Ramirez Thomas, Senior Planner
Mr. Carlos Gemora, Senior Planner
Ms. Theresa Gheen, Assistant 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 and available on the City of Santa Fe web site.

C. APPROVAL OF AGENDA

MOTION: Member Roybal moved, seconded by Member Biedscheid, to approve the agenda as

presented.

VOTE: The motion passed by unanimous voice vote with Members Bayer, Biedscheid, Boniface, Katz, Powell, and Roybal voting in favor and none voting against.

D. APPROVAL OF MINUTES June 12, 2018

MOTION: Member Biedscheid moved, seconded by Member Roybal, to approve the minutes of June 12, 2018 as presented.

VOTE: The motion passed by voice vote with Members Boniface, Powell, and Roybal voting in favor and none voting against. Member Bayer abstained.

E. FINDING OF FACT AND CONCLUSIONS OF LAW

Case #H-18-029A. 725 ½ Canyon Road.

Case #H-18-029B. 725 ½ Canyon Road.

Case #H-18-032. 1341 Canyon Road.

Case #H-18-063. 105 Calle La Pena.

Case #H-16-052. 1047A Camino San Acacio.

Case #H-18-062. 885 East Palace Avenue.

Case #H-18-054B. 210 Barela Street.

Case #H-14-034. 507 and 511 Paseo de Peralta.

Case #H-16-087. 444 Camino de las Animas.

Case #H-18-038A. 576 ½ Camino del Monte Sol.

Case #H-18-001. 1301 Canyon Road Unit C.

Case #H-18-064. 1536 Cerro Gordo Road.

MOTION: Member Roybal moved, seconded by Member Biedscheid, to approve the Findings of Fact and Conclusions of Law as presented.

VOTE: The motion passed by voice vote with Members Biedscheid, Boniface, Powell, and Roybal voting in favor and none voting against. Member Bayer abstained.

F. BUSINESS FROM THE FLOOR

There was no business from the floor.

G. COMMUNICATIONS

There were no communications.

H. ACTION ITEMS

Vice-Chair Katz announced to the public that anyone wishing to appeal a decision of the Board could appeal to the Governing Body up to 15 days after the Findings of Fact and Conclusions of Law were

approved by the Board or, if the Board has not approved the Findings of Fact and Conclusions of Law within 31 days, the appeal can be filed up to 15 days beyond 31 days. He also advised all applicants to take down the notice of hearing signs after the hearing is completed.

1. **Case #H-18-039. 367 and 367½ Hillside Avenue.** Downtown and Eastside Historic District. Liaison Planning, agent for 2017 Hillside Partners, LLC, owner, proposes to remodel a contributing residential property by changing doors and windows and repairing stucco and wood trim. (Nicole Ramirez Thomas)

Ms. Ramirez Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

367 & 367½ Hillside Avenue are two residential buildings in the Downtown and Eastside Historic District.

367 Hillside Avenue is not being discussed.

367½ Hillside Avenue

367½ Hillside Avenue is a 1,725 square foot single family residence which was constructed in the 1980s. The house is constructed in the Spanish-Pueblo Revival style. Staff recommend the residence as non-contributing to the Downtown and Eastside Historic District as it is not yet 50 years or older. The Board designated the historic status of the structure as non-contributing in 2018.

Garage

In addition to the two residential structures is a two-story garage built sometime after 1980. The garage has a historic status of non-contributing. The garage is detached from the structures and is built in the Pueblo Revival style.

The applicant is requesting to remodel 367½ Hillside and the garage at the back. The following five items are proposed.

- 1) Change windows on the residential structure. The windows are proposed to be simulated divided lite. The windows and trim will be in the color "Blue."
- 2) Replace the garage door with a window.
- 3) Replace the existing door at the garage with carriage doors. The doors will be "White" and the trim will be painted "Blue."
- 4) Install a skylight in the kitchen of the house. The skylight will not be visible above the parapet.
- 5) Color coat with STO Asheville, which is close to the current color.

STAFF RECOMMENDATION:

Staff recommends approval of the application as it complies with 14-5.2(D)(9) General Design Standards for All H Districts, Height, Pitch, Scale, and Massing and 14-5.2(E) Downtown and Eastside Historic District.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Ms. Dolores Vigil, P.O. Box 1835, Santa Fe, was sworn She said she was here to answer questions. She had read the Staff report and understood this property had been downgraded to noncontributing. This project will clean up the area and they plan to do the smaller unit later on.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Mr. Elmer Maestas, who lives across the street from the subject property, was sworn. He wanted to find out the plans for the overall property.

Vice-Chair Katz suggested he could ask that from the applicant separately and asked if he had any concerns about this project.

Mr. Maestas said not but he would get with Ms. Vigil to ask about that.

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

Action of the Board

MOTION: Member Roybal moved, seconded by Member Bayer, in Case # H-18-039 at 367½ Hillside Avenue, to approve the application as recommended by Staff.

VOTE: The motion and it passed by voice vote with Members Bayer, Biedscheid, Boniface, Katz, Powell, and Roybal voting in favor and none voting against.

2. **Case #H-17-003. 1405 Paseo de Peralta.** Don Gaspar Area Historic District. Jennifer Schlesinger, agent for Brant Mackley, owner, proposes to install a mural on a non-contributing, commercial structure. (David Rasch)

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

1405 Paseo de Peralta, formerly known as 600 Galisteo Street, is a commercial structure that was built as a grocery store in 1930 in a vernacular manner. Significant massing changes have occurred. The structure is listed as non-contributing to the Don Gaspar Area Historic District.

The applicant is bringing forward the last part of their proposed remodel, which is to install a mural on the north elevation of the building. The full-color painting will be approximately 16' H x 55' W. The Arts Commission does not need to review this request.

RELEVANT CODE CITATION

14-5.2(H) Don Gaspar Area Historic District

(1) District Standards

Compliance with the following structural standards shall occur wherever those exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished:

- (a) Slump block, stucco, brick, stone, or wood shall be used as exterior wall materials. Aluminum siding, metal panels, mirrored glass and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior wall materials. The painting of buildings with a color that causes arresting or spectacular effects or with bold repetitive patterns, or using building as signs is prohibited. Murals, however, are permitted and may be referred to the city arts board for an advisory recommendation.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2(H)(1)(a)).

Questions to Staff

Vice-Chair Katz understood it is optional to the Arts Commission and they didn't want to review this because it is on private property and they only deal with art on public properties. Is that correct?

Mr. Rasch agreed and read the citation. The applicant contacted them, and the Director said they did not need to see it.

Vice-Chair Katz asked to what extent the Board's discretion does extend - like everything that it harmonizes with streetscape.

Mr. Rasch agreed with that, but he cautioned the Board about content of the mural. The Board can deal with harmony with the streetscape, including location, dimensions and color. Those are part of the Board's jurisdiction.

Member Roybal asked if there are any other murals there.

Member Powell asked if he could read the code citation on murals.

Mr. Rasch read again regarding materials, what is allowed and what is not. The code prohibits arresting colors or bold repetitive patterns and it may be referred to the Arts Board for a recommendation.

Applicant's Presentation

Ms. Jennifer Schlesinger, 1405 Paseo de Peralta, was sworn. She provided a bio of the artist and Mr. Rasch handed it out. [A copy of his bio is attached to these minutes as Exhibit 1.] She said they have two businesses and share the space. They are both galleries. She represents photography and her partner represents "American Indian and Tribal Arts." She related how they met this mural artist, Douglas Miles, at the Contemporary Indian Market and liked his work. They asked him if he would do this work as an interesting contribution to the neighborhood.

Questions to the Applicant

Member Roybal liked the mural and noted that it has bold colors. He was concerned that the colors might distract a driver and cause an accident. He asked if they would consider toning it down a little so people driving by would not be as distracted.

Ms. Schlesinger said the design was originally just three Apache Warriors and this Board recommended it be bigger and blended into the wall, so a person coming onto it would not be shocked by it. So they asked the artist to redesign the mural, making it bigger and blending it more into the wall with a landscape on both sides. The colors are flexible.

Member Roybal felt that if the colors surrounding it were blended into it more, it would not be "in your face."

Ms. Schlesinger showed the mural with the changes.

Member Powell asked if she had the original design that was submitted back in April.

Ms. Schlesinger said she didn't have it with her, but it was just the three warriors.

Vice-Chair Katz said one question that occurred as the Board drove by today was the distracting nature of it and it would be the first or only mural in the streetscape. He wondered whether putting it on the wall at the back of the parking area would make it less dominant. He asked if she would consider that location.

Ms. Schlesinger said she would talk with her partner about that and thought they could. However, they have a tall van that is parked in the back.

Member Roybal said he thought the new design was an improvement over the original by adding more color and softening the mural.

Member Biedscheid said she really liked the idea of a mural on this wall and with this large blank wall, especially, it would deter graffiti. The mural design is wonderful and very tasteful.

Ms. Schlesinger agreed. They also had a concern about the graffiti problem.

Public Comment

Mr. Richard Martínez, 1524 Paseo de Peralta, was sworn. He reminded the Board that there is a mural at Paseo and Guadalupe in tile and brightly colored and permanent. He also reminded the Board that there is a tradition of doing murals in Santa Fe.

Ms. Stefanie Beninato, P.O. Box 1601, was sworn. She said she still has some concerns about parking which has nothing to do with the Board and actual use of the building. She thought the solution was to have the van parked away from the wall and if they put it on the west wall, it would be more visible. The Board did approve some kind of mural. The three warriors design is a less distracting design. Her concern was the distraction of traffic there. And it would be less distracting on the north side of the building.

Mr. Doug McDowell, 1317B Cerro Gordo Road, was sworn and said this is a tough one. It is a nonhistoric mural. We are so well known as an artist town. Don't you want it to be seen rather than not be seen. It is so hard to say what is appropriate and what isn't. I like it and I am in support of it.

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

Action of the Board

Member Bayer was glad to see the previous submittal because she couldn't remember it. Compared to what they submitted before, it follows the suggestion of the Board from last time. They accomplished that and is not as glaring.

Member Powell recalled making it more of a scene and not just the three figures and to blend it with the façade more. It is a positive move in the right direction. "There is still something I can't put my finger on.

This will open it up for more murals and definitely set a precedent, so we should consider it carefully. The figures are such large scale. For me, it is a little out of scale. It is very large. The windows are quite high.”

Vice-Chair Katz said, “I’m a little afraid to say how I feel. The idea of having it larger and blend in and the background mountains do that. I have a little problem with the shield. Doug is right. It is arresting but balancing with traffic accidents. It would be less distraction if the shield object was not there.”

Ms. Schlesinger explained that it is a basket and not a shield.

Member Powell asked if it could be a little smaller.

Ms. Schlesinger said it is the artist’s work. The artist did make the changes the Board asked for. She thought the artist was happier with this version. She didn’t think he wanted to make it much smaller. He was happy with this. We can tell him to tell it down or use more muted colors. They are all doable, but it is his art and he is known all over the country for his murals and we don’t know how much we can dictate it.

Member Powell understood but it is the Board’s job. “You did a great job on renovation. This might dominate the façade more than it should. Just think that big scale might detract from it.”

Member Biedscheid asked for the Applicant to clarify if the brown color is similar to the stucco color.

Ms. Schlesinger said what is not showing is the color of the building which is Cottonwood which is beige. The mural is definitely going to blend in, especially the basket, and the mountains will be darker brown.

MOTION: Member Roybal moved, seconded by Member Biedscheid, in Case #H-17-003 at 1405 Paseo de Peralta, to approve the application as recommended and maybe making the surrounding colors subtler to blend in better.

VOTE: The motion passed by voice vote with Members Bayer, Biedscheid, and Roybal voting in favor and Member Powell voting against (3-1).

- 3. Case #H-18-053A, 906 Canyon Road.** Downtown & Eastside Historic District. Pompeii’s Home Building, agent for Dennis and Valerie Storz, owners, requests a historic status review for contributing, non-contributing, and non-statused residential structures, with primary elevation designations, if applicable. (David Rasch)

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

906 Canyon Road is a single-family residence that was estimated to be constructed before 1928, as indicated in the City business directory, in the Old Santa Fe Style. Although, the County’s tax records indicate that the structure was constructed in 1955. Historic wood windows appear to be in good condition.

It appears that the brick parapet coping was stuccoed over. The building is listed as contributing to the Downtown & Eastside Historic District.

908 Canyon Road is a free-standing casita behind 906. The County's tax records indicate that the structure was built in 1955. Historic metal casement windows appear to be in good condition.

A free-standing cantina was constructed at the southwest corner of the property before 1975, but the rounded, low portal that dominates the north façade of the cantina was constructed later. The structure has no historic status, but there is no conclusive evidence submitted for its date of construction.

908½ Canyon Road is a free-standing well house that is located on the rear east side of the property. This hearing does not involve this contributing structure.

RELEVANT DEFINITIONS

CONTRIBUTING STRUCTURE

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

NONCONTRIBUTING STRUCTURE

A structure, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.

STAFF RECOMMENDATION:

Staff recommends that the Board maintain the contributing historic status of the primary residence and designate the north façade as primary (elevations 1-3 of 10), to upgrade the historic status of the casita as contributing with the east façade designated as primary (elevations 1-4 of 7), and to recognize the cantina portal as non-historic due to a post 1975 date of construction.

Questions to Staff

Member Bayer asked Mr. Rasch if he meant the cantina to be non-stated.

Mr. Rasch said he did. He explained that he had no evidence of its actual date of construction. He was leaving the portal as nonhistoric.

Applicant's Presentation

Mr. Dennis Storz and Ms. Valerie Storz, 906 Canyon Road, were sworn.

Mr. Storz said the main issue is about the cantina and the portal. "We recently purchased the house and are doing renovation and doing all we can to maintain the character of the home - nothing to exterior on 906 and 908 but on the cantina, we'd like to remove the roof which is very steep and very low and anyone 5' 5" or taller would bang their head on it. As nearly as we can tell, it was constructed after 1975 based on the 1975 aerial photo. So our request is to remove that part, so we can make it more useful."

Vice-Chair Katz clarified that Staff recommended nonhistoric which would allow the Applicant to do that.

Questions to the Applicant

Vice-Chair Katz asked if they were comfortable with the other Staff recommendations.

Mr. Storz agreed.

Mr. Rasch clarified that this case is not about remodeling but just the status.

Public Comment

Mr. Richard Martínez (previously sworn), said his renovation of this house in 1993 won an award for historic renovation and that cantina was previously a chicken coop at that time and had no status. It is not up to the standards of the rest of the house.

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

Action of the Board

Member Bayer - moved to maintain contributing of main house with north as primary 1-3 of 10; to upgrade casita to contributing with >>>> and cantina maintain non-stated and portal nonhistoric/Member Roybal -
Member Biedscheid and the free-standing wall is not affected by this motion.

Unanimous.

MOTION: Member Bayer moved, seconded by Member Roybal, in Case #H-10-053A at 906 Canyon Road, to maintain the contributing status of the primary residence and designate the north façade as primary (elevations 1-3 of 10); to upgrade the historic status of the Casita to Contributing with the east façade designated as primary (elevations 1-4 of 7) and to note the Cantina is non-stated and designate the portal as non-historic due to post-1975 date of construction.

Member Biedscheid requested a friendly amendment that the free-standing wall status is unchanged by this motion. Member Bayer accepted the amendment as friendly.

VOTE: The motion passed by voice vote with Members Bayer, Biedscheid, Powell, and Roybal voting in favor and none voting against.

- 4. Case #H-18-060A . 310 Otero Street.** Downtown & Eastside Historic District. Christopher Alba, agent for Georges and Valentine Feghali, owners, requests a historic status review and designation of primary elevations, if applicable, on a non-contributing, residential structure. (David Rasch)

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

310 Otero Street is a single-family residence that was constructed in 1953 by Allen Stamm & Associates in the Spanish-Pueblo Revival style. Before 1969, the garage vehicle door was removed and infilled with a fixed window and the yardwalls were constructed. In 1978, two portals were constructed on the front and rear elevations. The front elevation included infilling of the original portal and removal of steel casement windows and the primary entry door. The 1985 building inventory has no information other than an estimated post-1945 date of construction. That inventory also shows that the front yardwall has been altered since that date. The building is listed as non-contributing to the Downtown & Eastside Historic District.

Staff requests a historic status review for the residence and the yardwalls.

STAFF RECOMMENDATION:

Staff recommends maintaining the non-contributing historic status for the residence and designating the yardwalls as non-contributing due to loss of historic materials and non-historic alterations and additions.

Questions to Staff

There were no questions to Staff regarding this case.

Applicant's Presentation

Mr. Christopher Alba, 1800 Old Pecos Trail, was sworn and had nothing to add to the Staff Report.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

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

Board Discussion

Member Bayer said she was inclined to make it non-contributing.

Member Powell noted the historic rock wall. The garage has been filled in with the single pane window. It is nice, and a few things have been replaced but not much. It would be a shame to not consider it Contributing.

Member Biedscheid noted that it is one of three Stamm houses in the historic district and it is old enough to be considered Contributing.

Mr. Rasch was unaware of where the other two Stamm houses were located and didn't know what integrity they have. It was difficult for him to recommend noncontributing also.

Member Roybal wanted to hear more of why it should be noncontributing.

Vice-Chair Katz pointed out that the garage isn't a garage any more, but the change was done tastefully so that you could tell it was once a garage. The windows and doors have been changed with a different portal in the front. But he recalled subdivisions in suburban New York of modest houses and had been modified in some way. This is way truer to its original form than many others and he thought it should be Contributing.

Member Bayer recommended yard wall as contributing as well.

Vice-Chair Katz thought the portal was nonhistoric. Member Bayer agreed.

Member Roybal - had concerns with yard wall. 90% of it is not.

Mr. Rasch - post 1985.

Member Bayer - exclude the nonhistoric parts of the yard. North and east base.

Member Powell - the nonhistoric parts.

MOTION: Member Bayer moved, seconded by Member Biedscheid, in Case #H-18-060A at 310 Otero Street, to designate the building as Contributing with the east elevation as primary; that the north part of the yard wall and the east base be designated as

Contributing, excluding the nonhistoric stuccoed parts; and that the portal is excluded as nonhistoric

VOTE: The motion passed by voice vote with Members Bayer, Biedscheid, Powell, and Roybal voting in favor and none voting against.

5. **Case #H-18-061. 918 Acequia Madre Unit G.** Downtown & Eastside Historic District. Martínez Architecture Studio, agent for Cole Martelli, owner, proposes to construct a 4,900 sq. ft. residential structure to the maximum allowable height of 15' and walls and fences to a maximum allowable height of 6'. (Carlos Gemora)

Mr. Gemora presented the staff report as follows:

BACKGROUND & SUMMARY:

918G Acequia Madre is a vacant lot in the Downtown and Eastside Historic District.

The applicant proposes to build a 4,900 square foot single family Spanish-Pueblo revival residence with the following design features:

1. "Buckskin" colored acrylic stucco exterior finish with a parapet-style roof to a maximum height of 15' (maximum height calculation).
2. Stained (color sample attached) wooden portals, eyebrows, canales, gates and doors.
3. Dark bronze clad windows.
4. 6-7' high courtyard walls in "buckskin" colored acrylic stucco with additional "moss rock" retaining walls.
5. Rear and side retaining walls with a 6' coyote fence (details not provided).
6. Rooftop appurtenances hidden by parapets.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project and has determined that this application complies with Section 14-5.2(D)9 General Design Standards for all Historic Districts, Height, Pitch, Scale, and Massing, and 14-5.2(E) Downtown and Eastside Historic District.

Questions to Staff

Member Biedscheid asked if this lot has frontage on Acequia Madre and if any of the walls are proposed along the street.

Mr. Gemora said none of it fronts Acequia Madre and none of the walls are on the street. It has a private drive and is not gated.

Applicant's Presentation

Mr. Richard Martínez (previously sworn) said this project was going to be on the schedule for the last meeting and Staff took it off “for reasons that were not my own. When I have a project and I have a problem with meeting your deadline, I have to explain that to my client. And I have to either return money or work for free in order to do that. When I am taken off the schedule because of the problems and incompetence of the Historic, it is more difficult for me to explain. I asked repeatedly to meet with the City Attorney and I was refused, and I think that was because it was no legal reason for me to be removed from the schedule. And it was hard to explain.

On the front façade, the street that is going to be in front of the house is a private drive. It is going to be lowered quite a bit. He pointed out the dotted line that represents the existing grade and the level of the street. It will be lowered about 3' or so. The retaining stone wall and house is beyond it. The lowest elevation shows it will be cut into the ground and the dotted line is the existing grade. The drawing is labeled 3.1 in his submittal. That is drawn from final grade to the top of the parapet because they are lowering it into the ground.

Questions to the Applicant

Member Powell asked an inaudible question.

Mr. Martinez asked if was asking for the highest parapet.

Member Powell agreed.

Mr. Martinez said that would be over the living room/dining room. That is recessed back behind the entryway and the entry portal.

Member Powell asked, “What is the height?”

Mr. Martinez clarified that the street is lowered three feet; not the house. The lowest elevation shows the existing grade with dotted line. My measurement is 15'. [Mr. Martinez was speaking away from the microphone.]

Member Bayer asked if the Applicant can describe the retaining wall.

Mr. Martinez said, “Yes. That retaining wall is a dry stack moss rock wall intended for planting between it and the courtyard wall beyond. It is a standing wall and you can see it on the site plan; my drawing A-1.0 shows the retaining wall at the street. It is rendered darker because I have a stone hatch on that wall and then beyond it or behind it three feet back is the courtyard wall – the stuccoed wall behind it.

Member Powell said we have seen a lot of veneered walls that are not a real wall.

Mr. Martinez said it is not a veneer wall.

Mr. Gemora said regarding the height of the finished floor there with the retaining wall, it appears that the retaining wall lifts that finished floor to about 3' 6" at the lowest grade around the garage, if that makes any sense.

Member Biedscheid asked if he could describe the private driveway and what visibility of the finished house from Acequia Madre.

Mr. Martinez said there is no visibility from Acequia Madre because the house is behind other houses and the private drive curves as it comes to the house.

Member Roybal asked in regard to the retaining walls on the south side, on the north side and under the back wall. It is coyote. What are the side walls made of?

Mr. Martinez said they are stuccoed. There are backyard walls that exist in the back. They are the neighbor's backyard walls. So the retaining wall is 3' away and it lowers the grade so that it is reasonable for the house and a coyote fence that hides their naked block wall. The walls are separated by planter strip.

Vice-Chair Katz asked if it will be as beautiful as the house next door.

Mr. Martinez hoped so.

Public Comment

Ms. Beninato (previously sworn) said she knew it is on a private drive and couldn't be seen from the public street, so she didn't know how much the Board reviews it. But she was concerned about harmony with the rest of the houses there and how large it is. "Does it fit in with existing units. It is well designed but 4,900 square feet is a large house."

"It looks like two garage doors and a big window and some kind of portal. That looks massive and out of place and the biggest disharmony of all."

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

Board Discussion

Vice-Chair Katz asked what that eyebrow is over the large window.

Mr. Martinez said it is over a large sliding wood door into the dining room. The eyebrow is made of corbels that come out from the house and has latillas on top.

Member Biedscheid asked if the lot coverage is more than other houses in the area.

Mr. Martinez said it is shorter than the house you referred to earlier. That was on a long narrow lot. This one is square, and the size is not larger than the other houses. There are three houses around it at the same size.

Mr. Gemora said it is about 42% lot coverage, but it meets the code with private space.

Action of the Board

MOTION: Member Powell moved, seconded by Member Roybal, in Case #H-18-061 at 918 Acequia Madre Unit G, to approve the application as submitted.

VOTE: The motion passed by voice vote with Members Bayer, Biedscheid, Powell, and Roybal voting in favor and none voting against.

6. **Case #H-18-066. 1673 Cerro Gordo.** Downtown and Eastside Historic District. Lisa Roach, agent for Matthew Olson, owner, proposes to construct a 1,898 sq. ft. residential structure on a vacant lot to a height of 13'4" where the maximum allowable height is 16'4". (Carlos Gemora)

Mr. Gemora presented the staff report as follows:

BACKGROUND & SUMMARY:

1673 Cerro Gordo is a vacant, sloping lot measuring approximately 0.56 acre in the Downtown and Eastside Historic District. The applicant proposes to build a 1,898 square foot single family simplified Spanish-Pueblo revival residence with the following design features:

1. "Buckskin" colored cementitious stucco exterior with a parapet-style roof to a maximum height of 13'4" where the maximum height allowed is 16'4".
2. A 320 square foot portal and a 320 square foot pergola (both attached), using stained wooden vigas and 8" round wooden posts.
3. Simulated divided-lite windows and doors so that no single pane exceeds 30".
4. Besides a wood stove chimney pipe, all rooftop appurtenances will not be publicly visible.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project and has determined that this application complies with Section 14-5.2(D)9 General Design Standards for all Historic Districts, Height, Pitch, Scale, and Massing, and 14-5.2(E) Downtown and Eastside Historic District.

Questions to Staff

Member Roybal asked if this doesn't have a garage.

Mr. Gemora agreed.

Vice-Chair Katz asked if the story pole was there.

Mr. Gemora said the pole the Board saw was a story pole. It is quite low and hidden behind other structures. It is a challenging lot to get it on there.

Applicant's Presentation

Ms. Lisa Roach was sworn and said it is in the buildable area and why the owner chose to not have a garage was because it is a small buildable area.

Questions to the Applicant

Vice-Chair Katz said there were a lot of trees. He asked if they were going to remove trees for the building.

Ms. Roach said they are not overlapping the building site with tree locations but there might be one that has to be removed.

Public Comment

Ms. Beninato (previously sworn) asked if the south faces Cerro Gordo.

Vice-Chair Katz said it does.

Ms. Beninato understood that solar gain was wanted. It is a little window dominated but she liked it very much and it is like what houses once looked like without an attached garage.

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

Action of the Board

MOTION: Member Roybal moved, seconded by Member Powell, in Case #H-18-066 at 1673 Cerro Gordo, to approve the application as recommended by Staff.

VOTE: The motion passed by voice vote with Members Bayer, Biedscheid, Powell, and Roybal voting in favor and none voting against.

7. **Case #H-18-058, 257 Las Colinas Drive.** Downtown and Eastside Historic District. John Padilla, agent for Piedra Partners, LLC, proposes to construct a 3,131 sq. ft. residence on a vacant lot to a height of 16'4" where the maximum allowable height is 16'4". (Carlos Gemora)

Mr. Gemora presented the staff report as follows:

BACKGROUND & SUMMARY:

257 Las Colinas Drive is a vacant lot within the Las Colinas Subdivision, a planned unit development that received conceptual approval from HDRB in February 2016 and which has constructed 5 of the 14 planned lots within the subdivision.

The applicant proposes the following design features for the 3,098 square foot residence:

7. Acrylic STO stucco in "Pecos" color.
8. Inset doors and windows with simulated divided lites each measuring less than 30" horizontal. Windows will be colored "Sierra Pacific Hemlock Green."
9. Flat portals and overhangs (without parapets) with a semi-transparent "Bear Wrangler Brown" stain color and copper flashing.
10. Garage door comprised of horizontal, rough sawn cedar boards to match portals.
11. Copper-lined canales.
12. Wall-mounted sconces adjacent to exterior doors with an antique tin patina finish.
13. Maximum allowable building height of 16'4" with 9 to 11' ceilings and no rooftop appurtenances.
14. Landscaping which will include trees at least half the height of the structure.
15. Portal and walkways paved with a random, irregular-shaped flagstone.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with the condition that the height of the structure to the top of the parapet shall not exceed 16'4" from the natural finish and has determined that this application complies with Section 14-5.2(D)9 General Design Standards for all Historic Districts, Height, Pitch, Scale, and Massing, and 14-5.2(E) Downtown and Eastside Historic District.

Questions to Staff

Vice-Chair Katz asked about harmony with the subdivision.

Mr. Gemora said the entire Las Colinas development has harmonious features. The height and lot coverage doesn't always comply with the way we consider them, and the others have received approval in the past.

Applicant's Presentation

Mr. John Padilla, P. O. Box 2286 was sworn and said he had nothing more to add except to clarify that in this 14-lot subdivision, 11 lots have been built on.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Ms. Beninato, (previously sworn) said she appreciated many of the façades shown but she thought the one with the garage doors seems to be dominant. She reminded the Board about their concern with the garage-dominant designs. She also reminded the Board about their discussion regarding garages in the Presbyterian retirement community and how, because they are garage-dominated, that they should not be considered contributing. The Board should be consistent in their actions.

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

Action of the Board

MOTION: Member Roybal moved, seconded by Member Powell, in Case #H-18-058 at 257 Las Colinas Drive, to go with Staff recommendations and approve the application.

VOTE: The motion passed by 3-1 voice vote with Members Bayer, Powell, and Roybal voting in favor and Member Biedscheid voting against.

[Note: The previous motion did not specifically mention the condition recommended by Staff.]

- 8. Case #H-18-067. 355 Hillside Avenue. Downtown and Eastside Historic District. Gayla Bechtol, agent for Sarah Tyson, owner, proposes to add 140 square feet to a non-contributing residential structure to a height of 14' where 16'2" is the maximum allowable height. (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas said she just received a message from the applicant to postpone this case.

- 9. Case #H-18-068. 618 Don Felix Street. Westside-Guadalupe Historic District. Peter Harris, agent for David Espey, owner, proposes to increase the height of a non-contributing residential structure from 12'8" to 21'6" where the maximum allowable height is 14'-10" and to replace doors and windows. A height exception is requested (14-5.2(D)(9)). (Nicole Ramirez Thomas)**

Ms. Ramirez Thomas presented the staff report as follows:

BACKGROUND & SUMMARY:

618 Don Felix Street is a non-contributing residential structure located in the Westside-Guadalupe Historic District. The estimated date of construction is between 1934 and 1940. Staff did not request a status review of the property as it has changed significantly since it was inventoried in 1985. The alterations include additions, including incorporating the detached garage into the footprint of the house, and the addition of a Mission Revival detail to the parapet at the front of the house. The current square footage of the footprint of the house is 2,118. The applicant is requesting to remodel the property.

The applicant requests the following for remodel.

- 1) Addition of a second story to a height of 21'-6" where the maximum allowable height is 14'-10". The existing height of the structure is 12'-8". The applicant is requesting a height exception to exceed the maximum allowable height (14-5.2(D)(9) by 6'-4". The relevant code citations and exception responses are presented at the end of this memo.
- 2) Addition of a roof deck with 36" metal railing in a natural or weathered rust finish.
- 3) Increase the height of the master bedroom parapet at the closet to a height totaling 10'-0".
- 4) Remove a window on the north elevation and replace it with a French door. The door will be aluminum clad wood in "White" and will be divided lite.
- 5) Removal of an existing French door at the west portal to accommodate the master bathroom.
- 6) Addition of two windows with aluminum wood clad divided lites in the color "White" to the west elevation of the house where the master bedroom will be located.
- 7) Removal of a skylight to install an evaporative cooler in the kitchen/dining area.
- 8) Addition of a skylight to the master bedroom.
- 9) Addition of a skylight to the master bedroom closet.
- 10) Stucco will be cementitious El Rey "Adobe."

RELEVANT CODE CITATION

14-5.2(D) General Design Standards for All H Districts

(9) Height, Pitch, Scale, Massing and Floor Stepbacks

The height, pitch, *scale*, and massing of any *structure* in an historic district, as defined in this section, shall

be limited as provided for in this section, unless further restricted within this chapter.

EXCEPTION RESPONSES

Please see the page following staff responses for the applicant's exception responses. The applicant was not able to provide the responses in Microsoft Word.

Staff Responses

- i) Staff does not agree with this response as second stories on buildings in the historic districts are not generally considered to enhance the streetscape. There are few second story structures on Casados Street so second stories are not completely out of character for the streetscape.
- ii) Staff does not agree with this response. The applicant does not explain the hardship suffered, such as the house is too small. The applicant may however, be able to demonstrate a hardship by discussing other design options.
- iii) Staff does not agree with this response. The applicant did not provide other design options.
- iv) Staff agrees with this response. The footprint of the house cannot expand due to the constraints of the lot.
- v) Staff agrees with this response. The current footprint of the house existed prior to the current owners.
- vi) Staff agrees that the style of the house is in keeping with the district.

STAFF RECOMMENDATION:

Staff does not find that all of the exception criteria have been met but upon further testimony the Board may find the exception has been met, otherwise the application complies with 14-5.2(D) General Design Standards for All H Districts, Height, Pitch, Scale, and Massing and 14-5.2(I) Westside-Guadalupe Historic District.

She corrected her response to criterion #3, noting that on page six, there were considerations for other design options and she agreed with the applicant's response to #3.

Questions to Staff

Member Roybal asked if Ms. Ramirez Thomas is changing #3 to agree.

Ms. Ramirez Thomas said she was.

Member Biedscheid referred to page 14 and said the photo of the west elevation appears to show a two-story. She asked if that is part of this property.

Ms. Ramirez Thomas explained that it currently is not a two-story and explained that part is kind of a tall parapet and a high transom window.

Member Biedscheid asked what the height is at that point.

Ms. Ramirez Thomas said the existing height is 12' 8".

Vice-Chair Katz asked, on page 14, if it is on that façade that the second story is to go.

Ms. Ramirez Thomas agreed. That will take over this tall part where the parapet sticks up over the low parapet at the back of the house.

Vice-Chair Katz said it would be a full story above.

Mr. Ramirez Thomas agreed.

Member Roybal asked if on the side street (Casados) there were any two-story homes.

Ms. Ramirez Thomas said one has a clerestory and two of them are two-stories.

Member Roybal asked how high they were.

Ms. Ramirez Thomas said the two-story homes are about 20' high and the clerestory is about 18' high.

Applicant's Presentation

Mr. Peter Harris, P.O. Box 3515, Moriarty, was sworn. He said, "As far as second story part, the streetscape seems to be very narrow and just outside that line of streetscape where the average is taken from, are two-story homes that can be seen from Don Felix. It is set back from Casados and below 26' of the surrounding two-story homes.

Questions to the Applicant

Vice-Chair Katz asked what the allowable height is.

Mr. Harris said the building code would allow 26'.

Vice-Chair Katz was puzzled by his answer and asked Staff what the allowable height is.

Mr. Harris said that is what the Building Code would allow the 26' height.

Ms. Ramirez Thomas said the building code would allow 24' for zoning, but for the streetscape, which is where Staff take the average, the allowable height is only 14' 2".

Mr. Harris said he understood that. But just outside the line for the average calculation are two-story buildings surrounding the entire neighborhood along Casados and on Claussen, as well. He thought the two-story would be an acceptable addition - breaking up an entirely blank wall and going on top of what was a studio addition and the owner wants to change it to be a master bedroom.

Member Roybal asked what the hardship would be in criterion #2.

Mr. Harris said, "When I walked the area with the owner, they want to retire and move up from Albuquerque to this residence. It has been a vacation residence for them. It would make their enjoyment of the property better, from what I understand. I don't know what the size home they are moving out of to be able to say what the specific reason is. So I'm not sure how best to answer the question. It would be like a previous case about a 4,900 square foot home that is similar to this case in terms of a necessity for a certain square footage for their particular living needs".

Ms. Ramirez Thomas said, looking at page six, and some of the responses, that some of them could be looked at as a hardship because there is no opportunity to grow the existing footprint by building in the area north, east, or west of the building. There is a lack of open space. So there is an answer to that criterion.

Member Roybal understood the hardship would be lack of lot space.

Mr. Harris added that this is a corner lot so there is a required clear-sight triangle and the original footprint to consider.

Ms. Ramirez Thomas agreed. The lot coverage is already at 50% and has a requirement for 838 square feet of open space.

Vice-Chair Katz asked Mr. Harris if there is any other part he would like to address.

Mr. Harris said, "We are trying to accommodate these folks to bring this family to the community full time."

Public Comment

Mr. Jerry Richardson, 703 Don Felix, was sworn. He said, "I've lived on Don Felix at 703 since 1979 and I am President of the Historic Guadalupe Neighborhood Association and state my strong opposition to a second story on this building. It is entirely incompatible with the streetscape and would be highly visible. The burden is on the applicant, in asking for a height exception, to conclusively demonstrate that it does not damage the character of the streetscape. And I don't think that has been demonstrated here.

I would like to address the other historic buildings in the neighborhood, since I am familiar with all of them and when they were built. There is a two-story building on the opposite side of this property on Don Felix Street and got built after the historic ordinance was created but before the height ordinance was established that gave the HDRB the authority to restrict heights. And at that time, height was governed by the zoning. The zoning was R-19 in that neighborhood, so they could build two stories.

It was built after it was in the historic district, but before there was any ability to restrict the height. I would also note that it is set back a hundred feet from Don Felix Street. The first story in front of it is built out some and has a high parapet to screen some of the height in the building behind it and a lot of the building is really shielded from the street by a large tree. If you are driving down the street... sure, if you are walking and look in that lot, you could see it way back there. But if you are driving down that street, you are not aware of that second-story building.

The other two buildings that are nearby – ones that are closest are ... There are four condo units there on Casados Street between Casados and Barela Street to the west. And they were built about 1980 and that was before there was a historic district and you could then build two-story buildings in that whole neighborhood. Some of them are built with a clerestory shape and some are just the full two stories. But again, they are not, because they are tucked behind.... There is a building on the front of Don Felix Street that is an old building that has been there since at least the 1930's that also screens those from the streetscape of Don Felix. Casados Street is a very narrow street. Sure, if you look quickly as you drive by, you might see them back there, but otherwise, you are just not aware of those second stories.

And the other building that was referenced was a two-story building on Claussen Street just a little bit in as you turn from Agua Fria onto Claussen. There was a one-story building there that burned down about 1980 and they were able to build those four two-story condo units before it was part of the historic district, so there were no height restrictions.

But this building would be highly visible. It is right on Don Felix and Casados. It is otherwise all the small adobe owner-built homes. They were not “cookie-cutter” houses and they all have a little funkiness and was a poor neighborhood and they were built by their owners. This really changes the streetscape. The owner must conclusively prove a special condition such as land or structure makes it necessary. They are claiming hardship. But they bought it in 2010 with what it has right now. They should have known it has these restrictions in the historic district.

Mr. Rasch said the Westside-Guadalupe Historic District was established in 1985 and the height ordinance was created in 1996.

Ms. Ramirez Thomas pointed out that it is why these buildings are not included in the height calculation.

Ms. Beninato (previously sworn) agreed with Mr. Richardson's statements. Zoning requirements are not a hardship, but they are zoning requirements. The lot coverage is 50% maximum. Everybody wants to move the calculation line out further to get more height and it loses consistency with the regulation when that might be allowed.

“When people want to retire here, it is not a hardship. Everybody is aging and that is not unique to the property and it is not unique to them. I’m tired of hearing that as a reason to allow all kinds of exceptions. It really is not consistent with the streetscape there. Even though it is not in this immediate neighborhood, there is another neighborhood fairly close to it where there are a lot of 3-story buildings that went up and that made the neighborhood people very unhappy with them. Please give that serious consideration. Thank you.”

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

Vice-Chair Katz asked if the applicant wanted to respond.

Mr. Harris said, “I’ve built in historic districts up and down the Rio Grande Valley and there are many two-story homes that are historic. I understand the streetscape criteria that you have created to bar three-story homes from the neighborhood, but based on value or non-value, I don’t believe it is a reasonable thing.

Vice-Chair Katz pointed out that it is currently a three-bedroom house and where the master bedroom is scheduled to go is the library now. So if the Board did not approve the second story for the library, couldn’t the library go into one of those three bedrooms?

Mr. Harris said, “I suppose for you or me it could, but I can’t speak for the owner.

Member Biedscheid asked, with regard to the skylight and the cooler, if those would be visible from the street.

Mr. Harris said no. The skylights will be behind the parapet.

Member Biedscheid asked if the skylights would be publicly visible without the second story.

Mr. Harris did not believe they would be. The cooler is on the north east side. There is a skylight there now and it would not be visible.

Action of the Board

MOTION: Member Biedscheid moved, seconded by Member Powell, in Case #H-18-068 at 618 Don Felix Street to deny the second story addition (#1) and the roof deck (#2) and to approve the remainder of the application (#3-10) with the condition that none of the rooftop appurtenances would be publicly visible.

VOTE: The motion and it passed by 3-1 voice vote with Members Bayer, Biedscheid, and Powell voting in favor and Member Roybal voting against.

10. Case #H-18-065, 1400 Cerro Gordo Road Unit C. Downtown and Eastside Historic District. Doug McDowell, agent for Felice Gonzales, owner, proposes to remodel a non-contributing, residential structure by enclosing an 85 sq. ft. portal, constructing a 60 sq. ft. portal, and changing windows and doors along with constructing a 144 sq. ft. carport to a height of 9' where the maximum allowable height is 14'6". Two exceptions are requested to have openings nearer than 3' to a corner (14-5.2(E)(2)(b)) and to install windows that exceed the 30" standard (14-5.2(E)(1)(c)). (David Rasch)

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

1400 Cerro Gordo Road is a single-family residence that was constructed in 1975 in a simplified Santa Fe Style. The building is listed as non-contributing to the Downtown & Eastside Historic District.

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

1. The existing portal on the north elevation will be enclosed with heated space.
2. Phase II may include altering the south elevation with another sunroom (not shown) beside the existing portal.
3. Windows and doors will be modified with changes in dimensions and locations.
4. Skylights will be installed which will not be publicly visible.
5. A 144 square foot carport will be constructed in the driveway on the south side of the residence to a height of 9' where the maximum allowable height is 14' 6".

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2(D)(9) General Design Standards, Height Pitch Scale and Massing and (E) Downtown & Eastside Historic District.

Questions to Staff

Member Bayer asked about item #2, on Phase II.

Mr. Rasch said she should ask the Applicant.

Applicant's Presentation

Mr. Doug McDowell (previously sworn) said the owner could not be present but wanted to be. She is

trying to get several things approved but with the reality of cost, she might not be doing that phase II. He would not be building it but just helping her with the design. To the left of the entry portal is where she wants to put the window. There should be a drawing in the packet that shows it popping out for a sunroom, but she might find just putting in the windows would open it up. At the back she will enclose all the seating area.

Member Bayer said the sun room is not shown here.

Mr. Rasch apologized – for some reason, it was not copied into the packet.

Mr. McDowell said there are two sunrooms proposed. The one at the back has an existing portal which she proposed to enclose. But in the front, she would put in a larger window for a better view and in the future to put a second sun room there.

Mr. Rasch thought it got dropped out of the last set. It was originally there. And that second sun room was not included in her plans.

Mr. McDowell said it originally was there.

Member Powell made a statement, but it was inaudible.

Mr. Rasch said no exceptions are requested. There were several iterations of drawings. He explained that he helped the applicant so that no exceptions are needed.

Mr. McDowell clarified that it is basically the same window, but it is pushed out seven feet from where it was. You don't have it in front of you, so you probably can't approve that.

Member Powell made a statement, but it was inaudible.

Mr. Rasch said the Board could refer it to Staff for approval administratively.

Member Biedscheid asked if Mr. Rasch could clarify why the 3-foot corner rule does not apply to the sunroom on the north elevation. Was it because it reads as a single wall?

Mr. Rasch explained that the north elevation has no public visibility, but the south does. The 30" lite rule applies whether visible or not, but the three-foot corner rule does not apply to the north façade where it is not publicly visible.

Member Biedscheid understood.

Mr. McDowell said the north side is a sitting area for her.

Questions to the Applicant

There were no questions to the Applicant.

Public Comment

Ms. Beninato (previously sworn) said, "I guess I understand you are taking the south sunroom off of the agenda since there is no plan submitted for it. Each applicant must be held to the same standard which requires a full set of drawings. She could come back for that approval later. It is a Noncontributing structure, and, on some level, it does take a lot of time.

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

Action of the Board

Member Powell asked if the plans that were submitted is not what the Board is approving, or we are.

Mr. Rasch said it was just that sunroom. Everything else to be considered is there.

Member Powell moved to approve as submitted with exception of #2 to be referred to Staff which otherwise meets code/Member Roybal.

Member Biedscheid added a condition - that it would need an exception
unanimous.

MOTION: Member Powell moved, seconded by Member Roybal, in Case #H-18-065 at 1400 Cerro Gordo Road, Unit C, to approve the application as submitted, with the exception of item #2 (south sunroom), which is to be referred to Staff for review and approval, which otherwise, meets Code.

**AMENDMENT TO THE MOTION: Member Biedscheid added a condition that consideration of the south sunroom by Staff should not require an exception.
Member Powell accepted the amendment as friendly.**

VOTE: The motion and it passed by voice vote with Members Bayer, Biedscheid, Powell, and Roybal voting in favor and none voting against.

The following two cases are presented in verbatim format at the request of the Applicant.

11. Case #H-17-098A. 122, 124, 125, 126, and garages/carports south of 126 Camino Santiago. Downtown & Eastside Historic District. Lloyd and Associates, agent for Plaza del Monte LLC, owners, requests historic status reviews with primary elevation(s) designation, if applicable, for non-stated residential structures and associated yardwalls. (David Rasch)

Mr. Rasch presented the staff report as follows:

BACKGROUND & SUMMARY:

101-126 Camino Santiago and 104-120 Camino Matias are 26 that were constructed in a vernacular manner after approximately 1966 in Plaza del Monte. Evidence of non-historic alteration consists of added massing with Spanish-Pueblo Revival portals and loss of original windows with non-historic replacements. The structures, along with associated yardwalls, have no historic status (17) or are presently designated as contributing (1) and non-contributing (8) to the Downtown & Eastside Historic District.

Plaza del Monte was originally developed for retired members of the Presbyterian Church. Generally, the buildings represent mid-century Santa Fe with some Santa Fe Style elements.

The applicant requests historic status review for five buildings and associated yardwalls at the southwest section of Plaza del Monte. Additional information was submitted regarding aerial images, dates of construction for buildings and yardwalls, documents from the Menaul archives in Albuquerque, documents from the Presbyterian Church archives in Santa Fe, and documents from the County of Santa Fe tax assessor’s office.

Address	Construction Date(s)	Current Status	Proposed Status
122 Camino Santiago	after 1969	NS	NC
124 Camino Santiago	1968	NS	NC
125 Camino Santiago (Units 1-4)	after 1969	NS	NC
126 Camino Santiago	1968	NS	NC
Structures south of 126	W part 1966, E part after 1969	NS	NC

NS=Non-Statused and NC=Non-Contributing

For structures that have historic dates of construction, the following items offer additional information that helps to inform the NC recommendations.

124 Camino Santiago has a borderline construction date.

126 Camino Santiago has a borderline construction date and Spanish-Pueblo elements.

RELEVANT CODE DEFINITIONS

NONCONTRIBUTING STRUCTURE

A structure, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.

CONTRIBUTING STRUCTURE

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

STAFF RECOMMENDATION:

Staff recommends that the Board follow the recommendations of the architectural historian consultant, who has studied the structures in depth, to designate the five structures as non-contributing to the Downtown & Eastside Historic District.

BEFORE THE SANTA FE HISTORIC DESIGN REVIEW BOARD

ON JUNE 26, 2018

Case #H-17-098A. 122, 124, 125, 126, AND GARAGES/CARPORTS SOUTH OF 126 CAMINO SANTIAGO. DOWNTOWN & EASTSIDE HISTORIC DISTRICT. LLOYD AND ASSOCIATES, AGENT FOR PLAZA DEL MONTE LLC, OWNERS, REQUESTS HISTORIC STATUS REVIEWS WITH PRIMARY ELEVATION(S) DESIGNATION, IF APPLICABLE, FOR NON-STATUSED RESIDENTIAL STRUCTURES AND ASSOCIATED YARDWALLS.

Chair Katz - Case number H-17-098A, 124, 122, 125 and 126 and the garage carports in the Plaza Del Monte. May we have the staff report on 098 A.

Mr. Rasch -Yes, Mr. Chair, Board members, 101 through 126 Camino Santiago and 104 through 120 Camino Matias are 26 structures constructed in a vernacular manner after approximately 1966 in the Plaza Del Monte. Evidence of non-historic alteration consist of added massing with Spanish Pueblo Revival portals and loss of original windows and non-historic replacements. The structures along with the

associated yard walls have no historic status (17) or presently designated as contributing, only (1) Eastside and noncontributing (8) to the Downtown and Eastside Historic District.

Plaza Del Monte was originally developed for retired members of the Presbyterian Church. Generally the buildings represent midcentury Santa Fe with some Santa Fe Style elements.

The applicant requests historic status review for five buildings and associated yard walls at the southwest section of Plaza Del Monte, shown on the slide now. Additional information was submitted regarding aerial images, dates of construction for buildings and yard walls, documents from the Menaul archives in Albuquerque, documents from the Presbyterian Church archives in Santa Fe and documents from the County of Santa Fe Tax Assessor's office.

These five buildings are 122 Camino Santiago, constructed after 1969, 124 Camino Santiago constructed in 1968, 125 Camino Santiago (Units 1-4) constructed after 1969, 126 Camino Santiago constructed in 1968 and structures south of

126 with the west part 1966, and the larger eastern part constructed after 1969.

All of these buildings have no status currently. For structures that have historic dates of construction the following items offer additional information that helps to inform the non-contributing recommendations.

124 Camino Santiago has a borderline construction date.

126 Camino Santiago has a borderline construction date and Spanish-Pueblo elements.

I have provided the relevant code definitions for noncontributing and contributing and staff recommends that the Board follow the recommendations of the architectural historian consultant who has studied the structures in depth; did designate the five structures as non-contributing to the Downtown and Eastside Historic Districts. And I draw your attention to the slides. These are the five structures at the southwest corner. And we have some aerials also that really show what's in place at this time.

This is that smaller western section of the carport garages. That's 1966, then in 1969... Where are we... We could

be up here... It's got to be up here, old...this might be the old aerial, it gets cut off.

But, I think there is a good image somewhere in your packet when we look at all the remainder of the slides which are each, each address showing you the aerial, showing that it's not in this location in 1966. That's the façade of the building and I've got 124 showing it's not present in 1966, and then in 1969 it does show up.

Mr. Rasch - This is the façade of 125 again not present in 1966.

This is the façade of 126 not present in 1966 but is present in 1969. And 126 Santiago you can see all four units in 1975. These are garages and carports shown here - 1975 - you can see that western section but not the eastern section and then, that's the next case.

Chair Katz - Thank you. Questions for David?

Member Roybal - David please explain again contributing and noncontributing. And as far as the 50-year rule, it is not just about the 50-year rule. Can you elaborate?

Mr. Rasch - Mr. Chair, Board members, so there is a little need for administrative gloss because of the definition of

noncontributing and contributing. So the definition of noncontributing [reading] is: *'A structure located in an H-District that is less than 50 years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the district'*.

A contributing structure is a structure located in a historic district approximately 50 years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself it adds to the historic association's or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations but it's integrity remains.

So the first, well the second test - the first test - is, are the structures in the historic district. Yes.

The second test is how old are they. And then the third test is once they are established that they are eligible by age and in a district, do they contribute to the district.

Now the administrative gloss that's needed and provided by the former City Attorney is the, is the phrase that says *approximately 50 years*.

Mr. Rasch - And the former City Attorney... I'm thinking Chair Katz can probably say how long that person has been working with me in historic ordinance, but she suggested that approximately means half a year.

So, on July first of this year, approximately 50 years old will be anything built after 1969, January first. So that's the administrative gloss that since the City Attorney gave that to me, I've been practicing as that second test.

Member Powell - You mean before 1969...

Mr. Rasch - Sorry, yes, thank you. So the first test and the second test, those are kind of yes or no. It's the third test where we need your advice on whether they contribute once you've established if they meet the first and second tests.

Member Roybal - Isn't it true David, that just because it has a 50 year, they are 50 years older, that it could be a noncontributing. That's not the whole factor.

Mr. Rasch - Correct, yeah, and that's where it's up to you to determine, yes, they are in a district, yes and no, they are old enough, but third, once you meet those other two -

do they contribute in some way to the significance of the Downtown and Eastside Historic District.

Member Powell - Do we base this on character defining features?

Mr. Rasch - Correct.

Chair Katz - On that point on the age and maybe our Assistant City Attorney can help, is that a noncontributing structure is a structure that is less than 50 years old, or with the other stuff, but the age for the noncontributing if it is less than 50 years old...it can't... Why... How can it be considered contributing? Why isn't it noncontributing by the...being less than 50 years old. Other things that can make it noncontributing but that's...

Ms. Gheen - So again I think that the, that the threshold criteria here is that it meet the 50-year-old, the 50-year-old criteria. So that's the threshold. That's one of the threshold criteria. Right?

But there is some question as to what exactly does 50 years old mean and again I would simply reiterate the 49½ year interpreted administrative gloss. And I think that was to, to prevent just like a... to make sure that there was, you know some consideration given to whether it was a couple

weeks or a couple of months before... to enable, to still enable a fairly objective standard to be met without having to wait another week or so until January - July first would roll around for January 1, 1969 to then be applicable.

So I think that was, it was some, some wiggle room so that the, the cutoff date was maybe completely a black and white.

Chair Katz - Thank you.

Member Roybal - I have another concern as this moves on into age when the applicant first applied for this, and the longer we wait, then this is very critical of the timeframes now. And the longer this case goes on then automatically they start meeting that 50 year-rule where they might not have met it before. Is that correct?

Mr. Rasch - Board members, the applicant submitted their initial request for demolition in October of last year. And the H-code demolition standards do have a cap on it that the Board shall act within 65 days of the request of demolition. But back then the Board wanted more information about, about date of construction and integrity and all that.

The other thing about that demolition standard, which I was going to bring up in the next case, is we're really talking about status. But the demolition standards say, '*you shall act*', but there's no resolution if we don't act within 65 calendar days.

Member Roybal - So, we cannot go back to the original date of application?

Mr. Rasch - Well, to clarify, it did come in in October of 19...of 2017.

Member Roybal - Ok, so are we looking at 17 or are we looking at 18, or six, seven months have passed by. I would really like some clarification on that because this is very important on the dateline right now.

Ms. Gheen - Vice Chair and Board, I wanted to, I... that's a very good question that you've asked, and I think that the answer should be in consideration of the fact that the Board did need more information. And it took... and while the Board does not have control over how long that information will take to get to the Board, it did take certainly longer than 60 something days. The applicant also did not protest

or at least file an appeal about... after that 60 something day period.

And lastly, I think that the, the question is I think, about whether the structure itself, the individual structures, the individual structures themselves meet the criteria at the point that you actually have the information that is sufficient to make a determination of whether or not it should be contributing or not.

Member Roybal - I, I don't understand that. In all fairness to the client, when they apply for something they can't really protest at the time because it was not disapproved. Okay? So, when you say they could protest it...

Ms. Gheen - Okay, so I think that while there couldn't be a, an appeal on the ultimate decision because there hadn't been a decision. There might've been, and I can't quite pinpoint it, but there might've been an opportunity to appeal the process. Or perhaps the, the... if maybe there was maybe a Land Use decision of whether or not to put it on the agenda. I'm not sure if that was the case.

Member Roybal - Was that information given to the applicant at that time?

Ms. Gheen - That's just a part of, part of the appeal process.

That's a part of the, you know, applicants do have an opportunity via the code to appeal decisions by the..

Member Roybal - That's if the decision is denied. Is that correct? But if it's not - if it's denied I understand that, but if it's not denied or the process goes on, there's really no appeal process. Is that correct or not?

Ms. Gheen - Well, that would be an appeal of the Board decision. That would be correct. And this is maybe more a question of fact, is whether or not there was a Land Use decision about whether or not to put it on the agenda, which that will be a separate appeal. I believe that the Board actually did hear an appeal about the administrative decision several years ago. And I think that was the first and only time that this Board had ever decided an appeal of an administrative decision.

So again, there's maybe a factual question which I don't have the answer to about whether or not there was a Land Use decision to perhaps put it on the agenda. And that decision could have been appealed.

Member Roybal - Okay, I'm still not there but, okay. Alright.

Mr. Rasch - Mr. Chair, Board members, I wanted to allow the applicant to get the information we needed. I didn't want to force this Board into a decision without you having the information you needed. So that's why it took longer than we expected.

Member Powell - Is there a precedent for making a building contributing prior to it being 50 years old? Has this Board ever done that?

Mr. Rasch - No, as a matter of fact not in the 15 years I've worked here. I know that the National Trust is certainly looking at not using a hard and fast rule that if the building is constructed recently and is magnificent, they are willing to give it status. So I know that it's a national question at this point in time, but not in my experience have we done that.

Chair Katz - Okay, Meghan.

Member Bayer - I've got some questions for David; in your staff report you refer to 124 Camino Santiago and 126 as borderline construction date. What do you mean?

Mr. Rasch - Yes. They are 1968 - I don't know the actual month, but clearly next week 2019 becomes the applicable date.

They are right there on the border, so I'm not so sure you should really use the construction date since it is so hard to tie down to an actual month, as opposed to the third test.

So it's hard to get the second test done. We know the first test is met. The second test is difficult for some of these structures, but the third test should be able to inform the second test in my opinion, integrity..

Member Bayer - And can you reiterate the third test that's the historic value of the buildings?

Mr. Rasch - Yes, to establish and maintain the character of the historic district and, although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. It can have minor alterations, but it has to have that integrity.

Member Powell - So in your view, 124, 126 - if they are able to pass test number three, they would be considered contributing. But for 122 and 125 the dates are uncertain particularly by the letter that we received from the County

Assessor, you're saying that test three would not fit your...
[inaudible].

Mr. Rasch - I would think that 122 and 125 built after 1969
would not meet that test. And notice that non-contributing
structures, it doesn't say *approximately* 50, but
contributing structures it does say approximately 50.

[Ms. Gheen conferred with Mr. Rasch off the record.]

Chair Katz - Yes Theresa.

Ms. Gheen - Yes, I would like to just add to my answer, a
response to Buddy. And I think that, I hope that this will
maybe clarify to what extent that question is relevant,
whether or not the October/November 2017 date should be the
date considered.

In looking at these five structures in question, even if
one were to look at the October/November 2017 date as the
date that which one would look at whether or not it would
meet the 50-year threshold, it doesn't actually move the
needle either way. Because 122 Camino Santiago and 125
Camino Santiago were both built after 1969 and the
other...and also the structure south of 126.

But as to the other two buildings, 124 and 126 Camino Santiago, that's 1968. And so the October/November 2017 application would still potentially trigger those two buildings to be - to have met the 50-year threshold criteria.

Member Bayer - David in the packet we have with the HCPI forms the architectural historian, for example for 124 Camino Santiago, he states that the building represents a contemporary design and therefore does not harmonize with the district. And he repeats that throughout these forms. Can you comment on that?

Mr. Rasch - Yes. Mr. Chair, Board members, this is probably the most difficult question. And I'm not sure if you all know where I stand on this, but historic preservation experts don't really agree on this answer that I'm about to give. But in my opinion if historic district design standards do not allow for innovation it stagnates and dies. And so in my opinion a tradition has to evolve.

And mid-century buildings which are now of age, 19... 1965 and older may provide that innovation within tradition, that midcentury style. And I really appreciate that we're going to be looking at midcentury buildings and making them

contributing, but when you look at the Downtown and East Side Historic District and what makes it significant - Territorial Revival, Spanish Pueblo Revival, and vernacular buildings, especially older ones.

But once we get to that midcentury, and those styles devolve actually. We lose character on a lot of these midcentury buildings. And in my opinion, those don't deserve status. It's the ones that actually carry the tradition forward that I believe deserve status.

That's why I was recommending non-status on these buildings because, even though they're vernacular the Downtown and Eastside Historic District requires Spanish Pueblo Revival or Territorial Revival. And these Spanish Pueblo Revival portals that were added later at a non-historic date, bring that vernacular building up to meeting the style more, they were later.

So when you look at the original structures, they don't have that important vernacular quality to me, but I'm quite certain that many of you would disagree with that. It's just such a hard decision.

Chair Katz - Okay, are we ready to hear from the applicant?

Karl, good evening.

Applicant's Presentation

Mr. Karl Sommer - Good evening Mr. Katz and members of the Board. I would note that Gus, Mr. Gus Martinez the County Assessor, is here at your request. You may want to hear from him first or ask him your questions because he's...

Chair Katz - That would be good. Gus could you come forward?

[Mr. Gus Martínez, Santa Fe County Assessor, was sworn]

Vice-Chair Katz - Assessor Martinez we very much appreciate your coming here tonight. That's above and beyond the call of duty. I know that there were some questions from the Board about what were in the records of the Assessor's office as far as the date of the construction of some of these buildings.

Will, did you want to ask, I know you had been concerned.

Member Powell - I know that I read the letter and I don't think what, I don't think what you're going to tell us is going to differ from the letter.

My question was the historian had referenced the County Assessor, but he had not given the dates because they didn't probably fit the narrative. So it raised a red flag for me for the properties because if you're going to cite the County Assessor but not give the information to the Board, why not. And upon looking of course the dates are older than the historic was recommending.

Mr. Martinez - Yeah.

Member Powell - So, we wanted to get to the bottom of this. But your letter here states that prior to, what is it - mid 60s- it did not contain your building sketches and improvements with real properties.

So basically, I guess the question I would ask for you is if dates we have for... there's, there's two properties really in question here - [reading from the letter] it's 122 and 125; 122 stated on your construction records has 1968 construction. But according to your letter we cannot rely on that. Is that correct?

Mr. Martinez - Yeah, it's correct. You know I've been in the office for 21 years and there has been, you know, there's turnover through the years and a lot of knowledge that gets

retired through those years. And back in the late 60's and 70's there was a gentleman name of Ted Davis which was the chief appraiser within Santa Fe County that kind of led the first charge of picking up the new construction, or, or any houses that were, that were within Santa Fe County.

Prior to that the records that weren't really records on homes that were sketched, so they, they really, at that point in time pursued to pick up all new construction and existing construction and put them on property record cards.

So if you look at our old property record cards you'll see a situs date on the bottom when they went out there. And a lot of them reflect the 1967 with starting of the process all the way through the 70's to the 80's.

And then they started another reappraisal after all those sketches were in... started it and then, now with technology that we have today, those dates that we are putting on the records probably, I would say from the 90's or so forward, are more accurate than the ones that were at later dates. They were estimates.

They'd go to the house and they'd say, "Sir, ma'am what, what year was your house built?" And they would give them that year and we'd write that on the property record card.

So you know, we have in fact, some cases of people saying their houses were built in the 1800s, or earlier. And around these ones here in the 60s, they would just, whatever information they would ask, the property owner would provide, and they would put on the property record card.

Member Powell - These dates that we have, 1968 from the County Assessor, how do you think those came to be.

Mr. Martinez - I believe that at the time that they were doing that process there, they probably asked, went out and asked those questions either to the construction- someone that was doing the construction- or the owner of the property. These are unique because these were from the Presbyterian Church, so they were, I guess probably were used for the priests, or, or pastors at that time.

Member Powell - So the property owners would have dated these structures and that's how this information would come about.

Mr. Martinez - That, yes or as well as the construction, the people that were working the construction at the time.

Member Powell - So this date could be inaccurate but also on the nose because who would know better than the property owner, right?

Mr. Martinez - It could be, but in the Assessor's office we cite our site as dates January first of every year. So we look at if construction is built of that date of January first of that tax year, we'll put it on that tax roll for that year. If it's not, we will wait until the following year to put it on the tax roll. So, it can vary based off of that.

Today it's a little bit different because we have building permits. We review them, we know exact dates, we go out there and visit property. But at that time there probably wasn't the manpower to be able to do that.

Member Powell - Were taxes collected in 1968? Would they have been collected on this property?

Mr. Martinez - Yeah, you would have to look through the Treasurer's if they have that documentation going that far back.

Member Powell - Is that likely that they would?

Mr. Martinez - There's a possibility. I mean I couldn't speak for the Treasurer himself, but if you would go make a request they may be able to have that documentation. But at that point too, you gotta remember that these properties were probably tax exempt because they were... belonged to a church organization.

Vice-Chair Katz - In which would you have more confidence in, a...the record in the Assessor's office that puts the date at '68, or the aerial photograph from the Highway Department I guess, isn't it, of February '69 that shows no building there at all?

Mr. Martinez - I mean, we would have to go with the aerial. Basically the aerial photography's gonna tell you exactly what was there at that time. I guess that there is in those years, there is estimates that are done and you know, you're only as good as the people going over there collecting the data. So, I would probably, in my opinion, would go with the aerial photography, would tell us exactly that snapshot in time when they flew over what, if it was there or not.

Vice-Chair Katz - Thank you. Does anyone else have any questions for the Assessor.

Again, thank you so much for coming. We really appreciate it.

Okay...

Mr. Martinez - Thank you. Alright.

Mr. Sommer - Members of the Board, since our last meeting in front of you, you asked that information be gathered from three sources. That information was gathered. I worked closely with David to make sure that what you asked for was obtained.

I would like to thank the Presbyterian Library and the, the people that work there. They pulled the records and we copied everything that they gave.

We contacted the other, the Menaul facility, the Library that you wanted. We worked with David to make sure that we got everything. And I'm sure your packet reflects there's a lot of stuff that doesn't relate, but we didn't want to leave anything out.

And finally we worked with David and the Assessor's office to make sure that your questions were answered, and that the information related to the age of the structure and the other information that was garnered from that research was in front of you.

I think that by and large, the information gathered doesn't change anything fundamentally from what has been in front of you already.

The... I understand the questions related to six months before the 50 years as being the administrative gloss of the term *approximately 50*. We understand that. And I've seen David apply that consistently over the years.

So I think that one of you was saying, "*Well then the cutoff date would be July 1, 2017*" to bring it into a '68 time period in the term *approximately*.

I don't think that's really relevant here. The question is, is does it meet the third part of this test; are these buildings contributing by virtue of that? We know that some buildings don't qualify because of their age and the aerial photos demonstrate that unequivocally. The question is, are those that fall within the time frame that the ordinance

allows you to look at, do those ones contribute to the Downtown Historic District.

We could not agree more with David than we do about his analysis, that they do not contribute. And I think that David has articulated that in a way that probably comes from at least 15 years of analyzing this, but he's a career professional, this is his area.

And I think that David has put it well and he's also pointed out one of the issues in the ordinance with respect to the Downtown Eastside Historic District and what makes *it* significant. And these buildings don't contribute to those qualities.

So we're here on these five. I think that we would like a thumbs up or thumbs down with respect to our request. As you know the next case is the demolition case, and it in part depends on what you all do in this case.

We are requesting that you follow the recommendation of our historical professional and Mr. Lloyd, the record is pretty clear about that. And to follow the recommendation of your professional staff and designate these five structures as noncontributing.

Mr. Sommer - We'd stand for any questions you might have, but since our last meeting we've been as thorough as we possibly could be. And I extend my thanks to Staff and members of, the members of the Presbyterian Church that pulled their archives for us and let us copy everything.

You have my word that we gave you everything that we got.

Vice-Chair Katz - Thank you Karl for getting us all this information. We do appreciate it.

Does somebody from the Board have questions of Karl?

Member Powell - No I'd just like to thank him, also and Wayne for pulling all this together. This is a lot of work, and we asked a lot of you and I just wanted to say thank you.

Mr. Sommer - Thank you. Thank you.

Member Powell - I appreciate it. I think we have what we need now to make some decisions.

Mr. Sommer - Thank you. Thank you.

Chair Katz - Okay, this is a public hearing. Does anyone from the public have anything to add at this time?

Public Comment

[Nancy Armbruster and her daughter came forward. Nancy
Armbruster 111 Camino Santiago was sworn.]

My name is Nancy Armbruster. I live at Camino Santiago.

First, I want to tell you that - can you hear me all right?

Chair Katz - Yes.

Ms. Armbruster - First I want to tell you that the information
that I give you here comes from this First Presbyterian
Church stories from the past. This is a church that's right
over here, it was right in doing the building and so forth,
so the dates here are quite accurate.

Also I'll point out when I first came to Santa Fe, Dr.
Armbruster and I would frequently go over to Dr. Rasch's
office and ask if it was safe to be there or would this
someday be taken away. He told us quite plainly many times
that it was a historic, historic section.

So, let's see. [reading a statement]: 'Good evening. My
name is Nancy Armbruster, and this is the fourth time that
I have talked with you in an attempt to save Plaza Del
Monte, my home for the past 10 years, from the developers.'

This year, First Presbyterian Church celebrated its 150th year in Santa Fe and they first came to our town in 1866. They began immediately to have church services, set up schools and offer help whenever it was needed. They built schools and churches here and up north. One of the best-known was Allison James School, that large gray building still there right behind the lot where El Castillo hopes to build.

That school was closed in 1958 and the property was purchased by the Presbyterian Board of Pensions. At that time, 1958 - I'll say that again, 1958 - Plaza Del Monte was built as a retirement place for their pastors, ministers and church workers.

Presbyterian Medical Services bought it and the freestanding houses on the property, renting them to seniors. About five years ago Plaza Del Monte was bought from Presbyterian Medical Services by the developers, a group from Albuquerque who planned to destroy our community and instead replace it with more condos in that spot.

As we look around today we can see too many empty condos already here. As they took charge, things began to go bad

immediately. We were informed that we were no longer a senior community.

Ms. Veneklasen, Marge Veneklasen, our much-appreciated caretaker and her workers, were dismissed. One Saturday morning very early, many large machines rudely, and very noisily, entered our community and began to dig out all decorative bushes, small trees, creating a catastrophic mess. Rents were raised mercilessly. They seemed not to rent any houses.

Pictures of our homes were taken on trash collection day and we find that they are shown to you here. One year ago 13 people were forced to leave their homes, which still stands vacant. Prior to our invasion by the developers we had 40 members in our community, all seniors, all homes were filled, and we had a waiting list.

Many of our seniors have moved out now. There are about 10 of us left and we still care about and for each other. Many houses are empty. Two members here have lived in Plaza Del Monte for 20 years and are in their 80's and 90's now.

Do you really want to put us out of our homes as a result of successful undermining of our community by these

developers? Do you really want to watch while the beautiful hundred-year-old trees are slaughtered? Do you want to see the birds leaving town at the sound of all these motor machines tearing up this beautiful place?

Do you feel that you can do this because, after all, we are just seniors like your parents and grandparents and great grandparents? And indeed we are still historical, built in 1958, 60 years ago now.

What is the best for Santa Fe? Please think carefully. It is important not just to us but to our town. Thank you so much for listening to me'.

Chair Katz - Thank you.

[Ellen Armbruster, One Ladera Place, Santa Fe was sworn.]

Ms. Ellen Armbruster - I have written comments that I will give in the next phase, should that become necessary.

Right now I just want to say a couple of things. It sounds like we're working on whether a couple of these buildings are 50 years old or not. I'm not exactly sure how we can decide that an aerial photo is more accurate than what is in the archives. That may be a question for discussion or

contention, but I don't think it's an easy thing to say, "Oh we'll just go with this one because it slants it in one particular direction that the developer wants".

As far as when the developer first came to this meeting and presented the requests to demolish the houses, and then was apparently asked to go back and get more information. And then it took a long time to do that. They certainly could have gotten the information more quickly if need be.

And it sounds like there is a precedent from what I heard over here, that there was an appeal of an administrative decision a few years back and the developer did not make that appeal. Therefore, I don't see how the date of last fall can be utilized.

That's my understanding from what I heard a few minutes ago.

I'm also a little bit confused as to how all of the houses are being put up for noncontributing status when all of them other than two, seem to have a clear date of 1968 or prior for construction.

So, thanks. I'll say more.

Member Powell - I just want to ask a question. You had mentioned the archives. Is there something you're referring to that we do not know?

Ms. Ellen Armbruster - No. What you were talking about - maybe I utilized the wrong term.

Member Powell - Oh, okay, yeah.

Ms. Ellen Armbruster - You were talking about the date is stored somewhere, I called that the archives. I'm not sure if that's the correct term.

Member Powell - [inaudible-not speaking into the microphone] were referring to the County Assessor [inaudible-not speaking into the microphone].

Ms. Ellen Armbruster - Right, sorry, yes exactly.

Member Powell - I just wanted to make sure that it wasn't something that [inaudible-not speaking into the microphone].

Ms. Ellen Armbruster - No, no that's what I know. I know that my mother has looked much more

in-depth into the archives in the Presbyterian Church. So that may be another area to go, another place to go as far as the active dates.

Member Powell - This information from, from the archives, but we have not gotten anything conclusive on the dates of those two structures.

Ms. Ellen Armbruster - Yeah, and I think that that's exactly what's in question is if it's inconclusive however you look at it, which way do you go? Do you slant it in favor of one or slant it in favor of the other?

And, and I'll make some more comments later should need be, to give you some more to think about, if that's okay.
Alright, thanks very much.

Ms. Stefanie Beninato - I am deeply empathetic to the people who are still in this community whose community is being destroyed right in front of them. Unfortunately addressing that is not what the Board can do. And I think it's too bad, but you know, it's not the Board's prerogative to really address that.

The whole idea that an aerial - again I echo the speaker before me - the whole idea that the aerial is somehow more

accurate, unless it's actually dated the very day they're taking it and I'm not familiar enough with that to know. It could be a while before that photo gets printed. So is the date on the aerial the date it was printed, the date it was issued or was it the actual date taken? I think that's important.

I know actually having owned property in Santa Fe that was vacant lot being built on, that the County Assessor had a policy that was long-standing that even after you built something they declared it as vacant property for about three years.

Because a lot of us were owner-builders and although we might actually be living in the structure, it might not actually be totally complete. And so we were given that leeway.

So if they say 1967, it could actually be 1964 when somebody was living there.

The other thing that I want to point out is the Historic Design Review Board was in existence at the time that this property was developed, especially if we're talking 1960's. I'm not talking necessarily when the first approval for the

idea in 1958 occurred, but for these very specific buildings.

It would seem to me that they would have to go to the Historic Design Review Board and that when they approved these designs they thought they were harmonious with something. I'm not sure what, because I'm sure the ordinance has been pretty much the way it is for a really, really, really, long time.

And so if they were judged harmonious at that time with whatever standard, how can you now say they're not? And if it was just harmonious within the community, that small little community there of the, you know, for the Presbyterian's retirees, well if that's what the Board decided why should these owners be disadvantaged now because suddenly you want to make it for the whole district.

I really don't see you actually ever deciding that a particular house is harmonious with the entire district. You look at a very small, discrete area and that's what you looked at. You look at streetscapes. So if you're looking at streetscape and you're looking within the community, obviously it's harmonious.

And it is a very contemporary design for that period that I guess somehow, blended contemporary with traditional design. They were approved we have to assume, by the Historic Design Review Board. So again I ask you to factor that into your conversation and to your decision-making.

Because again this is back and forth, back and forth. The garage dominated. Is it contributing, is it not contributing? You know these are garage dominated, but they were considered modern at the time. They do incorporate some traditional elements. They had to be approved by the Board.

Again, is it, what do you call that, promissory estoppel. You agreed that these were built, should be built this way and be harmonious and now you're saying otherwise.

Thank you.

[Mr. Randy Burlingame at 2541 Camino Alfredo was sworn.]

Mr. Burlingame - I'm here on behalf of my mother. She's a longtime resident of Plaza Del Monte. It's a great community and she's ending her life, she's 92 years old and it'd be terrible if you let any demolition go on here. It's

a part of Santa Fe, it's been a part of Santa Fe a long time.

Since I've been visiting my mom and um...I'm just here to oppose any demolition because it really wrecked the character of the whole area.

Thank you.

[Madeline Pryor at 3362 Avenida de San Marcos, Santa Fe was sworn.]

Ms. Pryor - The, you may remember I lived in 125 apartment number one of that fourplex until I was forced to move May 31 of 2017 along with those of my neighbors who lived in the structures you're going to decide on tonight. So those have been vacant since that time.

I don't know that I can do anything about this. One thing I learned was that part of what was my home - I figured out why I had some closets that were rhombus instead of rectangle - because Philippe Register was one of the architects. And the rooms are not exactly right angle's either, but that made it quite interesting to be a little bit different.

And I have to say that that building in my view, and I'm, I have just - only that I lived there, and I had to deal with things, not because I'm a professional architect or builder or anything - but it was well built. There was not a, any problem with... There were problems with maintenance but there was not a problem with any of the structure.

And you know I had people come by and admire the brickwork in the driveway and say whoever did this knew what they were doing. And it's aesthetic and durable. So you know I'm, right now I'm watching that being destroyed and being replaced with who knows what.

That's one concern, I mean that's one thing I think I'm observing or experiencing.

The other thing is there are people living in this community like Nancy and Randy's mom and other people and you know, the place is coming down around them, is very sad if that's what has to happen. I don't know what can be done about that, but I have...my, I also have the feeling that whatever replaces it probably won't be an improvement to the historic nature of downtown Santa Fe.

That's my personal view. Thank you.

Chair Katz - Thank you very much.

Is there anyone else who wishes to speak? Karl?

Mr. Sommer - I may briefly address a couple of points. One, I think that Mrs. Armbruster suggested that these buildings were built in 1958. There is absolutely no evidence in this record that supports that statement.

All of the documentary evidence, either of photographic or written, says this project itself and in the records that you got from the archives at the Presbyterian, did not start, was not conceived until 1961 and it wasn't until they started the planning for this.

So there's nothing in the record that supports a '58 date.

Second of all, Ms. Beninato said, *"Well it must have been approved by the Board and they must've found it compatible and therefore how could you not think it harmonious."* None of those standards apply. We're dealing with a preservation ordinance that did not exist then. They had a styles ordinance only. We have now a preservation ordinance that doesn't deal with style necessarily. It deals with fundamentally the character of this district and why and

what is important in the character of this district. Not that of, a building complies with the style today.

There are lots of buildings that come in front of you week, after week, after week, after week that you approved that comply with our styles ordinance that 50 years from now are not going to be character defining just because they complied with our styles ordinance.

We're dealing with historic preservation, and the character of this district and whether these buildings when they were built and approved - not the non-historic renovations but as they were built - have they retained that character and does that character fundamentally contribute to what's important of the character of the Downtown East Side.

I think that, that's the standard, not whether hypothetically, some H-board in 1966, '68, '69 said we think it complies with our styles ordinance.

So, those... That's all I wanted to add, and I appreciate your time and we'd stand for any questions you might have.

Chair Katz - Thank you.

Action of the Board

Chair Katz - Okay, back to the Board. My thought was to have each of us have an opportunity to express what we thought about these, these five structures. Is that something that seems agreeable?

Buddy do you want to start?

Mr. Roybal - Sure. Well, my concern is we have a staff and staff is David with all his experience, 15 years, and his ability to do a great job; that he, staff, is recommending that the Board follow the recommendation of the architectural historical consultant.

So, I would like us to go ahead and approve this as per staff recommendations. What's the use of having a staff and all the amount of paperwork that went into this then not follow those guidelines. I know we all have our own opinions and the opinions are good, but our job is to follow certain recommendations.

So, I'd would like I said, would very much like to follow the staff recommendations on this.

Member Bayer - Okay, I just want to give kind of my approach to looking at these, all of these buildings, and then I think maybe we'll look at them individually and make motions.

But looking at these five buildings, and David you know went through the three aspects of contributing structure and what he described as the third test that it adds to the historic association and historic design qualities. And looking at these buildings individually and as a group, you know, the historians gone through these systematically.

I do think they contribute. I think they meet the definition, as a whole meet the definition of contributing structure. Looking at what David describes as the third test, without a doubt in my opinion, they meet that. And then looking at the question of the age of approximately 50 years, the code does say *approximately*.

I understand the previous City Attorney has applied the six-month rule. I think it's a silly rule when you look at preservation as a whole. It goes against my training as a preservationist, goes against national standard practice, it goes against state, our SHPO's practice. And the SHPOs standard is anything 45 years or older we're looking at and evaluating for historic integrity and historic value. I think that the six-month rule is just silly.

And I, I understand that we have the advice of our legal counsel. We can disagree with that. I think we're on this

Board to be preservationist not to, you know, evaluate the future appeal of an applicant.

So from my perspective I'm looking at these buildings as a preservationist. That's kind of where I'm coming from.

Vice-Chair Katz - I would note that we have an ordinance that we're applying that says *approximately* 50 years and that...I don't think that we are bound necessarily to accept what the, the City Attorney has said their gloss is that is not input into statute or anything.

But I do think that we are obligated to have a basis for saying that this...what standard *approximately* 50 years *is*, and so perhaps we need to think about, about that.

Okay, Jennifer.

Member Biedscheid - So, I guess along those lines I appreciate Meghan's comments.

My approach to looking at this is that this community, Plaza del Monte, I, I considered to be contributing as a collective unit, as a whole. I think it's extremely harmonious. I think it's the definition of harmonious streetscape when you look at it as a whole.

And I think that the architectural historian at the last hearing made a point that gave us a little bit of insight into the way he looked at the evaluation. He said that if you took one of the individual houses from Plaza Del Monte and put it on another street in the Downtown Eastside Historic District it would not be harmonious. But I think that the fact that you have to remove it from the streetscape to make that point, makes the case for the harmonious nature of the existing streetscape.

And to Mr. Sommer's point about the distinction between style and preservation. The architectural historian in every case cited a contemporary style as a reason to not recommend contributing status for every one of these buildings, in addition to the age requirement for some of them.

So I, I think that ignore... I feel sort of an allowance to ignore that recommendation for contemporary style.

Especially in light of the fact that I think that midcentury modern architectural design qualities are unique to Downtown East Side Historic District and it provides a reason to consider these buildings to be contributing.

Also related to the definition of a contributing structure, the historic association of this community with the Presbyterian Church and with Phillippe Register are relevant historic associations that should be considered. They're unique and they don't exist elsewhere in this style in Santa Fe.

And also related to the definition of this, of the definition of contributing structure, all of these have had very minor alterations. Only windows and doors replaced or possibly a sliding glass door replaced as cited in the HCPI Report. So there's no changes to massing or other style changes that are referenced; they are essentially the same as they were constructed.

And with respect to the age, I respect the legal interpretation that requires as possibly to approve some of these for demolition. But I too share Meghan's opinion that that definition is a difficult one to accept.

Chair Katz - Will.

Member Powell - I couldn't have said it better than what Meghan and Jennifer said. I would just repeat what they have said. I think these buildings are very important. For me the only

question is, is 122 and 125, are they non-contributing due to the age, and that I'm not even sure about. But the other ones - without question.

I'd like to tell a funny story because I was trying to just see if I was biased about this and while driving across town over the last month I happened to have two acquaintances that are in the construction business, have been for decades. And I took them through this, this community just to see what their reactions were. I didn't say a word and both of their faces just lit up and they are not preservationist, they're construction people. One owns a construction company and one designs windows and doors. And both of them were just amazed by the neighborhood and houses.

So that gave me solace in that I was not alone and even not just from looking at it from a preservation standpoint. They made comments like, *"Wow, where are we? How can I buy one of these houses? These are amazing."* So these houses have something to them.

The last thing I'd like to talk about is, do you have the façades? Were you able to look at them? [Inaudible] very briefly.

Ms. Gheen - May I make a point? I just wanted to remind members of the Board that individual investigation is not part of your role and it goes against the judicial code of conduct. I...

Mr. Powell - [Inaudible] drive...[inaudible] - I live there.

Ms. Gheen - When one is going specifically to investigate, and ...

Mr. Powell - [interjecting] I was not investigating. I was just driving through the neighborhood marveling at our beautiful city. I do that all the time.

Ms. Gheen - I will just leave my statement where it is.

Mr. Sommer - I'd like to make a point of that after the questions are done, for the record. Thanks.

Mr. Powell - Well, you can strike it if you want. It has no relevance.

Mr. Rasch - So here's 122, you might want to look at your map. Uh, let's see the best one would probably be on page 5, just so you know which one I'm showing as we go through them. Okay, so that's 122...

Mr. Powell - Hang on David. Just a second.

Mr. Rasch - Okay. That's at the northeast corner of these five buildings.

There's 124...I don't know why I don't have that façade - it's the façade of 125 just south, I mean just across the street. This one looks like, yeah that is 125 it's the west side of this group of five.

Here's 126, which is at the south end just ...

Member Powell - [interjected] [inaudible] David, why I wanted to look at these was the first time we had been reviewing these façades I was asking the historian questions about [inaudible] to pick his brain about why he thought they were not part of...he was calling them contemporary and not something that worthy of preservation.

And the thing that I found really interesting as I was talking about the massing, the regional references to Santa Fe architecture, he was nodding his head, he was agreeing with me. We can see the massing, the large central mass, we have portals, we have these lofty façades that really evoke things that we've seen for hundreds of years in this region.

I don't see anything foreign. I see something that it is just taking a regional modernist approach to things that we already see and like. These buildings - you would never see this building in Minnesota, you wouldn't see it in Michigan, you wouldn't see it in California - I don't think you'd see it anywhere else in the world. And so that tells me a big component of the story.

Mr. Rasch - I'll attempt, I'll show you 124 is on page 62...looks like it's not in my PowerPoint, but that's the façade of 124 that has the carport to the right side and a portal across the front. Page 62.

Member Powell - [speaking, but inaudible] look at the next one please. We can go through them all... [Inaudible]

Mr. Rasch - And these are the garages and carports which are south of 126. Those are the five structures we're considering.

Member Powell - Can we look at 125 again? So again we have 3-foot corners, blocked massing, reset portal. David the opening slide you have of Santa Fe architecture, I can't remember the house, it looked just like this house. What is the name of this building?

Mr. Rasch - Oh, ...the opening slide?

Mr. Powell - Of your lecture...

Mr. Rasch - My lecture... That's, yeah that's the adobe building, who knows where, Garcia Street, Cerro Gordo... The point I'm making about that one is the difference between Pueblo architecture and Spanish architecture and why Santa Fe is a blend of those two.

When you look at Pueblo architecture except Ancestral Pueblo, and I'm not getting into that, there is some symmetry at Chaco. But when you look at Puebloan architecture there is no symmetry in façades. And the, other than on the exterior, the carved corbel and any kind of curved linear designs that the Spaniards brought that the Indians did not do, the other thing that the Spaniards brought to our Native architecture, is some kind of formalism or symmetry in design.

And when you look at a typical basilica church floorplan, with the front façade you have towers, or at least projecting wings and you have a recessed entry that's kind of centered or a recessed portal. And that is one of the

characteristics that the Spaniards brought to our Native architecture that the Pueblo Indians did not do.

Member Powell - Looking at this building do you think the architect was aware [inaudible].

Mr. Rasch - I couldn't say, but yes, you do when you see those recessed portals, it's the first thing I think of. Yeah.

Vice-Chair Katz - Do you have anything more?

Okay, my view of this whole area is that the Plaza del Monte is someplace that is very, very special. It's special historically and it's special architecturally. I lament the fact that the entire complex isn't still there.

Now, the Board voted to make the, what was in the Ghost Ranch Office Center contributing and we got overruled by the Council. If I'd had my pleasure I'd want to save it all. That hasn't happened. What I would like to do is save as much of it as we can.

There are a number of buildings that we're not dealing with tonight that are in the other part of the Plaza Del Monte that are clearly not sufficiently old to be considered

contributing. But I think there are plenty that are. That is not an issue for us tonight.

Looking at the five buildings that we have, I think it is quite clear that three of them are just simply not old enough. There is this inconsistency that a noncontributing building is less than 50 years old, not less than *approximately* 50 years old. While a contributing building is *approximately* 50 years old.

If I were asked to give a gloss on what approximately 50 years means, I would say, well we're shooting for 50 years, but you know, you don't know sometimes, you don't have the exact date. The best you can do is between this date and this date and so that there is some wiggle room there.

But I think that the aerial photographs that are dated by the Highway Department when they take the photos that shows that 125, which we see here, was not even - there was nothing- it was a flat piece of land in February 1969, means that it's simply not old enough.

I think that's sad, because I think I share Will's feeling that this is, you know, very much of a style, of a Santa Fe style, and I lament that fact. I think that 122 is...likewise

was not there in that '69 photo, so is not old enough; 124 and 126 probably are old enough. And my feelings about them are that neither of them is sufficiently architecturally important that I would make them contributing.

Now, a little bit of what informs my view of this is the fact that this is the real world. And I don't think that we can ignore the fact that someone has bought this property and they probably want to do something. In my way of thinking leaving 126 standing with the others gone, seems pretty silly, because I don't think as compared to 125, I think I'd feel differently with 126, I just don't think it has that importance of that style.

I would like on some levels to be in the position where the final decision is that, okay, owner you bought this, you want to do whatever you want to do with it. You can do something with those in that area; just leave the rest of it alone. And you know, keep in mind we know what's going next door. Unfortunately the building is gone, and we know that we're going to get a fairly large, a large building next door. And it wouldn't upset me that maybe something different would be done with these houses. I don't think

that, I don't think that we have the basis for making any of those five, contributing.

That's, that's my view.

Member Powell - Can I ask a question?

Chair Katz - You sure can.

Member Powell - As you're looking forward in your thinking about the developer and the person or the entity who has purchased this parcel of land and some of their hardships, don't you also think that maybe buying historic buildings in a historic district they maybe would've done their due diligence and know what they were getting into prior. Because we can do status reviews prior to a property being purchased. Correct?

Chair Katz - Absolutely.

Member Powell - They could do that. And so I understand your willingness in trying to make it not so burdensome, or real-world of trying to build things, but in light of them also being able to do the part they maybe have skipped, I don't know that I share your sympathy.

Chair Katz - It's not sympathy. I don't have sympathy for them wanting to destroy this neighborhood. I just don't think that if they were doing their due diligence and they had someone look at these and say do you feel that these have the ...meet the standard for contributing - and we know what the historian said - he said no. And I don't think that that decides it because he said that about a bunch of others that I think I would strongly disagree on.

I'm just looking at what we have here and the ones that I think are closest to...that would meet the style standard, don't meet the age standard. One that meets the age standard, I would be willing to give that up because I don't think it's stylistically, I don't think it's very important.

Member Powell - What I find is cities that have far less historic resources than we do are applying federal standards; 45- year rule, you know.

Chair Katz - We could do that too, but we haven't.

Member Powell - No we haven't and that's a real shame. And that's really...it's a real shame that this town of all places can't do that and we're not here to protect our

buildings. Particularly ones, the ones that are right on the cusp or older, like the ones were talking about right now. And what does that say about us?

Chair Katz - It says we live in a community that has preservation laws and it has standards under those laws and that's what we're constrained to follow. We may want different ones and we can certainly agitate for that and try and get those standards changed, but until they're changed we're obliged to all of those standards.

I know that the courts would hold us to that and that's where this would go, and I don't think that we serve our purpose by saying oh, we don't like the law as it is, were going to apply it the way we feel it should be.

Member Powell - That may be fact for two of these structures, but the other two that are old enough, I think you should save them.

Mr. Sommer - Mr. Chairman ...

Chair Katz - Yeah, go ahead.

Mr. Sommer - I'll be very brief. The matter I'd like to raise is, is that the activity that Board Member Powell described

as his undertaking and now injecting into this forum, is expressly prohibited in the law. It deprives a party of a fair hearing and it injects an independent review of facts that are not part of the record, except as Mr. Powell being a witness now to those. That's fundamentally why it's prohibited in the law.

I think that Mr. Powell's behavior with respect to that, and I don't want to ascribe any ill motive to him at all, I mean, I understand that he was driving through the neighborhood as he described and the like. As a board member I think that it is prohibited in that his vote here is tainted and that he should recuse himself.

I say that because I have a duty to make a record for you all so that I'm not some time down the line, being criticized for not having pointed it out.

To Mr. Powell personally, I am not ascribing any ill motive. I'm just saying that the behavior or the actions that you took are expressly prohibited in the law by a board member of your...

[Mr. Powell - interjected comment that was inaudible]

Mr. Sommer - If it becomes part of your, your consideration in a case. It's why people...that's why a judge says to a jury, "Hey, don't go read the paper, don't go see the site of the accident, don't go do this" ... Because it's not appropriate.

And I'm not, again, maybe you didn't know that but...

Member Powell - You know how it came about, I was driving up old Taos highway and I realized I made a mistake and needed to drive the ski basin and the quickest way was to cut through that neighborhood.

Mr. Sommer - Again I am not ascribing ill motives to you, I just...

Member Powell - [talking at the same time] ...and I happen to have a friend in the car with me...

Mr. Sommer - I'm not ascribing any ill motive to you. I just think it's pretty clear in the law in that and I think it fundamentally should be made a part of your record.

Vice-Chair Katz - We, we all drove through the neighborhood. That's what we do on our field trips.

Mr. Sommer - And those are part of a public hearing.

Member Powell - [inaudible] stay or go home. [Inaudible]

building that we looked at today. So I get to stay home...

Chair Katz - Okay, I guess we've all seen where we are, and I would accept a motion.

Member Powell - I would like to make a motion - H17098 A move to recommend 124, 126 be upgraded to contributing status, 122, 125 and 126 noncontributing.

Chair Katz - You meant the garages, not 126.

Member Powell - Uh, what is the number [inaudible].

Chair Katz - It doesn't have one. Yeah,

Okay, does everyone understand the motion? Yes David.

Mr. Rasch - Mr. Chair if the two structures are considered contributing, I would like primary elevations designated and we might also want to consider yard walls.

Member Powell - ...with regard to 122...

Mr. Rasch - 124 and 126.

Member Powell - Yes, I'm sorry.

Mr. Rasch - So, they'd be on the east side.

Member Powell - So, 124 primary elevation would be west and for 126, that would be north elevation, which slightly is northeast. The yard walls... I'm sorry I don't know enough about the elevations to make...can you show me the façades please. I wasn't even aware that they had yard walls.

Mr. Rasch- Yeah, there are very few.

Vice-Chair Katz - Are there yard walls on the two houses that he has moved to make contributing?

Mr. Rasch - They're, they are not significant. I know that the... I'm looking for it now, the historical contractor did give us additional information about the yard walls. I'm trying to find that now in our packet.

Member Biedscheid - On page 96 and 97.

Member Powell - So regarding 126 I would also add the yard wall, a rock yard wall. I would add that as well. I've not seen the yard wall for 124 yet. Yes, I'd also move that as well - a rock yard wall there.

Vice-Chair Katz - Okay, is there a second.

Member Biedscheid - I'll second. Can you clarify what - I am not...

Member Powell - The yard walls?

Member Biedscheid - No, the house numbering and which ones
you're recommending as contributing and noncontributing.

Member Powell - Yes, 124 and 126 contributing; 122, 125 and the
garage not, even though I feel they do meet three, but they
don't meet the age test.

Stenographer - 122 and 126?

Chair Katz - It's 124...

Member Powell - 124 and 126.

Chair Katz - Okay, are we clear? Are we ready to vote?

Okay all in favor of the motion say aye.

Member Biedscheid and Member Powell - Aye.

Okay, all opposed say no.

Member Bayer and Member Roybal - No.

Ms. Gheen - I'm sorry. Can you be clear about who voted there?

Member Powell - Yes. The two of us voted yes.

Ms. Gheen - It's a tie.

Chair Katz - Yeah, I said, "No". Can we have another motion?

[The motion failed 2-3.]

Member Bayer - Could we look at 122?

Chair Katz - Yes.

Member Bayer - Because I think some... [inaudible].

Chair Katz - Okay, let's look at 122. Does someone want to make
a motion as to 122?

Member Roybal - I'll make a motion on Case H17-098 A that 122
Camino Santiago become non... the ...stands as non-status and
proposed status is noncontributing, as per staff
recommendation.

Member Powell - I second.

Chair Katz - All in favor say aye.

All Members - Aye.

Chair Katz - Okay, 122 is noncontributing.

124?

Member Roybal - I'll make a motion on Case H17-098 that 124 Camino Santiago, her status is no status- to make it non-contributing.

Chair Katz - Is there a second on that one? It dies for a lack of second.

Mr. Powell - In Case H17098A, I make a motion to make [inaudible] to address 124 Camino Santiago as contributing.

Member Biedscheid - Second. I'd like to add that the yard wall is also designated as contributing.

Member Powell - Yes, that's good.

Mr. Rasch - Primary façade you would suggest as west.

Chair Katz - Okay all in favor of that motion say aye.

Members Powell, Biedscheid, Bayer - Aye.

Chair Katz - Opposed?

Member Roybal - No.

Chair Katz - Okay 3 to 1 makes that structure contributing.

125?

Member Roybal - In case H17-098 A, 125 Camino Santiago that now has a current status of no status, I move to make it noncontributing.

Member Biedscheid - Second.

Chair Katz - All in favor say aye.

Members Roybal, Biedscheid and Powell - Aye.

Chair Katz - Opposed?

Ms. Bayer - No.

Chair Katz - Okay, that passes 3 to 1, Meghan voted no.

Okay then, 126?

Member Powell - In Case H17098A, 126 Camino Santiago move to upgrade status to... These were never stasured, right?

Chair Katz - Right.

Member Powell - Alright. So move to status this as including the yard wall, sorry, the primary elevation will be north, northeast, be a block yard wall.

Member Biedscheid - Second.

Chair Katz - All in favor say aye.

Members Powell, Bayer and Biedscheid - Aye.

Chair Katz - Opposed say nay.

Member Roybal - No.

Chair Katz - Okay, so 3-1 that is classified as contributing.

Finally the garages.

Member Powell - In Case H17098 A, move to recommend that 1... we don't have a firm address...

Mr. Rasch - Structures south of 126.

Member Powell - ... structure south of 126 Camino Santiago, move to recommend as noncontributing.

Member Bayer - Second.

Chair Katz - All in favor say aye.

Members Powell, Bayer, Roybal and Biedscheid - Aye.

Chair Katz - Okay, unanimously noncontributing.

Okay, I think that completes that case. We now move on to the final case of the evening,

Case 17098 B, which is the application to demolish the five structures we've been talking about.

Can we have a staff report on that?

12. Case #H-17-098B. 122, 124, 125, 126, and garages/carports south of 126 Camino Santiago.

Downtown & Eastside Historic District. Lloyd and Associates, agent for Plaza del Monte LLC, owners, requests demolition for any non-contributing structures that were so-designated in the previous hearing on the June 26, 2018 agenda. (David Rasch)

Mr. Rasch - Well, Mr. Chair because 124 and 126 are contributing and we do not have an exception request paid for and no exception criteria provided, we cannot hear the demolition request for 124 or 126, but we can hear the demolition request for 122, 125 and the garages associated with 126.

Chair Katz - Okay.

Mr. Rasch - Mr. Chair, Board members, Plaza del Monte is accessed through vehicle gates at both entries to the properties. Therefore, these structures are not located on a public way and their applicable streetscapes are defined as a 300-foot radius from the midpoint on the façades containing the primary entries.

The applicant proposes to demolish all five structures, we can only hear three of them, in the southwestern area of Plaza del Monte. No plans have been submitted for any

proposed structures. The demolition request can be heard for only those structures deemed noncontributing without posting and paying for an exception with the responses to the required criteria.

14-3.14(G) (1) (a): The structures are either marginally historic in date of construction or from just outside the historic period and do not represent important examples of Santa Fe Style.

14-3.14(G) (1) (b): The structures are not essential parts of a unique street section. Similar structures built by 1962 are located in the east side of Plaza del Monte, some may be listed as contributing structures in the Downtown & Eastside Historic District.

And 14-3.14(G) (1) (c): The structures are "sound" and do not meet all current codes.

I provided relevant code citations for demolition of historic district structures and public visibility and streetscape and staff finds that the demolition standards have been met.

Chair Katz - Thank you. Questions for David?

Applicant?

Mr. Sommer - Mr. Chairman I didn't hear what David said about the first two cases. They couldn't be heard because...?

Chair Katz - An exception request is needed.

Mr. Sommer - An exception request is needed, okay. I understand.

Well we don't have anything to add to what David has said and we'd stand for any questions you have.

Obviously, we disagree with the determination in the previous case that would deprive these two of being heard - 124 and 126 - but registering that, I don't have anything to add to this and we'd stand for any questions you might have.

Public Hearing

Chair Katz - Okay, this is a public hearing. Does anyone want to talk about the demolition?

Ms. Ellen Armbruster - Hi, thanks for giving me the opportunity to talk to you about this proposed demolition. I have several concerns I'd like to share.

First, and I'm going to read what I wrote ahead of time. Some of it pertains a little bit to the last item: Plaza del Monte is located in historic Santa Fe. We cannot allow the developer to damage our diverse and amazing city by destroying such a beautiful and significant community as Plaza Del Monte. Both the age of the houses involved and their contribution to the history of Santa Fe as dwelling places for retired Presbyterian ministers and missionaries require that the demolition proposal be denied.

Not only does Plaza Del Monte contribute to Santa Fe's history as home to generations of clergy, it is sacred space.

My second concern. There has been quite a lack of transparency on the part of the developer regarding the future of the Plaza Del Monte community. We know they want to demolish several homes. We don't know what their ultimate plans are.

Do they hope to destroy all the buildings? Do they want to build condos on the property? Are they collaborating with El Castillo in some way? Why do they offer some residents longer leases and some shorter leases? How come they won't share plans that are so likely to affect the well-being of

the Plaza Del Monte community and the historic quality of our city.

And I want to just ask if it's okay and legal for me to share something that I heard. Its second...am I allowed to say something that is just hearsay?

Vice-Chair Katz - Yes, you are.

Ms. Ellen Armbruster - Okay thank you. So at a recent meeting, what I heard was one of the residents there sharing that one of the new younger couples were trying to be convinced to stay rather than move out, by lowering their rent. So they were told, what I heard, was that this younger couple was told their rent would be lowered if they would stay. While some of the rents of the older adults there have gone up enormously in the last several years. I don't know the exact numbers, but I'm thinking my mother's rent was initially \$1100, \$1200 a month. It's now \$1700 a month. And this came about in a period of very few years, this huge raise.

Why is it that older adults are, are not having...? And I actually called last fall when that, or last summer I think it was, when that new lease came out, to try to talk to

the, the representative for the developer who gives the leases, and say, can we talk about this before my mother signs the lease. I did not even get a call back. I was completely ignored for that.

So I think that's important to know that this is how this developer is treating these older adults.

My third concern. Please consider the population that is most deeply impacted by what the developer is doing. Although Plaza Del Monte originated as living space for retired ministers and missionaries, it eventually was developed into a senior house... into senior housing, a legal status.

As a senior community the residents supported each other in many ways. They had weekly educational meetings and gatherings on the big green. On Memorial Day, Fourth of July, Labor Day, my parents invited me to join in many of those celebrations and I got to know the wonderful people who live there. My father was still alive at that time and I observed firsthand the camaraderie he and my mother enjoyed and the warmth and friendliness among the residents.

However, after the developer bought the Plaza Del Monte property they began to raise rents and whispers of building demolitions were passed among the residents. Some of the residents were evicted and others fearful of increasing rents and visions of wrecking balls at their door, decided to leave. Many, sounds like 10 from what my mom said, however have stayed and are now raising their voices in an effort to save their homes.

At some point the developer declared it would open the community to younger families. I recently met one of the young families that have...was...that has moved to Plaza Del Monte, and they were wonderful. Mixed generation living situations can be delightful, but that is not the point. Without knowing that the developers...what the developers ultimate aim is for Plaza Del Monte, we can only speculate as to why they dismantled the senior community.

Given the lack of transparency, transparency, we should be speculating about this. Senior citizens are a vulnerable population. Did the developer realize that destroying their homes could present an ethical and moral challenge to those of us who care about equity of all, including seniors?

Did adding younger families dilute the shocking reality of

putting out older adults who should be valued and revered?
How many of us can feel good about evicting individuals in their 80's and 90's, some with disabilities, who have lived in their Plaza Del Monte homes for long periods. Nearly 20 years in some instances. Is it really okay to keep the Santa Fe status and seniors on pins and needles always wondering if and when their homes will be demolished?

We need to think about this. I understand your job is to determine whether Plaza Del Monte contributes to the historic quality of Santa Fe. I ask you to also consider that not only does the age and history associated with the buildings contribute to Santa Fe history, the seniors who have resided there for decades are a part of that contribution. They are real people.

These are their homes and they have made their community beautiful. Demolishing the buildings requested would severely damage this beauty and the historic significance of the place. Each time I drive through Plaza Del Monte to visit my mother I am awed by the flowers and the landscaping that the residents have added to these rental properties. The houses are not fancy but the loving touch of those who live there is evident in the care with which

they tend their homes and yards.

I implore you please reject the developer's proposal to demolish this community of capable, strong, valuable, independent people whose very lives mirror the historic contribution of the homes in which they reside.

I would like to ask also that you think about the legality of evicting people in their 80's and 90's who, many of whom have disabilities, hearing disabilities, mobility disabilities, who literally are having a hard time getting around needing to use walkers. This is their home. That needs to be thought about and you need to think about whether, whether it's even legal to do that. What is the status of age and evicting people, that's an important part of that. I know that it's not exactly what the H-board does, but it is very, very intertwined in this situation and needs to be considered.

Thank you so much.

Chair Katz - Thank you.

[Linda Payne at 414 Bishops Lodge Road in Santa Fe was sworn.]

Ms. Payne - Good evening everyone. I have attended also the four

meetings concerning the demolition of several structures at Plaza Del Monte. After listening to speeches made by residents of Plaza Del Monte, former residents and neighbors, and after much discussion among Board members; all of us concerned about the future of Plaza Del Monte were pleased that the Board decided each time to not go along with the demolition.

This leads me to believe that this property is very special not only for its historical value, but also a vital part of Downtown Santa Fe. If the Board gives permission to go ahead with the demolition, I feel this would give the developers the go-ahead to demolish even more structures and eventually Plaza Del Monte will be nothing more than a memory.

I feel that the structures in question and the other homes in this complex, could be refurbished. The grounds could be landscaped to look more appealing. Then PNM would be a warm and loving community for the residents and their surrounding area and once again be a showplace for Downtown Santa Fe.

Thank you so much for your time and thank you for listening.

Chair Katz - Thank you. Is there anyone else who wishes to speak? Okay. Yes...

Ms. Madeline Pryor - I just have a question about demolition because I know the woman who lives next to 122 in fairly close proximity is one of the elderly residents that has been described to you. What protection does she have in terms of dust and noise? Does she have any protection at all or is that part of what her life is going to be like now?

Vice-Chair Katz - I'm afraid that's not something we can answer for you. I don't know what protections the city would afford. I know there are some protections, but, you know, I don't think that you can stop somebody from a lawful use of their property. And ...

Ms. Pryor - Okay.

[Inaudible speaking about architect in the background.]

Chair Katz - Sure...

[Wayne Lloyd 321 San Francisco Street, Suite A. was sworn.]

Mr. Lloyd - I can't recite the specific ordinances, but there are ordinances for sound, you can't start noisy

construction before I think it's 7 am. You can't...you're required to water down dusty conditions. So those are general demolition ordinances that apply to every place in the City.

Chair Katz - Thank you. That's helpful.

Okay Board, what's your pleasure?

Mr. Rasch - Mr. Chair.

Chair Katz - Yes.

Mr. Rasch - I kind of need some clarification. I was under the impression that of these five structures actually, restructures, there is no one currently living in them.

Chair Katz - Yes, that's my understanding too. Is that correct?

Mr. Lloyd - Yeah.

Member Biedscheid - I'll, I'll make a comment. I don't...in my mind I don't believe all the standards for demolition have been met, specifically 14-3.14(G) (1) (b). The structures are essential parts of a unique streetscape in my view and I don't believe they meet that standard.

Although I recognize the Board may approve demolition, I

just want to say that if demolition was granted I would not view it as a solid reason to, to argue for the noncontributing status for the rest of the buildings in this community.

Vice-Chair Katz - Maybe David can help us on this. Sometimes when people come in seeking demolition the question is what you are going to replace it with. And I think that's what Jennifer was referring to here. And because this is not publicly accessible it doesn't meet the streetscape's standard, but this is a section or block front and is that different.

Can you give us some guidance on where we stand on that?

Mr. Rasch - Certainly Mr. Chair, Board members. Several things, first of all because this community is gated, your applicable streetscape is 300 feet from the front doors of every structure, not a linear as if it were open to the public.

But, basically, you said it earlier tonight, we are looking at Plaza Del Monte not outside of it generally, but we are looking at any structure within 300 feet, and that is your applicable streetscape.

So there is an applicable streetscape, but it's different than if it were not gated. Okay?

Vice-Chair Katz - Okay, but the standard here is not streetscape it is street *section or block*.

Mr. Rasch - Correct. Now, if you...now you didn't in your status review and you may have to reopen the case if you want to go to where I am speaking, but if you consider any of these structures to be essential to the street section or block front, then you have to define what that character is, and you can require that character to be reestablished.

Now in the past, and I, I know Mr. Chair has been on the Board long enough to remember this, this Board used to always require proposed building plans to be shown with a demolition request.

Member Powell - [inaudible]

Mr. Rasch - Because we look at this definition. If it is not an essential street section, you do not need to see what is proposed. As a matter of fact they don't even have to build anything, they can demolish these buildings and make a park. But if you define essential parts that *shall be reestablished*, then you can do that.

Member Powell - What would... be based on [inaudible]

Mr. Rasch - What's that?

Member Powell - [inaudible] done this for a while. What would that be based on?

Mr. Rasch - Unfortunately, we did it on San Francisco Street where we allowed demolition, or not ... Yes, but we determined that the façade at the edge of the sidewalk was the character defining feature that had to be re-established.

So that...that's where I'm going with that.

Member Powell - So in the case [inaudible] ...of historic property... [Not speaking into the microphone]

Mr. Rasch - Well, and I do feel very strongly about this. I think it's very hard to find an essential part of a noncontributing building. I find that very difficult. If it's noncontributing, what's essential about it? But if it's contributing I can see that there's some essential character.

Member Powell - Is it about the building or is it about the neighborhood - the street.

Mr. Rasch - It's about the unique street section..

Member Powell - Of the neighborhood - not the ...

Mr. Rasch - Of your applicable streetscape, which is...

Member Powell - [speaking over Mr. Rasch but inaudible] the
house ... a noncontributing structure, but a streetscape.

Mr. Rasch - You're really getting into very difficult terrain.

And I'll, I'll honor Meghan's point about our SHPO. In all
my, again in all my 15 years, city attorneys and land-use
directors have always said to me, this Board is in charge
of structure.

I know that most historic preservation districts and SHPO's
look holistically at streetscapes, but we have no
jurisdiction over trees. And its very dangerous territory
to get into non-structural character, in my opinion.

Member Bayer - What about like elements of the cultural
landscape, like setbacks and scale of these buildings.

Mr. Rasch - Yeah, yeah, exactly and that's where its..

Member Bayer - And that seems very appropriate for us to
consider, so..

Mr. Rasch - So anything about the structures, but not necessarily landscaping or trees or ... But if it's based on structure I'm comfortable.

Member Powell - What about mass?

Mr. Rasch - Yeah, yeah.

Member Powell - So for example if we had these smaller structures and massing and the voids in between the negative space is this also part of the massing?

Mr. Rasch - Yeah, you're still, you know, it's, its... I'm very... I caution you because we haven't gone down this road before successfully. But that's what the 14-3.14(G)(1)(b) is all about - is it an essential part?

Member Powell - [inaudible]

Mr. Rasch - So, 14-3.14(G)(1)(b) [reading] *'These standards you have to apply and (b) is whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure'*.

Now again, I find that hard to do with a noncontributing

building, but certainly a contributing building.

Vice-Chair Katz - I think there the sort of problem with this section is that it is entitled demolition of a historic or landmark structure and I really ...it's ambiguous, I understand that. But this is talking of demolishing a structure that's contributing or significant.

Mr. Rasch - Yes, although we have to employ these standards for any structure in the Historic District.

Chair Katz - Okay, can we have a motion from somebody about something, other than adjourning?

Maybe we can't...

Member Roybal - move in case H17-098 B for the...that 122, 125 and south of 126 which has been designated as noncontributing, approve the recommendations of demolition.

Chair Katz - Is there a second? Well, that motion fails for a lack of second. Is there another motion?

Member Biedscheid [inaudible] but I, I never know how to approach the demolition standards. Do we need to agree that a, b, and c are met individually and then proceed from there, or do we look at a...?

Mr. Rasch - Mr. Chair, Board members 14-3.14(G) standards (1)

[reading] *'In determining whether a request for demolition in the historic district should be approved or denied, the HDRB shall consider the following'* and its A through C.

Yeah, it doesn't say they are all required, it just says *shall consider A, B and C.*

Member Biedscheid - So I... yeah, I mean, I think that A is matched; we've determined that these are not of historic age. And C, just based on staff report, these do not meet the current code, which is probably true. So, I think that C is also met. But B, whether or not the structure which demolition has requested is an essential part of the unique street section or block front, I do think it is an essential part of this unique street section or block front.

And then further says and whether the street section or block front will be reestablished. So I think if we need to specify criteria for reestablishing those, there's a really good description in the HCPI Re...or the Historic Resources Evaluation Report prepared by John Murphy.

And I can read...it's on page 31, so at the first full

paragraph which talks about the houses are of uniform design, of...each consisted of a modified L plan to which a carport was attached and connected the portal. The front elevation included projecting room block like mass with rounded corners and a portal and there's several things that we could draw from that even according to the architectural historian are characteristic of this streetscape, street section.

Vice-Chair Katz - It occurs to me that we maybe have two ways we can go here. I know that there have been situations where we say okay, you need to come and show us what you're going to build, and we would delay, or if there is this bec... You need to show us what you're going to build to reestablish this streetscape. Or we could simply move to deny the demolition because we don't know what they're going to do.

Mr. Rasch - Mr. Chair, I would suggest a third option is also applicable.

Chair Katz - Okay.

Mr. Rasch - I think that this Board could define a character-defining streetscape issues that *shall be preserved and*

presented with the new design even though you might not be seeing it yet. Because if you establish that essential character as *shall be reinstated* I'm not so sure you need to see that in order to grant it until it comes forward if it ever comes forward. We don't know what they're planning to do here.

[inaudible conversation]

Chair Katz - Right, right. That's a tough [inaudible]

Member Bayer - ? when we define the essential elements in this case, or do they need to have been established during the status.

Mr. Rasch - I think you can do that now if you so choose.

Member Powell - [completely inaudible]

Mr. Rasch - You can deny the demolition. You can require seeing the proposed structure, yeah, or until you approve demolition with the new structure. Or you could possibly define essential character that shall be reestablished. And maybe even two things there - and come back with that, or just leave it as is and they'll come back if they're going to.

Member Bayer - But with option number three if we define the essential characteristics and they, we allow them to demolish it they might not, I mean it could just [inaudible]...

Mr. Rasch - [Speaking at the same time] Right, it could become a park, yeah. We just don't know.

Member Biedscheid - All right, sorry can you clarify item...option 2 again. Is that a denial of the demolition or ...?

Mr. Rasch - You could deny the demolition out right.

Member Biedscheid - That's your option one. And then option two?

Mr. Rasch - You could require to see the proposed structure before granting demolition.

Chair Katz - essentially.

Mr. Rasch - Essentially, yes. You may wish to question the applicant on their intent. I don't know if they need to tell you at this point, but they may want to. Or, or even which option they would like us to follow and what order.

Mr. Sommer - I don't think that the postponement is appropriate

action by the Board because that leaves the request pending not subject to an appeal.

I think the appropriate... if you believe that the standards for demolition have not been met, the appropriate thing is to deny. That makes a final decision that is appealable if they want to appeal it. If it's not appealed, then they have to come back to you with a design that shows what they're reestablishing and then you can consider the application in that context.

I don't think the Board has the ability to postpone a property owner to do something on their property until they come up with a design that they may not have any intention of doing.

So I think the appropriate thing for you all to do is to deny it if you don't think the standards have been met for demolition, i.e., as Ms. Biedscheid has indicated that she believes there is, or if the Board believes there is an essential character of this streetscape that has not been shown how it's going to be established. I think that's what I - I'm paraphrasing - then I think the appropriate thing is to deny.

Vice-Chair Katz - That, that sounds correct to me. And I guess what I'm... In that light I can imagine... Well, San Francisco Street at the Plaza, if somebody wanted to demolish one of those buildings - let's say it was perhaps the new Jerry Peters mall. You probably wouldn't want to allow the demolition with the owner saying I may not put anything there.

I mean, there is a definite streetscape there that you would want to preserve. And I don't know, my guess is, my understanding is the owner here has no idea what he's gonna do if anything there. So we can't delay them if they think that this streetscape is so important that it has to be reestablished in that manner, to reestablish what was so important there, I, I think we simply would vote against demolition.

So if you think that that standard non, subsection B has not been met then I think the answer is to vote against it. If you don't think that this, that it's crucial to reestablish that streetscape and have a different building there or a park there...

Member Powell - [inaudible]

Vice-Chair Katz - But if the owner says, "I ain't gonna tell you, I ain't decided, I ain't gonna do anything there". Then what's your option?

Member Powell - [inaudible]

Chair Katz - Exactly, but I, I...

Member Powell - [completely inaudible]

Mr. Sommer - And I would remind you that the Board has a standard of 65 days to *act*, not to postpone.

Vice-Chair Katz - Right.

Mr. Sommer - You have to act.

Chair Katz - I don't think if you... I don't think it's an option to postpone. I think you either decide to demolish or not to demolish.

Member Powell [inaudible]

Ms. Gheen - So I believe in, I believe in...Sure well, I believe in this case the applicant has, Mr. Sommer has stated that they want a decision - a yay or a nay - and that they do not intend to come back within 60 something days to provide some sort of option.

I think in this case since their... since the Board should try to make a decision within the 65 days of the application for demolition, I think, believe, in this case really you should make a yes or no decision. Because you have enough information to state whether or not it's going to meet the criteria are not. The applicant is not, does not seem to be willing to entertain or to present a proposal. And the governing body can then decide if it goes on appeal.

Vice-Chair Katz - The standard that you're, we're sort of tripping on is, is we decide whether the structure is an essential part of the unique street section or block front. And whether this street section and block front will be re-established.

And the applicant's telling us is it won't be reestablished. And so if we think it's an essential part of the street section you vote no; if you think this is not an essential part of a street section or block front, then you would vote yes to allow the demolition.

Member Powell - [inaudible]

Chair Katz - Yes?

Mr. Sommer - I'm, I'm sorry I have a really hard time hearing you Mr. Powell. You sit back far, and you move away from your microphone. So again I couldn't hear what you said.

Mr. Powell - [inaudible]

Mr. Sommer- Okay. All right. I'm just saying as a general matter I have a hard time listening and hearing you because you tend to sit back and away from the microphone. I don't know if anybody else has that problem, but I didn't catch the last thing you said, and I didn't catch a lot of what you said tonight because of that.

So, just for your information it's difficult to hear you.

Member Biedscheid - Is there any more discussion or are we ready to make a motion?

Chair Katz - That would be appreciated.

Member Biedscheid - In case H17-98B the properties located at 122, 120... I'm sorry, 122, 125 and 126 garages on Camino Santiago, I move to deny the application for demolition on the basis that the standard presented as 14-3.14(G) (1) (b) is not met. I consider the structure, the three structures to be an essential part of a unique street section as

described in the March 28, 2018 Historic Resources Evaluation Report for Plaza Del Monte prepared by John Murphy. Specifically the sections that discuss the retirement cottages, the evolution of design and the further development during the time period 1961 to 1977.

Member Roybal - I'll second that.

Member Bayer - Do we need to further specify the essential elements or is that sufficient?

Vice-Chair Katz - No. I think the reason that we're denying it is because they're not forthcoming with a reestablishment.

Okay, all in favor say aye.

Members Bayer, Biedscheid, Powell and Roybal - Aye.

Chair Katz - Opposed say no. Okay motion to deny demolition of those three structures has passed.

Okay, that was the last case.

[End of Verbatim]

I. MATTERS FROM THE BOARD

Member Powell will not be present for the HDRB meetings next month.

J. ADJOURNMENT

Having completed the agenda and with no further business to come before the Board, the meeting was adjourned at approximately 9:25 p.m.

Approved by:

Cecilia Rios, Chair

Submitted by:

Carl G. Boaz for Carl G. Boaz, Inc.