



CITY OF SANTA FE, NEW MEXICO

PO BOX 909/200 LINCOLN AVE
SANTA FE, NM 87504-0909

HISTORIC DESIGN REVIEW BOARD

APPEAL APPLICATION

Date: May 29, 2007

Case #: H-04-114

Appellant's Name: Real Estate Investment Partners Phone #: 983 9222

Address: 444 Galisteo Streets, Suite B & C

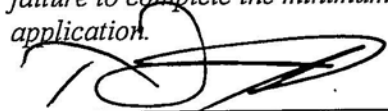
Agent's Name: Rosanna C. Vazquez 820 6400

Subject Property Address: 511 Paseo de Peralta

Appeal Summary (use additional paper if necessary)

SUBMITTAL CERTIFICATION

I hereby certify that the documentation submitted for review and consideration by the City Council has been prepared in accordance with the attached verified appeal. I understand that failure to complete the minimum submittals may result in a delay in the scheduling of my application.


Appellant's Signature/Date

 5/29/07
Agent's Signature/Date

FOR OFFICIAL USE ONLY

Date Received: _____

Historic District: _____

Comments: _____

Date of Public Hearing: _____



CITY OF SANTA FE, NEW MEXICO

PO BOX 909/200 LINCOLN AVE
SANTA FE, NM 87504-0909

PRECEDURE FOR APPEALING HISTORIC BOARD DECISIONS FOR CITY COUNCIL PUBLIC HEARING

CASE # H-04-114

Once a Historic decision has been rendered, the appellant must complete the following:

1. Public notice one time in legal advertisements (Section 14-3.17 (A) of the code. Publication date at least 15 days prior to City Council hearing on _____, 20____.
New Mexican needs ad by close of business on _____, 20____.
2. Post notice on property, visible from street (Section 14-3.17 (A) of the code. Date at least 15 days prior to City Council hearing on _____, 20____.
3. Return to staff by close of business on _____, 20____.
4. Attend City Council hearing on _____, 20____.

I hereby certify that the above instructions have been explained to me and I understand the requirements. Failure to complete the above requirements will result in the renotification and rescheduling of the public hearing.

Rosanna Chavez
APPLICANT'S SIGNATURE/DATE

STAFF'S SIGNATURE/DATE

City of Santa Fe, New Mexico
Notice of Public Hearing
(For Official Use Only)

Case # H-04-114

Notice is hereby given that the City Council of the City of Santa Fe, New Mexico will hold a public hearing in the City Hall Council Chambers, 200 Lincoln Avenue on _____, 20____ at 7:00 P.M. for the purpose of acting on an appeal by _____ regarding the Historic Design Review Board's decision at their meeting of _____, 20____, on Case #_____. The decision of the Board was to _____

This request is as set forth in the Section 14-3.17(D) of the Code as they apply for the following described location in the City of Santa Fe, New Mexico, to Wit: _____
DATED AT SANTA FE, NEW MEXICO, THIS ____ DAY OF _____, 20____.

Yolanda Y. Vigil, City Clerk

Note: New Mexico law requires the following administrative procedure to be followed by zoning boards conducting "quasi-judicial" hearings, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross examination. Witnesses have a right to have an attorney present at the hearing. The zoning board will in its discretion, grant or deny requests to postpone hearings

Since room location may be subject to change, it is recommended that interested parties contact the Planning Division prior to hearing at 505-955-6605.

Date to be Published: _____, 20____.

*The New Mexican to mail affidavit of publication to the City of Santa Fe, Planning Division,
PO Box 909, Santa Fe, NM 87504 – Prior to meeting date.*



CITY OF SANTA FE, NEW MEXICO

PO BOX 909/200 LINCOLN AVE
SANTA FE, NM 87504-0909

VERIFIED PETITION

I/we, Real Estate Investment Partners, the undersigned first being sworn on my/our oath depose and hereby submit to the governing body this petition duly verified pursuant to Section 14-3.17 (D) (2) of the code setting forth the following:

1. How such petition constitutes an appeal

The Petitioner is an aggrieved party because the decision by H Board will not allow Petitioner to obtain a driveway permit from Public Works. The Petitioner meets all the requirements for a Special Exception

2. How such decision is illegal in whole or in part.

The decision is illegal in that the Petitioner has met the Special Exception requirements. Without a positive finding, this development does not have any other access and cannot obtain a driveway permit

3. The specific grounds of the illegality.

The Special Exception requirements have been met. The issues at hand are due to a disagreement between Public Works + Historic Board, and application of AASHTO standards.

(Please use additional paper if necessary)

VERIFICATION

STATE OF NEW MEXICO

COUNTY OF SANTA FE

SS. }

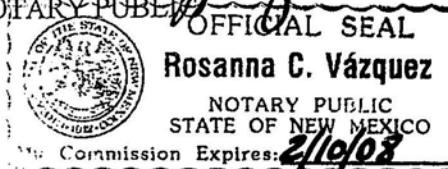
I/we Ron Blessey, being duly sworn, deposes and says: That he/she has read the foregoing appeal and knows the contents thereof, and that the same are true of he/her own knowledge.

[Signature]
PETITIONER

Subscribed and sworn to me before this 29th day of May, 2007

[Signature]
NOTARY PUBLIC

My commission expires: 2/10/08



LAW OFFICES OF
ROSANNA C. VÁZQUEZ

May 29, 2007
VIA HAND-DELIVERY

City Council
City of Santa Fe
P.O. Box 909
Santa Fe, New Mexico 87504

Re: Appeal of Decision for Paseo Compound
Real Estate Investment Partners

Dear City Council members:

On behalf of owners of Real Estate Investment Partners owners of Paseo Compound, I submit an appeal to City Council from a decision made by historic Review to deny a request to remove a stone wall. We would respectfully request this item to be placed on the June agenda.

As background for this particular request, Paseo Compound initially went before the Historic Board in Fall of 2004, requesting a special exception for the partial removal of a wall, in order to create a driveway entrance. The Board approved a partial removal of the wall, to accommodate access to the driveway. After such approval, the owners obtained a driveway permit (February 8, 2005), which was signed off by then Public Works Director John Nitzel. After obtaining a driveway permit, Real Estate Investment Partners, were told by Planning and Zoning that a development plan would need to be submitted and approved. This was complied with, and we were in the midst of obtaining signatures on such development plan, when Public Works concern of safety was brought to the forefront and our attention.

The concern raised by John Romero, was that the existing configuration as previously approved by Historic Review did not provide sufficient intersection sight distance to comply with AASHTO. Public Works cites AASHTO standards stating "a sufficient sight triangle be provided for vehicles wanting to exit the development." In order to obtain sufficient sight distance, the existing wall will need to be removed and replaced with a lower stucco wall. The previous Traffic engineer had applied principles found in Section 14, found that the driveway cut had complied, and granted a permit for the driveway entrance in February 8, 2005. As such we are submitting this request for a special exception to remove the wall as a result of such public safety concerns raised by Public Works.

The case currently before Historic, brought forth the request recommended by Public Works for removal of the wall to obtain proper site distance. The Historic Board denied the request.

The owners are caught between the concerns of the two departments focusing on their own concerns. Historic is concerned with protecting the historic nature of the city, and the integrity of the wall; whereas Public Works' concern is focused on site distance and public safety of citizens of Santa Fe.

The decision previously made by Historic did not allow for a sufficient sight distance to protect passerby's and those exiting the driveway. The design submitted herewith removes the entire wall, and replaces the wall with a stucco wall. In our previous hearings with Historic Review, when the issue was raised as to what type of wall should replace the existing wall, there was very clear direction given that Historic did not look favorably on a wall re-constructed to look like an old wall, and rather preferred a stucco wall.

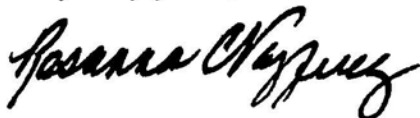
We respectfully request City Council to weigh the interests of Historic Board and the interests of Public Works and make a decision. We cannot move forward without such a decision.

In this last meeting Historic Review asked us if there were any other options. While there is a driveway behind the lot, it does not currently meet City standards and cannot be widened as it is private property. There are also historic walls that prohibit its expansion.

Real Estate Investment Partners tried to offer other solutions, keeping in mind, Historic Review Board direction of not creating a faux historic wall, but we were directed to submit a plan that complied with the site distance requirements as set forth in AASHTO. We are continuing the dialog to find a solution.

On behalf of Real Estate Investment Partners, I thank you for your attention to this matter. I ask you to resolve this issue so that we may move forward with this project. This project has been in the approval process for approximately two and half years. We would like direction as to whether the wall stays, or goes. Should you have any questions, please do not hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rosanna C. Vazquez". The signature is fluid and cursive, with the first name being the most prominent.

Rosanna C. Vazquez

cc: Real Estate Investment Partners

14-2.7 HISTORIC DESIGN REVIEW BOARD

(A) Powers and Duties

The Historic Design Review Board shall have the review and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of this chapter. In addition, the Board shall have the following additional responsibilities under this chapter:

- (1) The Board shall review and approve or deny all applications for new construction, exterior alteration, and demolition of structures, except signs, in the Historic District in accordance with the standards set forth in this chapter. Staff shall review signs in accordance with §14-3.10(D).
- (2) The Board shall hear appeals of parties aggrieved by the City Planning and Land Use Department's approvals or denials.
- (3) The Board may recommend to the Governing Body the erection of appropriate plaques and markers designating various historical sites and points of interest in the City.
- (4) The Board may make recommendations to the Governing Body relating to the purchase, acquisition by gift, grant, bequest, devise, or otherwise, of any real or personal property of historical background and interest;
- (5) The Board may make recommendations to the Governing Body as to the exercise of the Governing Body's power of eminent domain in the acquisition of real property of historical background and significance and the proposed ways and means of compensation;
- (6) The Board shall advise and assist officials, committees and commissions of the municipal government in making recommendations to the Governing Body;
- (7) The Board shall compile and maintain a list of historical sites and structures;
- (8) The Board shall perform such other acts providing that such acts relate specifically to this section as may be requested by the Governing Body; and
- (9) The Board may conduct field trips upon request of the applicant, or as determined by the chair.

(B) Creation; Membership

- (1) To carry out the purposes of this section, there is created a Historic Design Review Board, hereinafter referred to as the "Board."
- (2) The Board shall consist of seven members appointed by the mayor with the consent of the Governing Body. All members shall be persons who, in the opinion of the mayor, have demonstrated interest and knowledge in the historic character of the City. One member shall be a licensed architect, one shall be a qualified historian, one shall represent some aspect of the construction industry, and one shall have a business in the Historic District. One member shall be a member of the Old Santa Fe Association, and there shall be two members-at-large. Members of the Governing Body may serve as at-large members.
- (3) The following organizations are encouraged to recommend to the mayor up to three persons each for the appropriate position as designated in this section:

- (a) Santa Fe chapter of the American Institute of Architects;
- (b) Santa Fe Chamber of Commerce and Hispanic Chamber of Commerce;
- (c) Museum of New Mexico; and
- (d) Building Contractor's Association and Associated General Contractors of America, Building Branch (jointly).

Persons recommended are not required to be members or staff of the organization recommending them. This provision is in no way intended to prevent other organizations from recommending members, or to limit the appointment power of the Governing Body.

- (4) The initial term of three of the seven members appointed shall expire on the date of the first regular Governing Body meeting in January one year after their appointment, and the initial term of the other four members shall expire on the date of the first regular City council meeting in January two years thereafter. Following the initial terms, the terms of all members shall be two years. An appointment to fill an unexpired term shall be only for the remainder of the term. Any member failing to attend three consecutive Board meetings or a total of six meetings in one year without a justified reason shall be considered to have resigned. Members serve at the pleasure of the Governing Body and may be removed with or without cause.
- (5) A quorum shall consist of a majority of the members. The Board shall meet regularly twice a month and on the call of the chair. The Board shall follow Robert's Rules of Order.

(C) Functions of the Planning Division

The planning division shall provide administrative and advisory assistance to the Board, conduct site inspections, carry out reviews as set forth in §14-5.2, and shall have the authority to initiate all appropriate legal proceedings to enforce all provisions of this section and §14-5.2 (Ord. No. 2002-37 § 5)

(Ord. No. 2001-38 § 2)

(D) Appeals in the Historic Districts**(1) Appeals from Decisions of Planning and Land Use Department**

Appeals based on action taken by the Planning and Land Use Department regarding the H District shall be heard by the Historic Design Review Board at its next regular meeting after the appeal is filed. Appeals may be filed by the applicant and must be filed within 7 days of the Division's action. The grounds for any such appeal shall be limited to a disagreement with the determination made by the Division under the procedures or required standards set forth in this section. Notice of the time and place of each such appeal shall be given by the Division. All appeals shall be in writing and shall state the specific standard or procedure that is being appealed.

(2) Appeals from Decisions of Historic Board

(a) Appeals from decisions of the Historic Board regarding the H District may be taken by any person aggrieved or by any officer, department, Board or bureau of the City affected by any decision of the Board in enforcement of this section or applicable rules or regulations. Such an appeal when taken shall stay all proceedings unless the officer, department, Board or bureau from whom the appeal is taken certifies that a stay would cause imminent peril to life or property. Appeals from the findings and recommendations of the Board on all matters under this section shall be taken to the Governing Body and the procedure, including the requirement of a public hearing, shall be the same as prescribed under paragraph (A) above and by the laws of the state.

(b) The grounds for the appeal shall be limited to a disagreement with the determination made by the Board under the procedures or standards set forth in this section. Appeals shall be in writing and shall state the specific standard or procedure that is being appealed. The appeal shall be filed within seven calendar days of the meeting at which the Board made the decision being appealed. Building permits shall not be granted until the appeal filing period is completed.

(Ord. No. 2001-38 § 2)

*

Editor's Note: Former subsection 14-3.1(D), New Building Permit Applications; Exceptions; New Development Approvals Other than Building Permits, previously codified herein and containing portions of Ordinance No. 2002-29 was repealed in its entirety by Ordinance No. 2003-36, § 4.

Wall

DATE: June 26, 2007
TO: Historic Design Review Board Members
VIA: Reed Liming, Long-Range Planning Division Director
FROM: David Rasch, Supervising Planner in Historic Preservation

CASE # H-04-114

ADDRESS: 511 Paseo de Peralta
Historic Status: Contributing/Non-contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- ☒ Case Synopsis
☐ District Standards & Yard wall
& fence standards.
☒ Historic Survey Form
☒ Zoning Review Sheet
☒ Other: Chapter 14 visibility triangles
Public Works letter
code citations
previous case minutes

APPLICANT SUBMITTALS

- ☒ Proposal Letter
☐ Vicinity Map
☒ Site Plan/Floor Plan
☒ Elevations
☒ Photographs
☒ Other: exception responses

STAFF RECOMMENDATION:

Staff recommends denial of the exception required for this application which does not meet Sections 14-5.1 General Purpose and Relationship to General Use Zoning Districts, 14-5.2 (C, 1, a, c, and d) Regulation of Contributing Structures, 14-5.2 (D, 1, a and b) General Design Standards for All H Districts, and 14-5.2 (D, 5, a, ii and b) Design Standards for Windows, Doors, and Other Architectural Features, unless the Board has a positive finding of fact to grant the exception to demolish 16 additional feet down to 3' high and approximately 22 additional feet with a height taper of an historic stone wall along the streetscape in the core historic district.

BACKGROUND & SUMMARY:

515 Paseo de Peralta, Tract 2 is a brick apartment building that was constructed before 1890 in the Neoclassical – Territorial Style. The building is finished with textured stucco and brick coping at the parapets. The building has undergone moderate historic alterations and is listed as Contributing to the Downtown & Eastside Historic District. There are associated historic buildings and stone walls on the property that were constructed at approximately the same date. The streetscape wall runs the length of the property right at the curblin, except for a driveway at the east end and a stone stair access at approximately the mid point.

Tract 1, also known as 511 Paseo de Peralta, is a 20,350 square foot lot to the west of Tract 2 and with a slope down toward the street. This lot includes part of the streetscape stone wall and other stone retaining walls further back from the street.

The HDRB approved an application on September 13, 2005 to construct seven single-family residences designed in the Spanish-Pueblo Revival style with rounded parapets, second-floor balconies, projecting vigas, exposed wooden headers, and portals with carved corbels.

The applicant provided the following responses for an exception that was granted in order for a minimal section of the historic streetscape stone wall to be demolished for driveway access into the site.

1. The proposed exception does not damage the character of the streetscape.

The proposed demolition of 30 feet of wall represents approximately 11% of the total length of the stone wall at the street. The applicant proposes to reuse the stone salvaged from the demolition to retain the side of the proposed driveway in the area of the demolition.

2. The proposed exception prevents a hardship to the applicant or an injury to the public welfare.

The proposed demolition allows the applicant to access the project site in an area where it is topographically possible to put in a driveway with a slope that meets the city code. The location of the proposed demolition, at the very western end of the property, is the best location from a traffic standpoint, according to the City traffic engineer.

3. The proposed exception will strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic district.

This project will add seven housing units to the historic district. Without the exception, it would be difficult or impossible to add these residences.

4. The exception is due to special conditions and circumstances which are peculiar to the land or structure involved in which are not applicable to other land or structures in the related streetscape.

The request for demolition of a portion of the stone wall is to allow access to this site for a driveway. This is a condition that is unique to this site.

5. The exception is due to special conditions and circumstances which are not the result of the actions of the applicant.

The site and topographic conditions are part of this parcel. They were not a result of the actions of the applicant.

6. The exception will provide the least negative impact with respect to the purpose of this section as set forth in section 14 -5. 2 (a) (1).

The area for the proposed demolition has the least negative impact visually, in that it is located at the western end of the wall rather than somewhere in the middle of the wall's length. The western end of the wall is located directly adjacent to a large concrete retaining wall and a surface parking lot. Construction of a new driveway in this location will reduce the height of the existing concrete retaining wall at the property line.

On April 12, 2007, Public Works Department staff found problems with traffic safety at the requested driveway access to the site, although Public Works staff had previously approved the design. Staff requires that a federal standard published by the American Association of State Highway and Transportation Officials (AASHTO) be used. That standard, which requires a sight triangle measuring 17' x 280', is being applied even though there are no federal funds being used on the project, the Paseo de Peralta is not a state highway, and the Chapter 14 driveway visibility triangle standards have been applied on numerous other projects both within and outside of the historic districts.

The driveway access, as approved by exception by the HDRB, used one of the legal standards in Section 14-7.4 (D). The standard used requires 10' of clearance along the street beyond the driveway with nothing obscuring vision between 3' and 8' high. The standard used was for a "public street" with a sidewalk or "parkway." Since no parkway exists at this site, perhaps the standard for "private streets" without a parkway should have been used. That standard requires a 26' clearance beyond the driveway.

On May 22, 2007, the HDRB denied a request to demolish an additional 72 feet of the historic wall to meet AASHTO federal highway standards for sight visibility safety and requested that other options be researched. The applicant filed an appeal to the Governing Body on May 29, 2007. City staff has worked with the applicant to propose additional alternatives for consideration before the appeal is heard.

Now, the applicant proposes one more additional option for remodeling of the historic wall. An additional 16' of the wall will be altered to retain only a 36" high wall. Then, for an additional approximately 22', the wall will be gradually tapered up to the existing height to mimic the taper on the east end. The applicant has submitted the following responses to the exception criteria.

1. The proposed exception does not damage the character of the streetscape.

The request of Public Works is to demolish most of the historic stone wall in order to provide site safety triangle for exiting the property. That request was denied by historic in May 2007. This current request angles the existing wall and requires the wall to be lowered to 36 inches from the ground elevation at an angle lowering the wall height but allows the remaining wall to be left in tact. Thus maintaining the character of the streetscape for which the wall is an important part of.

2. The proposed exception prevents a hardship to the applicant or an injury to the public welfare.

By angling the stone wall, we believe sufficient sight distance would be maintained and there would be no adverse impact on public safety to the citizens of Santa Fe.

3. The proposed exception will strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic district.

This proposal allows a greater portion of the historical wall to be maintained along property line, thus maintaining the historic feel of Paseo de Peralta.

4. The exception is due to special conditions and circumstances which are peculiar to the land or structure involved in which are not applicable to other land or structures in the related streetscape.

The topography and the narrowness of the lot make it very difficult to achieve a safe line of sight, and maintain the integrity of the existing wall. Also there is no other ingress or egress available to this property except for the driveway as proposed.

5. The exception is due to special conditions and circumstances which are not the result of the actions of the applicant.

The wall as it stands does not allow sufficient sight distance to allow safe egress from the lot. There are no other entry points to the lot.

6. The exception will provide the least negative impact with respect to the purpose of this section as set forth in section 14 -5. 2 (a) (1).

If approved the lowering of the wall would require the wall to be removed stone by stone in order to preserve the lower portion of the wall. The wall is approximately 125 feet wide and 18 inches thick, making it impossible to cut through and lowered. A special precaution would need to be taken care of in order to protect the wall and allow it to withstand such impact.

Historic Districts applicable code citations are as follows:

14-5.1 General Purpose; Relationship to General Use Zoning Districts

"The requirements of an overlay district shall apply whenever they are in conflict with those in the general use district." The Historic Districts Zoning Overlay is intended to preserve the unique character of the historic districts and historic structures which may not be compliant to current zoning regulations.

14-5.2 (C, 1, a, c, + d) Regulation of Contributing Structures

"Changes that create a false sense of historical development...shall not be undertaken." The driveway visibility triangle is not a traditional or an historic principal for walls on an historic streetscape.

"Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved." This type of historic stone wall right along the right of way is very rare in the historic districts.

"New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired." Once this historic stone wall is removed, it cannot be replaced and the property cannot be returned to its original integrity.

14-5.2 (D, 1, a + b) General Design Standards for All H Districts

"The status of a contributing structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its contributing status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited." And, "If a proposed alteration or new construction will cause an adjacent structure to lose its contributing status, the application may be denied." This wall is a significant feature in this streetscape which, along with several other walls in the nearby streetscape, narrows the Paseo more than anywhere else on the Paseo.

14-5.2 (D, 5, a, ii + b) Design Standards for Other Architectural Features

"No new opening shall be made where one presently does not exist..." and "For all facades of contributing structures, architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced..." The proposed substantial demolition of this historic streetscape wall would set a precedent that could profoundly alter the character of the historic districts. The HDRB previously found that the applicant had a hardship for access to the site and met the criteria required for an exception to remove a small section of the historic wall. This proposal will remove more than a small portion for a standard which is not in Chapter 14.

Mr. Newman said on the drawings the Board saw Sept 26th he remembered very well and commented on the applicant improving it by removing the shed.

Mr. Polese said the drawing showed a radius of 10'. They were in error. Those drawings were in error and they understood any addition had to be set back ten feet.

Chair Woods said that was not at issue. She said the issue was what was brought to the Board was not what was built.

There were no further speakers from the public regarding this case.

Ms. Rios moved to approve Case #H 06-088 with the following conditions:

1. That the applicant submit precise drawings that match what was being built,
2. That the stucco be cementitious and match existing,
3. That there be no rooftop appurtenances on this building or garage,
4. That the garage door windows be cedar having division on the outside and inside with spacers in between (simulated divided lights) with drawings submitted to staff,
5. That all lighting plans and fixtures be brought to staff.

Ms. Shapiro seconded the motion.

Mr. Rasch explained to the applicant that pop in muntins were not allowed.

The vote on the motion resulted in a tie with Ms. Rios and Ms. Shapiro voting in favor and Mr. Frost and Mr. Newman voting against. Chair Woods voted in favor and the motion passed.

6. Case #H 04-114. 511 Paseo de Peralta. Downtown & Eastside Historic District. Roger Hunter, agent for Blessey, Fuentes, & Zeug, proposes to remodel an historic stone wall along the streetscape. An exception to remove historic material was requested to Section 14-5.1 General Purpose and Relationship to General Use Zoning Districts, 14-5.2 (C, 1, a, c, and d) Regulation of Contributing Structures, 14-5.2 (D, 1, a and b) General Design Standards for Windows, Doors, and Other Architectural Features.

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

BACKGROUND & SUMMARY:

"515 Paseo de Peralta, Tract 2 is a brick apartment building that was constructed

before 1890 in the Neoclassical - Territorial Style. The building is finished with textured stucco and brick coping at the parapets. The building has undergone moderate historic alterations and is listed as contributing to the Downtown and Eastside Historic District. There are associated historic buildings and stone walls on the property that were constructed at approximately the same date. The streetscape wall runs the length of the property right at the curb line, except for a driveway at the east end and a stone stair access at approximately the midpoint.

"Tract 1, also known as 511 Paseo de Peralta, is a 20,350 square foot lot to the west of Tract 2 and with a slope down toward the street. This lot includes part of the streetscape stone wall and other stone retaining walls further back from the street.

"The HDRB approved an application on September 13, 2005 to construct seven single-family residences designed in the Spanish Pueblo Revival style with rounded parapets, second-floor balconies, projecting vigas, exposed wooden headers, and portals with carved corbels.

"The applicant provided the following responses for an exception that was granted in order for a minimal section of the historic streetscape stone wall to be demolished for driveway access into the site.

- "1. The proposed exception does not damage the character of the streetscape. The proposed demolition of 30 feet of wall represents approximately 11% of the total length of the stone wall at the street. The applicant proposes to reuse the stone salvaged from the demolition to retain the wall site of the proposed a driveway in the area of the demolition.
- "2. The proposed exception prevents a hardship to the applicant or and in the jury to the public welfare. The proposed demolition allows the applicant to access the project site in an area where it is topographically it possible to put in a driveway with a slope that meets the city code. The location of the proposed demolition, at the very western end of the property, is the best location from a traffic standpoint, according to the city traffic engineer.
- "3. The proposed the exception will strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic district. This project will add seven housing units to the historic district. Without the exception, it would be difficult or impossible to add these residences.
- "4. The exception is due to special conditions and circumstances which are peculiar to the land or structure involved in which are not applicable to other land or

structures in the related streetscape. The request for demolition of a portion of the stone wall is to allow access to this site for a driveway. This is a condition that is unique to this site.

- "5. The exception is due to special conditions and circumstances which are not the result of the actions of the applicant. The site and topographic conditions are part of this parcel. They were not a result of the actions of the applicant.
- "6. The exception will provide the least negative impact with respect to the purpose of this section as set forth in section 14-5.2(a, 1). The area for the proposed demolition has the least negative impact of visually, in that it is located at the western end of the wall rather than somewhere in the middle of the wall's length. The western end of the wall is located directly adjacent to a large concrete retaining wall and a surface parking lot. Construction of a new driveway in this location will reduce the height of the existing concrete retaining wall at the property line.

"On April 12, 2007, Public Works Department staff found problems with traffic safety at the requested driveway access to the site, although public works staff had previously approved the design. Staff requires that a federal standard published by the American Association of State Highway (AASHTO) and transportation officials be used. That standard, which requires a site triangle measuring 17' x 280', is being applied even though there are no federal funds being used on the project, the Paseo de Peralta is not a state highway, and the chapter 14 driveway visibility triangle standards have been applied on numerous other projects both within and outside of the historic districts.

"The driveway access, as approved by exception by the HDRB used one of the legal standards in section 14-7.4 (D). The standard used requires 10 feet of clearance along the street beyond the driveway with nothing obscuring vision between 3' and 8' high. The standard used was for a 'public street with a sidewalk or parkway.' Since no parkway exists at this site, perhaps the standard for 'private streets' without a parkway should have been used. That standard requires a 26-foot clearance beyond the driveway.

"On May 22, 2007, the HDRB denied their request to demolish an additional 72 feet of the historic wall to meet the federal highway standards for site visibility safety and requested that other options be reached researched. The applicant filed an appeal to the governing body on May 29, 2007. City staff has worked with the applicant to propose additional alternatives for consideration before the appeal is heard.

"Now, the applicant proposes one more additional option for remodeling of the

historic wall. An additional 16 feet of the wall will be altered to retain only a 36-inch high wall. Then, for an additional approximately 22 feet, the wall will be gradually tapered up to the existing height to mimic the taper on the east end. The applicant has submitted the following responses to the exception criteria.

- "1. The proposed exception does not damage the character of the streetscape. The request of public Works is to demolish most of the historic stone wall in order to provide site safety triangle for exiting the property. That request was denied by historic in May 2007. This current request angles the existing wall and requires the wall to be lowered to 36" from the ground elevation at an angle lowering the wall height but allows the remaining wall to be left intact. Thus maintaining the character of the streetscape for which the wall is an important part.
- "2. The proposed exception prevents a hardship to the applicant or an injury to the public welfare. By angling to stone wall, we believed sufficient sight distance would be maintained and there would be no adverse impact on public safety to the citizens of Santa Fe.
- "3. The proposed exception will strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic district. This proposal allows a greater portion of the historic wall to be maintained along property line, thus maintaining the historic feel of Paseo de Peralta.
- "4. The exception is due to special conditions and circumstances which are peculiar to the land or structure involved in which are not applicable to other land or structures in the related streetscape. The topography and the narrowness of the lot make it very difficult to achieve a safer flying of sight, and maintain the integrity of the existing wall. Also there is no other ingress or egress available to this property except for the driveway as proposed.
- "5. The exception is due to special conditions and circumstances which are not the result of the actions of the applicant. The wall as it stands does not allow sufficient sight distance to allow safe egress from the lot. There are no other entry points to the lot.
- "6. The exception will provide them the least negative impact with respect to the purpose of this section as set forth in section 14 - 5.2 (a, 1). If approved the lowering of the wall would require the wall to be removed stone by stone in order to preserve the lower portion of the wall. The wall is approximately 125 feet wide and 18 inches thick, making it impossible to cut through and lowered. A special precaution would need to be taken care of in order to protect the wall

and allow it to withstand such impact.

"Historic districts applicable code citations are as follows:

"14 - 5.1 General purpose; relationship to general use zoning districts

"The requirements of an overlay district shall apply whenever they are in conflict with those in the general use district. The historic districts zoning overlay is intended to preserve the unique character of the historic districts and historic structures which may not be compliant to current zoning regulations.

"14 - 5.2 (C., 1, a, c, +d) Regulation of Contributing Structures

"Changes that create a false sense of historical development shall not be undertaken. The driveway visibility triangle is not a traditional or an historic principle for walls on an historic streetscape.

"Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved. This type of historic stonewall right along the right of way is very rare in the historic districts.

"New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be on impaired. Once this historic stonewall is removed, it cannot be replaced and the property cannot be returned the to its original integrity.

"14 - 5.2 (D, 1, a + b) General Design Standards for All H Districts

"The status of a contributing structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its contributing status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited. And, if a proposed alteration or new construction will cause an adjacent structure to lose its contributing status, the application may be denied. This wall is a significant feature in this streetscape which, along with several other walls in the nearby streetscape, narrows the Paseo more than anywhere else on Paseo.

"14 - 5.2 (D., 5, a, ii, + b) Design Standards for Other Architectural Features

"No new opening shall be made where one presently does not exist. And, for all façades of contributing structures, architectural features, finishes and the details other

than doors and windows, shall be repaired rather than replaced. The proposed substantial demolition of this historic streetscape wall would set a precedent that could profoundly alter the character of the historic districts. The board previously found that the applicant had a hardship for access to the site and met the criteria required for an exception to remove a small section of the historic wall. This proposal will remove more than a small portion for a standard which is not in Chapter 14.

STAFF RECOMMENDATION:

"Staff recommends denial of the exception required for this application which does not meet Sections 14-5.1 General Purpose and Relationship to General Use Zoning Districts, 14-5.2 (C, 1, a, c, and d) Regulation of Contributing Structures, 14-5.2 (D., 1, and b) General Design Standards for All H Districts, and 14-5.2 (D., 5, a, ii, and b) Design Standards for Windows, Doors, and Other Architectural Features, unless the Board has a positive finding of fact to grant the exception to demolish 16 additional feet down to 3 feet high and approximately 22 additional feet with a height taper of an historic stone wall along the streetscape in the core historic district."

Ms. Rios asked if the removal of this portion of the wall keep the status of this wall.

Mr. Rasch said the footprint must be kept, rather than demolishing all of it. It would have a natural look and would not be as severe.

Ms. Rios asked if the taper would be similar to across the street.

Mr. Rasch agreed.

Mr. Katz apologized to the Board and commented how right the Board was to say last time, "maybe we should try to work something out" because the issue was not one motivated by the applicant but a conflict between departments. He said the City really did have to work it out. It was a very beautiful wall and there was now a plan to minimize the destruction. The Public Works Department was not happy about the safety involved. Their work was based on science. But this was based on what was in the code.

Mr. Katz said if the City wants to incorporate federal standards, it would require changing the Code. This plan would bring three additional safety features: A speed limit sign could have a mirror on it for people in the driveway. The City could prohibit left turns from the drive, and they also looked at reduced speed, flashing lights, etc. He suggested that a signal when the car exits the drive for those on the street would help ensure safety.

Chair Woods said those lights were out of the Board's jurisdiction.

Mr. Katz said that was true but he wanted the Board to be comfortable with those conditions.

Ms. Shapiro asked if this case was so unique that they applied the federal standards or if the Board would see a lot more of these in the future.

Mr. Katz said Public Works staff were trying to do their job. He thought the Board would see a lot more of this and it was in conflict with how the east side was built. He said if it were applied, the east side would soon look like San José California. He said it was ultimately up to the Governing Body but clearly, the overlay does trump the rest.

Chair Woods asked if AASHTO standards were part of the code.

Mr. Katz said they were not but were a standard to look to. He noted that in Plaza Chamisal on Acequia Madre a number of accommodations were made so as not to have to remove the wall but part of it was closed off. He felt they wanted a balance.

Chair Woods said she appreciated the precedent to look to safety but not to destroy the community.

Present and sworn was Ms. Rosanna Vasquez, P. O. Box 2435, Santa Fe.

Chair Woods said there were things in letters she wrote that needed to be clarified. She felt it was important to set the record straight.

She referred to Ms. Vasquez' submitted June 8 letter to Mr. Rasch, hand delivered as an exhibit [attached as Exhibit E].

Chair Woods suggested that it was inaccurate to say the applicants were at the whim of the two departments. She asked Ms. Vasquez not to use the word "whim."

Ms. Vasquez apologized and said she was not referring to this Board but to the City departments. She said she believed by her apology it was corrected in the record.

Chair Woods noted that in the letter to Council, on page 2, it referred to a faux wall.

Ms. Vasquez said the reference was brought in at the May Board meeting.

Chair Woods asked for clarification.

Ms. Vasquez said there was a strong message given to us (applicants) "that the Board did not want us to create a faux wall and it was not an option to rebuild it." She said that was where the term came from.

Ms. Vasquez said she wanted to thank the Board and Frank Katz who had been very instrumental and Mr. Rasch that they were able to come up with an idea. She said Mr. Katz came to the property and spent considerable time there and he came up with this idea for the proposal being presented.

For purposes of the record, she said they tried to keep to the Chapter 14 requirements but also be sensitive to the Public Works concerns. She said this would retain the entire length of the wall and it was very old. The concern at the May meeting was that it might fall down.

She believed they had a compromise that balanced the Board's interests and Public safety concerns. She said they did not believe the federal standards applied here but this respected the concerns of public safety.

She said if the proposal received approval here, they would go to Public Works for a driveway permit and would discuss those issues with them.

Ms. Rios asked her if any portion of the wall other than the part to be cut would be altered.

Ms. Vasquez said no.

Ms. Rios thanked them for working together and coming up with a solution. She felt it was a very good solution.

Ms. Shapiro asked what they planned for the rock that was removed.

Ms. Vasquez said the original approval from HDRB asked them to use it for the driveway and was not sure of any other intent for using it.

Present and sworn was Mr. Ron Blessing, 444 Galisteo Street. He said, for the record, at his last appearance before this Board, he was very frustrated. He thought this was clearly an excellent compromise that should satisfy both HDRB and Public Works. As far as what comes out of the wall, he said they were considering using it for the drive in the shadow line but also in the upper slope as well.

Ms. Shapiro thought it was great to use it there or somewhere else on the site and not taken to the dump. She felt some sentimentality about those old rocks.

Mr. Rasch said he would like clarification on the rest of the drive.

Mr. Blessing said it would be asphalt.

Ms. Rios said she could not recall the prior decision of the Board about it.

Mr. Rasch said it was that the wall footprint be retained across the driveway.

Chair Woods asked for further clarification.

Mr. Rasch said the previous approval was to keep the footprint of the original wall by keeping visible the rock base across the driveway.

Mr. Blessing said that was their intent.

PUBLIC COMMENT

Present and sworn was Ms. Marilyn Bane, 622½ B Canyon Road, who said that, as President of the Old Santa Fe Association, the Board asked her to come before the HDRB. She said Mr. Katz called them and several of the members walked the property. She expressed gratitude for what she saw as an honorable intent to keep the footprint and as much of the wall as possible. She said she flinched every time the cut was mentioned and noted that at one time, there was a proposal to use a saw. She said they wanted it to be done stone by stone with the utmost of care. She said they would want to keep every stone there but sympathized with the situation. And in no way did they wish to give the impression that the overlay was not important but do understand a need for safety. She said the OSFA was in favor of the solution and hoped the Board would consider it seriously.

There were no further speakers from the public regarding this case.

Ms. Vasquez said Ms. Bane was correct. They were proposing to take it down stone by stone so it could be used again. She said this testimony would put that on the record.

Chair Woods said she too, wanted to thank Mr. Katz and Mr. Rasch. She knew it was hard for the applicants to be caught between two different City departments. It was difficult and appreciated it not being confrontational.

Mr. Newman said he understood there was no agreement between departments at this time.

Chair Woods said that was right but they would do what they could and it was then out of their hands.

Mr. Frost moved to approve Case 04-114 as submitted and granting the exceptions as noted pertaining to Section 14-5.2 (C, 5, I-vi): Damage the character of the streetscape - I believe this particular modification to the original plan is a much better plan from a streetscape standpoint; Prevent a hardship to the applicant or an injury to the public welfare - that the ending of the stone wall will hopefully provide sufficient sight line aforementioned added safety features for the driveway; strengthen the heterogeneous character of the City - allows to maintain this old straight wall as much as possible; due to special circumstances beyond their control is that the wall was already there and the topography does require that they have some sight coming out; that the conditions and circumstances are not the result of the applicant - the fact that the wall was there; and provide the least negative impact with the purposes of this section - that the lowering of the wall would require that the wall be removed stone by stone in order to preserve the wall and I believe that does meet that as far as providing the least negative impact.

Ms. Rios seconded the motion and it passed by unanimous voice vote.

7. Case #H 07-12. 1433 Canyon. Downtown & Eastside Historic District. Philip Kozely, agent for Peter Kozely, proposes to remodel a Contributing building by constructing approximately 141 sq. ft. of additions, increase the basement by approximately 1,551 sq. ft., an approximately 165 sq. ft. deck, raising a non-historic addition to a height of 14' 3" where the maximum allowable height was 17' 5", replace windows, re-stucco, construct a 451 sq. ft. garage to a height of 11' 1" where the maximum allowable height was 17' 5", and construct walls and fences. Four exceptions were requested to create a new opening on a primary elevation (Section 14-5.2, D, 5, ii), to alter opening dimensions on a primary elevation (Section 14-5.2, D, 4), to replace historic material (Section 14-5.2, D, 5, a), and to construct an addition less than 10' back from a primary elevation (Section 14-5.2, D, 2, d).

Ms. Barrett presented the staff report for this case as follows:

BACKGROUND AND SUMMARY:

"The approximately 3,171 square foot Spanish Pueblo revival style single-family residence was first constructed in the 1940s and has undergone additions and alterations around 1985 (addition on the west elevation and window alterations). The Official Map lists the structure as contributing to the Downtown and Eastside Historic District.

DATE: May 22, 2007
TO: Historic Design Review Board Members
VIA: Reed Liming, Long-Range Planning Division Director
FROM: David Rasch, Supervising Planner in Historic Preservation

CASE # H-04-114

ADDRESS: 511 Paseo de Peralta
Historic Status: Contributing/Non-contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

☒ Case Synopsis
☐ District Standards & Yard wall
& fence standards.
☒ Historic Survey Form
☒ Zoning Review Sheet
☒ Other: Chapter 14 visibility triangles
Public Works letter
code citations
previous case minutes

APPLICANT SUBMITTALS

☒ Proposal Letter
☐ Vicinity Map
☒ Site Plan/Floor Plan
☒ Elevations
☒ Photographs
☒ Other: exception responses

STAFF RECOMMENDATION:

Staff recommends denial of the exception required for this application which does not meet Sections 14-5.1 General Purpose and Relationship to General Use Zoning Districts, 14-5.2 (C, 1, a, c, and d) Regulation of Contributing Structures, 14-5.2 (D, 1, a and b) General Design Standards for All H Districts, and 14-5.2 (D, 5, a, ii and b) Design Standards for Windows, Doors, and Other Architectural Features, unless the Board has a positive finding of fact to grant the exception to demolish approximately 72 additional feet of an historic stone wall along the streetscape in the core historic district.

BACKGROUND & SUMMARY:

515 Paseo de Peralta, Tract 2 is a brick apartment building that was constructed before 1890 in the Neoclassical – Territorial Style. The building is finished with textured stucco and brick coping at the parapets. The building has undergone moderate historic alterations and is listed as Contributing to the Downtown & Eastside Historic District. There are associated historic buildings and stone walls on the property that were constructed at approximately the same date. The streetscape wall runs the length of the property right at the curblin, except for a driveway at the east end and a stone stair access at approximately the mid point.

Tract 1, also known as 511 Paseo de Peralta, is a 20,350 square foot lot to the west of Tract 2 and with a slope down toward the street. This lot includes part of the streetscape stone wall and other stone retaining walls further back from the street.

The HDRB approved an application on September 13, 2005 to construct seven single-family residences designed in the Spanish-Pueblo Revival style with rounded parapets, second-floor balconies, projecting vigas, exposed wooden headers, and portals with carved corbels.

The applicant provided the following responses for an exception that was granted in order for a section of the historic streetscape stone wall to be demolished for driveway access into the site.

1. The proposed exception does not damage the character of the streetscape.

The proposed demolition of 30 feet of wall represents approximately 11% of the total length of the stone wall at the street. The applicant proposes to reuse the stone salvaged from the demolition to retain the side of the proposed a driveway in the area of the demolition.

2. The proposed exception prevents a hardship to the applicant or an injury to the public welfare.

The proposed demolition allows the applicant to access the project site in an area where it is topographically possible to put in a driveway with a slope that meets the city code. The location of the proposed demolition, at the very western end of the property, is the best location from a traffic standpoint, according to the City traffic engineer.

3. The proposed exception will strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic district.

This project will add seven housing units to the historic district. Without the exception, it would be difficult or impossible to add these residences.

4. The exception is due to special conditions and circumstances which are peculiar to the land or structure involved in which are not applicable to other land or structures in the related streetscape.

The request for demolition of a portion of the stone wall is to allow access to this site for a driveway. This is a condition that is unique to this site.

5. The exception is due to special conditions and circumstances which are not the result of the actions of the applicant.

The site and topographic conditions are part of this parcel. They were not a result of the actions of the applicant.

6. The exception will provide the least negative impact with respect to the purpose of this section as set forth in section 14 -5. 2 (a) (1).

The area for the proposed demolition has the least negative impact visually, in that it is located at the western end of the wall rather than somewhere in the middle of the wall's length. The western end of the wall is located directly adjacent to a large concrete retaining wall and a surface parking lot. Construction of a new driveway in this location will reduce the height of the existing concrete retaining wall at the property line.

On April 12, 2007, Public Works Department staff found problems with traffic safety at the requested driveway access to the site. Staff requires that a federal standard published by the American Association of State Highway and Transportation Officials (AASHTO) be used. That standard, which requires a sight triangle measuring 17' x 280', is being applied even though there are no federal funds being used on the project, the Paseo de Peralta is not a state highway, and the Chapter 14 driveway visibility triangle standards have been applied on numerous other projects both within and outside of the historic districts.

The driveway access, as approved by exception by the HDRB, used one of the legal standards in Section 14-7.4 (D). The standard used requires 10' of clearance along the street beyond the driveway with nothing obscuring vision between 3' and 8' high. The standard used was for a "public street" with a sidewalk or "parkway." Since no parkway exists at this site, perhaps the standard for "private streets" without a parkway should have been used. That standard requires a 26' clearance beyond the driveway.

Now, the applicant proposes to remove 72' of the streetscape wall in order to comply with AASHTO standards. The area behind the large triangle will need retaining and a stuccoed masonry wall is proposed along the diagonal line of the triangle. An exception to remove this historic material is required and the exception criteria responses are attached.

Historic Districts applicable code citations are as follows:

14-5.1 General Purpose; Relationship to General Use Zoning Districts

"The requirements of an overlay district shall apply whenever they are in conflict with those in the general use district." The Historic Districts Zoning Overlay is intended to preserve the unique character of the historic districts and historic structures which may not be compliant to current zoning regulations.

14-5.2 (C, 1, a, c, + d) Regulation of Contributing Structures

"Changes that create a false sense of historical development...shall not be undertaken." The driveway visibility triangle is not a traditional or an historic principal for walls on an historic streetscape.

"Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved." This type of historic stone wall right along the right of way is very rare in the historic districts.

"New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired." Once this historic stone wall is removed, it cannot be replaced and the property cannot be returned to its original integrity.

14-5.2 (D, 1, a + b) General Design Standards for All H Districts

"The status of a contributing structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its contributing status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited." And, "If a proposed alteration or new construction will cause an adjacent structure to lose its contributing status, the application may be denied." This wall is a significant feature in this streetscape which, along with several other walls in the nearby streetscape, narrows the Paseo more than anywhere else on the Paseo.

14-5.2 (D, 5, a, ii + b) Design Standards for Other Architectural Features

"No new opening shall be made where one presently does not exist..." and "For all facades of contributing structures, architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced..." The proposed substantial demolition of this historic streetscape wall would set a precedent that could profoundly alter the character of the historic districts. The HDRB previously found that the applicant had a hardship for access to the site and met the criteria required for an exception to remove a small section of the historic wall. This proposal will remove more than a small portion for a standard which is not in Chapter 14.

OLD BUSINESS TO REMAIN POSTPONED

None.

Chair Woods explained to the public that anyone disagreeing with a decision of the Historic Design Review Board had seven days to file and appeal. She encouraged anyone contemplating an appeal to contact staff for further details.

OLD BUSINESS

1. **Case #H-04-114. 511 Paseo de Peralta.** Downtown & Eastside Historic District. Roger Hunter, agent for Blessey, Fuentes, & Zeug, proposes to remodel an historic stone wall along the streetscape. An exception to remove historic material was requested to Sections 14-5.1 General Purpose and Relationship to General Use Zoning Districts, 14-5.2 (C,1,a,c, and d) Regulation of Contributing Structures, 14-5.2 (D,1,a and b) General Design Standards for All H Districts, and 14-5.2 (D,5,a,ii and b) Design Standards for Windows, Doors, and Other Architectural Features.

Present and sworn were Mr. Ronald Blessey, 444 Galisteo, and Ms. Rosanna Vasquez.

Chair Woods made a disclosure of past involvement and left it to the discretion of the applicant if she should recuse herself.

Mr. Blessey had no objection.

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

BACKGROUND & SUMMARY

"515 Paseo de Peralta, Track 2 was a brick apartment building that was constructed before 1890 in the Neoclassical - Territorial Style. The building was finished with textured stucco and brick coping at the parapets. The building has undergone moderate historic alterations and was listed as Contributing to the Downtown & Eastside Historic District. There were associated historic buildings and stone walls on the property that were constructed at approximately the same date. The streetscape wall runs the length of the property right at the curblin, except for a driveway at the east end and a stone stair access at approximately the mid-point.

"Tract 1, also known as 515 Paseo de Peralta, was a 20,350 square foot lot to the west of Tract 2 and with a slope down toward the street. This lot includes part of the streetscape stone wall and other stone retaining walls further back from the street.

"The HDRB approved an application on September 13, 2005 to construct seven single-family residences designed in the Spanish-Pueblo Revival style with rounded parapets, second-floor balconies, projecting vigas, exposed wooden headers, and portals with carved corbels.

"The applicant provided the following responses for an exception that was granted in order for a section of the historic streetscape stone wall to be demolished for driveway access into the site.

"1. The proposed exception does not damage the character of the streetscape.

"The proposed demolition of 30 feet of wall represents approximately 11% of the total length of the stone wall at the street. The applicant proposes to reuse the stone salvaged from the demolition to retain the side of the proposed driveway in the area of the demolition.

"2. The proposed exception prevents a hardship to the applicant or an injury to the public welfare.

"The proposed demolition allows the applicant to access the project site in an area where it was topographically possible to put in a driveway with a slope that meets the City code. The location of the proposed demolition, at the very western end of the property, was the best location from a traffic standpoint, according to the City traffic engineer.

"3. The proposed exception will strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic district.

"This project will add seven housing units to the historic district. Without the exception, it would be difficult or impossible to add these residences.

"4. The exception was due to special conditions and circumstances which were peculiar to the land or structure involved and which were not applicable to other land or structures in the related streetscape.

"The request for demolition of a portion of the stone wall was to allow access to

this site for a driveway. This was a condition that was unique to this site.

- "5. The exception was due to special conditions and circumstances which were not the result of the actions of the applicant.

"The site and topographic conditions were part of this parcel. They were not a result of the actions of the applicant.

- "6. The exception will provide the least negative impact with respect to the purpose of this section as set forth in Section 14-5.2 (a) (1).

"The were for the proposed demolition has the least negative impact visually, in that it was located at the western end of the wall rather than somewhere in the middle of the wall's length. The western end of the wall was located directly adjacent to a large concrete retaining wall and a surface parking lot. Construction of a new driveway in this location will reduce the height of the existing concrete retaining wall at the property line.

"On April 12, 2007, Public Works Department staff found problems with traffic safety at the requested driveway access to the site. Staff requires that a federal standard published by the American Association of State Highway and Transportation Officials (AASHTO) be used. That standard, which requires a site triangle measuring 17' x 280' was being applied even though there were no federal funds being used on the project, the Paseo de Peralta was not a state highway, and the Chapter 14 driveway visibility triangle standards have been applied on numerous other projects both within and outside of the historic districts.

"The driveway access, as approved by exception by the HDRB, used one of the legal standards in Section 14-7.4 (D). The standard used requires 10' of clearance along the street beyond the driveway with nothing obscuring vision between 3' and 8' high. The standard used was for a 'public street,' with a sidewalk or 'parkway.' Since no parkway exists at this site, perhaps the standard for 'private streets' without a parkway should have been used. That standard requires a 26' clearance beyond the driveway.

"Now, the applicant proposes to remove 72' of the streetscape wall in order to comply with AASHTO standards. The area behind the large triangle will need retaining and a stuccoed masonry wall was proposed along the diagonal line of the triangle. An exception to remove this historic material was required and the exception criteria responses were attached.

"Historic Districts applicable code citations were as follows:

14-5.1 General Purpose; Relationship to General Use Zoning Districts

"The requirements of an overlay district shall apply whenever they were in conflict with those in the general use district.' The Historic Districts Zoning Overlay was intended to preserve the unique character of the historic districts and historic structures which may not be compliant to current zoning regulations.

14-5.2 (C, 1, a, c, + d) Regulation of Contributing Structures

"Changes that create a false sense of historical development... shall not be undertaken.' The driveway visibility triangle was not a traditional or an historic principle for walls on an historic streetscape.

"Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved.' This type of historic stone wall right along the right of way was very rare in the historic districts.

"New additions and related or adjacent, new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.' Once this historic stone wall was removed, it cannot be replaced and the property cannot be returned to its original integrity.

14-5.2 (D, 1, a + b) General Design Standards for All H Districts

"The status of a contributing structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its contributing status, the application shall be denied. The removal of historic materials or alterations of architectural features and spaces that embody the status shall be prohibited.' And, "If a proposed alteration or new construction will cause an adjacent structure to lose its contributing status, the application may be denied.' This wall was a significant feature in this streetscape which along with several other walls in the nearby streetscape, narrows the Paseo more than anywhere else on the Paseo.

14-5.2 (D, 5, a, ii + b) Design Standards for Other Architectural Features

"No new opening shall be made where one presently does not exist...." and "For all façades of contributing structures, architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced ..." The proposed substantial demolition of this historic streetscape wall would set a precedent that could profoundly

alter the character of the historic districts. The HDRB previously found that the applicant had a hardship for access to the site and met the criteria required for an exception to remove a small section of the historic wall. This proposal will remove more than a small portion for a standard which was not in Chapter 14.

STAFF RECOMMENDATION:

"Staff recommends denial of the exception required for this application which does not meet Sections 14-5.1 General Purpose and Relationship to General Use Zoning Districts, 14-5.2 (C, 1, a, c, and d) Regulation of Contributing Structures, 14-5.2 (D, 1, a and b) General Design Standards for All H Districts, and 14-5.2 (D, 5, a, ii and b) Design Standards for Windows, Doors, and Other Architectural Features, unless the Board has a positive finding of fact to grant the exception to demolish approximately 72 additional feet of an historic stone wall along the streetscape in the core historic district."

Chair Woods asked if there had been a precedent coming before the Board that was similar.

Mr. Rasch said there was another a year and a half ago on Acequia Madre. The applicant came to request altering the wall. They appealed the Board's denial and Council upheld the denial.

Mr. Barrow had questions on jurisdiction on the requirements of an overlay and understood that overlay requirements took precedent.

Mr. Rasch agreed that they had precedence over general requirements. He said Public Works cited Chapter 23 and he was not sure how that pertained.

Ms. Vasquez said it was really an issue in which they were in the middle. The Board gave them approval and they obtained a permit but then they were required to get a development plan and the permit lapsed during that time. She explained that Public Works would not give them a driveway permit so unless the Board denied their request they didn't have any place to go and were stuck.

She believed they met the exception criteria most of which dealt with public safety that was beyond the control of the owner. She said the application of AASHTO standards was a policy decision the City must make. She said the City should be presenting because this was a disagreement of one City department with another. But they just needed a decision to get their project done.

Mr. Barrow recalled that the Board agonized over it because they didn't want to lose

any part of the wall. He said that during the site visit today, they didn't see this since part of the work had not been done.

Ms. Vasquez said they had only moved some of the dirt. She said they were going to use the stones but had not been able to get a permit to do any of that work.

Ms. Shapiro said that when looking at the plat, she thought there was another section of property with an entrance above the existing building.

Mr. Blessey explained that the lot was bigger and they did a lot split and sold the upper part to the neighbor. He said that part was now landlocked so the Board allowed them to cut 35' of the wall to allow access.

Mr. Frost asked what the height gradient of the wall was back 2'.

Mr. Blessey said it was 52".

Chair Woods asked for someone from Public Works to address the issue. Mr. Romero was not present nor any other staff member who could address Chapter 23.

Chair Woods asked if the applicant had addressed any other scenarios with Public Works like lowering the wall so part would be retained.

Mr. Blessey said they discussed the possibility but were told by the former Board that they could not do anything to the wall. That it had to stay the way it was now.

Chair Woods asked if other scenarios for safety factors had been addressed with the Traffic Engineer.

Mr. Blessey said they had but were told they couldn't do others. He said they were very concerned that if they cut it, it might fall down.

Mr. Newman asked if it wasn't also possible or likely that the wall would fall down in the process of construction.

Mr. Blessey agreed.

Mr. Frost said he should do whatever was needed to shore it up to prevent it from being destroyed.

Mr. Blessey said that would be fine but just needed to know which way he could go.

PUBLIC COMMENT

Present and sworn was Ms. Marilyn Bane, 622½ B Canyon Road, who said she was here speaking as President of the Old Santa Fe Association. She said her Board asked her to address this case and asked the Board to deny this. She did not believe that positive findings on each criterion could be made.

She specifically noted #1, and #6. She said this would be a massive change in the way the City would be approaching its historic neighborhoods. Half if not all would be affected if they had to use federal standards.

She said if the Board decided not to deny she would ask that it be postponed because there were legal issues. The federal ordinance has not been made available to the public.

Chair Woods asked Mr. Katz how the Board should address the overlay issue, especially since the applicant was caught in between.

Mr. Katz agreed that it was not easy and he sympathized. He said he strongly supported Mr. Rasch's position that the overlay controls. He said the historic district was not safe from the traffic engineer. He felt it was a shame that the alternative access was sold off. He said he didn't know if there was talk with the bank about using their parking lot as access but clearly the historic overlay did control the other aspect.

Ms. Vasquez pointed out that there was no other access when the Board first approved this case. She said they agreed with Ms. Bane on this. She added that the bank was really across the street and it was not a viable option. She agreed the overlay took precedent but they needed She said the case as presented here was the design that Public Works wanted.

Ms. Shapiro asked if they had explored going in from Loma Street by easement.

Mr. Blessey said the owner was going to develop that property so that would not be an option. He said they also explored the alleyway for Magdalena but it doesn't meet fire code.

Chair Woods asked the Board how they wanted to proceed.

Mr. Newman said he was very frustrated that neither Mr. Romero nor anyone from his department was present.

Mr. Barrow said the Board's considerations hadn't changed much but hopefully there were alternatives. He felt their options were to deny or postpone to consider one of them.

Ms. Vasquez said if that were the direction, they would ask the Board to deny it so we could consider other options. So they could work with staff.

Chair Woods disagreed, noting that staff had given lots of direction. She felt that to postpone would be so they could meet with the applicant to find something that would work.

Ms. Shapiro said she didn't want to decide without hearing from Mr. Romero. She wondered if they could find a date and have him here.

Chair Woods said the Board didn't want to have this be a stand against another department but to get it resolved and appealing to City Council was not necessarily the best way to go.

Ms. Vasquez said they had been going back and forth between Historic and Public Works and had numerous meetings and even a meeting with the City Attorney, the City Manager, the PLUD Director, and the Public Works Director. She said they didn't want to go against what the Board wanted. She said she asked herself why she was presenting because this was between Public Works and Historic.

Mr. Rasch said if the Board denied the request and asked them to work with staff, he would require that the whole wall remain. He explained that because it was a historic wall it required an exception and staff could not grant that exception.

Mr. Jack Hiatt said he regretted that they had not been able to find a solution before coming to the Board. He said Ms. Vasquez was right and he could not think of any issue they spent more time on with no resolution. He said he asked Public Works to be here and didn't know why John Romero wasn't here. He apologized, saying he understood the applicant's frustration.

Chair Woods asked Mr. Hiatt if he saw it in best interests to deny it or postpone it and work directly with Mr. Romero.

Mr. Hiatt thought they had engaged in enough solutions and had not been able to find the right one. He thought it conflicted with the statute itself. He didn't think it would benefit anybody to postpone it and it probably should be denied.

Mr. Barrow said they thought about reducing that wall down to three feet but there might be other options, perhaps a mirror could work. He questioned that this had to be the only way to solve it.

Mr. Hiatt said the City's obligation was to uphold the Code and thought the Board's denial would allow them to continue to talk and seek solutions.

Mr. Katz thanked the Board for their effort in trying to prevent this from coming to Council. He acknowledged that it was a dispute between functions of the City and it might be most appropriate to go to Council. He noted that Mr. Rasch asked if this case would be heard by the Public Works Committee.

Mr. Hiatt said he did not see a reason for it to go to Public Works.

Mr. Rasch said he didn't understand why the HDRB was involved in it and Public Works was not.

Chair Woods said she hoped the minutes would clearly reflect the City Attorney's position on the matter.

Mr. Boaz asked if the statement by Mr. Katz should be attached to the record.

Mr. Katz assumed it would be part of the record [attached as Exhibit B].

Chair Woods explained that a motion to deny needed to address findings of fact.

Mr. Barrow moved to deny Case #H 04-114 be denied per staff recommendations, finding that criterion #1 had not been met because taking down the historic wall would damage the streetscape and recommending that the applicant diligently pursue alternatives. Mr. Frost seconded the motion and it passed by unanimous voice vote.

NEW BUSINESS

1. **Case #H-07-57.** 417 E. Palace. Downtown & Eastside Historic District. Christopher Purvis, agent for Tommy Gardner & Darlene Strait, proposes to rehabilitate historic materials, remodel, and construct a 420 sq. ft. addition on a Significant building, replace non-historic windows and restore primary elevation opening dimensions on a Contributing garage, and re-design parking areas with screening of wire fence and

DATE: August 10, 2004
TO: Historic Design Review Board Members
VIA: Reed Liming, Acting Planning & Land Use Department Director
FROM: David Rasch, Acting Supervising Planner in Historic Preservation

CASE # H-04-114

ADDRESS: 515 Paseo de Peralta, Tract 1
Historic Status: Contributing/Non-contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- ☒ Case Synopsis
- ☐ District Standards & Yard wall
& fence standards.
- ☒ Historic Survey Form
- ☒ Zoning Review Sheet
- ☒ Other: bldg height calculation

APPLICANT SUBMITTALS

- ☒ Proposal Letter
- ☐ Vicinity Map
- ☒ Site Plan/Floor Plan
- ☒ Elevations
- ☐ Photographs
- ☐ Other:

STAFF RECOMMENDATION:

The applicant is requesting preliminary review at this time. Staff is of the opinion that the building heights exceed the maximum allowable heights for this location. Also, the demolition of the west end of the historic stone wall for vehicle access and the interior retaining walls for building location is problematic, however necessary. Otherwise, this application would comply with Section 14-5.2 (E) Downtown & Eastside Historic District design standards.

BACKGROUND & SUMMARY:

515 Paseo de Peralta, Tract 2 is a brick apartment building that was constructed before 1890 in the Neoclassical – Territorial Style. The building is finished with textured stucco and brick coping at the parapets. The building has undergone moderate historic alterations and is listed as Contributing to the Downtown & Eastside Historic District. There are associated historic buildings and stone walls on the property. The streetscape wall runs the length of the property, except for a driveway at the east end and lacks space for a sidewalk.

Tract 1 is a 20,350 square foot lot to the west of Tract 2 and with a slope down toward the street. This lot includes part of the streetscape stone wall and other stone retaining walls further back from the street. The applicant proposes to construct eight single-family residences on this lot for a total of 11,176 square feet in four building blocks, two along the streetscape and two along the rear of the lot.

The buildings will be designed in the Spanish – Pueblo Revival Style with rounded parapets, second-floor balconies, projecting vigas, exposed wooden headers, and portals with carved corbels.

The buildings will be approximately 20' high from finished grade to top of parapets. The heights from natural grade to top of parapets may be as much as 24' to 26' high, as shown on the south elevation drawing of Unit 8.

The maximum allowable height for this location is 17' 6", as determined by a linear calculation. Although topographic information was not submitted, there is probably enough slope on the lot for the Board to approve an additional 2' in height, for a total of 19' 6".

The westernmost section of the streetscape stone wall will be removed for driveway access to the lot. The lot interior stone walls will be partially or entirely removed. The stones will be reused to construct additional walls.

Ms. Rios asked if the garage doors would be of wood. Mr. Jordan agreed and said they would be finished with a natural sealer.

Ms. Farrar moved for approval of Case #H 04-113 per staff recommendations. Mr. Montoya seconded the motion which passed by majority voice vote with all voting in favor except Mr. Barrow, who abstained.

Ms. Farrar excused herself from the meeting at this time.

7. Case #H 04-114. Tract I, Paseo de Peralta. Downtown and Eastside Historic District. Lorn C. Tryk, agent for Erik Fuentes, proposes a residential compound consisting of 8 units at a total of 11,176 sq. ft.

Mr. Rasch presented the staff report for this case [attached as Exhibit K]. The staff report did not recommend approval of this project, determining that the building heights exceeded the maximum allowable height and citing problems with demolition of the portion of an historic wall.

Present and sworn was Mr. Lorn Tryk, 206 McKenzie, who said he brought drawings. He explained that these were really multi-family units. He pointed out that they planned to put the units behind the very large trees on the property and added that there would be two detached units on the street.

As he described the site plan, he said the walls behind were 6-8' above grade. He said the proposal included taking out the first twenty feet of the stone wall. He said the dilapidated stone wall through the middle would be demolished and the stones reused.

Regarding lot coverage, Mr. Tryk said the proposal was for 7,000 square feet where the maximum allowed was 14,000. He said they were putting in eight units and were allowed to put in ten.

Mr. Tryk said they met with the affected neighbors and agreed to pull back the second floors.

Mr. Tryk explained that this was a preliminary review and they would submit details at a later day. He shared additional photos with the Board.

In response to Ms. Rios, Mr. Tryk said the eight units varied from 800 square feet to 1,400 square feet and the height was 19' 6" maximum.

Ms. Rios asked how close they were to the street. Mr. Tryk said they were located 10 to 25' away on the west.

Mr. Tryk said the lot coverage was approximately 35% and described the open space provided.

Mr. Barrow asked him to compare the density with the property adjacent. Mr. Tryk said the Campanille Compound was maxed out and many others nearby were on a zero lot line. He added that to the west another compound was very dense.

Chair Purvis asked if there would be a sight triangle. Mr. Tryk said yes and it would be thirty feet.

Mr. Tryk and Chair Purvis discussed the streetscape heights in that area.

Mr. Bell said he was troubled by losing thirty feet of an historic wall. Mr. Tryk explained that there were five units already on Loma and that eight total would require a 38' road.

Mr. Bell said he was also concerned with the number of two-story structures on Paseo. Mr. Montoya asked if there was any way to re-design the units there. Mr. Tryk said he hoped to demonstrate that they were appropriate. He said they were not as linear as it appeared on the plans.

Mr. Rasch said that the wall on Tract 2 had to be altered before the curb cut could be granted.

Ms. Rios asked if there were separate owners for the two tracts. Mr. Tryk agreed.

Mr. Montoya asked about the retaining wall there. Mr. Tryk said it was partially on City owned property. Mr. Rasch said staff had no problem with the demolition of this wall.

PUBLIC COMMENT

Ms. Melton asked what piece the City owned. Mr. Tryk pointed it out, saying it was the right of way on Loma. He restated that part of the wall was in that right of way.

Mr. Tryk said he was asking that the Board be specific to them to help make the project approvable regarding heights at 19' 6" and second floor setbacks at about five feet.

Chair Purvis said he thought the second floor areas should be reduced about 25%.

Ms. Rios moved to postpone Case #H 04-114 to the meeting of August 24, 2004 and to suggest to the applicant and units one and two be reduced on the second floor, to show the drawing without yard walls and to have interruptions in the wall length. Ms. Shapiro seconded the motion and added that the rock removed from the rock wall be re-used. At Chair Purvis' suggestion, she added that the relationship of second floor to first floor on Unit 4 be changed and that an exception for the demolition of the rock wall be requested. The motion passed by unanimous voice vote. Ms. Farrar was not present for the vote.

MATTERS FROM THE BOARD

Ms. Rios said she might not be able to attend the Construction Industries Advisory Board meeting.

BUSINESS FROM THE FLOOR

None.

ADJOURNMENT

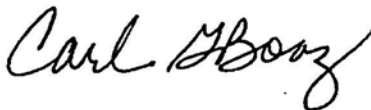
There being no further business to appear before the City of Santa Fe Historic Design Review Board, and the agenda completed, the meeting was adjourned at approximately 11:45 p.m.

Approved by:



Christopher Purvis, Chair

Submitted by:



DATE: August 24, 2004
TO: Historic Design Review Board Members
VIA: Reed Liming, Acting Planning & Land Use Department Director
FROM: David Rasch, Acting Supervising Planner in Historic Preservation

CASE # H-04-114

ADDRESS: 515 Paseo de Peralta, Tract 1
Historic Status: Contributing/Non-contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- ☒ Case Synopsis
- ☐ District Standards & Yard wall
& fence standards.
- ☒ Historic Survey Form
- ☒ Zoning Review Sheet
- ☒ Other: bldg height calculation

APPLICANT SUBMITTALS

- ☒ Proposal Letter
- ☐ Vicinity Map
- ☒ Site Plan/Floor Plan
- ☒ Elevations
- ☒ Photographs
- ☐ Other:

STAFF RECOMMENDATION:

The applicant is requesting preliminary review at this time. Staff is of the opinion that the demolition of the west end of the historic stone wall for vehicle access and the interior retaining walls for building location is problematic, however necessary. Otherwise, this application would comply with Section 14-5.2 (E) Downtown & Eastside Historic District design standards.

BACKGROUND & SUMMARY:

515 Paseo de Peralta, Tract 2 is a brick apartment building that was constructed before 1890 in the Neoclassical – Territorial Style. The building is finished with textured stucco and brick coping at the parapets. The building has undergone moderate historic alterations and is listed as Contributing to the Downtown & Eastside Historic District. There are associated historic buildings and stone walls on the property. The streetscape wall runs the length of the property, except for a driveway at the east end and lacks space for a sidewalk.

Tract 1 is a 20,350 square foot lot to the west of Tract 2 and with a slope down toward the street. This lot includes part of the streetscape stone wall and other stone retaining walls further back from the street. The applicant proposes to construct eight Units on this lot for a total of 11,176 square feet in four building blocks, two along the streetscape and two along the rear of the lot.

The buildings will be designed in the Spanish – Pueblo Revival Style with rounded parapets, second-floor balconies, projecting vigas, exposed wooden headers, and portals with carved corbels.

The buildings will be approximately 19' 6" high from finished grade to top of parapets. The maximum allowable height for this location is 17' 6", as determined by a linear calculation. Topographic information indicates that there is enough slope change on the lot for the Board to approve an additional 2' in height, for a total of 19' 6".

According to the previous preliminary hearing of this case on August 10, 2004, the applicant has reduced the second-story massing of Units 1 and 2 by 25% and Unit 4 by 15% and reduced the new streetscape wall in length by breaking it into several segments.

Approximately 30' of the westernmost section of the streetscape stone wall will be removed for driveway access to the lot. The lot interior stone walls will be partially or entirely removed. The stones will be reused to construct additional walls.

Ms. Farrar moved for approval of Case #H 04-110 using Option A. Ms. Shapiro seconded the motion. The motion passed by majority voice vote with all voting in favor except Mr. Barrow who voted against.

5. Case #H 04-114. 515 Paseo de Peralta. Downtown and Eastside Historic District. Lorn C. Tryk, agent for Erik Fuentes, proposes to construct a residential compound of eight units at a total of 11,176 sq. ft.

Ms. Farrar recused herself from consideration of this case.

Mr. Rasch presented the staff report for this case [attached as Exhibit G]. The staff report stated that the staff's opinion was that demolition of the west end of the historic stone wall for vehicle access and demolition of the interior retaining walls for building location were problematic but necessary.

Present and sworn was Mr. Lorn Tryk, 206 McKenzie Street, who said he looked at the Code and did not believe they needed to request an exception. He quoted Section 14-3.14. He explained that the language there was for height exceptions. He said he felt they just needed approval for a partial demolition.

Mr. Tryk showed some new renderings of the proposed project.

Ms. Rios asked what the height of each floor would be. Mr. Tryk said the first floor would be 13' and the total height would be 19' 6". He said it would be level from front to back.

Chair Purvis said the drawings made the back look higher than the front.

Ms. Rios asked how far back the structures would be from the wall. Mr. Tryk said the setback from the wall was ten feet.

Ms. Rios asked about the open space. Mr. Tryk said he had not calculated it but would bring it to the next hearing.

Ms. Shapiro asked about the building height. Mr. Tryk said the building height was 19' 6" from the existing grade.

Ms. Rios asked if there would be any rooftop appurtenances. Mr. Tryk said there would be none.

Chair Purvis asked if staff concurred with the applicant's interpretation regarding the exception. Mr. Rasch said staff felt a design exception was needed because it was a historic wall.

Mr. Bell asked about the criteria. Mr. Rasch said the wall was structurally unsound; it was historic; and what goes in its place here was nothing but the stones from the historic wall would be used in other walls on the property.

Mr. Tryk said he believed the operative Code section was 14-3.14. He said that 14-5.2C was about exceptions pertaining to height.

Mr. Rasch said they had used this section for exceptions (violations) of all kinds.

Chair Purvis asked about the wording. Mr. Rasch said it was a matter of semantics whether they used the word "removal," "alteration," or "demolition." The Board discussed this issue with no clear resolution.

Present and sworn was Mr. Ron Uber, 417 Paseo de Peralta, who said he heard the driveway mentioned. He said the driveway was on Loma Street and he was concerned about the impact of increased traffic and parking there.

Mr. Rasch said that Loma Street would be the egress only for Unit 8.

Mr. Uber said there was also a lot of erosion from the houses up above there. He said he spent lots of time picking up refuse in that area. He added that there were only 1½ units for parking there. He showed pictures of the area to the Board. Chair Purvis said the traffic and parking did not fall under the purview of the Board but the appearance did.

Present and sworn was Mr. John Burt, 316 Otero Street. He complimented the developers on their work. He said his property was on the east side next to unit 8. He said he had several concerns and a comment.

He said that unit 8 would look quite high from their yard. He said they had agreed to raise the wall to shield their bedroom. He said it was good that they agreed to set back the second floor. He said they had been talking with the owner about purchasing the land where unit 8 would be located.

There were no further speakers from the public regarding this case.

Mr. Bell said regarding the legal issue on exceptions that he agreed it was needed. He said that height was only one part on exceptions. He said he believed the staff was correct in their interpretation.

Chair Purvis suggested they treat it like that.

Mr. Bell said the maximum allowable height was 17' with two feet allowed for the terrain. He said it appeared the calculation was at the base of the footprint of the building and not from street level.

Mr. Rasch said the calculation was to be made from the finished or natural grade, whichever is more restrictive, to the top of the parapet and said that at Unit 8 there was a retaining wall far enough away from the building that it was not considered.

Chair Purvis said that at some places the retaining wall almost touched the structure. Mr. Rash said it was Unit 8 that was under discussion where the wall is about ten feet away.

Chair Purvis said the testimony was that the retaining wall was to protect a cut, not to have a fill. He said that visually, it read much higher.

Mr. Rasch asked if there was another point on the property where that was at issue.

Chair Purvis said that on the east end, it went from 0 to 5½'.

Mr. Bell said he agreed and it was his concern that it reads as part of the retaining wall. He said there was also a density issue. He said he was concerned with tearing down part of the historic wall. He added that access should be from the back and the scale should be reduced.

Mr. Bell asked what the total square footage was. Mr. Rasch said it was approximately 11,000 square feet. Mr. Tryk said the area of the footprint was 7,023 square feet.

Ms. Shapiro said that from the street, this would read as one massive building. She asked if he had looked at access from Magdalena.

Mr. Tryk said they did not have legal access from that street. He said there was a parking lot there at the street level.

Ms. Shapiro said she also was concerned with Unit 8. She said it seemed overwhelming and asked if he had considered a one-story there.

Mr. Tryk said there already was a two-story towering over it. He said that everything there was cut in at the back.

Ms. Rios asked how far it was from the two-story next door. Mr. Tryk said it was twenty feet away. He said these units were separated further and set back further than all of the others on Otero Street. He showed the Board pictures of the wall, pointing out that it had much more impact at the middle of the site.

Mr. Bell said he disagreed with the engineer's report interpretation. He said this wall needed maintenance, not demolition.

Mr. Rasch said the worst part of the wall was at the east end where material was already lost. He said they were not breaching through the middle but at the end.

Chair Purvis asked if the lot was split and now there was only one access. Mr. Tryk agreed it had been split but not by the applicant. He clarified that this was not a condition created by the applicant.

Mr. Rasch said he would like to know how the City granted a lot split when there was not any access because of the historic walls. Chair Purvis said they ignored it.

Mr. Bell asked what the result of review by the Traffic Division was. Mr. Rasch said it was on the review sheet. He explained that the thirty feet for demolition was what they requested for the view triangle.

Mr. Tryk said he met with John Nitzel in person and reported he had no problem with the proposed opening and driveway and parking spaces being proposed. He clarified that he was not talking about Loma Street which is a private street. He said Mr. Nitzel asked them to push it all the way to the west.

Mr. Rasch said if he got a chance at City Council, he would clarify that the historic ordinance was an overlay and took precedence over underlying zoning. He said that battle has not yet been fought.

Ms. Rios asked for the length of the wall.

Mr. Tryk said the wall was 127' to the end of the property but the entire length was 275 feet.

Ms. Rios asked the applicant to answer the questions raised in public comment.

Mr. Tryk said they tried to minimize traffic on Loma by having access on the west side for most of the units. He said the drainage and erosion control was now by governed by the terrain management standards so they had ponding for the entire project. He said that trash areas could be controlled. He added that the concrete wall was being replaced by the stone wall at the foot of Unit 8.

Ms. Rios asked if the applicant did consider one story units. Mr. Tryk said it would hurt the open space there but added that they did consider one-story units. He explained that most of the units were cut into the hillside significantly.

Mr. Barrow agreed about the density and commented that it was losing a sense of openness. Regarding the wall, he said he would not support the extension of the wall back into the property. He said he did think the design met the requirements of the ordinance.

Mr. Bell said he was prepared to move for postponement in order that the case be properly advertised regarding the demolition.

Mr. Bell moved to postpone Case #H 04-114 to the September 14, 2004 meeting to allow the project to come back as a requested exception regarding the demolition of the historic wall. Ms. Rios seconded the motion.

Mr. Barrow suggested the applicant resolve the issues of Unit 8.

Ms. Rios said the Board does have an option on granting 19' 6" or 17' 6".

The Board briefly discussed their rights in this matter.

Mr. Bell said he would prefer fewer units.

Mr. Rasch said there were a great variety of uses here.

Mr. Bell said the case was presented as only being accessible from Paseo and asked why it could not be access on the back side.

Mr. Tryk responded that the Code would require a 37' road because of the number of units already accessing from Loma.

The motion passed by majority voice vote with all voting in favor except Ms. Farrar who had recused herself.

Ms. Farrar rejoined the bench at this time.

NEW BUSINESS

1. Case #H 04-109. 215 Lincoln Avenue. Downtown & Eastside Historic District. Mark Hogan, agent for The Jones Law Firm, proposes window, door, and balcony additions to a Non-Contributing building.

Ms. Barrett presented the staff report for this case [attached as Exhibit H]. The staff report recommended approval of the case with the condition that window and wood trim color and door color be submitted to staff before issuance of a building permit.

Present and previously sworn was Mr. Mark Hogan who said they agreed with the conditions recommended by staff.

Ms. Rios asked what colors they would use. Mr. Hogan said they would match existing colors and would submit them to staff for approval.

There were no speakers from the public regarding this case.

Mr. Barrow asked for the balcony detail. Mr. Hogan briefly described the balcony.

Ms. Farrar asked if he had explored other balcony designs, noting that the rest of the building was Pueblo Revival in style.

Mr. Hogan said they could add the wood element more like the south elevation. He said they were trying to let light in. He said he would be glad to submit a new design to staff.

Ms. Rios moved for approval per staff recommendations and the condition that the balcony design be revised with wood and iron and submitted for staff review and approval. Ms. Shapiro seconded the motion which passed by unanimous voice vote.

2. Case #H 04-111. 512 Calle Corvo. Downtown & Eastside Historic District. Laura Van Amburgh, agent for Gloria List, proposes to remodel a 273 sq. ft. Non-contributing garage.

DATE: August 24, 2004 9.28.04
TO: Historic Design Review Board Members
VIA: Reed Liming, Acting Planning & Land Use Department Director
FROM: David Rasch, Supervising Planner in Historic Preservation

CASE # H-04-114

ADDRESS: 515 Paseo de Peralta, Tract 1
Historic Status: Contributing/Non-contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- ☒ Case Synopsis
- ☐ District Standards & Yard wall
& fence standards.
- ☒ Historic Survey Form
- ☒ Zoning Review Sheet
- ☒ Other: bldg height calculation

APPLICANT SUBMITTALS

- ☒ Proposal Letter
- ☐ Vicinity Map
- ☒ Site Plan/Floor Plan
- ☒ Elevations
- ☒ Photographs
- ☒ Other: letter from neighbor

STAFF RECOMMENDATION:

Staff defers to the Board as to whether the applicant has conclusively demonstrated for the Board to have a positive finding of fact to grant the exception. Otherwise, this application complies with Section 14-5.2 (E) Downtown & Eastside Historic District design standards.

BACKGROUND & SUMMARY:

515 Paseo de Peralta, Tract 2 is a brick apartment building that was constructed before 1890 in the Neoclassical – Territorial Style. The building is finished with textured stucco and brick coping at the parapets. The building has undergone moderate historic alterations and is listed as Contributing to the Downtown & Eastside Historic District. There are associated historic buildings and stone walls on the property. The streetscape wall runs the length of the property, except for a driveway at the east end and lacks space for a sidewalk.

Tract 1 is a 20,350 square foot lot to the west of Tract 2 and with a slope down toward the street. This lot includes part of the streetscape stone wall and other stone retaining walls further back from the street. The applicant proposes to construct eight Units on this lot for a total of 11,176 square feet in four building blocks, two along the streetscape and two along the rear of the lot.

The buildings will be designed in the Spanish – Pueblo Revival Style with rounded parapets, second-floor balconies, projecting vigas, exposed wooden headers, and portals with carved corbels.

The buildings will be approximately 19' 6" high from finished grade to top of parapets. The maximum allowable height for this location is 17' 6", as determined by a linear calculation. Topographic information indicates that there is enough slope change on the lot for the Board to approve an additional 2' in height, for a total of 19' 6".

According to the previous preliminary hearing of this case on August 10, 2004, the applicant has reduced the second-story massing of Units 1 and 2 by 25% and Unit 4 by 15% and reduced the new streetscape wall in length by breaking it into several segments.

This application was postponed on August 24, 2004 pending a request for exception to demolish a portion of the historic stone wall at the west end of the streetscape.

The exception request has now been submitted. Further alterations of the application include: reducing the two Units along the streetscape to single-story buildings; eliminating Unit 8 at the east end of the property; and significantly stepping back the westernmost rear unit to reduce its visibility.

Approximately 30' of the westernmost section of the streetscape stone wall will be removed for driveway access to the lot. The lot interior stone walls will be partially or entirely removed. The stones will be reused to construct additional walls.

The applicant provided the following responses for an exception to be granted in order for a section of the historic streetscape stone wall to be demolished.

1. The proposed exception does not damage the character of the streetscape.

The proposed demolition of 30 feet of wall represents approximately 11% of the total length of the stone wall at the street. The applicant proposes to reuse the stone salvaged from the demolition to retain the side of the proposed a driveway in the area of the demolition.

2. The proposed exception prevents a hardship to the applicant or an injury to the public welfare.

The proposed demolition allows the applicant to access the project site in an area where it is topographically possible to put in a driveway with a slope that meets the city code. The location of the proposed demolition, at the very western end of the property, is the best location from a traffic standpoint, according to the City traffic engineer.

3. The proposed exception will strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic district.

This project will add seven housing units to the historic district. Without the exception, it would be difficult or impossible to add these residences.

4. The exception is due to special conditions and circumstances which are peculiar to the land or structure involved in which are not applicable to other land or structures in the related streetscape.

The request for demolition of a portion of the stone wall is to allow access to this site for a driveway. This is a condition that is unique to this site.

5. The exception is due to special conditions and circumstances which are not the result of the actions of the applicant.

The site and topographic conditions are part of this parcel. They were not a result of the actions of the applicant.

6. The exception will provide the least negative impact with respect to the purpose of this section as set forth in section 14 – 5.2 (a) (1)

The area for the proposed demolition has the least negative impact visually, in that it is located at the western end of the wall rather than somewhere in the middle of the wall's length. The western end of the wall is located directly adjacent to a large concrete retaining wall and a surface parking lot. Construction of a new driveway in this location will reduce the height of the existing concrete retaining wall at the property line.

5. Case #H 04-114, Tract 1, Paseo de Peralta (adjacent to #515). Downtown and Eastside Historic District. Lorn C. Tryk, agent for Erik Fuentes, proposes to construct a residential compound of seven units at a total of 10,168 sq. ft. to the maximum allowable height of 17' 6" plus 2 additional feet per Board approval. An exception is requested to partially demolish an historic stone wall per Section 14-5.2 (D,1,a).

Mr. Rasch presented the staff report for this case [attached as Exhibit F]. The staff report recommended approval of all but the exception request for historic wall demolition and deferred to the Board on that issue.

Ms. Farrar recused herself from consideration of this case.

Present and sworn was Mr. Erik Fuentes, who said the objective for this property was to make the best use of it. He said they had talked with all the neighbors around it. He said the corner piece (formerly Unit 8) was 90% under contract with a neighbor to purchase it when the remaining issues were worked out. He said the neighbor told him he was not planning to do anything with it for at least a year.

He briefly introduced the other members of his team.

Ms. Rios asked if the removal of the wall was the only way this property could be accessed. Mr. Fuentes agreed and briefly explained all the other possibilities and why they could not be done. He added that the height of the wall was unsafe.

Ms. Rios asked how the erosion and run off issues would be addressed. She said she understood the City built the wall to deal with them.

Present and sworn was Mr. Lorn Tryk, 206 McKenzie Street, who said that he wanted to fill in a couple of the blanks. He said the project started in floor area at 11,176 and currently is proposed at 8,091 square feet for a reduction of approximately 20%. He said they removed about 1,420 square feet of second floor space. He noted that Unit 4 was moved back and stepped back. He said the open space had been increased 1750 square feet which was three to four times what was required.

Mr. Tryk said that by not accessing through Loma Street solved the erosion problem. He said the impact was considerably less than first proposed.

Regarding exceptions, he said that about 11% at the western end was proposed for demotion. He reminded them that last time there was a worry about the impact on the

street and particularly about Unit 8. He suggested that they had come a long way in meeting the concerns of the Board.

He said he walked around the neighborhood and he showed the pictures he took of those neighboring structures, all of which were taller.

Mr. Barrow said the pictures were helpful. He asked how old the wall was.

Mr. Rasch said the wall was the same age as the Contributing building, in the late 19th century. He said he thought the wall would have to be modified. He said he was concerned about the design. He said he favored transition to the new wall but did not favor having the new wall mimic the old one.

Mr. Rasch said that perhaps they could have the foundation of the wall revealed in the pavement at the access. He said that would help transition to the new design wall.

Mr. Tryk said they would come back with detail treatments.

Ms. Rios said the transition was a good suggestion to distinguish the old from the new. She complimented the applicants for their reductions.

Ms. Rios asked for the setback distance of the second stories. Mr. Tryk said they were 30', 45', and 37'. He said the impact was low because they were dug into the hillside. Mr. Rasch agreed.

Mr. Tryk said he did not find an exact date for the age of the stone wall. He said the survey said the apartment building was 1890's.

Ms. Rios asked what materials of construction would be used. Mr. Tryk said they would be frame stucco and concrete stucco. He said the entire back of the two-story buildings were concrete because they were retaining.

Chair Purvis said this was just preliminary. Mr. Tryk said he was seeking final approval but would bring back the details for approval.

Ms. Rios asked what would be on the rooftops. Mr. Tryk said there would be no rooftop equipment.

Mr. Barrow asked what lighting would be in the parking area. Mr. Tryk said there would be no up-lighting. He said it was all down lighting and no floodlights would be used.

Chair Purvis asked for the on-story height. Mr. Tryk said it was 13' 6".

Ms. Rios asked for the two-story heights. Mr. Tryk said they were 19' 6".

Mr. Montoya asked what additional open space there would be besides parking.

Mr. Tryk said there would be back yards and side yards.

Mr. Montoya asked about vegetation. Mr. Tryk said they would have trees and other plantings.

There were no speakers from the public regarding this case.

Ms. Rios asked for the square footage of the single story units. Mr. Tryk said #1 was 1,129 square feet, #2 was 1,178, #3 was 1,198, #4 was 1,199, #5 was 1,198, #6 was 1,191, and #7 was 1,198.

Mr. Montoya moved for approval of Case #H 04-114 per staff recommendations with a positive finding of fact for the exception, with the outline of the existing foundation of the wall to be retained in the drive and details, including details of the wall to be brought back to the Board. Ms. Rios seconded the motion. The motion passed by majority voice vote with all voting in favor except Ms. Farrar who voted against.

6. Case #H 04-116. 1104½ Camino San Acacio. Downtown & Eastside Historic District. Andy Lyons, agent for Jimmy and Jennifer Day, proposes to construct a 5,492 sq. ft. residence to the maximum allowable height of 16' 1" plus 2 additional feet per Board approval.

This case was postponed under Approval of the Agenda.

7. Case #H 04-118. 234-A Rodriguez. Downtown and Eastside Historic District. Christina Alfieri & Mike Schriber, agents/owners, propose a 1277 sq. ft. single family residence to a height of 13' 2" where the maximum allowable height is 13' 7".

Mr. Rasch presented the staff report for this case [attached as Exhibit G]. The staff report recommended approval of this case without any conditions of approval.

Ms. Rios asked how this differed from the previous submittal. Mr. Rash said they changed the design style with brick coping and window and door surrounds.

DATE: September 13, 2005
TO: Historic Design Review Board Members
VIA: Reed Liming, Planning Division Director
FROM: David Rasch, Supervising Planner in Historic Preservation

CASE # H-04-114

ADDRESS: 515 Paseo de Peralta, Tract 1
Historic Status: Contributing/Non-contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- ☒ Case Synopsis
- ☐ District Standards & Yard wall
& fence standards.
- ☒ Historic Survey Form
- ☒ Zoning Review Sheet
- ☒ Other: previous case

APPLICANT SUBMITTALS

- ☒ Proposal Letter
- ☐ Vicinity Map
- ☒ Site Plan/Floor Plan
- ☒ Elevations
- ☒ Photographs
- ☐ Other:

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2 (E) Downtown & Eastside Historic District design standards.

BACKGROUND & SUMMARY:

515 Paseo de Peralta, Tract 2 is a brick apartment building that was constructed before 1890 in the Neoclassical – Territorial Style. The building is finished with textured stucco and brick coping at the parapets. The building has undergone moderate historic alterations and is listed as Contributing to the Downtown & Eastside Historic District. There are associated historic buildings and stone walls on the property. The streetscape wall runs the length of the property, except for a driveway at the east end and lacks space for a sidewalk.

Tract 1 is a 20,350 square foot lot to the west of Tract 2 and with a slope down toward the street. This lot, also known as 511 Paseo de Peralta, includes part of the streetscape stone wall and other stone retaining walls further back from the street.

The HDRB approved an application on November 30, 2004 to construct seven single-family residences designed in the Spanish-Pueblo Revival style with rounded parapets, second-floor balconies, projecting vigas, exposed wooden headers, and portals with carved corbels.

When the permit came in for approval, there were enough changes to the original approval that staff requested Board review before the permit could be released. Now, the applicant is requesting the following changes.

1. There are several slight massing changes. The most notable change is the loss of the battered and stepped back second floor on the south elevation of Unit 5. Instead, the second floor has been expanded to the size of the first floor. There appears to be less battering of walls, but this may be due to a difference in drafting rather than an intentional change.

2. Several stairways have been added to the plan for easier access. These are located on the west end of Unit 4 and between Units 6 and 7 on the north elevation. The stairways will have simplified railings, but details of materials, colors, and finishes were not submitted.

3. Several portals will be altered in size. One larger portal on the south elevation of Unit 2 will be split into two smaller portals. A portal on the north elevation of Unit 1 will be reduced to approximately one half its approved size. Portals on the northeast corner of Unit 2 and on the east elevation of Unit 7 will be reduced in size.

4. Several window and door opening sizes and locations will be altered. The most notable changes are in Unit 7. Although, in general, the overall character of the fenestration is unchanged throughout.

5. The exterior lighting fixtures are drawn differently from the previously approved drawings. But, the numbered notes still list the approved Artesanos Nuevo Mexico sconces.

Mr. Bell asked that the motion be amended to have the lights turned off at night.

Ms. Rios said she would keep the lights on but said **the Board should have the right to restrict the hours.**

Ms. Shapiro agreed.

The motion passed by unanimous voice vote.

Mr. Rasch clarified that if it appears this was too dim, the applicant could return to request more. The Board members agreed with this provision.

Ms. Bell said that the height not to exceed 17' was implied.

2. Case #H 04-114 511 Paseo de Peralta. Downtown & Eastside Historic District. Roger Hunter, agent for Blessey, Fuentes, & Zeug, proposes to alter a previously approved multi-family development with portal changes and stairway additions.

Mr. Rasch presented the staff report for this case [attached as Exhibit C]. The staff report recommended approval of this application which complies with Section 14-5.2 (E) Downtown & Eastside Historic District design standards.

Present and sworn was Mr. Steve Russell, 105 Camino Encantado, who showed each change (highlighted in yellow) beginning with the streetscape area. He said some portal reductions were to reduce lot coverage to less than 40% and acknowledging that the previous approval meant they had exceeded 40% of lot coverage. He said the windows that were removed were taken out because of the code requirements on zero lot line building.

Mr. Russell said that the common open space was on the back side and the west side has retaining walls. He added that they removed a section of wall that violated ADA standards. He said the stairways were to access open common areas. He briefly commented on the stair railings. He said that on the east elevation, windows were not allowed by zoning.

Mr. Bell said the staff report emphasized an overall change on the drawings. He pointed out that the old drawings were a different style. He pointed out that the new, non-battered walls and non-rounded edges were very different.

Mr. Russell said it was due to CAD drawings. He said they had no problem with battering but probably not the whole wall.

Chair Purvis said they could do battered walls. He pointed out that what the Board approved was the bottom three feet being battered. He said they could use wafer board and the Board should

not have to review what was approved for the character. He added that there was no height change in these drawings but said the air conditioner units could not be on the street side.

Ms. Shapiro referred to page 28 and asked where the shutters were located.

Mr. Russell said they were on the north elevation in the courtyard.

Ms. Shapiro said the reveal around the headers and windows needed to be soft.

Ms. Rios said that could be included in the motion.

In response to Ms. Farrar, Mr. Russell briefly explained the changes to the portals.

There were no speakers from the public regarding this case.

Mr. Bell referred to pages 28 and 29 and asked if that was part of the approval.

Mr. Rasch said it was at the final hearing.

Mr. Bell asked about the rails.

Mr. Russell said they could change the stairways with a screening plastered wall.

Ms. Shapiro noted the STO stucco listed on the detail sheet and asked if that had been approved by the Board.

Mr. Rasch said those were new details.

Chair Purvis said that, rather than going through point by point, it would be better to stick with what the Board originally approved and to identify changes from it which the Board approved. As an example, he said he did not want to go back to the height issue.

Mr. Rasch said nothing was stated about stucco in the original approval.

Ms. Farrar asked if she should recuse herself since she was not present at the prior approval.

Mr. Rasch said that was not necessary.

Ms. Rios said she felt the motion should go elevation by elevation.

Ms. Shapiro moved to approve Case #H 04-114 with the following conditions: 1) on the street-facing, south façade, that the portal remain as originally drawn and approved on Unit 2; that the window be removed because of zero lot line; that on Unit 7, the two windows be eliminated; that the railing become a stucco wall to cover the railing; that the air

conditioner units be moved to another location, not publicly visible nor on the roof; that on Unit 1, partial west-facing façade window remain the same size; that the little trash walls be included; that the handicapped ramp is approved with the small wall be removed and that the portal there be shortened; 2) on South-facing façade (Units 4-7), that the handrails on the stairwell become a solid masonry wall; that the air conditioning units be screened; that Unit 5 be stepped back as in the original drawings; that the planter be removed and a handicapped ramp be installed; 3) on the North façade of the back of Units 4, 6, 7, that the air conditioning units be screened; that the railings become a solid masonry wall with the handrails on the inside; 4) on the East façade, that the portal on Unit 7 be reduced in size, that the double French doors be changed to a window; that the chimney on the outside have a mechanical chase; that the windows on the zero lot line be removed; 5) on the West elevation, the portal on Unit 3 be changed as requested; that the window be relocated and smaller in size; that the staircase becomes a masonry wall; that the electrical cabinet be approved and the color notes on page 29 be approved Ms. Rios seconded the motion.

Mr. Rasch said having the portal on Unit 2 remain as originally approved would be a problem.

Chair Purvis said it meant that something that was not publicly visible would have to be reduced instead. He asked the applicant if that could be done.

Mr. Russell said it could be done.

Chair Purvis said that included in the motion should be: **that there be no changes in height, no floor height changes, no difference in the look of the building so the battering be preserved.**

Mr. Bell said that his understanding was that the drawings were only being used to identify changes from the original approval. Chair Purvis agreed.

Ms. Shapiro agreed

Chair Purvis said the nature of the stucco and the battering needed to be included.

Ms. Shapiro added to her motion that in the typical notes on page 29 where stucco was listed as a STO product would instead be a cementitious stucco and on page 26, the copper down spout be in a traditional material and color matching the building as reviewed and approved by staff; that the walls be battered, the parapets be rounded, the reveals be at least 4" in depth, including the lintels, and the corners rounded as in the original plans. Ms. Rios agreed with those additions to the motion.

Mr. Bell asked if there were directions on the specifications for the windows.

Mr. Russell requested that they allow simulated divided windows but true divided lights were in the original approval.

Mr. Bell said the window specs that were approved should remain. He said that the drawings given to the builder must be as the Board approved.

Mr. Russell said the notes would be changed.

Mr. Bell asked about the canales.

Mr. Rasch said the proposal was for copper lined canales with carved supports.

Ms. Shapiro said that copper patina'd canales were fine.

Mr. Bell asked if there were any changes to roof top appurtenances.

Mr. Russell said no.

The motion passed by unanimous voice vote.

3. **Case #H 05-145.** 201 Ambrosio. Westside-Guadalupe Historic District. Ted & Barbara Seeley, agents/owners, propose to construct an approximately 80 sq. ft. addition, an approximately 32 sq. ft. portal, and re-install a window on a Contributing property.

Ms. Barrett presented the staff report for this case [attached as Exhibit D]. The staff report recommended approval on the condition that the west elevation door detail be brought to staff for approval. Otherwise, this application complies with Section 14-5.2 (C) Regulations for Contributing Structures and Section 14-5.2 (I) Westside-Guadalupe Historic District design standards.

Present and sworn was Mr. Ted Seeley, Box 176, Tesuque, who said he had been thinking about the wall where it meets the coyote fence and said he would like to replace that section of coyote with adobe wall to the corner and a pillar there.

Mr. Rasch said that if it was altered, he would have to comply with the safety visibility triangle which would mean it had to come down to three feet high for a length of twenty feet.

Chair Purvis said if the design is approved by zoning, the applicant could bring it back for review. He asked about the condition.

Ms. Barrett said the detail for the door needed to be reviewed by staff.

Chair Purvis explained to the applicant that the detail did not have to be presented at this meeting but would have to be submitted to staff for review.

There were no speakers from the public regarding this case.

DATE: November 9, 2004 11.30.04
TO: Historic Design Review Board Members
VIA: Reed Liming, Acting Planning & Land Use Department Director
FROM: David Rasch, Supervising Planner in Historic Preservation

CASE # H-04-114

ADDRESS: 515 Paseo de Peralta, Tract 1
Historic Status: Contributing/Non-contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

☒ Case Synopsis
☐ District Standards & Yard wall
& fence standards.
☒ Historic Survey Form
☒ Zoning Review Sheet
☒ Other: Board Action letter

APPLICANT SUBMITTALS

☒ Proposal Letter
☐ Vicinity Map
☒ Site Plan/Floor Plan
☒ Elevations
☐ Photographs
☒ Other: Details

STAFF RECOMMENDATION:

Staff recommends approval of this application complies with Section 14-5.2 (E) Downtown & Eastside Historic District design standards.

BACKGROUND & SUMMARY:

515 Paseo de Peralta, Tract 2 is a brick apartment building that was constructed before 1890 in the Neoclassical – Territorial Style. The building is finished with textured stucco and brick coping at the parapets. The building has undergone moderate historic alterations and is listed as Contributing to the Downtown & Eastside Historic District. There are associated historic buildings and stone walls on the property. The streetscape wall runs the length of the property, except for a driveway at the east end and lacks space for a sidewalk.

Tract 1 is a 20,350 square foot lot to the west of Tract 2 and with a slope down toward the street. This lot includes part of the streetscape stone wall and other stone retaining walls further back from the street. This Board approved the proposal for seven residential Units, the site plan, building footprints, and elevations on September 28, 2004 with the condition that architectural details be submitted for review at a later date. Now, the applicant is seeking approval of these details.

The buildings are designed in the Spanish-Pueblo Revival Style. The stucco-finished buildings will have battered and rounded parapets and rounded corners. Copper-lined canales will have carved corbel supports.

Portals will have exposed wooden headers, carved corbels, and viga posts. Exposed viga ends will be chisel-cut in vertical orientation.

Porches will have stucco-finished 3' high walls and 2" x 6" wooden decking.

The balcony on Unit 5 will have 32" high simple square-rod steel railings.

Doors will be true-divided light or wooden panel with exposed wooden headers.

Windows will be true-divided light with exposed wooden headers. Sills will be stucco-finished bevels. Window shutters on Units 4 and 5 will be 1-over-1 wood panel. Window boxes on Units 3 and 4 will be 1' high and 1' deep with a simple panel design. They will be slightly wider than the windows and mounted below the sills.

Exterior lights will be Artesanos wall-mounted Nuevo Mexico design. They are 21" high x 13" wide and finished in either a copper oxide or pewter color.

Mr. Barrow asked what the windows would look like.

Mr. Durán said they would be true-divided light windows.

Ms. Rios moved for approval of Case #H 04-104, per staff recommendations, with positive finding of fact regarding the requested exceptions and with the condition that the portal be eliminated as well as the exposed viga ends and the windows being divided to meet the 30" rule and the final design submitted to staff for final approval. The motion was seconded by Mr. Barrow and passed by majority voice vote with all voting in favor except Ms. Farrar who voted against.

4. Case #H 03-114. 515 Paseo de Peralta, Tract 1. Downtown and Eastside Historic District. Lorn C. Tryk, agent for Erik Fuentes, propose architectural details for a residential compound of seven units, previously approved by the HDRB.

Ms. Farrar recused herself from consideration of this case.

Mr. Rasch presented the staff report for this case [attached as Exhibit G]. The staff reported recommended approval of the project as submitted.

Present and sworn was Mr. Lorn Tryk, 206 McKenzie, who corrected the staff report by saying that the railings were 36" high, being 4" off the deck. He said they proposed the Artesano's Estrella fixture for use under the portal. He added that the stucco color was STO Pecos and Pella Tan for the windows.

Chair Purvis asked where the rail would be placed. Mr. Tryk said it was on Unit 5.

Chair Purvis asked where the shutters were. Mr. Tryk said they were on Units 4 and 5.

Chair Purvis asked where the exposed vigas were. Mr. Tryk said they were on units 2 and 7.

Mr. Tryk showed the other details. He said that all exterior wood would be stained brown.

Mr. Barrow asked about the viga end details. Mr. Tryk said they would be chopped, beveled and with caps.

Ms. Shapiro asked about the corbels. Mr. Tryk said they would be the same shape.

Mr. Tryk showed the interior wall details. He said they would be 12" thick and three to three and a half feet high.

Ms. Shapiro asked about the reveal around the window sides. Mr. Tryk said the windows would be recessed approximately 2.5". He said the doors would be done in the same way.

Chair Purvis asked if the viga ends would be publicly visible. Mr. Tryk said they would but the caps would not be seen.

There were no speakers from the public regarding this case.

Mr. Barrow moved for approval of Case #H 04-114 per staff recommendations. Mr. Montoya seconded the motion.

Mr. Barrow asked if there would be any other submittals. Mr. Tryk said there would be no others unless they made further changes.

The motion passed by majority voice vote with all voting in favor except Ms. Farrar who had recused herself.

Ms. Farrar rejoined the bench at this time.

5. **Case #H 04-120.** 767½ Acequia Madre. Downtown & Eastside Historic District. Howard Mier, agent for Diana Olguin, proposes to build a stucco wall at front, add gate, and re-construct carport.

Mr. Rasch presented the staff report for this case [attached as Exhibit H]. The staff report recommended approval of the project as submitted.

Mr. Rasch distributed copies of the letter of support by the Neighborhood Association [attached as Exhibit I].

Present and sworn was Mr. Howard Mier, 1704-B Llano Street. He said he felt the Council would like something other than chain link fence here. He said the gate was five feet, set back, and made of wood with a metal backing. He said it would have tongue and groove boards which were rough sawn and laminated. He said it would be stained an antique grey to match existing.

Ms. Shapiro asked about the acequia.

LORN TRYK ARCHITECTS

David Rasch
Historic Preservation Planner
City of Santa Fe
P. O. Box 909
Santa Fe, NM 87501

Re: Paseo Compound

Dear David,

On behalf of the property owners of Tract I, Paseo de Peralta, we are submitting for preliminary approval of an 8 unit residential compound, as well as demolition approval for portions of existing site walls. The project is a total of 11176 s.f. of new construction. It is located adjacent to 515 Paseo de Peralta, a contributing historic apartment building.

Note that stone material will be salvaged from the site wall demolition for reuse on the most publicly visible new site walls.

We intend to submit finishes, lighting and details of windows, railings, doors and other exterior features at a later date.

Thank you for your consideration.

Sincerely,



Lorn C. Tryk

LORN TRYK ARCHITECTS

August 13, 2004

David Rasch
Historic Preservation Planner
City of Santa Fe
P. O. Box 909
Santa Fe, NM 87501

Re: Paseo Compound

Dear David,

On behalf of the property owners of Tract I, Paseo de Peralta, we are resubmitting for preliminary approval of an 8 unit residential compound, as well as demolition approval for portions of existing site walls. At the suggestion of the HDRB we have reduced the second floors of units 1 and 2 by 25%; we have also reduced the second floor of unit 4 by about 15% to break up the two story massing of that unit.

We are asking for permission to demolish portions of the stone walls. We have included a structural engineers report as to the condition of the walls.

Note that stone material will be salvaged from the site wall demolition for reuse on the most publicly visible new site walls.

We will submit finishes, lighting and details of windows, railings, doors and other exterior features at a later date.

Thank you for your consideration.

Sincerely,



Lorn C. Tryk

206 McKenzie St., Suite F-2, Santa Fe, New Mexico 87501
505-982-5340 mail@ltryk.com Fax:505-982-5393

LORN TRYK ARCHITECTS

October 20, 2004

David Rasch
Historic Preservation Planner
City of Santa Fe
P. O. Box 909
Santa Fe, NM 87501

Re: Paseo Compound

Dear David,

On behalf of the property owners of Tract I, Paseo de Peralta, we are submitting additional details for final approval of a 7 unit residential compound. The project has already received final approval, with the condition that we return to the Board with architectural details.

The enclosed drawings contain information on finishes, lighting and details of windows, railings, doors and other exterior features.

Thank you for your consideration.

Sincerely,



Lorn C. Tryk

206 McKenzie St., Suite F-2, Santa Fe, New Mexico 87501
505-982-5340 mail@ltryk.com Fax: 505-982-5393

LORN TRYK ARCHITECTS

September 17, 2004

David Rasch
Historic Preservation Planner
City of Santa Fe
P. O. Box 909
Santa Fe, NM 87501

Re: Paseo Compound

Dear David,

On behalf of the property owners of Tract I, Paseo de Peralta, we are submitting for final approval of a 7 unit residential compound, as well as requesting an exception to allow demolition approval for portions of existing site walls.

Based upon input at our last hearing we have made substantial changes, including:

1. Reducing the units at the street to one story
2. Eliminating Unit 8, the unit at the east end of the property which impacted the immediate neighbors to the east.
3. Significantly stepping back the westernmost unit in back to reduce impact of the project when viewed from the west

In a previous submittal we included a structural engineers report as to the condition of the walls. Note that stone material will be salvaged from the site wall demolition for reuse on the most publicly visible new site walls.

206 McKenzie St., Suite F-2, Santa Fe, New Mexico 87501
505-982-5340 mail@ltryk.com Fax:505-982-5393

LORN TRYK ARCHITECTS

David Rasch
Historic Preservation Planner
City of Santa Fe
P. O. Box 909
Santa Fe, NM 87501

Re: Paseo Compound

Dear David,

On behalf of the property owners of Tract I, Paseo de Peralta, we are submitting for preliminary approval of an 8 unit residential compound, as well as demolition approval for portions of existing site walls. The project is a total of 11176 s.f. of new construction. It is located adjacent to 515 Paseo de Peralta, a contributing historic apartment building.

Note that stone material will be salvaged from the site wall demolition for reuse on the most publicly visible new site walls.

We intend to submit finishes, lighting and details of windows, railings, doors and other exterior features at a later date.

Thank you for your consideration.

Sincerely,



Lorn C. Tryk

LORN TRYK ARCHITECTS

August 13, 2004

David Rasch
Historic Preservation Planner
City of Santa Fe
P. O. Box 909
Santa Fe, NM 87501

Re: Paseo Compound

Dear David,

On behalf of the property owners of Tract I, Paseo de Peralta, we are resubmitting for preliminary approval of an 8 unit residential compound, as well as demolition approval for portions of existing site walls. At the suggestion of the HDRB we have reduced the second floors of units 1 and 2 by 25%; we have also reduced the second floor of unit 4 by about 15% to break up the two story massing of that unit.

We are asking for permission to demolish portions of the stone walls. We have included a structural engineers report as to the condition of the walls.

Note that stone material will be salvaged from the site wall demolition for reuse on the most publicly visible new site walls.

We will submit finishes, lighting and details of windows, railings, doors and other exterior features at a later date.

Thank you for your consideration.

Sincerely,



Lorn C. Tryk

206 McKenzie St., Suite F-2, Santa Fe, New Mexico 87501
505-982-5340 mail@ltryk.com Fax: 505-982-5393

LORN TRYK ARCHITECTS

September 17, 2004

David Rasch
Historic Preservation Planner
City of Santa Fe
P. O. Box 909
Santa Fe, NM 87501

Re: Paseo Compound

Dear David,

On behalf of the property owners of Tract I, Paseo de Peralta, we are submitting for final approval of a 7 unit residential compound, as well as requesting an exception to allow demolition approval for portions of existing site walls.

Based upon input at our last hearing we have made substantial changes, including:

1. Reducing the units at the street to one story
2. Eliminating Unit 8, the unit at the east end of the property which impacted the immediate neighbors to the east.
3. Significantly stepping back the westernmost unit in back to reduce impact of the project when viewed from the west

In a previous submittal we included a structural engineers report as to the condition of the walls. Note that stone material will be salvaged from the site wall demolition for reuse on the most publicly visible new site walls.

206 McKenzie St., Suite F-2, Santa Fe, New Mexico 87501
505-982-5340 mail@ltryk.com Fax: 505-982-5393

LORN TRYK ARCHITECTS

October 20, 2004

David Rasch
Historic Preservation Planner
City of Santa Fe
P. O. Box 909
Santa Fe, NM 87501

Re: Paseo Compound

Dear David,

On behalf of the property owners of Tract I, Paseo de Peralta, we are submitting additional details for final approval of a 7 unit residential compound. The project has already received final approval, with the condition that we return to the Board with architectural details.

The enclosed drawings contain information on finishes, lighting and details of windows, railings, doors and other exterior features.

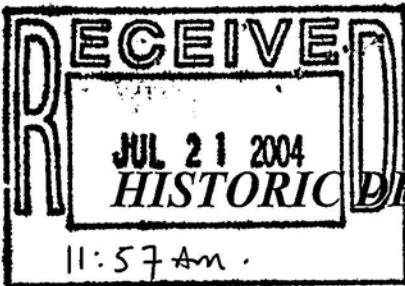
Thank you for your consideration.

Sincerely,



Lorn C. Tryk

206 McKenzie St., Suite F-2, Santa Fe, New Mexico 87501
505-982-5340 mail@ltryk.com Fax: 505-982-5393



JUL 21 2004

HISTORIC DESIGN REVIEW BOARD APPLICATION

11:57 AM

PROJECT LOCATION: TRACT I, PASEO DE PERALTA (ADJACENT TO 515) #

HISTORIC DISTRICT: ☒ Downtown & Eastside ☐ Don Gaspar ☐ Westside-Guadalupe ☐
(Please see attached map) ☐ Transition ☐ Historic Review ☐
Historic Landmark (outside of historic districts) ☐

PROJECT PROPOSAL: 1176 SF NEW CONSTRUCTION, SITE WALL DEMOLITION

CONSTRUCTION COST: \$ 1,500,000 FEE: \$ 1,000 + \$20 Poster Cost = \$ 1020

OWNER: ERIK FUENTES PHONE#: 660 8320

OWNER ADDRESS: #10 CAMINO CABALLOS SPUR

CITY, STATE, ZIP CODE: LAMY, NM 87540

APPLICANT: LORN C. TRYK PHONE #: 982 5340 ext 17

ADDRESS: 206 MCKENZIE ST, SUITE F-2

CITY, STATE, ZIP CODE: SANTA 87501-1885

NEW CONSTRUCTION:

Single-Family Residence ☐ Commercial ☐ Multi-Family Residence ☒

OTHER CONSTRUCTION:

Demolition ☒ Remodel ☐ Addition ☐ Residential ☐ Signs ☐ Wall/Fence ☐
Antenna ☐

PREAPPLICATION MEETING: Date: JUNE 18, 04 Case Planner: DAVID RASCH

PRELIMINARY ZONING REVIEW: Date: 7/20/04 Planner: ANDREW HARNDEN

(You must schedule a meeting with Zoning Planner Andrew Harnden @ 955-6654 prior to the HDRB submittal deadline date: Worksheet will not be reviewed on the HDRB submittal deadline day/Preliminary Zoning Review Form must be submitted with proposal)

HEIGHT CALCULATION

Does the project include multi-story new construction, a building addition, and/or a wall or fence which will increase the height?
YES ☒ NO ☐

If yes, please provide a written request for an updated maximum allowable height calculation.

What is the proposed height of your project? 18 FT (FRONT) 20' (BACK)

I certify that the documents submitted for the Historic Design Review Board meeting meets the minimum standards set forth in the Historic Districts Ordinance, Section 14-5.2 Santa Fe City Code 1987. Failure to meet these standards may result in rejection of my application. I also certify that I have met with a representative of the city's Zoning staff and verified the attached proposal is in compliance with the city's zoning requirements.

I agree to post notice of the proposed project on the site seven (7) days prior to the Historic Design Review Board meeting.

I am aware that a decision of the HDRB may be appealed by any aggrieved party within seven (7) days of the decision.

[Signature]
Signature of Applicant/Owner

7/21/04
Date

H-04-114