



City of Santa Fe

AGENDA

HISTORIC DISTRICTS REVIEW
BOARD
FEBRUARY 09, 2021
5:30 PM
ATTEND VIRTUALLY

AMENDED

SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT:

In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Historic Districts Review Board meeting will be conducted virtually using Zoom.

Viewing: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/channel/UCuW5Fb7iWuKpTdsWYNDurgA>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

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Passcode: 263172

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US: **(253) 215-8782** or **(346) 248-7799** or **(929) 205-6099**

Webinar ID: 867 6622 0699.

Public Comment:

- **By video:** A person attending the Zoom meeting by video conference (using a computer, mobile device, or smart phone) may provide public comment during the meeting. Attendees should use the "Raise Hand" function to be recognized by the chair to speak at the appropriate time.
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A. ROLL CALL

B. APPROVAL OF AGENDA

C. APPROVAL OF MINUTES:

1. January 28, 2021

D. APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Case #2020-002483-HDRB. 524 Calle Corvo.
2. Case #2020-002975-HDRB. 918 Don Gaspar Avenue.
3. Case #2020-003017-HDRB. 213 Barela Street.
4. Case #2020-003005-HDRB. 111 Delgado Street.
5. Case #2020-002985-HDRB. 575 West San Francisco Street.

E. MATTERS FROM THE PUBLIC

F. STAFF COMMUNICATIONS

G. OLD BUSINESS



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1. Case #2020-002818-HDRB. 324 McKenzie Street. Downtown & Eastside Historic District. David C. Betzler, agent/owner, proposes to remove, reconstruct and extend an awning on a non-primary facade of a contributing structure. (Daniel Schwab, 955-6660, dnschwab@santafenm.gov)
2. Case #2020-002983-HDRB. 209 Delgado Street. Downtown and Eastside Historic District. David Smith, agent for Ivo Nelson, owner, proposes to construct a 475 sq. ft. addition, on a non-contributing property. (Angela Schackel Bordegaray, 955-6127, asbordegaray@santafenm.gov)

H. NEW BUSINESS

1. Case #2021-003048-HDRB. 105 Calle La Pena. Downtown and Eastside Historic District. Mark Naktin, agent for David C. Brown, owner, proposes to construct a 680 sq. ft. addition to a height of 12'10" on a contributing structure. (Daniel Schwab, 955-6660, dnschwab@santafenm.gov)
2. Case #2021-003049-HDRB. 555 San Antonio Street. Downtown and Eastside Historic District. Design Solutions agent for, Barbara Wagner and Charles Palmer, owners, requests a historic status review with primary facade designation, if applicable, of a contributing residential structure. (Angela Schackel Bordegaray, 955-6127, asbordegaray@santafenm.gov)
3. Case #2021-003057-HDRB. 107 South Armijo Lane. Downtown and Eastside Historic District. Carlos and Catherine Stevens, agent/owner, requests a historic status review with primary facade designation, if applicable for a non-contributing residential structure. (Daniel Schwab, 955-6660, dnschwab@santafenm.gov)
4. Case #2021-003062-HDRB. 350 Garcia Street. Downtown and Eastside Historic District. Kenneth Payson, agent for Louise and Daniel Rubin, owners, proposes demolish a deck and construct portals on a significant property. (Daniel Schwab, 955-6660, dnschwab@santafenm.gov)
5. Case #2021-003068-HDRB. 1668 Cerro Gordo Road. Downtown and Eastside Historic District. Elisabeth Wagner, agent for Will Gorham, owner, requests to add



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a closet and a portal to a non-contributing casita. (Angela Schackel Bordegaray, 955-6127, asbordegaray@santafenm.gov)

6. Case #2021-003058-HDRB. 235 North Guadalupe Street. Downtown and Eastside Historic District. Brian Knox, agent/owner, requests a historic status review with primary facade designation, if applicable, for a non-contributing non-residential structure. (Daniel Schwab, 955-6660, dnschwab@santafenm.gov)
7. Case #2021-003084-HDRB. 235 North Guadalupe Street. Downtown and Eastside Historic District. Brian Knox, agent/owner, proposes to change a window opening on a contributing non-residential structure. An exception is requested to remove historic material and change a window opening (14-5.2(D)(5)(a)(i) & (ii)). (Daniel Schwab, 955-6660, dnschwab@santafenm.gov)
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9. Case #2020-003006-HDRB. 542 Camino del Monte Sol. Carlos Kinsey, agent for Laura Chock, owner, proposes to replace a yardwall and 2 pedestrian gates, and replace a garage door with windows on a contributing residential property. An exception to Section 14-5.2(D)(1)(a) to alter features of a contributing structure. (Daniel Schwab, DNSchwab@santafenm.gov, 955-6660)

I. DISCUSSION ITEMS

J. MATTERS FROM THE BOARD

K. NEXT MEETING: Tuesday, February 23, 2021



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L. ADJOURN

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RECEIVED AT THE CITY CLERK'S OFFICE

DATE: February 3, 2020

TIME: 5:48 PM



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3. Case #2020-003017-HDRB. 213 Barela Street.
4. Case #2020-003005-HDRB. 111 Delgado Street.
5. Case #2020-001979-HDRB. 613 Canyon Road.
6. Case #2020-002985-HDRB. 575 West San Francisco Street.
7. Case #2020-002916-HDRB. 481 Arroyo Tenorio.

E. MATTERS FROM THE PUBLIC

F. STAFF COMMUNICATIONS



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5. Case #2020-003068-HDRB. 1668 Cerro Gordo Road. Downtown and Eastside Historic District. Elisabeth Wagner, agent for Will Gorham, owner, requests to add a closet and a portal to a non-contributing casita. (Angela Schackel Bordegaray, 955-6127, asbordegaray@santafenm.gov)
6. Case #2020-002791-HDRB. 530 Garcia Street. Downtown and Eastside Historic District. Christopher Purvis, agent for Beverly Foust, owner, requests historic status review and primary façade designation, if applicable, for a non-contributing residential structure. (Angela Schackel Bordegaray, 955-6127, asbordegaray@santafenm.gov)
7. Case #2020-003058-HDRB. 235 North Guadalupe Street. Downtown and Eastside Historic District. Brian Knox, agent/owner, requests a historic status review with primary facade designation, if applicable, for a non-contributing non-residential structure. (Daniel Schwab, 955-6660, dnschwab@santafenm.gov)
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I. DISCUSSION ITEMS



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J. MATTERS FROM THE BOARD

K. NEXT MEETING: Tuesday, February 23, 2021

L. ADJOURN

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| | |
|--|-------------------------|
| RECEIVED AT THE CITY CLERK'S OFFICE | |
| DATE: | January 21, 2021 |
| TIME: | 3:48 PM |

SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
February 9, 2021

| ITEM | ACTION TAKEN | PAGE(S) |
|--|--------------------------|----------------|
| Call to Order | 5:30 pm | 1 |
| A. Roll Call | Quorum Present | 1 |
| B. Approval of Agenda | Approved as Presented | 2-3 |
| C. Approval of Minutes | | |
| 1. January 28, 2021 | Approved as Amended | 3 |
| D. Findings of Fact & Conclusions of Law | Approved | 3 |
| E. Matters from the Public | Comments | 3-4 |
| F. Staff Communications | Comments | 4 |
| G. Old Business | | |
| 1. Case #2020-002818-HDRB. 324 McKenzie Street Case | Approved | 4-7 |
| 2. Case #2020-002983-HDRB. 209 Delgado Street | Approved | 7-9 |
| H. New Business | | |
| 1. Case #2021-003048-HDRB 105 Calle La Pena | Approved with Conditions | 9-14 |
| 2. Case #2021-003049-HDRB 555 San Antonio Street | Postponed | 14-19 |
| 3. Case #2021-003057-HDRB 107 South Armijo Lane | Designation | 19-24 |
| 4. Case #2021-003062-HDRB 350 Garcia Street | Approved | 24-27 |

| | | |
|---|-------------------------------------|-------|
| 5. Case #2021-003068-HDRB 1668 Cerro Gordo Rd. | Approved | 27-28 |
| 6. Case #2021-3058-HDRB 235 North Guadalupe Street | Designation | 28-32 |
| 7. Case #2021-3084-HDRB 235 North Guadalupe Street | Approved | 33-34 |
| 8. Case #2020-2954-HDRB 333 Sena Street | Denied | 34-40 |
| 9. Case #2020-3006-HDRB 542 Camino del Monte Sol | Approved in Part and Denied in Part | 41-52 |
| I. Discussion Items | None | 53 |
| J. Matters From the Board | Comments | 53 |
| K. Next Meeting | Tuesday, February 23, 2021 | 53 |
| L. Adjournment | Adjourned at 11:10 | 54 |

**MINUTES OF THE CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD
February 9, 2021
VIRTUAL HEARING**

CALL TO ORDER

A regular meeting of the City of Santa Fe Historic Districts Review Board was called to order by Cecilia Rios, Chair, on the above date at approximately 5:30 p.m. at a virtual meeting held at <https://www.youtube.com/user/cityofsantafe>.

A. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Ms. Cecilia Rios, Chairwoman
Mr. Frank Katz, Vice Chair
Ms. Jennifer Biedscheid
Mr. John Bienvenu
Mr. Anthony Guida
Ms. Flynn G. Larson

MEMBERS EXCUSED:

Mr. Buddy Roybal

OTHERS PRESENT:

Ms. Nicole Ramirez Thomas
Mr. Daniel Schwab, Senior Planner
Ms. Angela Bordegaray, Senior Planner
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Historic Preservation Office and available on the City of Santa Fe Website.

B. APPROVAL OF AGENDA

MOTION: Vice Chair Katz moved, seconded by Member Guida to approve the agenda, as presented.

VOTE: The motion passed by unanimous (5-0) roll call vote with Members Biedscheid, Bienvenu, Guida, Katz and Larson voting in favor and none voting against.

C. APPROVAL OF MINUTES:

1. January 28, 2021

Chair Rios requested a change on page 34, Questions for Staff, "Chair Rios asked to see..." last sentence should read "she thought the door could be replaced with a window."

MOTION: Vice Chair Katz moved, seconded by Member Biedscheid to approve the HDRB Hearing Minutes of January 28, 2021, as amended.

VOTE: The motion passed by majority (4-0) roll call vote with Members Biedscheid, Bienvenu, Katz and Larson voting in favor, none voting against and Member Guida abstaining.

D. APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Case #2020-002483-HDRB. 524 Calle Corvo.
2. Case #2020-002975-HDRB. 918 Don Gaspar Avenue.
3. Case #2020-003017-HDRB. 213 Barela Street.
4. Case #2020-003005-HDRB. 111 Delgado Street.
5. Case #2020-002985-HDRB. 575 West San Francisco Street.

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

VOTE: The motion passed by majority (4-0) roll call vote with Members Biedscheid, Bienvenu, Katz and Larson voting in favor, none voting against and Member Guida abstaining.

E. MATTERS FROM THE PUBLIC

Stefanie Beninato asked about the obelisk plaque that disappeared that Ms. Paez was going to find out about. She said the plaque of the Cross of the Martyrs had also

disappeared. Also, since Ms. Paez mentioned that she does not represent the City Council on appeals, a Board member should. Someone should be representing the Board. She said the Board has been violating State law. The law prohibits the unlicensed practice of law by a layperson representing another layperson in front of administrative or judicial bodies. That means you need a lawyer basically and the architect could be a witness. The City has ignored this law for 11 years regarding the New Mexico Court of Appeals case in 2009 of Lee vs. Catron. She asked the City to change their procedure and comply with State law. She will continue making a standing objection to every case in which a layperson represents the case to the Board that is not the owner.

Chair Rios asked Ms. Paez to comment on the practice of law by lay people.

Ms. Paez said her interpretation of the case cited is that it does not apply. The agents presenting cases before the Board are not practicing law. They simply represent the applicant. They are architects, managers, and specialists who do a better job presenting the matters to this specialized Land Use Board than an attorney, in most cases. She felt that this was not a practice of law. She pointed out that New Mexico State rules allow non attorneys to practice limited law in some circumstances, such as in Municipal Court and Magistrate Court in civil matters where there are non-attorney and limited jurisdiction courts. There is a statement in the case cited that says administrative bodies and courts that one must be an attorney to represent someone in court. That does not apply here. The case cited was very different and to the extent it could be applied here, wasn't relevant to what we would normally call victim. She said it does not apply and she did not see a concern. The regulation of the practice of law is under the jurisdiction of the New Mexico Supreme Court and not the City's call and they would be the one to make that determination.

F. STAFF COMMUNICATIONS

Ms. Ramirez Thomas indicated there had been a staff change and Lani McCully was promoted to the position of Planner. She has taken the position this week and will no longer be assisting the Board. Amanda Romero will start assisting the Board.

G. OLD BUSINESS

Chair Rios reminded applicants that if they disagree with the Board's decisions they have 15 days from the approval of Findings of Fact to appeal.

1. **Case #2020-002818-HDRB. 324 McKenzie Street.** Downtown & Eastside Historic District. David C. Betzler, agent/owner, proposes to remove, reconstruct and extend an awning on a non-primary facade of a contributing structure. (Daniel Schwab)

STAFF REPORT

324 McKenzie Street is a 1540 square foot contributing residential structure located in the Downtown and Eastside Historic District. The north façade is designated primary. The structure is rectangular, of one-story, and faces north on McKenzie Street. The structure has a pitched roof with a street-facing gable, adobe walls with deeply recessed windows and a territorial-style portal on the front. On the east side, the rear portion of the property is gated and hidden from public view. Behind this gate is a wood awning and trellis that is not attached to the structure. The awning and trellis are not historic.

On January 12, 2021, the applicant came before the HDRB and proposed to remove the publicly visible awning structure and replace it with an oxidized steel frame awning, similar in scale to the one to be removed, with pre-finished Pro Panel metal roofing in a brown color. The board recommended that this choice of materials was not appropriate for the structure and postponed the case for redesign.

The applicant now returns to the board with a proposal with the following items:

1. Replace the existing structure with a new 160 SF, wood-framed shade structure/trellis featuring an unroofed (open) design with a white painted finish. Its finished height will measure approximately 10 feet from finished grade.
2. Construct an approximate 100 square foot wood-framed portal/awning to the south (rear) elevation to protect the building. Its finished height is to be about 8 feet 6 inches above finished grade, attached to the building by means of a ledger strip and feature a sloped asphalt shingle roof and painted finish.

STAFF RECOMMENDATION

Staff recommended approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for All Historic Districts, and 14-5.2(E) Downtown and Eastside Design Standards.

QUESTIONS FOR STAFF

Vice Chair Katz asked if the south portal is within the setback limit. Mr. Schwab wasn't sure.

Member Biedscheid asked if the change in the coyote fence in the last proposal was proposed to be changed at this time.

Mr. Schwab did not have that information and suggested asking the applicant.

Member Guida asked if the drawings are in the packet.

Mr. Schwab said they should be in the digital packet. Ms. Ramirez Thomas offered to access the packet for the Board.

APPLICANT'S PRESENTATION

David Betzler, 324 McKenzie Street, was sworn in. He responded to Vice Chair Katz's question that the proposed awning at the south elevation is setback from the property line in accordance with zoning. To Member Biedscheid, he said there will be no change to the coyote fence.

QUESTIONS FOR APPLICANT

Member Bienvenu thought the drawings inadvertently were not in the packet. He asked if correct that the new posts look similar to the posts in the front of the building.

Mr. Betzler replied the posts are square in the new design and the post at the front portal are territorial style with round posts. The proposal is for a square post with a painted white finish.

Member Guida said he understands the intent of the rear portal attaching to the ledger board. He asked if the pergola on the east elevation would be attached directly to the fascia.

Mr. Betzler said that is the intent.

Chair Rios asked that the elevations be displayed.

Mr. Betzler explained the intent is to raise the elevation of the proposed trellis to come off the fascia with a support beam below that. The finished height will match where the fascia board is.

Member Guida asked that the rear elevation be displayed.

PUBLIC HEARING

Stefanie Beninato, PO Box 1601, Santa Fe was sworn in. She objected citing the Lee vs. Catron case because this is not the owner. She said she liked that the applicant came back with changes to the design. She felt the addition on the east side that ties to the sloped roof looked awkward and would look better if under the eaves of the roof.

BOARD DISCUSSION

Chair Rios thanked the applicant for listening to the Board comments in the last meeting in reference to the material change from steel to wood.

MOTION: In Case #2020-002818-HDRB, 324 McKenzie Street, Member Bienvenu moved to approve the application. Member Larson seconded the motion.

VOTE: The motion passed by unanimous (5-0) roll call vote with Members Biedscheid, Bienvenu, Guida, Katz and Larson voting in favor and none voting against.

2. **Case #2020-002983-HDRB, 209 Delgado Street.** Downtown and Eastside Historic District. David Smith, agent for Ivo Nelson, owner, proposes to construct a 475 sq. ft. addition, on a non-contributing property. (Angela Schackel Bordegaray)

STAFF REPORT

209 Delgado is an approximately 600 square foot single-story New Mexico vernacular structure built before 1928. It features a cross-gabled roof and a lower shed roof addition on its east side. It is located in the compound at 209 Delgado Street. In 2013, the board designated it as non-contributing to the Downtown and Eastside Historic District due to significant alterations.

1. The applicant proposes to add a 475 square foot living room on the west elevation. The applicant revised the submission based on comments and recommendations from the January 12, 2021 Historic Districts Review Board hearing. The revision replaces the previously proposed flat roof to a pitched roof to integrate with the existing house.
2. French doors will be divided light wood clad units. The addition will be 14' in height where the maximum allowable height is 14'-7".
3. The addition's north façade will have divided lite wood clad units and awning windows above the French doors.
4. New windows will be clad in "Sea Green Foam" by Jel Wend, manufacturer. This façade is not publicly visible.
5. A skylight is called out on the plans on the south (front) elevation. The applicant did not provide this item in the proposal letter but can offer testimony.
6. The new stucco will match the existing house, El Rey "Adobe."

Ms. Bordegaray clarified on this case they are combining the documents into a PDF format and there is a learning curve. She noted that drawings in the proposal letter were in the packet. She corrected the staff report that should read that the

addition proposed is a *pitched* roof based on the Board's direction at the previous meeting. This proposal complies with that.

STAFF RECOMMENDATION

Staff recommended approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all H Districts and 14-5.2(E)(2) Downtown and Eastside Design Standards, Recent Santa Fe Style.

QUESTIONS FOR STAFF

Chair Rios confirmed that the 475 sf addition was not visible publicly, but it could be seen from the private driveway. She asked again what was said to be missing from the report.

Ms. Bordegaray indicated it is the skylight referenced on the plans.

APPLICANT'S PRESENTATION

David Smith, 132 West Berger Street, was sworn in. He said the design has been revised to go with the pitched roof, which presented them with problems and opportunities. The drainage of the roof is a problem, but they can make it work. He thought the artist-rendered elevations that look like photographs show the elevations well. The room is the same square footage with no changes and the roof will be pitched and trussed. So that makes the ceiling a bit higher than the ceilings in rest of the house. He indicated both he and the owner could answer questions.

QUESTIONS FOR APPLICANT

Vice Chair Katz confirmed that Mr. Smith is the architect. He thanked him for making the changes and thought they will make this work well.

Member Guida asked about the material for the roof.

Mr. Smith explained it is asphalt shingle and matches the existing shingles in a light gray green. The roof is not very old but if replaced in the future they might replace it with a different material.

Member Biedscheid asked for information on the skylight.

Mr. Smith indicated the skylight was on the southside because it is impossible to put a window. It provides natural light for a half bath. They would also like to place a similar skylight on the west elevation because the flat roof and the depth of that room has no possibility of putting a high window.

PUBLIC HEARING

Stefanie Beninato referred to the Catron case and the unlicensed practice of law case. She commented on the north side that the amount of glass seemed excessive and not in harmony with the rest of the building.

John Eddy, 227 East Palace Avenue, was sworn. He echoed Ms. Beninato. He said he assumed that the north elevation was not publicly visible.

Ms. Bordegaray replied it is not publicly visible nor visible to the neighbors.

Mr. Eddy said that is a moot point then and he could see why the applicant wanted as much light as possible. However, he thought the upper bank of windows detracts from the vernacular style of the house. Since it is not visible it is fine.

BOARD DISCUSSION

MOTION: In Case #2020-002983-HDRB, 209 Delgado Street, Vice Chair Katz moved to approve per the recommendation of staff as submitted. Member Biedscheid seconded the motion.

VOTE: The motion passed by unanimous (5-0) roll call vote with Members Biedscheid, Bienvenu, Guida, Katz and Larson voting in favor and none voting against.

H. NEW BUSINESS

1. **Case #2021-003048-HDRB. 105 Calle La Pena.** Downtown and Eastside Historic District. Mark Naktin, agent for David C. Brown, owner, proposes to construct a 680 sq. ft. addition to a height of 12'10" on a contributing structure. (Daniel Schwab)

STAFF REPORT

105 Calle La Pena is a single-family structure in a Spanish Pueblo Revival style with contributing status to the Downtown and Eastside Historic District. The structure was constructed in 1938 and is identified on a 1991 HCPI as contributing. In case 2020-002960-HDRB on January 12, 2021, the Board reaffirmed the structured status and in case 2020-002894-HDRB the Board approved an addition to the non-publicly visible west façade of the structure.

The applicant now returns to the board with a proposal to construct an attached garage to the north, non-primary façade of the house. It would be set back ten feet from the primary façade, thus meeting the requirements for setback from a primary façade.

The maximum allowable height is 15 feet 6 inches. It will be constructed to a height of 12 feet in height. It will be coated with a cementitious stucco colored El Rey cementitious Buckskin. The garage door will be wood grain panel colored tan.

STAFF RECOMMENDATION

Staff recommended approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(E) Downtown and Eastside Design Standards.

QUESTIONS FOR STAFF

Chair Rios clarified the garage is publicly visible.

QUESTIONS FOR APPLICANT

Vice Chair Katz asked if the windows in the front room on the north would remain. The drawing shows no windows in the proposal.

Mr. Schwab said he presumed they would be removed but suggested they ask the applicant.

Member Biedscheid asked if the remaining window was subject to the rule.

Mr. Schwab questioned whether they were looking at the updated plan. He apologized and said he will get the correct plans to them.

[It was learned that the plan shown on screen was incorrect, but the Board packet contained the correct plan.]

APPLICANT'S PRESENTATION

Mr. Marck Naktin, 1305 Lujan Street, was sworn in.

Vice Chair Katz clarified that Mr. Natkin was the architect and these were his plans being presented on the case. He asked if the windows in the living room on the north side would be removed.

Mr. Natkin replied they are being eliminated.

Vice Chair Katz said the back addition looked about a foot higher than the rest of the house.

Mr. Natkin thought he was looking at the existing living room. The house has been modified so much you can't see a lot of the original anymore. The addition is a pop over and anything taller than the rest of the house is the living room.

Member Katz noted that the garage was the closest thing to the road and the most visible. He asked if possible, to drop it by one foot and lower it on the north end to mirror the south end.

Mr. Natkin said that is possible. This is set far back and there is a wall and coyote fence that will screen a lot of the garage from the street. The garage will begin all the way back at the house, but he doesn't have a problem reducing it a foot. He thought that would look good.

Vice Chair Katz confirmed it would be reduced to 11 feet instead of 12 feet.

Member Guida agreed with Vice Chair Katz that reducing it would mitigate the size of the garage addition. It will also work with the intent of our 10 foot setback to articulate an addition to the historic structure. It would be better if it matched the height differential between the south newer addition and the original house.

Mr. Natkin said typically he tries to do 9-foot ceilings in the garage and if they try to lower it more than 11 feet it could be challenging. But they can make anything work.

Member Guida suggested it be 11 feet or below.

Member Biedscheid asked if the garage windows being removed are historic.

Mr. Naktin explained they determined at the last meeting they are not.

PUBLIC HEARING

Stefanie Beninato, previously sworn, thought lowering the height of the garage will make it a more interesting building. In terms of Member Biedscheid's question, she should ask if the *openings* are historic. She will continue to cite the Lee vs. Catron case. She objects because this is an architect who should be a witness not the agent. The 10-foot design of the garage door allows lines of horizontal wood. The garage should also have windows to be more compatible with garages in historic zones. The horizontal lines without a break make it look more modern.

John Eddy, previously sworn, appreciated the observations of Members Katz and Guida. The garage as designed overwhelms the structure because visibly it is one-third of the structure. He thought Ms. Beninato's suggestion might help. Two garage doors instead of one would help mitigate the overwhelming statement that this is a modern garage attached to an historic structure. He asked if the single light window on the north was publicly visible and if the same as the south elevation windows.

Mr. Natkin replied the north windows are on the angled wall and face the back of the property. He explained there are three small windows on the garage that will be visible and are the only windows proposed that will be visible. The windows will be visible from the street on the elevation shown. He explained the four windows seen are on the approved addition from the last meeting and not part of this proposal.

Mr. Eddy suggested there be more discussion on the garage.

BOARD DISCUSSION

Vice Chair Katz agreed the garage door look appeared suburban. He asked the possibility of having two doors on the garage as suggested by Mr. Eddy.

Mr. Natkin indicated on the photograph that the garage is broken up vertically into panels and is stained wood. The owner doesn't want two doors because it would make it difficult to get two cars into the garage. There is no room to the left or right to maintain the required 3 feet from the corner.

Member Guida said putting aside personal taste, he didn't agree that adding more detail to the door or to the number of openings would produce the intent of the rule to set back additions. We are after the idea that the primary façade is highlighted by the contrast of stepping something back will differentiate it. Adding detail will make the garage more visible and something plainer of nice material is better. He wasn't aware there are Santa Fe style garage doors. They are the 20th century contrivance we have to accommodate so they should do it in the most minimal way.

Member Larson said even though changes have been made, the house is still identifiable. She agrees the addition overwhelms the house. She thought it unfortunate they have to approve another garage plan that compromises the façade. She wasn't comfortable moving forward with something that directly impacts the primary façade and the character of this historic home.

Member Larson said she agrees with Member Guida if they have to approve, simpler is better. She likes some of the changes, and the garage door is a nice material, it might be preferable to have fewer divisions in the paneling. It would be more in style with the house.

Mr. Natkin offered to make any alterations. If the Board wanted to dictate what the garage door should look like, he will be happy to accommodate them. The owner is quite flexible.

Member Biedscheid asked staff to confirm for the record the windows that would be removed on the north façade are original openings.

Mr. Schwab believed they are the original openings.

Member Biedscheid asked if an exception would be required.

Mr. Schwab said no, they are not on a primary façade.

Member Bienvenu agreed the garage doesn't add much to the house in terms of aesthetics and historical integrity, but it is allowed under the ordinance. No exceptions are required and there is nothing in the ordinance prohibiting the addition, generally or as proposed. To that extent the owner is permitted to have a garage there. He agreed making the garage door more Santa Fe style would be a mistake and draws more attention to it. The elevation drawing of the garage door looks out of keeping but the material is fine for this structure. He had no problem with the proposal especially with the limited height proposed.

Member Biedscheid asked if a one car garage was considered or an option. That would reduce the impact to the primary façade. There appears to be an invisible space in the property line that caused them to use an angled wall on the north façade, which seems odd. She asked if that was a consideration or an option.

Mr. Natkin said his clients are retired and elderly and both have cars. The garage is because the entire area is concrete and is slippery and dangerous. Having both cars in the garage is very important to them.

The angled wall is dictated by the property line and at the last meeting they were forced to put it 10 feet back in order to keep the contributing status of the house. He thought it looks good with the angle and works with Santa Fe style.

MOTION: In Case #2021-003048-HDRB, 105 Calle La Pena, Vice Chair Katz moved to approve the application as submitted with the condition that the top of the garage be reduced by 18 inches. Member Bienvenu seconded the motion.

VOTE: The motion passed by majority (4-1) roll call vote with Members Biedscheid, Bienvenu, Guida and Katz voting in favor and Member Larson voting against.

2. **Case #2021-003049-HDRB. 555 San Antonio Street.** Downtown and Eastside Historic District. Design Solutions agent for, Barbara Wagner and Charles Palmer, owners, requests a historic status review with primary facade designation, if applicable, of a contributing residential structure. (Angela Schackel Bordegaray)

STAFF REPORT

555 San Antonio is a Pueblo Revival style 3,176 square foot residence located in the Downtown and Eastside Historic District. It is believed to be constructed before 1932.

There exists no Historic Cultural Property Inventory in city files. From the house's appearance and minutes of a 1991 HDRB hearing, the property has undergone multiple additions and alterations. According to the 1991 HDRB case, the house was remodeled in 1945, 1965, and 1975. A portal was added to the west elevation in 1975. In 1991 the square footage was approximately 2,100 square feet. Sometime after this, a 900 square foot addition was constructed. Another larger addition was added also after 1991.

The house reads as two houses conjoined: the original house and the addition on its south façade. The existing yard wall has replaced a lower yard wall with a different configuration.

The applicant is before the board for a historic status review and designation of primary façades as applicable.

STAFF RECOMMENDATION

Staff found the structure as contributing to the Downtown and Eastside Historic District per 14-5.2 C Regulation of Significant and Contributing Structures in the Historic Districts. Staff recommends the north portion of the west (front) façade and the east elevation be designated primary.

QUESTIONS FOR STAFF

Chair Rios asked to confirm that the original house was built in in 1932 and the footprint can still be identified, and the additions in 1945 and 1955 are historic.

Ms. Bordegaray said they are according to the applicant. The additions would also be historic based on age.

Chair Rios asked Ms. Bordegaray to point out on screen the north half and the east elevation suggested as primary.

Ms. Bordegaray displayed the original footprint, additions and northern portion of the west elevation. She showed the north elevation facing Chavez Lane.

Vice Chair Katz asked if proposed that that be all primary.

Ms. Bordegaray said staff has recommended if the structure remains contributing, the rear of the east elevation be primary. She directed the Board to the photograph in the packet and the east portion of the north façade, and the applicant reference to the west and east portion of the north elevation which shows a bank of windows that have obviously been replaced.

Chair Rios asked to confirm she was suggesting the north part of the west elevation. And even if the windows have been replaced, the openings will remain the same.

Ms. Bordegaray invited the applicant to join the discussion. To her knowledge, the house retains parts of its historic fabric, but has been significantly altered. That is a topic of consideration for the Board.

Vice Chair Katz said he is frustrated by the confusion of what is new and what currently exists. He asked if correct the applicant would request to downgrade from contributing.

Ms. Bordegaray said yes, the applicant wants to downgrade.

Ms. Ramirez Thomas clarified that the applicant is not asking to downgrade. The applicant's letter stated they may be interested in that but more about detailing the changes that have occurred to the property. The applicant wanted to have primary elevations assigned prior to any changes the new owners may want.

Vice Chair Katz said he isn't sure when he looks at the packet what is between the house and the driveway, or walkway.

Ms. Ramirez Thomas explained the photograph with the northwest corner the intersection of San Antonio and Chavez Lane and the brick patio/driveway area.

Vice Chair Katz asked if the space he was told is open space is where the big windows are on what he thought is the north elevation.

Ms. Ramirez Thomas and Ms. Bordegaray pointed out the north elevation.

Chair Rios confirmed the right of the brick area was open space.

Ms. Ramirez Thomas replied correct, and the CP area is where the portal is and behind that is the west elevation recommended also as primary. It retains a significant amount of character.

Member Bienvenu asked to confirm, that the latest changes were made in 1991 and had been approved by the Board.

Ms. Bordegaray said it was not clear when the changes were made. There is a 29-page document on the previous Board case that is not in the packet. At one point a second story was contemplated, but other additions were made.

Member Bienvenu said in reading the applicant's letter it states at the 1991 Board hearing the previous owner testified that the portal was added in 1975 and renovations were done in 1945, 1965 and 1975. He assumed there was a Board hearing in 1991 where the final renovations were approved.

Ms. Bordegaray replied that is what we would like to assume.

Member Bienvenu asked if there is no record of what happened at that board hearing or what the applicant requested.

Ms. Ramirez Thomas clarified that the case Ms. Bordegaray read previously was from 1991. It went before the Board at that time and there was an addition that occurred after that date.

Ms. Bordegaray said that was correct. And there is no discussion in that case of previous alterations.

Member Bienvenu said there were alterations approved in 1991.

Ms. Bordegaray said the question is what was built and there are no records, and it appears there were several additions. She suggested asking the applicant.

Ms. Ramirez Thomas didn't think that was accurate. She asked to see the footprint in 1991 showing the addition. The standard of what detracted from a building might have been different but looking at the slide the addition appears to be less than 50% of the original house. In 1991 the 1945 addition would not have been 50 years old.

Member Bienvenu said to the extent that the 1991 addition was approved by the Board, the records appear to indicate that, it meant the Board found that it did not degrade the status of contributing. He couldn't see any reason to revisit that. To the extent changes were made prior to that, if that were the reasons for degrading the status, that

would raise the question we had at the last meeting, can the owner be ordered to return it to the contributing status.

APPLICANT'S PRESENTATION

Tim Curry, 1415 W. Alameda was sworn. He thanked the staff for a great job presenting. He did his best to come up with the history of the property and wasn't here to downgrade the status. They are mostly looking for clarification of the primary facades. The property has been added onto many times. He wasn't clear what was being recommended by staff as the primary façades. He indicated the 1990 addition was approved by the Board and the notes and file reference that. He did not agree that the addition in 1990 should be considered historic. He knew that the Board did not want to consider future changes, but the owners are considering minor exterior modification. They were before the board to determine if an exception would be needed to add a small portal over the doors.

Chair Rios apologized for interrupting him, explaining the Board is looking at status review for primary façades. Exceptions may be needed but that would come later.

Mr. Curry said he is asking to clarify the primary façades. Staff had somewhat indicated that it might only be the historic footprint shown on the 1975 western façade. There have been four additions of the house since 1975, the portal, a carport and a large addition approved by the Board in 1990. In the past they were given a detailed analysis of which portions of construction are more than 50 years old, and what is considered primary and what isn't.

Chair Rios asked Ms. Bordegaray to restate what staff recommended.

Ms. Bordegaray said she recommends, given the many alterations on the house, the northern end of the west façade. That is the original house front that has a portal that was added, as well as the northern elevation. She pointed out her recommendations on the floor plan.

Vice Chair Katz asked where that could be found on the diagram.

Ms. Bordegaray pointed to the portal and the portion of façade with the large bank of windows and to the north elevation of the structure.

Vice Chair Katz said he missed doing field trips. He indicated the photograph of the north elevation seemed to make what is pictured appear bigger. He could see two large banks of windows on the north elevation and one smaller one when looking at the street view. That does not correspond to the drawings.

Chair Rios thought the east elevation was also recommended.

Ms. Bordegaray said she did recommend the north half of the west elevation and she does recommend the east elevation. That elevation has the portal, and all the historic windows intact and the original door. She thought there was a picture in the packet.

Chair Rios clarified that the East elevation was displayed on screen. She asked to confirm that Ms. Bordegaray also recommended the north elevation.

Ms. Bordegaray showed what she believed to be the North elevation.

Vice Chair Katz thought it much bigger than what was on the floorplan. He said he would move to continue the case to get first, the HCPI, and secondly, adequate drawings. He said he was incredibly frustrated.

Chair Rios asked for comments from other Board members.

Member Guida said he was as exasperated as Member Katz. He recognized that staff did a tremendous amount of work preparing the cases but there is a simple way to present this information; a diagram with some numbers written on facades and keyed to photographs. We have been through this on this and several other cases since October. It isn't too much to ask for the case to be more organized when presented for the sake of the Board and the public's time. This is just a primary façade case and is unacceptable for historic staff not to present their own material. The city attorney does not need to be doing this, it is up to Ms. Bordegaray and Ms. Ramirez Thomas to make this happen. We've wasted too much time on this, and no one is clear on this case. And it is not the first time.

Chair Rios asked Ms. Paez if she should call for public comment since it appeared the Board may want to postpone the case.

Ms. Paez recommended they hold public comment. She noted for people watching that it appeared the case would be postponed. Possibly, people should hold their comments until they have better information.

PUBLIC HEARING

Stefanie Beninato, previously sworn, said she appreciated the Board's frustration because this has taken an inordinately long time to present and was very confusing. She agreed postponement is the right option and will hold her comments.

BOARD DISCUSSION

MOTION: In Case #2021-003049-HDRB, 555 San Antonio Street, Vice Chair Katz moved to postpone for adequate drawings and a HCPI if possible. Member Guida seconded the motion.

VOTE: The motion passed by unanimous (5-0) roll call vote with Members Biedscheid, Bienvenu, Guida, Katz and Larson voting in favor and none voting against.

Mr. Curry thought there is a clear history based on the surveys of the additions and when they occurred. He asked to avoid the HCPI if possible.

Chair Rios said a clearer report for the Board helps them make a proper decision.

Ms. Bordegaray said this won't happen again and she has learned from this. They needed to provide a floor plan and she isn't sure a historic survey is required. She will make sure that happens.

Chair Rios asked Vice Chair Katz is requiring a HCPI report.

Vice Chair Katz said he noted when he received the packet there was confusion of whether the applicant was asking for a downgrade and that was explained. He thought a HCPI would be appropriate, but if they can present this in a way that the primary façades are presented that they are talking about, he wouldn't put the applicant through the expense of a HCPI.

Ms. Bordegaray said she agreed. When she brought the case forward, she deferred the case to the Board because she doesn't have the authority for downgrade. She said that is a problematic area when bringing cases forward for evaluation. She believed now that it should have been noticed as a downgrade.

3. **Case #2021-003057-HDRB. 107 South Armijo Lane.** Downtown and Eastside Historic District. Carlos and Catherine Stevens, agent/owner, requests a historic status review with primary facade designation, if applicable for a non-contributing residential structure. (Daniel Schwab)

STAFF REPORT

107 South Armijo Lane is a single-family residence listed as non-contributing to the Downtown and Eastside Historic District. A new HCPI was completed for the house in 2020.

The house is likely built in two phases in a ranch style. It is arranged on an east-west axis with its front elevation facing north. It has a cross-gabled roof plan. The front (north) façade shows a gable covering a rectangular volume probably built in the 1950s, probably of concrete block with steel casement windows. Built on to this is an east-west concrete block section with aluminum sliding windows built in the early 1960s.

The west elevation opens to a small fenced yard and contains an aluminum sliding door and a single aluminum sliding window.

The south elevation has aluminum sliding windows at the bedrooms. The assumed earlier portion extends out slightly and contains a steel casement window.

The east elevation is made entirely of the earlier structure. It has three steel casements. The house is finished with a cementitious stucco in a desert rose tone. Its roof is covered with rolled asphalt.

A small north-south positioned wall divides the front yard at the north elevation. The type of masonry and its hard cement mortar indicate a recent vintage.

STAFF RECOMMENDATION

Staff recommended the historic status of the structure be maintained as non-contributing, per 14-5.2(C) Designation of Significant and Contributing Structures.

QUESTIONS FOR STAFF

Chair Rios asked Mr. Schwab if he characterized the house as a ranch style primarily because of the roof line.

Mr. Schwab replied the terminology comes from the HCPI and has to do with the symmetry of the low aspects of the roof.

Chair Rios asked what portion of the house footprint is original.

Mr. Schwab pointed to the original section and the 1960s addition.

Chair Rios asked if the window openings are original or have been changed.

Mr. Schwab believed the door in the front had been changed but the rest of the windows are the original openings.

Member Biedscheid said the HCPI said the property was built between 1963-1966. She asked if he referenced the 1950s date.

Mr. Schwab indicated he stated in his report that the original volume was built in the 50s and that came from the HCPI as well.

Member Biedscheid asked when the last status evaluation was performed and if the noncontributing status was only because of its age.

Mr. Schwab did not have information on that.

APPLICANT'S PRESENTATION

Carlos and Catherine Stevens, 107 S. Armijo Lane, were sworn in. Mr. Stevens said in terms of when the house was built, the HCPI also thought the house appears to have been constructed between 1963 and 1966. He said they agree with staff that it should be noncontributing.

QUESTIONS FOR APPLICANT

Member Larson saw in reading the report that status wasn't determined based on age but on style. The report says a suburban ranch style is incompatible with the district. She thought the house has a great amount of historic integrity and retains a lot of century modern detail and characteristics. She hoped the Board could discuss what that means in terms of looking at the districts beyond designated styles they typically deal with. She said you could argue the Santa Fe style type. But this has more characteristics of a ranch style, mid-century modern house than typically they deal with.

Member Biedscheid referred to the HCPI report that stated that the front gable covers a rectangular volume probably built in the 1950s. Also, it seems to say that the east-west concrete block volume was erected in the early 1960s. It is clearly old enough to qualify as contributing, but her question is if it had been considered before, since it is close to 50 years old. She disagreed with HCPI that based simply on style the suburban ranch house is not recognized as a compatible form with the historic district. She thought that meant that it was not addressed by our ordinance. The houses are just now coming-of-age and the Board is having to decide whether to move forward with preservation. There isn't a lot of guidance.

Chair Rios said she sees this house as more of a vernacular style, its pitched roof opposed to what she considers a ranch style home. She thinks ranch-style homes have eaves much deeper and the windows are much larger. She thought this home had been built by the owners.

Vice Chair Katz said he agrees with the HCPI report.

Member Larson said for a ranch style they would be looking at the L shape footprint and picture windows on the front and a hidden entry. Those are several aspects that point to the time the house was built. She encouraged the Board to look at it from the perspective if it is common throughout the district. Whether it is unique is hard to say

because they haven't seen a lot in this district. Aesthetically what we find pleasing is capturing the historic period. She thought Chair Rios' point was good about this as a vernacular regional interpretation of what was common at that time and popular. It says a lot when we can see a direct interpretation with regional influence outside Santa Fe.

Member Guida agreed with Member Larson and this interpretation by the HCPI that this is a ranch-style house for the reasons Member Larson talked about. The construction methods of the period, the massing of the house, its room base divided is characteristic of the period. Overwhelmingly what the Board deals with is vernacular houses, but this happens to be from a different period. He struggles with the question of the 50-year rule and whether this is special. He thought the rule is arbitrary and good guidance and the reason to examine something after that era of time has passed. But it is not hard and fast on determining if something is contributing. The question is if this is a good example of mid-century vernacular interpretation of ranch-style in Santa Fe. The jury is out whether this is exceptional, or important. He thought that this is not contributing.

Member Bienvenu agreed the discussion was interesting. It doesn't fit the styles, but it conforms to a style that was somewhat prevalent as the passage of time becomes historic. He considered this a non-conforming structure as defined in the ordinance as a structure that doesn't conform to one of the permitted styles within the historic district. This is an unpermitted structure or one that had changes most likely never approved by the H-Board. The ordinance calls them nonconforming structures and states you can do anything to them except bring into conformance with the historic styles. To take a non-conforming and turn it into historic, contributing would be contrary to that provision of the ordinance that defines the spirit of the ordinance. That is different than the other vernacular styles the Board has discussed, because they did conform to the general requirements of historic styles. Particularly in the Eastside District with the flat roofs, the massing, the adobe and simplicity. He would call this version in the 50s/60s of gable roofs, a ranch-style version of an adobe house. He agreed with the HCPI, it doesn't contribute to the historic district.

Vice Chair Katz thought the ordinance outlines a style and this isn't that style. Just because it's mid-century modern and more than 50 years old, doesn't make it Santa Fe style. It doesn't make it eligible to be contributing to the character of the Santa Fe style neighborhood and should not be made contributing.

Mr. Schwab said he thought the preservation part of the Code is separated from the style portion of Code on a contributing building, more than 50 years old that has had few changes. He didn't believe the definition required a contributing building to fall into the Santa Fe Style category.

Chair Rios added another thing to consider is its integrity remains. That tells you it is of a certain period in time and doesn't have to be unique in and of itself. In this instance

it is. It is not of the style adhered to. But it was built in the 50s and 60s indicating the period of that time.

Member Larson said we are on a slippery slope discussing historic structures so heavily based on style. She agreed with Member Bienvenu that a lot of vernacular houses conform to the style. But an argument can be made that in its time it would reasonably be Santa Fe conforming. It is complicated because there is so much integrity and it is of its time. It may not be the most shining representation of Santa Fe history, but she found it difficult talking about erasing these structures because they don't conform to Pueblo Revival, or Territorial style. They will lose a lot of context looking at the structures in that way.

Ms. Paez commented on the definition for the 50 years to be contributing that it, *"needs to help establish and maintain the character of this (Downtown and Eastside) historic district and helps to establish and maintain it. Although the structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district."*

PUBLIC HEARING

Stefanie Beninato, previously sworn, agreed the structure is over 50 years old and definitely the vernacular interpretation of a ranch style typical of the time. The Board has had many discussions about Santa Fe modern and that it should be included. There was a huge discussion on the Presbyterian Plaza with the multiple houses behind the Scottish Rite Temple. Those were not actually Santa Fe style, but were interpretations of that. They contributed to that development rather than conforming with the larger streetscape, or the Downtown Historic zone. If they lose the structures what will represent the mid-20th century. The Board has talked about making the district more habitable and this is an example of how someone made their house habitable in what was considered modern yet still complied somewhat with stucco, etc. What is at stake is the loss of historic fabric in the district. This has a lot of integrity and not had a lot of change. She urged that be considered. An important question is if they call it nonconforming, when the applicant returns will they say the applicant has to make it conform to Santa Fe style.

John Eddy, previously sworn, found the discussion interesting and at stake was the loss of historic fabric in the district. The nature of a vernacular building is that people built what they could. They didn't hire architects and were not always experts in their building skills and built what they could afford. This is a perfect example. When you start over gentrifying a neighborhood conformity of architecture takes over and that causes the wrinkle because they think that is what everything should be. This house contributes by nature of its nonconformity. The windows should go but the aperture should remain the same and the massing has a lot of integrity.

BOARD DISCUSSION

Mr. Schwab said he researched online files in regard to Member Biedscheid's question on status. There are no files, no recent cases in the last several decades and the last HCPI was in 1983 when the building was not historic. He thought it safe to say that the building is non-statused rather than noncontributing.

MOTION: In Case #2021-003057-HDRB, 107 South Armijo Lane, Member Larson moved to designate the property as contributing with the north façade as primary. The house is indicative of the vernacular interpretation of a ranch-style home and the home retains integrity throughout and is highly indicative of the time in which it was built. Member Biedscheid seconded the motion adding that the HCPI speaks to the motion and notes that the area this house was built in was rural and agricultural at a time when people were coming from outside Santa Fe. The building is of its time and should be valued in this district.

VOTE: The motion passed by majority (3-2) roll call vote with Members Biedscheid, Guida and Larson voting in favor and Members Bienvenu and Katz voting against.

4. **Case #2021-003062-HDRB. 350 Garcia Street.** Downtown and Eastside Historic District. Kenneth Payson, agent for Louise and Daniel Rubin, owners, proposes to demolish a deck and construct portals on a significant property. (Daniel Schwab)

STAFF REPORT

350 Garcia Street is a single-family residential structure in a Mission Revival style with a John Gaw Meem addition in the Downtown and Eastside Historic District constructed in 1928. The main house and the garage at the rear of the property are both designated Significant to the district.

The applicant now proposes to build free-standing portals in relation to both these structures. They will be freestanding and not structurally connected to the Significant structures.

The work includes:

1. Remove the existing non-historic deck and spa.
2. Construct a new 360 square foot roofed deck with attached 195 square foot open deck and reinstalled spa tub adjacent to the main residence. The height of the new structure will be approximately 14 feet above the lowest adjacent grade,

which is significantly lower than the existing two-story building. This new work will be structurally independent from the existing house structure. It will include two skylights. There is some public visibility at the front of the house and the end of the roof line.

3. Construct a new 102 square foot sloped "country red" colored standing seam roof portal adjacent to the existing 'Significant' garage. The height of this new structure will be approximately 10 feet above the adjacent grade. This new work will be structurally independent from the existing garage structure.
4. Finishes: The exposed wood beams and columns will be architectural grade wood beams. The railings and underfloor lattice will be finish wood material. The color of all of the finished wood will be Cabot solid color stain 'Ultra White'. The Deck will be constructed of structural wood framing, covered with Red Cedar decking finished with Penofin. The fireplace and stucco wall under the deck will be El Rey Cementitious Stucco color 'Hacienda #127.' The Brick Mantel and Hearth of the Fireplace will be Kinney Brick Color 'Pacific Clay Red'.

STAFF RECOMMENDATION

Staff recommended approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(E) Downtown and Eastside Design Standards.

QUESTIONS FOR STAFF

Chair Rios said the applicants want two new portals that will not be attached. She asked how far back they would be from the primary façades.

Mr. Schwab wasn't sure, but the applicant would be open to discussing. He recommended the applicant set it back a few inches to separate the buildings.

Member Guida thanked Mr. Schwab for the clear and thorough presentation. He liked seeing the details like the roof of the pergola that was sticking out. He was amused that this a John Gaw Meem addition and the Board may have trouble approving it. This is an abrupt change of style of the original house, but it clearly reflects periods of time. He thought this a clever way to deal with the significant status of the property. It is clear what is new and what is old and is structurally separate and reversible. Nothing is being covered over or would more the significant structure. This is an interesting proposal.

Member Biedscheid asked the status of the garage and was told it is significant. She asked if the shed roof proposed considered a pitched roof.

Mr. Schwab wasn't sure and deferred to Ms. Ramirez Thomas.

Ms. Ramirez Thomas said it is not considered a pitched roof. Usually, portals are considered an accent. It doesn't change the look of the structure by adding a pitched roof.

Member Biedscheid asked staff to address visibility and how it plays into a significant structure. She understands it doesn't matter.

Mr. Schwab agreed it doesn't play a role.

APPLICANT'S PRESENTATION

Kenneth Payson, 755 Acequia Madre, was sworn in. He said we worked with Mr. Schwab before starting the design. The goal is so the owners can walk out of their kitchen area and enjoy the west side of the house with a covering. It will be as close to the structure as possible without touching. The columns are 6 inches away and both portals, the roof will cantilever beyond the posts. They will be about an inch away from the house. As Mr. Schwab advised them, it will be built so that it could be removed later without impacting the structure or finishes of the existing house.

Mr. Schwab indicated on the display the columns that are six inches away and the cantilever of the roof about an inch away.

PUBLIC HEARING

Stefanie Beninato, previously sworn, said it was interesting that you can come up to an inch away from a significant structure on a primary façade without needing to setback. She thought blocking the view of the primary façade would call into question whether you are affecting the status of the building. The only element drawing is the fireplace which clearly impacts the view of a primary façade. If that were removed or did not have the chimney, it would be less impactful. She raised her protest again on the unlawful practice of law if the person is an architect.

BOARD DISCUSSION

MOTION: In Case #2021-003062-HDRB. 350 Garcia Street, Member Guida moved to approve as submitted. Vice Chair Katz seconded the motion.

VOTE: The motion passed by majority (3-2) roll call vote with Members Bienvenu, Guida, and Katz voting in favor and Members Biedscheid and Larson voting against.

5. **Case #2021-003068-HDRB. 1668 Cerro Gordo Road.** Downtown and Eastside Historic District. Elisabeth Wagner, agent for Will Gorham, owner, requests to add a closet and a portal to a non-contributing casita. (Angela Schackel Bordegaray)

STAFF REPORT

1668 Cerro Gordo is a 796 square foot casita listed as non-contributing to the Downtown and Eastside Historic District. The casita fronts Cerro Gordo Road to the north and sits north of the main house, which is out of public view. The house and casita are Spanish-Pueblo Revival style. The casita is referred to as a "cottage" listed on the NM Historic Building Inventory Form (HCPI). The date built is unknown. The current owners converted it into a garage in 1970. It was later converted to a casita in 1976, during which was added a small kitchen, bedroom, bath, and entry portal to the west. New doors and windows were added.

The applicant came before the board on January 5, 2021, for remodel of the casita, which was approved. The applicant returns to the board proposing to:

1. Add a 23 square foot closet on the east elevation.
2. Add a 240 square foot portal to the south elevation. The portal design matches the board-approved casita's front (north) entry with white posts and beams. The south portal also will have the galvalume standing seam metal roof also approved on the north side house entry.
3. The addition' stucco will match the casita's, El Rey "Buckskin." Under the portal will be white stucco, El Rey "Colonial White."
4. Stucco under the front entry portal white, El Rey's "Colonial White."

STAFF RECOMMENDATION

Staff recommended approval of the proposed project and found that the application complies with 14-12 Noncontributing Structure and 14-5.2(E) Downtown and Eastside Design Standards.

QUESTIONS FOR STAFF

Chair Rios asked if correct that 796 ft.² is proposed with 23 ft.² of that as closet space.

Ms. Bordegaray replied the 796 square feet is the size of the entire casita with 23 ft.² of closet space.

APPLICANT'S PRESENTATION

Elizabeth Wagner, 810 E. Palace Ave., was sworn in. She said she had nothing to add other than that the portal is 8 feet deep, about 248 sf and goes almost the entire length of the façade.

BOARD DISCUSSION

MOTION: In Case #2021-003068-HDRB, 1668 Cerro Gordo Road, Vice Chair Katz moved to approve the application as submitted. Member Guida seconded the motion.

VOTE: The motion passed by unanimous (5-0) roll call vote with Members Biedscheid, Bienvenu, Guida, Katz and Larson voting in favor and none voting against.

6. **Case #2021-003058-HDRB. 235 North Guadalupe Street.** Downtown and Eastside Historic District. Brian Knox, agent/owner, requests a historic status review with primary facade designation, if applicable, for a non-contributing non-residential structure. (Daniel Schwab)

STAFF REPORT

235 north Guadalupe Street is a non-residential structure constructed in 1955, with additions following ten years later. Known as the "Burger Bowl", it was built in direct response to the construction of the Tesuque Highway bypass. It stands on an open, paved lot on the east side of North Guadalupe Street, facing directly onto the former highway. It began as a simple rectangular box of 1888 square feet with canopies on the north, south and west elevations and had several additions.

The west, street-facing elevation consist of windows over a solid wall, taking up nearly 2/3 of the façade. It is shaded by a wood canopy. It is capped by an artificial chimney.

The south elevation houses one of the entrances with an aluminum door, historic wood bathroom doors and a grilled window.

The north elevation is similar in design and function to the south façade. It has also an aluminum entry and adjacent window, and open dining area. The east portion extends out, probably representing a later addition.

The east (rear) elevation contains access to the storage area added in 1965.

The "Burger Bowl" building occupied and important place in Santa Fe. However, due to its many additions, it has lost much of its original integrity. It is not considered to be eligible for contributing status, which requires that alterations to the original be only minor.

STAFF RECOMMENDATION

Staff recommended the historic status of the structure be maintained as non-contributing, per 14-5.2(C) Designation of Significant and Contributing Structures.

QUESTIONS FOR STAFF

Chair Rios asked if any of the original structure can be seen.

Mr. Schwab replied yes, the front and some of the sides. The overhanging canopy and the image of the building with the long rooflines is not the historic or original structure.

Chair Rios asked for the structure Mr. Schwab indicated is original are the openings original as well.

Mr. Schwab thought they were but offered to consult the HCPI.

Vice Chair Katz said he understands what could be seen is mostly the 1965 building. The wall in the photograph at the end of the parking area is not part of that, but Burt's Burger Bowl is. He asked why staff didn't feel a structure from over 50 years ago isn't historic.

Mr. Schwab said it is an historic structure at this point. He read the definition that says, "*The contributing structure may have had minor alterations but its integrity remains.*" He thought the question is knowing it isn't the original and altered, does it have integrity itself or has it lost its integrity through its alterations.

Member Guida said independent of this project, Mr. Schwab has presented the argument that somehow the alterations no longer allow a building to be contributing. If that were true, we would be in a futile exercise of examining plans for additions and alterations to contributing buildings and they would come in after construction and no longer be contributing. The argument doesn't make any sense. The privilege of originality is troubling. What this structure was when it started out is not what it turned into. It is up to the Board to look at the period of significance and whether it has integrity, even with additions and renovations. He hoped the Board is approving additions and alterations that have integrity and maintain that. He was troubled by the line of thought on this generally, and specifically as it applies to this project.

Member Guida said he thought this is an interesting building not because of visibility of the original central structure, or the 50-year rule. But because it represents an excellent example of type in the 1950s and importantly the 1960s of the drive-in restaurant.

Member Bienvenu saw this as a question of interpretation of language that defines a contributing structure. He understands Mr. Schwab's interpretation. It is legitimate but perhaps is mistaken in this case. He thought Mr. Schwab focused on the last sentence, the "*contributing structure may have had minor alterations*" but its integrity remains and interpreting that to mean any alterations from when it was constructed. It makes more

sense to interpret to mean alterations outside of the historic period- the 50-year rule. If that group were added 10 years ago it would indicate the sentence in the definition would mean its integrity no longer remained. But the building has been that way for more than 50 years. There could have been a lot of changes in the years prior, yet it would still contribute to the historic district, as well as satisfying the standard of having its integrity remain. He thought this does have contributing status.

Member Larson thought these cases are fun and interesting. There are many continued parallels. Chair Rios had asked about the windows, and we can see they were painted to blend with the stucco and now are turquoise instead of tan. But the openings appear almost the same. She liked that the changes are a response of how Santa Fe has changed. And they can see that the front portion has a short yard wall and picnic tables. That is now more desirable than in the 60's when you drove up and is now about walkability and sitting outside. She liked that you could see the characterization of time and still see the remnants of what was and that it had aged as Santa Fe had evolved.

Member Guida followed up on Member Bienvenu's point that originality and integrity are not the same thing. He agreed, we are not pursuing originality at the exclusion of integrity. We look at integrity more often and things do change over time. It becomes harder to find true original examples. But this doesn't have integrity because it is 50 years old, it has design integrity because of how it is constructed, whatever the reason it was created at a point in time. It is not true that the examples of the canopy built 10 years ago wouldn't be contributing. We review cases week in and week out and approve additions which didn't then make that building noncontributing. We wouldn't downgrade the project after the approved addition was constructed.

APPLICANT'S PRESENTATION

Miguel da Silva, 29 Santuario de Chimayo, New Mexico, was sworn in. He said he had no feelings either way whether the building should be contributing. He left that up to the experts.

PUBLIC HEARING

Stefanie Beninato, previously sworn, agreed it made no sense that somehow the part added on in the 1960s makes this non-contributing. The 50-year rule is there is a timeframe to consider buildings. If the building were built in the 1970's to look like a 1950s or '60s drive-in, the Board would not see it as contributing. She urged the Board to maintain or designate the building as contributing. Most of the façades, with the exception of the one with the closet, imbibe the characteristics, especially the one facing Guadalupe and possibly the north.

John Eddy, previously sworn, also felt the property should be contributing. It has tremendous integrity. The closet space on the eastern elevation was probably one of the last things that happened, other than the walls. The original structure is irrelevant by now, but the structure as it stands is remarkably unchanged. He would urge a contributing status because it is a tremendous asset to the streetscape and adds a lot of flavor.

BOARD DISCUSSION

Chair Rios asked if the walls are being considered for historic status.

Mr. Schwab said the walls would only be eligible if 50 years old and he did not know their age. He offered to refer to the HCPI.

Member Larson asked if they should include the sign if the west façade is designated. She thought the sign appears original.

Ms. Ramirez Thomas indicated the sign and pole have been there since the 1980s.

Member Larson indicated that Figure 8 in the HCPI is circa 1985 as well as the yard wall and picnic tables.

Vice Chair Katz believed the west façade is primary and the south more than the north would be primary because the bathrooms are there. There is no evidence that the walls are historic.

Mr. Schwab noted the HCPI says on the south, the canopy created a sheltered dining room enclosed by a stuccoed pony wall after the 1970s.

MOTION: In Case #2021-003058-HDRB, 235 North Guadalupe Street, Vice Chair Katz moved to make the status contributing and the west and south facades as primary, excluding the pony wall and the doors to the bathrooms. Member Larson seconded the motion with a friendly amendment to designate the north elevation to contributing because of its retention of integrity of the sliding aluminum large picture window.

Vice Chair Katz accepted the friendly amendment.

VOTE: The motion passed by majority (4-1) roll call vote with Members Biedscheid, Bienvenu (with comments), Katz and Larson voting in favor and Member Guida voting against (with comment).

Member Bienvenu appreciated the friendly amendment. He felt it is critical and very visible for anyone entering town.

Member Guida said he voted against because he believed the west façade should be the only façade designated.

7. **Case #2021-003084-HDRB. 235 North Guadalupe Street.** Downtown and Eastside Historic District. Brian Knox, agent/owner, proposes to change a window opening on a contributing non-residential structure. An exception is requested to remove historic material and change a window opening (14-5.2(D)(5)(a)(i) & (ii). (Daniel Schwab)

STAFF REPORT

235 north Guadalupe Street is a non-residential structure constructed in 1955, with additions following ten years later. Known as the “Burger Bowl”, it was built in direct response to the construction of the Tesuque Highway bypass. It stands on an open, paved lot on the east side of North Guadalupe Street, facing directly onto the former highway. It began as a simple rectangular box of 1888 square feet with canopies on the north, south and west elevations and had several additions.

The applicant is now proposing to install a window for a handicap-accessible take-out. The sill of an existing window will be lowered 12 inches and a handicap-accessible shelf 24 inches wide by 10 inches deep will be installed. It will contain an aluminum slider as well as non-operable windows to the side and above. The wall will be re-stuccoed to match the existing wall.

STAFF RECOMMENDATION

Staff recommended approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(E) Downtown and Eastside Design Standards.

QUESTIONS FOR STAFF

Member Larson asked if the window would be reused in the proposed schematic. Mr. Schwab did not know.

APPLICANT'S PRESENTATION

Mr. Da Silva, previously sworn, said the motivation for the modification is to protect the public and staff and allow them to pick up their orders and pay for them from the outside. The handicap accessibility would follow suit. Regarding the question of the existing window, the actual window would not be reduced. The windowsill would be lowered to that height and install a new window part of which is fixed and part operable for the transaction to take place at a safe distance during COVID.

QUESTIONS FOR APPLICANT

Member Larson asked if a new color were proposed for the new window or would it remain the shiny metal.

Mr. de Silva explained they have not discussed a color for the window.

PUBLIC HEARING

Stefanie Beninato, previously sworn, said she could see lowering the window for disability but does not see COVID as a hardship, it is universal. If they start to apply it to individual cases it is like aging in place, everyone is aging in place. It is not unique. There is no reason to increase the size of the window.

John Eddy, previously sworn, believed the window is an appropriate adaptation of a contributing façade and was grateful the façade is included. It definitely contributes to the status of the building and its overall integrity.

BOARD DISCUSSION

Member Larson thought because this façade is designated as primary it would be appropriate to choose the unfinished silvery color aluminum that was characteristic of the time. That would be most in keeping and preserving that feature will protect this façade specific to the era.

MOTION: In Case #2021-003084-HDRB, 235 North Guadalupe Street, Member Larson moved to approve the application finding that the exception criteria have been met and with the following amendment that the finished color be aluminum silver in color. Vice Chair Katz seconded the motion.

VOTE: The motion passed by unanimous (5-0) roll call vote with Members Biedscheid, Bienvenu, Guida, Katz and Larson voting in favor and none voting against.

8. **Case #2020-002954-HDRB. 333 Sena Street.** Don Gaspar Area Historic District. Duran Enterprises, agent for Robert Gallagher, owner, proposes to demolish a yard wall and construct a new yard wall. An exception to exceed the maximum allowable height of the yard wall per Section 14-5.2(D)(9)(c)(ii)(c) is requested. (Daniel Schwab)

STAFF REPORT

333 Sena Street is a single-family residential structure in a Mission Revival Style with contributing status to the Don Gaspar Historic District.

It is located on the corner of Sena and Don Cubero Streets and is surrounded by a low wall, with the house and lot sitting above the grade of the street. The maximum allowable wall height is 58 inches on Sena Street and 59 inches on Don Cubero Street.

The applicant requests to remove and rebuild the wall to a height of 6 feet. This requires an exception to Section 14-5.2(D)(9)(c)(ii)(c) to exceed the maximum allowable height of walls in the streetscape.

El Ray Stucco will be used for stucco finish, texture, and color to match the existing house as close as possible. The gate will be custom built using black Wrought Iron Fencing

The wall will be lowered to 3 feet in height at particular location to accommodate sight triangles – at the driveway on Sena street, the driveway on Don Cubero and the corner of Sena and Don Cubero – and will be topped with wrought iron to match the gate.

STAFF RECOMMENDATION

Staff recommends approval of the proposed project and finds that the application complies with Sections 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(E) Downtown and Eastside Design Standards and finds that the exception criteria has been met.

QUESTIONS FOR STAFF

Chair Rios asked to confirm that the house is contributing but the wall was not considered for status.

Mr. Schwab replied the wall is non historic and is under three feet tall.

Chair Rios asked for a description of the streetscape in regard to the walls.

Mr. Schwab displayed the Google Street view. A lot of the walls are low but directly across the street is a wall that is close to 6 feet in height. The rule is low walls, but this applicant is applying for an exception because circumstances addressed in the exception criteria include special conditions particular to the land or structure that involves the application use. The land is higher and particular to that lot and the house design has particularly low windows. The first exception criteria are that it does not damage the character of the streetscape given the heterogeneous character of the walls. He recommended the exception criteria has been met because of the great variety of heights.

Member Larson asked if Mr. Schwab knew the year the wall was built.

Mr. Schwab reported it was built in 1980. The wall is not a protected wall. The applicant asked the neighbors and they confirmed it was built in 1980.

Member Larson asked if a wall had been there prior.

Mr. Schwab presumed there had been a wall due to the structure of the land, he didn't know for sure, and possibly it was about the same height.

APPLICANT'S PRESENTATION

Robert Duran, 37 Gonzales Road, was sworn. The wall is definitely not contributing. The retaining wall is a hazard to the public walking on the sidewalk when the owner waters his yard. It is a pumice wall and is retaining two feet of dirt and the yard wall is not made of retaining material and is falling apart onto the sidewalk. The water seeps through it because it is a porous material and isn't waterproof. The proposal is a CMU wall on the same footprint and the owner agreed to do iron fencing to match the gate.

Chair Rios asked if the proposed wall will be at six feet.

Mr. Duran said yes, it will be 6 feet from the sidewalk but only 4 feet from inside the yard because there is a 2-foot difference in elevation.

QUESTIONS FOR APPLICANT

Vice Chair Katz said he understands why they want to replace what is there. He asked if they could expand on why they are not just replacing with a two-foot CMU wall.

Mr. Duran said for the security of the grandkids and small pets and privacy. Also, the owners are new members of the City and have been broken into and are concerned. Their grandchildren play in the yard and they want to keep an eye on them. Also, he wanted to add that the stucco color will be the same color as the house.

Member Guida said there are plenty of walls in Santa Fe made of the same porous materials. He used to walk by this house every day. He thought the wall was in fine shape. The Board has seen the heterogeneous wall strategy before due to traffic, and it hasn't been approved. The design is not successful and is highly dependent on the practicality of traffic triangles. This is only a pragmatic solution and is not a good design solution. The house looks amazing from the street and the wall is a big part of its character and the low wall is also characteristic. He couldn't see approving the wall along Sena or at the corner, but he would consider a wall along the side, west elevation on Don Cubero. He thought that would be the place to put a well-designed wall in a material that is six feet tall. It wouldn't block traffic nor diminish the streetscape on Sena.

Member Larson agreed, especially about the porous pumice wall and ideally she preferred preserving the wall. Although it is not historic it is character defining in the neighborhood. If there is a need for security, the Board could approve some type of gate security behind the wall so they can preserve what is there.

Vice Chair Katz agreed. When you have a contributing house, you should not hide it. He understands the need for security and privacy, but the wall should remain. He suggested what could solve the problem is a wrought iron fence above it with a gate at the entrance. That could extend as far north as the façade of the house and could continue the wrought iron on Don Cubero down the south façade. The side yard could have a solid wall for privacy. He suggested moving the north wall of the patio to the south to meet the triangle criteria and for visibility coming out of the driveway. That would allow the pleasure of being able to see the house.

PUBLIC HEARING

Stefanie Beninato, previously sworn, said she passes the house every day. The wall is character defining. You don't water grass; you don't water plants in Santa Fe and the grandchildren might visit a week at Christmas. They could use the patio as a protected space for pets and children until they realize they should not run out into the street. She reminded the board about a case where the applicant said a wall was "knocked down" and no accidents had been reported. She hasn't seen any reports about this house being broken into and the previous owner didn't seem bothered about someone breaking in. She thought the house had been bought by someone from out of state who didn't realize this is an historic structure. The low retaining walls on that street are characteristic and should be maintained.

John Eddy, previously sworn, said he agreed with what was said. Everyone has concerns about safety and he doesn't discount that, but he believed the rock wall should remain. The lava rock walls are an interesting vernacular element in the neighborhood. The wrought iron fence is a possible solution, it would provide transparency and a view of the house and provide some security. There is a precedent set with the iron work under the arches of the patio and that would tie in well.

Mr. Duran said his main concern was not the existing pumice wall, which is not a Santa Fe style. That is adobe and CMU with stucco and everyone in that whole area and on Sena, has six-foot walls with stucco. This is the only house that doesn't. We choose to change the design of the aesthetics of the house. Nowadays the pets are more protected than the kids. He said he disagreed with the comment about there being no break-ins. His client isn't the type of person to make up a story like that just to have the Board approve a wall.

Mr. Schwab said he understood the definition of "character defining feature". In Code Section D(1)(A) the phrase, "*feature and space that embody a status*" only refers to contributing structures. This is not a contributing structure and in this sense of the Code it is not a character defining feature of this streetscape. It may be a nice wall, but it is not eligible for protection from a historic perspective.

Also, the applicant is asking for an exception and the rules are clear. But the request for an exception is also clear that the applicant desires to live in this district. He has been living in this district for some time, has grandchildren and wants them to be able to safely play outside. He has young children and no matter how nice the neighbors are, a five-year-old will still run into the street to retrieve a ball. It has nothing to do with how nice the neighbors are.

Mr. Duran encouraged the Board to take a compassionate view towards the applicant and realize they are not trying to misrepresent or take advantage of the Board.

BOARD DISCUSSION

Member Biedscheid said she appreciates the reasons the applicant is pursuing the addition of a wall and the concern. She just wasn't sure if a 4-foot, or 6-foot stucco wall is the best solution. Elevated front yards in this neighborhood are common and they seem to be disappearing. Along with them, we are losing the views of these great contributing houses. Around the corner from this house a similar concern was approved for a low wrought iron wall and a second wall was approved that was set back into the yard that didn't affect the original wall. It was also a retaining wall. There are other solutions. She asked if the applicant could consider other treatments that would accomplish the same objective.

Member Larson thought the wrought iron with a handmade gate would be a nice direction and the point was made that the house already has some of those elements. The character defining term is widely used in historic preservation for defining the streetscape outside of the contributing/noncontributing parameters. She suggested postponing for more research.

Member Bienvenu said he is fixated on what authority the Board has. Before them is a request to find if the exceptions have been met for a higher wall than otherwise allowed. It appears the Board members don't agree the exception have been met. He doesn't agree either. Particularly about the hardship exception. Nonetheless, without granting the exception the applicant still has the right to build a wall within the height limitation of 4'10 or 4'11" instead of the 6 feet requested.

He agrees it would be ideal to maintain the view of the front façade but wasn't sure of the Board's authority to prevent that in this case. And, he wasn't sure they could prevent

the demolition of the wall if the applicant wants to demolish the wall. If the exceptions are denied it will be the end of this application. He would hope the applicant would adopt one of the good suggestions and consider returning to present something else.

Vice Chair Katz agreed he would love for the wall to stay as is. He doesn't think a 4½ foot wall is going to work well and was the reason the applicant requested an exception. He suggested possibly the Board should say the exception criteria have not been met and give the applicant time to rethink the design. He could appreciate the concern and would probably be willing to grant the exception if it were a wrought iron fence along the front and around the corner to Don Cubero. That would still give the applicant the protection for the children and dogs and preserve the view of the house for everyone. He referred to page 17 of the packet that shows the house next door with a wall in front.

Ms. Paez pulled up the view of the neighbor's house.

Vice Chair Katz continued that he couldn't understand why if you own a contributing or significant house that you can build the wall and block everyone's view of that. He indicated that on the picture displayed, the house to the left has a wall that blocks the contributing façade of a historic building. That defeats the purpose to make something contributing. The designation of contributing is because it contributes to the streetscape and the historic district. We should not allow blocking that. Our chair has railed against that for years and this is a graphic example of her concern. He suggested they ask the applicant, if willing, to redesign or if the Board should deny based on the criteria for the exception was not met.

Chair Rios said she is a lifelong member of the community and it sounds as though Mr. Duran is as well. She is very familiar with the houses in the Don Gaspar area. They used to be like other sections of the City, including the eastside and had low walls. The walls are creeping up. It makes sense to have a low wall if you have a contributing building and there are also other remedies.

She addressed Mr. Duran on the suggestion of the wrought iron fence and around the corner perhaps a higher wall would make sense. She asked Mr. Duran to comment.

Mr. Duran said he was looking at the next-door neighbor's wall and 329 Sena Street has a six-foot wall. He asked if that was a contributing building.

Char Rios said she didn't know, but in all likelihood it probably is.

Mr. Schwab offered to provide an update after looking at the GIS.

Mr. Duran asked if it is contributing, did that home have less charm than 333 Sena where they want to preserve the aesthetics of the house. His client does not want the pumice wall and we can redesign to a 58-inch wall that is within their rights to build. Then they could put a wrought iron fence on top of that. But he didn't know what the Board would gain by them taking that route because he was sure his client would say no to a redesign.

Vice Chair Katz explained because the Board in the past may have made mistakes and allowed a wall to block the view of a significant or contributing house did not mean they would make that mistake again. He understands and agrees the client can get rid of the pumice wall and substitute another wall. He isn't sure, however, that the Board would approve a 4 1/2 foot wall. He was trying to suggest something to meet all of his objectives all of his objectives except blocking the view of the house. He encouraged Mr. Duran to talk with his clients.

Mr. Schwab said according to GIS, the neighboring house appears is not stasured. That could be a mistake and possibly just has not been reviewed. He will research that. He doesn't know if the Board has a good reason to deny the application if the applicant applies for a wall up to the maximum allowable height. The applicant would not have to apply for an exception.

Ms. Ramirez Thomas said the Board could deny the design looking at the impact on the street scape. The Code gives the Board those abilities. The Board is prohibited from considering viewshed but can consider streetscape design and impact. They can request a revision of materials even if it doesn't exceed the maximum allowable height.

Ms. Paez agreed. She also noted that in the Historic Ordinance (D)(1)(d) is another provision to deny something like a wall blocking the structure.

Mr. Duran asked if 58 inches from the sidewalk would block the structure. The allowable height is 58 inches, 4'10" from the sidewalk.

Mr. Schwab said he doesn't see how except for a child.

Vice Chair Katz said he understands the viewshed is what the structure would be hiding not the building there.

MOTION: In Case #2020-002954-HDRB, 333 Sena Street, Member Bienvenu moved to deny the application on the basis that the applicant failed to demonstrate that the exceptions have been met and specifically has not shown that the requested height waiver would not damage the character of the streetscape; is a hardship to the applicant or isn't an injury to the public welfare; or is due to special conditions and circumstances peculiar to the land or structure; or

strengthens the unique heterogeneous character of the city by providing a full range of design options that ensure residents can continue to reside within the historic districts. Vice Chair Katz seconded the motion.

VOTE: The motion passed by unanimous (5-0) roll call vote with Members Biedscheid, Bienvenu, Guida, Katz and Larson voting in favor and none voting against.

Chair Rios told the applicant he could come back with a redesign or they have the option to appeal to the City Council and staff can guide him on that.

Member Guida noted that the Board presented the applicant with a way to meet the exception criteria that provides a satisfactory solution. Also, a point made earlier was that even as a 58-inch wall, staff has the ability to bring this to the Board. The Board is not just an ordinance police, they are also a design review board. If there is a concern this is not congruent with the character of the streetscape, the Board should review it even if it is below the minimum required height.

9. **Case #2020-003006-HDRB. 542 Camino del Monte Sol.** Carlos Kinsey, agent for Laura Chock, owner, proposes to replace a yardwall and 2 pedestrian gates, and replace a garage door with windows on a contributing residential property. An exception to Section 14-5.2(D)(1)(a) to alter features of a contributing structure. (Daniel Schwab)

STAFF REPORT

542 Camino del Monte Sol is a single-family residence listed as significant to the Downtown and Eastside Historic District. It is constructed in the Spanish Pueblo Revival style prior to 1928. It includes a probably adobe wall along the street and a garage on the northern lot line.

IN case 2021-002959-HDRB, heard on January 12, 2021, the Board designated the wall and the garage as contributing.

The garage is on the north side of the property, constructed what is now the lot line. It appears to have earlier been a two-bay garage, but changes have altered it significantly so that the structure is now divided into two garages in separate ownership along the lot line by a yard wall. The front (east) façade contains historic swinging doors that are below ground level that are in poor condition. The west façade has a single non-historic door and the south façade has no openings. However, it was significantly altered after 1978, compromising its historic integrity. It was mentioned as non-contributing in 2007 (case H#-0-40). This status was not formally designated by the board, and the status designation, presumably done by staff, was not done on the basis of a historical inventory.

For this reason, staff is requesting that historic status be revisited based on a newly completed HCPI.

The applicant now proposed the following:

1. Replace the front gate. The existing small 4'x4' front yard gate provides little security and is in poor structural condition. The new proposed refurbished gate is 4'x 6'-8" with a stucco top and an exposed header and exposed side jambs. The proposed solid wood gates will be stained Sherwin Williams "chestnut" and the stucco top and stucco sides will match the existing yard wall stucco color El Rey desert rose & provide more security.
2. Replace the existing small 3'x4' side with as similar gate as above.
3. Replace the coyote fence with a stucco yard wall of the same height. The stucco color El Rey desert rose to match the existing.
4. Remove the existing outswing garage doors which are no longer functional and result in flooding. They will be replaced with a stuccoed El Rey adobe concrete block wall and waterproofing and refurbished single pane wood windows. The window color will match existing window color (Sherwin Williams 6937 teal). This item requires an exception to Section 14-5.2(D)(1)(a) to make alterations to the primary façade of a contributing structure.

STAFF RECOMMENDATION

Staff recommended approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(E) Downtown and Eastside Design Standards.

Staff recommended that the criteria for an exception to Section 14-5.2(D)(1)(a) have not all been met. The Board may find that they have been met upon further testimony.

QUESTIONS FOR STAFF

Chair Rios asked if the garage will be used as a garage.

Mr. Schwab said it is used as storage. The garage sits below the level of the driveway and the doors do not operate.

Chair Rios asked the difference in height of the coyote fence and the height of the proposed wall.

Mr. Schwab believed it to be the same height as the wall in front.

Chair Rios asked if the applicant proposes to increase the wall height.

Mr. Schwab said technically there is an allowable maximum height, but where a wall goes around, a window or door is allowed to exceed that. This is such a case. This is a similar discussion to the last case. As he understands, the view of the contributing structure is not protected by Code but isn't a reason to deny the raised gate opening.

Vice Chair Katz noted that the pictures show the gate in front of the door and directly in front of the chimney. The chimney was built by Will Shuster in the 1920s and hasn't changed since. He found it outrageous they would want to block that.

Mr. Schwab said his understanding is that a view is not protected.

Vice Chair Katz said that may have to be dealt with. He said he couldn't go along with the misrepresentation of the gate on the drawing. Regarding the garage, it appears as it did when it was built. He said last month the Board decided this is a contributing building. Now they want to blow that up and it isn't right. They may want more light, but they have a south facing wall. That would not only let in light, but warmth. He couldn't see the Board finding that the exception was met in order to destroy a primary façade.

Mr. Schwab pointed out in his staff report he recommended the criteria had not been met for the garage portion of the proposal.

Member Guida asked what specifically wasn't met on the exception criteria.

Mr. Schwab referred to his report. He had written regarding the character of the district that the goal is to secure the structure from water damage. Staff believes there is a way to maintain the historic openings or appearance such as erecting a wall inside the doors. They could leave them as they are; repair the doors and keep the opening the same and shore up the structure inside from water damage. He wrote that he agreed there is hardship because of the water damage. Something has to be done to preserve the building, but there are other options to what is needed. In terms of addressing the full range of design options, he recommended the exception criteria had not been met because there are alternatives offered to the design.

Member Guida found the case interesting. Raising the wall around the gate, which they have a height exception for, is in no way the same as the last case. There we were looking at a wall at a consistent height that would prevent the view of a contributing structure. This is just raising the height around the door and on the street and the yardwall you can see into the front yard.

He thought this was the folly of designating yard walls and boundary walls as contributing, in general. He couldn't see how this takes away from the contributing house. It is contributing, not significant. It is important to note that just as invisibility is not the standard we have from harmony in the historic district, strict originality is not the standard

we should have for integrity. The alteration to the wall to create a gate and the alteration to the front of the garage to replace the door with windows, are solutions that maintain the integrity of the property. That is how it would have been done historically. Also, it is clearly indicated what was there before when the alteration is done. To him that is a smart way of dealing with a contributing, not significant, structure in making changes. These things should not be trapped in amber arbitrarily because we think originality is important. That is not what we are chasing. We are chasing integrity and contribution to the district. He couldn't see how the two alterations would mar the building in any way. Especially when the Board allowed earlier an addition in front of a significant structure.

Member Biedscheid asked to confirm that the residence is significant, the wall and garage are contributing, and that the garage door is considered part of the primary façade.

Mr. Schwab agreed that the residence is significant and the wall and garage contributing. The garage door is part of the primary façade and the opening is a question of its age.

Member Biedscheid asked if staff's assessment is an exception is not required for changes to the contributing wall.

Mr. Schwab replied an exception is not needed. He asked Ms. Ramirez Thomas to comment.

Ms. Ramirez Thomas said the Board could call for a change in style and alteration of historic material since the wall is contributing. Mr. Schwab was looking at the ability for applicants to have a tall door-sized gate with an arch detail above it. She said in her opinion a contributing wall would change the opportunity for that.

Vice Chair Katz thought Mr. Schwab was saying that the height exception is allowed if you have a door like that higher than the wall is allowed. That is very different than changing a contributing wall. If you change the design and appearance of the contributing wall, that will require an exception.

Mr. Schwab indicated that alterations that would cause a structure to lose its status would be prohibited without an exception. An exception has not been applied for because it was not thought that this would cause the structure to lose its status.

Member Bienvenu asked how high the proposed wall is over the gate.

Mr. Schwab thought it 6 foot 5 inches. He suggested asking the applicant.

Member Bienvenu asked what allowable height would be if they allowed the height requirement to that opening.

Mr. Schwab said he would have to refer to his files.

Member Bienvenu indicated this was more than a simple arch over a gate. It is significantly higher and much wider than it needs to be. He asked if Mr. Schwab would agree that it is a large area much higher than the rest of the wall.

Mr. Schwab said it appears to be 7 feet 6 inches on each side of the gate plus 4 feet for the gate. He agreed it was possible to make it less.

APPLICANT'S PRESENTATION

Carlos Kinsey and Laura Chock were both sworn in.

Mr. Kinsey, 3600 Cerrillos Road, Unit 205, said there was no intent to mislead anyone with the architectural drawings. Drawings tend to be flat and on that point the gate is not aligned on the chimney or the front door. If he had taken it two feet to the right it would align with the door and two feet left it would align with the chimney. There is no intent to misrepresent anything. He thought the Will Schuster chimney fantastic and a great and unique feature, as well as the arch in the gate. Walking by you can see the chimney just fine, and then for a few seconds you can't see it when you are in front of the gate proposed, and a few seconds later you see the entire elevation of the house. He asked that the Board not be misled by the two-dimensional, flat drawing. There is no proposal to raise the entire wall.

On the other point of the general slope from the top of the gate, he thought it a nice soft way to address the gate. Without that there is a long linear wall with a pop-up for no reason. He thought a tapered approach was a graceful solution. A gate that is 6'8" is not unusually large and is the standard door height. A four feet wide gate opening is not unusual nor generous, especially for a pair of gates as proposed. He thought adding windows to the garage door was also a good solution. The windows with the cross mullions in the same teal color will tie into the windows on the main house. The garage currently looks exactly like it was, an afterthought. A very large garage that was divided in half. Now half of it is on the adjacent property and half on this property and someone has put on garage doors. The doors may or may not be historic but there is nothing significant or architecturally outstanding about them. They are just vertical planks. This would be a poor example to preserve.

Again, if they don't address the water problem that is rotting the doors and the structure, that wouldn't serve the H-board or the owner. It wouldn't serve the district because the structure is not functional as it is now and cannot be used for a garage or storage. Allowing it to deteriorate wouldn't serve anyone. If anything is blocking the view corridor, it is the historic tree. He asked if the Board dictates that owners cut trees down

in order to see something historic. He thought that a narrow focus to what he believes is a thoughtful solution.

Mr. Kinsey said we are trying to balance preserving the historic and giving the owner a sense of privacy. That was the reason for proposing the entry gate and enclosing the side. The owner is a single woman and wants a sense of security. He thought just because someone purchases a historic home that doesn't preclude them from privacy.

Ms. Chock, 542 Camino del Monte Sol, said with respect to the gates her main concern has always been safety. The gates in the front courtyard are rickety and don't close or latch properly. Her front gate is right on the road and her front door is steps away from the gate. She lives alone with her puppy and in addition to her security, constantly worries that her dog will escape through the gate and fence. She wants to secure her courtyard and feel safe.

She said regarding the garage, she wants to prevent further decay and if possible, use it. The doors don't work, and it is in terrible condition and it cannot be used other than an unsecured storage area, and it is infested with mice. She hasn't been able to keep herself because of the current state the garage is in. She visited her neighbor's home who had the other half of the garage and they made their garage into an entryway. It has no resemblance whatsoever to a garage. She would like the same opportunity to make the garage useful and keep the historic and beautiful garage structure.

QUESTIONS FOR APPLICANT

Chair Rios asked Mr. Kinsey to confirm if the stucco over the gate is 7'6" as proposed.

Mr. Kinsey replied no, the gate is 6 feet 8 inches high, and everything in total would be 8' 6" at the highest point. It then tapers down to the wall height of 4'6" tall. Regarding the question on the replacement of the coyote fence, that would be the same as the wall height.

Vice Chair Katz said he was concerned by the dismissal of what the Board is about, which is historic preservation. He said if you're going to preserve the garage, at some point maintenance will be needed. If the bottom is rotting it may require work on the ground so the water flows away from the structure; it may need work done on the bottom of the doors. The Board is charged with preserving the outside of the garage façade. Nothing prevents the owner from doing what they want on the inside to make the door secure.

He said he heard comments about the gate being rickety. They were told the back gate is not historic and there was a gate there previously that was historic. The gate can

be changed without having to change the nature of the contributing wall or blocking the house.

Vice Chair Katz said the coyote fence is not contributing and can be removed or they could repair the coyote fence. That would be secure enough to keep a dog inside and anyone outside probably better than a wall. It wasn't found to be historic and contributing and doesn't have to be preserved. What he is hearing is we really want people not to see us and we want security. That may be something they cannot achieve, and you give up things when you have an historic structure. There are many places around town where people have secure front gates, etc., and maybe this isn't the right neighborhood.

Member Larson said there is a culture about a "maintenance free lifestyle." Sometimes it does take a lot of work to make something last longer. They are fortunate they live in a forgiving climate when we select these characteristics and elements. When it comes to wood elements an application of oils is effective and inexpensive to maintain the element. When something is neglected for so long it inevitably will fail. That is what we are faced with now. But the answer isn't to completely alter that piece of the property in favor of "maintenance free."

Regarding the comments about architectural renderings not reflecting what is proposed, that is problematic. She asked how the Board could approve something they don't know about. She wants to do justice for the wall and the Board has designated the wall as contributing. Adding a substantive amount of detail and height and changing its character is not appropriate. It was designated as contributing for a reason.

Member Guida said he did not believe the principal task of the Board is preservation. Our ordinance is not set up for that and we do not do preservation in the manner that it is done by the National Park Service or the standards of the Secretary of the Interior. The Board's job is to manage change in a way that maintains the harmony and character of the historic districts. Not preserving an amber historic material at the exclusion of all other dimensions of preservation. Which are cultural and how the buildings can be used by the current inhabitants, and those buildings due to changes over time.

He said this house is significant and stricter standards should be applied to structures associated with things important or that have a strict designation. The elements being considered are merely contributing, and he thought one is highly questionable to designate as contributing. The applicant has proposed a sympathetic way of modifying an element that would have been done historically. It is a way consistent with the rest of the property and is a way that marks what was there before and doesn't significantly change its intent or configuration, and in the case of the gate, a way that is allowed by right. And with the garage, in a way that keeps the original openings, header, all of the elements there.

Member Guida said if the Board expects to manage change, we have to allow homeowners to make changes to their structures in ways they were done historically. They may require an exception or review, but the Board should be open minded enough to find that these things do not damage the character of the district. They certainly don't damage our understanding of the significant structure here.

He thought this is a no-brainer and any question about the representation or design is off the table. This is a well-represented project and in terms of design response, is incredibly well considered. The Board would not be doing the right thing by turning this down

Member Biedscheid didn't think the exception criteria had been met and the additional testimony wasn't enough that she found the responses were sufficient. Specifically, she didn't hear about any alternative designs considered to come to the conclusion this is the right option. On the damage of the streetscape and the character of the district, this does change how this contributes to the streetscape. The fireplace was a tourist attraction at one point and the sculptural elements on the street are valued. That would be lost if blocked by the increase in wall height that is extreme. She asked the applicant if a design option had been considered that didn't include the stucco mass of the gate. At this point the only part of the proposal she would support was the change to the coyote fence.

Mr. Kinsey said in response to "maintenance free", there is nothing in the proposal thought to be maintenance free. We have proposed two refurbished wooden gates, so that is not an issue. In response to how to judge the proposal if you can't trust the drawings. Well, you look at it. That is why it is so important that staff do the site visits and not just rely on two dimensional drawings. He said, "For a Board member to suggest to the owner that maybe they need to move out of the historic district because they can't modify a gate or garage door, that is outrageous, and I take huge umbrage to that."

The design is incredibly and thoughtfully considered. The goal should be, yes to preserve the character of the neighborhood and the architecture. That is why the house has a significant designation. But, these structures, this architecture cannot become an artifact. It has to be allowed to live and breathe and move into the future, or it will lose all relevance. If this process becomes arbitrary, people will try to do whatever they can to avoid it. That isn't what any of us want. We don't want people doing things without getting approval and that is why we are going through this process. But it needs to be thoughtfully considered. To suggest that an owner should move because they thoughtfully brought a proposal is outrageous.

Vice Chair Katz said the Board hears all the time, "Well this isn't suiting the owner's needs, they want greater security; they want more privacy; they want windows enlarged on a primary façade." He doesn't want the owner of the house to leave or move or get

out of the district. But if complying with preservation rules of the ordinance means it doesn't suit their needs, that is a problem.

Vice Chair Katz said the ordinance has two aspects; one is style. The gate is done in an appropriate style, but there is also the preservation aspect. With respect to Member Guida's comments, in some respect it *is* preserved in amber. That is what preservation is all about. The district is only 20% of the City and the really strict part even less. Preservation rules only apply to a very few significant structures and those are the ones that really count. In some districts you can make changes, but this is the most primo street by a primo historic figure in Santa Fe, and the restrictions are higher. And they should be.

Ms. Ramirez Thomas said preservation is discussed in 14-5.2(C). There is the National Register of Criteria in 14-5.2(A) and there is a big distinction between local preservation standards, which can be significantly more restrictive and tailored to a community than the federal level. So, the ordinance does include preservation as well as styles.

Chair Rios said the Board is about protecting and conserving. Those two elements are very important in all of our historic districts. We try to do our best in reviewing each project on its merits and applying the ordinance and listening to the applicants. These are not museums; this is your home, and you are trying to make something useful for you. The Board has to listen to what the applicant has to say, but we also apply the ordinance to conserve and protect. We are simply the stewards of these historic buildings and we will be gone one day. Hopefully, those who follow will continue to protect and preserve and conserve the buildings that have been built. Of course, changes will occur because people have different needs. In the vernacular architecture people started small and their families grew, and they kept adding. She grew up in a house like that.

Chair Rios said the Board has to take everything into account, but also have to follow what our ordinance dictates.

Member Guida said he agreed we have rules in our ordinance and the Board is charged with enforcing and interpreting them. We also have an exception process and a review process. That allows this local Board the latitude in expressing its values publicly and through the review of the projects in the historic districts. He thought a narrow strict interpretation of preserving materials and minor details at the expense of a bigger picture. Items which are also being preserved in this case with the wall, its configuration, materiality, its sensibility and design elements, and with the garage massing and scale, etc. A focus on such narrow things as the gate as it is, the door the way it is. It is extremely narrow in terms of scope of what we are dealing with and in terms of architecture. And narrower in terms of when we are dealing with the public, the homeowners and their ability to make changes. And it is exceptionally narrow with who we are excluding from this process. This is a costly and time-consuming process for

property owners. The very buildings we say are the most important character defining buildings of all of the districts, change over time, as Chair Rios pointed out. Windows were replaced with doors and vice versa; rooms were added on in a sympathetic way to the original structure. Denying the applicant, and not considering exception criteria in this case on mere contributing elements, minor elements of the property, that allows them to evolve over time in a way that is consistent and doesn't damage a significant structure, is really short sighted. He thought this is arbitrary and cruel and not the intent of what the Board is charged with.

Ms. Chock said she feels that Vice Chair Katz minimized her need for security and safety. Especially on a gate that is not even contributing that she wants to replace with something more secure that can be locked. This is not a question of just wanting to make a change to the property. How dare she should want to be safe in her own home. That statement offends her. She is from New Mexico and loves New Mexico and Santa Fe. Her thought is, especially if this is an allowable exception in which the height requirement doesn't apply, why would they deny the front gate security. She couldn't understand the reasoning. She said frankly she had already bought a gate and hoped to use it. This is a cruel way to treat an applicant. She isn't changing anything significant and she isn't changing the property, she was adding to it and making it useful. She said she was confused by their dialogue and offended by the comment, "Get out if you can't take the historic neighborhood." She loves the historic neighborhood. That is why she moved to it and as a New Mexican she appreciates it on a different level.

Ms. Ramirez Thomas said the Board wasn't looking to discuss use, this is about design and preservation. They know that the front wall where the coyote fence is, and the proposed wall design is not contributing. They know that the front wall and the garage is contributing. Those three things are under discussion. The Board has the option to deny the exception for the garage and ask to postpone for a redesign. Also, on the front wall the Board can ask for a change in the style but then an exception for a change in the style.

Vice Chair Katz apologized to the owner. He said the problem is so often the expressed desire, which is reasonable, is one for security. But security can be provided in a way that is less large. The applicant has listened to the Board's comments. He understands if they want security or a wall that provides privacy from the road. But the applicant could have a very secure gate at the front that people can see through. The wall is only 4'6" and easy to vault over and isn't as though a tall addition in the middle of a contributing wall will protect the front. It is unfortunate that in front of the gate is an incredible feature and one of the most significant in the early years, of a significant house. He believes there are alternatives and urged the applicant to consider what would make this work with as little difference as possible.

Vice Chair Katz thought it correct that alternatives have not been explored regarding the garage. The design is lovely but that isn't the issue. It is preserving what is there and meeting the applicant's needs. He encouraged the applicants to follow Ms. Ramirez Thomas's advice and consider a couple of redesigns.

PUBLIC HEARING

Stefanie Beninato, previously sworn, said the purpose section says qualities relating to history and residents should be preserved. There are other design options for the garage. A curb on the outside would prevent water from coming in. It can be secured by alterations from the inside. Seeing a significant building is important and the excessive archway will block that. They could reinforce the current archway and make a taller gate that has slotted horizontals like the existing gate. Then people could still see the Will Schuster fireplace that is an attraction. There are alternatives that are less intrusive. Regarding security, the applicant can get an alarm or a Ring doorbell.

John Eddy, previously sworn, said he was sorry the discussion had become personal. Vice Chair Katz nailed it in the beginning and the photograph doesn't lie. You can see through the gateway a beautiful stone chimney built by Will Schuster. It is one of two he knows of on Camino del Monte Sol of that nature. The walls are deliberately low because the artists were proud to share their house and it was about sharing the artistic statements they were making. A gate such as proposed is obliterating a good degree of visibility of a significant structure and automatically degrades the significance of the structure. He encouraged the Board to send this back for redesign. He also thought the idea proposed by Ms. Beninato on the garage door is well-founded. There is probably a clogged drain that can be reopened, and a curb would further waterproof the structure. It would be egregious to add windows on the garage door. It affects the street scape, which is egregiously affected by these designs. He urged the Board to deny the proposal.

Marc Naktin, previously sworn, wanted to mention that he felt something was lost when they don't visit the site. He suggested even though everyone couldn't jump in a van, they could individually drive by to study the property. They could see the actual situation on many of the things people claim will jeopardize or block views by visiting the site.

Chair Rios explained that unfortunately the Board is not allowed to do field trips even individually.

Ms. Paez read from the ordinance, "*Members shall not inspect the site of any subject property except pursuant to a publicly noticed site visit that affords all parties the opportunity to attend.*" The intent is to rely on information presented as part of the hearing and the Open Meetings Act also requires that. She hoped they are on the verge of accommodating that again.

Mr. Naktin asked if they could present videos.

Ms. Paez said that is an option and staff would like to be able to accommodate that if they have adequate resources. She said it is a challenge unfortunately to find the extra time, resources and equipment, but it is not prohibited.

Mr. Natkin said he has seen this property. As mentioned earlier, you don't see the chimney except for a half a second when you walk by the entry gate but for the most part you can see the chimney. A visit would have helped to alleviate the issue.

Ms. Ramirez Thomas added that staff is open to receiving video, but a challenge is having the bandwidth to show the video, or similar technical challenges.

BOARD DISCUSSION

Ms. Chock said she wanted to make them aware that it is not correct to say the chimney was done by Will Shuster. This was one of Will Shuster's first houses and he lived there for a few months. She didn't know who did the chimney but was sure it was an artist of some sort, but it is not listed. She has researched who did the chimney but wasn't able to find anything.

Chair Rios said she heard that Frank Applegate had something to do with building the homes on Camino del Monte Sol, but she couldn't verify that.

MOTION: In Case #2020-003006-HDRB, 542 Camino del Monte Sol, Vice Chair Katz moved to deny the application for the garage on the basis that the exception criteria were not met as clearly laid out by Member Biedscheid; and approves the coyote fence and gate on the north elevation; and denies the proposal for the gate and height of the wall in front because it would double the height of the wall and makes the wall incompatible with the streetscape, and the addition to the height hides the chimney that has been there since the 1920s and there are other alternatives to provide the security the owner seeks. Member Bienvenu seconded the motion.

VOTE: The motion passed by majority (4-1) roll call vote with Members Biedscheid, Bienvenu, Katz and Larson voting in favor and Member Guida voting against.

I. DISCUSSION ITEMS

Mr. Schwab said there have been discussions about digital packets and the glitches are being worked out. He encouraged the Board to submit distilled comments to the acting division manager on problems with the packets.

Vice Chair Katz stated he was the one who raised the issue and is seeking guidance from his fellow Board members. The packets have been the same for a long time, but it was always easier when there were physical papers. The last page or so usually had what was existing and what was proposed of the project. With the digital they are looking at their packet and at the digital Zoom screen where staff displays things not in the packet but things that are helpful. He doesn't want to miss that, but it puts them at a disadvantage. He was curious about the thoughts of others on visual versus digital.

He apologized for being so obnoxious, "rude" was the expression.

Chair Rios said sometimes both sides, the homeowners and the Board members get very passionate. They need to treat everyone with respect in order to get respect. She understood the point Vice Chair Katz was trying to make and thought he was really trying to say when shopping in historic districts there are restrictions. People should get familiar with the requirements of an historic district and if that doesn't suit their needs because of the restrictions, there may be other places better suited for their needs. She said this isn't the first time and won't be the last for people before the Board to become passionate on things.

She thought the idea with the packet is to save on the paper. She makes a copy of the agenda and reads through the packet and makes notes. Members can print the existing and the proposed if that helps them reach a better decision.

J. MATTERS FROM THE BOARD

Ms. Ramirez Thomas offered to send them ideas on better visuals via an email for their feedback.

Vice Chair Katz suggested staff could print their cases to avoid having to look at the Zoom screen while managing their screen.

Ms. Paez said she didn't mind sharing the screen and her screen is big and allows her to put a lot on it.

K. NEXT MEETING: February 23, 2021

L. ADJOURNMENT

Chair Rios adjourned the meeting at approximately 11:10 pm,

Approved by:

Cecilia Rios 2/23/21
Cecilia Rios, Chair

Submitted by:

Melissa D. Byers
Melissa D. Byers, Stenographer
For Byers Organizational Support Services