



# AGENDA

HISTORIC DISTRICTS  
REVIEW BOARD  
JUNE 08, 2021  
5:30 PM  
ATTEND VIRTUALLY

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## *AMENDED AGENDA*

### **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 in excess of those permitted in the current Public Health Order, and the need to incorporate technology and practices to re-institute in-person meetings consistent with the limitations established by the Order, the Historic Districts Review Board meeting will be conducted virtually.

**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.

**Attending on Zoom:** Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number will be posted at <https://santafe.primegov.com/public/portal> at least seventy-two (72) hours before the meeting.. The direct Zoom link is: <https://us02web.zoom.us/j/86766220699?pwd=UnJoemxXbUIvTDIzSXM5TzByZUR1QT09>  
**Passcode:** 263172

**Attending Zoom by Phone:** Members of the public can attend the Zoom meeting by phone by dialing:

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

**Webinar ID:** 867 6622 0699.

**Public Comment:**



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- 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.
- By phone: A person attending the Zoom meeting by phone may provide public comment during the meeting. Phone attendees should press \*9 to use the “Raise Hand” function to be recognized at the appropriate time.
- In writing: A person may submit written public comments by 5pm the Monday prior to the meeting via the virtual comment “button” at <https://santafe.primegov.com/public/portal>.

**A. ROLL CALL**

**B. APPROVAL OF AGENDA**

**C. APPROVAL OF MINUTES:**

1. *May 25, 2021.*

**D. APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. *Case 2021-3387-HDRB. 220 Otero Street.*
2. *Case 2021-3461-HDRB. 459 Camino Manzano.*
3. *Case 2021-3609-HDRB. 816 Camino Atalaya.*

**E. MATTERS FROM THE PUBLIC**

**F. STAFF COMMUNICATIONS**

**G. NEW BUSINESS**

1. Case 2021-003368-HDRB. 848 Don Cubero Avenue. Will McDonald, agent for Mary L. Ellis, owner, requests primary facade designation on two contributing structures. (Daniel Schwab, 955-6660, [dnschwab@santafenm.gov](mailto:dnschwab@santafenm.gov))



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2. Case 2021-003535-HDRB. 910 Old Santa Fe Trail. Downtown and Eastside Historic District. Mark Brotton, agent for Elza and Michael Gross, requests a *181 sq.ft.* portal, yard wall alterations, and hardscaping on a non-contributing property. (Angela Schackel Bordegaray, 955-6127, asbordegaray@santafenm.gov)
3. Case 2021-003667-HDRB. 653 Camino de la Luz. Downtown and Eastside. Architectural Alliance Inc., agent for Ray and Debbie Reid, owners, proposes to construct a 220 sq. ft. portal and a 6 ft. high yardwall and make other minor changes on a non-contributing structure . (Daniel Schwab)
4. Case 2021-003672-HDRB. 1658 Cerro Gordo. Downtown and Eastside Historic District. Liaison Planning, agent for Robert Pringle and Vivian Petit, owners, proposes to construct a fence and 144 sq. ft. shed on a non-contributing property.(Daniel Schwab)
5. Case 2021-003670-HDRB. 844 Don Cubero. Don Gaspar Area Historic District. Steve McCormick, agent for Evelyn and Tom Taylor, owners, proposes to replace doors and restucco a contributing garage. An exception to section 14-5.2(D)(1)(a) to remove historic material is requested. (Daniel Schwab)

**H. DISCUSSION ITEMS**

**I. MATTERS FROM THE BOARD**

**J. NEXT MEETING: Tuesday, June 22, 2021**

**K. ADJOURN**

**Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.**

**Approved by the City Clerk's Office**  
**Date: June 4, 2021**  
**Time: 10:30 AM**

**SUMMARY INDEX**  
**HISTORIC DISTRICTS REVIEW BOARD**  
**June 8, 2021**

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A. Roll Call	Quorum Present	1
B. Approval of Agenda	Approved as amended	2-3
C. Approval of Minutes 1. May 25, 2021	Approved as amended	3
D. Matters from the Public	Comment	3-7
E. Approval of Findings/Conclusions	Approved	7-8
F. Staff Communications	None	8
G. New Business		
1. Case 2021-003368-HDRB. 848 Don Cubero Avenue	Primary designation	9-15
2. Case 2021-003535-HDRB. 910 Old Santa Fe Trail	Approved	15-21
3. Case 2021-003667-HDRB. 653 Camino de la Luz	Approved	21-23
4. Case 2021-003672-HDRB. 1658 Cerro Gordo	Approved	23-27
5. Case 2021-003670-HDRB. 844 Don Cubero	Postponed	27-33
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J. Adjournment	8:57 pm	36
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**MINUTES OF THE CITY OF SANTA FE**  
**HISTORIC DISTRICTS REVIEW BOARD**  
**June 8, 2021**  
**VIRTUAL HEARING**

**CALL TO ORDER**

A regular meeting of the City of Santa Fe Historic Districts Review Board was called to order by Frank Katz, Vice Chair, on the above date at approximately 5:30 p.m. at a virtual meeting held at <https://www.youtube.com/watch?v=c085VEAZvHU>.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Mr. Frank Katz, Vice Chair  
Ms. Jennifer Biedscheid  
Mr. John Bienvenu  
Mr. Anthony Guida  
Ms. Flynn G. Larson  
Mr. Buddy Roybal

**MEMBERS EXCUSED:**

Ms. Cecilia Rios, Chairwoman

**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**

Attorney Paez indicated that a member of the public wanted to speak under Matters from the Floor on a case that is listed under the Approval of Findings of Fact and Conclusions of Law. She requested to amend the agenda to hear

Matters from the Floor prior to hearing the Findings of Fact and Conclusions of Law.

**MOTION:** Member Guida moved, seconded by Member Roybal to approve the agenda as amended.

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

**C. APPROVAL OF MINUTES:**

1. May 25, 2021

Member Biedscheid requested a change on page 14, 3<sup>rd</sup> paragraph, second sentence after, *“Also she agreed with Member Guida’s statements about the height and the shared consumption”* she asked to replace “shared consumption” with: *“massing that consumes the site.”*

**MOTION:** Member Guida moved, seconded by Member Larson to approve the minutes of May 25, 2021, as amended.

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

**D. MATTERS FROM THE PUBLIC**

Larry Archibald said he and his wife Laura live at 803 Camino Atalaya. They wanted to comment on Case 2021-3609-HDRB, 816 Camino Atalaya. He read his letter he submitted into the record, as follows:

To the Historic Districts Review Board,

My wife, Laura Chancellor, and I, Larry Archibald, wish to comment on the upcoming proposed approval for Case #2021-3609-HDRB, concerning a new home at 816 Camino Atalaya.

We are residents at 803 Camino Atalaya, immediately adjacent to 816, and have been since 1986. Our home, designed by John Gaw Meem and built in 1928, was referenced several times in the presentation made by Jenkins Gavin, Inc.

We have two objections to the about-to-be-approved project. Our first objection is that the notification sign for the H Styles meeting on May 25<sup>th</sup> of this year was posted in a place on Camino Atalaya, where it is very difficult to see. The subject property is the last house on a dead-end street, and the location of the sign was set back from the edge of Camino Atalaya by some 24 feet, where it was partially obscured by vegetation.

This almost guaranteed that no one would see the notification sign unless one already knew it was there and was looking for it. This is hard to understand, given that the property has many locations much closer to Camino Atalaya – some are literally at the edge of Camino Atalaya -- where the sign would have been very easy to see, as have been other notification signs on our street.

The result of this sign location is that we had no knowledge of the meeting taking place on May 25<sup>th</sup>, nor did we know that there were new owners of the property, nor did we know that any construction was planned for either 819 Camino Atalaya or 816 Camino Atalaya.

Our second objection concerns the siting of the new home at 816 Camino Atalaya. There is a very healthy, approximately 80-year-old, Ponderosa Pine tree, some 60 to 70 feet tall, situated within 3.5 feet of the property line between 803 and 816 Camino Atalaya. The proposed siting of the new home situates one of its walls at 5.5 feet to the east of our shared property line. The branches of the tree, which are a reasonable estimate of the distance its roots extend from its trunk, extend 8 to 9 feet into the property at 816 Camino Atalaya.

The trenching for the footings for the new walls pose a great risk of cutting or otherwise harming this tree's roots, and the concrete work that takes place at the footings, and in the immediate proximity of the house, also poses a significant risk to the tree. Such concrete work right next to an existing tree is well known to cause tree death in many cases. In addition, the tree poses real danger to the new house, particularly if the tree dies.

Our request is that the new home at 816 Camino Atalaya be moved 15 feet to the east so as to protect the historic tree located at the eastern property line of 803 Camino Atalaya. There appears to be sufficient room to the east on the lot to accommodate such a move.

Respectfully Larry Archibald and Laura Chancellor

Vice Chair Katz asked if he was completely unaware that the project was going on.

Mr. Archibald said he was completely unaware, and they noticed the story poles after the May 25 meeting. They had no idea there was a new owner or construction. He said we were never contacted.

Laura Chancellor added they also didn't know about the large renovation project at 819, that has a similar effect on them. We saw no notification for that meeting or the presentation.

Mr. Archibald said you would have to conclude the location of the notification was hidden driving down Camino Atalaya, unless you went to the end of the street. The only time you could see the sign is when you head back down towards Camino de las Animas. He said we have driven into our driveway next to 816 and 819 between 20 and 30 times and had no idea. He walked up to the property to read the sign and there appear to be many places, including along Camino Atalaya, that would have been perfect for that sign.

He said we were both surprised by what was happening and offended that the sign was put in what appears to be a deliberately obfuscated location.

Vice Chair Katz asked staff if the sign was placed in accordance with Code for notification purpose.

Attorney Paez said Ms. Ramirez Thomas could speak to what the sign said, but she could tell them what is in Code posting requirements. She read the notice requirement under 14-3.1H (b) stating that "*at least one poster shall be prominently displayed, visible from each public and private street and road abutting the property.*" She asked Ms. Ramirez Thomas to comment on that.

Ms. Ramirez Thomas explained the Land Use Department requires proof of posting and that was provided and was on time. There was no indication from the photographs from the posting on the location that was chosen. Individuals are required to put the sign at the street front. This sign was closest to the easement for access to the back lot. They did not want to put the sign in front of an existing house. In addition, notifications were placed in the newspaper.

Mr. Archibald said the sign was 24 feet from the edge of the roadway and obscured by vegetation. He asked if that is considered a prominent location.

Vice Chair Katz asked if the photograph was accurate as to the sign placement.

Ms. Ramirez Thomas said the photograph looks accurate as submitted by the applicant. The sign was about 10 feet from the street front. The intent was to keep it from being obscured by vegetation when looking at it straight on, not at an angle.

Vice Chair Katz asked Attorney Paez the Board's options to deal with the issue.

Attorney Paez said this is not formal testimony or a public hearing, but this is helpful to explore. There are a couple of options; it may be considered on appeal or reconsidered by the Board which would be a more informal process if the Board feels this warrants further consideration. She recommended they hear from Ms. Gavin and approve the Findings in the packet, if appropriate. This information is not evidence to consider on whether to approve or deny the case. The Board, if they thought it helpful, could reopen the public hearing to obtain the information in a more formal setting. Or if they think that notice was inadequate and neighbors should have an opportunity to give testimony into the record, the Board could postpone the decision to approve the Findings with an explanation that you would like to rescind the vote on the prior case. That would reopen the public hearing.

Vice Chair Katz said from what he gathered from Ms. Ramirez Thomas; the formal rules appear to have been followed. He thought from the photograph that the sign appeared to be somewhat hidden behind a tree but would leave that for the Board to decide whether to postpone for a motion to rescind on June 22<sup>nd</sup>.

Collen Gavin, 130 Grant Avenue, said she received the letter yesterday afternoon by the neighbors. She had prepared images to illustrate the neighbor's claims were incorrect. The posting was properly done and publicly visible from a public right-of-way. The applicant actually discussed the large tree with the arborists and landscape architect. She asked to show photographs and drawings to clarify the claims. She noted that Jill and Ray Weeks, the owners, were on the property nonstop since purchasing the property. And the story poles have been in place since December 2020.

She indicated the neighbor has a chain-link fence that is transparent and you can easily see through to the property. The arborist and landscape architect identified trees from our side that are infected or dead and we have had constant activity. When posting notice, they considered the neighbor not only at 803 Camino Atalaya but the neighbors to the north. She pointed out the rock planter the sign was in that was mentioned, is in the City's right-of-way for 14 Camino Atalaya. It is not on their property except for the northern wall, which they incorporated into the 819 plans. This application was for 816 and legally we have to put it on that property. It had a 20 foot wide linear piece on the west that abuts Camino Atalaya, and the notice was put in 10 feet from the property line because there is a transformer and other equipment at the corner.

She asked if she could share some of the photographs she took this morning looking directly at the sign.

Vice Chair Katz said this was not supposed to be an evidentiary hearing. He was inclined to move to approval of Findings and Facts to see if a Board member has a concern and wants to hear. He asked Attorney Paez if that would be appropriate.

Attorney Paez recommended to either allow the information or not. She explained Ms. Gavin couldn't meet the public comment deadline to present because the deadline had passed by the time she was aware of the issue. She said it was within the Chair's discretion to receive the information so the Board could decide whether to open a hearing.

Ms. Gavin showed a photograph of the notice sign and pointed out there was no vegetation blocking the view.

Vice Chair Katz confirmed the property line was on the west.

Ms. Gavin indicated vegetation was along the 6 foot existing chain-link fence. She pointed out the location of the sign, the transformer and equipment, and the overgrown vegetation on the neighboring property to the west and the neighbor's south property line. She explained that was the reason they placed the sign in that location; to ensure it was publicly visible.

Vice Chair Katz asked where she was standing when taking the photograph.

Ms. Gavin pointed out where she was standing. She showed additional photographs of the property line and the tree that was mentioned. Our landscape architect and arborists commented the tree is very healthy and in good shape. She said there is no intention to harm the tree or vegetation. She indicated exactly where the sign was posted.

Vice Chair Katz thanked her for the photographs. He thought the Board had the information needed.

Will McDonald said he puts up signs and sends the photographs in for verification. He said it is easy to take a picture that makes the sign appear perfectly visible when it might not be from the street. Anyone with a case before the Board has the responsibility to make the signs visible so there is no question. He said what he saw from Ms. Gavin, the sign could easily have been placed on the street. That is a dead end street that doesn't have a lot of traffic and unless continuing down the road, someone wouldn't see the sign. He thought the applicant didn't try very hard to make the sign visible.

## **E. APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Case 2021-3387-HDRB. 220 Otero Street.
2. Case 2021-3461-HDRB. 459 Camino Manzano.
3. Case 2021-3609-HDRB. 816 Camino Atalaya.

Vice Chair Katz asked whether to proceed with Item 3 or postpone.

Member Bienvenu asked clarification if the neighbor had the right of appeal.

Attorney Paez said yes, anyone asserting sufficient interest has a right to appeal. The Ordinance is broad and states anyone who wants to appeal has to meet the standard required to appeal. There is a list of who has the right to appeal; the applicant, persons/associations required to be mailed a notice, which doesn't apply here, persons/organizations who at the time the appeal was rendered, allege injury to their economic, environmental or aesthetic interests. The Ordinance is very broad.

Member Bienvenu said it seemed the only substantive issue relates to the tree on the property. He asked Ms. Ramirez Thomas where in the Ordinance the Board is given jurisdiction to consider whether to revisit the issue.

Ms. Ramirez Thomas explained the Board has no purview over landscaping or vegetation. There could be a reevaluation of the location of the wall, but not based on the tree.

Member Bienvenu agreed this could have been better noticed. He said the Board is required to rely on staff that the notice was proper, which staff verified. He didn't hear sufficient discussion to believe staff's approval should be overturned.

Secondly, the neighbors have a right of appeal if they choose to pursue. He thought even if the Board reheard the case, it wouldn't change the outcome.

Member Biedscheid said she sees the Board's role as to ensure interested parties in the public are heard at a public hearing. There is a system set up to do that, but it didn't work perfectly in this case. Normally the Board would have visited the property during a field trip and verified what staff concluded on the notice. There were occasionally issues with posting, possibly this would have been an issue. We won't know.

She said she understands the formal requirements but notifying the adjacent neighbors is the right thing to do. She was sorry that didn't happen

because it could have avoided this conversation. She would support the request to reopen the case to hear the neighbors. They appeared genuinely surprised. The decision might not change but they would have been heard in a public hearing format.

Member Roybal said he didn't think the decision would change and the neighbors do have a right to appeal.

**MOTION:** Member Roybal moved to approve Items, 1, 2 and 3, as presented. The motion was seconded by Member Guida.

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

Vice Chair Katz thanked the Board for their patience and consideration and for trying to be fair.

#### **F. STAFF COMMUNICATIONS**

None.

#### **G. NEW BUSINESS**

Vice Chair Katz mentioned those who are dissatisfied with the decisions rendered this evening and finalized when Findings of Fact and Conclusions of Law are approved, have the right to appeal. Staff can help them with that.

1. Case 2021-003368-HDRB. 848 Don Cubero Avenue. Will McDonald, agent for Mary L. Ellis, owner, requests primary facade designation on two contributing structures. (Daniel Schwab)

#### **STAFF REPORT**

848 Don Cubero Avenue is a single family residential structure and a garage to the rear, both built in a Spanish Pueblo Revival Style in around 1928, and both with contributing status. The applicant requests primary façade designation.

The main house is constructed of adobe and stuccoed over. It faces east to the public street and has an entry portal on this front façade. Prior to 1992 an addition was constructed in the rear. The windows are from 1992 and one window opening was increased downwards (window 5 on the south façade) at that time or thereafter. Prior to 1992 an addition was constructed in the rear. In the opinion of

staff, its character-defining features are the east-facing portal as well as the stepped parapet and the rhythm of the window openings on the south façade.

The accessory structure, a former garage, is constructed of pen tile. In 1992 it still retained its historic wooden garage doors with a lintel. These were replaced with double hung windows and a wooden pedestrian door, however, the lintel may be the original, post 1992. It appears to have been stuccoed at around the same time. Despite changes in the openings, its history as a garage, including its original massing and the garage-door lintel, are character-defining and legible.

### **STAFF RECOMMENDATION**

1. Staff recommended designating the south and east façades of the main house as primary.
2. Staff recommended retaining the contributing status of the garage
3. Staff recommended designating the east façade of the garage as primary.

### **QUESTIONS FOR STAFF**

Vice Chair Katz asked if it was the whole façade or portion of the façade.

Mr. Schwab believed it to be the entire south façade. He offered to pull up the plan.

Vice Chair Katz asked when the back portion addition was done and if it is historic, which is the issue.

Mr. Schwab said the addition was done prior to 1992. He didn't have any information whether historic.

Member Guida said it appears the south façade has been altered and was once a portal but has been enclosed. He asked to see the photograph.

Mr. Schwab said he didn't get that impression. He displayed the west façade and the east portion. He asked if Member Guida was saying possibly that was a portal.

Member Guida said, yes, he could see a post and a lintel in the façade that was then filled. He couldn't see a reason to designate a façade that has been substantially altered, especially not knowing the dates. He also didn't see the point in designating a façade on the side of a garage for one so dramatically altered. His recommendation would be the primary façade as the east and move on.

Mr. Schwab said the practice of the Board is to designate primary façades for contributing structures as part of the definition for character and defining

features for that façade. It would be unusual to not define a primary façade for a contributing garage.

Ms. Ramirez Thomas clarified that Member Guida was suggesting the east be designated.

Member Guida said that was for the house. He said he is curious if they don't designate a façade on the garage if they would be opening a can of worms.

Ms. Ramirez Thomas said the Board could designate architectural features such as the parapet, the parapet height and dimension, and the lintel, and could exclude the windows and door. The Board should state that whatever is done to the garage should still read as a garage. She thought that was what the applicant intended by adding a door and window. She thought Mr. Schwab was saying that by doing that, it will still read as a little garage.

Mr. Schwab added that non-historic material is not protected anyway, so they are not protecting the door and window as such.

Member Guida said that made sense.

Member Bienvenu said he assumed the work on the garage was done without approval.

Mr. Schwab said he didn't know and didn't have details, but wouldn't presume that. He would have to do more research.

Member Bienvenu asked if this came before them tonight for the work on the garage. Mr. Schwab did not know.

Vice Chair Katz said the applicant would have more information.

Member Bienvenu said if it were approved and was a contributing structure at the time, that would mean the H-Board at that time had approved the change. He thought the applicant may have suggested in the application letter to downgrade the garage, but wasn't noticed as such. The packet indicated it is not before the Board for status review.

Mr. Schwab said the procedure was not followed to pursue a downgrade, but the Board could request that the applicant and staff pursue a downgrade.

Ms. Ramirez Thomas said there could be a designation for a primary on the main house and a postponement on the decision with an interest in reviewing the status of the garage.

Member Bienvenu said at this stage it is hard for him to consider the garage as contributing. Once the changes were made it had no historical integrity.

Vice Chair Katz asked if possible to not designate a façade as primary on the garage and leave that decision for down the road. It may never come up again.

Ms. Ramirez Thomas said they could, but could also designate architectural elements, like the parapet. The property at 918 Don Gaspar Avenue with a small garage was required to be restored where the Board made a designation.

### **APPLICANT'S PRESENTATION**

Will McDonald, 488 Arroyo Tenorio, was sworn in. He said when he met with Mr. Schwab on the property, they discussed the status of the property. The only records were from the 1985 survey and indicate this is "contributing." It doesn't mention the garage or the house separately. Also, the 1992 Board application when the windows were replaced had again, a checkmark that said it is contributing. But there is no evidence the Board had looked at the buildings independently as they do now. He said he asked in his letter and summary of the building for the garage to be looked at as a separate building. He thought that would be the first time, and that based on that it would be found to not have much historic integrity. The City GIS gets all its information from the Historic Division and the garage is marked as contributing. He would like the Board to look at the garage separately and confirm whether it is or not. He thought having that review was important because so little status reviews were in the file.

### **QUESTIONS FOR APPLICANT**

Vice Chair Katz asked the applicant if he had requested a status review.

Mr. McDonald said he did not request that. He requested accessory status in his summary separate from the current house and in keeping with the HPD. He *did* request status.

Vice Chair Katz asked if he specifically requested a status review of the garage.

Mr. McDonald said he requested status of the "accessory structure separate from the residence."

Ms. Ramirez Thomas clarified that Mr. McDonald did not directly ask for consideration of a status downgrade. The City map shows that the house and garage are contributing, and they have to take that at value. To reevaluate status of the house, Mr. McDonald would need to ask for a downgrade to the property, or

an upgrade to significant, which he is not asking. She suggested postponing the decision and having the applicant return with a request for downgrade.

Mr. McDonald asked to confirm Ms. Ramirez Thomas' reference to the map showing the garage was contributing was the GIS map.

Vice Chair Katz said our records show it is contributing, and if he wanted it downgraded the Board would be happy to consider that. And there is good reason behind that. The argument as to whether it is contributing is not before the Board at the moment.

Mr. McDonald asked what records Vice Chair Katz referred to because he only saw the 1985 survey. It doesn't show that the garage was ever considered separately.

Vice Chair Katz said if the applicant wanted the status of the garage, to please apply and request that.

Mr. McDonald said he did not say a downgrade, he asked for the status of the accessory structure to be reviewed separate from the residence.

Ms. Ramirez Thomas clarified that asking the Board to evaluate meant Mr. McDonald would either need to ask for a downgrade, or an upgrade. With that type of request, it could return to the Board to determine whether to keep the existing status or allow downgrade from contributing status. The current status is contributing, and the current request was only noticed for primary designations.

Member Bienvenu asked if a new notice would be needed to postpone the garage to consider status.

Ms. Ramirez Thomas said downgrading required a special notification and it would need to be re-noticed.

Member Bienvenu said his impression was the applicant thought he was asking for a status review of the garage. His interpretation was there hadn't been a clear status designation of the garage as opposed to the house.

Ms. Ramirez Thomas agreed. She said to staff's knowledge both the house and garage are contributing. If Mr. McDonald wants a status review, it requires a review to change that status. The applicant could call for one or leave the building as contributing and have a primary elevation designated. Or they could kick the can down the road as suggested earlier.

Mr. Schwab added he did some research of records available online and found only one case on the record in 1992, for window replacement. At that time,

the garage was used as a garage as shown in the historic photo. There doesn't appear to be any record of approval of changes to the garage structure.

Secondly, the staff report argues that the garage has character defining features that qualify it as contributing. The Board may want to assess if they think they are character defining.

Vice Chair Katz asked Mr. McDonald if he knew when the garage door was removed and the window and the entry door put in.

Mr. McDonald thought it near the same time that the other windows on the main house were replaced. The present owner bought the house in this form and wants to build an addition on the accessory structure. He said this discussion isn't going anywhere. They will return and just treat this as the contributing structure the Board believes it to be.

Member Guida thought this could be handled in the future. He was in favor of designating a primary façade and dealing with the house and not the garage at present.

Vice Chair Katz confirmed that Mr. McDonald wanted the Board to designate the primary façade of the house.

### **PUBLIC HEARING**

Stefanie Beninato, PO Box 1601, Santa Fe was sworn in. She thought postponing a decision on the garage was a good idea. She urged the Board to think about the south facing façade, rather than the east. No one knows when the portal was enclosed, and the pattern of window and doors are typical of the houses in the area.

John Eddy, 227 East Palace Ave., was sworn in. He believed the Board was taking this in the right direction. He said there appears to be an iron trellis on the south façade that in some form was meant to take the place of the portal if there had ever been one. He thought the trellis was placed at the same time, or later and the window alteration and was probably done without a permit. He said that should be in the record going forward as the status and classification of the elevation is addressed.

Vice Chair Katz closed the public hearing.

### **BOARD DISCUSSION**

Vice Chair Katz asked Mr. McDonald if he wanted to respond to which facades, he thought should be primary.

Mr. McDonald said what Member Guida thought might be a portal he believed was some sort of drainage system. He thought the east is the primary façade and the south was not significant. The windows were not replaced like the originals. There wasn't a plan to replace the window in the shower, so designating as primary or not, will not have a big effect. However, he did not think it deserved status.

**MOTION:** In Case #2021-003368-HDRB, 848 Don Cubero Avenue, Member Guida moved to designate the east façade of the home as primary. The motion was seconded by Roybal

Member Biedscheid asked a friendly amendment to designate the south façade as primary as well, with the exception of the non-historic material like the trellis. Partly because the deep set repetitive windows are fairly common in the neighborhood and its positioning with the garage is characteristic as well. Protecting this façade ensures the option of protecting the setback of the garage.

Member Guida said he appreciated Member Biedscheid's observation on the south façade. He thought the setback requirements for a primary façade would retain the impression of the original massing of the house in memory of the garage if the garage were downgraded at some point. A setback of 10 feet from the corner of the house would retain that window and neighborhood pattern of development, so he declined the friendly amendment.

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

Vice Chair Katz confirmed the Board would take no action on the garage.

Attorney Paez said that was appropriate. There is time get this ready for the next agenda. She recommended Mr. McDonald work with staff right away.

2. **Case 2021-003535-HDRB. 910 Old Santa Fe Trail.** Downtown and Eastside Historic District. Mark Brotton, agent for Eliza and Michael Gross, requests a *181 sq.ft.* portal, yard wall alterations, and hardscaping on a non-contributing property. (Angela Schackel Bordegaray)

## **STAFF REPORT**

910 Old Santa Fe Trail is a 2,428 sf single story Mission Revival style building designated non-Contributing to the Downtown and Eastside Historic District. Its Mission Revival style is characterized by curved semi-circle parapets, fanlight windows, and stucco trim at the windows. The building was the carriage house to the Bronson Cutting house to its west. Bronson Cutting was a US Senator from New Mexico in 1927 and 1928. An extensive remodel was carried out in the 1980s resulting in its non-Contributing status.

The applicant proposes to:

1. Add a 181 sf portal on the east elevation. Its height, 9' tall, is lower than the residence's parapet height. The portal will be constructed of two posts with corbels and beams stained natural that will attach to the existing south façade. The portal will have parapets and be stuccoed El Rey "La Luz" to match the residence. The portal will have a frosted custom skylight that will not be publicly visible. The portal will have a wood deck.
2. The applicant proposes to complete a coyote fence at the northeast corner of the property by adding a stucco pilaster. The applicant received approval to remove and replace the existing 6' coyote fencing and add 6' pilasters spaced evenly along the property. That work is underway.

## **STAFF RECOMMENDATION**

Staff recommends 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 Bienvenu said he was confused about the history of the status. He asked that she walk him through the changes in the original status and whether it had been downgraded.

Ms. Bordegaray said the history was as a carriage house/garage that was completely redone in the 1980s, per the survey. The wholesale windows were replaced in 1992. The packet has a staff memo from that time that refers to the noncontributing status as the basis for permitting wholesale windows. Overall, it is nothing like it was originally. The packet contains a statement from the Old Santa Fe Foundation saying it is "noncontributing on both the State and National

Registers.” The reference made to the Downtown and Eastside is not the City’s historic Downtown and Eastside.

Member Bienvenu asked if the status ever came before the Board.

Ms. Bordegaray said not to her knowledge. She thought there were no records because it was thought to be considerably altered.

Member Bienvenu indicated he couldn’t find photographs in the packet of what the carriage house looked like at that time.

Ms. Bordegaray said there is a record, but the historic survey leaves out the photographs. The applicant provided some photographs, but they are not clearly locatable. It appears as a rudimentary square box.

Member Bienvenu said he would like to see more documentation. This structure is obviously very significant for multiple reasons. He could accept that someone decided there were huge alterations, but couldn’t see anything showing that. He wanted to see what it looked like previously and what the alterations consisted of, to be satisfied the building wasn’t contributing.

Ms. Bordegaray offered to display some photographs that would possibly provide more clarity.

Vice Chair Katz said given the prominence of the owner he couldn’t imagine there were not more photographs.

Ms. Bordegaray agreed. That has often been the case with historic records and surveys, but she was confident it is noncontributing. It never had the Mission Revival styling it has now. She thought this is a caricature of that style. The Cutting house was designed in the Mission Revival style. Somewhere along the line it became contrived styling.

Member Bienvenu said that would explain why it is noncontributing, but nothing is in the record about a false front on the building. It would have been nice to see the original carriage house.

Member Guida agreed with Ms. Bordegaray’s assessment. The building has been remodeled in a caricature of the Mission Revival style. And the building has been remodeled beyond recognition.

Vice Chair Katz said he was concerned because they had no evidence of that. What Ms. Bordegaray said made sense, but the Board should be acting on evidence.

Member Guida said the detailing doesn't appear to be of the period, but a photo would have been nice.

Member Bienvenu agreed. He always thought this building was odd and didn't think the detail was made up. But now he wasn't sure. And that could also be said about the Cutting house to some extent.

Member Larson agreed with Member Guida and Ms. Bordegaray. The photograph displays a severe lack of integrity and detailing on and around the windows show views characteristic of alterations in the 80s. When compared to the character and integrity of the Cutting house and the OSFA attachment, the details are more defined and a different character than in this structure.

### **APPLICANT'S PRESENTATION**

Kristina Lowery, 6600 Jaguar Drive, was sworn in. She explained the applicant has owned the house for a number of years. The applicant wanted to utilize the backspace and put a new deck with a portal. The previous portal was torn down because it was in disrepair. This is used as a home and not a storage facility as originally.

### **QUESTIONS FOR APPLICANT**

Vice Chair Katz said that tells the Board this is not a big project, it is just a portal. He asked if the parapet on the portal was different on the east side.

Ms. Lowery said she would have Mr. Brotton respond.

Mark Brotton, 2441 Camino Capitan, was sworn. He explained there is a slight half-moon design in the higher window that he wanted to mimic. The half-moon would go to the edge of the portal.

Vice Chair Katz asked if it is proposed as drawn.

Mr. Brotton explained the drawing should be wider and connect to the edge, but it would not be higher.

Vice Chair Katz asked if it would have the flatter part.

Mr. Brotton said yes, he wanted to mirror the top arch.

Vice Chair Katz said he couldn't tell what it would really look like and if they are mirroring the arch, it would be taller.

Mr. Brotton said he doesn't have the arches drawn.

Vice Chair Katz told him that was a problem.

Member Guida agreed they need documentation in the packet to render a decision of what is proposed and what was submitted and drawn. He recommended the applicant resubmit. He said he is not a fan of the semi-circle design parapet. He is in favor of this house and its current state in Santa Fe, but didn't feel this was a good design. He said he would only approve the portal as drawn, without the semi-circle.

Mr. Brotton offered to remove that and do a square portal.

Vice Chair Katz said he shared Member Guida's attitude; it doesn't fit.

Member Bienvenu agreed.

### **PUBLIC HEARING**

Stefanie Beninato, previously sworn, said she really liked the building. She thought the portal height disproportionate and would look better if lower. She was sorry the fencing had been approved because it obscures many of the building's characteristics.

John Eddy, previously sworn, said changes allowed to the building are regrettable. When he was young he traveled by the building many times a day. The property had tremendous character, which prompted him to ask about it because it stood out. He agreed with the observations about the portal and added that the Pueblo Revival style corbels are inappropriate on this portal.

Elsa Gross, 910 Old Santa Fe Trail, was sworn. She wanted to correct some of the things said. She bought this property over 30 years ago in the condition it is now architecturally. They changed the windows because all were installed improperly and leaked. Also, she has photographs that show the house before it was remodeled by the previous owners and can identify the corners of the house in those. She said she sent them to Kristina Lowery, who she thought had sent them on to Ms. Bordegaray.

Ms. Gross said there were wooden appendages almost as if sheds were attached to the house. She offered to provide the pictures to the Board. She added they will also replace an existing patio because it is on the hottest side of the house. Her husband cannot be in the sun due to a condition, but they would love to be able to be outside. They would be happy to make modifications. She said the house is unusual and has no outside except a small strip of land in the back.

She noted the drawing of the portal is much taller than it would actually be and is designed to be lower than the window in the back. Where the archway is,

there is a window above and another window below. The drawing is wrong, the window should not be obscured and is between the two windows.

Vice Chair Katz asked if correct that the house is on a north/south axis. He said the house would get blasted by the sun before noon but thereafter the sun shifts to the west, and it is in shade.

Ms. Gross said, no. They get sun most of the afternoon until around four. It is not exactly on a true east/west.

Vice Chair Katz thought a lower portal would be more protective.

Mr. Brotton asked to speak to the height of the portal and display slide of a grandfathered well. He explained the well required access through the portal into the deck. That is why the portal height is needed. A cement pad encases the well vault and the portal must be eight feet from the wooden deck. Essentially the wood deck is to cover the cement vault and cannot be lowered without major excavation. That is the reason also for the skylight inside the portal and for the parapet, it covers the skylight.

Vice Chair Katz said the information was helpful. He asked if the old photographs showed other façades.

Ms. Bordegaray displayed two more photographs.

Ms. Gross asked Ms. Bordegaray if she had the photographs of the appendages.

Ms. Bordegaray had one other picture, which she displayed.

Ms. Gross said she had two more similar photographs and each wooden structure attached is different, as well as each window.

Vice Chair Katz said there appears to be a main structure that doesn't look much different than what exists today. He noted they could not see the windows.

Ms. Gross said she scanned all of the photographs and sent them. She offered to hold her photographs up to the camera.

Vice Chair Katz said he was frustrated and at a loss about the lack of the information in the packet. The only thing on the agenda is the portal. Its status is not before the Board and there has been a lot of discussion that raises questions.

Vice Chair Katz suggested proceeding with the portal.

Vice Chair Katz closed the public hearing.

## **BOARD DISCUSSION**

Member Guida said he did not want to cut off the Board's discussion, but he had enough information to make a motion.

Member Bienvenu commented that Mr. Eddy had a valuable point about the detailing on the corbels. It is incongruous with the structure and at the least, the detailing should be reconsidered.

**MOTION:** In Case #2021-003535-HDRB, 910 Old Santa Fe Trail, Member Guida moved to approve the proposed project as drawn, with the exception of the semicircle portion of the parapet, and the condition that the applicant resubmit drawings to staff for final approval. The motion was seconded by Member Roybal.

Member Bienvenu requested a friendly amendment to reconsider changing the corbels in the resubmission to something more harmonious with the existing architectural style.

Member Guida declined the friendly amendment. He said he was afraid of what that might result in, particularly with this house and existing architectural style.

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

3. **Case 2021-003667-HDRB. 653 Camino de la Luz.** Downtown and Eastside. Architectural Alliance Inc., agent for Ray and Debbie Reid, owners, proposes to construct a 220 sq. ft. portal and a 6 ft. high yardwall and make other minor changes on a non-contributing structure . (Daniel Schwab)

## **STAFF REPORT**

653 Camino de la Luz is a single-family residential structure with non-contributing status. Constructed in the 1960s in a Spanish Pueblo Revival Style, it had substantial remodeling in 1998 and 2005, so that most visible materials, including all the windows are non-historic.

The applicant now proposes the following items, almost all of which are located on the west-facing portion of the structure:

1. Remove the existing portal on facades 4 and 5

2. Remove existing door and replace with a new window on façade 5;
3. Replace living room and entry doors with different dimensions on facades 4 and 5;
4. Replace flagstone and stairs in the front (west) of the house
5. Construct a new entry portal on facades 3, 4 and 5 to a height of 10 feet. The wood will be stained charcoal grey;
6. Add non-publicly visible skylights
7. Mount sconces of black steel next to the doors on facades 4 and 5;
8. Raise the entry parapet from 10 to 12 feet in height to match the new portal;
9. Construct a yard wall to the maximum allowable height of 6 feet. It will be stuccoed El Rey “Buckskin” to match the house.

### **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 said the wall on Camino Cabre appears to be no higher than the existing fence.

Mr. Schwab said that is correct, it would essentially be the same height.

Member Biedscheid asked if the wall meets the wall guidelines on length.

Mr. Schwab explained the requirement is a change in plane every 50 feet. He thought the applicant could confirm that and otherwise would look that up.

### **APPLICANT’S PRESENTATION**

Eric Enfield, 612 Old Santa Fe Trail, was sworn in. He noted the wall along Camino Cruz Blanca has undulation in it already. The existing stucco wall will be increased. He said what is not shown on the drawing is a curve at the top of the wall that would be a transition down. The wall is 2-4 inches above the 6 foot height, and will be undulated down and follow the line, turning the corner and follow the coyote fencing. He offered to offset the wall by twelve inches, but thought with the altitude and the wall following the hill, the wall was fine. It doesn’t read as one plane because it steps down. He said the length of the wall is 150 feet long and the site plan (shown on C1), shows breaks in different places. It isn’t straight.

The portal is a simple flat roof with no parapet that is down in a hole. You cannot see inside the courtyard from Camino de la Luz. The fence currently is not

offset, and he thought it nice to respect that. The fence will be in the same spot as the coyote fence and transitions back down the corner of Camino Cabra and Camino de la Luz.

### **PUBLIC HEARING**

Stefanie Beninato, previously sworn, shared concerns about the wall and the new wall length. It would be nice to see some elevations with the wall, opposed to a coyote fence. On the changes to the structure itself, they seem fitting. She wasn't sure how visible they are, anyway, given the wall.

Vice Chair Katz closed the public hearing.

### **BOARD DISCUSSION**

Member Guida addressed staff. He said he wasn't sure what was happening with the PDFs, but there seemed to be some trouble in the Acrobat reader and yellow notes are in the documents. Most troubling is the plan portion is distorted even though what is seen on screen seemed to be correct.

**MOTION:** In Case #2021-003667-HDRB, 653 Camino de la Luz, Member Guida moved to approve the project as drawn and submitted. The motion was seconded by Member Roybal.

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

4. **Case 2021-003672-HDRB. 1658 Cerro Gordo.** Downtown and Eastside Historic District. Liaison Planning, agent for Robert Pringle and Vivian Petit, owners, proposes to construct a fence and 144 sq. ft. shed on a non-contributing property. (Daniel Schwab)

### **STAFF REPORT**

1658 Cerro Gordo Road is a single-family residential structure built in a vernacular style with a historic status of non-contributing, probably built in the 1960s. No historic report exists for this property. This application does not pertain to the main house, which will remain unchanged.

The applicant now proposes the following:

1. Construct a coyote fence along the street to the maximum allowable height of 4 feet 11 inches.
2. Construct a coyote fence along the private easement away from the street to the maximum allowable height of 6 feet.
3. Construct retaining walls for an automobile parking area.
4. Construct a pueblo revival style shed, 12 by 12 feet, and to a height of 10 feet 7 inches. The stucco will be El Rey "Soapstone" with trim in Benjamin Moor "Turquoise Powder." The south-facing elevation will contain a hollow metal door, an "eyebrow overhang" with a pre-finished metal drip edge and exposed viga ends and the west façade will contain a metal clad window with a simulated divided light.

### **STAFF RECOMMENDATION**

Staff recommended approval of the proposed project and found 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 the height of the shed as seen from Cerro Gordo.

Mr. Schwab said it is 10'7" high and has a grade that goes down six feet or so. He thought you would look over the top of the shed, but from the road could see the shed.

Vice Chair Katz asked if the pad being built would be at the level of Cerro Gordo Road.

Mr. Schwab believed it was not and will slope down.

Member Guida noted that on the north elevation the distance above grade sticks out by 5 foot 9 inches. He shared the concerns about the height of the retaining wall. The implication is that a visible guardrail will be needed. That might be a question for the applicant.

### **APPLICANT'S PRESENTATION**

Dolores Vigil, Liaison Planning Services , PO Box 1835, Santa Fe, was sworn.

### **QUESTIONS FOR APPLICANT**

Member Guida said the first question is the visibility of the shed over the street. Secondly, if the height of the retaining wall is above grade.

Ms. Vigil explained the wall is at maximum height of 48 inches. They haven't discussed any handrails, but if required they would be happy to put them in. She said Mr. Schwab gave a good description of the visibility of the shed from the road. The fence along Cerro Gordo is 11 inches, but she thought the existing fence north of the shed is around 6 feet tall.

Vice Chair Katz said it will be easy to look over the fence at 4 feet plus. He asked if you would see the top of the shed roof, or the wall.

Ms. Vigil said looking down, the top of the shed roof.

Vice Chair Katz confirmed that most of the parking would be blocked by the fence. He asked if it will be level with Cerro Gordo.

Ms. Vigil said no, it drops down at least four or five feet, then goes down the hill and flattens out.

Vice Chair Katz believed there are rules on having a railing. He said it would be important for the Board to know what that will look like.

Mr. Schwab asked if it follows the fence guidelines, it could that be done with administrative approval.

Member Guida asked if the material of the proposed retaining wall is known.

Ms. Vigil said the wall section is a dry stack. It is on the plan for the grading and drainage. It is a rock faced, dry stack retaining wall of maximum height of 4 feet 8 inches.

Mr. Schwab noted it is not in the packet. He sent it by email yesterday or today and it is in the site plan on the side.

Member Guida said he was less concerned about the handrail. A guardrail along the retaining wall will be needed, as well as a handrail for the stairs because of the number of risers. He was less concerned about its visibility because of the fence, and that the street is below the line of the fence. He appreciated the drawings and that a relatively expensive shed will be built and excavated into the earth; and appreciated the attention to detail for the other things on the drawing.

He said his only remaining concern is the hollow metal flush door. He asked if it was possible for a more decorative door more in Santa Fe style.

Ms. Vigil said they will look at putting in a more decorative door.

Member Guida suggested the motion articulate that and have staff do final approval.

Vice Chair Katz voiced concerns that the view shown to the Board states that walls more than 3'6" have to be mortared. He asked if that was correct.

Ms. Vigil was not sure, she didn't design the wall. The wall was designed by Walker Engineering. They are very familiar with Code, and she would assume that was taken into consideration.

Vice Chair Katz said he was concerned the Board wasn't getting this information.

Member Biedscheid said the packet has a reference to railroad ties used as a retaining wall. She asked to clarify whether a stone wall is proposed for every retaining wall, or it would be a combination of railroad ties and stacked rock.

Ms. Vigil said it is a combination of both. The site plan shows the detail where each would be located.

Mr. Schwab referred to the plan details that show the retaining wall material.

Member Guida asked to clarify where each of the materials would be used. He didn't see on the drawing or application, where dry stacked stone is specified.

Vice Chair Katz asked Mr. Schwab to show them on the graphic.

Mr. Schwab said he wasn't clear what is existing and what is proposed.

Ms. Vigil indicated on the display the existing. She said to the west would be new. She noted the locations of the railroad tie retaining wall and dry stack retaining wall.

Vice Chair Katz confirmed that all of the material around the parking area would be railroad ties. He asked if the small portion where the pathway dead ends at the drainage is the only dry stacked. He said he assumed there will be a way to get from one side of the drainage to the other, but that isn't shown. He asked what is happening where the walkway dead ends at the drainage.

Ms. Vigil said she understood there will be a small bridge to cross the rock ditch, but it isn't on the plan. She believed a bridge was already there.

Member Guida said he was confounded by the absence of drawings, but the publicly visible elements have been covered. That is enough to make a decision. The bridge across the ditch is a minor landscape feature the Board should not worry about.

## **PUBLIC HEARING**

Ms. Beninato, previously sworn, said she had concerns about the parking area and what it will really look like using the logs. Also, she wondered about the slope in terms of usability. She was happy the applicant is willing to redo the hollow door.

Vice Chair Katz closed the public hearing.

## **BOARD DISCUSSION**

**MOTION:** In Case #2021-003672-HDRB. 1658 Cerro Gordo, Member Guida moved to approve the project as drawn with the clarifications that the dry stack stone wall is specifically the portion of the retaining wall beside the path and a maximum height of 48 inches and the railroad ties will be used for the retaining wall around the parking area and the applicant will update the drawings accordingly and show staff a revised panel door for final approval. The motion was seconded by Member Roybal.

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

Vice Chair Katz noted how frustrating it is when information is not in the packet originally and the Board doesn't know what is being discussed. The project is fine, but the lack of information does not make the Board's job easier.

5. **Case 2021-003670-HDRB. 844 Don Cubero.** Don Gaspar Area Historic District. Steve McCormick, agent for Evelyn and Tom Taylor, owners, proposes to replace doors and restucco a contributing garage. An exception to section 14-5.2(D)(1)(a) to remove historic material is requested. (Daniel Schwab)

## **STAFF REPORT**

844 Don Cubero Avenue is a single-family residential structure and freestanding garage, both of which have contributing status to the Don Gaspar Area Historic District. The main house was constructed in a Spanish Pueblo Revival Style in around 1928 with a 1990s addition at the rear. The garage is presumed also to be from around 1928.

The garage sits at the rear of the driveway on the south side of the main house and is visible from the street. The east, street-facing façade has a non-original metal garage door and an older wooden door to the right. It has clerestory windows on the south façade. Documentation shows that there have been changes to the roof and parapets after 1969 and the structure in 1930 had east and west windows, which have now been removed. However, it still communicates its original use. On April 13, 2021, in Case 2021-003372-HDRB, the HDRB designated the east façade of the garage as primary.

The applicant now returns to the Board with the following proposal:

1. Replace the non-historic garage door.
2. Replace the historic pedestrian door on the primary façade with a vertically oriented window with the same dimensions with frosted windows to shield a bathroom that is visible from the street. An exception is requested to Section 14-5.2(D)(5)(a)(i) replace a historic door on a primary façade.
3. Raise the openings by 6 inches on the primary façade to mitigate flooding. This will result in a minimal change in the appearance of this façade. An exception is requested to Section 14-5.2(D)(1)(a) remove historic material.
4. Doors and windows will be green with “mint”-colored sashes to match the house.

### **STAFF RECOMMENDATION**

1. Staff recommended that the exceptions to Section 14-5.2(D)(1)(a) for
  - a. Item 2, replacing a historic door, and
  - b. Item 3, raising the openingshave been met.
2. Staff recommended approval of items 1 through 4 and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(H) Don Gaspar Area Design Standards.

### **QUESTIONS FOR STAFF**

Vice Chair Katz asked if there is a problem with the historic pedestrian door.

Mr. Schwab replied that the doors are not in terrible condition. The idea for replacement is that a bathroom will be behind the opening. A window is desired rather than a door and the question is how to treat that. If the door remains and the window glass is changed, it creates an odd situation in the interior. This request is a compromise to replace the door. The floor plan shows a door directly next to the sink and toilet.

Vice Chair Katz said he understood they wouldn't want a door that would open but they have a full-length series of panes of glass. The glass is not the problem. He asked if a curtain wouldn't solve the problem.

Mr. Schwab suggested asking the applicant.

### **APPLICANT'S PRESENTATION**

Steve McCormick, 318 W. Gomez, was sworn in. Mr. McCormick stated he sent an updated elevation that he didn't see in the packet. What was shown was the old elevation.

Mr. Schwab displayed the updated elevation.

Mr. McCormick addressed the question about keeping the existing door. He explained it does open up to a proposed bathroom and they would like ventilation in there. They have proposed an operable unit below the fixed glass and to frost all of the panes. A door is not appropriate for the new bathroom, they want to retain the opening and put a new unit into the existing opening. They get more ventilation by having an operable unit on the bottom and if a more harmonious elevation if the door is removed.

### **QUESTIONS FOR APPLICANT**

Member Guida said he sensed they were also raising the floor which might have something to do with removing the door.

Mr. McCormick said yes, they need to raise the floor six inches.

Member Guida thought Mr. McCormick fell into an odd situation because of preservation practices in Santa Fe. He said he questions the wisdom of this façade elevation to begin with, but even if recognizing the pattern of openings on the garage façade were important, they are pursuing an exception here with the modification or the replacement of the door. He asked if a window is preferred, why not install a window of the same width in the opening and reproduce the pattern. The result is a less convoluted solution in this proposal, or the previous proposal for a frosted door. He was in favor of not keeping up the charade of this being a door if an exception criteria would allow it. The exception process allows the Board to make informed decisions and that would seem the best path.

### **PUBLIC HEARING**

Ms. Beninato liked leaving the door but making the window operable. If the openings are two or three doors with sidelights, it would look more like a garage opening. They could keep the door and put a wall behind it into the room. She

wondered if an alternative they hadn't considered was making the bigger opening look more like garage doors instead of French doors.

Vice Chair Katz closed the public hearing.

## **BOARD DISCUSSION**

Member Larson agreed the historic door appeared to be in good condition. But this is such a small structure, it would be appropriate to repeat the opening sizes as proposed. She thought the transom a good solution to make it function.

Member Bienvenu said this is the classic conundrum. This is a relatively insignificant building that is fairly visible but has been designated contributing. He doesn't see how the alteration would maintain the status. Perhaps it should never have been a contributing status. Once this is done, it is no longer a historic garage, it is a garage converted to a guest house and will look like that forever. It will no longer have any historical value, but he isn't sure it ever did.

Member Bienvenu said if they keep the view that this is a contributing structure and it should still look like a garage, they will need to keep the door. The only way to maintain contributing is to take the three bolt doors and convert them into a carriage style garage door/window in the front. Then it wouldn't be so obvious this is an old garage. He said he has no problems with the design and forgetting the contributing status, which perhaps wasn't needed in the first place. If they want to maintain the contributing status, it will need to be modified.

Mr. Schwab said he follows Member Bienvenu's argument. Either acknowledge its contributing status, which requires the Board approve changes to maintain that status. Or the alternative is to request it be downgraded.

Vice Chair Katz asked when this was given contributing status.

Mr. Schwab said there was a case with similar conversation on April 13 and the Board opted to assign primary façades in that case.

Vice Chair Katz said that decision was just made, and Mr. Schwab is essentially asking them to ignore that decision.

Mr. Schwab said no, there are two options. One is to approve the design that retains the status, in which case this would not be approved. Or request the status be downgraded.

Ms. Ramirez Thomas said this is the same conundrum as the house up the street. This property came forward without a status review and a request for primary elevation designation. It was suggested to the owner of the property

multiple times to request to downgrade the structure. The applicant chose to come forward with a request for exception instead.

Member Biedscheid said she agrees that the changes proposed here are not sensitive to the contributing status. She wondered if the amount of frosted glass meets the rule, because it is distracting and unusual. She agreed Member Guida's suggestion was the way to go if they retain the frosted glass.

Member Guida said he appreciated Member Bienvenu's clarity. Discussion of whether the Board is making a decision that preserves a contributing status is important. He has less access to the loss of historic material on a garage, or the gymnastics being discussed on this and other garages, as if the original wood doors have to be preserved and it is precious.

Member Guida said the Board in general, when clear it is a contributing building, should have a broader set of design possibilities to recognize what they are seeking to preserve. He would argue for more design latitude. Either way, whether kept as a contributing structure where this is the primary façade, or downgraded, it does not amount to a good project. He agrees with other Board members, they are just fitting a commercial door size that would infill the opening and that doesn't produce a harmonious result. He preferred a remodel that acknowledges the original openings along the lines of what was suggested by Member Bienvenu. A pair of doors like carriage doors that have glazing. In addition, seeking an exception to reduce the window to a proper window that matches the door.

Vice Chair Katz said he shares the Board's frustration. If it is contributing and they are preserving something because of that status, then it should be preserved. If the Board thinks it should not be contributing that is different. He suggested the Board consider suggesting that the applicant apply for a downgrade. If they choose not to, they should come back with a proposal similar to Member Bienvenu's suggestion.

Mr. McCormick said the Board put their finger on the issues. He wished he had approached this differently. At the same time, he thought the Board was tripping over their process. He asked if the elevation is not important, why not approve the drawings as submitted instead of the exercise of downgrading the building.

Vice Chair Katz said because the case was just before the Board a few months ago and was maintained with that status. If that is not the right decision, they should change that decision. It is disrespectful of the Board, the ordinance

and the process to pretend that decision does not exist. He was not saying that Mr. McCormick isn't right, but let's not mock the process.

Mr. McCormick apologized. He said he didn't mean to be disrespectful or mocking. He thought they only had to maintain the openings and that there was a lot of latitude. It was a misunderstanding of the process.

Member Guida addressed Mr. McCormick and said he sympathizes with his frustration. This is publicly visible, and the Board is also interested in a good design product. He understood that Code put him in a tight spot. He said he is arguing for more design latitude if it is a contributing building and primary façade. A response that would have that latitude and express the old door as a window and find a happy medium for a replacement for a carriage door. That would be a smarter way to go.

Mr. McCormick asked if this is not approved, could he request a downgrade or redesign with the existing strategy with the designated primary façade. He asked if he should leave it as contributing and approach it with a different strategy.

Member Guida said that is possible. He asked staff even after a downgrade whether the Board would review the project because it is publicly visible and different rules would apply.

Mr. Schwab said that is correct because it is publicly visible.

Ms. Ramirez Thomas suggested Mr. McCormick return with a request for a status downgrade. Or he could consider the Board's comments regarding the retention of the status and what that entails.

Member Guida said even if the Board downgrades the structure, they will subsequently do a design review on what is proposed. He said that was where he was saying that even absent the rules in this district, he didn't know that this is a good looking building if downgraded. Also, he doesn't know if this is what Mr. McCormick would do if he had more design freedom. He sees a path forward within the current status and asking for exceptions to replace a pedestrian door with a window, or a conventional window of the same width as the old door, and a revised set of doors in the old dimensions of the garage door. The other path is a downgrade and a completely different design approach.

Vice Chair Katz said he would agree about the two options but didn't agree if the status remains that the historic door could be removed. He recommended postponing so the applicant could decide which direction to go.

Mr. McCormick said he spoke with the owners about if the exception is denied. They wanted to move forward and keep the historic door rather than having to return.

Vice Chair Katz said he wasn't hearing Board members were comfortable with the other opening. He sensed he would have to come back regardless.

Member Bienvenu said they could postpone to a date certain, or deny the application and let the applicant start the process again. He asked staff to explain the pros and cons of the options based on the discussion.

Mr. Schwab said there is actually another option; to postpone. Postponing to a date certain adds a lot of time pressure. He felt that wasn't the best option because there should be some reflection. Postponing might be an option with the option that the applicant applies for a downgrade or a redesign.

Member Bienvenu asked if that requires a new notice.

Attorney Paez said it would. She thought they could postpone and either amend the application with a new design or add an additional request. It would keep the same case number. She asked staff to comment.

Ms. Ramirez Thomas confirmed that was correct.

Member Bienvenu thought postponement seemed the best option.

**MOTION:** In Case #2021-003670-HDRB, 844 Don Cubero, Member Bienvenu moved to postpone the application to a later date for the applicant to resubmit with a revised design and/or request for a downgrade, per the applicant's choice. The motion was seconded by Member Roybal

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

## **H. DISCUSSION ITEMS**

None.

## **I. MATTERS FROM THE BOARD**

Member Bienvenu wanted to follow up on the discussion on appeals. He wanted to bring to the Board's attention that the appeal was decided by the Governing Body for the 314 Guadalupe Street case. The Board denied the

application for a new building to be placed on the same lot directly in front of a contributing bungalow. The Board had denied the case based on a view that the yard was part of the contributing status. Secondly that the lack of public visibility of the contributing bungalow would cause the structure to be downgraded to noncontributing. He thought it is important to follow up because it raises the visibility issues. He wanted to make a couple of comments and have Attorney Paez address this.

He said he asked Ms. Paez for the Findings of Fact and Conclusions of Law. He asked that those be circulated to the Board every time the Governing Body rules on an appeal. He views those rulings to be precedents the Board should follow since they are directly on point for cases before them. The Governing Body is superior to the H-Board and their rulings clarify both the legal standards and the application of the facts. It is incumbent upon the Board to take that into account.

It also raises interesting and important public visibility issues. He said he watched the hearing and thought the Governing Body overruled the Board, and did a good job discussing the issues involved in reaching their rulings. In addition, Ms. Ramirez Thomas and Attorney Paez did an excellent job presenting the views underlying the Board's decision while representing the City's interest.

He asked that Attorney Paez provide an overview of that decision.

Attorney Paez said she was happy to circulate the decisions. This case happened in August, and she had tried to uphold the Board's decision through the Findings of Fact and Conclusions of Law. That is a process based on the Board's discussions and motions. The Board had denied a proposed new house, first with the idea that the contributing status of the bungalow would be lost by a structure in front of it. Also, that the yard space was an architectural space that embodied the contributing status.

She did additional research into the Westside Historic District in her explanation to the Governing Body of why the Board made that decision. She is not an expert but pulled some of the history and context of that historic district; the agricultural background, evolution over time, pattern of development, who has lived there, etc. There were some clues of the decision in the Findings that didn't make it into the packet, but definitely informed the Board's decision. She presented some of the information about the lots and the evolution over time. She thought the Governing Body understands that this lot is a vestige of that time and perhaps unique. There isn't the same pattern in residential and commercial development.

The Governing Body asked why the bungalow was contributing. There wasn't much in the Historic Preservation Inventory or a lot to go on. There was a survey in the 1980s, but the record didn't reflect the same ideas of importance to the district and why this yard might be more important. She thought the Governing Body appreciated the nuances because there were a couple of dissenting votes. But ultimately they found the bungalow could still be contributing through architectural design qualities. They found that the yard space was not an architectural feature of the bungalow. They expressly reiterated their conclusion from a couple of previous cases with regard to the view corridor concept. The concept came out of a previous court case. The rule is that the Code as currently drafted does not authorize the Board to deny a project for the sole purpose of preserving a view corridor of a historic structure from a public place. But the board may deny a project based on applicable provisions of the Code. So, if the only thing the Board is relying on is preserving the view from a public location, it probably will not be enough, unless the ordinance is amended. They should continue to apply that rule in future cases. If there is another issue that the historic structure will lose its status, they can articulate, but must have a Code basis. She encouraged reliance on the Ordinance and distinguishing from that rule.

Member Bienvenu thought the Board had decided on both cases that went to appeal, without a discussion of the law. This makes clear that the concept of the view corridor cannot be protected under our Ordinance. The other issue it raises is if public visibility still a condition of contributing status. He still believes it is because the Ordinance states if a building will cause an adjacent structure to lose its status, the application should be denied. He couldn't think of another instance where that condition could ever be applied except by blocking the view.

Member Bienvenu said in this case they have the Governing Body saying that the status of the bungalow will not be changed by this new structure. That puts the Board in a position where they may be bound by the Council's decision.

Ms. Ramirez Thomas said a point of clarity is a property might be downgraded by what is happening next to it. If something in construction is significantly incongruent with the district it could potentially downgrade. Much the same as demolition by neglect can downgrade adjacent properties.

Member Roybal said he voted in favor of that property because he thought with everything going on in the commercial on Guadalupe, it would be unfair to deny the project. His concern was if they have a contributing house and they want to build a guest house, the guest house does not affect the contributing house. He asked if this would open the door to people doing whatever they want with their property. He was concerned when the Board denied the project. He believes

people have the right to do things in their own home if it doesn't affect anything else.

Member Biedscheid said her thought was about that the position on the lot was what was important. That was what she was trying to save, rather than its view from Guadalupe. She asked if the architectural space and its importance is something the Board could continue to use. That relates also to the garages that were before the Board tonight. They are starting to find value in façades facing the street, but it is the position at the end of a long driveway and the smallness of the massing, that the Board is interested in retaining.

Attorney Paez said she always encourages having a Code basis. If there had been more of that at 314 Guadalupe and the reason the Board thought it contributing, related to the definition and how it adds to the historic architectural design qualities. It could be a matter of postponing for more information if the Board felt more information would make the decision better code based and historic. They should tell staff they don't have enough information to evaluate and postpone until they have that. The more information in the record to support the decision is important. Even a statement of why it should be denied.

Member Biedscheid acknowledged the great job by Attorney Paez. She found that is good advice because she is realizing that the 1980 HCPI reports will not stand up in an appeal. She asked if the Board could request downgrading regarding the Governing Body's decision on this case.

Attorney Paez said she would be concerned about that. The Governing Body maintained their appellate power to hear appeals. She felt in the absence of new facts or changes it would not be appropriate.

Vice Chair Katz asked if the Governing Body explicitly said the structure would not lose its status.

Member Bienvenu said they did explicitly find that the house would not lose its status and it was expressed as a finding and conclusion.

**J. NEXT MEETING: Tuesday, June 22, 2021**

**K. ADJOURNMENT**

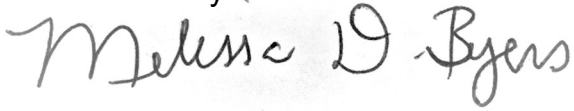
Vice Chair Katz adjourned the meeting at approximately 8:57 pm,

Approved by:

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Frank Katz, Vice Chair

Submitted by:

A handwritten signature in cursive script that reads "Melissa D. Byers". The signature is written in black ink on a white background.

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Melissa Byers, Stenographer  
For Byers Organizational Support Services