



# AGENDA

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

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## 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.

**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=UnJoemxXbUlVTDIzSXM5TzByZUR1QT09> and use password: **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:

- 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.



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• 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:**

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

**E. MATTERS FROM THE PUBLIC**

**F. STAFF COMMUNICATIONS**

**G. OLD BUSINESS**

1. Case #2020-002975-HDRB. 918 Don Gaspar Avenue. Martinez Architecture Studio, agent for Linda Banglis, owner, requests to remodel a non-contributing garage and restore its contributing status per 14-5.2(C)(2)(f). (Daniel Schwab, 955-6660, [dnschwab@santafenm.gov](mailto:dnschwab@santafenm.gov))
2. Case #2021-003048-HDRB. 555 San Antonio Street. Downtown and Eastside Historic District. Design Solutions, agent for Barbara Wagner and Charles Palmer, owners, request primary façade designation on a contributing structure. (Angela Schackel Bordegaray, 955-6127, [asbordegaray@santafe.gov](mailto:asbordegaray@santafe.gov))



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## H. NEW BUSINESS

1. Case #2021-003197-HDRB. 555 San Antonio Street. Downtown and Eastside Historic District. Design Solutions, agent for Barbara Wagner and Charles Palmer, owners, requests the addition of an 80 sq. ft. portal and a 60 ft. addition to a contributing structure. (Angela Schackel Bordegaray, 955-6127, [asbordegaray@santafe.gov](mailto:asbordegaray@santafe.gov))
2. Case #2021-003198-HDRB. 100 E. Water Street. Downtown and Eastside Historic District. Curt Temple, agent for the City of Santa Fe Facilities Division, proposes to construct a Santa Fe Tourism kiosk and public restroom facility. (Nicole A. Ramirez Thomas/ Daniel Schwab, 955-6660, [dnschwab@santafenm.gov](mailto:dnschwab@santafenm.gov))
3. Case #2021-003199-HDRB. 1660 ½ D Cerro Gordo. Downtown and Eastside Historic District. Bill Roth, agent for Michael Loftin, proposes a 423 sq. ft. addition on a non-contributing structure. (Angela Schackel Bordegaray, 955-6127, [asbordegaray@santafe.gov](mailto:asbordegaray@santafe.gov))
4. Case #2021-003200-HDRB. 300 Garcia Street. Downtown and Eastside Historic District. Sandra Donner, agent for Megan Mullally, requests historic status review and designation of primary facades of building and yard walls. (Angela Schackel Bordegaray, 955-6127, [asbordegaray@santafe.gov](mailto:asbordegaray@santafe.gov))
5. 2021-003185-HDRB. 1299 Upper Canyon Road. Sandra Donner, agent for Julia and Randall Burt, owners, proposes to construct a stucco yard wall to a height of 68 inches, a 482 sq. ft. garage to a height of 14 feet, gates and a trash enclosure. (Daniel Schwab, 955-6660, [dnschwab@santafenm.gov](mailto:dnschwab@santafenm.gov))

## I. DISCUSSION ITEMS



City of Santa Fe

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BOARD  
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**J. MATTERS FROM THE BOARD**

**K. NEXT MEETING: Tuesday, March 23, 2021**

**L. 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.**

**RECEIVED AT THE CITY CLERK'S OFFICE**

**DATE: February 17, 2021**

**TIME: 4:32 PM**

**SUMMARY INDEX**  
**HISTORIC DISTRICTS REVIEW BOARD**  
**March 9, 2021**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
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D. Findings of Fact & Conclusions of Law	Approved	3-4
E. Matters from the Public	Comments	4
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G. Old Business		
1. Case #2020-002975-HDRB 918 Don Gaspar Avenue	Approved	5-14
2. Case #2021-003109-HDRB 128 West Berger Street	Postponed	15-18
3. Case #2021-003048-HDRB 555 San Antonio Street	Approved with Conditions	18-22
H. New Business		
1. Case #2021-3197-HDRB 555 San Antonio Street	Approved	22-25
2. Case #2021-003199-HDRB 100 E. Water Street.	Postponed	25
3. Case #2021-003199-HDRB 1660 ½ D Cerro Gordo.	Approved	25-27
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5. Case #2021-003185-HDRB 1299 Upper Canyon Road	Approved with conditions	27-35
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**MINUTES OF THE CITY OF SANTA FE  
HISTORIC DISTRICTS REVIEW BOARD  
March 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  
Ms. Flynn G. Larson

**MEMBERS EXCUSED:**

Mr. Anthony Guida  
Mr. Buddy Roybal

**OTHERS PRESENT:**

Mr. Noah Berke, Planner Manager and Staff Liaison  
Ms. Nicole Ramirez Thomas, Liaison  
Mr. Daniel Schwab, Senior Planner  
Ms. Angela Bordegaray, Senior Planner  
Ms. Sally Paez, Assistant City Attorney  
Mr. Carl Boaz, Stenographer

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

**B. APPROVAL OF AGENDA**

Ms. Ramirez Thomas asked to move Old Business Case #2, 2021-003048 to Case #3 under Old Business. Also, to postpone Case #2021-003200 to March 23, 2021 to allow the applicant to provide additional information.

**MOTION:** Vice Chair Katz moved, seconded by Member Larson to approve the agenda as amended.

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

**C. APPROVAL OF MINUTES:** Postponed

1. February 23, 2021

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

1. Case #2020-002813-HDRB. 27 Anita Place.
2. Case #2020-002916-HDRB. 481 Arroyo Tenorio.
3. Case #2020-001979-HDRB. 613 Canyon Road.
4. Case #2021-003109-HDRB. 128 West Berger.
5. Case #2021-003111-HDRB. 314 North Guadalupe Street.
6. Case #2021-003114-HDRB. 630 Canyon Road.
7. Case #2021-003113-HDRB. 324 Staab Street.
8. Case #2021-003119-HDRB. 331 De Vargas Street.

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

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

## **E. MATTERS FROM THE PUBLIC**

Stefanie Beninato said she wanted point out at the last meeting the Board discussed nonconforming. Ms. Paez talked about one-third versus two thirds of destruction that makes something lose its non-conformity. That only applies in the case of Act of Nature like a fire or flood that damages two thirds or more. It would have to be rebuilt to conform with today's code. That does not apply to the Berger Street case.

## **F. STAFF COMMUNICATIONS**

Ms. Ramirez Thomas said she contacted the project manager for the PERA Building on presenting to the Board on the solar structures. She is awaiting a return call.

The 2021 Heritage Presentation Awards are coming up. She will talk with OSFA (Old Santa Fe Association) and Historic Santa Fe on how the ceremony will be done this year.

Ms. Paez indicated the February 23<sup>rd</sup> minutes are in the packet but may not have been readily accessible. The Board could postpone approval if they had not had a chance to review.

Chair Rios checked with members if they had an opportunity to read them.

Member Bienvenu mentioned he had received the minutes.

Vice Chair Katz and Chair Rios indicated they did not read them, and Ms. Biedscheid said she did review them.

**MOTION:** Member Biedscheid moved, seconded by Member Bienvenu to postpone the February 23, 2021 minutes until the next meeting.

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

## **G. OLD BUSINESS**

Chair Rios reminded applicants about the appeal process if they disagree with the Board's decisions. They have 15 days from the approval of Findings of Fact to appeal. She limited public comment to 2 minutes each at this meeting.

1. Case #2020-002975-HDRB. 918 Don Gaspar Avenue. Martinez Architecture Studio, agent for Linda Banglis, owner, requests to remodel a non-contributing garage and restore its contributing status per 14-5.2(C)(2)(f). (Daniel Schwab, 955-6660, [dnschwab@santafenm.gov](mailto:dnschwab@santafenm.gov))

## **STAFF REPORT**

Mr. Schwab presented the summary on screen.

### **BACKGROUND & SUMMARY:**

918 Don Gaspar Avenue is a single-family residential bungalow with a historic status of contributing and a freestanding garage with a historic status of non-contributing, to the Don Gaspar Historic District.

The house was constructed by 1928 and the garage by 1948 in a style matches the house, which has white painted gables with dark brown wooden shakes below. An HCPI from 1993 shows the garage with a shingled gable, but the bottom portion of the view is blocked by wooden doors that separate it from the street. Since the photo was taken, unpermitted work was performed on the garage. Half of the shingled gable was covered over with a scratch coat of plaster and an aluminum sliding window.

The Board reviewed the status of the structure in Case #2020-2975-HDRB on January 28, 2021. It downgraded the status of the structure to noncontributing and required the property owner to submit an application to restore the structure such that it shall be restored to its former contributing status per Section 14-5.2(C)(2)(f). Little evidence exists as to the history of the structure. It appears to have been built a few years after the house (1915, with the house built in 1911), with the lowering of the floor occurring at a still later date. It may have originally not had a front wall, only shingles over the gable.

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

Reconstruction of the west wall, which is the front façade of the garage. The front door and window in will be white to match existing gate. The stone walls are “river

rock". The boards and trim will be white to match existing. The shingles will be brown to match the existing. The roof material will remain green asphalt shingles.

### **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(H) Don Gaspar Historic District Design Standards.

Staff recommends that the proposal complies with Section 14-5.2(C)(2)(f) for reinstatement of Contributing status.

### **QUESTIONS FOR STAFF**

Member Katz thanked Mr. Schwab for the inside photos. He was puzzled by the lowering of the floor. He assumed the door on the right as exists and proposed, is at floor level inside.

Mr. Schwab said the photo suggests that. He believed that to be the floor level inside.

Member Katz asked to confirm that was the garage

Mr. Schwab said it seemed to be an accessory structure according to their documentation, but he didn't know if for a car.

Member Katz expressed disappointment about the lack of information. If it were a garage the floor would have to be as low as it is now, or a car would not fit. It appears dirt was put in front of the building.

Mr. Schwab it could have been that it was both slightly lower than the natural grade and then this last portion was raised. Earlier there may have been something that was level all the way across.

Member Katz asked if there was a reason he thought the floor was lowered.

Mr. Schwab replied construction leads him to believe because of the depth of the wall that it doesn't go to the current garage floor. These are his only photos.

Member Katz confirmed that you could see straight down the driveway to the structure. He noted the diagram view from the street indicates there is a wall in the front view, but you don't see that.

Mr. Schwab explained it is a retaining wall starting at ground level and descends, going down from there.

Member Katz asked if there was a railing going down the steps.

Mr. Schwab presumed there would be a railing.

Member Katz said he is distressed they are not receiving better renderings of what this will look like.

Mr. Schwab pointed to the proposed north elevation with a wall sticking up that he thought was the railing. Currently it is a retaining wall without steps down but potentially there will be steps.

Member Katz indicated he could find nothing on what the siding below the gable will be.

Mr. Schwab replied it will be the same brown shingles, but they could ask the applicant.

Member Katz didn't think it looked the same.

Member Larson asked the age of the front door.

Mr. Schwab said all of it is non-historic except for a small amount of shingle.

Member Larson asked if there was information on the opening or if just assumed it is the garage.

Mr. Schwab said they are calling it a garage because of the height but it may have just been a shade structure. There was not a lot of documentation other than interior photos.

Member Bienvenu asked if Mr. Schwab had said he didn't know the material on both sides of the window and the door.

Mr. Schwab yes, there is nothing stated on the diagram.

Member Bienvenu noted the drawing indicates an iron railing that accompanies the stairs. He asked if Mr. Schwab knew whether it was below or above grade.

Mr. Schwab presumed it is above grade because the stairs begin at grade.

Member Bienvenu asked Mr. Schwab's opinion whether the Board has authority to order this be returned to contributing status. The plan indicates it is a change from their best guess of what was there before. He doesn't see how the Board could reach a determination that the historic integrity should be retained.

Mr. Schwab said we are all operating on the same level of information. However, there are traces of the same character defining features that he identified in the house. With any reconstruction, you have to use the historic traces available. The shingle and the white roofline also on the main structure, are the character defining features that could represent the status. The number of doors or windows is really just a design question.

Member Bienvenu didn't agree the historic integrity of the structure could be retained because the shingles are restored. The applicant's agent indicated he did not believe originally anything was below the gables. Even the information from the application appears that this has no historic integrity to be contributing. Although that doesn't mean it can't be approved within the guidelines.

Ms. Paez offered to reiterate findings from the January case. The Board found this to be over 50 years old. Per the written order, the structure retains integrity, specifically, *"although the structure has had significant alterations it retains its integrity because a significant amount of its historic material, features, and craftsmanship remain in the form of the shingled gable."* It further states that the *"unpermitted alterations, including the scratch coat of plaster and the new door and window, prevent the structure in its current condition from adding to the historic associations or historic architectural design qualities that are significant for the district."* It says due to the unpermitted alterations the structure no longer meets the definition for contributing structure.

She read from 14-5.2C(1)(c), *"Distinctive features and examples of craftsmanship that characterize that the structure must be preserved."* The Board found that the structure could be restored to its former contributing status through the use of photographic evidence and retention of the historic material, features, and craftsmanship, including the shingled gable.

Member Bienvenu said he appreciated that but still believed everything below the gables is speculative. He couldn't see how that could be found to be contributing.

Member Biedscheid stated this façade is significantly altered and they don't know what was presented before, but there is still an entire footprint. There are three walls, and she believes are historic stone walls, and a pitched roof. Those all seem to be intact and might be enough to designate as contributing with a sensitive restoration of the front.

She noted the floor plan has a reference to a stucco wall below the window. There appears to be brick wainscoting on the main house with possibly a stucco header. She

asked if there were other stucco references. She also was unclear if a yardwall is proposed in the front of the garage.

Mr. Schwab noted an element extending above the grade in the diagram. He wasn't sure if it were a wall or a railing but appears to be a retaining wall.

Chair Rios pointed out the Board determined the garage was not contributing and they had asked that it be restored to its former self. She asked if correct that the Board could revisit the status of the garage.

Mr. Schwab said yes, the requirement was for the applicant to return with a proposal that would allow the contributing status to be reinstated. The assumption was that the Board would examine the status. The requirement is that it be redesignated contributing.

Chair Rios asked if redesignation would have to be done at another meeting because it was not advertised.

Ms. Paez explained the agenda caption as advertised adequately captures a request to remodel a noncontributing garage and restore its contributing status. That was per the provision that the Board may require restoration of a contributing structure. This provision is not usually applied, but this was advertised as a possible redesignation of contributing status.

## **APPLICANT'S PRESENTATION**

Richard Martinez, 1524 Paseo de Peralta, was sworn in. He offered to answer the questions posed. He noted about the photograph of the outside of the building and explained the floor is at the bottom of the door. The floor appears to have been lowered at some point. The concrete wall against the stone wall continues inside the building around three sides. The floor may naturally slope downward but not to the extent it is now. He noted a stub shown on the existing elevation between the door and window. That is the wall between the natural grade and lowered floor area. He proposed to raise the stub (the wall) up to 3 feet as required by building permit. Any habitable area with a drop of more than 18 inches requires a 3 foot barrier. That would mean the lower area of the garage will be enclosed by the walls. His proposal includes the side wall, and the front wall of the lowered area. A stairway will go down from natural grade to the lowered area and have an iron railing inside (labeled #9). At the highest end it starts 3 feet above natural grade and goes 3 feet below the lowered floor. That will not be visible from the street because of the 3 foot wall in front. The wall is block now, but on the other side of the driveway next to the neighbor, the wall is stucco. He proposes to stucco the block wall.

He intends to keep the shingles on the gable element and will restore any existing shingles as much as possible or replace as needed. The house has white trim and the closure of the portals on the main house are painted white. He proposed the same thing on this façade of the garage. He wanted it to be as much as possible like the gates of the past. They will keep the stone walls around the west, north and east sides. The staff report indicates three elevations are publicly visible and he is keeping two and doing his best to restore the elements on the north façade as well.

### **QUESTIONS TO THE APPLICANT**

Member Katz said he was still confused. He asked if none of what he sees on the drawing of the proposal would be seen. They would see a wall as high as the stub to the left of the door that blocks the doorway area.

Mr. Martinez said yes, it would go from that stub to the existing east wall.

Member Katz asked where there is a stuccoed wall.

Mr. Martinez replied it is the wall on the west side about 6 feet high between his property and his neighbor.

Member Katz confirmed that is a yardwall. He asked if correct that there are three old stone walls from the original structure.

Mr. Martinez said he was correct but the stone wall on the west side only appears on the garage and then turns to stucco. That will not change.

Member Katz said he was disturbed that there was dirt in front of the structure hiding it. But more so, that the structure will be hidden even more by a wall that almost entirely blocks the doorway. If you are trying to restore what was a contributing structure that is not the right way.

Member Katz asked why he would propose white siding. The house has white trim, but the siding is wood, brick or something else.

Mr. Martinez explained the gates and fencing, even on the main house were white. It was to look like the former gates on the garage and fencing.

Member Katz asked what he was matching, the gates on the garage are no longer there. This should more closely mirror the house rather than the gates.

Ms. Ramirez Thomas showed the street views of the main house noting the brick was visible. Below was divided light windows and there is a stucco yardwall with some river rock.

Mr. Martinez explained the house originally had an open porch that has since been enclosed and had white windows.

Chair Rios asked if the wall was also painted white.

Mr. Martinez clarified it is not a wall, it is pilasters with shingles above the windows like the garage. The house is brick, and it is behind the windows of the enclosed porch as shown by the photograph.

### **PUBLIC HEARING**

Stefanie Beninato, PO Box 1601, Santa Fe, was sworn. She also wondered why there had to be an additional wall there. There is a drop where the proposed door is and a retaining wall. It would seem you could put the stairs as far from the house as possible and step down to the proposed doors, opposed to entering from the side. That would eliminate the need to block the view of the structure. She agrees with the wall you will not see the structure, which is a concern on a primary façade they want to restore to contributing status. She also wondered if possible to remove the dirt under the window and put the retaining wall further away with steps down to the floor level. She thought the white painted wood might fit better if it was a garage with wood on a diagonal. The bottom would have brick to replicate the details on the house. She appreciated the stone walls will remain and an effort to find keep the original shingles, and they can be refurbished or replaced in kind.

There were no other public comments.

### **BOARD DISCUSSION**

Member Larson thought the white siding and shingle is appropriate and in keeping with the style and a sensitive choice to what the structure was in the past. She advised against employing brick because they don't want to mimic the house.

She agreed with Mr. Schwab they want to preserve what they know is there. The rendering is very much in keeping with that.

Chair Rios said she agreed.

Member Biedscheid asked to clarify if the white siding went to the ground under the new window, and if there was a north elevation showing the new wall in place.

Mr. Martinez replied he did not draw the façade outside the wall. He cut through the wall to show the elevation of the building. However, the wall would be the same height as the wall shown on the side and is 3 feet above grade. The white painted wood goes all the way to the ground with a flashing between the wood and ground. There is no change in material on that façade.

Member Biedscheid asked to confirm the wall shown is the same height as the current wall.

Mr. Martinez explained the current wall is the stub that he will raise will stay the same under the window.

Mr. Schwab clarified where the wall would extend on the north elevation. Also, maximum visibility is not a requirement for contributing status. Contributing structures status is not contingent on the building being visible. The historic photograph shows in the past it was also blocked by a gate. There is logic for a resident having a stairway that provides privacy by curving, rather than a linear approach from the street.

Member Katz disagreed with Mr. Schwab because leaving it as it is blocks much more of the structure. He addressed Mr. Martinez and said, it is clear you're going to tear out the wall there now to move down and install a stairway. He asked if he would consider not having a wall and have the stairway go from there with the railing attaching to the stone wall on the right side. That would not block the building or require a three foot wall that blocks almost the entire building.

Mr. Martinez said he would consider it but didn't think that it would be useful because it bisects the lower area. What he proposed will not block any of the restored shingles on the gable, the roof, the trim or stone walls. Those would be retained. The wall serves to block the doorway and entrance, not much more.

**MOTION:** In Case #2020-002975-HDRB. 918 Don Gaspar Avenue, member Larson moved to approve the application as submitted. Member Biedscheid seconded the motion.

**Discussion on the Motion:**

Member Katz asked a friendly amendment to restore to contributing status without specifying a primary façade on the basis the original footprint is the same. The distinctive gable and painted shingle, three stone walls and historic would be sufficient along with the restoration of the shingle in the

front and the rest remaining consistent with the house, to enable contributing status.

Member Larson agreed and accepted the amendment.

Member Biedscheid asked staff if a requirement if this is designated as contributing is to have a primary façade.

Ms. Ramirez Thomas said if a primary façade is the basis for preservation on a contributing building. But Member Katz noted the architectural details, such as the shingles, gable, rock wall which could provide the context for preservation, rather than designate a primary with new material.

Mr. Schwab added as a note that only historic material is protected on a primary façade and could be designated a primary façade knowing that.

Chair Rios understood the reasoning, but the primary façades are almost always designated. The Board has often had cases where you have to designate a primary façade on a contributing building.

Member Katz thought that was because a primary was never designated on something that had been contributing for years. Once someone wants to change the house they need to know what is primary to inform what they plan to do.

Chair Rios agreed that was the reasoning behind it.

Mr. Schwab clarified that the definition of a contributing building does not include a primary façade.

Ms. Paez said she was not aware of an explicit code requirement there must always be a primary designated. That has been the practice of the Board for buildings, but not all contributing structures.

Ms. Ramirez Thomas explained people have to have a way to understand what must be preserved and what can be altered. She thought naming things on the building that “shall” be preserved reaches the same result.

Ms. Paez verified that Member Biedscheid did agree with the friendly amendment.

Chair Rios asked to confirm that nothing was indicated about the proposed wall.

Member Katz proposed another friendly amendment. Instead of a wall, it could be a wrought iron fence. That would provide protection but not be in your face.

Chair Rios said it's not common to ask the applicant in the middle of the motion, but it is important to get his comment.

Mr. Martinez said it is possible for a rail or fence instead of a wall. It can be any material the Board likes as long as it is safe for children, etc. not to fall into.

Member Katz specified it be a wrought iron fence.

Member Larson respectfully rejected the friendly amendment is not in keeping with other materials used nor in keeping with the style.

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

(Revised agenda)

2. **Case #2021-003109-HDRB. 128 West Berger Street. Don Gaspar Area Historic District. David Smith, agent/owner, proposes to remove a portion of a non-contributing yardwall and install a vehicle gate to a height of 4 feet7 inches. (Daniel Schwab, 955-6660, dnschwab@santafenm.gov)**

### **STAFF REPORT**

Mr. Schwab presented the report and screen displays.

### **BACKGROUND & SUMMARY:**

128 West Berger Street is a property with non-contributing status to the Don Gaspar Area Historic District. The shed in the back of the lot was designated non-contributing.

The lot was part of a consolidation in 2018 so that no access is currently available from the street. The applicant now proposes to create a 14-foot-wide opening to allow access to the lot and the apartments located on it. This will include a gate that will be constructed to a height of 4 feet 7 inches, which is the maximum allowable wall height.

It will be a “Sage” green steel frame to match the house with a wood infill with a Cedar wood stain.

This case came before the HDRB on February 23, 2021. It was postponed to a Date Certain of March 9, 2021 for completion of a Preliminary Zoning Review (PZR) and possible re-design. It was found that the existing wall exceeds the maximum allowable height, which is 4 feet 7 inches and that it may require demolition of part of wall to bring it down to appropriate height. The applicant returns with a new proposal that lowers the wall to the maximum allowable height where the sight triangle applies. Another portion of the wall to the west is replaced with a wrought iron fencing portion on top to match the adjacent property but does not lower the overall height. This new construction does not meet the code requirement for construction of a wall within the maximum allowable height.

**STAFF RECOMMENDATION:**

Staff recommends that the construction exceeds the maximum allowable height per Section 14-5.2(D)(9)(c)(iii)(C). Staff recommends either requiring that the wall height be lowered to the maximum or that the case be postponed for the applicant to apply for an exception.

**QUESTIONS FOR STAFF**

Member Katz asked if the lot consolidation was to consolidate four lots to two.

Mr. Schwab wasn't sure. This driveway originally served the lot, which is no longer the case and there is no access now.

Member Katz asked Ms. Paez about a case on Alameda of a contributing wall knocked down and the board rejected the proposal to keep it down. The opening for the driveway was very narrow and the proposal was to restore it to what it was but wider. The driveway would not have been restored to the way it was in the applicant was told that would make it lose its legal nonconforming status. So, the Board decided not to do that and asked that it be restored to the way it was. He asked if this wall has a legal nonconforming status.

Ms. Paez replied she didn't remember the reason the application was denied but allowed a slightly wider wall. The Board voted to require full restoration of the wall and the factor was the rock wall's historic contributing nature and location. The Governing Body decision affirmed that requirement on appeal.

She recalled in that case they looked at which of the code provisions were more restrictive. She wasn't sure if this structure is a legal nonconforming under zoning regulations. They are not good records and after time passes they don't try to enforce something that may have been constructed without permission that cannot be proven. Often they assume things are legally nonconforming. The land-use director, by code has the authority to call something legally nonconforming if they don't know the conditions something was built under.

Ms. Paez noted in the last meeting the Board, she thought persuasively, looked at our own historic code instead of at legal nonconforming structures or zoning codes. Those are the main rules the Board should apply. They looked to structures, other than buildings, not conforming to architectural style, *"shall be considered nonconforming. No alteration or repair may be made of any such structure other than its removal."* It doesn't make a distinction between legal nonconforming and conforming. It gives the Board discretion in how satisfied they are that the applicant could make the changes without having to restore the entire house. The provision is straightforward in requiring if not conforming, anything beyond routine maintenance and repair should be taken to the maximum allowable height.

Member Katz agreed, they would not ask that it be torn down but just require it be at maximum height.

Ms. Paez correct. They require it conform to historic code or get an exception.

Chair Rios confirmed that Mr. Schwab's recommendation is on point.

Member Bienvenu had a slightly different interpretation. He said buildings, if nonconforming need to be made conforming when there are no alterations other than to make them conforming. They decided a wall is a structure and if they are nonconforming, no alterations can be made other than removal. [Ms. Paez showed the code on screen.]

He thought the language could be finessed to interpret the removal section to mean "to make it conforming". There could be a two- step process; to remove it and then it is altered to be a conforming structure. So, in this case instead of taking it all down and building it back up to the acceptable height, you could take off the unacceptable portion.

### **APPLICANT'S PRESENTATION**

David Smith, 132 W. Berger St., was sworn. Mr. Smith explained after the discussion of bringing the wall down to 4'7", he was trying to make an access for deliveries etc. They own both properties and plan to keep them. When he learned that an opening in the wall is considered a change, he decided to try to do what he really

wants. Because of the visibility code he had to bring the left side of the wall and gate to 3 feet visibility. That led him to make the metal fenestration and an area of fenestration bringing most of the wall visually down to a height of 4' 6". That makes it appear to be flanking walls. The two posts in the corner will remain close to 6 feet.

He wanted to present this to the Board to see if this can be approved as is or needs an exception. Given the fact that any alteration requires major construction on the wall, he proposed it as a major remodel.

### **QUESTIONS TO THE APPLICANT**

Chair Rios asked to confirm that portions of the wall are at 4'6" currently.

Mr. Smith said that is correct of the opaque wall. He noted the photograph of the two properties and the wall on the duplex drops to 4' 6" but has metal fenestration. He proposes that on the other side of the driveway. Technically the metal fenestration is 6 feet high as it is across the driveway.

Member Biedscheid asked staff if the proposal could be approved tonight, because it would require an exception as is. She thought it not worth discussing unless the applicant wanted to return with an exception or would reduce the wall.

Mr. Schwab agreed it could not be approved tonight.

Mr. Smith said he would be glad to return with an exception and that didn't surprise him that he should have one. He would also like to know if any members felt the design has liability in trying to tie into the existing design and streetscape.

Member Katz said he proposed to continue the case so the exception requests can be submitted and would make a motion. He felt the exception has merit having the wall on the left look like the wall on the right. But if the others did not agree they could continue.

Member Biedscheid said the adjoining property wall referenced appears the same height. She thought that might also be noncompliant and exceed height.

Chair Rios thought that wall was lower.

Mr. Smith indicated the lot slopes down across the driveway and is about 2" shorter, resulting in the wall on the duplex about 4" lower. He explained it is stepping down the street and the street goes downhill. He did not propose to change that wall and realizes it doesn't conform. He is trying to maintain the existing historic streetscape as the

wall is part of the historic property. It would have to be deemed non historic to make changes to it.

### **PUBLIC COMMENT**

Ms. Beninato, previously sworn, couldn't see why the applicant could not bring the wall down to the correct height. She couldn't see a hardship and it is legally a separate lot. The other wall is nonconforming and if he wanted it to look the same the solid wall could be at 3.5' with a foot of metal fenestration. The look would be similar but would also conform. The applicant didn't give a clear answer to how tall the wall is from the ground. She believes it is 6 feet and if he would rely on the Board given him an exception if he comes back because they told him to come back with an exception. Code is clear that the wall should be the right height. The design element could still be put in, but at a lower height. The Board should require the wall be 4' 7" and allow fenestration if he returns with the drawing of what that would look like. She added there is a structure in the back of the lot and there is plenty of space between that and the street. The lower wall doesn't inhibit privacy and is in keeping with the streetscape. The Board should remain consistent with the standards.

There were no other public comments.

Chair Rios noted that the applicant has the option to come back with exceptions if postponed, or to lower the wall. The Board could then hear the case and decide.

Member Bienvenu stated he has no problem to postpone but he doesn't want the applicant to think getting an exception and returning that it would be approved. He personally had reservations whether the exception requirements could be met.

**MOTION:** In Case #2021-003109-HDRB. 128 West Berger Street, Member Katz moved to postpone for a redesign and a possible exception. Member Larson seconded the motion.

### **Discussion on the Motion:**

Member Bienvenu ask for clarification of what Member Katz meant by "redesign" as part of the motion.

Member Katz said the don't know if an exception depending on what the design looks like and how much the applicant is asking will be granted. He is moving for postponement so the applicant can ask for an exception if he wishes.

Ms. Paez said she understood from Board discussion and staff recommendation the applicant would be required to propose either a wall within maximum allowable height or to obtain an exception. The exception will require him to demonstrate he has met all six exception criteria. The Board will then evaluate based on the design in response to the exception criteria.

Chair Rios agreed and that is appropriately stated.

Member Biedscheid agreed. She wanted to be sure the applicant was given the opportunity to speak up before the case was postponed. He may be willing to lower the height tonight or might prefer coming back with an exception. She couldn't see how the exception criteria could be met without an exception to lower the wall.

Mr. Smith said his intention is to give thought as to whether he can meet the criteria for the exception. If he cannot and has to lower the wall to 4'6", he may decide to change the wall in a different way. He wanted time to consider that and alternatives before making a decision. He asked how that should be handled.

Chair Rios thanked Mr. Smith for his open-mindedness and said it was the perfect way to handle this. She asked staff if this should be postponed to a date certain.

Ms. Ramirez Thomas date certain was not required but if everyone agreed, the next meeting is March 23, or the following would be April 13, 2021.

Mr. Smith indicated April 13 is his preference.

A date certain was not required.

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

3. Case #2021-003048-HDRB. 555 San Antonio Street. Downtown and Eastside Historic District. Design Solutions, agent for Barbara Wagner and Charles Palmer, owners, request primary façade designation on a contributing structure. (Angela Schackel Bordegaray, 955-6127, [asbordegaray@santafe.gov](mailto:asbordegaray@santafe.gov))

## **STAFF REPORT**

Ms. Bordegaray presented her report and Ms. Ramirez Thomas shared the packet information on screen.

## **BACKGROUND & SUMMARY:**

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.

The property has undergone multiple additions and alterations. According to a 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 designation of primary façade(s) as applicable.

## **STAFF RECOMMENDATION**

Staff recommends designating the center north elevation a primary façade per 14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts in the Downtown and Eastside Historic District.

## **QUESTIONS FOR STAFF**

Chair Rios asked why Ms. Bordegaray suggested the north elevation be the primary façade.

Ms. Bordegaray explained the north retains the most original configuration and materials in the form of the large divided light windows.

Ms. Ramirez Thomas noted that the façade diagram on screen is different than the packet. This is intended to clearly indicate that the north elevation stops at the carport. Photographs were provided by Mr. Curry of that elevation.

Chair Rios clarified that the north elevation has a carport.

Ms. Ramirez Thomas clarified. She showed on screen the side of the façade that is recommended and the one excluded.

Chair Rios asked the elevation the large windows are on.

Ms. Ramirez Thomas showed displayed a photograph of the north façade with the windows and the large windows mentioned by Ms. Bordegaray.

Chair Rios said where the wall starts is what Ms. Bordegaray recommended be the primary.

Ms. Ramirez Thomas displayed the front which is partly new construction and part historic. The historic portions of the house were shown with the surrounding wall, the 1975 portal, the carport, casita and the covered and open portals. A path goes around to the front of the house. The portion of the house that was added in the 1990s was shown. The side wall and front yard wall and the open visible area along Chavez was noted.

Member Katz was curious on façade #1 if the windows and door were original because the portal didn't cover them.

Ms. Ramirez Thomas said they are original. She said the Board could add façades #1 and #2 if they felt it appropriate.

Member Biedscheid thought the applicant had suggested the north and west be primary.

Ms. Ramirez Thomas agreed. They were all in agreement those areas contain the most historic material when they visited the property in November.

Member Bienvenu said Façade #1 could be designated but wouldn't that also include façade #9 which looks to be original portions of the house.

Ms. Ramirez Thomas replied she didn't believe façade #9 had any characteristics retained with the addition in the 1990's.

Member Bienvenu asked if there are any photographs that showed façade number nine.

Ms. Bordegaray indicated there are additional photos of the same property in the next case.

Ms. Ramirez Thomas displayed a photo of the historic portal elevation, the fireplaces and the new addition. She didn't have a photograph of façade nine.

## **APPLICANT'S PRESENTATION**

Both Tim Curry and Barbara Wagner were sworn in.

Mr. Tim Curry said he and staff determined that the portal added in 1975 diminished the historical value on a primary façade. The western streetscape from San Antonio shows it is not publicly visible. In addition, the portal added is less than 50 years old and was the factor this elevation would not be contributing.

### **QUESTIONS FOR THE APPLICANTS**

Chair Rios asked if he was referring to the porch in the photograph.

Mr. Curry replied yes. He explained in the hearing in 1991 for the addition to the southern portion of the façade, they allowed the western part of the portal to face the street. The front door is not actually under the portal but visually appears it is the entrance. That is not the case.

Chair Rios asked if he agreed the features are character defining that are under the portal.

Mr. Curry thought they could be, but he felt because they are not visible they do not contribute to the streetscape.

Member Katz said looking at the photograph it is completely visible.

Mr. Curry explained that was because he was on tiptoe with the camera raised above his shoulder when taking the photograph. That is not visible from the street, and other photographs show that.

Ms. Ramirez Thomas showed the gate over which the photo was taken.

Member Katz said he appreciated the additional photograph. It helped.

### **PUBLIC COMMENT**

Ms. Beninato agreed façades #1 and #2 should be primary. She said the last time this was discussed says 1970's. That is part of the original house with the original features that are character defining. Often non-historic materials were accepted from primary façades. Gates are opened and makes things visible, and walls fall down, and the Board just discussed that a primary façade does not have to be visible.

There were no other public comments.

**MOTION:** Case #2021-003197-HDRB. 555 San Antonio Street, Member Katz moved to designate façades #1 and #2 as primary facades except for any materials that were not historic at the time that is relevant. Member Biedscheid seconded the motion.

Chair Rios asked if the motion indicated the porch is specific, or not.

Member Katz said the porch is not historic now, but in a few years it will be.

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

#### **H. NEW BUSINESS**

- a. Case #2021-003197-HDRB. 555 San Antonio Street. Downtown and Eastside Historic District. Design Solutions, agent for Barbara Wagner and Charles Palmer, owners, requests the addition of an 80 sq. ft. portal and a 60 ft. addition to a contributing structure. (Angela Schackel Bordegaray, 955-6127, [asbordegaray@santafe.gov](mailto:asbordegaray@santafe.gov))

Ms. Bordegaray reported on this case and Ms. Ramirez Thomas displayed on screen the packet material.

#### **BACKGROUND & SUMMARY:**

555 San Antonio is a Pueblo Revival style 3,176 sf residence in the Downtown and Eastside Historic District. It is believed to be constructed before 1932. The building is surrounded by a stucco yard wall varying between 5'-6 and 7'-6" in height.

The building has undergone alterations 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 replaced a lower yard wall with a different configuration.

The applicant proposes the following changes:

1. Add an 80-sf portal to the west elevation at the entry/front doors. The portal is intended for protection from the elements.
2. Add a 60-sf room on the east elevation.
3. Remove the existing wooden vehicle gate on the north elevation and replace with stucco wall to match existing. Existing landscape pavers will be removed and revegetated.
4. Remove a window in the carport and cover with plaster to match the existing.
5. Add three skylights. All skylights will be low profile with bronze anodized cladding and will be concealed behind parapets and not publicly visible.

Exterior stucco will be cementitious El Rey “La Luz” to match existing. Roofing will be tan colored brai. New windows and doors will be fabricated with divided lites in a clad color of “Sage Green” from Sierra Pacific Windows. Stain will be natural linseed oil.

### **RECOMMENDATION**

Staff recommends approval of the proposal, as 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.

### **QUESTIONS FOR STAFF**

Member Biedscheid said it appears the addition is less than 10’ from a primary façade. She asked if the Board should postpone for an exception.

Ms. Ramirez Thomas agreed now that this was designated primary. The Board could postpone for an exception without decision on anything, or approve the addition not on the primary, but all other elements of the application. The applicant would need to return with an exception for the front portal.

Chair Rios suggested they go forward with the other requests.

Mr. Curry said he felt they could not meet exception criteria for the portal. He requested proceeding with the other portions as requested.

Chair Rios thanked Mr. Curry for showing the existing with and without the wall.

### **QUESTIONS FOR APPLICANT**

Member Katz asked to see the view from the east side and afterwards had no further questions.

Chair Rios said she was on the Board at that time. She read the minutes from 1991 and found it interesting. Back then Board members not only served on the Board but were part of a subcommittee that helped the applicant with their presentation before coming back to the Board. She was on that subcommittee. Also, Board members represented the Board on appeals.

Ms. Paez wanted to confirm for the record that the applicant has agreed to withdraw the proposed portal addition on the west elevation at this time.

Mr. Curry confirmed that was correct.

**MOTION:** Case #2021-003197-HDRB. 555 San Antonio Street, Member Biedscheid moved to approve the application as submitted with the exception of item 1 the proposed portal on the west elevation. The applicant may return for an exception if he desires.

Ms. Ramirez Thomas inquired if Public Comment had been done.

Ms. Paez confirmed it was not held for this case.

Member Biedscheid withdrew her motion.

### **PUBLIC COMMENT**

Ms. Beninato said she appreciated Mr. Curry's withdrawal for the portal where an exception would be needed. He did not take up Board time when he knew he couldn't meet the exception. She thought everything else should be approved as submitted.

There were no other public comments.

**MOTION:** Case #2021-003197-HDRB. 555 San Antonio Street, Member Biedscheid moved to approve the application as submitted with the exception of item

1 proposed portal on the west elevation. The applicant may return for an exception if desired. Member Larson seconded the motion.

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

2. Case #2021-003198-HDRB. 100 E. Water Street. Downtown and Eastside Historic District. Curt Temple, agent for the City of Santa Fe Facilities Division, proposes to construct a Santa Fe Tourism kiosk and public restroom facility. (Nicole A. Ramirez Thomas/ Daniel Schwab, 955-6660, [dnschwab@santafenm.gov](mailto:dnschwab@santafenm.gov)) (POSTPONED TO MARCH 23, 2021)

This Case remained postponed.

3. Case #2021-003199-HDRB. 1660 ½ D Cerro Gordo. Downtown and Eastside Historic District. Bill Roth, agent for Michael Loftin, proposes a 423 sq. ft. addition on a non-contributing structure. (Angela Schackel Bordegaray, 955-6127, [asbordegaray@santafe.gov](mailto:asbordegaray@santafe.gov))

### **STAFF REPORT**

Ms. Bordegaray presented the Staff report and Ms. Ramirez Thomas shared the packet materials onscreen.

### **BACKGROUND & SUMMARY:**

1660½ D is a 3,500 sf Spanish Pueblo Revival style single story residence built in the 1990s and located in the Downtown and Eastside Historic District. The building has a historic status of noncontributing. The house is located off Cerro Gordo Road to the south and through a winding driveway tucked into the back of the lot that runs along the river. None of the building is publicly visible.

The applicant proposes to add a 272 square foot writing studio on the southwest corner of the house. The addition will match the house's style with a shed roof portal with a standing seam style profile, dark brown in color. The construction will be frame and stucco. The roof is flat with parapets. The stucco will be cementitious El Rey's "Buckskin" to match existing house. Windows will be clad dark brown color "Sim" to match

existing windows. The south exterior door will be from the same manufacturer with same cladding and finish. The north door will match the south door.

**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 H Districts and 14-5.2(E)(2) Downtown and Eastside Design Standards, Recent Santa Fe Style

**QUESTIONS FOR STAFF**

There were no questions for Staff.

**APPLICANT PRESENTATION**

Michael Loftin 1660½ D Cerro Gordo, and Bill Roth, 1713 Montaña, were sworn.

Mr. Roth had nothing further to add but was happy to answer questions.

Chair Rios asked to see the elevations.

Ms. Ramirez Thomas presented elevations.

**QUESTIONS FOR APPLICANT**

None

**PUBLIC COMMENT**

Ms. Beninato said the plat appears to be close to the lot line for Tract 2. She was curious if Tract 2 could be developed or if there are plans to split the lot.

Ms. Ramirez Thomas explained that is a zoning question and there is a PZR indicating zoning requirements have been preliminarily met.

There were no other public comments.

**MOTION:** Case #2021-003199-HDRB. 1660 ½ D Cerro Gordo, Member Katz moved to approve the application as submitted, seconded by Member Larson.

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

4. Case #2021-003200-HDRB. 300 Garcia Street. Downtown and Eastside Historic District. Sandra Donner, agent for Megan Mullally, requests historic status review and designation of primary facades of building and yard walls. (Angela Schackel Bordegaray, 955-6127, [asbordegaray@santafe.gov](mailto:asbordegaray@santafe.gov))  
POSTPONED

This Case remained postponed.

5. 2021-003185-HDRB. 1299 Upper Canyon Road. Sandra Donner, agent for Julia and Randall Burt, owners, proposes to construct a stucco yard wall to a height of 68 inches, a 482 sq. ft. garage to a height of 14 feet, gates and a trash enclosure. (Daniel Schwab, 955-6660, [dnschwab@santafenm.gov](mailto:dnschwab@santafenm.gov))

Mr. Schwab presented the report.

## **STAFF REPORT**

### **BACKGROUND & SUMMARY:**

1299 Canyon Road is a single-family residential structure constructed in a Spanish Pueblo Revival Style in 1973 with non-contributing historic status to the Downtown and Eastside Historic District. The property currently has a coyote fence directly along the street.

The applicant proposes the following items:

1. Removal of the existing coyote fence along the east and south side of the property.
2. Partial removal of stucco yard wall along Canyon Road; western edge of property.
3. Construction of a new stucco yard wall to the maximum allowable height of 5 feet 8 inches at the western edge of property along Canyon Road.

4. Construction of a stucco yard wall to replace coyote fence at eastern edge of property at Canyon Road and running north along shared drive.
5. A new oxidized steel pedestrian gate to a height of 5 feet at new parking area on the western edge along Canyon Road.
6. New flagstone step configuration at inside of property, western edge of property along Canyon Road and reconfigured moss rock walls at new steps.
7. New low moss rock planter wall at eastern edge of property at Canyon Road and running north along shared drive.
8. Construction of a new garage to a height of 14 feet. The maximum allowable is 16 feet 8 inches. It includes a trash enclosure. The garage door will match the oxidized steel gates. Headers above doors will match the light natural wood color of the existing headers at the existing carport and house.
9. A new vehicular gate along eastern shared driveway, of oxidized steel.
10. Stucco the entire house, yard walls, carport and garage with El Rey "Twig."

#### **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 H Districts and 14-5.2(E)(2) Downtown and Eastside Design Standards, Recent Santa Fe Style

#### **QUESTIONS FOR STAFF**

Chair Rios asked the length of the garage.

Mr. Schwab replied it is about 20 feet on each side so the wall will go about 14 feet. It is the rear portion of the garage.

Member Katz asked to see the same view from the other corner. It wouldn't be 14 feet there because it is lower. He was concerned about the height and wondered why it couldn't be dropped about 2 feet. It would be no different and they wouldn't have a large imposing wall.

Mr. Schwab replied they would probably have to construct the building below natural grade.

Member Katz said they are doing that. He asked why it had to be 14 feet high and so visible from Canyon Road. He indicated concern about a tree he thought was large enough to be protected. He asked what will happen to that.

Mr. Schwab believed the diagram shows the tree will be preserved.

Member Katz asked about the telephone pole on the west end of the property, that is in the middle of the parking area. Something should be happening with that. he also asked about the drainage problem where the wall curves in. A large puddle forms there every time it rains.

Mr. Schwab replied he did not know.

Member Bienvenu asked about the entry gate and garage door. The existing gate is very simple and has no historic significance, but it is significant of the area. The oxidized steel detailing on the gate is not harmonious with the area. He asked the part of the ordinance that addresses gate materials.

Mr. Schwab said it is under the General Design Standards and the Downtown and Eastside Design Standards, in addition to Wall standards. He would have to read them in more detail to answer the question.

Member Bienvenu asked when reviewing an application like this with a treatment for gates, what is the process to determine whether the gate treatment conforms.

Mr. Schwab replied it would be to look at the aforementioned standards.

Member Bienvenu said he saw nothing specifically that addressed that. It might be implied within the overall provisions of the intent to be harmonious with the existing historical structures on the Eastside. He said he would appreciate knowing if there is something more specific.

Chair Rios asked if the proposed vehicular gate is solid or could be seen through.

Mr. Schwab suggested asking the applicant for a more precise description.

Member Biedscheid said there are requirements for the new wall. The Wall and Fence guidelines require the height be modulated every 25 feet and the plane changed every 50 feet. It recommends vehicular gates be set back. She asked if Mr. Schwab knew if the gate is set back, or should she ask the applicant.

Mr. Schwab replied he didn't know the length of the wall. He displayed the existing wall and noted that the garage is 20' of the new wall.

Member Biedscheid asked if he interpreted the incorporation of the garage as part of the wall or considered it a separate building not subject to the length of the wall.

Mr. Schwab had no answer but thought visually it looked to be part of the wall.

Member Biedscheid agreed.

Mr. Schwab said essentially it is a structure that adjoins a wall with the appropriate setbacks and does meet zoning requirements.

### **APPLICANT PRESENTATION**

Sandra Donner, 1611 Paseo de Peralta, was sworn in.

Ms. Donner said the utility pole and drainage problems are beyond the applicant's control. On the PNM utility pole, they have tried for about five months to get a meeting with PNM, and it was assigned to an engineer yesterday. They are looking at relocating the pole to the west, but PNM could hold up the project excessively. The parking space at the west side of the property is dangerous. It is at a curve in the road and visibility is dangerous with the coyote fence and silver lace. The owner wants to make an attractive and much safer parking space.

Ms. Donner said the puddle was brought to the attention of the City Attorney's office and drainage is a City issue. The drainage in the middle of Canyon Road is inappropriate and poorly sloped. She has photo documentation from Friday showing an excessive amount of water filtration into the wall and property from the street. It is a legal issue that has nothing to do with her clients but was brought to the City's attention.

The actual height of the garage is only 9' above grade because the property is six feet below Canyon Road. Having a 14 feet tall garage leaves only a parapet and the interior is about 11 feet, 5 inches. It is possible to reduce it, but it meets zoning requirements and is 2' 8" below the HDRB requirements. She was willing to consider the Board's suggestions but felt this met the requirements.

The vehicular gate is solid, and the house is barely visible. On the oxidization of the steel gates, in the historic district it is quite common. She was given examples in the packet and one is at the corner of Camino Pequeño and Palace.

Ms. Donner said the height of the garage and wall height on the SE elevation is a very common occurrence along Canyon Road. Continuing eastward there are multiple properties where the intersection of yard walls and building walls are common and considerably taller. The new wall is less than 50 feet, and the garage wall is 21 feet.

She said the plan is to save the tree mentioned but it may not be possible. The property is covered with mature trees and no matter where the garage is put they will disturb a tree. That tree is the only one over a 6 inch caliber in the corner and if it has to be removed it will be approved by the City.

### **QUESTIONS FOR THE APPLICANT**

Member Larson asked if the Applicant was amenable to another material for the gate. She found the steel material harsh in this district.

Ms. Donner stated her clients are set on that material. Also, a gate that size other than steel would not make sense for durability. She personally liked something that weathers through time and found it a more pleasant material. She pointed out that the low moss rock walls along the driveway easement on the southeastern corner of Canyon Road will be fully planted. That will soften the landscape on the gate and the walls in the corner where the garage is and create a perception of indentation on the gate.

Member Larson said it would be helpful if she could see other similar gates in the area. She wasn't comfortable with it in this area.

Member Biedscheid asked, which of the walls of the façade could be seen from Canyon Road.

Ms. Donner replied you could see the south wall. The east is on what may be an easement.

Member Biedscheid confirmed that the proposed steel gate is not on the street. She asked if there is modulation in height or a plane change of the new section of wall.

Ms. Donner replied there is none in the new section, it matches the heights of the wall where the stucco wall stops then goes up at the garage. She was amenable to doing a step up or down depending on the height requirements. The property been slightly, and pilasters will be at the gate. She was willing to step up or step down to meet wall guideline heights. The height of the wall there is 64" and it could easily step up another 4 inches and be comparable to the existing step in the wall.

Member Katz said the drainage problem was because work was done where they dug down and water ran to the west into the Arroyo and got filled in with dirt. The drainage problem could be handled on the property.

Ms. Donner added not just the wall, but the water also rushes down the road and hits the wall there.

Member Katz said the problem is the drains are in the middle of the street.

Ms. Donner agreed and there is no slope. The road is improperly sloped and has been a huge drainage problem for years. The owners want to make it better, but the City does need to re-slope at some point.

Member Katz commented that the only steel gate is the Mayor's opposite the garage, and you can see through it. He asked why they couldn't they do a coyote fence on a steel frame.

Ms. Donner replied she didn't believe it goes with the property and she is not doing anything against the historical desires of the area. She doesn't want a coyote fence and thought it would be unattractive. And the owners do not want an open gate because they have dogs and privacy concerns. She offered to talk to the owners but is confused. She said there are a considerable number of steel gates in the historic Downtown and Eastside and wasn't sure why this is an issue. The owners want to take a lovely property, that is not contributing, and clean it up. They are not making it ultramodern, and they want to build with materials that will endure and are harmonious in color and with the area.

Member Katz replied the pushback she is hearing is there may be steel gates in other parts, but the Board is charged with ensuring what is constructed is harmonious with the streetscape.

Ms. Donner responded that a vehicular gate is really not part of the streetscape.

Chair Rios said the gate will be down the driveway. She asked how far the gate is from Canyon Road.

Ms. Donner replied the beginning of the gate is 45' off the property line.

Member Katz noted the gate was very visible from Canyon Road.

Ms. Donner responded the Google camera showing the area is 12' in the air.

Member Katz said it is still visible.

## **PUBLIC COMMENT**

Ms. Beninato (previously sworn) agreed the gate is not compatible. Coyote fencing would be compatible and when on steel frames can last a long time and keeps dogs in. She didn't think the tree would survive because it will be too close to the garage. If it met the setback, you would see a lower wall and then the building. The building is right at the property line because the drawing appears to have a thick wall on the corner. If there was a yard wall and then the garage, it would visually make the garage less dominant. It is too massive and is right on the street and she supports the step up or step down. The gate example used is at Alameda which is quite a distance. There are no solid steel gates in this area.

Mr. Schwab responded to the question on the lot line, pointing out that the structure is the required seven feet back from the lot line.

John Eddy, 227 E. Palace Ave., Santa Fe, was sworn. He asked the interior ceiling height of the garage.

Ms. Donner replied will be about 11' 6 inches.

Mr. Eddy said he has measured his garage, and it is about 9 feet. It made no sense to him to have a ceiling that high and it drives the massing that is objected to. The removal of the coyote fencing coupled with steel gates is inappropriate in this section of the streetscape and an erasure of the vernacular. There needs to be some wooden element, which Upper Canyon Road has always had. He does not approve with all of that being erased and replaced with oppressive massing.

Ms. Donner said she was willing to lower the garage height and in general thought garage ceilings are too low. Her clients would like to have a lot of storage. She offered to lower the ceiling to 7 1/2 foot, the maximum is 68 1/2 inches. She noted the many contradictions on the fencing.

The existing coyote fence is over 8 feet tall in multiple locations and when in preliminary zoning was told her clients would be cited for excessive height of the fence. She understands the desire for vernacular. The wall will not be sitting on the street, it will be planted between the 5 foot moss rock wall and the garage. That whole edge will be softened with plantings as well.

Chair Rios confirmed there will be plantings outside of the wall.

Ms. Donner pointed out on screen all of the areas to be planted.

Chair Rios asked if correct that the pedestrian gate was proposed oxidized steel.

Ms. Donner explained the owner's desire was for the vehicular and pedestrian gates and the trash enclosure to be in steel.

Member Katz asked about what was next to the garage. He was told it was a trash enclosure and the other side is storage. He said if the storage weren't there she would not lose the tree.

Ms. Donner thought that was still questionable.

**MOTION:** In Case #2021-003185-HDRB. 1299 Upper Canyon Road, Member Katz moved to approve the application with conditions. 1) That the gate proposed as steel, on the west side of parking be a wooden gate and the vehicular gate on the east side be other than steel, preferably a coyote fence. 2) That the garage ceiling as proposed be lowered by two feet making it 7 foot high at the corner. Member Bienvenu seconded the motion.

**Discussion on the Motion:**

Mr. Schwab asked Member Katz to repeat the condition for the vehicular gate.

Member Katz repeated his motion that the gate not be steel, but a coyote type fence and the pedestrian gate be a wooden gate.

Member Biedscheid suggested a friendly amendment that an additional condition be the wall along Canyon Road be modulated in height at the architect's discretion, but at least every 25 feet.

Member Katz accepted the amendment.

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

Chair Rios commented that a coyote fence makes a different impact than a wall.

## **I. DISCUSSION ITEMS**

Member Katz asked what happened to Garcia Street.

Ms. Ramirez Thomas explained the cases for Water Street and Garcia Street were postponed until March 23, 2021.

## **J. MATTERS FROM THE BOARD**

Chair Rios asked Ms. Paez how close they are to doing field trips.

Ms. Paez replied there will be a color level review tomorrow and hopefully in another few weeks if they reach the green or turquoise. Director Isaacson is interested in facilitating that and she will review the public health order on what they can do. It is a matter of logistics and once approved the Board can determine how to proceed.

Chair Rios asked if there are appeals.

Ms. Paez reported she anticipates 542 Camino del Monte Sol on the denial of new pedestrian gate with arched stucco feature on top will be heard April 14. There is a pending appeal on 1302 Camino Corrales, the proposed library structure from the Water Garden Trust that was denied because of height allowance. The arguments will be heard by the Governing Body on April 28 that the feature of the torreón is a rooftop appurtenance. The Old Santa Fe Trail appeal proposed addition on a significant structure was appealed by Stefanie Beninato and denied by the Governing Body and is now pending in District Court. There are also others going through District Court that are close to being wrapped up.

Chair Rios asked if Ms. Paez is not representing the Board on cases on appeal.

Ms. Paez explained the attorney's office views this as a quasi-judicial body. When cases are appealed to a higher level, the lower court is not a party to that appeal. An appeal to the Governing Body is a zoning authority within the same quasi-judicial bodies. An example of the magistrate court was given.

Ms. Paez indicated she represents the Board in providing advice and recommendations in their decisions and assists them in crafting orders reflecting those decisions and the reasoning behind them. In that sense she represents their interests, perspective, and decisions.

Member Katz asked about a wall being built on Camino del Monte Sol, that has not been before the Board. It appears to be more than 4' high. He offered to get the address.

Chair Rios asked if staff had approved it.

Ms. Ramirez Thomas said she would follow up.

**K. NEXT MEETING: Tuesday, March 23, 2021**

**L. ADJOURN**

Chair Rios adjourned the meeting at approximately 10:54 pm,

Approved by:

  
\_\_\_\_\_  
Cecilia Rios, Chair

Submitted by:

  
\_\_\_\_\_  
Carl Boaz (Jun 16, 2021 17:13 MDT)

Carl Boaz, Stenographer  
For Carl G. Boaz, Inc.