



CITY OF SANTA FE
HISTORIC PRESERVATION

DATE: June 26, 2024

TO: Senator Peter Wirth, Chair
Members of the State-Local Historic Review Board

FROM: Heather L. Lamboy, AICP, Interim Director, Planning & Land Use Department HLL
Gary Moquino, Historic Preservation Manager

RE: State/Local Disagreement on Proposed Demolition at 402-414 Don Gaspar Ave

After the decision by the Historic Districts Review Board (HDRB) to deny requests for demolition of 4 buildings on March 26, 2024, the State invoked this process due to a stated disagreement on the denial of proposed demolition. The four cases that were considered by the HDRB are as follows:

2023-007595-HDRB. 402 Don Gaspar Ave. Downtown and Eastside Historic District. Contributing (office and garage buildings). Jennifer Jenkins, JenkinsGavin, Inc., agents for the State of New Mexico General Services Division, request demolition of the office building (previously a duplex) and garage. Exceptions are requested to Sections 14-5.2(M)(3)(b), Contributing, Significant and Landmark Buildings for consideration of the loss of Historic Status, and 14-5.2(M)(4) Demolition of Historic and Landmark Structures within the State Capital Outlay Projects section of the code.

2023-007596-HDRB. 406 Don Gaspar Ave. Downtown and Eastside Historic District. Contributing (office and garage buildings). Jennifer Jenkins, JenkinsGavin, Inc., agents for the State of New Mexico General Services Division, request demolition of the office building (previously a residence) and garage. Exceptions are requested to Sections 14-5.2(M)(3)(b), Contributing, Significant and Landmark Buildings for consideration of the loss of Historic Status, and 14-5.2(M)(4) Demolition of Historic and Landmark Structures within the State Capital Outlay Projects section of the code.

2023-007597-HDRB. 410 Don Gaspar Ave. Downtown and Eastside Historic District. Contributing (office and garage buildings). Jennifer Jenkins, JenkinsGavin, Inc., agents for the State of New Mexico General Services Division, request demolition of the of the office building (previously a residence) and garage. Exceptions are requested to Sections 14-5.2(M)(3)(b), Contributing, Significant and Landmark Buildings for consideration of the loss of Historic Status, and 14-5.2(M)(4) Demolition of Historic and Landmark Structures within the State Capital Outlay Projects section of the code.

2023-007598-HDRB. 414 Don Gaspar Ave. Downtown and Eastside Historic District. Contributing. Jennifer Jenkins, JenkinsGavin, Inc., agents for the State of New Mexico General Services Division, request demolition of the office building (previously a residence). Exceptions are requested to Sections 14-5.2(M)(3)(b), Contributing, Significant and Landmark Buildings for consideration of the loss of Historic Status, and 14-5.2(M)(4) Demolition of Historic and Landmark Structures within the State Capital Outlay Projects section of the code.

Ordinances enacted by a municipality or county pursuant to the Historic District and Landmark Act shall apply to any construction or renovation of a state building only as provided in this section and only if the ordinances contain special provisions and standards applicable to state buildings, including provisions concerning the design, construction, alteration or demolition of the exterior features of state buildings.

The subject structures proposed for demolition represent a building style typically found in the local Don Gaspar Historic District (which was established in 1983). The three southernmost buildings were constructed prior to 1930, and the original footprints of the buildings remain. As illustrated by the buildings' existence on the 1930 Sanborn Map and not on the 1921 Sanborn Map, the buildings were constructed between 1921 and 1930. The northernmost duplex structure was constructed prior to 1948. These buildings were constructed prior to the construction of Paseo de Peralta, which currently is a defining line between the Downtown & Eastside Historic District and the Don Gaspar Historic District. Historically, as evidenced by the urban pattern, the Don Gaspar design vocabulary extended north to the subject block.



Figure 2 1958 Aerial

Figure 2 illustrates the development pattern of the block. Furthermore, the Anglo-American development pattern is illustrated on the site of the current State Capitol building. Based on archaeological investigations associated with the parking garage to the south, Spanish Colonial settlement was on the subject site as well.

Figure 3, which is from the 1912 King's Map, illustrates the changes in the development pattern as early as 1912. Platting had occurred to the east and west of the subject block (near the Railyard in the current Historic Transition District), which is also reflected in the Don Gaspar Historic District.

Furthermore, Section 14-5.2(M)(3)(b) SFCC 1987 State Capitol Outlay Projects states the following:

(b) Contributing, Significant and Landmark Buildings
State capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2. Historic materials and architectural features and spaces that embody the status shall be preserved. A proposed alteration or addition shall not cause the structure to lose its status.

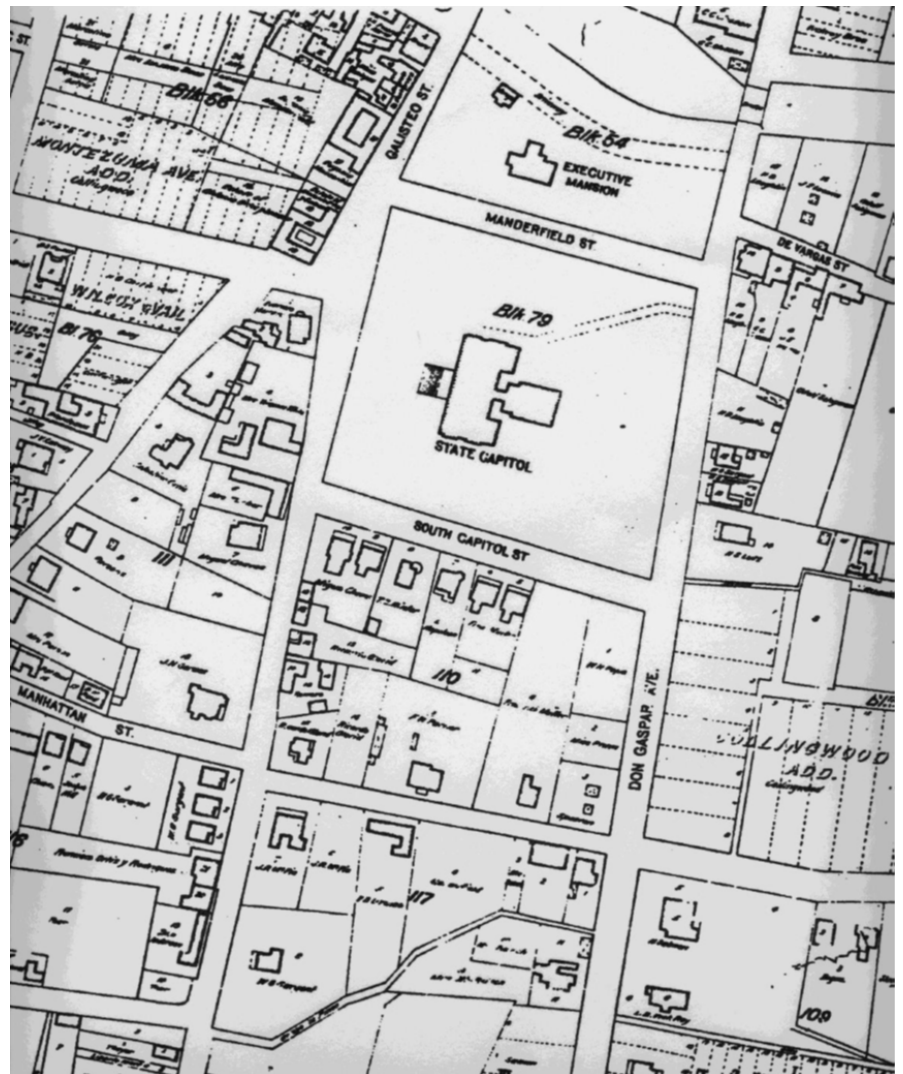


Figure 3 1912 King's Map

Demolition of the subject buildings would inherently cause a loss of historic status, as well as a loss of the spaces that embody the status as well. The unique street section of this portion of Don Gaspar Ave is not proposed to be replaced as illustrated in the State's concept drawing for the Executive Office Building; therefore, the spaces that embody the status will not be retained as well. At its March 26, 2024 meeting, the HDRB found that, while the 4 buildings are only a remnant of what was once a neighborhood, the buildings provide important historic context to the area (Findings of Fact and Conclusions of Law attached as Exhibit 1).

City Code requires an assessment of the buildings by the Chief Building Official as part of consideration of the demolition request. Two reports have been provided; the first one is as a result of a meeting between Martin Romero of the State's Construction Industries Division and Bobby Padilla, the City's Chief Building Official. Historic Preservation staff was not part of that site visit. The second report was

produced after a site visit which the Historic Districts Inspector and Historic Preservation Manager attended. It was found that the buildings (with the potential exception of the garages) were structurally sound but electrical and other upgrades would be necessary. For buildings that are structurally sound, it is the expectation in the Historic Districts that the buildings be rehabilitated and preserved rather than demolished, and the HDRB has acted on cases which required preservation rather than demolition.

Demolition Criteria Responses:

As stated in Section 14-5.2(M)(4), the criteria for approval of a demolition for State Capitol Outlay projects shall include the report required in Section 14-3.14(C) and follow the standards set forth in Section 14-3.14(G). The following approval criteria quoted below are from Section 14-3.14(G).

In determining whether a request for demolition in a historic district should be approved or denied, the HDRB shall consider the following:

(a) Whether the structure is of historical importance;

State Response: The 1983 Don Gaspar Architectural Historic Survey describes the unique attributes of the area south of the State Capitol Building, which is notable as an early twentieth century residential subdivision reflecting a unique blend of Anglo-American house forms with traditional Santa Fe design elements, developed predominantly between the 1890s and the 1940s. The study establishes that bungalows such as the “Don Gaspar Casitas” on the subject property are common in the Don Gaspar Area Historic District and are reflective of the pattern of development that was typical in this neighborhood in the early decades of the twentieth century. This stands in sharp contrast to the development pattern of the Downtown and Eastside Historic District, which is characterized by a semi-rural pattern of incremental residential development that evolved over four centuries, spanning the Spanish, Mexican, Territorial, and American periods and their associated architectural styles and forms. The structures at 402, 406, 410, and 414 Don Gaspar Avenue do not maintain the character of the historic district in which they are situated but rather relate more to the adjacent historic district to the south. That said, the design team proposes to incorporate “ghost lines” of the footprint of the casitas into the hardscape at the east/northeast portion of the plaza space of the NMEOB, paying homage to the historic casitas in an effort to mitigate the impact of their demolition.

City of Santa Fe Staff Response: As evidenced by the HDRB’s designating the building as contributing, the building contributes to historic character of this portion of the Downtown & Eastside Historic District. A distinctly Anglo-American development style is associated with the Don Gaspar Historic District, which was established in 1983 after the changes in this area of the State Capitol Campus with the construction of the Concha Ortiz y Pino building and the Paseo de Peralta roadway. While located in the Downtown & Eastside Historic District, the development pattern was informed by the Business Capitol District zone district standards. The casita is across the street to the south from the historic State Capitol Building (the Bataan Memorial Building) and across the street to the west of the current Capitol building. While the development pattern is not the same as other areas of the Downtown & Eastside Historic District, the preservation standards apply in this case because of the unique characteristics of this portion of the district, which enables the maintenance of character-defining features that may not be consistent with the Downtown & Eastside. Staff does not agree with the applicant that this criterion is met.

(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and

State Response: The “Don Gaspar Casitas” are situated within a streetscape dominated by large institutional structures, including the Bataan Memorial Building and the State Capitol Building (the Roundhouse). These structures are reflective of the Capitol Complex Historic Neighborhood that took shape between the expansion of the State Capitol Building (now the Bataan Memorial Building) in 1922, the construction of the NM Public Welfare Building (now the Villagra Building) in 1934 and the Supreme Court Building in 1937, and the extensive expansion of the Capitol campus in the 1950s and 1960s with construction of numerous state office buildings, a new State Capitol Building, and renovation of antecedent government buildings in the Territorial Revival style. This character will be re-established with the construction of the New Mexico Executive Office Building, for which a design narrative and conceptual plans have been provided.

City Staff Response: While the applicant references the re-establishment of a streetscape that is associated with the State Capitol campus development pattern; the general design narrative of the Capitol campus is Territorial Revival Style. The design narrative of this street section is a mixture of Spanish Pueblo Revival and Territorial Revival styles for this casita and the other 3 in the streetscape. As proposed, this unique street section will not be reestablished by the Executive Office Building as currently designed.

(c) The state of repair and structural stability of the structure under consideration.

State Response: As stated in the structural inspection reports provided by City of Santa Fe Building Official Bobby Padilla and State of New Mexico Construction Industries Division Bureau Chief Martin Romero, the existing condition of the buildings at 402, 406, 410, and 414 Don Gaspar is poor. Both code officials have determined that due to the poor condition of the structures, it would be extremely difficult to bring the structures into compliance with energy conservation, electrical and plumbing codes, and demolition has been recommended.

City Staff Response: The report provided by Bobby Padilla in November of 2022 was solicited by the state and Historic Preservation Staff were not involved in the assessment. Staff revisited the site with the Mr. Padilla and further discussed the proposal. An update has been made to the report. The building is currently used for State offices. Staff does not agree that the building cannot continue to be used. In fact, one of the buildings is currently used during the legislative session. Proper renovation techniques will allow for the continued use of the building, which is a more sustainable practice than demolishing the existing building and constructing a new one.

Status Criteria Responses:

The applicant, as part of their request to demolish the casitas, requested exceptions to Section 14-5.2(D)(1)(a) SFCC 1987 and Section 14-5.2(M)(3)(b) SFCC 1987 (which is a sort of variance process that is reviewed and granted or denied by the HDRB).

(b) The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

The criteria for exceptions as outlined in Section 14-5.2(C)(5)(b) SFCC 1987 are addressed below:

- i. Do not damage the character of the district;*

State Response: The demolition of the casitas will not damage the character of the Downtown and Eastside Historic District, as the character of these structures relates more to the character of the Don Gaspar Area Historic District than to the character of the district in which they are situated. Furthermore, the character of the streetscape and surrounding Capitol Complex Historic Neighborhood will be strengthened by the construction of the EOB, which continues the historic development and expansion of the Capitol Complex.

City Staff Response: As discussed previously, while the buildings are not located in the Don Gaspar area historic district, the geographic definition of the Don Gaspar District did not occur until 1983, after the construction of Paseo de Peralta. The National Register Santa Fe Historic District, which was listed in 1973, does not include this section of the Downtown & Eastside Historic District specifically because it reflected a change in the urban development pattern, more specifically with a network based on a street grid and platted lots. The four casitas speak to the history of the neighborhood, much like E DeVargas Street does in the Barrio de Analco National Register District. Much of the Barrio de Analco was impacted by the Capitol Campus, and only fragments remain on the north side of the street between Old Santa Fe Trail and Paseo de Peralta, which generated a lot of community concern. The State should consider that the preservation of the buildings will also help to preserve the story of the urban development and evolution of Santa Fe's built environment and Capitol campus.

ii. Are required to prevent a hardship to the applicant or an injury to the public welfare;

State Response: The proposed demolition is required to prevent a hardship to the State of New Mexico in that the cost to bring the existing buildings into code compliance is excessive and will not achieve the desired program and space required to house state offices.

City Staff Response: It is the expectation that, across Santa Fe's 5 historic districts, that historically contributing and significant buildings should be preserved rather than demolished. The HDRB has worked with applicants on identifying solutions for the preservation of historic buildings and adaptive reuse opportunities. Moreover, most of the buildings designated as contributing require upgrades to electrical and other systems to comply with current building codes. Achieving a desired program is not considered a hardship pursuant to City Code. In the policies outlined in the Heritage Resources chapter in the 1999 General Plan as well as the purpose clause of the Historic Districts Ordinance, which, in part, states,

In order to promote the economic, cultural, and general welfare of the people of the city and to ensure the harmonious, orderly and efficient growth and development of the city, it is deemed essential by the governing body that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve property values and attract tourists and residents alike, be preserved, some of these qualities being:

(a) The continued existence and preservation of historical areas and buildings;

The State first considered the construction of an Executive Office Building in 2011, and at that time the HDRB considered the historic status of the buildings. Since that time the State has not dedicated sufficient maintenance for the buildings to ensure their continued use.

iii. Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.

State Response: The proposed demolition will make way for the construction of a new state building, which will serve to continue the 20th century pattern of expanding the campus of state buildings and furthering institutional applications of Territorial Revival style within this context. In this sense, the demolition will allow for the State of New Mexico to fully realize the design potential of the subject property, and the design of the EOB will conform to historic development patterns and stylistic expression. In developing the conceptual design of the EOB, the design team considered several options, including renovating the existing buildings or creating smaller building volumes in various configurations; however, the design option that has been selected serves the programmatic needs of the State while also achieving harmony of scale and style with the other buildings within the Capitol Complex.

City Staff Response: There were meetings with the State and their representative, Jenkins Gavin, in which staff expressed concerns about the proposed design not considering the incorporation of the historic casitas into the proposed design or moving the building footprint to the west so as to not affect the historic casitas. Additionally, comments made at the January 18 public meeting, attendees from the Santa Fe preservation community expressed the same concerns. There have been no proposed changes to the design; therefore, no genuine dialogue has been permitted by the State due to the manner in which these cases are being processed. The design development process in which the State claims that many different options were considered did not include public or City staff input; therefore, Staff cannot ascertain that there are indeed not other design options available in consideration of a proposed design for the Executive Office Building.

RELEVANT SANTA FE CITY CODE CITATIONS:

14-5.2(A)(1) General Purpose

In order to promote the economic, cultural, and general welfare of the people of the city and to ensure the harmonious, orderly and efficient growth and development of the city, it is deemed essential by the governing body that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve property values and attract tourists and residents alike, be preserved, some of these qualities being:

- (a) The continued existence and preservation of historical areas and buildings;
- (b) The continued construction of buildings in the historic styles; and
- (c) A general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design.

14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts

(1) Purpose and Intent

It is intended that:

- (a) Each structure to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings, shall not be undertaken;
- (b) Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time;
- (c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved; and
- (d) New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.

14-12 Contributing Structure:

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

Section 14-5.2(M) State Capital Outlay Projects

(M)State Capital Outlay Projects

(Ord. No. 2009-46 § 2)

(1) Purpose

a) Recognizing the fragility of the city's historic heritage, the purpose of Subsection 14- 5.2(M) is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the city and the state will collaborate in good faith and work jointly to preserve and protect the historic districts of Santa Fe as well as contributing, significant and landmark structures.

b) State capital outlay projects in historic districts shall be carried out pursuant to the procedures set forth in Section 3-22-6 NMSA 1978 and Subsection (2) below and in a manner that is harmonious and generally compatible with the design standards set forth in Subsection (3) below. These procedures and standards apply to new structures and additions to and alterations and demolition of existing buildings.

(2) Procedures

a) Before commencing with the design phase of a capital outlay project, the state and the historic districts review board shall consult as to the appropriate design standards and how those design standards would impact costs and the operation or manner in which the project will ultimately be expected to function. The historic districts review board shall work collaboratively with the state to arrive at compatibility of the project with the design standards, considering reasonable costs and preserving essential functionality. The state shall also make every reasonable effort to obtain input from members of identifiable community groups involved in historic preservation in Santa Fe before commencing the design phase.

b) After the design phase and before soliciting a bid or proposal for design-build or lease purchase for a capital overlay project, the state shall submit the plans to the historic districts review board for review and comment. The historic districts review board in conjunction with the state shall conduct a public meeting to receive public input. Notice of the public meeting shall be given to any identifiable community groups involved in historic preservation in Santa Fe.

c) Within sixty days after the public meeting the historic districts review board, any identifiable historic preservation community group or any other interested party shall communicate recommendations and comments in writing to the state. The state shall consult with the historic districts review board or other entity to resolve any issues raised. If at the end of the sixty-day period unresolved issues remain, the city may within five days after the end of the period, notify the state that the issues remain unresolved and these issues shall be finally determined as set forth in Section 3-22-6(G)

NMSA 1978, provided that if notice is not timely given, the state may, after incorporating those provisions to which the state and the city have agreed, proceed with the project.

d) The state shall not take any irrevocable action on the capital project in reliance on the plans until the procedures set forth in Section 3-22-6 NMSA 1978 have been followed.

(3) Design Standards

a) General Standards

A state capital outlay project shall be designed appropriate to the seat of government and with the intent of achieving harmony with existing buildings by the use of similar materials, color, proportion, and

general details to the existing buildings in the applicable streetscape . The applicable streetscape shall be determined as set forth in Subsections 14-5.2(D)(9)(a)(ii) A., B., C., D., and E. A new structure or proposed alteration or addition shall not cause an adjacent contributing, significant or landmark structure to lose its status. Alterations and additions shall be in character with the style, detail and massing of the existing building. The dominating effect is to be that of adobe construction as follows:

i. Roofs

Roofs, generally, shall be flat with a slight slope and surrounded by a parapet of the same color and material as the walls or of brick. Roofs shall generally not be carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by columns, posts or other vertical supports. No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment not to exceed an overhang of thirty (30) inches. The restriction as to flat roofs shall not be construed to prevent the construction of skylights or installation of air-conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aials, shall be so placed as to be concealed by the parapet from any public way.

ii. Walls and Windows

The combined door and window area in any publicly visible facade generally shall not exceed forty percent of the total area of the facade except for doors or windows located under a portal. No door or window in a publicly visible facade shall be located nearer than three (3) feet from the corner of the facade except in circumstances where the unique purpose of the space may warrant special design considerations. Windows, doors and portales on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles. Glass and window trim shall be nonreflective. Windows shall be similar in proportion to the fenestration pattern in the streetscape. Deep window recesses are characteristic.

iii. Finishes

Construction shall be with materials with which the adobe effect can be simulated provided that the exterior walls are not less than eight (8) inches thick. Mud plaster, hard plaster or other materials simulating adobe, laid on smoothly, is required. No less than eighty percent of the non-fenestration surface area of any publicly visible facade shall be adobe finish, stucco or other material simulating adobe finish. The balance of the publicly visible facade may be of natural stone, wood, brick, tile, terra cotta, or other material. Materials shall convey a sense of substance and permanence.

iv. Colors

The publicly visible facade of any building and of any adjoining walls generally shall be of one color but no more than three colors and simulate a light earth or dark earth color , matte or dull finish and of relatively smooth texture. However, facade surfaces under portals or inset panels in a wall under a roof overhangs, may be painted white or be of contrasting or complimentary colors or have mural decorations.

v. Other Features

Facades shall be flat, varied by inset portals, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices. Depending upon the existing streetscape and if permitted otherwise in this chapter, a portal may cover the entire sidewalk with the columns set at the curblin.

vi. Height

The height shall be limited to the average height of institutional buildings as measured within the applicable streetscape. When determining an applicable streetscape, vacant lots or parcels shall not be included in the calculation for allowable height. If no institutional buildings are included in the streetscape, the maximum height shall not exceed the average height of existing buildings in the

streetscape. The planning and land use department staff shall determine the applicable streetscape as set forth in Subsections 14-5.2(D)(9)(a)(ii) A., B., C., D., and E. Height shall be measured as set forth in Subsection 14-5.2(D)(9)(c)(iii). Heights of existing structures shall be as set forth on the official map of building heights. If the height of an existing building is not given, the state shall submit a statement from a NM licensed surveyor of the actual height. No building facade shall be over two stories in height unless the façade includes projecting or recessed portales, balconies, setbacks or other design elements. (Ord. #2020-22 , § 16)

b) Contributing, Significant and Landmark Buildings

State capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2. Historic materials and architectural features and spaces that embody the status shall be preserved. A proposed alteration or addition shall not cause the structure to lose its status.

(4) Demolition of Historic and Landmark Structures; Minimum Maintenance Requirements

a) A request for demolition of an historic or landmark structure shall include the report required in Section 14-3.14(C) and follow the standards set forth in Section 14-3.14(G). If there is a disagreement as to demolition, the procedures set forth in Section 3-22-6(G) NMSA 1978 shall be followed.

b) The minimum maintenance requirements for historic or landmark structures set forth in Subsection 14-5.2(B) shall be met.

NM Statute § 3-22-6. Applicability to state capital outlay projects; limitation.

A. Recognizing the fragility of the state's historic heritage, the purpose of this section is to establish a procedure under which the state and its municipalities and counties will commit to collaborate in good faith and work jointly to preserve and protect the historic districts of New Mexico.

B. Ordinances enacted by a municipality or county pursuant to the Historic District and Landmark Act [3-22-1 NMSA 1978] shall apply to a state capital outlay project only as provided in this section and only if the ordinances contain special provisions and standards applicable to state buildings, including provisions concerning the design, construction, alteration or demolition of the exterior features of state buildings. If requested by a resolution of the governing body of a municipality or county, the staff of the capitol buildings planning commission shall work jointly with the staff of the municipality or county in developing the provisions and standards required by this subsection.

C. The applicable state agency shall carry out a capital outlay project in a manner that is harmonious and generally compatible with the municipal or county ordinances.

D. Before commencing the design phase of a capital outlay project, the applicable state agency shall consult with the municipality or county as to the design standards in the ordinances and how those design standards would impact costs and the operation or manner in which the capital outlay project will ultimately be expected to function, provided that, if the municipality or county has an agency or other entity review projects within the area zoned as an historic district or landmark, then the consultation shall be with that review agency or other entity. The state agency shall work collaboratively with the municipality or county or its review agency or other entity to arrive at compatibility with the design standards, considering reasonable costs and preserving essential functionality. If the municipality or county has identifiable community groups involved in historic preservation, the agency shall also make every reasonable effort to obtain input from members of those identified groups before commencing the design phase.

E. After the design phase and before soliciting a bid or a proposal for design-build or lease purchase for a capital outlay project, the applicable state agency shall transmit its plans for

review and comment to the municipality or county or its review agency or other entity and shall also conduct a public meeting to receive public input. Notice of the public meeting shall also be given to any identifiable community groups involved in historic preservation in the municipality or county.

F. Within sixty days after the public meeting, the municipality or county or its review agency or other entity, any identifiable historic preservation community group and any other interested party shall communicate recommendations and comments in writing to the state agency. The state agency shall consult with the municipality or county or its review agency or other entity to resolve any issues raised. If, at the end of the sixty-day period, unresolved issues remain, the municipality or county may, within five days after the end of the period, notify the applicable state agency that the issues remain unresolved and should be finally determined pursuant to Subsection G of this section; provided that, if notice is not timely given, the applicable state agency may, after incorporating those provisions to which the state agency and the municipality or county have agreed, proceed with the capital outlay project.

G. If notice is timely given by a municipality or county, pursuant to Subsection F of this section, that issues remain unresolved, those issues shall be decided pursuant to the following provisions:

(1) within five days after the notice, a state-local government historic review board shall be formed, consisting of eight members as follows:

(a) one member appointed by the capitol buildings planning commission, who shall chair the board and who shall vote only if there is a tie among the other board members present;

(b) one member appointed by the cultural properties review committee;

(c) the state historic preservation officer or a designee of the officer;

(d) one member appointed by the agency or other entity that reviews projects within the area zoned as an historic district or landmark, provided that, if the municipality or county has no such agency or other entity, the member shall be appointed by the governing body of the municipality or county;

(e) one member appointed by the agency or entity of the municipality or county that is concerned with historic preservation, provided that, if the municipality or county has no such agency or other entity, the member shall be appointed by the governing body of the municipality or county; and

(f) three public members who have a demonstrated interest in historic preservation appointed as follows: one member appointed by the secretary of general services, one member appointed by the governing body of the municipality or county and one public member appointed by the other two public members;

(2) the staff of the capitol buildings planning commission shall serve as the staff of the statelocal government historic review board; and

(3) the state-local government historic review board shall, at a public meeting, consider each of the unresolved issues and, within twenty days of its formation shall, for each issue, make a final decision that is harmonious and generally compatible with the municipal or county ordinance.

H. Appeals from the decisions of the state-local government historic review board shall be taken to the district court in the manner provided in Section 39-3-1.1 NMSA 1978.

I. The state agency shall not take any irrevocable action on the capital project in reliance on the plans until the procedures set forth in Subsections F and G of this section have been followed.

Exhibit 1: Findings of Fact & Conclusions of Law, 402, 406, 410, and 414 Don Gaspar Ave

Exhibit 2: Minutes for the March 26, 2024 HDRB hearing

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

Case # 2023-7595-HDRB**Address** – 402 Don Gaspar Ave.**Agent's Name** – Jennifer Jenkins, JenkinsGavin, Inc.**Owner/Applicant's Name** – State of New Mexico General Services Division

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on March 26, 2024.

BACKGROUND

The duplex residential structure and associated garage at 402 Don Gaspar Ave. were constructed of pentile with a stucco finish in the Spanish Pueblo Revival style, with recessed bull-nosed openings, rounded corners, carved wooden corbels and exposed header beams on portals. The original footprint of the building remains. The building diverges from the single-family bungalow development to the south, and, as it was constructed after the bungalows, represents the growing need for apartments and smaller dwelling units to serve staff associated with the State Capitol. It is the only duplex among the four Don Gaspar Avenue casitas, and, uniquely, has entrance portals on both its east and west elevations.

This residence and its garage have contributing designations in the Downtown and Eastside Historic District. The Historic Districts Review Board determined the status of these buildings in a hearing May 9, 2023 (see Case # 2023-6703-HDRB). The duplex previously had a significant designation, based on a review in 2012 (Case # H-12-017-A), but this status was



downgraded by the Board in the 2023 review. At that hearing the Board confirmed the previously determined contributing status of the garage. The buildings have been poorly maintained but are in fair condition. The Historic Preservation Staff finds that the code-required minimum maintenance standards have not been met, per SFCC Section 14-5.2(B).

The State of New Mexico General Services Department is planning to build a large executive office building on the South Capitol Campus, between Don Gaspar Avenue and Galisteo Street. The State's property development agent, JenkinsGavin, Inc., has submitted an application to demolish four adjacent casitas on the 400 block of Don Gaspar Avenue, including the 402 Don Gaspar Ave. duplex.

The building, which has been converted to an office, represents a remnant of the Anglo-American development pattern that has since been altered by the State Capitol campus. This

Findings of Fact & Conclusions of Law

402 Don Gaspar Ave

406 Don Gaspar Ave

410 Don Gaspar Ave

414 Don Gaspar Ave

remnant helps to tell the story of how the state buildings transformed the urban pattern both on the border of the Don Gaspar and South Capitol areas. The Staff has determined that the proposed demolition will involve the removal of historic materials from a contributing structure and will cause this structure to lose its contributing status, as prohibited by SFCC Section 14-5.2(D)(1)(a). These require exception criteria, per SFCC Section 14-5.2(C)(5)(b). The Staff recommends that the demolition application be denied.

FINDINGS OF FACT

After conducting a public hearing and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

1. Historic Preservation Division Staff reviewed the application and related materials and information submitted by the Applicant for conformity with applicable Santa Fe City Code (“SFCC”) requirements and provided the Board with a written report of its findings (“Staff Report”), which evaluates the factors relevant to the application.
2. Historic Preservation Division Staff Recommendation: Staff did not recommend approval to demolish this historically contributing building. Staff finds that the demolition approval criteria have not been met as set forth in SFCC Section 14-5.2(M), State Capital Outlay Projects, which references the criteria stated in SFCC Section 3.14(G), Demolition of Historic or Landmark Structure.
3. The project is subject to SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures.
4. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
5. The property is located in the Downtown and Eastside Historic District and is subject to the district design standards set forth in SFCC Section 14-5.2(E).
6. Under SFCC Sections 14-2.6(C), 14-3.14, and 14-5.2(C)(3)(a), the Board has authority to review and approve or deny all applications for new construction and exterior alteration and demolition of structures in the historic districts in accordance with the standards set forth in SFCC Chapter 14.
7. Under SFCC Section 14-5.2(M)(3)(b), State Capital Outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2.

Demolition Standards

8. Staff provided the Board information on structures under consideration for demolition, pursuant to SFCC Section 14-3.14(C).
9. Under SFCC Section 14-3.14(G)(1), in determining whether to approve a request for demolition in a historic district, the Board must consider whether the structures are of historical importance; whether the structures are an essential part of a unique street section/block front and whether the street section/block front will be reestablished by a proposed new structure; and the state of repair and structural stability of the structures:
 - a. Pursuant to SFCC Section 14-3.14(G)(1)(a), the Board finds that the structure is of historical significance: These four casitas represent a remnant streetscape and

- memorialize the history of the area and the changes associated with the growth of the South Capitol Campus;
- b. Pursuant to SFCC Section 14-3.14(G)(1)(b), the Board finds that the structures are an essential part of a unique street section or block front, and that this street section or block front will not be reestablished by a proposed structure: The enormous structure the State proposes for this location appears institutional and in no way reflects the residential structures that characterize this block front;
 - c. Pursuant to SFCC Section 14-3.14(G)(1)(c), the Board finds that the structures under consideration are in fair condition; upgrades can bring these buildings into compliance with building code standards and ensure their continued use.
10. Based on the Staff Report and exhibits, information and evidence presented at the hearing, and applying the demolition standards set forth in SFCC Section 14-3.14(G)(1), the Board finds that demolition of the duplex and garage at 402 Don Gaspar Ave. would be contrary to the Historic Districts Code.

Exception Criteria

11. Staff determined that the demolition of these structures would result in the removal of historic materials that embody the status of a contributing building, and that demolition would cause the structures to lose their contributing status, contrary to SFCC Section 14-5.2(D)(1), and that approval of the demolition request would therefore require exceptions according to SFCC Section 14-5.2(C)(5)(b). The Applicant asked the Board to approve exceptions.
12. To obtain an exception, the Applicant must conclusively demonstrate that the criteria in SFCC Section 14-5.2(C)(5)(b) have been met, and that the exceptions: (i) Do not damage the character of the district; (ii) Are required to prevent a hardship to the Applicant or an injury to the public welfare; and (iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.
13. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board agrees with Staff's determination that the Applicant has not conclusively demonstrated that all three exception criteria have been met:
 - a. Pursuant to SFCC Section 14-5.2(C)(5)(b)(i), the Board finds that granting the exception would damage the character of the district: These contributing buildings contribute to and help to establish the historic character of this portion of the Downtown and Eastside Historic District. The development pattern was formed by the Business Capitol District zone standards, which included residential buildings.
 - b. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds that demolition is not required to prevent a hardship to the Applicant or an injury to the public welfare: The Applicant has demonstrated no hardship in designing the proposed Executive Office Building for the space on this block other than that occupied by these casitas. The demolition is contrary to the public interest in historic preservation, which is best served by the continued existence and preservation of historic areas and buildings, and harmony as to style, form, color, height,

proportion, texture and material between buildings of historic design and those of more modern design, as set forth in SFCC Section 14-5.2(A)(1)(a) and (c); and

c. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that the proposed demolition will not strengthen the heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside in the historic districts: There is no evidence the State has considered design options which would not require demolition of these structures. Proper renovation techniques and other design options would allow for the continued use of these buildings, which is a more sustainable practice than demolishing the existing buildings and constructing a new one. The demolition of these structures does nothing to ensure that residents can continue to reside in the historic districts.

14. Based on the information in the Staff Report and the exhibits, evidence and testimony presented at the hearing, the Board agrees with the Staff's finding that the Applicant has not conclusively demonstrated that all three exception criteria have been met.
15. Based on the Staff Report and exhibits, and the information and evidence presented at the hearing, the Board finds that all applicable requirements for Board review have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and to approve or deny the application.
2. Applying the standards applicable to demolition of contributing, significant and landmark structures, the facts and evidence do not support this application, and the Board denies the application to demolish the structures at 402 Don Gaspar Ave.
3. The applicable exception criteria have not been conclusively demonstrated, and the Board denies the exceptions requested in the application.

IT IS SO ORDERED ON THIS 9th DAY of APRIL, 2024, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
Cecilia Rios, Chair

4/23/2024
Date

FILED:

Geralyn Cardenas XIV
Geralyn Cardenas
Interim City Clerk

Jun 20, 2024
Date

APPROVED AS TO FORM:

Frank Ruybalid
Frank Ruybalid
Assistant City Attorney

Apr 10, 2024
Date






24-0399 State of New Mexico General Services Division Case #2023-7595-HDRB

Final Audit Report

2024-06-20

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"24-0399 State of New Mexico General Services Division Case # 2023-7595-HDRB" History

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

Case # 2023-7596-HDRB

Address – 406 Don Gaspar Ave.

Agent’s Name – Jennifer Jenkins, JenkinsGavin, Inc.

Owner/Applicant’s Name – State of New Mexico General Services Division

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on March 26, 2024.

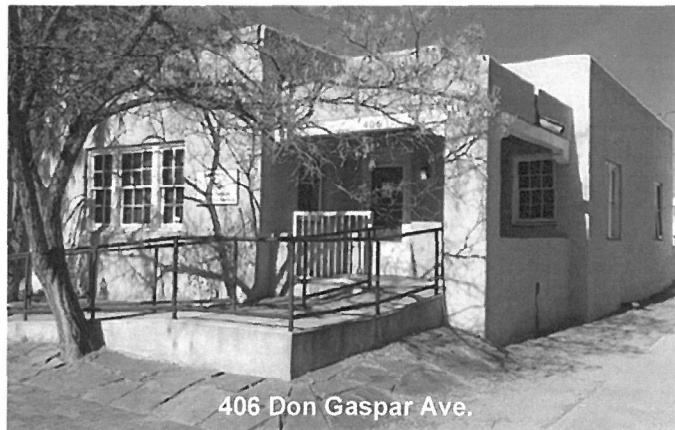
BACKGROUND

The single-family residential structure and associated garage at 406 Don Gaspar Ave. was constructed of pentile with a stucco finish in the Simplified Pueblo Revival style with a modified foursquare floorplan typical of bungalows at the time. The original footprint of the building remains. As illustrated by the building’s depiction on the 1930 Sanborn Map and not on the 1921 Sanborn Map, it was constructed between 1921 and 1930. It is characterized by divided-lite windows; two small windows flank the fireplace on the south elevation. Additionally, as is typical of many bungalows, the building has a basement.

This residence and its garage have contributing designations in the Downtown and Eastside Historic District. The Historic Districts Review Board determined the status of these buildings in a hearing May 9, 2023 (see Case # 2023-6704-HDRB). The residence (not the garage) previously had a significant designation, based on a review in 2012 (Case # H-12-017-A), but this status was downgraded by the Board in the 2023 review. The building has been poorly maintained but is in fair condition. The Historic Preservation Staff finds that the code-required minimum maintenance standards have not been met, per SFCC Section 14-5.2(B).

The State of New Mexico General Services Department is planning to build a large executive office building on the South Capitol Campus, between Don Gaspar Avenue and Galisteo Street. The State’s property development agent, JenkinsGavin, Inc., has submitted an application to demolish four adjacent casitas on the 400 block of Don Gaspar Avenue, including 406 Don Gaspar Ave.

The building, which has been converted to an office, represents a remnant of the Anglo-American development pattern that has since been altered by the state capitol campus. This remnant helps to tell the story of how the state buildings transformed the urban pattern both on the border of the Don Gaspar and South Capitol areas. The Staff has determined that the



proposed demolition will involve the removal of historic materials from a contributing structure and will cause this structure to lose its contributing status, as prohibited by SFCC Section 14-5.2(D)(1)(a). These require exception criteria, per SFCC Section 14-5.2(C)(5)(b). The Staff recommends that the demolition application be denied.

FINDINGS OF FACT

After conducting a public hearing and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

1. Historic Preservation Division Staff reviewed the application and related materials and information submitted by the Applicant for conformity with applicable Santa Fe City Code (“SFCC”) requirements and provided the Board with a written report of its findings (“Staff Report”), which evaluates the factors relevant to the application.
2. Historic Preservation Division Staff Recommendation: Staff did not recommend approval to demolish this historically contributing building. Staff finds that the demolition approval criteria have not been met as set forth in SFCC Section 14-5.2(M), State Capital Outlay Projects, which references the criteria stated in SFCC Section 3.14(G), Demolition of Historic or Landmark Structure.
3. The project is subject to SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures.
4. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
5. The property is located in the Downtown and Eastside Historic District and is subject to the district design standards set forth in SFCC Section 14-5.2(E).
6. Under SFCC Sections 14-2.6(C), 14-3.14, and 14-5.2(C)(3)(a), the Board has authority to review and approve or deny all applications for new construction and exterior alteration and demolition of structures in the historic districts in accordance with the standards set forth in SFCC Chapter 14.
7. Under SFCC Section 14-5.2(M)(3)(b), State Capital Outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2.

Demolition Standards

8. Staff provided the Board information on a structure under consideration for demolition, pursuant to SFCC Section 14-3.14(C).
9. Under SFCC Section 14-3.14(G)(1), in determining whether to approve a request for demolition in a historic district, the Board must consider whether the structure is of historical importance; whether the structure is an essential part of a unique street section/block front and whether the street section/block front will be reestablished by a proposed new structure; and the state of repair and structural stability of the structure:
 - a. Pursuant to SFCC Section 14-3.14(G)(1)(a), the Board finds that the structure is of historical significance: These four casitas represent a remnant streetscape and memorialize the history of the area and the changes associated with the growth of the South Capitol Campus;

- b. Pursuant to SFCC Section 14-3.14(G)(1)(b), the Board finds that the structure is an essential part of a unique street section or block front, and that this street section or block front will not be reestablished by a proposed structure: The enormous structure the State proposes for this location appears institutional and in no way reflects the residential structures that characterize this block front;
 - c. Pursuant to SFCC Section 14-3.14(G)(1)(c), the Board finds that the structure under consideration is in fair condition; upgrades can bring these buildings into compliance with building code standards and ensure their continued use.
10. Based on the Staff Report and exhibits, information and evidence presented at the hearing, and applying the demolition standards set forth in SFCC Section 14-3.14(G)(1), the Board finds that demolition of the structures at 406 Don Gaspar Ave. would be contrary to the Historic Districts Code.

Exception Criteria

11. Staff determined that the demolition of this structure would result in the removal of historic materials that embody the status of a contributing building, and that demolition would cause the structures to lose their contributing status, contrary to SFCC Section 14-5.2(D)(1), and that approval of the demolition request would therefore require exceptions according to SFCC Section 14-5.2(C)(5)(b). The Applicant asked the Board to approve exceptions.
12. To obtain an exception, the Applicant must conclusively demonstrate that the criteria in SFCC Section 14-5.2(C)(5)(b) have been met, and that the exceptions: (i) Do not damage the character of the district; (ii) Are required to prevent a hardship to the Applicant or an injury to the public welfare; and (iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.
13. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board agrees with Staff's determination that the Applicant has not conclusively demonstrated that all three exception criteria have been met:
- a. Pursuant to SFCC Section 14-5.2(C)(5)(b)(i), the Board finds that granting the exception would damage the character of the district: These contributing buildings contribute to and help to establish the historic character of this portion of the Downtown and Eastside Historic District. The development pattern was formed by the Business Capitol District zone standards, which included residential buildings.
 - b. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds that demolition is not required to prevent a hardship to the Applicant or an injury to the public welfare: The Applicant has demonstrated no hardship in designing the proposed Executive Office Building for the space on this block other than that occupied by these casitas. The demolition is contrary to the public interest in historic preservation, which is best served by the continued existence and preservation of historic areas and buildings, and harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design, as set forth in SFCC Section 14-5.2(A)(1)(a) and (c); and

- c. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that the proposed demolition will not strengthen the heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside in the historic districts: There is no evidence the State has considered design options which would not require demolition of these structures. Proper renovation techniques and other design options would allow for the continued use of these buildings, which is a more sustainable practice than demolishing the existing buildings and constructing a new one. The demolition of these structures does nothing to ensure that residents can continue to reside in the historic districts.
14. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board agrees with the Staff's finding that the Applicant has not conclusively demonstrated that all three exception criteria have been met.
15. Based on the Staff Report and exhibits, and the information and evidence presented at the hearing, the Board finds that all applicable requirements for Board review have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and to approve or deny the application.
2. Applying the standards applicable to demolition of contributing, significant and landmark structures, the facts and evidence do not support this application, and the Board denies the application to demolish the structures at 406 Don Gaspar Ave.
3. The applicable exception criteria have not been conclusively demonstrated, and the Board denies the exceptions requested in the application.

IT IS SO ORDERED ON THIS 9th DAY of APRIL, 2024, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
 Cecilia Rios
 Chair

4/23/2024
 Date

FILED:

Geralyn Cardenas XIV
 Geralyn Cardenas
 Interim City Clerk

Jun 20, 2024
 Date

APPROVED AS TO FORM:

Frank Ruybalid
 Frank Ruybalid
 Assistant City Attorney

Apr 10, 2024
 Date






24-0400 State of New Mexico General Services Division Case #2023-7596-HDRB

Final Audit Report

2024-06-20

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"24-0400 State of New Mexico General Services Division Case # 2023-7596-HDRB" History

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2024-06-20 - 6:06:36 PM GMT

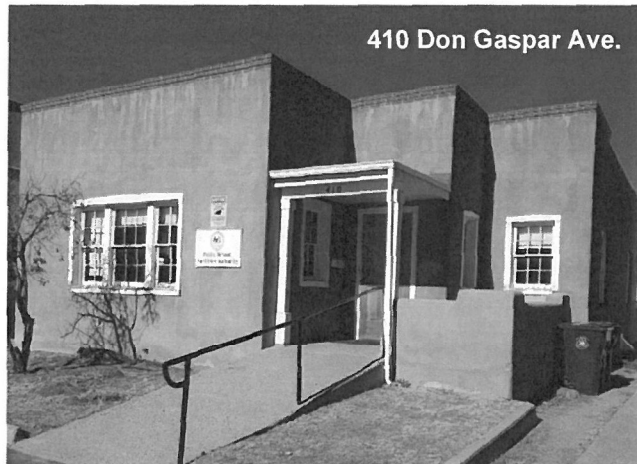
**City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law**

Case # 2023-7597-HDRB**Address** – 410 Don Gaspar Ave.**Agent's Name** – Jennifer Jenkins, JenkinsGavin, Inc.**Owner/Applicant's Name** – State of New Mexico General Services Division

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on March 26, 2024.

BACKGROUND

The single-family residential structure and associated garage at 410 Don Gaspar Ave. was constructed of pentile with a stucco finish in the Territorial Revival style with a floorplan typical of bungalows at the time. The original footprint of the building remains. The residence has three rows of brick coping atop the parapet, a smaller porch than the adjacent building at 406 Don Gaspar Ave., and there is no porch on the south elevation in contrast to 406 Don Gaspar. There was a concerted effort to differentiate the homes on the block to provide better urban character. As illustrated by the building's depiction on the 1930 Sanborn Map and not on the 1921 Sanborn Map, it was constructed between 1921 and 1930. It has divided-lite windows; two small windows flank the fireplace on the south elevation.



This residence and its garage have contributing designations in the Downtown and Eastside Historic District. The Historic Districts Review Board determined the status of these buildings in a hearing May 9, 2023 (see Case # 2023-6705-HDRB). The residence (not the garage) previously had a significant designation, based on a review in 2012 (Case # H-12-017-A), but this status was downgraded by the Board in the 2023 review. The building has been poorly maintained but is in fair condition. The Historic Preservation Staff finds that the code-required minimum maintenance standards have not been met, per SFCC Section 14-5.2(B).

The State of New Mexico General Services Department is planning to build a large executive office building on the South Capitol Campus, between Don Gaspar Avenue and Galisteo Street. The State's property development agent, JenkinsGavin, Inc., has submitted an application to demolish four adjacent casitas on the 400 block of Don Gaspar Avenue, including 410 Don Gaspar Ave.

The building, which has been converted to an office, represents a remnant of the Anglo-

American development pattern that has since been altered by the state capitol campus. This remnant helps to tell the story of how the state buildings transformed the urban pattern both on the border of the Don Gaspar and South Capitol areas. The Staff has determined that the proposed demolition will involve the removal of historic materials from a contributing structure and will cause this structure to lose its contributing status, as prohibited by SFCC Section 14-5.2(D)(1)(a). These require exception criteria, per SFCC Section 14-5.2(C)(5)(b). The Staff recommends that the demolition application be denied.

FINDINGS OF FACT

After conducting a public hearing and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

1. Historic Preservation Division Staff reviewed the application and related materials and information submitted by the Applicant for conformity with applicable Santa Fe City Code ("SFCC") requirements and provided the Board with a written report of its findings ("Staff Report"), which evaluates the factors relevant to the application.
2. Historic Preservation Division Staff Recommendation: Staff did not recommend approval to demolish this historically contributing building. Staff finds that the demolition approval criteria have not been met as set forth in SFCC Section 14-5.2(M), State Capital Outlay Projects, which references the criteria stated in SFCC Section 3.14(G), Demolition of Historic or Landmark Structure.
3. The project is subject to SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures.
4. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
5. The property is located in the Downtown and Eastside Historic District and is subject to the district design standards set forth in SFCC Section 14-5.2(E).
6. Under SFCC Sections 14-2.6(C), 14-3.14, and 14-5.2(C)(3)(a), the Board has authority to review and approve or deny all applications for new construction and exterior alteration and demolition of structures in the historic districts in accordance with the standards set forth in SFCC Chapter 14.
7. Under SFCC Section 14-5.2(M)(3)(b), State Capital Outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2.

Demolition Standards

8. Staff provided the Board information on a structure under consideration for demolition, pursuant to SFCC Section 14-3.14(C).
9. Under SFCC Section 14-3.14(G)(1), in determining whether to approve a request for demolition in a historic district, the Board must consider whether the structure is of historical importance; whether the structure is an essential part of a unique street section/block front and whether the street section/block front will be reestablished by a proposed new structure; and the state of repair and structural stability of the structure:

- a. Pursuant to SFCC Section 14-3.14(G)(1)(a), the Board finds that the structure is of historical significance: These four casitas represent a remnant streetscape and memorialize the history of the area and the changes associated with the growth of the South Capitol Campus;
 - b. Pursuant to SFCC Section 14-3.14(G)(1)(b), the Board finds that the structure is an essential part of a unique street section or block front, and that this street section or block front will not be reestablished by a proposed structure: The enormous structure the State proposes for this location appears institutional and in no way reflects the residential structures that characterize this block front;
 - c. Pursuant to SFCC Section 14-3.14(G)(1)(c), the Board finds that the structure under consideration is in fair condition; upgrades can bring these buildings into compliance with building code standards and ensure their continued use.
10. Based on the Staff Report and exhibits, information and evidence presented at the hearing, and applying the demolition standards set forth in SFCC Section 14-3.14(G)(1), the Board finds that demolition of the structures at 410 Don Gaspar Ave. would be contrary to the Historic Districts Code.

Exception Criteria

11. Staff determined that the demolition of this structure would result in the removal of historic materials that embody the status of a contributing building, and that demolition would cause the structures to lose their contributing status, contrary to SFCC Section 14-5.2(D)(1), and that approval of the demolition request would therefore require exceptions according to SFCC Section 14-5.2(C)(5)(b). The Applicant asked the Board to approve exceptions.
12. To obtain an exception, the Applicant must conclusively demonstrate that the criteria in SFCC Section 14-5.2(C)(5)(b) have been met, and that the exceptions: (i) Do not damage the character of the district; (ii) Are required to prevent a hardship to the Applicant or an injury to the public welfare; and (iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.
13. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board agrees with Staff's determination that the Applicant has not conclusively demonstrated that all three exception criteria have been met:
- a. Pursuant to SFCC Section 14-5.2(C)(5)(b)(i), the Board finds that granting the exception would damage the character of the district: These contributing buildings contribute to and help to establish the historic character of this portion of the Downtown and Eastside Historic District. The development pattern was formed by the Business Capitol District zone standards, which included residential buildings.
 - b. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds that demolition is not required to prevent a hardship to the Applicant or an injury to the public welfare: The Applicant has demonstrated no hardship in designing the proposed Executive Office Building for the space on this block other than that occupied by these casitas. The demolition is contrary to the public interest in historic preservation, which is best served by the continued existence and preservation of

- historic areas and buildings, and harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design, as set forth in SFCC Section 14-5.2(A)(1)(a) and (c); and
- c. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that the proposed demolition will not strengthen the heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside in the historic districts: There is no evidence the State has considered design options which would not require demolition of these structures. Proper renovation techniques and other design options would allow for the continued use of these buildings, which is a more sustainable practice than demolishing the existing buildings and constructing a new one. The demolition of these structures does nothing to ensure that residents can continue to reside in the historic districts.
14. Based on the information in the Staff Report, and the exhibits, evidence and testimony presented at the hearing, the Board agrees with the Staff's finding that the Applicant has not conclusively demonstrated that all three exception criteria have been met.
 15. Based on the Staff Report and exhibits, and the information and evidence presented at the hearing, the Board finds that all applicable requirements for Board review have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and to approve or deny the application.
2. Applying the standards applicable to demolition of contributing, significant and landmark structures, the facts and evidence do not support this application, and the Board denies the application to demolish the structures at 410 Don Gaspar Ave.
3. The applicable exception criteria have not been conclusively demonstrated, and the Board denies the exceptions requested in the application.

IT IS SO ORDERED ON THIS 9th DAY of APRIL, 2024, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
Cecilia Rios, Chair

4/23/2024
Date

FILED:

xxxxx
Geraldyn Cardenas, Interim City Clerk
XIV

Jun 20, 2024
Date

APPROVED AS TO FORM:

Frank Ruybalid
Frank Ruybalid
Assistant City Attorney

Apr 10, 2024
Date






24-0401 State of New Mexico General Services Division Case #2023-7597-HDRB

Final Audit Report

2024-06-20

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"24-0401 State of New Mexico General Services Division Case # 2023-7597-HDRB" History

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

Case # 2023-7598-HDRB

Address – 414 Don Gaspar Ave.

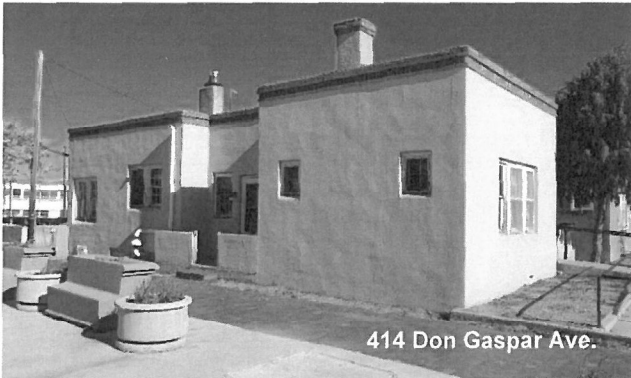
Agent's Name – Jennifer Jenkins, JenkinsGavin, Inc.

Owner/Applicant's Name – State of New Mexico General Services Division

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on March 26, 2024.

BACKGROUND

The single-family residential structure and associated garage at 414 Don Gaspar Ave. was constructed of pentile with a stucco finish in the Territorial Revival style with a modified foursquare floorplan typical of bungalows at the time. This structure represents the southernmost of three bungalows with identical floorplans that were built before 1930. (A fourth structure in this streetscape section, a duplex at 402 Don Gaspar Ave., was built later.) It is characterized by divided-lite windows, with two small windows flanking the fireplace on the south elevation. The original footprint of the building remains. It has a porch on the south elevation with a small sitting area, and a decorative brick



driveway, however, the associated garage has been demolished, leaving this as the only one of the four Don Gaspar Avenue casitas without a garage.

This residence ^{42R} ~~and its garage~~ have contributing designations in the Downtown and Eastside Historic District. The Historic Districts Review Board determined the status of these buildings in a hearing May 9, 2023 (see Case # 2023-6706-HDRB).

The structure previously had a significant designation, based on a review in 2012 (Case # H-12-017-A), but this status was downgraded by the Board in the 2023 review. The building has been poorly maintained but is in fair condition. The Historic Preservation Staff finds that the code-required minimum maintenance standards have not been met, per SFCC Section 14-5.2(B).

The State of New Mexico General Services Department is planning to build a large executive office building on the South Capitol Campus, between Don Gaspar Avenue and Galisteo Street. The State's property development agent, JenkinsGavin, Inc., has submitted an application to demolish four adjacent casitas on the 400 block of Don Gaspar Avenue, including 414 Don Gaspar Ave.

The building, which has been converted to an office, represents a remnant of the Anglo-American development pattern that has since been altered by the state capitol campus. This

remnant helps to tell the story of how the state buildings transformed the urban pattern both on the border of the Don Gaspar and South Capitol areas. The Staff has determined that the proposed demolition will involve the removal of historic materials from a contributing structure and will cause this structure to lose its contributing status, as prohibited by SFCC Section 14-5.2(D)(1)(a). These require exception criteria, per SFCC Section 14-5.2(C)(5)(b). The Staff recommends that the demolition application be denied.

FINDINGS OF FACT

After conducting a public hearing and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

1. Historic Preservation Division Staff reviewed the application and related materials and information submitted by the Applicant for conformity with applicable Santa Fe City Code (“SFCC”) requirements and provided the Board with a written report of its findings (“Staff Report”), which evaluates the factors relevant to the application.
2. Historic Preservation Division Staff Recommendation: Staff did not recommend approval to demolish this historically contributing building. Staff finds that the demolition approval criteria have not been met as set forth in SFCC Section 14-5.2(M), State Capital Outlay Projects, which references the criteria stated in SFCC Section 3.14(G), Demolition of Historic or Landmark Structure.
3. The project is subject to SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures.
4. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
5. The property is located in the Downtown and Eastside Historic District and is subject to the district design standards set forth in SFCC Section 14-5.2(E).
6. Under SFCC Sections 14-2.6(C), 14-3.14, and 14-5.2(C)(3)(a), the Board has authority to review and approve or deny all applications for new construction and exterior alteration and demolition of structures in the historic districts in accordance with the standards set forth in SFCC Chapter 14.
7. Under SFCC Section 14-5.2(M)(3)(b), State Capital Outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2.

Demolition Standards

8. Staff provided the Board information on a structure under consideration for demolition, pursuant to SFCC Section 14-3.14(C).
9. Under SFCC Section 14-3.14(G)(1), in determining whether to approve a request for demolition in a historic district, the Board must consider whether the structure is of historical importance; whether the structure is an essential part of a unique street section/block front and whether the street section/block front will be reestablished by a proposed new structure; and the state of repair and structural stability of the structure:
 - a. Pursuant to SFCC Section 14-3.14(G)(1)(a), the Board finds that the structure is of historical significance: These four casitas represent a remnant streetscape and

- memorialize the history of the area and the changes associated with the growth of the South Capitol Campus;
- b. Pursuant to SFCC Section 14-3.14(G)(1)(b), the Board finds that the structure is an essential part of a unique street section or block front, and that this street section or block front will not be reestablished by a proposed structure: The enormous structure the State proposes for this location appears institutional and in no way reflects the residential structures that characterize this block front;
 - c. Pursuant to SFCC Section 14-3.14(G)(1)(c), the Board finds that the structure under consideration is in fair condition; upgrades can bring these buildings into compliance with building code standards and ensure their continued use.
10. Based on the Staff Report and exhibits, information and evidence presented at the hearing, and applying the demolition standards set forth in SFCC Section 14-3.14(G)(1), the Board finds that demolition of the structure at 414 Don Gaspar Ave. would be contrary to the Historic Districts Code.

Exception Criteria

11. Staff determined that the demolition of this structure would result in the removal of historic materials that embody the status of a contributing building, and that demolition would cause the structures to lose their contributing status, contrary to SFCC Section 14-5.2(D)(1), and that approval of the demolition request would therefore require exceptions according to SFCC Section 14-5.2(C)(5)(b). The Applicant asked the Board to approve exceptions.
12. To obtain an exception, the Applicant must conclusively demonstrate that the criteria in SFCC Section 14-5.2(C)(5)(b) have been met, and that the exceptions: (i) Do not damage the character of the district; (ii) Are required to prevent a hardship to the Applicant or an injury to the public welfare; and (iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.
13. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board agrees with Staff's determination that the Applicant has not conclusively demonstrated that all three exception criteria have been met:
 - a. Pursuant to SFCC Section 14-5.2(C)(5)(b)(i), the Board finds that granting the exception would damage the character of the district: These contributing buildings contribute to and help to establish the historic character of this portion of the Downtown and Eastside Historic District. The development pattern was formed by the Business Capitol District zone standards, which included residential buildings.
 - b. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds that demolition is not required to prevent a hardship to the Applicant or an injury to the public welfare: The Applicant has demonstrated no hardship in designing the proposed Executive Office Building for the space on this block other than that occupied by these casitas. The demolition is contrary to the public interest in historic preservation, which is best served by the continued existence and preservation of historic areas and buildings, and harmony as to style, form, color, height,

proportion, texture and material between buildings of historic design and those of more modern design, as set forth in SFCC Section 14-5.2(A)(1)(a) and (c); and

c. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that the proposed demolition will not strengthen the heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside in the historic districts: There is no evidence the State has considered design options which would not require demolition of these structures. Proper renovation techniques and other design options would allow for the continued use of these buildings, which is a more sustainable practice than demolishing the existing buildings and constructing a new one. The demolition of these structures does nothing to ensure that residents can continue to reside in the historic districts.

14. Based on the information in the Staff Report and the exhibits, evidence and testimony presented at the hearing, the Board agrees with the Staff's finding that the Applicant has not conclusively demonstrated that all three exception criteria have been met.
15. Based on the Staff Report and exhibits, and the information and evidence presented at the hearing, the Board finds that all applicable requirements for Board review have been met.

CONCLUSIONS OF LAW

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

1. The Board has the authority to review and to approve or deny the application.
2. Applying the standards applicable to demolition of contributing, significant and landmark structures, the facts and evidence do not support this application, and the Board denies the application to demolish the structure at 414 Don Gaspar Ave.
3. The applicable exception criteria have not been conclusively demonstrated, and the Board denies the exceptions requested in the application.

IT IS SO ORDERED ON THIS 9th DAY of APRIL, 2024, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
Cecilia Rios, Chair

4/23/2024
Date

FILED:

xxxx
Geraldyn Cardenas, Interim City Clerk
XIV

June 20, 2024
Date

APPROVED AS TO FORM:

Frank Ruybalid
Frank Ruybalid
Assistant City Attorney

Apr 10, 2024
Date





24-0402 State of New Mexico General Services Division Case #2023-7598-HDRB

Final Audit Report

2024-06-20

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| By: | XAVIER VIGIL (xivigil@santafenm.gov) |
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"24-0402 State of New Mexico General Services Division Case # 2023-7598-HDRB" History

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HDRB Minutes

March 26, 2024

SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
MARCH 26, 2024

| ITEM | ACTION TAKEN | PAGE(S) |
|--|----------------------------------|----------------|
| Call to Order | 5:36 pm | 3 |
| Roll Call | Quorum Present | 3 |
| Approval of Agenda | Approved as Amended | 4 |
| Approval of Minutes March 12, 2024 | Approved | 4 |
| Approval of Findings & Conclusions | Approved as Amended | 4 |
| Matters from the Public | Comments | 5 |
| Staff Communications | Comments | 5 |
| Old Business | | |
| 2023-007678-HDRB 126 Camino Santiago | Approved with Conditions | 5-15 |
| 2023-007680-HDRB 128 Camino Santiago | Approved with Conditions | 5-15 |
| New Business | | |
| 2024-007940-HDRB 1030 ½ Houghton St. | Postponed | 15-16 |
| 2024-007941-HDRB 1239 Cerro Gordo Rd. | Maintain Non-Contributing Status | 16 |
| 2023-007592-HDRB 128 S. Capitol St. | Demolition Approved | 17-34 |
| 2023-007593-HDRB 130 S. Capitol St. | Demolition Approved | 17-34 |

| | | |
|---|------------------------|-------|
| 2023-007595-HDRB 402 Don Gaspar Ave. | Demolition Denied | 17-34 |
| 2023-007596-HDRB 406 Don Gaspar Ave. | Demolition Denied | 17-34 |
| 2023-007597-HDRB 410 Don Gaspar Ave. | Demolition Denied | 17-34 |
| 2023-007598-HDRB 414 Don Gaspar Ave. | Demolition Denied | 17-34 |
| Discussion Items | None | 34 |
| Matters from the Board | None | 34 |
| Next Meeting | Tuesday, April 9, 2024 | 34 |
| Adjournment | 9:18 pm | 34 |

**MINUTES OF THE CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD
MARCH 26, 2024 – 5:30 PM**

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 5:36 p.m. at a meeting held in the City Council Chambers at the Santa Fe Municipal Building, 200 Lincoln Avenue, Santa Fe, New Mexico.

1. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Ms. Cecilia Rios, Chair
Mr. Anthony Guida, Vice Chair
Ms. Madeleine Aguilar Medrano
Ms. Jennifer Biedscheid
Mr. John Bienvenu
Ms. Amanda Mather (arrived via Zoom at 7:11 pm)

MEMBERS ABSENT (EXCUSED)

Mr. David Valdo

STAFF PRESENT:

Ms. Heather Lamboy, Assistant Land Use Director
Mr. Frank Ruybalid, Assistant City Attorney
Paul Duran, Senior Planner
Lani McCulley, Senior Planner
Amanda Romero, Historic Planner

OTHERS PRESENT

Melissa Byers, Stenographer

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

- c. **2023-007592-HDRB. 128 S. Capitol St.** – Motor Pool and Garage Buildings. Downtown and Eastside Historic District. Non-Contributing. Jennifer Jenkins, JenkinsGavin, Inc., agents for the State of New Mexico General Services Division, request demolition of the motor pool and garage buildings. (Heather Lamboy)

BACKGROUND AND SUMMARY

The current request for the demolition review of 128 S. Capitol Street is part of a larger project with forthcoming requests that are subject to 14-5.2(M), State Capital Outlay Projects, which states its purpose as follows: *Recognizing the fragility of the City's historic heritage, the purpose of Subsection 14-5.2(M) is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the City and the State will collaborate in good faith and work jointly to preserve and protect the historic districts in Santa Fe as well as contributing, significant, and landmark structures.*

The HDRB has the authority to review and determine the historic status of structures within the historic districts per 14-5.2(C), Regulation of Significant and Contributing Structures in the Historic Districts. Please note that there is a section in the Code as it specifically relates to State Capital Outlay projects. Relative to demolition, Section 14-5.2(M)(4) states the following:

(4) Demolition of Historic and Landmark Structures; Minimum Maintenance Requirements

- (a) *A request for demolition of an historic or landmark structure shall include the report required in Section 14-3.14(C) and follow the standards set forth in Section 14-3.14(G). If there is a disagreement as to demolition, the procedures set forth in Section 3-22-6(G) NMSA 1978 shall be followed.*
- (b) *The minimum maintenance requirements for historic or landmark structures set forth in Subsection 14-5.2(B) shall be met.*

The fleet building is of a clear Territorial-Revival style, and the garage is a modernist utilitarian structure. At the May 9, 2023 HDRB, the Board designated these buildings as non-contributing.

Furthermore, the buildings do not contribute to a unique street section along Galisteo Street.

The buildings associated with the fleet functions of the campus do not add to historic associations or historic design qualities that are significant for the Downtown & Eastside Historic District.

At the May 9, 2023 hearing, the Historic Districts Review Board designated these buildings as contributing, with the north elevation and the west courtyard elevations being primary. The HDRB found the north elevation conveys shifted massing and fenestration, the west courtyard elevation due to its design features and relationship to the courtyard. The courtyard wall was also designated as contributing.

On January 18, 2024 the applicant held a community meeting to discuss the proposed demolition of the subject building as well as all other building demolition requests in the subject block requested in order to accommodate the new construction of a State Executive Office Building. Many of those who commented expressed concern for the loss of the historic buildings in the streetscape, including the four bungalows located to the east of the subject site. It should be noted that the building focused on the demolition requests and very little was discussed as to how the streetscape would be established with the proposed new construction.

It was made clear that the current applicant is not associated with the new building's design.

It has been determined that, even though the issue of how the streetscape would be reestablished with new construction has not been addressed, the demolition requests would be heard first to determine what the potential streetscape may be given approvals or denials of this and the related requests.

STAFF RECOMMENDATION

Staff recommends approval of the proposed demolition of the fleet and garage buildings at 128 S. Capitol and finds that they do not contribute to a unique street section or streetscape and because they are listed as non-contributing to the Downtown and Eastside Historic District.

- d. **2023-007593-HDRB. 130 S. Capitol St.** Downtown and Eastside Historic District. Contributing. Jennifer Jenkins, JenkinsGavin, Inc., agents for the State of New Mexico General Services Division, request demolition of the Concha Ortiz y Pino building. Exceptions requested to Section 14-5.2(D)(1)(a), Loss of Historic Status, Sections 14-5.2(M)(3)(b) and 14-5.2(M)(4) Status and Demolition of Historic Structures with State Capitol Outlay Projects. (Heather Lamboy)

BACKGROUND AND SUMMARY

The current request for the demolition review of 130 S Capitol Street is part of a larger project with forthcoming requests that are subject to 14-5.2(M), State Capital Outlay Projects, which states its purpose as follows:

Recognizing the fragility of the City's historic heritage, the purpose of Subsection 14-5.2(M) is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the City and the State will collaborate in good faith and work jointly to preserve and protect the historic districts in Santa Fe as well as contributing, significant, and landmark structures.

The HDRB has the authority to review and determine the historic status of structures within the historic districts per 14-5.2(C), Regulation of Significant and Contributing Structures in the Historic Districts and this building was determined to be contributing to the Downtown and Eastside Historic District in May of 2023. Please note that 14-5.2(M) in the Code specifically relates to State Capital Outlay projects. Relative to demolition, Section 14-5.2(M)(4) states the following:

(4) Demolition of Historic and Landmark Structures; Minimum Maintenance Requirements

- (a) *A request for demolition of an historic or landmark structure shall include the report required in Section 14-3.14(C) and follow the standards set forth in Section 14-3.14(G). If there is a disagreement as to demolition, the procedures set forth in Section 3-22-6(G) NMSA 1978 shall be followed.*
- (b) *The minimum maintenance requirements for historic or landmark structures set forth in Subsection 14-5.2(B) shall be met.*

The building at 130 S. Capitol Street represents the evolution of the state government campus.

Between 1895 and 1900, the original Capitol building, now the Bataan Memorial Building, was designed E.S. Jennison and was remodeled in 1903 by Isaac Rapp I of Rapp and Rapp in the neoclassical style that is extant in parts of the building today. The Concha Ortiz y Pino Building represents the next phase of the Capitol campus evolution, where architect Willard C. Kruger filtered traditional New Mexico architecture through a modernist lens. In 1957 the City of Santa Fe adopted a "Historic Styles" ordinance, which called for buildings to be built in the Old or Recent Santa Fe Style. Because the building was associated with the State of New Mexico government campus, it was determined that the buildings would be exempt from the ordinance.

The Concha Ortiz y Pino building, which was built in 1968, blends modernism with traditional Territorial-Revival architectural style. While there is a Territorial-Revival brick coping, the larger building blocks and long lines convey a more modernist style. An ashlar stone base at the portal and decorative concrete cutouts strengthens the modernist approach.

The original footprint of the building remains.

The Concha Ortiz y Pino building replaced approximately a block of traditional bungalows which are characteristic of the Don Gaspar Historic District. While this project is situated in the Downtown & Eastside Historic District, the historic development pattern for this portion of town better aligns with the Don Gaspar Historic District, whose northernmost boundary is across Paseo de Peralta to the south.

At the May 9, 2023, hearing of the Historic Districts Review Board (HDRB) designated this building as contributing to the Downtown and Eastside Historic District, with the north elevation and the west courtyard elevations being primary. The HDRB designated these elevations as primary because the north elevation conveys shifted massing and fenestration, and the west courtyard elevation due to its design features and relationship to the courtyard. The courtyard wall was also designated as contributing.

On January 18, 2024, the applicant held a community meeting to discuss the proposed demolition of the Concha Ortiz y Pino Building, as well as all other building demolition requests in the S. Capitol Street, Don Gaspar Avenue, and Galisteo Street, to accommodate the new construction of a State Executive Office Building. Many of those who commented expressed concern for the loss of the historic buildings in the streetscapes, including the four bungalows located to the east of the subject site. It should be noted that the community meeting focused on the demolition requests and very little was discussed as to how the streetscape would be established with the proposed new construction. It was made clear that the current applicant is not associated with the new building design.

It has been determined that, even though the issue of how the streetscape would be reestablished with new construction has not been addressed, the demolition requests would be heard first to determine what the potential streetscape may be given approvals or denials of this and the related requests.

STAFF RECOMMENDATION

Staff does not recommend approval for the proposed demolition of the Concha Ortiz y Pino Building due to its contributing status and finds the criteria in Section 14-5.2(M)(4) which addresses approval for demolition of historic and landmark structures have not been met.

- e. **2023-007595-HDRB. 402 Don Gaspar Ave.** Downtown and Eastside Historic District. Contributing (office and garage buildings). Jennifer Jenkins, JenkinsGavin, Inc., agents for the State of New Mexico General Services Division, request demolition of the office building (previously a duplex) and garage. Exceptions requested to Section 14-5.2(D)(1)(a), Loss of Historic Status, Sections 14-5.2(M)(3)(b) and 14-5.2(M)(4) Status and

Demolition of Historic Structures with State Capitol Outlay Projects.
(Heather Lamboy)

BACKGROUND AND SUMMARY

The current request proposed demolition of 402 Don Gaspar Ave is part of a larger project associated with the construction of a new State Executive Office Building, which will be part of forthcoming requests that are subject to 14-5.2(M), State Capitol Outlay Projects, which states its purpose as follows:

Recognizing the fragility of the City's historic heritage, the purpose of Subsection 14-5.2(M) is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the City and the State will collaborate in good faith and work jointly to preserve and protect the historic districts in Santa Fe as well as contributing, significant, and landmark structures.

The applicant previously stated as part of the historic status hearing held on May 9, 2023 that the four casitas located on Don Gaspar, of which 402 Don Gaspar is one, are out of context within that portion of the Don Gaspar streetscape. Staff has stated to the applicant that the casitas represent a remnant streetscape and is a pertinent reminder of the history of the area and the changes associated with the growth of the State Capitol campus.

Section 14-5.2(M)(3)(b) states, "State capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2." The proposed demolition will cause this structure to lose the historically contributing status that was designated at the May 9, 2023, HDRB meeting.

The office building, formerly a residential duplex, at 402 Don Gaspar Ave was built prior to 1948 and is constructed of pentile and has a stucco finish. The building has been poorly maintained since the designation of the structure when it was designated a historic status of significant by the HDRB in June 2012 and is in fair condition. The building was downgraded to contributing to the Downtown and Eastside Historic District in May of 2023. The code-required minimum maintenance standards have not been met (Section 14-5.2(B) SFCC 1987), which is also referenced in the demolition criteria in Section 14-5.2(M)(4)(b).

The definition of a contributing structure is as follows:

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

STAFF RECOMMENDATION

Staff does not recommend approval for the proposed demolition of the historically contributing building. Staff finds that the demolition approval criteria have not been met as set forth in Section 14-5.2(M) (which references the criteria stated in Section 3.14(G)), demolition of historic and landmark structures).

- f. **2023-007596-HDRB. 406 Don Gaspar Ave.** Downtown and Eastside Historic District. Contributing (office and garage buildings). Jennifer Jenkins, JenkinsGavin, Inc., agents for the State of New Mexico General Services Division, request demolition of the office building (previously a residence) and garage. Exceptions requested to Section 14-5.2(D)(1)(a), Loss of Historic Status, Sections 14-5.2(M)(3)(b) and 14-5.2(M)(4) Status and Demolition of Historic Structures with State Capitol Outlay Projects. (Heather Lamboy)

BACKGROUND AND SUMMARY

The current request for demolition of 406 Don Gaspar Ave is part of a larger project with forthcoming requests that are subject to 14-5.2(M), State Capital Outlay Projects, which states its purpose as follows:

Recognizing the fragility of the City's historic heritage, the purpose of Subsection 14-5.2(M) is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the City and the State will collaborate in good faith and work jointly to preserve and protect the historic districts in Santa Fe as well as contributing, significant, and landmark structures.

The applicant has stated as part of the historic status hearing held on May 9, 2023 that the casitas located on Don Gaspar are out of place in that portion of the Don Gaspar streetscape.

Staff has stated to the applicant that the casitas represent a remnant streetscape and is a pertinent reminder of the history of the area and the changes associated with the growth of the State Capitol campus.

The definition of a contributing structure is as follows:

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

Section 14-5.2(M)(3)(b) states, “State capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2.” The proposed demolition will cause this structure to lose the historically contributing status that was designated at the May 9, 2023, HDRB meeting.

The original footprint of the building remains. As illustrated by the building’s existence on the 1930 Sanborn Map and not on the 1921 Sanborn Map, the building was constructed between 1921 and 1930. The single-family residential structure and associated garage at 406 Don Gaspar Ave is constructed of pentile with a stucco finish in the Spanish Revival style with a floorplan typical of the bungalows at the time. It is characterized by divided-lite windows; two smaller windows flank the fireplace on the south elevation. Additionally, as is typical of many bungalows, the building has a basement. The building has been poorly maintained since the designation of the structure as significant in June 2012 and is in fair condition. The code required minimum maintenance standards have not been met (Section 14-5.2(B) SFCC 1987).

The office building represents a remnant of the Anglo-American development pattern that has since been altered by the state capitol campus. This remnant helps to tell the story of how the state buildings transformed the urban pattern both on the border of the Don Gaspar and South Capitol area.

STAFF RECOMMENDATION

Staff does not recommend approval for the proposed demolition of the historically contributing building. Staff finds that the demolition approval criteria have not been met as set forth in Section 14-5.2(M) (which references the criteria stated in Section 3.14(G), demolition of historic and landmark structures).

- g. **2023-007597-HDRB. 410 Don Gaspar Ave.** Downtown and Eastside Historic District. Contributing (office and garage buildings). Jennifer Jenkins, JenkinsGavin, Inc., agents for the State of New Mexico General Services Division, request demolition of the of the office building (previously a residence) and garage.Exceptions requested to Section 14-5.2(D)(1)(a), Loss of Historic Status, Sections 14-5.2(M)(3)(b) and 14-5.2(M)(4) Status and Demolition of Historic Structures with State Capitol Outlay Projects. (Heather Lamboy)

BACKGROUND AND SUMMARY

The current request for the demolition of 410 Don Gaspar Ave is part of a larger project with forthcoming requests that are subject to 14-5.2(M), State Capital Outlay Projects, which states its purpose as follows:

Recognizing the fragility of the City's historic heritage, the purpose of Subsection 14-5.2(M) is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the City and the State will collaborate in good faith and work jointly to preserve and protect the historic districts in Santa Fe as well as contributing, significant, and landmark structures.

The applicant has stated as part of the historic status hearing held on May 9, 2023 that the casitas located on Don Gaspar are out of place in that portion of the Don Gaspar streetscape.

Staff has stated to the applicant that the casitas represent a remnant streetscape and is a pertinent reminder of the history of the area and the changes associated with the growth of the State Capitol campus.

The definition of a contributing structure is as follows:

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

Section 14-5.2(M)(3)(b) states, "State capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2." The proposed demolition will cause this structure to lose the historically contributing status that was designated at the May 9, 2023, HDRB meeting.

The original footprint of the building remains. As illustrated by the building's existence on the 1930 Sanborn Map and not on the 1921 Sanborn Map, the building was constructed between 1921 and 1930.

The single-family residential structure and associated garage at 410 Don Gaspar Ave is constructed of pentile with a stucco finish in the Territorial Revival style with a floorplan typical of the bungalows at the time. It is characterized by divided-lite windows; and two smaller windows flank the fireplace on the south elevation. Additionally, as is typical of the bungalows of the time, the building has a basement. The building has a smaller Territorial-Revival Style porch, which is smaller than the adjacent building to the north at 406 Don Gaspar Ave and the structure has an additional stepback on the north elevation. Furthermore, there is no porch on the south elevation in contrast to 406 Don Gaspar. There was a concerted effort to differentiate the homes on the block to provide better urban character. The building has been poorly maintained since the designation of the

structure as significant in June 2012 and is in fair condition. The code-required minimum maintenance standards have not been met (Section 14-5.2(B) SFCC 1987).

The office building, which is formally a residence, represents a remnant of the Anglo-American development pattern that has since been altered by the state capitol campus. This remnant helps to tell the story of how the state buildings transformed the urban pattern on the border of the Don Gaspar and South Capitol areas.

The aerial from 1957 illustrates how the State Capitol complex disrupted the neighborhood patterns of the Don Gaspar neighborhood, which started to develop to the north of the current Paseo de Peralta. One can see the development of a grid block pattern and detached single-family houses both within the block under consideration as well as across Don Gaspar at the site of the current Capitol building. The construction of the Paseo de Peralta divided this and adjacent bungalows from the Don Gaspar neighborhood.

STAFF RECOMMENDATION

Staff does not recommend approval for the proposed demolition of the historically contributing building. Staff finds that the demolition approval criteria have not been met as set forth in Section 14-5.2(M) (which references the criteria stated in Section 3.14(G), demolition of historic and landmark structures).

- h. **2023-007598-HDRB. 414 Don Gaspar Ave.** Downtown and Eastside Historic District. Contributing. Jennifer Jenkins, JenkinsGavin, Inc., agents for the State of New Mexico General Services Division, request demolition of the office building (previously a residence). Exceptions requested to Section 14-5.2(D)(1)(a), Loss of Historic Status, Sections 14-5.2(M)(3)(b) and 14-5.2(M)(4) Status and Demolition of Historic Structures with State Capitol Outlay Projects. (Heather Lamboy)

BACKGROUND AND SUMMARY

The current request for the demolition of 414 Don Gaspar Ave is part of a larger project with forthcoming requests that are subject to 14-5.2(M), State Capital Outlay Projects, which states its purpose as follows:

Recognizing the fragility of the City's historic heritage, the purpose of Subsection 14-5.2(M) is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the City and the State will collaborate in good faith and work jointly to preserve and protect the historic districts in Santa Fe as well as contributing, significant, and landmark structures.

The applicant, in their application, has pointed to the casitas located on Don Gaspar as out of place with the streetscape. Staff has stated to the applicant that the casitas

represent a remnant streetscape and is a pertinent reminder of the history of the area and the past streetscape. Further, the applicant is in essence requesting that a historic status downgrade be granted. However, this request works contrary to the collaborative, good faith and joint work to protect the historic districts as is stated as the intent of (M) in that the project is already intending for contributing and significant structures to lose their status.

The definition of a contributing structure is as follows:

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

This structure represents the southernmost building of three bungalows with identical floorplans that were constructed prior to 1930. The original footprint of the building remains.

As illustrated by the building's existence on the 1930 Sanborn Map and not on the 1921 Sanborn Map, the building was constructed between 1921 and 1930.

The single-family structure and associated garage at 414 Don Gaspar Ave was constructed of pentile with a stucco finish in the Territorial Revival style with a floorplan typical of the bungalows at the time. The building and the fireplace has brick coping. It is characterized by divided-lite windows; and as typical of bungalows of the time, two smaller windows flank the fireplace on the south elevation. Additionally, the building has a basement. The building has a porch with a small sitting area on the south elevation. There was a concerted effort to differentiate the homes on the block to provide better urban character. There is a decorative brick driveway; however, the associated garage has been demolished.

Section 14-5.2(M)(3)(b) states, "State capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-5.2." The proposed demolition will cause this structure to lose the historically contributing status that was designated at the May 9, 2023, HDRB meeting.

As stated previously, the office building, formerly a residence, represents a remnant of the Anglo-American development pattern that has since been altered by the state capitol campus.

This remnant helps to tell the story of how the state buildings transformed the urban pattern both on the border of the Don Gaspar area.

The development of the State Capitol complex disrupted the neighborhood patterns of the Barrio del Analco and Don Gaspar areas. The construction of the Paseo de Peralta further divided this and adjacent bungalows from the Don Gaspar neighborhood.

STAFF RECOMMENDATION

Staff does not recommend approval for the proposed demolition of the historically contributing building. Staff finds that the demolition approval criteria have not been met as set forth in Section 14-5.2(M) (which references the criteria stated in Section 3.14(G), demolition of historic and landmark structures).

APPLICANT PRESENTATION

Jennifer Jenkins was sworn. She was there on behalf of State of New Mexico General Services Department. She said the formal design has not commenced yet. There was a community meeting that was part of the design process. She shared a presentation entitled *State of New Mexico Executive Office Building Project Demolition Request*, which included the following:

- Applicable Regulations
- Background
- Map of New Mexico Main Capital Campus
- Vicinity Map & Historic District Boundaries
- Existing Site Conditions
- Concept Site Plan for Proposed Executive Office Building
- Exterior Design Concept – North Façade
- Exterior Design Concept -- North Main Entry
- Exterior Design Concept -- East Façade
- Exterior Design Concept – West Façade
- Exterior Design Concept – North Elevation
- Exterior Design Concept – East Elevation
- Exterior Design Concept – West Elevation
- Historic Status Designations
- City Building Inspection Reports – 11/22/22 which recommended demolition of all six buildings

Ms. Jenkins said in December of 2023 there was another inspection report, but the recommendation of demolition was deleted. She noted that nothing changed with the buildings in the year between the first and second inspection reports.

Ms. Jenkins this is not a typical case, and it is recognized that there is a unique set of rules. She said the State is trying to approach this in the most fiscally responsible way with taxpayer dollars. This is not a residential neighborhood anymore it hasn't been a residential neighborhood for decades. They are respectfully requesting approval to remove the structures and replace them with a thoughtfully designed facility to serve the needs of the State of New Mexico and its constituents.

Chair Rios asked Ms. Jenkins to confirm that the applicant wanted to memorialize the bungalows, however, the conceptual design does not do that.

Ms. Jenkins said one of the initial ideas was to do something with the pavement pattern along Don Gaspar and the footprint of where those buildings were located. That is something they are continuing to explore.

Member Bienvenu commented that this project has evolved. There is a unique set of procedures that must be followed. The State has always taken the position that they are not bound by Historic Ordinance, however, in good faith collaboration with the City, the State has agreed to follow, to some extent, the Historic Ordinance of Santa Fe. This project is presented to the Board as a State government complex.

He said the bungalows do have importance; however, he doesn't equate historic importance with contributing status. At this time the casitas have been orphaned in this location because they don't seem to have much to do with the State capital complex. The Concha Ortiz y Pino building is a little more difficult. It's ironic that the Board never would have allowed that building to have been built if it would have had a say. The State did that in the face of the Ordinance which specifically prohibited that design. It would be ironic if now, the Board would prohibit the State from replacing it with a design that conforms to the Ordinance. It would be expensive to renovate the buildings. The conceptual design meets general standards. Generally, something of that monumentality is appropriate. The ideal solution would be a contingent approval of demolition.

Member Guida said there's been a great deal of back and forth. What's not unique is when this Board considers a demolition request. He commended the State for presenting preliminary information. He added that this looks better than what's there. The issue of block front is going to be a key issue.

Member Biedscheid said she can see both sides of this. The former four homes are what's left of what was, there's a tendency of wanting to preserve those. What stands out is that these buildings have been poorly maintained.

PUBLIC HEARING

Those public speakers desiring to speak were sworn in.

Frank Katz, 1300 Canyon, previously sworn said the issue is whether the demolitions can be decided before there is a design plan. The whole process that is going on is before the design phase. There needs to be discussion about the design and cooperative process. He suggested that the Board deny the demolitions and work out what should be done. The State should come forward with a final design before the request for demolitions.

Herbert Lotz, 353 East Alameda, previously sworn, said he agreed with Mr. Katz and agrees that the design should be shown before demolition is approved.

Nicoleta Monroe, 701 Dunlap, previously sworn, said the buildings represent a timeline of architecture. The casitas and Concha Ortiz y Pino building represent a point in time. In proposing to demolish them you take away a valuable characteristic. The statement that they need space needs to be written in a report. If the State wants to rebuild, why don't they rebuild at the College of Santa Fe?

Mark Bertram, 906 Trail Cross Court, previously sworn, said this is egregious. This has been on drawing board for 10 to 12 years. Earlier iterations were a modest 56,000 square feet, now it's almost four times that. He's been involved in several projects in front of this Board. The development of those projects would have been much easier, faster and more profitable if the historic regulations had been ignored. The whole purpose of this district is to preserve our historic fabric even though it does create a burden on developers. In this case, the State is the developer, and the taxpayers are going to pay nearly \$1,000 a square foot for this building. He said the size of it is out of scale with the existing streetscape and surrounding neighborhoods. They should be required to follow the same rules as the private sector.

Tom Sprigg, 444 Galisteo, previously sworn, pointed out what happened 12 years ago. He was the president of the Old Santa Fe Association ("OSFA"). In 2012 OSFA said they were not opposed to an executive office building on that site. The State had proposed a 60,000 square foot building. The Board's part is simple, reiterate that these are historic and move the process forward in a collaborative way.

Adam Johnson, 141 Arroyo Hondo Trail, previously sworn, said he is the Executive Director of OSFA. He's against, putting cart before the horse. He agrees with staff's recommendation for denial of demolitions requests.

Randall Bell, 2991 Viaja Pavo Real, previously sworn, said he is the President of OFSA. He said it is important to reiterate that there is a collaborative process. The City and development parties are working together. The collaboration in statute involves other parties. There was an informational hearing in January with many public comments. He asked to see the underlying evidence that they are using to try to justify this. This is

premature, there is a process for collaborative meetings on this to try to develop an actual real proposed design. The applicant has failed to follow that procedure, so he asked the Board to please deny the uh application.

Elisa Bertram, 820 Don Cubero, previously sworn, asked the Board to deny these requests. She said this block of Don Cubero is extremely important to the fabric of that neighborhood and not to mention the proposed building is far larger than anything around except for the State capital. This building will drive 700 to 1,000 new people into that neighborhood a day. She didn't think that they're considering Wood Gormely Elementary School just up the street with young children walking home from school every day. She didn't think they're considering a lot of these living and breathing neighborhoods that surround it. Unfortunately, people who live in the neighborhoods have kids and jobs and are unable to come to these meetings to speak out in opposition. There are a lot of young people in the neighborhood and they against this proposed project.

Francesca Bonci, 1030 W. Houghton, previously sworn, said she came here from Long Island, New York. When she saw the picture of the building, she thought she was back in Long Island. She asked if the State really needs 56,000 square feet to house government employees. What's going to happen to those empty buildings that will be vacated. She understands developers ask for the moon, this is the moon.

Raymond Herrera, 379 Hillside, was sworn. In his 79 years of living in Santa Fe he has seen the expansion of the capital from the PERA building to where it is now. A major part of historic part of Santa Fe was lost. It needs to be figured out at some point how not allow the State to do these things. When the PERA building was built his great grandfather's grave was disturbed. He asked, how many buildings are empty around town and if this building really needed.

John Eddy, previously sworn, said he appreciated everything that's been said. The elephant in the room is that state has been practicing demolition by neglect. These homes were owned by Santa Fe people. These four buildings are history, they are speaking to the capital. He urged the Board to deny most of the requests. They need to get to the negotiating table so that there can be a creative design that maintains these historic homes because they're the last part of the fabric of history on that block.

Stefanie Beninato, previously sworn, said she agreed with many of the speakers. There are ways to incorporate those bungalows into the larger complex. She loves the Concha Ortiz y Pino building. Giving the state conditional approval is rewarding them. They should be incorporated into a design.

BOARD DISCUSSION/ACTION

Chair Rios said in reflecting everyone's feelings, she feels the buildings should not be demolished because all the buildings that are preserved tell a story they are a reflection of time and place. They were there before the capital buildings were there. Those buildings could be incorporated into the capital complex. If the buildings were not preserved, they would not be here. She gave the example of the Cathedral and the Palace of the Governors. These buildings should be honored and stand on their own merits. The buildings are part of Santa Fe's legacy.

Member Aguilar Medrano thanked all the members of the public for coming out this evening. The feedback is helpful. She wouldn't feel comfortable approving demolition of the buildings. She said she would assume and hope that the State has gone through an analysis of their office spaces in Santa Fe. Unfortunately, there was none of that in the packet. She wouldn't be comfortable approving the demolition of some of our contributing buildings without seeing some of that analysis done. She also hoped that rather than this thorough study of what the street facades of this building would look like, it would have been more helpful to do a massing study. If the bungalows were approved to be demolished there's an opportunity missed, the block isn't responding to this at all.

Member Guida said preservation in Santa Fe is most specifically pointed to the historic districts. All buildings are a recognition of a place in time. There could be an argument that preservation instinct pushes back. Santa Fe is a living city and a growing city. Community functionality must be developed. Any argument for preserving these very marginal examples of historic buildings must be balanced against the functional argument for making them into office space and against the economic development and against the relative important contribution to the downtown and eastside historic district. The second point is about process, he doesn't feel like the State is circumventing the process. The applicant has shown good faith.

Member Bienvenu appreciated all the comments. The general policy issue is whether the State needs the building. He would assume the State is acting in good faith. The general feeling is not to demolish the buildings, he said he respected that opinion. That's why he proposed that demolition be considered first. Another general concern is the desire to have a collaborative process. A blanket denial would take the City out of the process.

Member Biedscheid said this state capital outlay project is different from others that the Board has heard in the past because it involves demolition. She agrees with most of the comments about process. However, as an at-large member of the Board her role is to amplify the concerns of the public and the stakeholder groups in the preservation community. She's heard that if the Board approves the demolition, the general feeling is that the Board would preclude the opportunity to provide input in a collaborative process with input from preservation minded community members. She didn't want the public to feel like they had missed that opportunity because of the Board's vote. If the Board denies

demolition, that can be appealed and then the Governing Body will be able to approve the demolition.

MOTION: In Case 2023-007592-HDRB, 128 S. Capitol St., Member Aguilar Medrano moved to approve the application as submitted which aligns with staff's recommendation which approves the demolition of the non-contributing building. The motion was seconded by Member Biedscheid

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

MOTION: In Case 2023-007593-HDRB, 130 S. Capitol St., Member Guida moved that the Board approve demolition noting that the exception criteria have been met as follows: that the historic status of the building is not a significant consideration factor in light of what's being proposed; that the historic blockfront is unique, that does not apply; and lastly in consideration of the condition of the building, their suitability for State use on an ongoing basis is an extenuating circumstance. Member Bienvenu seconded the motion with a friendly amendment that approval is contingent upon the City and the State reaching agreement through the collaborative process set forth in 14-5.2(M) and Section 3-22-6 for design of a replacement building.

Member Guida accepted as friendly.

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

MOTION: In Case 2023-007595-HDRB, 402 Don Gaspar Ave., Member Biedscheid moved to deny the application for demolition, consistent with staff's recommendation that the approval criteria for demolition have not been met. The motion was seconded by Member Aguilar Medrano

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

MOTION: In Case 2023-007596-HDRB, 406 Don Gaspar Ave., Member Guida moved that demolition request be approved, finding that the exception criteria have been met as follows: that the historic status of the building is not a significant consideration factor in light of what's being proposed; that the historic blockfront is unique, that does not apply; and lastly in consideration

of the condition of the building, their suitability for State use on an ongoing basis is an extenuating circumstance. He added that the demolition requests be contingent upon an approved design for the replacement building. Member Bienvenu seconded the motion with a friendly amendment that the demolition is contingent upon the State and the City reaching agreement on a final design of a replacement building pursuant to the State statute and the City ordinance.

Member Guida accepted the friendly amendment.

VOTE: The motion failed by (2-3) roll call vote with Members Bienvenu and Guida voting in favor and Members Aguilar Medrano, Biedscheid and Mather voting against.

Chair Rios entertained a new motion.

MOTION: In Case 2023-007596-HDRB, 406 Don Gaspar Ave., Member Biedscheid moved to deny the application for demolition consistent with staff's recommendation and determination that the criteria have not been met for demolition. The motion was seconded by Member Aguilar Medrano.

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

MOTION: In Case 2023-007597-HDRB. 410 Don Gaspar Ave., Member Aguilar Medrano moved to deny the application for demolition, consistent with staff's recommendation finding that the exception criteria have not been met. The motion was seconded by Member Biedscheid.

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

MOTION: In Case 2023-007598-HDRB, 414 Don Gaspar Ave., Member Aguilar Medrano moved to deny the application for demolition, consistent with staff's recommendation finding that the exception criteria have not been met. The motion was seconded by Member Biedscheid.

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

To view the entire recording of this hearing, **see** the YouTube video at <https://www.youtube.com/watch?v=fF7ZEywAor0> (1:23:13 – 3:41:37)

9. DISCUSSION ITEMS

None

10. MATTERS FROM THE BOARD

None


11. NEXT MEETING: Tuesday, April 9, 2024

12. ADJOURN

MOTION: Member Guida moved, seconded by Member Biedscheid to adjourn the meeting at 9:18 p.m.

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

Submitted by:


Melissa Byers, Stenographer
For Byers Organizational Support Services

Approved by:


Cecilia Rios, Chair