



MEETING MINUTES

Virtual Regular Meeting – **Monday, June 1, 2020 at 4:30PM**
Virtual Meeting

1. CALL TO ORDER

The Chair of the Historic Preservation Board will call the February 3, 2020 meeting to order.

Present: Carol Lopez, Darryl Smith, Brett Lobello, Barry Binder, Len Kendall
Absent: none.
Staff: Gaby Serrano, Elena Lobato, Hannah Van Nimwegen
Audience:

2. APPROVAL OF MINUTES

None.

3. CITIZEN DISCUSSION

None.

4. NEW BUSINESS

4.A PLANNER Gaby Serrano

Nomination of Historic Preservation Board Officers:
Chair and Vice Chair of Historic Preservation Board.

Board Member Lopez nominates Board Member Binder as Chair.
Seconded by Board Member Lobello.
Nomination approved unanimously.
Board Member Binder is now Chair of the Historic Preservation Board.

Board Member Binder nominated Board Member Lopez as Vice Chair.
Seconded by Board Member Smith.
Nomination approved unanimously.
Board Member Lopez is now Vice Chair of the Historic Preservation Board.

4.B FILE NO. AR R 20-00244-HPB

PLANNER Gaby Serrano

Postponed Item from the May 4, 2020 meeting: Request by Mario Soto (owner), with representation by Ashlyn Mathy (contractor), for approval from the Historic Preservation Board for an installation of a residential solar panels on the roof of the house. The site is zoned R1-9/HP (Single-Family Residential with Historic Preservation Overlay) located 1611 Wood Avenue, and consists of 0.21 acres.

BOARD MEMBER Binder: Both of the documents presented by the applicant are not applicable to this project?
Gaby stated that is correct per the City Attorney's office and City Code.

Dr. Soto (owner) – the solar panels will not be able to be seen from the street. There is only a small chance that they could be seen from the south facing side of the home. The next door neighbors have thermal heaters on the roof of their

home that was installed many years ago and is not flush mount like these will be. The neighbors are supportive of the project as well.
The second proposed area would be on the detached garage which they are in the process of trying to have it torn down as it is not a safe structure. It is in the opinion of Mr. Soto's attorney that this statute is applicable to this project.

Staff received comment from a neighbor stating that they are in support of this project.

BOARD MEMBER Lobello – With the installation of the panels, what is the impact on the material on the roofline? Are they taking any materials off the roof for the installation?

Dr. Soto – No materials are being removed. Since it is flush mount, it will just lay on top of the shingles with the inverters underneath.

VICE CHAIR Lopez – thanked the contractor and the owner for provided more photos and information regarding the home and location of the panels.

Chair Binder – Was the OWN board contacted? Have ground level sources been considered? If the detached garage is approved, is the plan to have the panels on that roof instead of the home?

Dr. Soto – No, they were not contacted in regards to their opinion. Ground level was considered but a backyard would prefer to be utilized, and shading would be a problem as well. Due to that roof being east/west facing, the view is obscured by trees and another structure and would not be a viable alternative.

BOARD MEMBER Smith – These will be a matte black in color and won't actually look like normal panels, correct?

Dr. Soto – Correct, they are the more expensive option so they could mesh a little better with the aesthetics of the neighborhood.

VICE CHAIR Lopez – C1, C2, C3, & C4 are the code requirements that the Board will be rendering their vote upon.

Gaby – Old North End Design guidelines are just a guide. Those standards are not codified by City Council. The review criteria's in Code are the four review criteria's that are being decided upon.

Chair Binder – Can you do a denial with conditions as approvals with conditions are allowed? The Board is guided by the design standards and City Code. It would be easier and be in support if there was support from the OWN Board?

Gaby – Staff recommends if denial is the plan, to postpone the item until they receive approval or denial from OWN Board.

Dr. Soto – I thought that the point of the mailers and posters in the yard was the reason to receive feedback for this project? Mr. Soto does not want to postpone again. He wants an approval or denial today.

Elena stated that Mr. Soto is correct in that his project has gone on too long and postponing this item would not do any good considering its been public noticed twice now.

BOARD MEMBER Kendall – If HOA regulations are stricter than the City's regulations, it would be the HOA's responsibility to take action? The City cannot govern on what the HOA's covenants are.

Elena called for any public to speak on behalf of this project. There were none present or on the line to speak.

Motion by BOARD MEMBER Lopez to approve AR R 20-00244-HPB based upon the findings that the application meets all of the North End Historic Preservation Design Standards except for B4, and that it meets the Code Review Criteria C1, C2, C3 and C4 set forth in the City Code Section 7.5.1605.C with no conditions.

Motioned seconded by BOARD MEMBER Smith.

Motion approved on 3-2 vote. (Chair Binder and BOARD MEMBER Lobello (nay))

Appeal instructions read by Gaby Serrano.

4.C FILE NO.
AR R 20-00323-HPB

PLANNER
Gaby Serrano

Request by Mario Soto (owner), with representation by PJ Snow (contractor), for approval from the Historic Preservation Board for removal and replacement of windows. The site is zoned R1-9/HP (Single-Family Residential with Historic Preservation Overlay) located 1611 Wood Avenue, and consists of 0.21 acres.

The sunroom will be replacing eight (8) windows and will be a like for like replacement. We can do the changes with a Notice to Proceed. The big change will be the bathroom window. The existing and proposed window pictures are in the powerpoint.

Dr. Soto – the current window is dangerous and it comes down to ground level and anyone, including small children could fall out of it. The proposed window will be up at a safe height and also provide more privacy. The current window is located directly in front of the shower and is not a functional window. The new window cannot be seen except from the alley behind the home. The windows in the sunroom in the late 1990's used to be a patio as it used to be five (5) apartments. That sunroom was framed and windows were put in, but was not properly insulated for heat or cool. The proposal is to cut the number of windows in half to attempt to make it a functional room. These window replacements are merely for function purposes.

PJ Snow (contractor) – the bathroom window is safety, privacy and foundation is out of code of 25 inches where the window is at 19 inches. It is alley facing and will not be seen from the street. For the sunroom, per current fire code, you should only have 25% openings on any wall where we are currently at 60% on that south facing wall. Initially, the plan was to replace like for like, but now that the framing was and drywall was taken down, the new plan is to take two (2) windows from each side and replace with just one (1) window. They will be the same windows. We will take out four (4) windows and replace with two (2).

Chair Binder – Are the windows in the sunroom original? The Sanborn maps from 1907 show a sleeping porch there which is the reason for thinking they were original.

Dr. Soto – This was originally an open patio so no they are not original. They are melgard windows that are about 21 years old.

PJ Snow – Once the drywall was off in the sunroom, the framing was wrong and has been redone so many times. It needs to be fixed to be able to replace the windows. It makes more sense to fix this framing to make the room more usable which is why we are wanting to reduce the number of windows.

VICE CHAIR Lopez – Knowing that the windows there now are not original, Dr. Soto, how long have you lived in this home? The proposal is to remove all eight windows and replace them with four windows total, correct? The trim would remain the same? The window on the rear of the home, it comes up 19 inches from the floor?

Dr. Soto – we have lived in this home for two years. It had been a rental property for the previous 15 years, so much of the property was neglected. The plan is to center the new window where the two windows would be removed leaving four windows where eight were originally.

PJ Snow – the existing window in the left picture comes up 19 inches. Code states that with new construction window sills must be 24 inches.

VICE CHAIR Lopez – has consideration been talked about to have a smaller but vertical window instead of the horizontal window for that bathroom just like the smaller vertical window to the right of it for the symmetry of the house will be the same?

PJ Snow – such consideration has not been had. It is a small room and it is believed that a smaller window would not be a functional option.

VICE CHAIR Lopez – Gaby, please explain again, what the board will be voting on?

Gaby – Originally, a notice to proceed was going to be provided for the like for like replacement of the eight windows in the sunroom. The new change brought forth regarding the removal of eight windows and replacement with four windows will require an approval from the Board. You will also be voting on the removal and replacement/change of the window in the rear of the home in the bathroom. This will be two motions, one for each room.

Gaby called for any public to speak on behalf of this project.

There were none present or on the line to speak.

Chair Binder – in complete support for the like for like of the eight windows in the sunroom. He is concerned about replacing the windows and changing the character of the sleeping porch as it is historically accurate for the history of the area.

Dr. Soto – On the El Paso County Assessor's Office shows multiple pictures, showing that this might have been a sleeping porch, but or at least half a century, it was an open uncovered porch. When it was redone in the 1990's, this porch was enclosed at that time and the windows are not original.

BOARD MEMBER Smith – Without seeing the original plans of whether or not the sunroom was a sleeping porch or not, I would like to hear the reasoning for replacing four windows instead of all eight. Also, there are 5 different window types on the rear of the home, I can understand why the change is wanted including code requirements, but it will just look a little silly. Is there any other option for the bathroom window to look more cohesive with the rest of the windows?

Dr. Soto – On the El Paso County Assessor's page, it will show pictures of it being an open porch. The reason for only having four windows, is functionality mainly. Nothing can be done in the room due to it being all windows. That room is not insulated in any way and the temperature is very extreme depending on the time of year. The windows have a large part to do with that as the structure in that room is insulated, but all temperature escapes through those windows. Eight windows in a room that size is not functional.

As for the bathroom window, to make that window match the rest would look ridiculous because it would be a very tiny window. There is no privacy provided, and it makes that wall unusable as the window takes up the entire wall.

VICE CHAIR Lopez – I have large windows in my home with blinds and I close them when I need privacy. Replacing the windows in the sunroom and making sure the insulation is correct, would be nice.

Dr. Soto – due to the windows currently in the rear of the home not being up to code, there will be some asymmetry regardless of it being a horizontal or vertical window. This is about functionality, and nothing else. By Code, PJ cannot put the existing window back into the bathroom and it is not safe at the height that it is at.

Chair Binder – there are inherent inconveniences that come with owning a historic home as they are not usually up to current codes. The current window in the bathroom would not be replaceable?

Gaby – The code they are referring to is Fire and Building code, not zoning code.

PJ Snow – Correct. When Regional Building comes to inspect, they will measure from floor to window sill, it must be at 25 inches per Building code now. Also, the photoshopped picture for the proposed window is a 3x5 window, which is the exact same size as the window to the right, just horizontal. It just looks different due to the photoshop skills. These pictures were taken from the alley and it is of his opinion that on that sleeping porch/sunroom that replacing those two windows with one and centered would look much better than the two windows scrunched super close together.

Chair Binder – Part of the importance of the Old North End Historic District is the asymmetry.

BOARD MEMBER Kendall – Because that area has changed so much over the years, this addition will make it no worse for wear.

BOARD MEMBER Lobello – Dr. Soto, you have stated you are wanting to do a lot of work on your home. Getting a historic preservation architect on board would be very helpful. He visited the El Paso County Assessor's office and looked at the pictures and is under the impression that it was destroyed in the 1990's and it is clear that it is not the original material. He is torn that it meets the aesthetics of the neighborhood, yet it is not original to the home.

BOARD MEMBER Smith – The owner is not wanting to change too much of the historic piece due to it not being original.

Staff did not receive any comments in opposition of this project.

VICE CHAIR Lopez – I think that the Board should consider the porch similar to how we would consider an addition and new construction. When a family wants to build an addition, we have criteria that we look at to make sure the new structure is compatible but not identical to the original structure. We aren't considering destruction of an original structure, but the new construction. When it comes to a motion, how do we label each motion since we only have one file number so Part A will be for the sunroom, and Part B will be replacement of window in bathroom.

Gaby – Correct, we can label them just as stated by VICE CHAIR Lopez.

VICE CHAIR Lopez – Working under the guidance that they Chair cannot make motions, can he ask of another BOARD MEMBER to help him?

Elena – the Chair can only ask of someone to make a motion, and not guide another BOARD MEMBER on a motion.

Dr. Soto – We are not proposing to tear down the sunroom, just half of the number of windows. We are just wanting to make this a more functional, safer, more aesthetically pleasing structure.

Chair Binder – I would be fine with the proposed changes to the structure if proof was provided that this sunroom was not original to the home since historically this sleeping porch was used for specific reasons.

Motion by BOARD MEMBER Lobello to deny AR R 20-00323-HPB.1 (Sunroom) based upon the findings that the application does not uphold the North End Historic Preservation Design Standards and does not meet the Code Review Criteria set forth in the City Code Section 7.5.1605.C.

Motioned seconded by VICE CHAIR Lopez.

This motion to deny the replacement of eight windows with four windows in the sunroom.

Chair Binder – Vote to approve motion. I agree that it does not meet City Code Section 7.5.1605.C - C4.

VICE CHAIR Lopez - Vote to approve motion. I agree that it does not meet City Code Section 7.5.1605.C – C1, C2, C3, and C4, specifically C2 and C4.

BOARD MEMBER Smith – Vote to approve the proposal and not deny. (nay to motion)

BOARD MEMBER Kendall – Vote to approve the proposal and not deny. (nay to motion)

BOARD MEMBER Lobello – Vote to approve motion. This part of the project changes the architectural and historic fabric of the neighborhood.

This portion of the project has been denied on a 3-2 vote.

Motion by VICE CHAIR Lopez to deny AR R 20-00323-HPB.2 (single window on the rear) based upon the findings that the application does not uphold the North End Historic Preservation Design Standards B1, B3, B13 or C1, C2, C3. Motion seconded by BOARD MEMBER Lobello.

This motion to deny the change of the window on the east side of the building. Chair Binder – Vote to approve motion. I agree that it does not meet City Code Section 7.5.1605.C – C3.

VICE CHAIR Lopez - Vote to approve motion. I agree that it does not meet City Code Section 7.5.1605.C – C1, C2, C3, and C4, specifically C2 and C4.

BOARD MEMBER Smith – Vote to approve motion. I agree that it does not meet City Code Section 7.5.1605.C – C3.

BOARD MEMBER Kendall – Vote to deny motion. Would love to see a similar style window when the applicant appeals.

BOARD MEMBER Lobello – Vote to approve motion. This project changes the architectural structure.

This portion of the project has been denied on a 4-1 vote.

Appeal instructions read by Gaby Serrano.

Dr. Soto stated that he will be appealing this project.

4.D FILE NO.
AR R 20-00317-HPB

PLANNER
Gaby Serrano

Request by Jeffrey Kasal (owner), with representation by Matthew Callen (contractor), for approval from the Historic Preservation Board for an installation of residential solar panels on the roof of a detached structure. The site is zoned R1-6/HP (Single-Family Residential with Historic Preservation Overlay) located 1511 N Tejon Street, and consists of 0.22 acres.

Matt Callen (contractor) – The detached garage is not original. The panels will only be visible from the alley.

Staff did not receive any comments regarding this project.

Gaby called for any public to speak on behalf of this project. There were none present or on the line to speak.

VICE CHAIR Lopez – Where on the garage will be electrical materials be mounted and what is the age of the structure?

Matt Callen – there is a name plate on the garage from the 1990's. The equipment will be on the north face of the primary structure near the building meter and electrical panel.

Chair Binder – Confirms there was no garage there in 1907 per the Sanborn Maps.

Motion by VICE CHAIR Lopez to approve AR R 20-00317-HPB based upon the findings that the application meets the North End Historic Preservation Design

Standards criteria A2, B1, B2, B4, and B14 and code review criteria C1, C2, C3, and C4 as set forth in City Code Section 7.5.1605.C.
Motedion seconded by BOARD MEMBER Kendall.
Motion approved unanimously.

Appeal instructions read by Gaby Serrano.

4.E FILE NO.
AR R 20-00319-HPB

PLANNER
Gaby Serrano

Request by Matthew Roff (owner), for approval from the Historic Preservation Board for the development of a 48 sq. ft. enclosure to the existing residence. The site is zoned R2 (Two-Family Residential), located 1629 N Nevada Avenue, and consists of 0.17 acres.

One comment was received during the public notice process.

Matthew Roff – roughly 48 sq. ft. and this will allow access to his basement without having to go outside. It is somewhat visible from the street from Del Norte. Neighbors are in support of this project.

VICE CHAIR Lopez – Will you be building this or a contractor?

Matt Roff – I did not hire anyone yet for this but have been in talk with two companies once this will be approved.

VICE CHAIR Lopez – Can you explain the citizen comment?

Gaby – When the original plan was uploaded, it was for a mudroom and deck. The new drawings are uploaded in the packet. The comment was on the previous project and not this one.

BOARD MEMBER Smith – Nothing is being taken off of the existing home, correct?

Matt – Nothing will be changed.

Chair Binder – The idea of using glass is thoughtful. This could obviously solve some security concerns as well.

BOARD MEMBER Smith – The glass shows that we are not changing the look and as with additions, it is not supposed to match entirely which is what the glass provides.

Gaby called for any public to speak on behalf of this project. There were none present or on the line to speak.

Motion by BOARD MEMBER Lobello to approve AR R 20-00319-HPB based upon the findings that the application meets the North End Historic Preservation Design Standards criteria A7, B7 and B14 and code review criteria C1, C2, C3, and C4 as set forth in City Code Section 7.5.1605.C.

Motedion seconded by VICE CHAIR Lopez.

Motion approved unanimously.

Appeal instructions read by Gaby Serrano.

4.F FILE NO.
AR R 20-00321-HPB

PLANNER
Gaby Serrano

Request by Julie A. Lafitte (owner), with representation by Prospect Builders (consultant representative), for approval from the Historic Preservation Board for a renovation of the back porch. The site is zoned R1-6/HP/CU (Single-Family Residential with Historic Preservation Overlay and a Conditional Use) located 115 E. Del Norte Street, and consists of 4500 sq. ft.

Staff has received one comment in this item.

John Hockman – There is a sagging roof so they are wanting to add a column to firm up that roof. There is a deteriorating foundation too. The existing porch

roof and above will stay the same. The columns will be replaced as well as the deck with that deck footprint to be reduced.

BOARD MEMBER Lobello – The roof will not change but the deck will be replaced and made smaller?

John Hockman - We need a landing at the back door. Then it will drop down to a small patio at ground level.

Gaby called for any public to speak on behalf of this project. There were none present or on the line to speak.

Motion by VICE CHAIR Lopez to approve AR R 20-00321-HPB based upon the findings that the application meets the North End Historic Preservation Design Standards criteria A2, A7, A8, B1, B2, B3, B12 and B14 and code review criteria C1, C2, C3, and C4 as set forth in City Code Section 7.5.1605.C. Motioned seconded by BOARD MEMBER Smith. Motion approved unanimously.

Appeal instructions read by Gaby Serrano.

4.G PLANNER

Hannah Van Nimwegen

Accessory Dwelling Unit Presentation

Ordinance 1.1 – Accessory Family Suites:

- Introduces accessory family suites as secondary living areas (which may contain a full kitchen) integrated within and with a connection to the principal residence. No more than one family may live on the property.

Ordinance 1.2 – Definitions & Accessory Dwelling Units:

- Existing definitions are being adjusted and new definitions are being added.
- Introduces ADUs into single-family zones through the Conditional Use process allowing two families to occupy the property. In single-family zones, only integrated ADUs are permitted.
- Relaxes requirements for detached ADUs in two-family, multi-family, and some commercial zone districts.

Ordinance 1.3 – ADU Overlay Zone:

- Introduces an overlay zone intended to be used in conjunction with new residential development.

Highlights (1.1):

- Creates a new definition which allows full living facilities but states that these are not considered “dwelling units”
 - Does not allow a second family—only one family on the entire property. Requires affidavit.
- Permitted in all zone districts where a detached single-family home is also allowed (including PUD zones)
- No owner-occupancy requirement
- Must have an internal connection
- No fire separation requirements. May use the same mechanical, electrical, and plumbing systems
- Prohibits subdivision from main home (restrictive covenant)
- Architectural requirements
- One off-street parking space

Highlights (1.2):

- Adjusts the definition of an ADU; establishes a difference between “integrated” and “detached.” Other definitions adjusted to be more consistent with the IRC
- ADUs allow an independent family unit to occupy—two families per property

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- One off-street parking space
 - In single-family zones:
 - Must receive approval of a Conditional Use
 - May not be subdivided (restrictive covenant)
 - The property owner must occupy one of the two units (restrictive covenant)
 - Integrated only with requirements for fire separation, and separate mechanical, electrical, and plumbing systems.
 - In two-family, multi-family, and select commercial zones:
 - Restrictions which apply to detached ADUs are relaxed according to what was recommended by the ADU Steering Committee

Highlights (1.3):

- The purpose is to provide flexible housing options while ensuring the overall character of the development is consistent with the base zone.
- May be used in conjunction with the zoning of new residential development or a development containing a mix of residential and other land uses. The intent of creating an ADU overlay zone is to provide a developer an additional avenue for allowing accessory dwelling units.
- All ADU development standards shall be met unless otherwise established within a Planned Unit Development (PUD) zone.
- ADUs within the overlay zone shall be considered permitted by right and shall not be subject to the conditional use process.
- Additionally, properties zoned with the overlay shall not be subject to the owner occupancy requirement or the limitation to one family occupying the entire property unless otherwise stated in a PUD zone.

Enforcement of codes in Chapter 7:

- If a property owner were to violate owner occupancy, a condition of approval, subdivision, etc., they would be liable for potential code enforcement actions as outlined in Code Sections 7.5.1001 through 7.5.1012.
- Code Section 7.5.707 states, "If a conditional use is not in compliance with the terms of the approval, the conditional use shall be subject to enforcement pursuant to part 10 of this article."
- As written in the ordinance, enforcement actions could not be brought against a tenant for the property owner's failure to occupy one of the two dwelling units.

VICE CHAIR Lopez – How do you see this affecting our HP overlay zone?

Hannah – In code, single family zones were technically allowed to have these "fake" ADU's previous to this code change, but now we're putting a name on them as Accessory Family Suites. We are not allowing additional occupants. The changes that can be foreseen would be potential roofline changes that are historically accurate. You might be seeing taller structures coming in.

Chair Binder – What problems will we see with potentially have separate entrances that could impact that historical character?

Hannah – it is not required for them to have an additional access point, we are asking that they are to the side or to the rear to avoid the look of duplexes. In the HP overlay, does this still meet the guidelines for the character area within the overlay? Would it look like a standard rear door? This is what we are trying to achieve. Anything more specific than that would be decided on by the Board.

Chair Binder – If we were at a stalemate, would we be able to override what code says because we say it doesn't meet the HP design standards?

Hannah – Your purview would remain the same as it always has. You would be reviewing on the same standards as before.

VICE CHAIR Lopez – How does Airbnb & short term rentals play into this?
Hannah – If you had a SF home with an accessory family suite, you would be able to have an STR out of that AFS due to it not being another dwelling and that is already allowed in code. You would now be required to be an owner occupied STR owner because non-owner occupied is not allowed in a single family district. Nothing would be changing in the multi-family zones.

5. OTHER BUSINESS

1. Catalyst Campus Inspection status. Special Meeting of June 8 will be held at the Catalyst Campus.
2. Ethics Training with Senior Attorney on July 6
3. Interviewing new potential member for the Board
4. Acacia Park Master Plan
5. 1315 Wood Avenue- The Burns House

6. ADJOURNMENT

Motion to adjourn the June 1, 2020 meeting of the Board made by Chair Binder.

Respectfully prepared by Cody Webb on June 11, 2020.