

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

Case # 2024-9127-HDRB

Address – 330 Otero St.

Agent’s Name – Fritz and Lynn Denny

Owner/Applicant’s Name – Fritz and Lynn Denny

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on October 8, 2024.

BACKGROUND

The principal residential structure at 330 Otero St. is designated as contributing to the Downtown and Eastside Historic District. Constructed in the 1950s by builder Alan Stamm, it retains its original footprint, doors and windows. Like many of the mid-century Stamm homes, design details are subdued. The east façade includes the garage door opening, a small front portal and entry door, steel casement windows, a solid wood entry door, and picture windows on the southeast and southwest corners. All windows on the structure are steel casement except those at the corners.

The east elevation including the portal, doors and windows, and the southeast corner window are designated as primary, per a status review by the Board January 14, 2020. See Case # 2019-1516-HDRB. The Board excluded the non-historic, east-façade garage door from the contributing status, and designated the accessory structure non-contributing.

The Applicant proposes the following exterior alterations:

- 1) Replace all windows. The windows will have to be cut out of the opening and the wood sills repaired. However, the overall opening size and 4-inch inset will not be altered, and the windows will have an appearance identical to the existing windows. Windows will be painted dark brown.
- 2) Repair the wood buck underneath the sills to water seal the new windows.
- 3) Stucco repairs around the windows to match the existing cement stucco in “Adobe”.

Three historic windows to be replaced, windows A, B and C, are on the primary, east façade. An exception to Santa Fe City Code Section 14-5.2(D)(5)(a) is requested to replace historic windows on a primary façade.

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. Land Use Department Staff conducted a preliminary zoning review (“PZR”) and

determined that the application appears to meet the underlying zoning standards set forth in the Santa Fe City Code (“SFCC”).

2. Historic Preservation Division Staff reviewed the application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Board with a written report of its findings (“Staff Report”), which evaluates the factors relevant to the application.
3. Historic Preservation Division Staff Recommendation: Staff recommended a finding that all the exception criteria had been met and recommended approval of the application, as it complies with SFCC Sections 14-5.2(D), General Design Standards for all Historic Districts, and 14-5.2(E), Downtown and Eastside Design Standards.
4. The project is subject to SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures.
5. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
6. 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).
7. Under SFCC Sections 14-2.6(B-C), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f), 14-5.2(C)(3)(a-b), 14-5.2(C)(4), and 14-5.2(D), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant’s proposed design to assure overall compliance with applicable design standards.
8. Under SFCC Section 14-5.2(D)(5)(a), historic windows on the primary façades of contributing structures shall be repaired or restored wherever possible.
9. The Applicant proposes to replace windows on all façades, including three on the east-facing primary façade. One of the windows, B, is restorable, while two, A and C, are not restorable, according to a professional window assessment.
10. Staff determined that an exception to SFCC Section 14-5.2(D)(5)(a) would be required for replacement of window B on the east, primary façade, and the Applicant requested an exception.
11. To obtain an exception, the Applicant was required to conclusively demonstrate that the three exception criteria set forth in SFCC Section 14-5.2(C)(5)(b) have been met.
12. 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 finding that the Applicant has conclusively demonstrated that all 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 not damage the character of the district because the new window style will closely match the old in appearance and inset, and no window opening on any façade will be enlarged, reduced or closed;
 - b. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds that the exception is required to prevent a hardship to the Applicant or an injury to the public welfare the existing windows A and C-K are not restorable, their condition is causing damage to the structure by seepage into the sills and walls, and an inharmonious appearance would be created by keeping the historic window B and replacing all others; and
 - c. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that granting the exception would 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 because the window replacement will safeguard the structure from further damage, and new windows will closely match the existing and are a balanced approach to preserving the building.

13. The Board finds that the Applicant has conclusively demonstrated that all of the exception criteria have been met.
14. The Board finds, based on a professional window assessment, that windows A and C are non-restorable. The Board finds that windows D-K (all non-restorable) are on non-primary façades, and their replacement is not restricted by SFCC Section 14-5.2(D)(5)(a).
15. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable requirements for Board review as herein described have been met.
16. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable design criteria 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 approve the application.
2. The Board approves Items # 1-3 as set forth in the application, as recommended by Staff.
3. The Board grants the exception requested in the application.

IT IS SO ORDERED ON THIS 25th DAY of FEBRUARY, 2025, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios, Chair

Date

FILED:

Andréa Salazar
City Clerk

Date

APPROVED AS TO FORM:

Frank Ruybalid
Assistant City Attorney

Date