

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

Case # 2024-9398-HDRB

Address – 346 Hillside Ave.

Agent’s Name – Richard Martinez, Martinez Architecture Studio, P.C.

Owner/Applicant’s Name – Martha Davis

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on December 10, 2024.

BACKGROUND

The property at 346 Hillside Ave. in the Downtown and Eastside Historic District contains both a single-family residence and a studio. The main residence has a contributing historic status and the detached studio is listed as non-contributing. The home was built around 1920 in a simplified craftsman bungalow style. The fenestration is symmetrical on the north elevation, with a front door flanked by large windows. The hipped roof had brick-red asphalt shingles. The kitchen addition on the east elevation, constructed between 1948-1958, has a flat roof.

In a 2004 case, the Historic Design Review Board approved the removal of two non-historic parts of the structure – a 172-square-foot portal on the northeast elevation and a 280-square-foot sunroom on the southeast elevation. See Case # H-04-35. The HDRB then also approved a 756-square-foot addition to replace the sunroom on the southeast elevation, but this was never built. As a result, the south-elevation rear door “floats” and it is likely that there were concrete stairs similar to those farther east on the south elevation that led to the backyard. A tall wall on the west elevation connects the residence with the studio, which likely was a garage. In a status review in Case # 2022-6142-HDRB, the Board retained the main residence’s contributing status and designated the north and west elevations and the northernmost portion of the east elevation, excluding the kitchen addition at the southeast corner (with flat roof), as the primary façades. The Board designated the garage/studio as a non-contributing structure.

In 2023 in Case # 2022-6237-HDRB the Board approved additions to the non-primary east and south elevations, a portal on the south elevation, and a deck and stone planters on the south elevation of the main residence. It further approved the removal of a portal on the south side of the studio with an addition and portal to replace it. During construction, the Applicant made unauthorized changes to the Board-approved design and added items not previously considered or approved. Historic Preservation inspectors issued a Stop Work Order October 25, 2024, to the owner for the unauthorized alterations.

The Applicant now requests approval of the unauthorized and unapproved items, including:

- 1) Replace the shingle roof with a charcoal-colored standing-seam metal roof. An exception

to SFCC Section 14-5.2(D)(6) for changing the roof material without evidence the new material was a historic feature of the structure.

- 2) Eliminate the fireplace from the design for the addition design for the studio.
- 3) Eliminate a bedroom window under the portal of the studio addition.
- 4) Install a roof-mounted HVAC on the main residence. The HVAC unit will not be publicly visible.
- 5) Reconstruct the stairs on the north side of the kitchen to bring them up to current code.
- 6) Install guard and handrails at the stairs.
- 7) Install skylights. The skylights are not publicly visible.
- 8) Install exterior lighting.
- 9) Place 18"-high coyote fencing on top of the existing 4'6"-tall yard wall for a total height of 72" in the rear of the property.
- 10) Construct coyote fencing along the street frontage to the maximum allowable height of 59". Staff notes that this fence currently stands at 86". The 73"-high metal pedestrian and 69"-high metal vehicular gates along the street frontage, installed in 2020, will be retained in this newer fencing.

The Staff recommends a finding that changing the roof material diverts from the character of this contributing structure, as there is no evidence that the roof material has ever been metal. The dark color of the metal roof is also not present on the streetscape. The Staff recommends denial of the roof-material, noting that no evidence has been provided for the historic existence of a metal roof on the structure. The only evidence available is the 1984 Historic Cultural Property Inventory which reads that the roof had asphalt shingles.

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 the exception criteria has not been met and recommended denial of the exception request to replace the shingled roof with a standing-seam metal roof. Otherwise, Staff recommended approval of the application, Items 2-15, as they comply with SFCC Section 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. Pursuant to SFCC Section 14-5.2(D)(6), existing roof styles and materials shall be maintained, or replaced in-kind if necessary, and the addition of roof features should only be considered when they are an existing or historic feature of the structure.
9. The Applicant has replaced the roof of a contributing structure with material that is not in-kind where there is no evidence it is a historic feature of the structure. The Staff determined that an exception to SFCC Section 14-5.2(D)(6) would be required for approval of Item # 1 in the application, and the Applicant requested an exception.
10. 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.
11. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board finds that the Applicant has not 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 damage the character of the district because the color and type of roofing material diverges from the type of roof common in the era the structure was built, detracts from the structure's historic character, is out of harmony with the streetscape, and jeopardizes the structure's contributing status;
 - b. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds that the exception is not required to prevent a hardship to the Applicant or an injury to the public welfare because there is no evidence of any hardship created by a shingled roof; and
 - c. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that granting the exception would not 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 a change in the roof material does nothing to promote these objectives.
12. The Board finds that the Applicant has failed to conclusively demonstrate that all of the exception criteria have been met.
13. The Board finds that the existing vehicular and pedestrian gates on the property, at their current height and style, are consistent with Historic Districts designs standards, as they are fully fenestrated.
14. Under SFCC Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new drawings or documentation, satisfactory to the Board, have been submitted.
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 with respect to the project elements that are approved, but have not been met with respect to the change in the roofing material.

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 denies approval of Item # 1 as set forth in the application.
3. The Board denies the exception requested in the application.
4. The Board approves Items # 2-10 as set forth in the application, with the following additional condition:
 - a. The fence shall not exceed the maximum allowable height calculated for the streetscape, which is 59 inches.

IT IS SO ORDERED ON THIS 8th DAY of APRIL, 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