

City of Santa Fe, New Mexico

memo

DATE: July 22, 2025
TO: Historic Districts Review Board Members
VIA: Maggie Moore, Assistant Land Use Director
Gary Moquino, Historic Preservation Division Manager
FROM: Heather Lamboy, Planning & Land Use Department Director #LL

2025-010698-HDRB, 222 Polaco St., Westside-Guadalupe Historic District, Gayla Bechtol, agent for Lee Kirch, owner, requests to install to a coyote fence to a height of 6'-0" where the maximum allowable is 4'-7". Exception is requested to 14-5.2(D)(9)(a)(ii)(B) (Heather Lamboy)

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- District Standards & yard wall & fence standards.
- Historic Inventory Form
- Zoning Review Sheet
- Other: Height Calculation

APPLICANT SUBMITTALS

- Proposal Letter
- Site Plan/Floor Plan
- Elevations
- Photographs
- Other:

STAFF RECOMMENDATION:

Staff finds that all the exception criteria have not been met relative to the proposed height. Otherwise, staff recommends approval of the application as it complies with 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(I) Westside-Guadalupe Design Standards.

Sample motions:

- a. Approve or deny Case #2025-10698 to permit the proposed 6-foot fence at 222 Polaco

Street.

- b. Approve or deny Case #2025-10698 to permit the proposed 6-foot fence at 222 Polaco Street subject to conditions.
- c. Approve or deny the exception to 14-5.2(D)(9)(a)(ii)(B) to permit a 6-foot fence where 4'7" is permitted based on the streetscape.

Should the Board deny the exception request, the applicant shall return with an alternative proposal for review and approval before proceeding to a building permit.

BACKGROUND & SUMMARY:

The single-family residence at 222 Polaco Street is listed as contributing to the Westside-Guadalupe Historic District. The previous cedar fence is visible in the photographs on the Historic Cultural Property Inventory Form, completed in 1998, and the Building Inventory Form, completed in 1985.

This case is the result of a red tag issued by the Historic Districts Construction Inspector. The applicant had removed the cedar plank fence and was erecting a 6-foot coyote fence.

The overall character of the Polaco streetscape is very similar to what can be found throughout the Westside-Guadalupe Historic District. The streetscape includes a variety of lower yard walls as well as a historically low yard wall that was increased in height, yet still consistent with the permitted streetscape height of 55".

There have been no previous HDRB cases or administrative approvals for 222 Polaco St.

APPLICANT'S REQUEST:

The applicant proposes the following exterior alterations:

- 1) Construction of a 6-foot coyote fence and vehicular gate.

EXCEPTION CRITERIA AND RESPONSES:

Exception to Section 14-5.2(D)(9)(a)(ii)(B) SFCC 1987 requested for the construction of a fence 1'5" higher than the permitted height of 4'7".

(i) *Do not damage the character of the district*

Applicant Response: The existing and the portion of the 6' cedar fence demolished without a permit was part of the existing streetscape which consists of walls and fences of varying height. Replacing the entire fence line with a coyote fence will contribute to the streetscape, and

improve the streetscape by removing the falling-down and rotten dog ear cedar fencing. The height of the new fence is the same height as the existing.

Staff Response:

- (ii) *Are required to prevent a hardship to the applicant or an injury to the public welfare*

Applicant Response: The existing cedar fence is in danger of falling down. The wood posts and rails are rotting. Replacing the existing rotting 6' fence with a new 6' fence doesn't prevent a hardship or injury.

Staff Response: Although the fence has been 6 feet tall and on the property since at least 1985, it is not considered a historic structure. According to the height standards in the Historic Districts ordinance, the maximum height is 4'7". When a structure is removed, the legal nonconformity goes away. Current code standards apply, and it could be injurious to the public welfare, as the current ordinance standards are based on an evaluation of the streetscape.

- (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*

Applicant Response: Because the existing 6' cedar fence is in danger of falling down the current resident is moving as soon as possible. If it can be replaced with the same streetscape it will allow the current resident to feel safe again. There have been multiple intrusions on the property because of the lack of security - no gate, and openings in the existing dilapidated fence - leaving the property unsecured and the resident feeling unsafe.

Staff Response: The Polaco streetscape, like many others in the Westside-Guadalupe Historic District, is characterized by lower yard walls and fences, which is reflected in the allowable height calculation. In order to achieve a higher height, the applicant could have considered landscaping in order to provide a buffer from the street activity.

- (iv) *Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape;*

Applicant Response: The existing 6' cedar fence is in danger of falling down and the owner would like to keep the current height with a new coyote fence more appropriate to the Westside Guadalupe Historic District standards. The "allowable" height is an after-the-fact requirement and should not penalize the present owner.

Staff Response: While the height ordinance is a more recent standard that was adopted after the construction of the existing fence, any nonconformity is lost with a replacement fence. There are no special circumstances peculiar to the streetscape.

- (v) *Are due to special conditions and circumstances which are not a result of the actions of the applicant; and*

Applicant Response: The existing cedar fence is in danger of falling down is 6' tall. The coyote fence will be the same height. The "allowable" height is an after-the-fact requirement and should not penalize the present owner.

Staff Response: While the wear of the fence over time is not the result of the actions of the applicant, there are no special conditions or circumstances that warrant the height exception.

- (vi) *Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2(A)(1).*

Applicant Response: The existing fence 6' tall will be replaced with the same height with the appropriate materials to withstand the elements including gravity.

Staff Response: A 6' coyote fence does not provide for the least negative impact; on the contrary, it is divergent from the overall character of the streetscape, which includes lower yard walls and fences.

RELEVANT CODE CITATIONS:

14-5.2 HISTORIC DISTRICTS

(A) General Provisions

(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.

(5) Exceptions

Staff shall determine whether an exception to this section is required. The historic board may grant an exception to the regulations set forth in this section provided that such exception does not exceed the underlying zoning.

(a) Height

If the *applicant* requests approval of a height in the historic district that exceeds the underlying zoning district requirement, the *applicant* shall first receive an exception to this Section 14-5.2. If approved by the historic board, the *applicant* shall proceed to the board of adjustment or other applicable *city* body for consideration of the proposed variance.

(c) Height, Pitch, Scale, Massing, and Floor Stepbacks

The board is the *city* administrative board reviewing and granting or denying requests for exceptions from regulations set forth in Subsection 14-5.2(D)(9). When requesting exceptions the *applicant* shall use the procedures for public notice and hearing set forth in Section 14-3.6(B)(3), unless the *applicant* also requests a variance to the underlying zoning. In such a case the *applicant* for the H ordinance exception shall not be required to publish a legal ad in the local newspaper. Exceptions are *project* specific and do not apply to the subject *property* in perpetuity. The board may grant exceptions and impose conditions thereon to Subsection 14-5.2(D)(9) for height of *structures* within the historic districts as specified in Subsection 14-5.2(D)(9)(a). The *applicant* for such exceptions shall conclusively demonstrate and the board shall make a positive finding of fact that such exceptions comply with all the criteria listed as follows:

- (i) Do not damage the character of the *streetscape*;
- (ii) Prevent a hardship to the *applicant* or an injury to the public welfare;
- (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;
- (iv) Are due to special conditions and circumstances which are peculiar to the land or *structure* involved and which are not applicable to other lands or *structures* in the related *streetscape*;
- (v) Are due to special conditions and circumstances which are not a result of the actions of the *applicant*; and
- (vi) Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2(A)(1).

(D) General Design Standards for All H Districts

In any review of proposed additions or alterations to *structures* that have been declared significant or contributing in any historic district or a *landmark* in any part of the *city*, the following standards shall be met:

(9) Height, Pitch, Scale, Massing and Floor Stepbacks

The height, pitch, *scale*, and massing of any *structure* in an historic district, as defined in this section, shall be limited as provided for in this section, unless further restricted within this chapter.

(a) Applicability

The following sections identify specific areas and specific *projects* subject to this section. Planning and land use department staff shall determine whether or not properties are included within this section. (Ord. No. 2007-45 § 30; Ord. #2020-22, § 16)

- F. When the proposed *building*, *yardwall*, or fence is located in a *streetscape* that includes no *buildings*, *yardwalls*, or fences, the height of the proposed *building* shall not exceed sixteen (16) feet. *Yardwalls* and fences in this *streetscape* shall not exceed five (5) feet in height.

(c) Height

- (ii) In exercising its authority under this section, the board shall limit the height of *structures* as set forth in this section. Heights of existing *structures* shall be as set forth on the official map of *building* heights in the historic districts.
 - A. If a proposed *building* has a parapet, the façade shall not be in excess of two (2) feet of the average of the height of the façades in the *streetscape*.
 - B. If the proposed *building* has a pitched roof, the ridge height of the proposed *building* shall not be in excess of two (2) feet of the average of the ridge height of the pitched roofs in the *streetscape*.
 - C. *Yardwalls* and fences shall be limited to a height that does not exceed the average of the height of other *yardwalls* and fences in the *streetscape*.
 - D. Pursuant to Section 14-7.4(C), the height of any other *structure* shall be limited to the allowable *building* height within the applicable *streetscape*, as defined in this section. (Ord. No. 2002-37 § 26)
 - E. The height and dimension of signage are as set forth in Section 14-8.10(H).
 - F. The board may increase the allowable height for proposed *buildings* and additions located on a sloping site where the difference in the natural *grade* along the *structure's* foundation exceeds two (2) feet. In no case shall the height of a façade exceed four (4) feet above the allowable height of the applicable *streetscape* measured from natural or finished *grade*, whichever is more restrictive. This increase in height shall be constructed only in the form of *building* setbacks from the *street*.

(I) **Westside-Guadalupe Historic District**

(1) District Standards

Compliance with the following structural standards shall occur whenever those exterior features of *buildings* and other *structures* subject to public view from any public *street*, way, or other public place are erected, altered, or demolished:

- (a) Slump block, stucco, brick, or stone shall be used as exterior *wall* materials. Wood and other materials may be used for details. Aluminum siding, metal panels, mirrored glass, and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior *wall* materials;

- (b) The color of stuccoed *buildings* shall predominantly be in browns, tans, local earth tones and soft pastels. Surfaces of stone or brick shall be in the natural color. Entryways, and *portales* or *porches* may be emphasized by the use of white or other colors. Painting of *buildings* with a color that causes arresting or spectacular effects or with bold repetitive patterns or using *buildings* as signs is prohibited. Murals, however, are permitted and may be referred to the *city* arts board for an advisory recommendation;
- (c) Roof form, *slope*, and shape. It is intended that *buildings* be designed to be "wall dominated". "Wall dominated" means that the *building's* geometry is more defined by *walls* than by roofs. *Buildings* with flat, gabled, shed, or *hipped roofs* can be designed as "wall dominated" solutions and are allowed. The height of the roof above the *wall* shall be no greater than the height of the *wall*. Folded plate, hyperbolic or mansard roofs are not allowed;
- (d) The use of solar and other energy collecting and conserving strategies is encouraged. The use of large glazed areas on south facing *walls* for trombe *walls* or other solar collectors, direct gain, or other energy collecting purposes is allowed. When in view from any public *street*, way, or other public place, solar equipment shall be screened as follows:
 - (i) raising the parapet;
 - (ii) setting back from the edge of the roof;
 - (iii) framing the collector with wood;
 - (iv) in the case of pitched roofs, by integrating the collector into the pitch;
 - (v) in the case of ground solar collectors by a *wall* or vegetation;
 - (vi) in the case of *wall* collectors, by enclosing by end or other *walls*;
 - (vii) other means that screen the collector or integrate it into the overall *structure*.
Non-glare materials shall be used in solar collectors.
- (e) Mechanical, electrical, telephone equipment, microwave satellite receiving dishes, and other obtrusive equipment shall be architecturally screened with opaque materials by raising the parapet, boxing in the equipment, or other appropriate means. The equipment shall be of a low profile to minimize the *screening* problems;
- (f) *Walls* and fences shall be of brick, *adobe*, masonry, rock, wood, coyote fencing, or similar materials. Wrought iron fences and slump block *walls* are allowed. *Walls* of unstuccoed concrete block, unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited, except where the *wall* or fence is not in the *street* frontage;
- (g) *Greenhouses*
- (h) Attached *greenhouses* that front on the *street* shall give the appearance of being integrated into the *structure* of the *building* or of being a substantive addition rather than having a lean-to effect. The use of corrugated fiberglass or rolled plastic for the external surface of attached or freestanding *greenhouses* that front on the *street* is prohibited. *Greenhouses* with slanting sides shall be bracketed at the ends and

that *greenhouses* made from enclosed *porches* or *portales* maintain the shape of the *porch* or *portal*;

- (i) *Porches* and *portales* are encouraged;
- (j) When parking spaces are required for commercial or multi-family *residential buildings*, they shall be placed to the rear or side of the building.

(2) Walls; Fences; Solar Collectors; Administration

Applications for erection, alteration, or demolition of *walls*, fences, and solar collectors and required submittals shall be reviewed by the planning and land use department. Approval, disapproval or referral shall be indicated by the division on the *application* for the building *permit* and on each of the required submittals, all of which shall be signed by the division staff assigned to the review. The division shall report approvals, disapprovals, and referrals to the board at its next regular meeting as an informational item. (Ord. No. 2007-45 § 30; Ord. #2020-22, § 16)