



# CITY OF SANTA FE CITY ATTORNEY

## MEMORANDUM

**To:** Members of the Governing Body

**From:** Frank Ruybalid, Assistant City Attorney *FR*

**Via:** Erin McSherry, City Attorney *EM*

**Re:** Appeal # 2025-9702-APPL of Case # 2024-9370-HDRB. Property owner Francesca M. Banci Appeals the Historic Districts Review Board's November 26, 2024, Decision Upgrading the Status of a Main Residence to Contributing and Designating the Status of an Accessory Structure as Contributing at 1030½ W. Houghton St. in the Don Gaspar Area Historic District.

**Date:** August 20, 2025, for the August 27, 2025, Governing Body meeting

---

Property owner Francesca M. Banci ("Appellant") has filed an Appeal challenging decisions by the Historic Districts Review Board ("HDRB") regarding the historic status of a one-story, single-family residence ("Residence") and a one-story accessory unit ("AU") at 1030½ W. Houghton St. (the "Property"). These structures are in the Don Gaspar Area Historic District. In a public meeting on November 26, 2024, the HDRB voted to

- (1) Upgrade the historic status of the Residence from "non-contributing" to "contributing," and designate the east elevation and portal as the primary façade;
- (2) Designate the AU, which had no historic status ("Unstated"), as "contributing," and designate the south elevation as the primary façade. [Ex. B, Findings of Fact & Conclusions of Law ("FF&CL"), at 7-9]

The City's Historic Districts Code restricts alterations and additions to significant and contributing properties. [Santa Fe City Code ("SFCC") Section 14-5.2(D)(1-3, 5)] In her Appeal, the Appellant claims the specially protected status of the Residence and AU creates a hardship to her, because the structures need renovations. [Ex. A, Appeal Petition, at 3] In this "de novo" appeal, the Governing Body may uphold or reverse the HDRB's decision affecting these structures' historic status. [SFCC Section 14-2.2(F)] A "de novo" hearing is one in which the Governing Body conducts an independent application of the law to the evidence to decide whether the facts and the law support the structures' historic statuses.

## I. BACKGROUND & PREVIOUS HISTORIC DESIGNATIONS

### A. The Property and Its History

The Property at 1030½ W. Houghton St. is set back from West Houghton Street, situated behind a larger house at 1030 W. Houghton St., which has a 60-foot frontage on the street. The 1030½ W. Houghton St. property has only 10 feet of street frontage at the end of its 50-foot driveway. **[Ex. D, Staff Report, at 60]** The Appellant owns both addresses, but the Appellant did not seek an HDRB status review of the street-front property, which has a contributing status in the District.

The history of the Property is detailed in two abstracts by professional historians. The author of the 1995 Historic Building Inventory concluded that both buildings were non-contributing to the Historic District, based on the “moderate” degree of remodeling done to both. **[Ex. D, Staff Report, at 18]** That historian, identified only as “MJH,” thought the structures were built between 1932 and 1937. He noted that windows had been replaced (but did not specify which), and decorative stucco (or “perma-stone”) wainscoting and a wrought-iron balustrade had been added. **[Ex. D, Staff Report, at 18]** The City’s official Buildings Historic Status map shows the residence as non-contributing and the AU with no status.

John W. Murphey, an Architectural Historian who wrote a Historic Cultural Properties Inventory (“HCPI”) in 2024, recommended that the HDRB maintain the non-contributing status of the Residence, and recommended a non-contributing designation for the AU. **[Ex. D, Staff Report, at 32]** According to Mr. Murphey’s research the residence was built in the 1940s, and the AU probably in the late 1950s. “While the subject dwelling has maintained its overall footprint since 1958 and retains most of its original windows, it does not particularly contribute to the primary home’s setting or the West Houghton streetscape,” Mr. Murphey wrote.

Mr. Murphey’s HCPI reads that this neighborhood was historically part of the 1782 Mesita de Juana Lopez Land Grant, and never formally platted. Developed by Spanish families, it differed from the adjacent Allen’s Highland Addition on Don Cubero Avenue, which was populated with mainly Anglos living in custom-built, Pueblo Revival-styled modern homes. **[Ex. D, Staff Report, at 28]** Mr. Murphey’s HCPI also gave a history of the Santa Fean, Willie Romero, who built the Residence. This rear lot was unimproved when his parents, Alberto and Anastacia Romero, bought the street-front property in 1917, and Willie bought the rear property from successor owners in 1947 after he served in World War II. **[Ex. D, Staff Report, at 30]**

The historic abstracts may persuade or guide a decision on the structures’ historic status, but they do not control the outcome. When the HDRB reviews a property to determine its status, the existing status of a building comes from the City’s official Buildings Historic Status map.

## **B. Historic Designations Defined**

City Code, Section 14-12.1, defines the relevant status levels for historic properties as follows:

**CONTRIBUTING STRUCTURE:** A structure, located in a historic district, approximately 50 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.

**NON-CONTRIBUTING STRUCTURE:** A structure, located in a Historic District, that is less than 50 years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the Historic District.

When the Historic Districts staff (“Staff”) can find no record that a structure has ever been assigned a status, the structure is deemed to be “unstatused” or “non-statused.” “Non-Contributing” is an assigned status and is not the same as unstatused or non-statused. Contributing structures have special protections [SFCC § 14-5.2(D)(2)(c-d), (3)(b) and (5)(a)], and the HDRB commonly refers to a change from non-contributing to contributing as an “upgrade”.

Proposed additions or alterations that do not comply with Code restrictions for significant or contributing buildings are not prohibited: the HDRB can permit them if the property owner or project applicant requests “exceptions” and meets three criteria described in the Code at SFCC 1987, Section 14-5.2(C)(5). The applicant has the burden of “conclusively demonstrating” the exception criteria. SFCC 1987, § 14-5.2(C)(5)(b).

## **II. PROCEDURAL HISTORY**

### **A. 2024 Application**

In February 2024, an architect, Jeffrey J. Seres, AIA, on behalf of Ms. Banci filed an Application for a historic status review from the HDRB with the Land Use office. [Ex. D, Staff Report, at 21] Property owners commonly apply for a status review in contemplation of a remodeling or renovation project, but the HDRB considers a historic building’s status independently of any proposed renovations. In the Application, Mr. Seres agreed with Mr. Murphey’s recommendations about the historic status of the structures and asked the HDRB to affirm their non-contributing status. [Ex. D, Staff Report, at 21]

### **B. Staff Recommendations**

In its Staff Report, the Staff recommended:

- The Residence’s historic status be maintained as **non-contributing** due to alterations inconsistent with the original design of the house on the east elevation and because the residence does not particularly contribute to the street-front or to the West Houghton streetscape; and
- The AU’s historic status be maintained as **non-contributing** due to its piecemeal construction, being two structures united by an addition, and its rough appearance that is not cohesive to the neighborhood. [Ex. D, Staff Report, at 13]

### **C. Board Decisions to Assign Historic Status**

On November 26, 2024, the HDRB held a public hearing about the Application. Six members of the Board participated in the hearing. Because the chair only has a vote in ties, five members voted. [Ex. C, Minutes, at 11] Both Mr. Seres and Ms. Banci addressed the Board.

Mr. Seres agreed with the Staff's assessment that both structures should be designated non-contributing. He said a City inspector looked at the structures and concluded that the Residence is deteriorated and its overall condition is poor. [Ex. C, Minutes, at 10] Ms. Banci said she has communicated with members of the Romero family, who owned both lots and no longer live in the area. They said they have no attachment to the house and would like to see it renovated. Ms. Banci said she rented the Residence to an elderly woman who did not clean it, and left mouse nests and droppings throughout when she moved out a year ago, and nobody has lived there since. [Ex. E, Transcript, at 71]

Board Member John Bienvenu said he thought the structures deserved contributing status and for the following reasons (summarized): the house clearly reflects the character of the neighborhood, which is unique, populated primarily by Hispanic, working-class persons, where relatives tended to cluster together on adjoining properties. [Ex. E, Transcript, at 68] Member Jennifer Biedscheid said she agreed with Member Bienvenu and pointed out that the houses on both sides of the street almost abut the street and are close together, indicative that they were built by the same families. For these reasons, this street is very unique, Member Biedscheid said. [Ex. E, Transcript, at 69]

One member of the public spoke about the historic status of the structures. She said the structures should be upgraded to contributing, and that the alterations to the façades were made by the Romero family and were consistent with features on other houses in the neighborhood. [Ex. C, Minutes, at 11]

The HDRB voted on the status and primary façades of both structures in a single motion. [Ex. C, Minutes, at 11] Member John Bienvenu moved that:

- The status of the Residence be changed to **contributing**;
- The east elevation and portal of the Residence be designated a primary façade;
- The status of the Accessory Unit be designated as **contributing**; and
- The south elevation of the Accessory Unit be designated as a primary façade.

[Ex. B, Findings of Fact & Conclusions of Law, at 9] The motion passed by a vote of five to zero. [Ex. C, Minutes, at 11]

The Code restricts alterations to the "primary façades" of contributing buildings. SFCC 1987, § 14-5.2(D)(2)(c-d) and (D)(5)(a). Hence, the HDRB identifies primary façades when it assigns a contributing status. The Appellant is not disputing the HDRB's primary façade designations. She challenges the historic designations the HDRB gave the buildings.

On February 25, 2025, the HDRB adopted written Findings of Fact and Conclusions of Law reflecting its decisions regarding the Property. [Ex. B, FF&CL, at 9]

### III. APPEAL TO THE GOVERNING BODY

#### A. Applicable Code Sections

Under SFCC 1987, Section 14-3.17(A)(2), an appeal of an HDRB decision may be filed for one or more of the following reasons:

- (a) To contest non-compliance of a final action with Chapter 14 or Sections 3-21-1 through 3-21-14 NMSA 1978 (the New Mexico zoning enabling act);
- (b) To contest the application of SFCC Chapter 14; or
- (c) To appeal a decision lacking substantial evidence to support it.

## **B. The Appellants' Claims**

The Appellant makes the following arguments in their Verified Appeal Petition (“Petition”):

1. The reasons the HDRB gave to upgrade the status of the structures from non-contributing to contributing are capricious, without merit, and the decision lacked substantial evidence to support it.

2. The Residence at 1030½ W. Houghton St. has structural problems that require extensive renovation and repair, which will be hindered or prohibited by the structures’ contributing status and designation of primary façades. Among these are:

- The roof is below the building standard of 6’4”
- The roof and ceiling vigas leak and are rotted
- The floor rests on the ground without floor joists

3. The Accessory Unit abuts the north property line and touches an accessory unit on the south property line at 1028½ W. Houghton St., which creates a fire hazard.

4. The architectural elements the HDRB found to be distinctive are not original to the structures, do not contribute to the historic nature of the buildings or the neighborhood, and are not visible from the street.

5. The “nostalgic ideals” of a working-class neighborhood populated by extended families living in close proximity no longer exist, and the property owner should not be constrained to maintain substandard construction based on this sentiment.

6. In concluding that the structures were historically “contributing,” the HDRB ignored the recommendations of the Historic Preservation Staff and the authors of the historic inventories, who found the structures to be “non-contributing.” [Ex. A, Petition, at 3-4]

## **IV. ANALYSIS**

For the arguments made by the Appellant in her Verified Appeal Petition [Ex. A, Appeal Petition, at 4-6], the Governing Body may consider the following analysis:

1. Evidence Supporting HDRB’s Decision: Prior to making the Motion that the Board would unanimously approve, Member John Bienvenu recited the definition of “contributing structure” as one that is 50 years or older that helps to establish and maintain the character of that historic district, adds to the historic associations or design qualities significant for a district, and may have had minor alterations, but its integrity remains. He said this property “speaks so clearly of the neighborhood” and “as the author of the HCPI stated, this neighborhood is

somewhat unique.” **[Ex. E, Transcript, at 68]** The 2024 HCPI describes the development of the neighborhood – that eastern investors ignored it in the late 1800s rush to acquire property in the Allen’s Highland Addition along Don Cubero Avenue, probably because an old acequia meandered through the area now occupied by Houghton Street. The street was named after an investor who came to Santa Fe from Boston, William Stevens Houghton, who owned a boot and shoe wholesale business.

The house at 1030 W. Houghton St. anchored the end of the street, being the last house with a West Houghton Street address at the intersection with Lomita Street and had only one owner before it was acquired by Willie Romero’s parents in 1917. **[Ex. D, Staff Report, at 28]** An aerial photo from 1958 – which, consistent with the definition of “contributing,” is more than 50 years ago – shows both structures at that location, with the Residence in the same footprint as it exists today, but a smaller Accessory Unit that does not encroach the east property line. The 2024 HCPI reads that the AU likely was expanded after 1969, a conclusion based on subsequent aerial photos. **[Ex. D, Staff Report, at 39]** Consistent with the “minor alterations” descriptor in the definition of “contributing,” Member Bienvenu called these alterations “extremely minor.” **[Ex. E, Transcript, at 68]**

A long-time owner, Willie Romero, who grew up with his parents in the front property at 1030 W. Houghton St., later acquired the rear property, which he occupied from 1947 through his death in 2007 at the age of 85. Willie became known for his musical talent. He played guitar and sang and assembled a traditional band in which a niece played the accordion. He had deeded the property to his brother, Rudy, for financial reasons, and, consistently with the long-standing familial connections that characterized this neighborhood, one of Rudy’s children acquired the property after Willie’s death. **[Ex. D, Staff Report, at 31]** As one several bases for his Motion, Member Bienvenu said, “[R]elatives tended to cluster together both on their individual properties as well as on surrounding properties, all of which is true in this house.” **[Ex. E, Transcript, at 68]**

The Findings of Fact and Conclusions of Law adopted by the Board read, with respect to the Residence:

Based on the information set forth in the Staff Report, and the exhibits, testimony and evidence presented at the hearing, the Board finds that the main residential structure meets the definition of a “contributing structure,” due to the structure being built of adobe, it is in its original footprint, and the historic look of the building has been maintained. The Board finds its contributing status is supported by its association with the original family, the metal work on the portal, and by the way the structure fits into the neighborhood as an accessory structure behind the main residence owned by the parents. **[Ex. B, Findings & Conclusions, § 10, at 8-9]**

With respect to the Accessory Unit, the Findings of Fact and Conclusions of Law adopted by the Board read:

Based on the information set forth in the Staff Report and exhibits, and the testimony and evidence presented at the hearing, the Board finds that the accessory structure meets the definition of “contributing,” being associated with

the original family, having a vernacular development, with a brick front and varied roof line, and fitting into a minimal space in a densely developed neighborhood. **[Ex. B, Findings & Conclusions, § 12, at 9]**

New Mexico case law defining “arbitrary and capricious” provides as follows: “A ruling by an administrative agency is arbitrary and capricious if it is unreasonable or without a rational basis, when viewed in the light of the whole record.” *Socorro Elec. Coop., Inc. v. N.M. Pub. Regul. Comm’n*, 2024-NMSC-017; *Pub. Serv. Co. of N.M. v. N.M. Pub. Regul. Comm’n*, 2019-NMSC-012, 444 P.3d 460. The Board members and the Appellant may view the evidence in different perspectives, but a disagreement about the strength of the evidence or the weight given to particular facts does not support a finding that the decision was arbitrary and capricious.

2. **Structural Issues:** The Santa Fe City Code does not require a consideration what repairs the structure needs when the HDRB determines the historic status of a structure. A status review, per SFCC 1987, Section 14-12.1, is limited to whether the structure “helps to establish and maintain the character of that historic district” and “adds to the historic associations or historic architectural design qualities that are significant for a district.” It is immaterial what the property owner plans to do with the property. Often property owners, in hearings on project applications, get HDRB approval for repairs and remodeling, then, for whatever reason, the renovations never take place. The Board has explained that in hearings in which the sole issue is historic status, it should not be influenced by project ideas that may never materialize.

Further, although the Historic Districts Code restricts modifications to contributing and significant houses, it does not prohibit them entirely. Rather, alterations the Code prohibits can be approved if the property owner demonstrates the need for exceptions. **[Ex. E, Transcript, at 76]** See SFCC 1987, Section 14-5.2(C)(5)(c). Traditionally the HDRB does not disapprove changes to an uninhabitable structure that will allow persons to live in it, regardless of the building’s historic status, so long as the changes are consistent with the district’s historic style. **[Ex. E, Transcript, at 76]** In addition, only in rare circumstances affecting a historically “significant” building does the Code limit alterations to a structure’s interior.

3. **Setback from Property Line:** Similar to issues about the condition of structures, for the purposes of historic designation, the City Code does not consider setback requirements and density limitations. Rather, a designation pursuant to the Code is based on whether the structure helps to establish and maintain the character of the district and adds to the historic associations or architectural design qualities of the district. Setbacks and density are within the authority of the Planning Commission pursuant to SFCC 1987, Section 14-2.3, and Board of Adjustment, pursuant to Section 14-2.4. **[Ex. E, Transcript, at 70]** If renovations to the structures are desired, then a Preliminary Zoning Review from the Land Use Staff will be required before the HDRB will consider the application. If a project is approved, then a Final Zoning Review will be required before a Building Permit is issued. The Code considers setback and density issues in those reviews.

Many properties in the vicinity of the Residence and AU have both houses and accessory units that abut structures on adjacent properties. This characteristic is part of the historic development of this neighborhood, in which families deeded property to relatives, who built houses in close proximity. SFCC Table 14-7.2-1, note 5, reads that rear and side yards may be reduced with the concurrence of adjoining property owners, which reflects a long-standing

history of family-centered property development. **[Ex. D, Staff Report, at 29]**

4. Modifications to Structures and Visibility: The City’s Code does not preclude a structure’s significant or contributing status if modifications have been made to it. Rather, the City Code provides, “Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time . . . .” SFCC 1987, Section 14-5.2(C)(1)(b). The perma-stone treatment on the porch was covered in stucco that was later removed, but the 2024 HCPI author described the perma-stone as historic, and it is a feature of the accessory unit and well as other houses on this street. **[Ex. E, Transcript, at 65, 68-69]** The wrought iron likely was placed by the Romero family and is characteristic of the neighborhood. **[Ex. E, Transcript, at 69]** Member Bienvenu described any recent alterations to the Residence as “extremely minor,” and noted that the historic footprint still remains. **[Ex. E, Transcript, at 69]**

“Public visibility” is also not an element the Code includes for historic status determination. **[See Syllabus, Definitions]** The term “public visibility” appears rarely in the Historic Districts Code, primarily in the restrictions on rooftop appurtenances, such as decks and solar collectors. *See* SFCC 1987, Section 14-5.2(D)(3)(b). Even if public visibility were an element relevant to the historic status determination, there is conflicting evidence in the record regarding the issue: Board Member John Bienvenu disagreed with the Appellant’s claims that the structure has little public visibility. He said, “You can see this directly from the road, looking down the driveway, so I think for all those reasons, it very strongly speaks to the neighborhood character.” **[Ex. E, Transcript, at 68]**

5. Change in Demographics: The City’s parameters for preserving historic structures are not based on the present demographics and cultural dynamics of an area.

6. Recommendations from City Staff and Architectural Historians: The City’s Code grants authority to determine the historic status of any structure in the City’s Historic Districts to the HDRB, under SFCC Section 14-5.2(C)(2)(b), with the right to appeal to the Governing Body. By contrast, the Code does not authorize the authors of historic abstracts to make status determinations. In addition, the City Code clearly delegates when Staff may make decisions without review. A concise summary of decision-making authority appears in SFCC Table 14-2.1-1, which describes that Staff may decide certificates of occupancy, minor plan modifications, and some subdivision and utility conformity reviews.

The authors of the HBIs and HCPIs have broad experience in the field of historic preservation, drawn from their educational backgrounds and work for other cities, other states, and federal agencies such as the U.S. National Park Service. However, they are not City employees, and their reports are not written with the City Code as a frame of reference. A reader may review a dozen HCPIs from highly respected architectural historians and find very few references to the City’s Code, or none at all. In contrast, the HDRB and Governing Body must apply the definitions of such terms as “contributing” and “non-contributing” from the City’s Code. **[SFCC Section 14-5.2(C)(2)(b) (ii)]** Because of this, the HDRB’s and Governing Body’s conclusions about the historic status of a property may differ from the conclusions of a HBI or HCPI author.

## **B. Standard of Review**

On appeal, the Governing Body should determine whether there is substantial evidence to support the historic designations for the Residence and for the AU. The Governing Body should independently apply the Code provisions described above to the facts of this case. See Appendix (relevant Code provisions).

**V. CONCLUSION & MOTION OPTIONS**

With respect to each of the two structures under review, the Governing Body should determine if substantial evidence and the City’s Code support the Residence’s status of “contributing” or “non-contributing”; and the Accessory Unit’s status of “contributing” or “non-contributing”.

For each structure, if the Governing Body determines that there is not substantial evidence in the record that supports a finding that the structure’s status is contributing, then the Governing Body should reverse the Board by making the following motion

- *I move to grant the appeal, reverse the Board’s decision, designate the (Residence / Accessory Unit) as non-contributing, and direct staff to prepare Findings of Fact and Conclusions of Law consistent with this motion.*

Otherwise, the Governing Body should affirm the Board’s decision and deny the appeal:

- *I move to deny the appeal, affirm the Board’s decision that the status of the (Residence / Accessory Unit) is contributing, and adopt the Board’s Findings of Fact and Conclusions of Law as our own [or with modifications (list)].*

**VI. LIST OF EXHIBITS**

A	Verified Appeal Petition	December 6, 2024	pp. 1-4
B	HDRB Findings of Fact and Conclusions of Law (FF&CL)	February 25, 2025	pp. 7-9
C	Excerpts from Board Meeting Minutes	November 26, 2024	pp. 10-11
D	HP Staff Report	November 26, 2024	pp. 12-64
	1995 Historic Building Inventory	June, 1995	pp. 18-20
	2024 Historic Cultural Properties Inventory	February 8, 2024	pp. 22-57
	Photos of property in its existing condition		pp. 58-59
	Site diagram and elevation drawings		pp. 60-64
E	Transcript of 11/26/24 HDRB Hearing	November 26, 2024	pp. 65-79
F	Screenshot of Buildings Historic Status map		p. 80

**APPENDIX:  
EXCERPTS FROM SANTA FE CITY CODE**

**§ 14-5.2 – Historic Districts**

**(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.

**(2) Designation of Significant, Contributing, or Noncontributing Status within Historic Districts**

**(a) Status Designation**

Structures within historic districts may be designated a status of “significant,” “contributing,” or “noncontributing” based upon the definitions of these terms in Article 14-12. Staff shall maintain a record as to the current status of structures located in the Historic Districts.

**(b) Board Authority to Review Status Designation**

(i) The Board is authorized to change the status of a structure or to designate a status for a structure with no status designated.

(ii) A change in status or the designation of a status shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of “significant,” “contributing,” or “noncontributing.”

**(c) Initiation of Review of Status Designation**

The Board may review the status designation in response to the following:

(i) An application for construction or demolition as set forth in Section 14-5.2 as follows:

A. Prior to the application being placed on a board agenda or prior to issuance of a building permit, if Board approval is not required, staff shall determine whether or not the board should review the status of the structure. Staff’s determination shall be made within thirty days of submittal of the application. If staff’s determination is not completed within the thirty days, the application shall be forwarded to the board.

Review by the board as to the structure's status shall be made at the earliest practicable date. The board or staff (as applicable) may consider the application immediately following the determination of status. The application shall be reviewed based upon the status of the structure following the determination of status.

B. Prior to action by the board on the application, the board itself may decide to review the status of the structure. The board's determination as to the status shall be made within forty-five days of the decision of the board to review the status. The board or staff (as applicable) may consider the application immediately following the determination of the status. The application shall be reviewed based upon the status of the structure following the determination of status.

- (ii) A request from the property owner; or
- (iii) A request initiated by the city. Staff shall notify the property owner prior to initiating the request.

#### **(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:

##### **(1) General**

(a) 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.

(b) If a proposed alteration or new construction will cause an adjacent structure to lose its significant, contributing, or landmark status, the application may be denied.

##### **(2) Additions**

(a) Additions shall have similar materials, architectural treatments and styles, features, and details as the existing structure, but shall not duplicate those of the existing structure in a manner that will make the addition indistinguishable from the existing structure.

(b) Additions to buildings that meet the standards of Subsection 14-5.2(E) shall continue to meet those standards set forth in Subsection 14-5.2(E) in addition to the standards set forth in this section.

(c) Additions are not permitted to primary façades.

(d) Additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten (10) feet from the primary facade. The addition shall not exceed fifty percent of the square footage of the existing footprint, and shall not exceed fifty percent of the existing dimension of the primary facade. To the extent architecturally practicable, new additions shall be attached to any existing noncontributing portion of structures instead of attaching them to the significant or contributing portion.

- (3) Remodeling to Increase Height; Rooftop Appurtenances
- (a) For remodeling of existing significant and landmark structures, no increase in height of the structures is permitted. (For standards relating to additions to existing structures, see paragraph (2) above.)
- (b) For significant and landmark structures, publicly visible roof top appurtenances, including but not limited to solar collectors, clerestories, decks, or mechanical equipment, shall not be added nor shall the parapet be raised to conceal the rooftop appurtenances. For contributing buildings solar collectors, clerestories, decks, or mechanical equipment if publicly visible shall not be added.

...

- (5) Windows, Doors, and Other Architectural Features
- (a) For all facades of significant and landmark structures and for the primary facades of contributing structures:
- (i) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double pane glass may be used. No opening shall be widened or narrowed.
- (ii) No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence.
- (iii) No existing opening shall be closed.
- (b) For all façades of significant, contributing and landmark structures, architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced. In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Replacement or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence.

### § 14-12.1 – Definitions

#### 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.

#### FAÇADE

One whole exterior face or elevation of a structure from grade up to and including the top of the parapet. An individual façade is defined as including at least an eight-foot width that is offset from an adjacent plane by at least four feet.

#### NON-CONTRIBUTING STRUCTURE

A structure, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.

**PRIMARY FAÇADE**

One or more principal faces or elevations of a building with features that define the character of the building's architecture.