

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

**Case # 2025-9784-HDRB**

**Address** – 512 Abeyta St.

**Agent’s Name** – Lightfoot, Inc.

**Owner/Applicant’s Name** – Steven and Barbara Birgfeld

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on February 25, 2025.

**BACKGROUND**

The residential building at 512 Abeyta St. is an adobe 1,225-square-foot, single-family residence that was built before 1912 in a vernacular style. The building is listed as significant to the Downtown & Eastside Historic District. The significant status was assigned in 1992 during the yearly updates to the status map.

A 1,490-square-foot residential structure approved under Case # H-06-067 was built in 2006-2007 at the rear of the property. This structure is designed in the Spanish-Pueblo Revival Style. It is considered non-contributing due to its modernity. A stuccoed 6-foot-high yard wall was constructed on the north side of the existing building with stained wooden pedestrian gates as part of the 2006-2007 construction on the property. In Case # 2020-2251-HDRB, the Board approved a new fence, new gates, the replacement of the non-historic doors on the south elevation and the courtyard east elevation (noted as D1 and D3 on the current case), and some remodeling on the non-historic structure.

The Applicant proposes the following exterior alterations:

- 1) Replace windows W2 (aluminum slider), and W5, W6 and W7 (all steel casement), with Sierra Pacific aluminum clad wood windows with simulated divided lites in white. An exception is requested to SFCC Section 14-5.2(D)(5)(b) to replace historic windows.
- 2) Restore windows W1 and W8 (both wood casement), and W3 and W4 (both wood single hung), and repaint white.
- 3) Add storm and screen sashes to windows W1, W3, W4 and W8.
- 4) Stucco in cementitious “Buckskin” color to match the existing color.

The window assessment recommends restoring W1, W2, W3 and W8 to include repairing the wood, and adding balances and weatherstripping. The Applicant is requesting the replacement of W2, which is contrary to the assessment recommendation. The assessment also recommends replacing W4, W5, W6 and W7 while restoring D2 and weatherizing. The Applicant is requesting repair of W4 contrary to the assessment’s recommendation of replacement (but does not require an exception), while replacing W5, W6, and W7, consistently with the window assessment.

## 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 found that the exception criteria had been met. Moreover, Staff recommended following the recommendations of the window assessment to replace unit W4 and repair unit W2. Otherwise, the Staff 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)(i), for all façades of a significant structure, historic windows shall be repaired or restored, not replaced, wherever possible.
9. The Applicant proposes, on a significant structure, to replace a historic window for which repair or restoration is possible. Staff determined that an exception to SFCC Section 14-5.2(D)(5)(a)(i) would be required for approval of 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 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 window to be replaced is not original and is inconsistent with the vernacular character of the house, and the proposed window replacement is consistent with the original windows on the structure and is the nearest and best alternative;
  - 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 because the window assessment shows the window satisfies the 30 percent damage threshold justifying the replacement; 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 to be replaced has a missing sash, resulting in a poor thermal quality, replacement parts are unavailable, and replacing the window will help safeguard the structure’s integrity on that façade.

- 12. The Board finds that the Applicant has conclusively demonstrated that all of the exception criteria have been met.
- 13. 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.
- 14. 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 # 1-4 as set forth in the application, as recommended by Staff.
- 3. The Board grants the exception requested in the application with respect to the replacement of window W2.

**IT IS SO ORDERED ON THIS 23rd DAY of SEPTEMBER, 2025, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.**

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Cecilia Rios, Chair

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Date

FILED:

\_\_\_\_\_  
Andréa Salazar  
City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank Ruybalid  
Assistant City Attorney

\_\_\_\_\_  
Date