

**City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law**

Appeal # 2025-9702-APPL

Appellant's Name – Francesca M. Banci

Agent's Name – (no agent)

Address – 1030½ W. Houghton St.

THIS MATTER came before the City of Santa Fe (City) Governing Body (Governing Body) for a public hearing on August 27, 2025, to consider the appeal of Francesca M. Banci (Applicant or Appellant) from the written decision of the City's Historic Districts Review Board (Board) in Case # 2024-9370-HDRB. In the Board's decision, the Board designated the historic status of two structures at 1030½ W. Houghton St., Santa Fe (the "Property"). The Board designated a Residence (the "Residence") as "contributing" and designated the historic status of an Accessory Unit (the "AU") as "contributing". The Appellant asked the Governing Body to downgrade the designations of the two structures to "non-contributing," a lower historic status.

I. RECORD ON APPEAL

The record on appeal (Record) included the following documents:

1. Memorandum dated August 20, 2025, for the August 27, 2025, Meeting of the Governing Body to the Members of the Governing Body, from Frank Ruybalid, Assistant City Attorney (Memorandum);
2. Exhibit A, Verified Appeal Petition filed December 6, 2024;
3. Exhibit B, Board Findings of Fact and Conclusions of Law for Case # 2024-9370-HDRB, approved February 25, 2025;
4. Exhibit C, relevant excerpt from Minutes of the November 26, 2024, Board meeting;
5. Exhibit D, Historic Preservation Staff Report and Exhibits for Case # 2024-9370-HDRB from the November 26, 2024, Board meeting, with exhibits:
 - (1) 1995 Historic Building Inventory
 - (2) 2024 Historic Cultural Properties Inventory
 - (3) Photos of the Property in its existing condition
 - (4) Site diagram and elevation drawings
6. Exhibit E, Transcript of 11/26/24 HDRB Hearing
7. Exhibit F, Screenshot of Buildings Historic Status map

II. FINDINGS OF FACT

After conducting a public hearing, the Governing Body hereby FINDS, as follows:

A. Proceedings before the Governing Body Appeal

1. The Historic Preservation (HP) staff reviewed the application and related materials and information submitted by the Applicant for conformity with applicable SFCC

requirements and provided the Board a written report of its findings (Staff Report), which evaluated the factors relevant to the application.

2. The HP staff recommended to the Board that the Residence be maintained as non-contributing, and that the AU be designated non-contributing, in accordance with SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures in the Historic Districts.
3. At a public hearing held November 26, 2024, the Board heard presentations by the Historic Preservation staff and sworn testimony from the Applicant, her agent Jeffrey J. Seres, AIA, and interested members of the public.
4. At the Board meeting, the Board members and the public discussed the Property's history, the condition of the structures and repairs needed, the restrictions the Historic Districts Code places on alterations to contributing structures, and the recommendation of the structures' historic status by the author of the Historic Cultural Properties Inventory.
5. At the conclusion of the hearing the Board voted to:
 - a. Upgrade the status of the Residence to contributing, by a vote of 5 to 0; and
 - b. Designate the status of the AU as contributing, by a vote of 5 to 0.
6. On February 25, 2025, the Board adopted written Findings of Fact and Conclusions of Law reflecting its decisions regarding the statuses of the two structures.
7. As reflected in the Findings of Fact and Conclusions of Law adopted by the Board, the Board's decision about the statuses of the structures was based on the following findings:
 - a. 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. 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; and
 - b. The accessory unit 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.
8. The Board's decision was based on the following provisions of the Historic Districts Ordinance:
 - (a) SFCC Section 14-5.2(C)(2)(b)(i), which reads that the Historic Districts Review Board is authorized to change the status of a structure or to designate a status for a structure with no status designated.
 - (b) SFCC Section 14-5.2(C)(2)(b)(ii), which reads that 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 "non-contributing."
 - (c) The definitions, found in SFCC Section 14-12, read as follows:
 - i. "Contributing structure," which is, "[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.”

- ii. “Non-contributing structure,” which is, “[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.”

B. Appeal to Governing Body

9. Under SFCC Section 14-3.17(A)(1)(b), final actions of a Land Use Board include a written decision made after a public hearing.
10. On January 8, 2025, Appellant timely filed a Verified Appeal Petition, asking the Governing Body to review the decision of the Board and downgrade the historic statuses of the structures on the Property.
11. In the Verified Appeal Petition, the Appellant argued that:
 - a. The reasons the HDRB gave to upgrade the status of the structures from non-contributing to contributing were capricious, without merit, and the decision lacked substantial evidence to support it;
 - b. The Residence 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:
 - i. The roof is below the building standard of 6’4”;
 - ii. The roof and ceiling vigas leak and are rotted; and
 - iii. The floor rests on the ground without floor joists;
 - c. 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;
 - d. 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;
 - e. 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 required to maintain substandard construction based on this sentiment; and
 - f. 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.”
12. SFCC 1987, Section 14-3.17(A)(2) sets forth the grounds for an appeal of a Board decision and provides that an appeal may be filed for one or more of the following reasons only: (1) the Board’s final action does not comply with SFCC Chapter 14 or the Zoning Enabling Act, NMSA 1978, Sections 3-21-1 to -14; (2) the Board misapplied SFCC Chapter 14; or (3) the Board’s decision is not supported by substantial evidence.
13. As required by SFCC Section 14-3.17(D)(6), the City Land Use Director reviewed the Verified Appeal Petition for conformity with the requirements of SFCC Section 14-3.17 and determined that the Appeal conformed to the requirements.
14. The Appellant provided notice of the Governing Body hearing by mailing notices to the owners of record of all neighboring properties within 300 feet of 1030½ W. Houghton St. 15 days in advance of the hearing.

C. Governing Body Public Hearing August 27, 2025

15. Regardless that the structures will be designated non-contributing, the Historic Districts Code will still require alterations to them to comply with Don Gaspar Area Historic District design standards.
16. Under SFCC Section 14-2.2(F), the Governing Body conducts a *de novo* hearing on an appeal of a final action of a Land Use Board.
17. The Appellant appeared in person at the hearing.
18. During the hearing, Assistant City Attorney and Appellant Francesca Banci presented the case to the Governing Body, and Historic Cultural Properties Inventory author John W. Murphey and Marie Romero Cash, who is a niece of Willie Romero, provided sworn testimony.
19. Two members of the public also provided sworn testimony.
20. Structures on the Property consist of a Residence and an Accessory Unit.
21. The Property is within the City's Don Gaspar Area Historic District.
22. The Accessory Unit has been used for storage and has not been used as a dwelling unit.
23. The West Houghton Street neighborhood was historically part of the 1782 Mesita de Juana Lopez Land Grant, never formally platted, and was developed by Spanish families who settled along the nearby acequia.
24. 1030½ W. Houghton St., with no street frontage, is a rear lot to 1030 W. Houghton St.
25. Alberto and Anastacia Romero bought the street-front property at 1030 W. Houghton St. in 1917, and their son Willie Romero bought the rear property from successor owners in 1947 after Romero served in World War II, and lived there until his death in 2007.
26. The Applicant submitted an application for a status review to the Board on February 20, 2024, seeking a status review of the Property by the Board.
27. At the time the Applicant submitted her application, the historic status of the Residence had been designated "non-contributing," and the status of the AU had not been designated, according to the official Historic Buildings Status map kept by the City in accordance with Santa Fe City Code (SFCC) Section 14-5.2, Parts (A)(3) and (C)(2)(a).
28. The 1995 Historic Building Survey and the 2024 Historic Cultural Properties Inventory had inconsistent information what date the residence was built, who built it and who added various architectural details.
29. During the hearing, City Councilors asked questions of the Appellant, City Land Use Senior Planner Lani McCulley, and Assistant City Attorney Frank Ruybalid, who provided the following additional information:
 - a. The Historic Districts Review Board does not prohibit the owner of an uninhabitable structure from restoring the structure to a habitable condition;
 - b. The Appellant previously received approval from the HDRB to make alterations to her residence on the street front of West Houghton Street, which has a contributing status;
 - c. The HDRB regularly approves alterations to contributing structures as long as the modifications are consistent with the design standards for that Historic District;
 - d. The public visibility of a structure is not an element of a structure's status under the definition of "contributing" in the Historic Districts Code; and
 - e. A Historic Preservation senior planner assigned to this application prior to Lani McCulley had recommended these structures be designated non-contributing.

30. The author of the 2024 Historic Cultural Properties Inventory recommended that these structures be designated non-contributing because they do not particularly contribute to the primary home's setting or to the West Houghton streetscape, and the AU is of rough construction, with only its west portion pre-dating 1958.
31. The dates the structures were built is unclear due to inconsistent historic reports.
32. It is unclear when the wrought iron porch supports and steel casement windows were added to the home.

IV. CONCLUSIONS OF LAW

Under the circumstances and based upon the record and the evidence and testimony submitted at the hearing, the Governing Body CONCLUDES as follows:

1. The Governing Body has the power and authority to hear and decide the matter that is the subject of the Appeal.
2. The Board's written decision adopted February 25, 2025, was a final action subject to appeal.
3. Because the Residence is a single-story structure, likely built in the 1940s, with all parts being at least 50 years old, it is subject to the authority of the Historic Districts Review Board.
4. The Appellant timely appealed the Board's decision to the Governing Body and complied with the procedural requirements set forth in the SFCC.
5. This Appeal should be granted because the historic status of the Residence and the historic status of the Accessory Unit are non-contributing because the Governing Body agrees with
 - a. The City Historic Preservation Staff's recommendation that the Residence and Accessory Unit be designated non-contributing; and
 - b. The 2024 Historic Cultural Properties Inventory author's factual findings described above and his recommendation that these structures be designated non-contributing.

V. VOTE AT THE HEARING

1. With respect to the Residence and the AU, the Governing Body voted on a single motion to grant the appeal and to reverse the Board's final actions, with a vote of six (6) in the affirmative and one (1) vote, Mayor Alan Webber, in the negative.

WHEREFORE, IT IS ORDERED ON THE 24TH OF SEPTEMBER, 2025, BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Governing Body:

GRANTS the appeal with respect to the Residence and Accessory Unit at 1030½ W. Houghton St., reverses the Board's decision, and designates both structures non-contributing.

Alan M. Webber, Mayor
Mayor

Date

FILED WITH THE CITY CLERK:

Andréa Salazar, City Clerk

Date

APPROVED AS TO FORM:



Sep 22, 2025

Frank E. Ruybalid
Assistant City Attorney

Date






Gov Body Appeal FoF CoL - 1030.5 W Houghton St (clean copy)

Final Audit Report

2025-09-22

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