

City of Santa Fe, New Mexico

memo

DATE: October 28, 2025

TO: Historic Districts Review Board Members

VIA: Heather Lamboy, Planning & Land Use Department Director
Maggie Moore, Assistant Land Use Director
Gary Moquino, Historic Preservation Division Manager

FROM: Amanda Romero, Senior Planner, Historic Preservation Division

2025-011353-HDRB, 401 E. Palace Ave., Downtown & Eastside Historic District, contributing, Andrew Lyons agent for George Abrams, LLC, owner, proposes to remodel exterior of residence and garage, build a 3’-6” yardwall. Exceptions are requested to 14-5.2 (D)(5)(b) for removing historic material, replacing brick coping not in kind and stucco color not in kind, 14-5.2(D)(5)(a) removal of historic door on a primary façade.

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- District Standards & yard wall & fence standards.
- Historic Inventory Form
- Zoning Review Sheet
- Other: Door and Window Assessment

APPLICANT SUBMITTALS

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

STAFF RECOMMENDATION:

Staff finds that the exception criteria have not been met and recommends denial of the Exception to 14-5.2(D)(5)(a) removal of historic door on the (south) primary façade of the main structure. Staff finds that the exception criteria have not been met and recommends denial of the Exception to 14-5.2 (D)(5)(b) to remove brick coping and replacing not in kind on the main structure and

the garage. Staff finds that the exception criteria have not been met and recommends denial of the Exception to 14-5-.2(D)(5)(b) to remove historic material, stucco color not in kind for main structure and garage.

Staff finds that the exception criteria has been met and recommends approval of the Exception to 14-5-.2(D)(5)(a) removal of historic door(s) on a primary (south and west) façade of the garage. Otherwise, staff recommend approval of the other elements of the application as they comply with 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(E) Downtown and Eastside Historic District Design Standards.

Sample motions:

- a. In case 2025-011353-HDRB, for 401 E. Palace, approve or deny the application as submitted.
- b. In case 2025-011353-HDRB, for 401 E. Palace, approve/deny the exception to 14-5.2 (D)(5)(b) for removing historic material, replacing brick coping not in kind and stucco color not in kind, and 14-5.2(D)(5)(a) removal of historic door on a primary façade, finding that the exception criteria have not been met
- c. In case 2025-011353-HDRB, for 401 E. Palace, approve the elements of the project that do not require an exception.

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

The property lies within the Historic Downtown Archaeological Review District. See Chapter 14, SFCC, Article 14-3.13(B)(1). There may be archaeological concerns associated with this project, and archaeological clearance may be required.

BACKGROUND & SUMMARY:

This property is located in the Downtown and Eastside Historic District and has a contributing status. The south and west facades have been designated as primary. The garage is of contributing status and the south and west facades are designated as primary. All the property yard walls are designated as contributing.

Streetscape:

The property at 401 East Palace sits on the northeast corner of Palace Avenue and Martinez Street. Martinez Street is lined with Spanish Pueblo Style homes with higher yard walls and coyote fences. The typically detached garages on the street are connected to the residences. There are no freestanding accessory structures on this streetscape of Martinez Street. The current building on the site is the second residence in this location; the site was previously occupied by a two-story residence constructed by Romulo Martinez, who is likely the namesake of Martinez Lane. Some of the yard walls on the site date back to when the property was owned by Martinez. That building was demolished in 1937 when the current building was built.



Figure 1: Property Location

Palace Avenue is characterized by primarily Spanish Pueblo Style and pitched roof homes with taller structures, including several two-story buildings. The yard walls along here are lower and are a combination of cobblestones and concrete masonry units with stucco. Most of the residences are set back from the street, while the La Posada Hotel buildings abut the sidewalk. Garages are either attached to or to the side of residences in this streetscape.

PREVIOUS CASE SUMMARIES:

July 8, 2025 -HDRB: 2025-010697-HDRB Status and Primary Façade Designation

APPLICANT’S REQUEST:

The applicant proposes the following exterior alterations:

Main Structure

- Remove the existing crumbling brick coping on the parapets and replace with new brick coping (Summit Brick ‘Smokey Mountain’). An Exception for removing historic material

and replacing not in kind is requested.

- Prepare and restucco the entire structure (El Rey/La Habra ‘Sandalwood’) with a floated finish. An Exception for removing historic material and replacing not in kind is requested.
- Remove and replace the existing front entry door, on the west façade and under the south entry portal, listed as Door #1 in the windows & door assessment .The proposed new door is made of wood with glass lights at the top, stained Walnut. An Exception for removing historic material and replacing not in kind is requested.
- Remove an unused chimney/flue structure that is centrally located in the northern half of the structure’s roof.
- Remove three skylights and infill their openings, and replace the remaining two skylights with flat Velux-style units.
- Reroof the structure with a bituminous Brai membrane (tan).
- Remove two existing windows on the north façade and infill the openings.
- Restore all the remaining existing wood windows to operational status, repaint, and provide new wood storm sashes (new paint to match existing green).
- Prepare and paint all exposed wood (new paint to match existing green).
- Slightly alter the depth of Door #2 on the west facade with respect to the existing jamb it is mounted in (pull towards the exterior of the wall to allow interior modifications as needed).
- Replace the existing kitchen entry door on the north façade, Door #3. The proposed new door is made of wood with glass lights at the top, stained Walnut.
- Replace the existing entry door on the east façade, Door #4. The proposed new door is made of wood with glass lights at the top, stained Walnut.
- Replace all exterior sconces with new units (aged bronze finish).

Garage

- Remove the existing crumbling brick coping on the parapets and replace with new brick coping (Summit Brick ‘Smokey Mountain’). An Exception for removing historic material and replacing not in kind is requested.
- Prepare and restucco the entire structure (El Rey/La Habra ‘Sandalwood’) with a floated finish. An Exception for removing historic material is requested.
- Remove and replace the existing pedestrian entry door, on the south façade, listed as Door #5 in the windows & door assessment document. The proposed new door is made of wood with glass lights at the top, stained Walnut. An Exception for removing historic material and replacing not in kind is requested.

- Remove and replace the existing vehicle entry door, on the west façade, listed as Door #6 in the windows & door assessment document. The proposed new door is made of wood with glass lights at the top, stained Walnut. An Exception for removing historic material and replacing not in kind is requested.
- Reroof the structure with a bituminous Brai membrane (tan).
- Prepare and paint all exposed wood (new paint to match existing green).
- Create a new opening on the east façade and install a new wood 6-over-6 double hung window (painted to match existing green).
- Install a new exterior sconce at the entry door on the south facade.

New Construction Wall

Build a new 3'-6" courtyard wall between the two buildings, two 18" x 18" (+/-) pilasters with a black iron gate. Inside the courtyard, a new patio area will be built using either brick or flagstone paving.

Of note is the applicant's request to change the colors of the structure and the brick coping. No documentation has been provided that the white stucco color is not historic; staff has concern with this character-defining color. Furthermore, the proposed replacement doors are not similar to the existing doors, and no photographic evidence has been provided to illustrate that historically the 3-lite doors were in those openings. The existing door under the portal is likely not historic; however, the 4-lite door on the west elevation may be historic.

EXCEPTION CRITERIA AND RESPONSES:

Exception to 14-5-.2(D)(5)(a): The applicant requests an exception to removal of historic door on a primary facade.

Door on the primary façade of the main structure

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

Applicant Response:

The proposed replacement of the exterior door (#1) will not damage the character of the streetscape. The existing door is worn and weathered and not original to the house. The style of the existing door does not match the territorial architecture of the building. We estimate the existing front door was installed in the 1970's without consideration of the building's style.

Staff Response: Staff find that this criterion is not met. No documentation has been provided that the door is not historic and was installed after 1975. Furthermore, the proposed replacement door may create a false sense of history as it is a different design from the existing door.

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

Applicant Response:

It would be a hardship on the applicant to keep the existing door due to its weathered condition and functionality concerns. It would be very expensive to restore it. Furthermore, the value of the property will be affected negatively if we are required to keep the existing door. We believe it was installed in the 1970's with no consideration of the building's territorial style. The existing door diminishes the value of the property thus creating a hardship if the owners were to try to sell the property.

Staff Response: Staff finds that this criterion is not met. It is expected that historic material and character will be retained and preserved as set forth in the Historic Districts Ordinance. Replacement of historic material must be carefully considered, without regard to financial cost, in order to protect the historic district's character. Loss of character may represent an injury to the public welfare through the degradation of the historic district.

(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:

The selection of the proposed door attempts to regain the original aesthetic of the building. It is a territorial style building. We are not trying to change the character of the building; we are trying to return it to its original style. Thus, there is no impact on the 'unique heterogeneous character of the city'.

Staff Response: Staff finds that this criterion is not met. The applicant has not investigated what type of door may have been in the opening historically, no photographic or other documentation has been provided that the proposed 3-lite replacement door is consistent with the character of the historic door. The proposal creates a false sense of history unless evidence is provided

Exception to 14-5.2 (D)(5)(b): The applicant requests an exception to remove brick coping and replacing not in kind.

Brick coping on main structure

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

Applicant Response:

The proposed replacement of the brick coping on the parapet will have a favorable impact on the streetscape. The original brick coping is deteriorating and causing structural issues within the walls due to water intrusion. Experts have determined that it is not practical to restore or repair the coping due to the bricks' age and poor quality. The selection of proposed bricks have a "pre-weathered" or "slightly aged" look. These were chosen specifically to blend in with streetscape and not appear "brand new". The current bricks have a large variation in color and we have tried to mimic that with the proposed selection.



Staff Response: Staff finds that this criterion is not met. The proposed brick coping color creates a false sense of history and will threaten the contributing status of the structure. Furthermore, no detail has been submitted to illustrate that the existing historic coping pattern will be maintained. The proposed change has the potential to damage the character of the building and district.

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

Applicant Response:

Not replacing the bricks would result in further water intrusion and damage to the building, thus causing additional expense to repair and maintain which would be a hardship for the owners.

Staff Response: Staff finds that this criterion is not met. While staff supports the replacement or repair of the coping to ensure that there will be no water intrusion, the proposed materials and design creates a false sense of history and may cause the building to lose its status. The expectation of the public is that the historic district character will be maintained, and the loss of the character threatens the overall character and history of the district.

(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:

The selection of the proposed bricks attempts to retain the original aesthetic of the building. It is a territorial style building. We are not trying to change the character of the building, so there should be no impact on the ‘unique heterogeneous character of the city’.

Staff Response: Staff finds that this criterion is not met. The proposed style of the brick is not found as a historic treatment for brick coping in the districts. Furthermore, the color that is proposed was not utilized historically. By not considering the design option to retain the character, the historic district character is negatively impacted.

Exception to 14-5-2(D)(5)(b): The applicant requests an exception to for removing historic material, replacing brick coping not in kind and stucco color not in kind.

Stucco Main Structure

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

Applicant Response:

Please note that the house in its current state has several layers of white paint which have been applied repeatedly over the past 50+ years. It has never been re-stuccoed. At this point it is difficult to determine exactly what was the original color. It appears the original color was a light color. We believe the original texture was a floated 1/8' aggregate finish which we plan to replicate. We propose to select from the approved color list one of the lighter shades: El Rey/La Habra 'Sandalwood'. This will greatly improve the existing streetscape and conform to the neighborhood's streetscape. Please note that being forced to select a "whiter white" could result in long-term deterioration of the streetscape if the color were to be inadequately cleaned and maintained and appear "dirty".

Staff Response: Staff finds that this criterion is not met. No evidence has been provided that the existing white color is less than 50 years old. Furthermore, this unique structure has become an integral part of the E Palace Ave streetscape, which exhibits a variety of architectural styles and colors. Changing the color to something that was not present historically will damage the character of the streetscape and building.

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

Applicant Response:

Failure to approve this requested stucco color will negatively affect the value of the property and its future salability and rental value. Furthermore, a "white-white" stucco requires additional cleaning and maintenance and has a shorter lifespan, thus resulting in additional costs to the owners in perpetuity; thus creating a hardship.

Staff Response: Staff finds that this criterion is not met. . It is expected that historic material and character will be retained and preserved as set forth in the Historic Districts Ordinance. Replacement of historic material must be carefully considered, without regard to financial cost, in order to protect the historic district's character. Loss of character may represent an injury to the public welfare through the degradation of the historic district.

(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:

The selection of the light stucco returns the building to possibly its original color. It is a territorial style building. Our intention is to restore it to its original design aesthetic. We are not trying to change the character of the building, so there should be no impact on the 'unique heterogeneous character of the city'.

Staff Response: Staff finds that this criterion is not met. By the applicant not considering the historic color, or providing evidence of a different color, not all design options have been considered that assure the historic building's contributing status is maintained.



Exception to 14-5-.2(D)(5)(a): The applicant requests an exception to removal of historic door on a primary facade.

Garage vehicular door

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

Applicant Response:

The proposed replacement of the exterior garage vehicle door (Door #6) will not damage the character of the streetscape. The existing door is worn and weathered and not original to the building. The current style does not match the territorial architecture of the building. We estimate the existing door was installed in the 1970's without consideration of the building's style.

Staff Response: Staff finds that this criterion is met. The garage is a prominent feature on the Martinez Lane streetscape. The door is reflective of the garage doors installed historically, and its removal and replacement with a like-kind door will not affect the overall status of the building and not damage the historic character of the streetscape.

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

Applicant Response:

It would be a hardship on the applicant to keep the old door due to the weathered condition and functionality concerns. It would be very expensive to restore it. Furthermore, the value of the property will be affected negatively if we are required to keep the existing door. We believe it was installed in the 1970's with no consideration of the building's territorial style. The existing door diminishes the value of the property, thus creating a hardship if the owners were to try to sell the property.

Staff Response: Staff finds that this criterion is met. It is expected that historic material and character will be retained and preserved as set forth in the Historic Districts Ordinance. Replacement of historic material must be carefully considered, without regard to financial cost, in order to protect the historic district's character. Loss of character may represent an injury to the public welfare through the degradation of the historic district. Since a similar garage door has been proposed, staff has no objection to the proposed replacement.

- (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:

The selection of the proposed door attempts to regain the original aesthetic of the building. It is a territorial style building. We are not trying to change the character of the building, so there should be no impact on the 'unique heterogeneous character of the city'

Staff Response: Staff finds that this criterion is not met. Every effort should be made to retain the overall character of this historically contributing building. The applicant is proposing to have a door made that will be similar to or almost identical as the existing historic door.

Exception to 14-5-.2(D)(5)(a): The applicant requests an exception to removal of historic door on a primary facade.

Garage pedestrian door

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

Applicant Response:

The proposed replacement of the exterior garage pedestrian door (Door #5) will not damage the character of the streetscape. The existing door is worn and weathered and not original to the building. The existing door's style does not match the territorial architecture of the building. We estimate the existing door was installed in the 1970's without consideration of the building's style.

Staff Response: Staff finds that this criterion is met. The existing pedestrian door is not original to the garage structure. It is recommended that the replacement door be of the same character of a door that may have been there historically.

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

Applicant Response:

It would be a hardship on the applicant to keep the old door due to the weathered condition and functionality concerns. It would be very expensive to restore it. Furthermore, the value of

the property will be affected negatively if we are required to keep the existing door. We believe it was installed in the 1970's with no consideration of the building's territorial style. The existing door diminishes the value of the property, thus creating a hardship if the owners were to try to sell the property.

Staff Response: Staff finds that this criterion is met. It is expected that historic material and character will be retained and preserved as set forth in the Historic Districts Ordinance. Replacement of historic material must be carefully considered, without regard to financial cost, in order to protect the historic district's character. Loss of character may represent an injury to the public welfare through the degradation of the historic district. The existing door is likely not historic; a replacement door must retain the historic character of the building.

(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:

The selection of the proposed door attempts to regain the original aesthetic of the building. It is a territorial style building. We are not trying to change the character of the building; we are trying to return it to its original style. Thus, there is no impact on the 'unique heterogeneous character of the city'.

Staff Response: Staff finds that this criterion is met. Since the existing pedestrian door is likely not historic, a replacement door that retains the character of the overall building will not threaten the historic status.

Exception to 14-5.2 (D)(5)(b): The applicant requests an exception to remove brick coping and replacing not in kind.

Brick coping parapet replacement on garage

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

Applicant Response:

The proposed replacement of the brick coping on the parapet will have a favorable impact on the streetscape. The original brick coping is deteriorating and causing structural issues within the walls due to water intrusion. Experts have determined that it is not practical to restore or repair the coping due to the bricks' age and poor quality. The selection of proposed bricks have a "pre-weathered" or "slightly aged" look. These were chosen specifically to blend in with streetscape and not appear "brand new". The current bricks have a large variation in color and we have tried to mimic that with the proposed selection.

Staff Response: Staff finds that this criterion is not met. The proposed brick coping color creates a false sense of history and will threaten the contributing status of the structure. Furthermore, no detail has been submitted to illustrate that the existing historic coping pattern will be maintained. The proposed change has the potential to damage the character of the building and district.

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

Applicant Response:

Not replacing the bricks would result in further water intrusion and damage to the building, thus causing additional expense to repair and maintain which would be a hardship for the owners.

Staff Response: : Staff finds that this criterion is not met. While staff supports the replacement or repair of the coping to ensure that there will be no water intrusion, the proposed materials and design creates a false sense of history and may cause the building to lose its status. The expectation of the public is that the historic district character will be maintained, and the loss of the character threatens the overall character and history of the district. Staff finds that this criterion is/is not met.

(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:

The selection of the proposed bricks attempts to retain the original aesthetic of the building. It is a territorial style building. We are not trying to change the character of the building, so there should be no impact on the ‘unique heterogeneous character of the city’

Staff Response:

Staff finds that this criterion is not met. The proposed style of the brick is not found as a historic treatment for brick coping in the districts. Furthermore, the color that is proposed was not utilized historically. By not considering the design option to retain the character, the historic district character is negatively impacted

Exception to 14-5.2 (D)(5)(b): The applicant requests an exception to remove brick coping and replacing not in kind.

Stucco on Garage

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

Applicant Response:

Please note that the garage in its current state has several layers of white paint which have been applied repeatedly over the past 50+ years. It has never been re-stuccoed. At this point it is difficult to determine exactly what was the original color. It appears the original color was a light color. We believe the original texture was a floated 1/8’ aggregate finish which we plan to replicate. We propose to select from the approved color list one of the lighter shades: Bamboo. This will greatly improve the existing streetscape and conform to the neighborhood’s streetscape. Please note that being forced to select a “whiter white” could result in long-term deterioration of the streetscape if the color were to be inadequately cleaned and maintained and appear “dirty”.

Staff Response: Staff finds that this criterion is not met. No evidence has been provided that the existing white color is less than 50 years old. Furthermore, this unique structure has become an integral part of the Martinez streetscape, which exhibits a variety of architectural styles and colors. Changing the color to something that was not present historically will damage the character of the streetscape and building.

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

Applicant Response:

Failure to approve this requested stucco color will negatively affect the value of the property and its future salability and rental value. Furthermore, a “white-white” stucco requires additional cleaning and maintenance and has a shorter lifespan, thus resulting in additional costs to the owners in perpetuity; thus creating a hardship.

Staff Response: Staff finds that this criterion is not met. . It is expected that historic material and character will be retained and preserved as set forth in the Historic Districts Ordinance. Replacement of historic material must be carefully considered, without regard to financial cost, in order to protect the historic district’s character. Loss of character may represent an injury to the public welfare through the degradation of the historic district.
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(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:

The selection of the light stucco returns the building to possibly its original color. It is a territorial style building. Our intention is to restore it to its original design aesthetic. We are not trying to change the character of the building, so there should be no impact on the ‘unique heterogeneous character of the city’.

Staff Response:

Staff finds that this criterion is not met. By the applicant not considering the historic color, or providing evidence of a different color, not all design options have been considered that assure the historic building’s contributing status is maintained.

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.

(C) Regulation of Significant and Contributing Structures in the Historic Districts

(Ord. No. 2004-26)

(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."

(e) Appeals (Ord. No. 2009-42 § 16)

Decisions made by the historic districts review board may be appealed to the *governing body* as set forth in Section 14-3.17.

(f) Restoration of Status

If a *property owner* makes changes to a *structure* without the proper *city* approvals which result in the lowering of the *structure's* status, staff or the board may require the *property owner* to restore the *structure* such that its former status is restored.

(4) Compliance with General and Specific Design Standards Required

All *development* located within the historic districts and subject to this Section 14-5.2 shall comply with all applicable general *development* standards set forth in Subsection

14-5.2(D), as well as any applicable specific *development* standards set forth in Subsections 14-5.2(E) through (I).

(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.

(b) Design Standards and Signage

The board may recommend exceptions to Subsections 14-5.2(D)(1-8, 10-11) and 14-5.2(E) through (I) for construction or alterations within the historic district. The recommendation for exceptions shall be made to the *governing body*. Procedures for public notice and hearing before the *governing body* shall be as set forth in Section 14-3.6(B)(3). Exceptions are *project* specific and do not apply to the subject *property* in perpetuity. If approved by the *governing body*, the inspections and enforcement *office* shall accept and review an *application* for, and issue, as appropriate, a *building permit*. 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 district;
- (ii) Are required to prevent a hardship to the *applicant* or an injury to the public welfare; and
- (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.

(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).

14-12 Significant Structure:

A structure located in a historic district that is approximately fifty years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a structure to be designated as significant, it must retain a high level of historic integrity. A structure may be designated as significant:

- (A) for its association with events or persons that are important on a local, regional, national or global level; or
- (B) if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

14-12 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.

14-12 Noncontributing 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.

14-12 Primary Façade:

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

14-12 Historic Compound

An identifiable grouping of historic resources, including buildings, structures and landscaping elements, as described in Section 14-5.2(K)(2)(a). Historic compounds may be comprised of more than one lot.

(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.
- (e) The height of additions:
 - (i) For significant and *landmark structures* shall be a minimum of six (6) inches less than the parapet or equivalent roof-feature of the existing adjacent connecting facade.
 - (ii) For contributing *structures* shall be no more than one additional *story* higher than the existing *structure*. To the extent architecturally practicable, two-story additions shall be set to the rear or the side rear of the *structure*. When an additional *story* is to be placed upon an existing contributing *structure*, that footprint may be no greater than fifty percent of the footprint of the existing *structure*, subject to the provisions of Subsection A(1) above. For the purposes of this paragraph, an additional *story* shall not exceed twelve (12) feet from the existing rooftop to the highest point of that *story*.

(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.
- (4) Porches and Portals
- Existing *porches* or *portals* shall not be enclosed.
- (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.
- (6) Roofs
- The existing roof styles and materials shall be maintained or replaced in kind if necessary. The addition of dormers or other roof features should only be considered when they are an existing or historical feature of the *structure*.
- (8) Archaeological Resources
- Discovery of archaeological resources made during the historic districts review process shall be referred to the archaeological review committee.
- (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*.

(d) Pitch

If the determined *streetscape* includes over fifty percent of *buildings* with pitched roofs, the proposed *building* may have a pitched roof. A pitched roof is defined as a gable, shed, or *hipped roof*. The pitch of the roof shall match the predominant pitch extant in the *streetscape*.

(e) Scale

The height of a proposed *building* or addition, its façade length, and its roof form and pitch shall appear to be in proportion to the height, façade length, and roof form and pitch of *buildings* in the applicable *streetscape*, or the *building* on which the addition is proposed.

(f) Massing and Floor Stepbacks

The Board may require that upper floor levels be stepped back, to carry out the intent of this section; provided that the board in making such determinations shall take into account whether the height of the proposed *building*, *yardwall*, fence, or proposed stepback of upper floor levels is in harmony with the massing of the applicable *streetscape* and *preservation* of the historic and characteristic visual qualities of the *streetscape*. The Board shall also require that the *publicly visible* façades of the *structure* be in conformance with Subsections 14-5.2(E) through (H), and in meeting those requirements, may require that different floor levels be stepped back.

(E) Downtown and Eastside Design Standards

The *governing body* recognizes that a style of architecture has evolved within the *city* from the year 1600 to the present characterized by construction with *adobe*, hereafter called "old Santa Fe style", and that another style has evolved, hereafter called "recent Santa Fe style", which is a *development* from, and an elaboration of the old Santa Fe style, with different materials and frequently with added decorations.

(1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with *adobe*, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

- (a) With rare exception, *buildings* are of one *story*, few have three stories, and the characteristic effect is that the *buildings* are long and low. Roofs are flat with a slight *slope* and surrounded on at least three sides by a firewall of the same color and material as the *walls* or of brick. Roofs are never carried out beyond the line of the *walls* except to cover an enclosed *portal* or *porch* formed by setting back a portion of the *wall* or to form an exterior *portal*, the outer edge of the roof being supported by wooden columns. Two- *story* construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second *story*. Façades are flat, varied by inset *portales*, exterior *portales*, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding *walls*;
- (b) All exterior *walls* of a *building* are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under *portales*, or in church-derived designs, inset panels in a *wall* under the roof, in

which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;

- (c) Solid *wall* space is always greater in any façade than window and door space combined. Single panes of glass larger than thirty (30) inches in any dimension are not permissible except as otherwise provided in this section;
 - (d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof *structures*, but such *structures* other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the *street* on which the *building* fronts;
 - (e) True old Santa Fe style *buildings* are made of *adobe* with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the *adobe* effect can be simulated is permissible; provided, that the exterior *walls* are not less than eight (8) inches thick and that geometrically straight façade lines are avoided. Mud plaster or hard plaster simulating *adobe*, laid on smoothly, is required; and
 - (f) It is characteristic of old Santa Fe style commercial *buildings* to place a *portal* so that it covers the entire sidewalk, the columns being set at the curb line.
- (2) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic *buildings* by *retention* of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of *adobe* construction, prescribed as follows:

- (a) No *building* shall be over two stories in height in any façade unless the façade shall include projecting or recessed *portales*, *setbacks* or other design elements;
- (b) The combined door and window area in any *publicly visible* façade shall not exceed forty percent of the total area of the façade except for doors or windows located under a *portal*. No door or window in a *publicly visible* façade shall be located nearer than three (3) feet from the corner of the façade;
- (c) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof *treatment* described below;
- (d) No less than eighty percent of the surface area of any *publicly visible* façade shall be *adobe* finish, or stucco simulating *adobe* finish. The balance of the *publicly visible* façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for *building permits*;
- (e) The *publicly visible* façade of any *building* and of any adjoining *walls* shall, except as otherwise provided, be of one color, which color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. Façade surfaces under *portales* may be of contrasting or complimentary colors. Windows, doors and *portals* on *publicly visible* portions of the *building* and *walls* shall be of one of the old Santa Fe styles; except that *buildings* with *portals* may have larger plate glass areas for windows under *portals* only. Deep window recesses are characteristic; and

(f) Flat roofs shall have not more than thirty (30) inches overhang.