

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

Appeal # 2025-11127-APPL

Appellant's Name – Mindy Hale and Pamela Koster, FC3, Ltd. Co.

Agent's Name – Bradyn Furry, Archaeo Architects

Address – 206 McKenzie St.

THIS MATTER came before the City of Santa Fe (City) Governing Body (Governing Body) for a public hearing on December 10, 2025, to consider the appeal of Mindy Hale and Pamela Koster, FC3, Ltd. Co. (Applicant or Appellants) from the written decision of the City's Historic Districts Review Board (Board) in Case # 2025-10494-HDRB. In the Board's decision, the Board approved some proposed alterations to a historic structure at 206 McKenzie St. (the "Property"), granting exceptions for two of the alterations, but denying an exception for replacement of 54 windows and three doors. The Appellant asked the Governing Body to find that they have met the exception criteria to replace the windows and doors.

I. RECORD ON APPEAL

The record on appeal included the following documents:

1. Memorandum to the Members of the Governing Body dated November 26, 2025, for the December 10, 2025, Meeting of the Governing Body, from Frank Ruybalid, Assistant City Attorney;
2. Exhibit A, Verified Appeal Petition filed September 4, 2025;
3. Exhibit B, Board Findings of Fact and Conclusions of Law for Case # 2025-10494-HDRB, approved December 9, 2025;
4. Exhibit C, relevant excerpt from Minutes of the June 24, 2025, Board meeting;
5. Exhibit D, Historic Preservation Staff Report and Exhibits for Case # 2025-10494-HDRB from the June 24, 2025, Board meeting;
6. Exhibit E, Building History (undated)
 - (1) 2005 Historic Cultural Properties Inventory
 - (2) 1995 Historic Building Inventory
 - (3) Narrative re Flaming Sword of St. Germain
 - (4) Preliminary Zoning Review Worksheet
 - (5) Previous Administrative and HDRB Cases
7. Exhibit F, Board Action Letter
8. Exhibit G, Applicant Documents
 - (1) Project Description, Bradyn Furry, Architect, dated 05/13/2025
 - (2) Floor Plans and Elevation Drawings
9. Exhibit H, Window Assessment, RPA & Associates, LLC

II. FINDINGS OF FACT

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

A. Proceedings Prior to 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 Santa Fe City Code (“SFCC”) requirements and provided the Board a written report of its findings, which evaluated the factors relevant to the application.
2. For the exception regarding the window and door replacement, the HP Staff recommended to the Board that the exception be granted, in accordance with SFCC 1987, Section 14-5.2(C)(5), Exceptions, subsection (b), Design Standards and Signage.
3. At a public hearing held June 24, 2025, the Board heard presentations by the Historic Preservation staff and sworn testimony from the Applicant’s Agent, Bradyn Furry, Architect; Applicants Pamela Koster and Mindy Hale; and interested members of the public.
4. At the meeting, the participants discussed the Property’s history, the condition of the structure and alterations needed, the restrictions the Historic Districts Code places on alterations to contributing structures, and an assessment of the windows’ and doors’ condition by a window-assessment professional, Ra Patterson, RPA & Associates, LLC.
5. At the conclusion of the hearing the Board voted to:
 - a. On votes of 3 to 1, deny exceptions to replace 54 windows and 3 doors, but permitted the replacement of other windows and doors which were not historic or were not on primary façades, requiring no exception;
 - b. On a vote of 4-0, approve other renovations (new pedestrian gate, placement of HVAC units and solar collectors, and re-stucco);
 - c. On a vote of 4-0, approve an exception for construction of a detached steel carport; and
 - d. On a vote of 4-0, postpone the decision whether to approve the parapet extension, which required an exception. (The Board took up the parapet extension in a meeting on July 22, 2025, and on a vote of 5-0 approved an exception for a revised parapet design.)
6. On December 9, 2025, the Board adopted written Findings of Fact and Conclusions of Law reflecting its decisions regarding the proposed alterations to this historic property.
7. As reflected in the Findings of Fact and Conclusions of Law adopted by the Board, the Board’s decision about the windows and doors was based on the following findings:
 - a. The structure on this property has a “contributing” historic designation in the Downtown and Eastside Historic District, and all but the southernmost half of the west elevation and the westernmost third of the south elevation have primary façade designations;
 - b. To replace all the windows and doors on this structure, including historic windows and doors on the primary façades, would result in the removal of historic material and the complete replacement of repairable historic windows and doors on primary façades;
 - c. An exception to SFCC Section 14-5.2(D)(1)(a) and 14-5.2(D)(5)(a)(i) would be required to approve removal of historic material and replacement of repairable historic windows and doors on primary façades, and to obtain an exception the Applicant was required to conclusively demonstrate that it met the three exception criteria set forth in SFCC Section 14-5.2(C)(5)(b);

- d. The Applicant did not conclusively demonstrate that the exception criteria had been met for replacement of 54 windows and three doors; and
 - e. The remaining windows and doors, for which replacement was approved, were either on non-primary façades, or the evidence demonstrated that they were not historic.
8. The Board's decision was based on the following provisions of the Historic Districts Ordinance:
- (a) SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures, requiring that modifications and alterations to structures in Santa Fe's Historic Districts be reviewed and considered by the Historic Districts Review Board;
 - (b) SFCC Section 14-5.2(D), General Design Standards, placing special restrictions on landmark, significant or contributing structures in the Historic Districts;
 - (c) SFCC Section 14-5.2(D)(1)(a), prohibiting the removal of historic materials from significant, contributing or landmark structures;
 - (d) SFCC Section 14-5.2(D)(5)(a)(i) and (b), requiring that historic windows and doors on all façades of significant and landmark structures, and historic windows and doors on the primary façades of contributing structures, shall be repaired or restored wherever possible; and
 - (e) SFCC Section 14-5.2(C)(5)(b), Exceptions for Design Standards and Signage, requiring an applicant seeking an exception to conclusively demonstrate that it meets three exception criteria.

B. Appeal to Governing Body

9. On September 4, 2025, the Appellant timely filed a Verified Appeal Petition, asking the Governing Body to review the decision of the Board and to approve the replacement of historic windows and doors on the primary façades of the contributing structure.
10. The Appellant did not seek Governing Body review of the Board's decisions to approve the new pedestrian gate, installation of HVAC units and solar collectors, re-stucco, construction of a steel carport and extension of the parapet.
11. In the Verified Appeal Petition, the Appellant argued that:
- a. Many of the windows for which the Appellant sought replacement were installed in a substandard manner, lacking flashing, which permitted moisture to seep into the stuccoed adobe walls and causing deterioration of the walls;
 - b. In a professional window assessment, an experienced assessor concluded that many of the windows for which the Appellant sought replacement were deteriorated beyond repair; and
 - c. For many windows, the jambs and frames were imbedded in the walls, and repair or removal for repair was impossible without destroying them.
12. SFCC 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 206 McKenzie St. no less than 15 days in advance of the hearing.

C. Governing Body Public Hearing December 10, 2025

15. 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.
16. The Appellants appeared in person at the hearing and were represented by architect Bradyn Furry, Archaeo Architects.
17. During the hearing, Assistant City Attorney Frank Ruybalid presented the case to the Governing Body, and Mr. Furry, Appellants Pamela Koster and Mindy Hale, and window assessment professional Ra Patterson provided sworn testimony.
18. One member of the public also provided sworn testimony.
19. The Property is in the City's Downtown and Eastside Historic District, is a contributing structure, and the windows and doors for which the Board denied replacement are on primary façades.
20. During the hearing, City Councilors asked questions of Mr. Furry, Appellants Ms. Hale and Ms. Koster, Mr. Patterson, Mr. Ruybalid and City Land Use Senior Planner Paul Duran, who provided the following additional information:
 - a. Mr. Duran's recommendation to the Historic Districts Review Board was to grant the exception for replacement of the historic windows and doors on the primary façades of the building;
 - b. The City's Historic Preservation Staff approved Mr. Patterson as a qualified window assessor to issue a window assessment report for this project application;
 - c. Mr. Patterson believed that continued seepage of moisture into the walls from the improperly installed and deteriorated windows will damage the walls to the point of causing structural instability to some façades; and
 - d. The Historic Districts Code requires the replacement of any historic windows and doors to be with similar materials and in the same design as the windows and doors that are removed.

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. Pursuant to SFCC Section 14-2.2(F), 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 December 9, 2025, was a final action subject to appeal.
3. The Appellant timely appealed the Board's decision to the Governing Body and complied with the procedural requirements set forth in the SFCC.
4. This Appeal should be granted because the Appellants have conclusively demonstrated the exception criteria for the removal of historic material and replacement of the 54

historic windows and three historic doors on primary façades of a contributing structure, for these reasons:

- a. Pursuant to SFCC Section 14-5.2(C)(5)(b)(i), the Governing Body finds that granting the exception would not damage the character of the district because the windows and doors to be removed will be replaced “in kind,” with the same materials and in the same design, as the existing windows and doors;
- b. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Governing Body finds that the exception is required to prevent a hardship to the Appellants or an injury to the public because failure to make complete replacement of the windows and doors will continue to permit damage from moisture seeping into the walls; and
- c. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Governing Body 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.

V. VOTE AT THE HEARING

With respect to the Appeal and the exception criteria for replacement of the windows and doors on the structure at 206 McKenzie St., the Governing Body voted to grant the appeal, to find that the exception criteria had been conclusively demonstrated, and to reverse the Board’s final action, with a vote of nine (9) in the affirmative and none in the negative.

WHEREFORE, IT IS ORDERED ON THE 28TH OF JANUARY, 2026, 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 property at 206 McKenzie St., reverses the Historic Districts Review Board’s decision, and approves the replacement of all windows and doors on the structure.

Michael J. Garcia, Mayor

Date

FILED WITH THE CITY CLERK:

Geraldyn Cardenas, Interim City Clerk

Date

APPROVED AS TO FORM:



Frank Ruybalid, Assistant City Attorney

January 22, 2026
Date