

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

**Case # 2024-8868-HDRB**

**Address** – 329 Otero St.

**Agent’s Name** – Lisa Martinez, B Constructiv LLC

**Owner/Applicant’s Name** – Mike and Christine Foster

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on September 10, 2024.

**BACKGROUND**

The single-family residence and sidewall at 329 Otero St. are listed as contributing to the Downtown and Eastside Historic District, with the north, south and west façades designated as primary. The adobe structure is dated to 1935-36, with a small addition added on the east elevation in 1945. The architectural style is Territorial with brick coping (stretcher-dentil-stretcher courses) and an entry porch facing Otero Street to the west. Otero Street slopes down to the south, and the lot features river-stone retaining walls on its west and south sides.

A 1984 New Mexico Historic Building Inventory noted the contributing status of the house, which was confirmed by the HDRB in a hearing February 27, 2024. See Case # 2024-7886-HDRB. In that hearing, the Board also found the river-stone retaining walls on the west and south lot lines to be contributing, and it designated the north, south and west elevations of the structure as the primary façades. The Historic Building Inventory form noted the double-hung windows of the house, and that some are placed horizontally, with lintels and brick sills. The property received Administrative Approvals for solar panels (2021-4566-ADMIN) and for a vehicle gate, stucco, and parapet repair (2023-7644-ADMIN). Other than these administratively approved modifications, the historic components of the house remain largely as they were originally built.

The property owners propose to remodel the main residence by replacing doors and windows, and they request an exception to Santa Fe City Code (“SFCC”) Section 14-5.2(D)(5)(a)(i) to replace windows, doors and other architectural features on primary façades of a contributing structure. The Applicant requests Board approval of the following items:

- 1) Installation of new doors and windows, for which an exception is requested.
- 2) Re-stucco the entire structure with cementitious stucco color adobe brown.

**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 did not find that all the exception criteria have been met and recommended denial of the exception to replace historic windows on the primary façade of a contributing structure. Staff recommended approval of the other part of the application (re-stuccoing), 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 the primary facades of contributing structures, historic windows shall be repaired or restored wherever possible.
  9. The Applicant proposed to replace historic windows on the north, west and south elevations, all three of which are primary façades. 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 not 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 damage the character of the district because the windows and doors in the window assessment identified as windows C, D, E, G, H and I are all historic windows on primary façades and can be restored. Removing and replacing repairable and restorable windows on primary façades damages the character of the historic district;
    - b. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds that the exception is not required to prevent a hardship to the Applicant or an injury to the public welfare because the window assessment reads that windows C, D, E, G, H and I are all in satisfactory or fair condition and can be restored; and
    - c. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that granting the exception would not strengthen the unique heterogeneous character of the City because restoring historic windows including all historic construction material,

architectural features and elements is the owner's responsibility living in the historic districts.

12. The Board finds that no exception is necessary for the following replacements:
  - a. East elevation door # 1 and window A, as the east is not a primary façade and this door and window are not historic;
  - b. North elevation window B and door # 2, as this door and window are not historic;
  - c. West elevation door # 3, as this door is not historic; and
  - d. South elevation window F, as this window is not historic.
13. Under SFCC Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work.
14. 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.
15. 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 with respect to the project elements approved, subject to the condition imposed by the HDRB, as described below.

### **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. With respect to project Item # 1, the Board approves the replacement of:
  - a. East elevation door # 1 and window A;
  - b. North elevation door # 2 and window B;
  - c. West elevation door # 3; and
  - d. South elevation window F.
3. The Board approves project Item # 2, re-stucco of entire structure with cementitious stucco, color adobe brown.
4. The Board denies the exception sought by the Applicant, and denies replacement of historic windows on the north façade (window C), west façade (windows D and E), and south façade (windows G, H and I).
5. Replacement of windows permitted under section 2, above, is subject to the following condition: the replacement windows shall have wood, not vinyl, frames.

**IT IS SO ORDERED ON THIS 14<sup>th</sup> DAY of JANUARY, 2025, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.**

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Cecilia Rios, Chair

\_\_\_\_\_  
Date

FILED:

Andréa Salazar  
City Clerk

Date

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Date