

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

Case # 2024-9400-HDRB

Address – 821 Acequia Madre

Agent’s Name – Gayla Bechtol, AIA

Owner/Applicant’s Name – Mary and Elaine Alarid, The AlaridCo, LLC

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on November 26, 2024.

BACKGROUND

The single-family residence at 821 Acequia Madre is listed as contributing, and the detached garage and yard wall as non-contributing, to the Downtown and Eastside Historic District. Built in the late 1940s, the main residential structure has had an addition to the north elevation and an added portal on the east elevation, and contains approximately 1,483 square feet of roofed area. The main structure is in the Spanish Pueblo Revival style as seen by the adobe-block construction material, flat roof with rounded parapets, and recessed doors and windows. The detached garage was built in the 1960s of masonry cinder block and stucco. A yard wall surrounding an open area between the main house and the garage is approximately 4 feet high and is built of masonry cinder block.

The HDRB reviewed the status of this property in a hearing March 15, 2022, Case # 2022-4717-HDRB, designating the house as a contributing structure and the south elevation, facing Acequia Madre, as the primary façade. The HDRB designated the garage and the yard wall as non-contributing.

The Applicants have submitted a proposal to remodel both the main structure and the garage, requesting Board approval of the following items:

Main House:

- 1) Construct a 296-square-foot bedroom/bathroom addition with a 280-square-foot portal.
- 2) Raise the roof height from a maximum height of 16’11” to 18’11”, for which an exception is requested to Santa Fe City Code (“SFCC”) Section 14-5.2(D)(9)(c)(ii)(D).
- 3) Construct a 4-foot-high yard wall in front of the primary, south façade for which an exception is requested to SFCC Section 14-5.2(D)(2)(c-d).

Garage/Casita:

- 1) Construct a 358-square-foot ground-floor addition and 428-square-foot garage with a 437-square-foot, second-story addition on top of the current garage.
- 2) Raise the roof height from a maximum height of 16’11” to 24 feet, for which an exception is requested to SFCC Section 14-5.2(D)(9)(c)(ii)(D).

Exterior Finishes:

- 1) Stucco will be cementitious, color Buckskin.
- 2) Wood trim will be painted white and turquoise.
- 3) New windows will be true divided-lite.
- 4) Light fixtures will be shielded wrought iron.
- 5) Concrete will be colored brown.
- 6) Brown gravel will be placed at the work site.

The Applicant has requested the exceptions necessary for exceeding the maximum allowable height for the second-story additions to the main house and the garage/casita, and for the four-foot-high yard wall, which would attach to the primary, south façade.

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 a written report of its findings (“Staff Report”), which evaluates the factors relevant to the application.
3. Historic Preservation Division Staff Recommendation: Staff recommended approval of the proposed project and recommended findings that the exception criteria have been met and the application 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.

Height Exception for Main Building:

8. Under SFCC Section 14-5.2(D)(9)(c)(ii)(D), the maximum building height permitted on that streetscape is 16’11”. The Applicant proposes to build an addition on the existing main residence and raise a section of the roof to a height of 18’11”.
9. Staff determined that an exception to SFCC Section 14-5.2(D)(9)(c)(ii)(D) would be required for approval of this element of the application, and the Applicant requested the exception.

10. To obtain an exception, the Applicant was required to conclusively demonstrate that the six exception criteria set forth in SFCC Section 14-5.2(C)(5)(c) 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 finds that the Applicant has conclusively demonstrated that all exception criteria have been met:
 - a. Pursuant to SFCC Section 14-5.2(C)(5)(c)(i), the Board finds that granting the exception would not damage the character of the streetscape because the higher roof is planned for a new dining room (in existing space) and a bedroom/ bathroom addition at the rear of the house, which are set back from the street, and the raised parts of the house will not affect the primary façade;
 - b. Pursuant to SFCC Section 14-5.2(C)(5)(c)(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 existing house ceilings are very low and sagging, on a crawl space above grade, and overhead clearance is below standard;
 - c. Pursuant to SFCC Section 14-5.2(C)(5)(c)(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: The addition of a bedroom and bathroom, and a ceiling with more clearance would better accommodate a family;
 - d. Pursuant to SFCC Section 14-5.2(C)(5)(c)(iv), the Board finds that there are special conditions or circumstances that are peculiar to the land or structure involved that are not applicable to other lands or structures in the related streetscape: The house, built 77 years ago, has a very low ceiling clearance, and the lot is unusually narrow, leaving no space for the residence to expand east or west;
 - e. Pursuant to SFCC Section 14-5.2(C)(5)(c)(v), the Board finds that the special conditions or circumstances are not the result of the actions of the Applicants, who had no involvement in the design of the lot or construction of the house; and
 - f. Pursuant to SFCC Section 14-5.2(C)(5)(c)(vi), the Board finds that granting the exception would provide the least negative impact with respect to the purposes set forth in SFCC Section 14-5.2(A)(1) because the proposed design and elevation of the roof meets the current zoning code requirements of SFCC Section 14-7.2, Residential Districts, and would not adversely impact the contributing status of the main house, since the roof elevation is set back from the street and set back from the primary façade.
12. The Board finds that the Applicant has conclusively demonstrated that all of the exception criteria have been met for raising the roof of the main residence to a height of 18'11".

Exception for Yard Wall on Primary Façade:

13. Under SFCC Section 14-5.2(D)(2)(c-d), additions are not permitted to primary façades of contributing buildings, or to the side of the existing footprint of a contributing building unless the addition is set back a minimum of ten (10) feet from the primary façade. The Applicant proposes to build a 4-foot-high yard wall, attaching to the primary south façade at the southeast corner and surrounding the yard south of the main residence.
14. The Staff determined that an exception to SFCC Section 14-5.2(D)(2)(c-d) would be

required for approval of this element of the application, and the Applicant requested the exception.

15. To obtain this 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.
16. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board finds 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 this would be a low yard wall which does not obstruct the view of this contributing house, and it is consistent in height and design of other low yard walls that are prevalent on this streetscape;
 - 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 this is a heavily traveled street, the proposed yard wall will create additional security, set off the driveway for the accessory dwelling unit in the back of the lot, and will accentuate the parking spaces for the main residence in the front of the residence; 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 proposed yard wall will provide the owners needed security and full use of the property while still preserving the historic status and design standards of the Historic District.
17. The Board finds that the Applicant has conclusively demonstrated that all of the exception criteria have been met for the addition of the four-foot-high yard wall which will attach to the primary, south façade.

Height Exception for Garage/Casita:

18. Under SFCC Section 14-5.2(D)(9)(c)(ii)(D), the maximum building height permitted on that streetscape is 16'11". The Applicant proposes to build a second floor on the existing garage to a height of 24 feet.
19. The Staff determined that an exception to SFCC Section 14-5.2(D)(9)(c)(ii)(D) would be required for approval of this element of the application, and the Applicant requested the exception.
20. To obtain an exception, the Applicant was required to conclusively demonstrate that the six exception criteria set forth in SFCC Section 14-5.2(C)(5)(c) have been met.
21. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board finds that the Applicant has not conclusively demonstrated all exception criteria:
 - a. Pursuant to SFCC Section 14-5.2(C)(5)(c)(i), the Board finds that granting the exception would damage the character of the streetscape because the specifications for Old Santa Fe Style in SFCC Section 14-5.2(E)(1)(a) express a preference for one-story, long and low buildings, and the proposed structure is unusually tall for its footprint;

- b. Pursuant to SFCC Section 14-5.2(C)(5)(c)(ii), the Board finds that the exception is not required to prevent a hardship to the Applicant or an injury to the public welfare;
 - c. Pursuant to SFCC Section 14-5.2(C)(5)(c)(iii), the Board finds that granting the exception would not strengthen the unique heterogeneous character of the City, and does not provide a full range of design options to ensure that residents can continue to reside within the historic districts: The Applicant has not demonstrated that a garage is necessary for this accessory dwelling unit, and whether a second story would be needed if space for a garage in this ADU was instead allocated to a den, bedroom or other living area;
 - d. Pursuant to SFCC Section 14-5.2(C)(5)(c)(vi), the Board finds that granting the exception would not provide the least negative impact with respect to the purposes set forth in SFCC Section 14-5.2(A)(1), as the exception sought exceeds the 16'11" height restriction for this streetscape by 7'1" and would be inharmonious with the outward appearance of the main residence and the streetscape.
22. The Board finds that the Applicant has failed to conclusively demonstrate that all of the exception criteria have been met for building a two-story garage/casita to a height of 24 feet.
23. 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.
24. 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 modifications to the main residence and the addition of the south elevation yard wall.
25. 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 not been met with respect to the modifications to the garage/casita.

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 # 1-3 with respect to the main house, and Items # 1-6 with respect to the exterior finishes, as set forth in the application.
- 3. The Board grants the exception to SFCC Section 14-5.2(D)(9)(c)(ii)(D) requested in the application, and approves the elevation of the roof on the main house to a height of 18'11", as shown in the Applicant's architectural drafts.
- 4. The Board grants the exception to SFCC Section 14-5.2(D)(2)(c-d) requested in the application, and approves the yard wall addition on the south, primary façade, as shown in the Applicant's architectural drafts.
- 5. The Board denies Items # 1-2 with respect to the garage/casita as set forth in the application.

6. The Board denies the exception to SFCC Section 14-5.2(D)(9)(c)(ii)(D) requested in the application, and denies the application to build a second story to a height of 24 feet on the garage/casita.
7. The Board's decision with respect to the garage/casita additions shall not prejudice the Applicant if the Applicant returns to the HDRB with a redesign for the garage/casita additions, including a request for exceptions relevant to the redesign.

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

Cecilia Rios, Chair

Date

FILED:

Andréa Salazar
City Clerk

Date

APPROVED AS TO FORM:

Frank Ruybalid
Assistant City Attorney

Date