



CITY OF SANTA FE CITY ATTORNEY

MEMORANDUM

To: Members of the Governing Body

From: Frank Ruybalid, Assistant City Attorney *FR*

Via: Marcos Martinez, City Attorney

Re: **Appeal # 2026-12776-APPL of Case # 2026-12126-HDRB.** Sparrow Otero, LLC, an Adjoining Property Owner, Appeals the Historic Districts Review Board's May 26, 2026, Decision Granting a Proposal to Build a 3,470-Square-Foot Addition to a Height of 24 Feet and Granting Exceptions for the Removal of Historic Material and to Exceed 50 Percent of the Historic Footprint of a Significant Structure at 515 Paseo de Peralta in the Downtown and Eastside Historic District.

Date: September 25, 2026, for the September 30, 2026, Governing Body meeting

Max Scoular, an resident, and Sparrow Otero, LLC, the owner, of property adjoining 515 Paseo de Peralta, where the Historic Districts Review Board has granted an application for a large addition to a residence, appeals the Board's decision approving the addition. Sparrow Otero, LLC (an "Appellant"), owns 316 Otero St. and 513 Paseo de Peralta, which are at a higher elevation on a sloping grade, and overlook Paseo de Peralta and Otero Streets. **[Ex. A, Appeal Petition, at 3]** The existing house at 515 Paseo de Peralta is 2,776 square feet and has a "significant" status in the Downtown and Eastside Historic District. **[Ex. D, Staff Memo, at 27, 35]** Its significant designation is based on its antiquity – parts of it were built in the 1800s – and its connection to Samuel Axtell, a former New Mexico Territorial Governor who later became Chief Justice of the New Mexico Supreme Court. **[Ex. H, Original Application, at 141-142]**

The project application approved by the Historic Districts Review Board ("HDRB" or "Board") would enlarge the historic footprint of the house by an additional 2,254 square feet, expanding the footprint of the house by 81 percent. **[Ex. D, Staff Memo, at 35]** For a significant or contributing house in a Historic District, the Santa Fe City Code ("SFCC") § 14-4.6(E)(2)(II)(a-c) prohibits an addition that exceeds 50 percent of its historic footprint, or that attaches to a "primary façade." To approve the project proposal, the HDRB would have to grant exceptions to these restrictions. In a public meeting May 26, 2026, the HDRB voted to approve the homeowner's request for these exceptions and to approve the application. **[Ex. B, Findings**

of Fact & Conclusions of Law, at 9-15] For another element of the project, removal and reconstruction of two stairways at the front of the house, the Board also approved an exception for the removal of historic materials, prohibited by SFCC § 14-4.6(E)(1)(I). **[Ex. B, Findings, at 9-15]** The Board also approved the addition to be a height of 24 feet, although the height restriction for the 515 Paseo de Peralta streetscape is 23 feet. **[Ex. B, Findings, at 9-15, § 23]** No exception was necessary for this height excess because the structure is on a steeply sloped lot, and SFCC § 14-4.6(F)(2)(II)(f) gives the Board the discretion to approve up to four feet in excess of the restriction, as long as the height excess is on a part of the structure set back from the street.

The Appellant appeals the HDRB's approval of this application. The Appellant claims the City Land Use Staff erroneously calculated the height of the addition, and the Board should have required the property owners to prove the height exception criteria. **[Ex. A, Appeal Petition ("Petition"), at 3-5]** The Appellant also argues that exception criteria should have been proven for creating a two-story addition to a significant building, and that the project architects did not conclusively demonstrate the exception criteria for an addition exceeding 50 percent of the historic footprint. **[Ex. A, Petition, at 4]**

In this "de novo" appeal, the Governing Body may uphold or reverse the HDRB's decision to deny the application and the exception. **[SFCC § 14-2.2(B)(7)]** A "de novo" hearing is one in which the Governing Body conducts an independent application of the law to the evidence to decide whether the facts and the law support an exception for the proposed structure.

I. BACKGROUND

A. The Property and its Setting

The property at 515 Paseo de Peralta prominently sits above the street on a sloping lot supported by rock retaining walls along the southern property line. Built in a Territorial style, highlighted by its parapet with brick coping atop a flat roof, the residence originally had a brick exterior, but has been stuccoed in a unique textured finish since at least 1910. **[Ex. D, Staff Memo, at 35]** A historic photo shows that historically two symmetrical sets of stairs approached the south-facing front portal from the east and west **[Ex. H, Original Application, at 81]**, but the stairs to the west of the portal have since been removed. A new set of stairs was added on the southwestern corner, likely when an apartment was created in that massing in 1943. **[Ex. H, Original Application, at 136-137]**

The house developed north-extending wings when a garage addition was built on the northeast corner, probably in the 1920s (later converted to a bedroom) and a bedroom addition was built, likely in the 1950s, on the northwest corner. **[Ex. H, Original Application, at 138-139]**. A detached, second garage was added adjacent to the northeast wing sometime before 1943 **[Id., at 138, 164-165]**, and a free-standing, 195-square-foot shed with a gabled, corrugated-metal roof sits to the north of the western bedroom addition **[Id., at 139, 170-171]**. A structural engineer's report described substandard construction and structural deterioration of both the garage and shed, concluding that they would have to be demolished and rebuilt to comply with

the Residential Building Code. **[Id., at 126-127]**

This property is zoned R-21, meaning that 21 dwelling units may be placed on an acre of land in the zone. **[Ex. F, Preliminary Zoning Review, at 50; Ex. J, Zoning Map, at 184-185]** Under the Santa Fe City Code, this zoning is to make available a variety of dwelling unit types to serve a wide range of household needs at medium- and high-density levels. **[SFCC § 14-4.2(H)]** The house at 515 Paseo de Peralta is the only structure on the .344-acre lot, which could hold up to seven dwelling units, consistently with the R-21 zoning. **[Ex. G, Revised Application, at 57]**

B. Historic District Standards

Special restrictions apply to proposed alterations of buildings with a significant or contributing status in a Historic District. **SFCC § 14-4.6(E)(1-2)**. Specifically, under SFCC § 14-4.6(E)(2)(II):

- a. Additions are not permitted to primary façades;
- b. All building additions shall be set back a minimum of 10 feet from the primary façade; and
- c. Building additions shall not exceed 50 percent of the square footage of the building's historic footprint, nor exceed 50 percent of the historic length of the primary façade.

Per SFCC § 14-4.6(E)(1)(III), for the purposes of this subsection, (E), all façades of a significant structure are considered primary façades. Per the Code, a “primary façade” is defined as, “One or more principal faces or elevations of a building with features that define the character of the building's architecture.” **[SFCC § 14-9.3]**

The new area of the addition, including a second floor, would total 3,470 square feet, with a first-floor footprint of 2,256 square feet. **[Ex. B, Findings, at 12; Ex. G, Revised Application, at 55-56]** Given the historic footprint of 2,776 square feet, the 2,256-square-foot expansion would be 81 percent of the historic footprint. **[Id.]** Also, since all façades of this significant structure are considered primary, the addition, which would connect to the north side, would attach to a primary façade. **[Ex. B, Findings, at 10-12]**

Another restriction in the Historic Districts is a prohibition against the removal of historic materials or “alteration of architectural features and spaces” that embody the status of a significant or contributing structure. **[SFCC § 14-4.6(E)(1)(I)]** The project applicant also proposes, on the south elevation of this house, to restore the set of stairs that was removed years ago from the west side of the portal, to remove and rebuild the deteriorating stairs at the west end, and to connect the three resulting stairways with a new landing that wraps from the south to the east elevation. **[Ex. G, Revised Application, at 55-56]**. This would result in the removal of historic material and an alteration of architectural features and spaces. **[Ex. B, Findings, at 10]** However, the Appellants made no issue about this alteration in its Appeal Petition.

Proposed additions or alterations that do not comply with Code restrictions for significant or contributing buildings are not entirely prohibited; the HDRB can permit them if the property owner or project applicant requests “exceptions” and meets the three criteria for exceptions described in the Code at SFCC § 14-4.6(D)(2)(II)(a-c). The applicant has the burden of “conclusively demonstrating” the exception criteria. **[SFCC Section 14-4.6(D)(2)(II)]** For this large addition on a primary façade, and for the reconstruction of the stairs and addition of a wrap-around landing, the Historic Preservation Staff (“HP Staff” or “Staff”) determined that the applicant had to conclusively demonstrate the criteria for three exceptions, for:

- Building an addition on a primary façade (or not set back a minimum of 10 feet from a primary façade), in violation of SFCC § 14-4.6(E)(2)(II)(a-b);
- Building an addition exceeding 50 percent of the square footage of the building’s historic footprint (or exceeding 50 percent of the historic length of the primary façade), in violation of SFCC § 14-4.6(E)(2)(II)(c); and
- Removing historic materials and altering architectural features and spaces that embody the status of a significant structure. **[Ex. B, Findings, at 10]**

Height standards for proposed buildings are found in the Historic Districts Code at SFCC § 14-4.6(F)(2)(II)(a), which reads, “If a proposed building has a parapet, the façade shall not exceed two feet of the average of the height of the façades in the streetscape.” In compliance with this formula, the Staff took the measurements of 11 other buildings within 600 feet along Paseo de Peralta and calculated the average, which is 23 feet. **[Ex. E, Height Calculation, at 45]** According to the project proposal submitted by DNCA Architects the proposed addition would stand 24 feet, which exceeds the height restriction for this streetscape by one foot. **[Ex. G, Revised Application, at 67]** However, the HP Staff determined that an exception for exceeding the height restriction would not be necessary because the building is on a steeply sloped lot **[Ex. D, Staff Memo, at 29]**, and the Board’s decision about the excessive height is controlled by SFCC § 14-4.6(F)(2)(II)(f), which reads:

“The HDRB 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 feet. In no case shall the height of a façade exceed four 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.”

II. PROCEDURAL HISTORY

A. Application and Revision

The property’s owners, Georges and Tina Feghali (the “Applicants”), and their architects have been planning this renovation for over a year. At the request of the Applicants, on August 12, 2025, the Board considered whether the significant status of the property should be sustained or downgraded; the Board voted to retain its significant status. **[Ex. B, Findings, at 10]**

However, the Board excluded the northwest addition, the original garage addition on the northeast, the detached, second garage and the shed from this designation, finding those four non-original additions to be non-contributing. **[Id., at 9]** See Case # 2025-10763-HDRB. On October 28, 2025, the Applicants asked the Board to approve the demolition of the two non-contributing additions, the two non-contributing detached garage and shed, a small yard wall and a retaining wall in the back. The Board approved demolition of these in Case # 2025-11354-HDRB. **[Id.]**

The Applicants first presented the proposal for the north-elevation addition and south-elevation reconfiguration of the stairs and landing to the Board for a hearing on April 14, 2026. **[Ex. B, Findings, at 9]** At that meeting the Board expressed concern that the addition would overwhelm the historic residence and become the most prominent structure there, and that the design of the addition was so similar to the original structure there would be no distinction between the two, which is discouraged by SFCC § 14-4.6(C)(1)(II). The Board voted to postpone its decision and appoint a Subcommittee to confer with the architects about adjustments to the project's design. **[Id.]** Chair Cecelia Rios appointed Board Members Mary Ellen Degnan and Joe Simmons to the Subcommittee. The architect for the Applicants provided renderings showing the project both before and after the Subcommittee's recommendations. **[Ex. I, Subcommittee Report, at 182-183]**

The application with revised architectural drafts was presented to the Board for hearing on May 26, 2026, where the Board voted unanimously among the five voting members to approve the revised project application. **[Ex. C, Minutes, at 5]**

B. Staff Recommendations

In its Staff Report, the Staff recommended the HDRB find that the Applicants had conclusively demonstrated the three exception criteria for each of the three required exceptions, and that the application be approved. **[Ex. D, Staff Report, at 28-35]** Based on supplemental materials provided by the project architect, the Staff offered these and other facts in support of the exception criteria that had to be conclusively demonstrated (with some facts that applied to more than one exception):

(i) Do not damage the character of the streetscape:

- The addition on the north side will be on the side of the house opposite the street and the living space that connects to the historic main house will be mostly at a location where an existing non-contributing addition will be demolished **[Id., at 32]**; and
- The primary mass of the addition will be set back 12 feet from the main house, the connecting wall on the most visible east elevation will be set back from the east elevation about seven feet, creating a visual separation from the historic house **[Id., at 32]**.

(ii) Prevent a hardship to the applicant or an injury to the public welfare:

- Considerable space on the north side of the historic house is occupied by deteriorated and largely unusable structures, and this project allows the removal of structurally unstable buildings and conversion of that space into habitable areas [**Id.**, at 34]; and

- Since this property is located in an R-21 zone, the occupation of the .34-acre lot by one, single-family structure is inconsistent with the density of the adjacent neighborhood, and the addition of a second living unit increases the occupancy of an otherwise underutilized lot [**Id.**, at 35].

(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:

- In dividing the main house into apartments, constructors caused damage to the floor joists and stem walls to accommodate HVAC and plumbing, and the addition creates living space to compensate for the loss of dwelling units while repairing the main residence and restoring it to its historic use [**Id.**, at 35].

C. Board Decision to Approve Application

On May 26, 2026, the HDRB held a public hearing about the application and request for exceptions. Six members of the Board participated in the hearing [**Ex. C, Minutes, at 16**], including Members Joe Simmons and Mary Ellen Degan, who comprised the Subcommittee appointed by the Board Apr. 14, 2025, to assist in the revision of the application. Heather Lamboy, City of Santa Fe Land Use Director, gave a history of the property, described the project application, and recommended that the HDRB approve the project and enter findings that the exception criteria had been conclusively demonstrated for each of the three exceptions. [**Id., at 17**] Architects Devendra N. Contractor and Rebecca Wood answered questions about the project proposal. Prior to the vote on the project, four members of the Board spoke favorably about the design. [**Id.**, at 18-19]

The Chair opened the floor to public comment. [**Id.**, at 19] Three speakers expressed approval for the application. Max Scoular (now an Appellant), who lives at 316 Otero St., said the addition would impair the view from his garden, and he requested that the Board enforce the 23-foot height requirement. [**Id.**, at 19] Member John Bienvenu inquired whether the Applicants would be willing to round the exterior corners of the addition. Mr. Contractor responded that he would use a standard “bullnose” for the stucco, which he believes would provide a corner radius of approximately 1.5 inches. [**Id.**, at 19]

Member John Bienvenu moved to approve the application, and to adopt the Staff’s recommended findings that the criteria for the three required exceptions had been met; that the additional one foot of height be granted within the Board’s discretion under SFCC § 14-4.6(F)(2)(II)(f); and that application be approved on the understanding that the corners of the new building will be rounded in the 1.5- to two-inch radius range. [**Id.**, at 20] Member Mary Ellen

Degnan seconded the motion, which then passed unanimously with five “yes” votes. **[Id., at 20]**

On September 22, 2026, the HDRB adopted written Findings of Fact and Conclusions of Law reflecting its decisions regarding the Property. **[Ex. B, Findings & Conclusions, at 9-15]**

III. APPEAL TO THE GOVERNING BODY

A. Applicable Code Sections

Under SFCC Section 14-2.1(B)(5)(IV)(b), an appeal of an HDRB decision may be filed for one or more of the following reasons:

- (a) To contest non-compliance of a final action with Chapter 14 or Sections 3-21-1 through 3-21-14 NMSA 1978 (the New Mexico zoning enabling act);
- (b) To contest the application of SFCC Chapter 14; or
- (c) To appeal a decision lacking substantial evidence to support it.

B. The Appellants’ Claims

In their Verified Appeal Petition (“Petition”), the Appellants complain that the HDRB failed to apply relevant provisions of the Land Use Code, SFCC Chapter 14. A summary of the errors the Appellants claim is:

1. Two-story additions to significant buildings are prohibited by the City Code, but the City Staff did not require the Applicant to demonstrate an exception:

The Appellant cited SFCC § 14-4.6(E)(2)(III)(a), which reads, “The maximum height of building additions to significant and landmark structures shall be at least six inches lower than the parapet or equivalent roof feature of the existing connecting adjacent façade.” At two stories, the Appellants argue, the addition is not six inches lower, but 10 feet higher than the significant building it adjoins. The HDRB cannot approve the two-story addition to 515 Paseo de Peralta without first requiring the Applicants to demonstrate the exception criteria for 14-4.6(E)(2)(III)(a). **[Ex. A, Appeal Petition, at 4]**

2. The required height should have been demonstrated for a 29-foot-high structure, not a 24-foot-high structure, but this was never required:

The Appellants claim the proposal is for a 29-foot-high structure, but was presented by the architects as only 24 feet high. A 29-foot-high structure cannot be approved without an exception from HDRB supporting a height variance, per SFCC § 14-4.6(D)(3), and would also require a variance from the Board of Adjustment, per SFCC § 14-4.6(D)(1). The architects’ measurement is from the first floor, ground level, which is inconsistent with the Code. SFCC § 4.6(F)(2)(III)(a) reads: “In historic districts, height shall be the vertical distance measured between the highest part of a structure and the existing grade or finished grade, whichever is more restrictive, at the midpoint of the

street-facing facade.” **[Ex. A, Appeal Petition, at 4]**

3. The exception to the rule prohibiting an addition exceeding 50 percent of the historic footprint was not conclusively demonstrated:

The Appellants argue that the two-story addition to this significant home more than triples its size, from 1,560 square feet to 5,030 square feet. SFCC § 14-4.6(E)(2)(II) (c) reads that building additions shall not exceed 50 percent of the square footage of the building’s historic footprint. Fifty percent of 1,560 square feet is 780 square feet, however, the footprint of the addition is 2,256, or 2.9 times the restriction set forth in the Code. The exception criteria were not scrutinized in the HDRB hearing other than in a passing reference to what the Applicants had submitted to the City Staff. Paseo de Peralta is the highest traffic street in the Downtown and Eastside Historic District, and the house at 515 Paseo de Peralta always will be highly visible. **[Ex. A, Appeal Petition, at 4-5]**

4. These alterations will result in a downgrade of this property’s status, which is prohibited by the Historic Districts Code:

The Appellants argue that the project proposes alterations that, in the aggregate, downgrade the property from significant to a lesser historic status. This violates the City Code. SFCC § 14-4.6(E)(1)(I) reads, “If a proposed alteration will cause a property to lose its significant, contributing, or landmark status, the application shall be denied.” Permitting an addition which exceeds the height of the original structure, attaches to a primary façade and exceeds 50 percent of the historic footprint treats this historic structure as if it were a contributing or non-contributing property, and should be denied. **[Ex. A, Appeal Petition, at 5]**

5. The HDRB approved a project that should have been denied due to setback violations:

515 Paseo de Peralta is zoned R-21 and achieves a narrow setback of five feet (instead of the required 15 feet) on its north side by being deemed a corner lot, where the cornering street is Loma Street. While the project takes advantage of Loma Street to achieve a narrow setback on the north side, the plans do not comply with required setbacks on the east side, facing Loma Street. SFCC § 14-7.1(F)(4)(a) reads, “A garage or carport with a vehicle entry facing the street shall be set back at least twenty (20) feet from the street property line.” The Applicants’ planned garage is eight feet from the property line with Loma Street, requiring a variance which has not been secured. **[Ex. A, Appeal Petition, at 6]**

C. Evidence and Law Supporting the Board’s Decision

The HDRB had evidence to support its decision to approve the application and to grant the exceptions the Applicants requested. The Minutes for this discussion clearly show an extensive discussion about this application. **[Ex. C, Minutes, at 17-20]** Further, the Board

heard Mr. Scoular's request that the height restriction be enforced without exception. **[Id., at 19]** Although the Board did not extensively discuss the exception criteria in the hearing, both the Applicants and the City Staff expended considerable effort on written explanations, presented to the Board, why they believed the Applicants conclusively demonstrated the exception criteria. **[Ex. D, Staff Report, at 29-35; Ex. G, Revised Application, at 51-56]** In its Findings of Fact and Conclusions of Law, the Board adopted specific statements showing the fulfillment of the various criteria for the exceptions sought for the north-elevation addition:

(i) Do not damage the character of the streetscape:

- The addition is at the rear of the structure, on the side opposite the street, it replaces non-contributing massings of the residence which have inconsistent architectural styles, and most of the original north façade will remain intact **[Ex. B, Findings, at 11-12]**; and
- The existing single-family structure is the only living unit on a .344-acre lot, in a neighborhood where the density is 21 units per acre, meaning that the lot is underutilized **[Ex. B, Findings, at 12]**.

(ii) Prevent a hardship to the applicant or an injury to the public welfare:

- The structural integrity of the existing shed, garage and rear retaining wall is compromised, and are unusable to the property owners **[Ex. B, Findings, at 12]**; and
- The garage and a shed with a combined 365 square feet of roofed area are structurally unsound and are approved for demolition, and the addition will replace the garage and shed and infill an area between the two structures **[Ex. B, Findings, at 12]**.

(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:

- Demolition has been approved for the structures and massings on the north part of the lot, to the rear of the residence, and for them to be replaced by an addition that does not connect to the house would limit the owners' use of the addition **[Ex. B, Findings, at 12]**; and
- The additional living space will allow the owners to age in place, and the second dwelling unit will create a space for tenants, consistent with the medium density of the neighborhood **[Ex. B, Findings, at 12-13]**.

It does not appear that the Appellants have an objection to the project element for reconstruction and recreation of the stairs and the creation of an extended stair landing on the south and east elevations. **[Ex. A, Appeal Petition, at 4-8]** Their objections are limited to the size and height of the addition to the north of the existing historic house, and the setback of the

garage from the street. **[Id.]**

Consistently with SFCC § 14-4.6(F)(2)(II)(f), cited at Section I(B), above, the Board made a finding that the height of the proposed addition exceeds by one foot the maximum allowable height for this streetscape, and that is a sloping site where the difference in the natural grade along the structure's foundation exceeds two feet. For this reason, no height exception was needed. The Board granted a one-foot increase in the allowable height of the addition, and found that the increase in height will be constructed in the form of a building setback from the street. **[Ex. B, Findings, at 13-14].**

D. Standard of Review

On appeal, the Governing Body should determine whether there is substantial evidence to support the HDRB designations. The Governing Body should independently apply the Code provisions described above to the facts of this case. *See Appendix* (relevant Code provisions).

VI. CONCLUSION

In considering the Appellant's appeal, the Governing Body must address the following questions:

1. Have the project Applicants conclusively demonstrated the exception criteria for an exception to the Historic Districts Code for an addition exceeding 50 percent of the historic footprint of a significant building?

If the answer is “**yes**,” deny the appeal with respect to this issue, and state the facts supporting the three criteria for this exception.

If the answer is “**no**,” grant the appeal with respect to this issue.

2. Have the project Applicants conclusively demonstrated the exception criteria for an exception to the Historic Districts Code for placing an addition on a significant building, where all façades are primary?

If the answer is “**yes**,” deny the appeal with respect to this issue, and state the facts supporting the three criteria for this exception.

If the answer is “**no**,” grant the appeal with respect to this issue.

3. Is this project application regulated by the City Code section (SFCC § 14-4.6(F)(2)(II)(f)), which permits the HDRB to approve an addition at a height exceeding the streetscape height restriction on a sloping site?

If the answer is “**yes**,” deny the appeal with respect to this issue.

If the answer is “**no**,” grant the appeal with respect to this issue, and remand the application to the HDRB to consider whether an exception can be found for the excess height.

(*The Appellants have not appealed the Board’s approval of the third exception, for removal of historic material and alteration of architectural features, which was required for construction of stairs and a wrap-around landing on the south and east elevations.)

V. MOTION OPTIONS

1. The City Attorney proposes two options for motions on the **first** question in this case:

Motion 1: I move to deny the appeal, on the grounds that the Applicants have conclusively demonstrated that they comply with the three criteria for an exception to build an addition exceeding 50 percent of the historic footprint of a significant building. The facts supporting the exception criteria are:

(a) The existing single-family structure is the only living unit on a .344-acre lot, in a neighborhood where the density is 21 units per acre, meaning that the lot is underutilized;

(b) The garage, shed and retaining wall between the two buildings are structurally unsound, approved for demolition, and the addition will replace the garage and shed, infill the area between the two buildings and replace the defective retaining wall; and

(c) The additional living space will allow the owners to age in place, and the addition will contain an accessory dwelling unit, consistent with the medium density of the neighborhood.

Motion 2: I move to grant the appeal, on the grounds that the Applicants have not conclusively demonstrated they comply with the three exception criteria to build an addition exceeding 50 percent of the historic footprint of a significant building.

2. The City Attorney proposes two options for motions on the **second** question in this case:

Motion 1: I move to deny the appeal, on the grounds that the Applicants have conclusively demonstrated that they comply with the three criteria for an exception to build an addition on a significant building, where all façades are primary. The facts supporting the exception criteria are:

(a) the addition is at the rear of the structure, on the side opposite the street, it replaces non-contributing units of the residence, and most of the original north façade will remain intact;

(b) the structural integrity of the existing shed, garage and rear retaining wall is compromised, and are unusable to the property owners; and

(c) demolition has been approved by the HDRB for the structures to the north of the residence, and for them to be replaced by an addition that does not connect to the house would limit the owners' use of the addition.

Motion 2: I move to grant the appeal, on the grounds that the Applicants have not conclusively demonstrated they comply with the three exception criteria to build an addition on a significant building, where all façades are primary.

3. There are two options for motions for the **third question in this case:**

Motion 1: I move to deny the appeal, on the grounds that this project application is regulated by SFCC § 14-4.6(F)(2)(II)(f), which permits the HDRB to approve an addition at a height exceeding the streetscape height restriction on a sloping site.

Motion 2: I move to grant the appeal, on the grounds that this project application is **not** regulated by SFCC § 14-4.6(F)(2)(II)(f), which permits the HDRB to approve an addition at a height exceeding the streetscape height restriction on a sloping site, and move to remand the application to the HDRB to consider whether an exception can be found for the excess height.

VI. LIST OF EXHIBITS

A	Verified Appeal Petition with attachment	July 8, 2026	pp. 1-8
B	HDRB Findings of Fact and Conclusions of Law	Sept. 22, 2026	pp. 9-15
C	Board Meeting Minutes	May 26, 2026	pp. 16-24
D	Historic Preservation Staff Report (or "Memo")	May 26, 2026	pp. 25-44
E	Streetscape Height Calculations		pp. 45-49
F	Historic Preliminary Zoning Review	March 2, 2026	p. 50
G	Revised Application (DNCA Architects)	May 21, 2026	pp. 51-76
	Cover Letter	May 21, 2026	pp. 51-57
	Site Plans and Elevation Drawings		pp. 57-73
	Roof, Windows & Materials Detail		pp. 73-76
H	Revised Application Excerpts (DNCA Architects)	March 16, 2026	pp. 77-176
	Cover Letter	March 16, 2026	pp. 77-80
	Appendix: Historic Photographs		pp. 81-85
	Window Assessment (RPA & Assoc LLC)	Jan. 19, 2026	pp. 86-124
	Structural Engineer's Report	May 20, 2025	pp. 125-130
	Historic Cultural Properties Inventory	June 30, 2025	pp. 131-176
I	HDRB Subcommittee Discussion Summary	May 1, 2026	pp. 177-183
J	City of Santa Fe Zoning Map (screenshot)		pp. 184-185

**APPENDIX:
EXCERPTS FROM SANTA FE CITY CODE**

§ 14-4.6 – Historic Districts

(A) General Provisions

(1) Purpose

In order to promote the economic, cultural, and general welfare of the people of Santa Fe and to ensure the harmonious, orderly, and efficient growth and development of the City, the Governing Body deems it essential to preserve the qualities relating to the history and culture of Santa Fe, maintain a harmonious outward appearance in order to preserve property values, and attract residents and tourists alike. The specific purposes of this section are to preserve qualities relating to the history of Santa Fe, such as the following:

- (a) The continued existence and preservation of historical areas and buildings;
- (b) The continued construction of buildings in Santa Fe's historic styles; and
- (c) General harmony as to style, form, color, height, proportion, texture, and material between buildings of historic design and those of more modern design.

...

(C) (3) Review by Historic Districts Review Board Required

- ...
- (II) The historic board shall judge any proposed alteration or new structure for harmony with adjacent building, preservation of historical and characteristic qualities, and conformity to the standards for architectural style set forth in this section.

(D) Exceptions

- ...
- (2) Design Standards**
- (II) Approval Criteria: In order to approve an exception, the HDRB shall make findings of fact that the applicant conclusively demonstrated that requested exceptions comply with all the criteria listed as follows:
- a. Do not damage the character of the streetscape;
 - b. Prevent a hardship to the applicant or an injury to the public welfare; and
 - c. 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.

...

(E) General Design Standards for All Historic Districts

These standards shall apply to all additions or alterations to existing structures in the Historic Districts. Contributing, significant and landmark structures may be subject to specific additional restrictions, and district-specific standards in Section 14-4.6(G).

(I) General

(I) The historic status of a property with a historic status designation of significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a property 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 is prohibited.

(II) If a proposed alteration or new construction will cause an adjacent property to lose its significant, contributing, or landmark status, the application may be denied.

(III) For the purposes of the regulations of this subsection, all façades of a significant structure are primary façades.

(2) Building Additions

(I) Design

(a) Building additions that meet the standards of Section 14-4.6(G)(2), Downtown and Eastside Historic District, shall continue to meet those standards, in addition to the standards set forth in this section.

(b) Building additions shall have similar materials, architectural treatments and styles, features, and details as the existing structure, but shall be distinguishable from and not attempt to duplicate the existing structure.

(II) Size and Location

(a) Building additions are not permitted to primary facades.

(b) All building additions shall be set back a minimum of ten feet from the primary façade.

(c) Building additions shall not exceed 50 percent of the square footage of the building's historic footprint and shall not exceed 50 percent of the historic length in linear feet of the primary façade.

(d) To the extent architecturally practicable, new building additions shall be attached to any existing non-primary façade of a structure rather than attaching them to the primary façade of a structure.

(III) Height

(a) The maximum height of building additions to significant and landmark structures shall be at least six inches lower than the parapet or equivalent roof feature of the existing adjacent connecting façade.

(b) Building additions to 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 50 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.

...

(F) Height, Pitch, Scale, Massing and Floor Stepbacks

The height, pitch, scale, and massing of any structure in a historic district, as defined in this section, shall be limited as provided for in this section, unless further restricted elsewhere within this chapter.

(2) Height

...

(II) Height Limitations:

...

(f) The HDRB 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 feet. In no case shall the height of a façade exceed four 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.

(III) Height Measurement:

(a) In historic districts, height shall be the vertical distance measured between the highest part of a structure and the existing grade or finished grade, whichever is more restrictive, at the midpoint of the street facing façade, excluding rooftop appurtenances, the increased height of walls or fences over pedestrian and vehicular openings, and gates (either in opened or closed position).

§ 14-9.3 – Definitions

CONTRIBUTING STRUCTURE

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.

FOOTPRINT

The configuration of the area of ground covered by a structure, including all its parts.

NON-CONTRIBUTING STRUCTURE

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.

PRIMARY FAÇADE

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

SIGNIFICANT STRUCTURE

A structure located in a historic district that is approximately 50 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 for its association with events or persons that are important on a local, regional, national or global level; or 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.

STREETSCAPE

The visual character of a street or section of a street as defined by topography; the pattern of structures and open space; building and wall setbacks; street design; architectural design; and heights, widths and proportions of structures, fixtures and graphics.