



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 # 2026-12102-APPL of Case # 2026-11903-HDRB.** Property Owner Claudia L. Quan, DDS, Appeals the Historic Districts Review Board's March 10, 2026, Decision Denying a Request for an Exception to Build a Mixed-Use Structure to a Height of 24 Feet Where the Maximum Allowable Height is 14'1" at 911 Roybal St. in the Westside-Guadalupe Historic District.

Date: July 22, 2026, for the July 29, 2026, Governing Body meeting

The property owner, Claudia L. Quan, has filed an Appeal challenging a decision by the Historic Districts Review Board ("HDRB" or "Board") denying her application for construction of a combined clinic/residence to a height of 24 feet where the applicable height restriction is 14'1". The property is a vacant lot at 911 Roybal St. in the Westside-Guadalupe Historic District, at the intersection of Roybal Street and St. Francis Drive. To approve the application, the HDRB would have to approve an exception to the height restrictions in the Historic Districts Code, Santa Fe City Code ("SFCC") 14-4.6(F). In a public meeting March 10, 2026, the HDRB voted to deny the Appellant's request for this exception and to deny the application. The Appellant appeals the HDRB's denial of her application.

The Historic Districts Code restricts the height of structures in all five of Santa Fe's Historic Districts. **[Santa Fe City Code ("SFCC") Sections 14-4.6(F)]** The Historic Districts Code permits exceptions to the Historic Districts standards **[SFCC Section 14-4.6(D)]**, including exceptions to the height restrictions, and the Appellant (the "Applicant" in the HDRB hearing) asked the Board to grant an exception. The six exception criteria require the HDRB to consider broad objectives such as the character of the streetscape, special conditions peculiar to the land, and the preservation of the City's historic areas. **[SFCC Section 14-4.6(D)(3)(II)]**

The property owner is a dentist with two children, ages 8 and 1, and relies on her mother and stepfather for child care while she works. In her application, she proposed for her dental office to occupy the ground floor of this mixed-use structure while her mother and stepfather live

in the upstairs residence and care for her children there. [Ex. C, Excerpts from Minutes, at 41-42] The HDRB had no objection to the architectural style, two-story design or mixed-use classification of the proposed structure, rather the Board found that the Applicant did not conclusively demonstrate the exception criteria for the 24-foot height of the structure, which exceeded the average height of the façades on that streetscape by almost 10 feet. [Ex. C, Minutes, at 32-33; Ex. E, Applicant Submission, p.57] The Appellant claims the HDRB did not apply the height exception criteria correctly, and that the denial was not supported by sufficient evidence. [Ex. A, Verified Appeal Petition (“Petition”), at 6]

In this “de novo” appeal, the Governing Body may uphold or reverse the HDRB’s decision to deny the application and the exception. [SFCC Section 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 History

This property is zoned C-4. Under the Santa Fe City Code, this zoning is to maintain the residential character of the area, where the scale and intensity of non-residential uses will not generate heavy vehicular traffic. [SFCC Section 14-3.3(D)(3)] The C-4 district serves as a transitional buffer area between heavily trafficked roads and the adjoining residential districts. A single-story residence with freestanding garage had occupied that lot since 1945, but went unoccupied for years, and by 2016 it had deteriorated to the point it was uninhabitable. [Ex. J, Demolition Application, at 141] The Appellant’s mother, Adalucia Quan, acquired the property and applied to the HDRB for approval to demolish those structures. In 2016 in Case # H-16-030 the HDRB approved the demolition. After the demolition Adalucia Quan deeded the property to her daughter, the Appellant Dr. Quan.

In 2017, Dr. Claudia Quan submitted an application to build a mixed-use structure similar to that for which this appeal is sought. The architectural drafts for the 2017 application showed a two-story office/residence with a 1,661-square-foot ground floor dentist’s clinic and a 441-square-foot upper floor residence. [Ex. G, 2017 Staff Report, at 118] The proposed height of that building was 23’10”, so the Applicant requested an exception to the height restriction in the Historic Districts Code (the same height restriction that is in place today, although the Code has been reorganized). [Ex. G, 2017 Staff Report, at 90-93]

In the HDRB hearing for that application on February 14, 2017, the vote tied 3-3, and Board Chair Cecelia Rios cast a tie-breaker vote in favor of the application, which passed by a vote of 4-3. [Ex. I, 2017 Board Meeting Minutes, at 136] However, to reduce the prominence of the two-story façade, facing St. Francis Drive as it was proposed, the Applicant agreed to reverse the floor plan so that the two-story elevation would be on the east side of the building, away from St. Francis Drive. [Ex. H, 2017 Board Action Letter, at 122] The Board Action Letter for that project read that new drawings, showing the second story on the east side of the

property, had to be submitted to the Land Use Staff before a construction permit would be issued. **[Ex. H, 2017 Board Action Letter, at 122]**

The project approved by the HDRB in 2017 was never started. In his 2026 letter in support of the new application, Architect Jay Jay Shapiro wrote that following the death of Dr. Quan's father and the disruptions caused by the COVID pandemic, the originally approved project was placed on hold. **[Ex. A, Petition, at 5; Ex. E, Applicant Submission, p.57]** Under the Santa Fe City Code, an approval for any proposed development in the City expires three years after a Land Use Board grants it, unless actual, substantive development of the site has begun and progresses without a delay of three years or more. **[SFCC Section 14-2.1(B)(5)(VI)]**

B. Historic District Standards

Height standards for proposed buildings are found in the Historic Districts Code at SFCC Section 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." The "streetscape" for a structure that has frontage on more than one street, as this lot does, the streetscape includes all buildings up to and including those which front the intersection or intrusion for a distance of 600 feet. **[SFCC Section 14-4.6(F)(1)(III)(b-c)]**

In compliance with this formula, the Staff took the measurements of 14 other buildings within 600 feet along the St. Francis Drive and Roybal Street streetscapes and calculated the average, which was 12 feet 1 inch. **[Ex. G, 2017 Staff Report, at 95]** Adding two feet to the calculation, as permitted by SFCC Section 14-4.6(F)(2)(II)(a), for a flat-roofed, parapeted building such as this one, the height restriction for this lot is 14'1". (These measurements predated Dr. Quan's 2017 application, but have not changed since then. Both the 2017 application and the 2026 application are for flat-roofed structures with parapets.)

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 six criteria described in the Code at SFCC Section 14-4.6(D)(3)(II). The applicant has the burden of "conclusively demonstrating" the exception criteria. **[SFCC Section 14-4.6(D)(3)(II)]**

II. PROCEDURAL HISTORY

A. 2026 Application

In February, 2026, Jay Jay Shapiro, the architect who designed the building approved in 2017, submitted to the Land Use Staff a proposal letter, site plan, floor plans and elevation drawings for another combination clinic/residence at 911 Roybal St. **[Ex. E, Applicant Submission, at 57-87]** There were some differences from the proposal Mr. Shapiro submitted in 2017. This new proposal expanded the ground floor area from 1,661 square feet to 1,904 square feet, and more than doubled the size of the second floor, from 441 square feet to 892 square feet. **[Ex. E, Applicant Submission, at 62; Ex. G, 2017 Staff Report, at 118]** Also, the

architectural drafts showed the elevation with the second floor on the west side of the structure, facing St. Francis Drive, not on the east elevation as the HDRB had required when it approved the 2017 proposal. **[Ex. E, Applicant Submission, at 68-69]**

Mr. Shapiro planned the height of the newly proposed structure to be 24 feet, exceeding the 14'1" height restriction for that property by 9 feet 11 inches. **[Ex. E, Applicant Submission, at 84]** As he did in 2017, Mr. Shapiro requested an exception to the height restriction, and explained why he believed his proposed building fulfilled the six criteria listed at SFCC Section 14-4.6(D)(3)(II) for an exception to the Height, Pitch, Scale, Massing and Floor Stepback standards.

B. Staff Recommendations

In its Staff Report, the Staff recommended the HDRB find that the Applicant had conclusively demonstrated the six exception criteria to the height restriction, and that the application be approved. **[Ex. D, Staff Report, at 46-48]** The Staff asserted these bases for the six exception criteria (summarized), which drew language from Mr. Shapiro's application letter **[Ex. D, Staff Report, at 46-48; Ex. E, Applicant Submission, at 84-87]**:

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

The immediate vicinity of 911 Roybal St. includes multiple two-story buildings that are visible from the public right-of-way along Roybal Street and St. Francis Drive, establishing an existing streetscape with limited two-story massings. The proposed building has been designed with articulated massing and varied parapet heights to reduce perceived bulk and maintain a pedestrian-scale streetscape.

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

The physical characteristics of the site and applicable development standards limit the amount of usable floor area that can be accommodated on a single level. Required setbacks, lot configuration, and buildable area constraints significantly restrict the ground-floor footprint available for development.

(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:

The proposed building draws from traditional massing, materials, and proportions while avoiding direct imitation of adjacent structures. The inclusion of a limited second-floor supports a mixed-use, live-work configuration consistent with historic development patterns in Santa Fe.

(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:

The site is a corner lot with frontage on both Roybal Street and St. Francis Drive, resulting in increased visibility, multiple street-facing elevations, and reduced flexibility in building placement and massing. These combined conditions limit the available buildable area on the ground floor and necessitate a carefully managed vertical solution to accommodate permitted uses.

(v) Are due to special conditions and circumstances which are not a result of the actions of the applicant:

The request for a height exception arises from pre-existing conditions associated with the site, including its size, configuration, zoning designation, and required development standards. The proposed second floor represents a measured response to existing site constraints rather than a condition created by the applicant.

(vi) Provide the least negative impact with respect to the purpose of the Historic Districts Code, as set forth elsewhere in the Code (Section 14-4.6(A)(1)):

The proposed design provides the least negative impact by carefully limiting and articulating the second-floor massing to reduce its visual prominence along St. Francis Drive and Roybal Street. Exterior materials, finishes, and lighting are consistent with established architectural patterns within the Westside Guadalupe Historic District, further minimizing visual impact.

In articulating these recommended findings, the Staff Report in three places (for criteria (ii), (iv) and (v)) noted that the same exception was granted for the application the property owner submitted in 2017. **[Ex. D, Staff Report, at 46-48]**

C. Board Decision to Deny Application

On March 10, 2026, the HDRB held a public hearing about the application and request for an exception. Dr. Claudia Quan and her mother, Adalucia, were present with the Architect Jay Jay Shapiro. **[Ex. C, Minutes, at 41]** Six members of the Board were present for the hearing. Amanda Romero of the Historic Preservation Staff gave a history of the property, described the project application, and recommended that the HDRB approve the project and enter findings that the six exception criteria had been met. **[Ex. C, Minutes, at 41]** She showed photos, provided by the Applicant, of nearby two-story properties. Adalucia Quan, the owner's mother, said she and her husband had given the land to their daughter nine years earlier, and Dr. Quan's wanted to relocate her dental practice there. She said the lot has been vacant for nine years, and her family wished to build an attractive building on it, which will be well maintained and not abandoned at night, since she would reside in the building. **[Ex. C, Minutes, at 42]**

HDRB Member John Bienvenu expressed concern that the project was large for the streetscape, and that the height of the proposed structure, at 24 feet, was almost double the allowed height of 14 feet 1 inch. He noted that the Staff in the 2017 hearing on the earlier

project proposal had recommended a finding that the exception criteria had not been met and that the project be denied. **[Ex. C, Minutes, at 42]** Board Chair Cecelia Rios asked what the interior ceiling heights were, to which Mr. Shapiro replied that there would be nine-foot ceiling heights on both the first and second floors. **[Ex. C, Minutes, at 42]**

During the time allotted for public comment, the neighbor immediately to the north of the lot, Alicia Searle, 111 S. St. Francis Dr., said her house, in comparison to the proposed building, is quite small – 900 square feet – and the proposed structure would be a “major change” for the neighborhood. **[YouTube, <https://www.youtube.com/watch?v=pFygawZb1vI> at 2:19; Ex. C, Minutes, at 42]** She said the 24-foot north wall of the proposed building would effectively become the south wall of her property, and she would not see anything but that wall from her house. Eric Ytuarte, who said he installed the site poles, noted that the home directly east of the property is two stories, and the proposed building will be 12 feet from the wall separating it from 111 S. St. Francis Dr., rather than right up against it, and the wall is already taller than Ms. Searle’s home. **[Ex. C, Minutes, at 43]**

Three other members of the public addressed the Board. Two expressed their opinion that this proposed structure, having a modern appearance and being exceptionally tall, did not belong in this Historic District and in close proximity to smaller, one-story houses. **[Ex. C, Minutes, at 42-43]** One noted that Dr. Quan and her mother live on West San Francisco Street, in close proximity to the site, and there is no hardship, as the exception criteria requires, that compels the construction of a living unit at this location. The third commentator supported the project application, describing it as a beautiful use of a property that celebrates a historic family. **[Ex. C, Minutes, at 43; YouTube, at 2:27]**

Member Jennifer Biedscheid moved to approve the project, but her motion died for lack of a second. **[Ex. C, Minutes, at 43; YouTube, at 2:28]**

Member John Bienvenu moved to deny the application, and to deny the height exception the Applicant sought. **[Ex. C, Minutes, at 43]** Bienvenu said the exception criteria for the additional height beyond the applicable restriction had not been demonstrated:

- The height of the proposed structure exceeds by more than 70 percent what is allowed, which would damage the character of this Historic District, which is intended to be historical and residential;
- The additional height is not required to prevent a hardship to the Applicant or an injury to the public welfare that could not be addressed by other means;
- The requested height does not strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside in the Historic Districts;
- The requested addition in height is not necessary due to conditions and circumstances peculiar to the land which are not applicable to other lands or structures in

the related streetscape;

- It has not been established that the excessive height is necessary due to special conditions and circumstances which are not a result of the actions of the Applicant; and
- It has not been satisfied that the additional height would have the least negative impact with respect to the purposes of this applicable section of the Code. **[Ex. C, Minutes, at 43; YouTube, at 2:30]**

Member Mary Ellen Degnan seconded the motion. Two Board members voted “yes” on Bienvenu’s motion (to deny the project), two voted “no,” and one member abstained. The chair only has a vote in the event of a tie **[City Resolution # 2009-20, Art. 11, § 2(B)]**, and, given the 2-2 vote, Board Chair Cecelia Rios voted “yes” on the Motion. **[Ex. C, Minutes, at 43]** Member Bienvenu’s motion passed by a vote of 3-2. Chair Rios said that after seeing the “story poles” on the property during site visits earlier in the day, this project looked “awfully high” and would overpower the other buildings in the vicinity. She asked Mr. Shapiro to consider revising the application to reduce the height of the building, and resubmitting it to the Board. **[Ex. C, Minutes, at 43; YouTube, at 2:33]**

On July 28, 2026, the HDRB adopted written Findings of Fact and Conclusions of Law reflecting its decisions regarding the Property. **[Ex. B, Findings & Conclusions, at 36-39]**

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 her Verified Appeal Petition (“Petition”), the Appellant claims the HDRB misapplied the applicable provisions of the Land Use Code, SFCC Chapter 14, controlling height exceptions, and made a decision that was not supported by substantial evidence in the record. **[Ex. A, Petition, at 11]** She claims, among other arguments:

1. The Board misapplied the height exception criteria: Among other arguments, the Appellant pleaded that there are multiple two-story buildings within the immediate vicinity of the project site. She wrote that these structures are visible from the public right of way and establish an existing pattern of two-story development within the streetscape. A hardship to her is created because a mixed-use configuration, with a dental clinic and a residential unit, cannot

reasonably be accommodated within the limited buildable footprint due to required setbacks, parking requirements and site constraints. The two-story vertical massing carries the least negative impact, considering that a single-story alternative with all the necessary features would require a substantially larger building footprint, greater site coverage and a reduction of open space. **[Ex. A, Petition, at 12-13]**

2. Lack of substantial evidence supporting the denial: The Appellant notes that the Historic Preservation Staff Member who wrote the Staff Report recommended approval of the project, and determined that the required height exception criteria were satisfied. The Appellant prepared and submitted a photo exhibit package showing nearby two-story buildings at 901 Roybal St., 208 Ambrosio St. and 109 S. St. Francis Dr., and attested that the scale of her proposed building is consistent with the neighborhood pattern. **[Ex. A, Petition, at 14]**

3. Site constraints justify the requested height exception: The functional requirements of a dental clinic include operatories, sterilization areas, imaging equipment, reception areas and patient waiting space. Parking for the dentist, patients and staff occupy a substantial portion of the site and limits the available building footprint. **[Ex. A, Petition, at 15]**

4. Consistency with a previously approved development: The HDRB approved a height exception for a similar development concept in an earlier application (Case # H-16-030). The Appellant argues the prior approval demonstrates the site already has been determined to be appropriate for a mixed-use structure of similar scale. **[Ex. A, Petition, at 15]**

5. Redevelopment of a vacant parcel: The Appellant urges the Governing Body to consider that the project will transform a vacant and underutilized parcel into a productive asset. Development of the site will generate tax revenue, provide employment opportunities and deliver neighborhood-based dental and other cosmetic services. The placement of a residential unit in conjunction with the dental clinic will ensure that the property remains occupied and monitored outside business hours, enhancing neighborhood safety. **[Ex. A, Petition, at 17]**

C. Evidence and Law Supporting the Board's Decision

The HDRB had evidence to support its decision to deny the application and to deny the exception the Appellant requested. The Board spent 45 minutes on this hearing, there are three pages of Minutes for this discussion and Board's decision, and it is clear that the Board gave the Appellant and her Architect, Mr. Shapiro ample opportunity to offer evidence and to answer all the Board's questions. **[Ex. C, Minutes, at 41-43; YouTube, at 1:49-2:35]**

In response to the arguments made by the Appellant in her Verified Appeal Petition, the Governing Body may consider, with respect to each of the Appellant's arguments, the following:

The height restrictions in the Historic Districts Code are quite specific, and the HDRB is compelled to apply them literally. The Applicant is not simply permitted to build a structure as high as the highest existing structure in the "immediate vicinity," rather the height restriction 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.” [SFCC Section 14-4.6(F)(2)(II)(a)] This proposed building is a flat-roofed, parapeted structure; other restrictions apply to buildings with pitched roofs, yard walls, fences and signs **[SFCC Section 14-4.6(F)(2) (II)(b-e)]**, and there can be no mistake that this proposal is controlled by Subsection (a) of SFCC Section 14-4.6(F)(2)(II), which is specific to buildings with parapets.

The height of structures on the streetscape was calculated according to this formula when the Appellant submitted the previous application for this property in 2017, and this was presented to the Board as an attachment to the Staff Memo when the Appellant applied for the project in 2026. **[Ex. G, 2017 Staff Report, p.95]** The Staff took the measurements of the 14 other buildings within the streetscape, calculated their average height, as the Code requires, and arrived at 12’1”. **[Ex. G, 2017 Staff Report, p.95]** Adding the discretionary extra two feet permitted by SFCC Section 14-4.6(F)(2)(II)(a), a new building on this streetscape is limited to 14’1”, unless the property owner can conclusively demonstrate compliance with the exception criteria. Nothing creates an automatic allowance for a building as high as any other building nearby.

Contrary to the Appellant’s claim that two-story structures are typical on this streetscape – or, more broadly, in this “vicinity” – two-story structures are far outnumbered by one-story, low, single-family residences. Of the 14 buildings in the streetscape calculation, none of them are two-story structures, and the tallest building in the height calculation is 14’9”. **[Ex. G, 2017 Staff Report, p.95]** The term “streetscape” is clearly defined according to the placement of a house on the street where it has frontage. **[SFCC Section 14-4.6(F)(1)(III)(a-f)]** Since 911 Roybal St. is on a corner, it has frontage on two streets, and its streetscape is defined as: “If the streetscape is truncated by an intersecting block or a visual intrusion, such as a curve or turn in the streetscape, before the 600 feet is measured, the streetscape shall include all buildings, yard walls, or fences up to and including those which front the intersection or intrusion.” **[SFCC Section 14-4.6(F)(1)(III)(b)]** Also applicable is SFCC Section 14-4.6(F)(1)(III)(c), which applies to properties with frontage on more than one street, but it refers to the definition and diagram (Figure 4.6-1) set forth in Subsection (b), which immediately precedes it.

Also bearing on the height calculation are the Streetscape Standards, found at SFCC Section 14-4.6(F)(II). Subsection (b) of 14-4.6(F)(II) reads:

“When determining streetscape, the following structure types shall be excluded: institutional structures, buildings originally constructed to house a hotel, *multi-unit residential*, *buildings with non-historic multiple stories*, *non-historic pitched roof*, auxiliary outbuildings such as sheds, existing structures approved by way of a variance or exception, and yard walls and fences whose height is inconsistent with the predominant height of yard walls and fences on an applicable streetscape.” **[SFCC Section 14-4.6(F)(II)(b)]**

Applying this definition, none of the three two-story buildings for which the Appellant provides photos are included in the streetscape calculation. The building at 109 S. St. Francis Dr. is a fourplex, multi-unit residential structure, as attested by Ms. Searle. **[YouTube, at 2:19]** The

house at 901 Roybal St. has a non-historic second story, and is excluded from the streetscape by SFCC Section 14-4.6(F)(II)(b). The house at 208 Ambrosio St. does not have frontage on the intersection of St. Francis and Roybal, and is excluded from the streetscape calculation by SFCC Section 14-4.6(F)(1)(III)(b).

It is unknown whether the two-story structures were fully permitted, or whether some exception or variance was applied at the time they were built, but the law is well-settled that when there are non-conforming properties in the vicinity of other structures that do not comply with the City Code, it is no justification for violating an ordinance that others have been permitted to violate it. *City of Santa Fe v. Gamble-Skogmo, Inc.*, 1964-NMSC-016, ¶ 24, 73 N.M. 410, 389 P.2d 13 (1964); *Kansas City v. Wilhoit*, 237 S.W.2d 919, 924 (Kan.App. 1951).

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 question:

Has the Appellant conclusively demonstrated that her project complies with the six criteria for an exception to the Historic District height restriction?

If the answer is “**no**,” deny the appeal.

If the answer is “**yes**,” state the facts supporting each of the six criteria.

V. MOTION OPTIONS

There are two options for motions in this case:

Motion 1: I move to deny the appeal, on the grounds that the proposed 24-foot structure is non-conforming to the Historic District height standard for that streetscape and the Appellant has not conclusively demonstrated that it complies with the six criteria for an exception to that standard.

Motion 2: I move to grant the appeal, on the grounds that, although the proposed 24-foot structure is non-conforming to the Historic District height standard for that streetscape, the Appellant has conclusively demonstrated it complies with the six exception criteria. The facts supporting the exception criteria are (state (a) through (f)):

(a) Does not damage the character of the streetscape;

- (b) Prevents a hardship to the applicant or an injury to the public welfare;
- (c) Strengthens 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;
- (d) 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;
- (e) Are due to special conditions and circumstances which are not a result of the actions of the applicant; and
- (f) Provides the least negative impact with respect to the purposes of the Historic Districts Code (see SFCC Section 14-4.6(A)(1), below).

VI. LIST OF EXHIBITS

A	Verified Appeal Petition and Appellant's Exhibits	March 20, 2026	pp. 1-35
B	HDRB Findings of Fact and Conclusions of Law	July 28, 2026	pp. 36-39
C	Excerpts from Board Meeting Minutes	March 10, 2026	pp. 40-43
D	Historic Preservation Staff Report	March 10, 2026	pp. 44-56
E	Applicant Submission (2026)	Feb. 4, 2026	pp. 57-87
	Site Plans and Elevation Drawings		pp. 64-69
	Applicant's Responses to Exception Criteria		pp. 84-87
F	Preliminary Zoning Review	Nov. 20, 2025	p. 88
G	HP Staff Report (2017 Application)	Feb. 14, 2017	pp. 89-121
	Applicant's Submission	Jan. 12, 2017	pp. 96-121
	Site Plans and Elevation Drawings	Jan. 4, 2017	pp. 118-121
H	Board Action Letter (2017 Application)	Feb. 14, 2017	p. 122
I	Board Meeting Minutes (2017 Application)	Feb. 14, 2017	pp. 123-136
J	Demolition Application (2016)	May 10, 2016	pp. 137-180

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

...

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

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;
- 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;
- d. 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;
- e. Are due to special conditions and circumstances which are not a result of the actions of the applicant; and
- f. Provide the least negative impact with respect to the Purpose of this section as set forth in Section 14-4.6(A)(1).

...

(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.

(1) Applicability: The following sections identify specific areas and specific projects subject to this section. The Planning and Land Use Director shall determine whether or not properties are included within this section.

- (I) Specific Areas: The height limitations in this subsection F apply:
 - a. Within the following historic districts:

1. Downtown and Eastside;
2. Don Gaspar;
3. Historic Transition; and
4. Westside-Guadalupe.

...

(II) Streetscape Standards

...

(b) When determining streetscape, the following structure types shall be excluded: institutional structures, buildings originally constructed to house a hotel, multi-unit residential, buildings with non-historic multiple stories, non-historic pitched roof, auxiliary outbuildings such as sheds, existing structures approved by way of a variance or exception, and yard walls and fences whose height is inconsistent with the predominant height of yard walls and fences on an applicable streetscape.

...

(III) Project Location: Planning and Land Use Department staff shall determine the applicability of this section to individual projects and the applicable streetscape as follows:

...

(a) If the project is located on a street that extends linearly with no interruptions or truncations, the streetscape shall include buildings, yard walls, and fences on both sides of the street on which the proposed building, yard wall, or fence is to be located, for a distance of 600 feet measured from the midpoint of the street-facing façade(s) of the proposed building, yard wall, or fence in both directions parallel to the street centerline. See Figure 4.6-2.

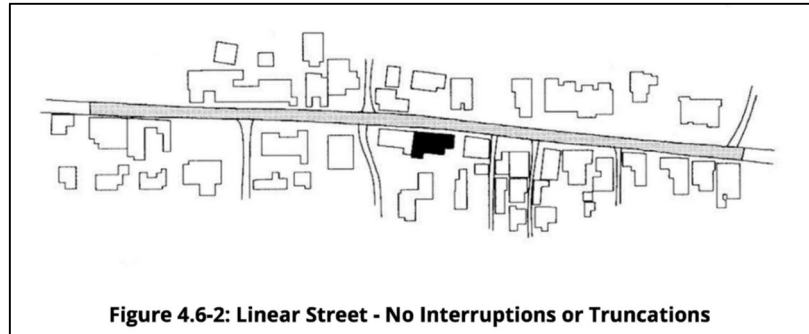
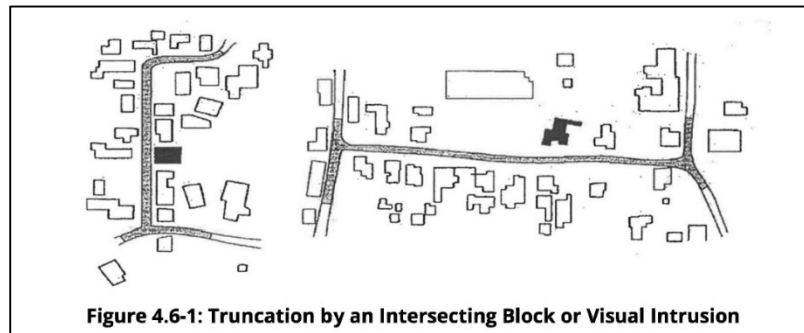
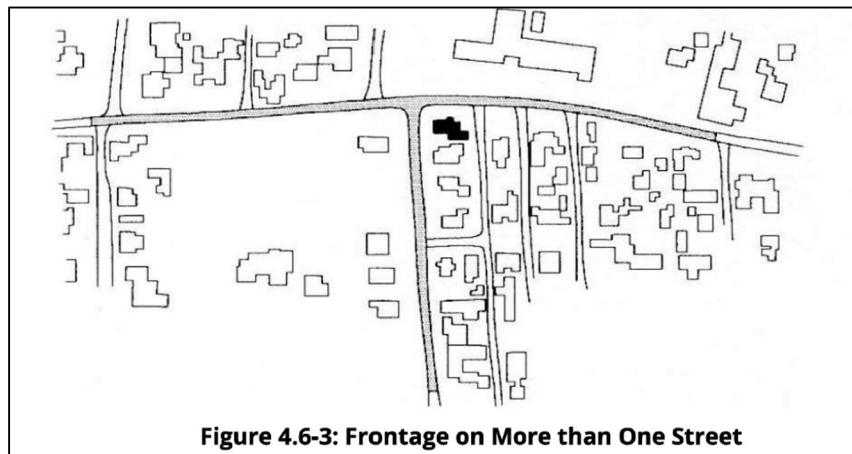


Figure 4.6-2: Linear Street - No Interruptions or Truncations

(b) If the streetscape is truncated by an intersecting block or a visual intrusion such as a curve or turn in the streetscape before the 600 feet is measured, the streetscape shall include all buildings, yard walls, or fences up to and including those which front the intersection or intrusion. See Figure 4.6-1.



(c) If the proposed building, yard wall, or fence fronts more than one street, the streetscape on each street frontage as determined in provision 1 above in this subsection above shall be considered. See Figure 4.6-3.



(2) Height

...
(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

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.