

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

Appeal # 2026-12102-APPL

Appellant's Name – Claudia L. Quan, DDS

Agents' Names – Tom Jasper and Eric Ytuarte

Address – 911 Roybal St.

THIS MATTER came before the City of Santa Fe Governing Body for a public hearing on July 29, 2026, to consider the appeal of Claudia L. Quan, DDS (“Applicant” or “Appellant”) from the decision of the City’s Historic Districts Review Board (“Board”) in Case # 2026-11903-HDRB. In a hearing March 10, 2026, the Board denied a project application to construct a two-story combination dental clinic and residence at 911 Roybal St. in the Westside-Guadalupe Historic District. The Appellant asked the Governing Body to reverse the Board’s decision and approve the proposed structure.

I. RECORD ON APPEAL

The Record on Appeal included the following documents:

1. Memorandum dated July 22, 2026, for the July 29, 2026, Governing Body Meeting, from Frank Ruybalid, Assistant City Attorney;
2. Exhibit A, Verified Appeal Petition and Appellant’s Exhibits, filed March 20, 2026;
3. Exhibit B, HDRB Findings of Fact and Conclusions of Law, approved July 28, 2026;
4. Exhibit C, Excerpts from Board Meeting Minutes of the March 10, 2026, Board meeting;
5. Exhibit D, Historic Preservation Staff Report, dated March 10, 2026;
6. Exhibit E, Applicant’s Submission (2026), dated Feb. 4, 2026;
 - (1) Site Plans and Elevation Drawings
 - (2) Applicant’s Responses to Exception Criteria
7. Exhibit F, Preliminary Zoning Review, dated Nov. 20, 2025;
8. Exhibit G, HP Staff Report (2017 Application), dated Feb. 14, 2017;
 - (1) Applicant’s Submission, dated Jan. 12, 2017
 - (2) Site Plans and Elevation Drawings, dated Jan. 4, 2017
9. Exhibit H, Board Action Letter (2017 Application), dated Feb. 14, 2017;
10. Exhibit I, Board Meeting Minutes (2017 Application), dated Feb. 14, 2017; and
11. Exhibit J, Demolition Application (2016), dated May 10, 2016.

II. FINDINGS OF FACT

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

A. Proceedings before the Governing Body Appeal

1. The Historic Preservation 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 evaluated the factors relevant to the application.

2. In the project application, the Applicant request an exception to Santa Fe City Code 1987, Section (“SFCC §”) 14-4.6(F)(2)(II)(a), to exceed the allowable height. The proposed structure, to be built on a vacant lot, is planned to be 24 feet high, and the height restriction on that streetscape is 14 feet 1 inch.
3. The HP Staff recommended to the Board that the project application be approved, and recommended a finding that the Applicant had conclusively demonstrated the exception criteria for exceeding the SFCC § 14-4.6(F)(2)(II)(a) streetscape height restriction, in accordance with SFCC § 14-4.6(D)(3)(II)(a-f), Exceptions for Height, Pitch, Scale, Massing and Floor Stepbacks, Approval Criteria.
4. The Staff recommended approval of the other design elements of the application, as they comply with SFCC §§ 14-4.6(E), General Design Standards for all Historic Districts, and 14-4.6(G)(5), Westside-Guadalupe Historic District standards
5. At a public hearing March 10, 2026, the Board heard presentations by the Land Use Staff, the Applicant Dr. Quan, the project architect Jay Jay Shapiro, and the Applicant’s mother Adalucia Quan. The Board also heard sworn public comment from Elizabeth West, Eric Ytuarte and adjoining landowner Alicia Searle, who attended the hearing in person; and from Stefanie Beninato and Jordan Young who participated by teleconference.
6. At the conclusion of the hearing the Board voted 3-2 to:
 - a. Deny the exception requested in the application; and
 - b. Deny approval of the project as set forth in the application.
7. On July 28, 2026, the Board adopted written Findings of Fact and Conclusions of Law reflecting its decision regarding the project application.
8. As reflected by the Board’s written decision, the Board’s decision to deny the project was based on its finding that the Applicant had not conclusively demonstrated that all exception criteria were met. With respect to the exception criteria in SFCC § 14-4.6(D)(3)(II)(a-f), the Board found that:
 - a. Granting the exception would damage the character of the district because the height proposed exceeds what is allowed by more than 70 percent, it would damage the character of the historic residential district, and the proposed structure is out of harmony with adjacent buildings;
 - b. The Applicants have not conclusively demonstrated that the exception is necessary to prevent a hardship to the Applicant or an injury to the public welfare that cannot be remedied by other reasonable means or design options;
 - c. To grant the exception does nothing to ensure that residents can continue to reside within the Historic Districts because, according to the evidence at the hearing, the Applicant and her family live close by, in this Historic District;
 - d. No special conditions or circumstances peculiar to the land or structure involved are not applicable to other lands or structures in the related streetscape; to the contrary, this lot has a similar configuration to other lots on the streetscape, and is either the same size or larger than many;
 - e. The Applicant did not conclusively demonstrate that the need for excessive height is due to conditions or circumstances that are not a result of her own actions; and
 - f. Granting the exception would not provide the least negative impact with respect to the purposes set forth in SFCC § 14-4.6(A)(1); the property is at an entrance to

this residential Historic District and would set a disproportionate, unharmonious precedence for this streetscape.

9. The Board's decision was based on the following provisions of the Historic Districts Code:
 - a. SFCC § 14-4.6(D)(3)(II)(a-f), Exceptions to Height, Pitch, Scale, Massing and Floor Stepbacks: The Historic Preservation Staff determined that an exception to SFCC § 14-4.6(F)(2)(II)(a) would be required for approval of the application, and the Applicant requested an exception.
 - b. SFCC § 14-4.6(F)(2)(II)(a), Height, Pitch, Scale, Massing and Floor Stepbacks, Height Limitations: 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.
 - c. SFCC § 14-4.6(E), General Design Standards for All Historic Districts: The project is subject to the requirements and general design standards applicable to all Historic Districts in the City of Santa Fe.
 - d. SFCC § 14-4.6(G)(5), Additional District-Specific Design Standards for Westside-Guadalupe Historic District: The property is in the Westside-Guadalupe Historic District and is subject to the district-specific design standards applicable to that Historic District.

B. Appeal to Governing Body

10. On March 20, 2026, the Appellant timely filed a Verified Appeal Petition, asking the Governing Body to reverse the decision of the Board and approve the project.
11. The Appellants provided notice of the Governing Body Hearing in accordance with the notice provisions of City Resolution # 2011-24(V)(E).
12. SFCC § 14-2.1(B)(5)(IV)(b) sets forth the valid grounds for an appeal of a Board decision and provides that an appeal may be filed for the following reasons:
 - a. To contest noncompliance of a final action with Chapter 14 or Sections 3-21-1 through 3-21-14 NMSA 1978;
 - b. To contest the application of Chapter 14; or
 - c. To appeal a decision lacking substantial evidence to support it.
13. In the Verified Appeal Petition, the Appellant argued that:
 - a. The height-exception criteria was not applied correctly; and
 - b. The Board's denial was not supported by sufficient evidence.
14. Under SFCC § 14-2.2(B)(7), the Governing Body conducts a *de novo* hearing on an appeal of a final action of a Land Use Board.
15. A public hearing took place in the City Council Chambers July 29, 2026. At the outset of the hearing, City Councilor Jamie Cassutt recused herself from voting on the case due to her personal relationship with the Appellant.
16. Mayor Michael Garcia presided, and City Councilors Elizabeth Barrett, Paul Bustamonte, Alma Castro, Amanda Chavez, Pilar Faulkner, Patricia Feghali and Lee Garcia participated in the hearing and decided the appeal.
17. The Appellant appeared in person, and the Board heard presentations and closing statements by the City Attorney's Office, and by Eric Ytuarte, Agent for the Appellant.
18. The Governing Body also heard sworn testimony from project architect Jay Jay Shapiro, the Appellant's stepfather Tom Jasper, the Appellant's daughter Lilly Ytuarte, District 2

resident Red Olguin, Dr. Quan's mother Adelucia Quan, and residents of the 911 Roybal St. vicinity: Alicia Searle, 111 S. St. Francis Dr.; Steven Nevarez and Jennifer Nevarez, 208 Ambrosio St.; and Kirtlye Spear, 901 Roybal St., all of whom appeared in person.

19. The Governing Body also heard sworn testimony of local residents Jordan Young and Stefanie Beninato, who testified by a remote medium.

III. CONCLUSIONS OF LAW

Under the circumstances and based upon the record and the evidence and testimony submitted at the hearing, the Governing Body CONCLUDES as follows:

1. The Governing Body has the power and authority to hear and decide the matter that is the subject of the Appeal.
2. Per SFCC § 14-2.1(B)(5)(IV)(d)(2), the Historic Districts Review Board's decision at the March 10, 2026, hearing on this case became a final action, subject to appeal, on April 14, 2026, which was the 35th day after March 10, 2026.
3. The Appellants timely appealed the Board's decision to the Governing Body and complied with the procedural requirements set forth in the Santa Fe City Code.
4. The proposed structure does not comply with the Historic Districts height restriction set forth in SFCC § 14-4.6(F)(2)(II)(a), and for approval of the project the Appellant was required to conclusively demonstrate the six exception criteria for Height, Pitch, Scale, Massing and Floor Stepbacks set forth in SFCC § 14-4.6(D)(3)(II)(a-f).
5. The Appellant has demonstrated the six exception criteria set forth in SFCC § 14-4.6(D)(3)(II)(a-f), as set forth in the Historic Preservation Staff's Memo, because the project:
 - a. Does 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 two-story massings;
 - b. Prevents a hardship to the Applicants 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;
 - 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: The proposed building draws from traditional massing, materials and proportions while avoiding direct imitation of adjacent structures, and a second floor supports a live-work configuration consistent with historic development patterns in Santa Fe;
 - d. Is necessary 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, which reduces flexibility in building placement and massing, and these conditions limit the available ground-floor building area and require a vertical solution to accommodate permitted uses;
 - e. Is necessary due to special conditions and circumstances that are not a result of the actions of the Applicants: The need for a height exception arises from pre-existing site constraints rather than conditions created by the Applicant; and

- f. Provides the least negative impact with respect to the purposes of SFCC § 14-4.6(A)(1) (preservation of historic areas and sites, continued construction in historic styles, and harmony of design between historic and modern buildings):
The proposed design provides the least negative impact by articulating the second-floor massing to reduce its visual prominence, and exterior materials, finishes and lighting are consistent with established architectural patterns in the Westside-Guadalupe Historic District.
6. Therefore, this Appeal should be granted because the Appellant has conclusively demonstrated the criteria for an exception to Historic District standards for building height as set forth in the Santa Fe City Code.

IV. VOTE AT THE HEARING

1. Councilor Pilar Faulkner moved to grant the appeal and to overturn the Board's final action, finding that the Appellant has conclusively demonstrated the applicable exception criteria, and adopting the facts in support of the exception criteria as stated in the Staff Report. Councilor Paul Bustamonte seconded the motion.
2. The Governing Body voted to grant the appeal and to overturn the Board's final action, with a vote of seven (7) in the affirmative and none (0) in the negative.
3. The following members of the Governing Body voted for the motion to grant the appeal and overturn the Board's final action: Councilors Elizabeth Barrett, Paul Bustamonte, Alma Castro, Amanda Chavez, Pilar Faulkner, Patricia Feghali and Lee Garcia.
4. Councilor Jamie Cassutt recused herself and did not participate in the decision.
5. Mayor Michael Garcia only votes when there is a tie pursuant to Santa Fe City Charter, sec. 5.01: "[The Mayor shall]...Vote only on an issue before the governing body in the case of a tie or when the vote will provide the necessary number of votes required by law for taking action;" Thus, the Mayor did not vote.

WHEREFORE, IT IS ORDERED ON THE 26th OF AUGUST, 2026, BY THE GOVERNING BODY OF THE CITY OF SANTA FE: Considering the foregoing findings and conclusions, the Governing Body GRANTS the appeal, overturns the Board's decision, and approves the application.

Michael J. Garcia, Mayor

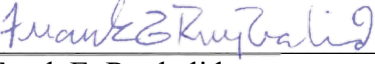
Date

FILED WITH THE CITY CLERK:

Geraldyn Cardenas, City Clerk

Date

APPROVED AS TO FORM:



Frank E. Ruybalid
Assistant City Attorney

Aug. 18, 2026
Date