

# City of Santa Fe, New Mexico

# memo

**DATE:** January 14, 2025  
**TO:** Historic Districts Review Board  
**FROM:** Paul A. Duran, Senior Planner, Historic Preservation Division

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**2024-009652-HDRB, 829 A W. Manhattan Ave,** Downtown and Eastside Historic District, Contributing, Ju Tan, agent for Brenda Baletti, owner, proposes to construct a 160 sq. ft. entry portal to a height of 10'-2" where the maximum allowable height is 12'-8" and two exceptions are requested to 14-5.2(D)(2)(c) additions are not permitted to primary facades and 14-5.2(D)(2)(d) additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten (10) feet from the primary facade.

**REFERENCE ATTACHMENTS (Sequentially):**

**CITY SUBMITTALS**

District Standards & yard wall  
& fence standards.

Historic Inventory Form

Zoning Review Sheet

Other: Previous HDRB Case Documents

**APPLICANT SUBMITTALS**

Proposal Letter

Site Plan/Floor Plan

Elevations

Photographs

Other:

**STAFF RECOMMENDATION:**

Staff finds that the exception criteria have not been met and recommends denial of the exceptions as the application does not comply with 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(I) Westside-Guadalupe Historic District Design Standards.

Staff would consider conditional approval of the portal addition if the applicant would modify the dimensions so that the primary western elevation would not be adversely impacted.

Should the board deny one or both of the exceptions required to support the proposed design, the applicant shall redesign their proposal and return to the Board with a new application.

Three motions will be required in this case. Sample motions include:

- a. Approve or deny the exception to 14-5.2(D)(2)(c) additions are not permitted to primary facades;
- b. Approve or deny the exception to 14-5.2(D)(2)(d) Additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten (10) feet from the primary façade; and
- c. Approve or deny Case #2024-009652, 829 A W. Manhattan Ave approval of portal addition on the west primary elevation of a contributing structure.

**BACKGROUND & SUMMARY:**

The single-family residence at 829 A W. Manhattan Ave is listed as contributing to the Westside-Guadalupe Historic District with the west elevation designated as primary. The main residential structure comprises of a 1950s garage remodeled in 2017 to a residential structure. The western elevation of the garage addition is the primary elevation attached to a newly constructed residential structure. The structure comprises of approximately 1,088 sq. ft. of roofed area. The original architectural design style of the garage was in a Vernacular form and with the new addition has more of a Spanish Pueblo Revival vocabulary. The applicant is requesting the portal addition is a needed element for safety entering and existing the structure from inclement weather.

Previous Historic Districts Review Board (HDRB) cases include:

On November 10, 2015, in Case No. H-15-077A, the Board maintained the contributing historic status of the garage, with the west elevation designated as primary.

On January 26, 2016, in Case No. H-15-077B, the Board approved the proposed remodel of a contributing accessory structure which included a 506 sq. ft. addition. Two exceptions were requested to place an addition less than 10’ back from the primary elevation and to exceed the 50% footprint standard. The conditions of approval of the application shall be set off from the south elevation by 4’, set off from the west elevation by 3’, and that the addition may be increased in size by 5’ to the east.

In Case 2024-009652-HDRB the Applicant requests approval for a portal addition and two (2) exceptions including:

- 1) Construct a 160 sq. ft. portal to a height of 10’-2” with stained walnut wood posts and red corrugated metal roof.

**EXCEPTION CRITERIA AND RESPONSES:**

Exception to 14-5.2(D)(2)(c): Staff determined that an exception is required to allow an addition to a primary façade.

(i) *Do not damage the character of the district*

Applicant Response: In both exceptions, the proposed entry portal does not damage the character of the district and in fact is keeping aesthetically with existing structures. There is precedent at the neighboring property of 409 Juanita Street of wood portals and colored sheet metal roofs. Other neighboring properties with sheet metal pitched roofs include but are not limited to 830 and 848 W Manhattan Ave. Hence we do feel that the aesthetics of the proposed entry portal is in keeping and does indeed strengthen the character of the neighborhood.

Staff Response: Staff has evaluated the applicant's response and finds that this exception criterion has not been met. Staff does have a concern of the overall dimensions of the portal and believe that by reducing the width would give the homeowners the needed overhead coverage while minimizing the impact to the primary western elevation.

(ii) *Are required to prevent a hardship to the applicant or an injury to the public welfare*

Applicant Response: An Entry Portal was felt necessary to the property in order to protect users the entry sequence to the front entry door from the elements. In addition, the existing front entry door is unprotected and is suffering from extreme wear and tear. There is no alternative location for an entry portal.

Staff Response: Staff has evaluated the applicant's response and finds that this exception criterion has been met. Entry to the structure is not protected from inclement weather and is dangerous and unsafe for anyone entering or exiting the area. A portal would provide the necessary measures to allow access into the structure safely. When owning a historic structure there are expectations that the status be maintained; it is important that there is as small an impact possible that will not threaten the historic status.

(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*

Applicant Response: The existing front entry door is 4'-0" from the designated primary façade of the contributing portion of the house. Hence there is no alternative to locate an entry portal a minimum of 10'-0" away as required by 14-5.2(D)(2)(d).

Staff Response: Staff has evaluated the applicant's response and finds that this exception criterion has not been met. The proposed portal does not represent the best design option relative to the preservation of the historic status of the building. The reduction in scale would eliminate the need for an exception and provide the homeowners with the needed overhead coverage while minimizing the impact to the primary western elevation.

Exception to 14-5.2(D)(2)(d): Staff determined that an exception is required to allow for an addition to the side of the existing footprint is not set back a minimum of ten (10) feet from the primary façade.

(i) *Do not damage the character of the district.*

Applicant Response: In both exceptions, the proposed entry portal does not damage the character of the district and in fact is keeping aesthetically with existing structures. There is precedent at the neighboring property of 409 Juanita Street of wood portals and colored sheet metal roofs. Other neighboring properties with sheet metal pitched roofs include but are not limited to 830 and 848 W Manhattan Ave. Hence we do feel that the aesthetics of the proposed entry portal is in keeping and does indeed strengthen the character of the neighborhood.

Staff Response: Staff has evaluated the applicant's response and finds that this exception criterion has not been met. The proposed design has a detrimental impact on this historic resource that represents the character of the district. Reducing the overall dimensions of the portal would give the homeowners the needed overhead coverage while minimizing the impact to the primary western elevation.

(ii) *Are required to prevent a hardship to the applicant or an injury to the public welfare.*

Applicant Response: An Entry Portal was felt necessary to the property in order to protect users the entry sequence to the front entry door from the elements. In addition, the existing front entry door is unprotected and is suffering from extreme wear and tear. There is no alternative location for an entry portal.

Staff Response: Staff has evaluated the applicant's response and finds that this exception criterion has not been met. Entry to the structure is not protected from inclement weather and is dangerous and unsafe for anyone entering or exiting the area. With smaller dimensions the portal could provide the necessary measures to allow access into the structure safely. When owning a historic structure there are expectations that the status be maintained; it is important that there is as small an impact possible that will not threaten the historic status.

(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*

Applicant Response: The existing front entry door is 4'-0" from the designated primary façade of the contributing portion of the house. Hence there is no alternative to locate an entry portal a minimum of 10'-0" away as required by 14-5.2(D)(2)(d).

Staff Response: Staff has evaluated the applicant's response and finds that this exception criterion has not been met. This is the main entrance into the structure and the entry portal can be designed to have less impact on this historic structure. Not all design options that will not threaten the historic status have been considered with this proposal. The reduction in scale would eliminate the need for an exception and provide the homeowners with the needed overhead coverage while minimizing the impact to the primary western elevation.

## **RELEVANT CODE CITATIONS:**

### **14-5.2 HISTORIC DISTRICTS**

#### **(A) General Provisions**

##### **(1) General Purpose**

In order to promote the economic, cultural, and general welfare of the people of the *city* and to ensure the harmonious, orderly and efficient growth and *development* of the *city*, it is deemed essential by the *governing body* that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve *property* values and attract tourists and residents alike, be preserved, some of these qualities being:

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

**(C) Regulation of Significant and Contributing Structures in the Historic Districts**

(Ord. No. 2004-26)

(1) Purpose and Intent

It is intended that:

- (a) Each *structure* to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical *development*, such as the addition of conjectural features or architectural elements from other *buildings*, shall not be undertaken;
- (b) Changes to *structures* that have acquired historic *significance* in their own right shall be retained and preserved, recognizing that most *structures* change over time;
- (c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a *structure* be preserved; and
- (d) New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic *property* and its environment would be unimpaired.

(2) Designation of Significant, Contributing, or Noncontributing Status within Historic Districts

(a) Status Designation

*Structures* within historic districts may be designated a status of "significant," "contributing," or "noncontributing" based upon the definitions of these terms in Article 14-12. Staff shall maintain a record as to the current status of *structures* located in the Historic Districts.

(b) Board Authority to Review Status Designation

- (i) The Board is authorized to change the status of a *structure* or to designate a status for a *structure* with no status designated.
- (ii) A change in status or the designation of a status shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of "significant," "contributing," or "noncontributing."

(e) Appeals (Ord. No. 2009-42 § 16)

Decisions made by the historic districts review board may be appealed to the *governing body* as set forth in Section 14-3.17.

(f) Restoration of Status

If a *property owner* makes changes to a *structure* without the proper *city* approvals which result in the lowering of the *structure's* status, staff or the board may require the *property owner* to restore the *structure* such that its former status is restored.

(4) Compliance with General and Specific Design Standards Required

All *development* located within the historic districts and subject to this Section 14-5.2 shall comply with all applicable general *development* standards set forth in Subsection 14-5.2(D), as well as any applicable specific *development* standards set forth in Subsections 14-5.2(E) through (I).

(5) Exceptions

Staff shall determine whether an exception to this section is required. The historic board may grant an exception to the regulations set forth in this section provided that such exception does not exceed the underlying zoning.

(a) Height

If the *applicant* requests approval of a height in the historic district that exceeds the underlying zoning district requirement, the *applicant* shall first receive an exception to this Section 14-5.2. If approved by the historic board, the *applicant* shall proceed to the board of adjustment or other applicable *city* body for consideration of the proposed variance.

(b) Design Standards and Signage

The board may recommend exceptions to Subsections 14-5.2(D)(1-8, 10-11) and 14-5.2(E) through (I) for construction or alterations within the historic district. The recommendation for exceptions shall be made to the *governing body*. Procedures for public notice and hearing before the *governing body* shall be as set forth in Section 14-3.6(B)(3). Exceptions are *project* specific and do not apply to the subject *property* in perpetuity. If approved by the *governing body*, the inspections and enforcement *office* shall accept and review an *application* for, and issue, as appropriate, a *building permit*. The *applicant* for such exceptions shall conclusively demonstrate and the board shall make a positive finding of fact that such exceptions comply with all the criteria listed as follows:

- (i) Do not damage the character of the district;
- (ii) Are required to prevent a hardship to the *applicant* or an injury to the public welfare; and
- (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.

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

The board is the *city* administrative board reviewing and granting or denying requests for exceptions from regulations set forth in Subsection 14-5.2(D)(9). When requesting exceptions the *applicant* shall use the procedures for public notice and hearing set forth in Section 14-3.6(B)(3), unless the *applicant* also requests a variance to the underlying zoning. In such a case the *applicant* for the H ordinance exception shall not be required to publish a legal ad in the local newspaper. Exceptions are *project* specific and do not apply to the subject *property* in perpetuity. The board may grant exceptions and impose conditions thereon to Subsection 14-5.2(D)(9) for height of *structures* within the historic districts as specified in Subsection 14-5.2(D)(9)(a). The *applicant* for such exceptions shall conclusively demonstrate and the board shall make a positive finding of fact that such exceptions comply with all the criteria listed as follows:

- (i) Do not damage the character of the *streetscape*;
- (ii) Prevent a hardship to the *applicant* or an injury to the public welfare;
- (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;
- (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*;
- (v) Are due to special conditions and circumstances which are not a result of the actions of the *applicant*; and
- (vi) Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2(A)(1).

**(D) General Design Standards for All H Districts**

In any review of proposed additions or alterations to *structures* that have been declared significant or contributing in any historic district or a *landmark* in any part of the *city*, the following standards shall be met:

- (1) General
  - (a) The status of a significant, contributing, or *landmark structure* shall be retained and preserved. If a proposed alteration will cause a *structure* 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 shall be prohibited.
  - (b) If a proposed alteration or new construction will cause an adjacent *structure* to lose its significant, contributing, or *landmark* status, the *application* may be denied.
- (2) Additions
  - (a) Additions shall have similar materials, architectural *treatments* and styles, features, and details as the existing *structure*, but shall not duplicate those of the existing *structure* in a manner that will make the addition indistinguishable from the existing *structure*.

- (b) Additions to *buildings* that meet the standards of Subsection 14-5.2(E) shall continue to meet those standards set forth in Subsection 14-5.2(E) in addition to the standards set forth in this section.
  - (c) Additions are not permitted to *primary façades*.
  - (d) Additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten (10) feet from the primary facade. The addition shall not exceed fifty percent of the square footage of the existing footprint, and shall not exceed fifty percent of the existing dimension of the primary facade. To the extent architecturally practicable, new additions shall be attached to any existing noncontributing portion of *structures* instead of attaching them to the significant or contributing portion.
  - (e) The height of additions:
    - (i) For significant and *landmark structures* shall be a minimum of six (6) inches less than the parapet or equivalent roof-feature of the existing adjacent connecting facade.
    - (ii) For 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 fifty 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*.
- (3) Remodeling to Increase Height; Rooftop Appurtenances
- (a) For *remodeling* of existing significant and *landmark structures*, no increase in height of the *structures* is permitted. (For standards relating to additions to existing *structures*, see paragraph (2) above.)
  - (b) For significant and *landmark structures*, *publicly visible* roof top appurtenances, including but not limited to solar collectors, clerestories, decks, or mechanical equipment, shall not be added nor shall the parapet be raised to conceal the *rooftop appurtenances*. For contributing *buildings* solar collectors, clerestories, decks, or mechanical equipment if *publicly visible* shall not be added.
- (4) Porches and Portals
- Existing *porches* or *portals* shall not be enclosed.
- (5) Windows, Doors, and Other Architectural Features
- (a) For all facades of significant and *landmark structures* and for the primary facades of contributing *structures*:
    - (i) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double pane glass may be used. No opening shall be widened or narrowed.

(ii) No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence.

(iii) No existing opening shall be closed.

(b) For all façades of significant, contributing and *landmark structures*, architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced. In the event *replacement* is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. *Replacement* or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence.

(6) Roofs

The existing roof styles and materials shall be maintained or replaced in kind if necessary. The addition of dormers or other roof features should only be considered when they are an existing or historical feature of the *structure*.

(8) Archaeological Resources

Discovery of archaeological resources made during the historic districts review process shall be referred to the archaeological review committee.

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

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

(a) Applicability

The following sections identify specific areas and specific *projects* subject to this section. Planning and land use department staff shall determine whether or not properties are included within this section. (Ord. No. 2007-45 § 30; Ord. #2020-22, § 16)

F. When the proposed *building*, *yardwall*, or fence is located in a *streetscape* that includes no *buildings*, *yardwalls*, or fences, the height of the proposed *building* shall not exceed sixteen (16) feet. *Yardwalls* and fences in this *streetscape* shall not exceed five (5) feet in height.

(c) Height

(ii) In exercising its authority under this section, the board shall limit the height of *structures* as set forth in this section. Heights of existing *structures* shall be as set forth on the official map of *building* heights in the historic districts.

A. If a proposed *building* has a parapet, the façade shall not be in excess of two (2) feet of the average of the height of the façades in the *streetscape*.

- B. If the proposed *building* has a pitched roof, the ridge height of the proposed *building* shall not be in excess of two (2) feet of the average of the ridge height of the pitched roofs in the *streetscape*.
- C. *Yardwalls* and fences shall be limited to a height that does not exceed the average of the height of other *yardwalls* and fences in the *streetscape*.
- D. Pursuant to Section 14-7.4(C), the height of any other *structure* shall be limited to the allowable *building* height within the applicable *streetscape*, as defined in this section. (Ord. No. 2002-37 § 26)
- E. The height and dimension of signage are as set forth in Section 14-8.10(H).
- F. The board 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 (2) feet. In no case shall the height of a façade exceed four (4) 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*.

(d) Pitch

If the determined *streetscape* includes over fifty percent of *buildings* with pitched roofs, the proposed *building* may have a pitched roof. A pitched roof is defined as a gable, shed, or *hipped roof*. The pitch of the roof shall match the predominant pitch extant in the *streetscape*.

(e) Scale

The height of a proposed *building* or addition, its façade length, and its roof form and pitch shall appear to be in proportion to the height, façade length, and roof form and pitch of *buildings* in the applicable *streetscape*, or the *building* on which the addition is proposed.

(f) Massing and Floor Setbacks

The Board may require that upper floor levels be stepped back, to carry out the intent of this section; provided that the board in making such determinations shall take into account whether the height of the proposed *building*, *yardwall*, fence, or proposed setback of upper floor levels is in harmony with the massing of the applicable *streetscape* and *preservation* of the historic and characteristic visual qualities of the *streetscape*. The Board shall also require that the *publicly visible* façades of the *structure* be in conformance with Subsections 14-5.2(E) through (H), and in meeting those requirements, may require that different floor levels be stepped back.

**(I) Westside-Guadalupe Historic District**

(1) District Standards

Compliance with the following structural standards shall occur whenever those exterior features of *buildings* and other *structures* subject to public view from any public *street*, way, or other public place are erected, altered, or demolished:

- (a) Slump block, stucco, brick, or stone shall be used as exterior *wall* materials. Wood and other materials may be used for details. Aluminum siding, metal panels, mirrored glass, and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior *wall* materials;
- (b) The color of stuccoed *buildings* shall predominantly be in browns, tans, local earth tones and soft pastels. Surfaces of stone or brick shall be in the natural color. Entryways, and *portales* or *porches* may be emphasized by the use of white or other colors. Painting of *buildings* with a color that causes arresting or spectacular effects or with bold repetitive patterns or using *buildings* as signs is prohibited. Murals, however, are permitted and may be referred to the *city* arts board for an advisory recommendation;
- (c) Roof form, *slope*, and shape. It is intended that *buildings* be designed to be "wall dominated". "Wall dominated" means that the *building's* geometry is more defined by *walls* than by roofs. *Buildings* with flat, gabled, shed, or *hipped roofs* can be designed as "wall dominated" solutions and are allowed. The height of the roof above the *wall* shall be no greater than the height of the *wall*. Folded plate, hyperbolic or mansard roofs are not allowed;
- (d) The use of solar and other energy collecting and conserving strategies is encouraged. The use of large glazed areas on south facing *walls* for trombe *walls* or other solar collectors, direct gain, or other energy collecting purposes is allowed. When in view from any public *street*, way, or other public place, solar equipment shall be screened as follows:
  - (i) raising the parapet;
  - (ii) setting back from the edge of the roof;
  - (iii) framing the collector with wood;
  - (iv) in the case of pitched roofs, by integrating the collector into the pitch;
  - (v) in the case of ground solar collectors by a *wall* or vegetation;
  - (vi) in the case of *wall* collectors, by enclosing by end or other *walls*;
  - (vii) other means that screen the collector or integrate it into the overall *structure*.  
Non-glare materials shall be used in solar collectors.
- (e) Mechanical, electrical, telephone equipment, microwave satellite receiving dishes, and other obtrusive equipment shall be architecturally screened with opaque materials by raising the parapet, boxing in the equipment, or other appropriate means. The equipment shall be of a low profile to minimize the *screening* problems;
- (f) *Walls* and fences shall be of brick, *adobe*, masonry, rock, wood, coyote fencing, or similar materials. Wrought iron fences and slump block *walls* are allowed. *Walls* of unstuccoed concrete block, unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited, except where the *wall* or fence is not in the *street* frontage;

- (g) *Greenhouses*
- (h) Attached *greenhouses* that front on the *street* shall give the appearance of being integrated into the *structure* of the *building* or of being a substantive addition rather than having a lean-to effect. The use of corrugated fiberglass or rolled plastic for the external surface of attached or freestanding *greenhouses* that front on the *street* is prohibited. *Greenhouses* with slanting sides shall be bracketed at the ends and that *greenhouses* made from enclosed *porches* or *portales* maintain the shape of the *porch* or *portal*;
- (i) *Porches* and *portales* are encouraged;
- (j) When parking spaces are required for commercial or multi-family *residential buildings*, they shall be placed to the rear or side of the building.

(2) Walls; Fences; Solar Collectors; Administration

*Applications* for erection, alteration, or demolition of *walls*, fences, and solar collectors and required submittals shall be reviewed by the planning and land use department. Approval, disapproval or referral shall be indicated by the division on the *application* for the building *permit* and on each of the required submittals, all of which shall be signed by the division staff assigned to the review. The division shall report approvals, disapprovals, and referrals to the board at its next regular meeting as an informational item. (Ord. No. 2007-45 § 30; Ord. #2020-22, § 16)

**DEFINITIONS:**

14-12 Contributing Structure:

A structure, located in a historic district, approximately fifty 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.

**APPROVED AS TO FORM BY THE PLANNING AND LAND USE DEPARTMENT:**

Title	Name	Initials
Department Director	Heather Lamboy	HLL
Assistant Department Director	Maggie Moore	MM
Planning Manager	Gary Moquino	GSM
Planner Senior	Paul Duran	PD