

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

Case # 2024-8626-HDRB

Address – 301 Hillside Ave.

Agent's Name – Autotroph, Inc.

Owner/Applicant's Name – Girls Inc. of Santa Fe

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on July 23, 2024.

BACKGROUND

The commercial structure at 301 Hillside Ave. is listed as contributing to the Downtown and Eastside Historic District. The structure at the top of the hill is a territorial style with brick coping, square columns, and wood trim at the windows and doors. The hardscaping of the property consists of existing low 36”-high, stuccoed retaining walls with 48” coyote fences set back 46” to 54” from the retaining wall along the street frontages. There is access to a play area on Hillside Avenue that consists of concrete steps and a 48”-high latilla pedestrian gate. The driveway leading to the parking up the hill is also lined with 48” latilla fence. About 41 feet up the driveway there is a chain that is used to block traffic when the business is closed.

The southeastern property line consists of a 6’0” high latilla fence, while the eastern property line has a 6’0” chain-link fence. The northwestern property line consists of a 48” high latilla fence, 6’0” high chain-link fence, and a low stucco wall with latilla fence on top. Inside the fence line is a network of retaining walls and 48”-high latilla fences with pedestrian gates at each of the outdoor areas. While the property has been maintained with administrative approvals for items such as asphalt repair and replacement, step repairs and installation, safety handrails, mechanical equipment, and a re-roof, there are no alterations to the building on file with the Historic Preservation Division.

The Applicant proposes the following alterations:

- 1) Install 6-foot-high latilla fences in the location of the existing 48”-high fences along the Paseo de Peralta and Hillside Avenue frontages, along the northwestern lot line, and approximately 41 feet from the base of the driveway up to the chain used to block the access. The maximum allowable height along the street frontages is 47”, an exception is requested to exceed the maximum allowable height, Section 14-5.2(D)(9)(c)(ii)(C).
- 2) Replace the chain at the driveway with a metal vehicle gate with a height of 6’0”. The gate will be metal slats in a metal frame.
- 3) Install 36”-high coyote fencing to the northeast of the gate along the southern playground area.
- 4) Replace the pedestrian gate on Hillside Avenue with a 48”-high metal pedestrian gate that will be metal slats in a metal frame.
- 5) Replace the 48” pedestrian gate at the entry to the southern playground area with a 48”-high pedestrian gate that will be metal slats in a metal frame.

- 6) Replace and install four interior property pedestrian gates that will be metal slats in a metal frame – three at the northern playground area and one that leads from the parking lot to the building.

FINDINGS OF FACT

After conducting a public hearing and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

1. Land Use Department Staff conducted a preliminary zoning review (“PZR”) and determined that the Application appears to meet the underlying zoning standards set forth in the Santa Fe City Code (“SFCC”).
2. Historic Preservation Division Staff reviewed the application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Board with a written report of its findings (“Staff Report”), which evaluates the factors relevant to the Application.
3. Historic Preservation Division Staff Recommendation: Staff finds that all the exception criteria have been met and recommends approval of the application as it complies with SFCC Sections 14-5.2(D), General Design Standards for all Historic Districts, and 14-5.2(E), Downtown and Eastside Design Standards.
4. The project is subject to SFCC Section 14-5.2(C), Regulation of Significant and Contributing Structures.
5. The project is subject to the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
6. The property is located in the Downtown and Eastside Historic District and is subject to the district design standards set forth in SFCC Section 14-5.2(E).
7. Under SFCC Sections 14-2.6(B-C), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f), 14-5.2(C)(3)(a-b), 14-5.2(C)(4), and 14-5.2(D), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant’s proposed design to assure overall compliance with applicable design standards.
8. Under SFCC Section 14-5.2(D)(9)(c)(ii)(C), yard walls and fences shall be limited to a height that does not exceed the average of the height of other yard walls and fences in the streetscape.
9. The maximum height of the yard walls and fences on that streetscape is 47 inches. The Applicant proposes to construct a street frontage fence to a height that exceeds the maximum allowable height for the streetscape.
10. Staff determined that an exception to SFCC Section 14-5.2(D)(9)(c)(ii)(C) would be required for approval of the application, and the Applicant requested an exception.
11. To obtain an exception, the Applicant was required to conclusively demonstrate that the six exception criteria set forth in SFCC Section 14-5.2(C)(5)(c) have been met.
12. Based on the information set forth in the Staff Report and exhibits, and the evidence and testimony presented at the hearing, the Board agrees with Staff’s finding that the Applicant has conclusively demonstrated that all exception criteria have been met.
 - a. Pursuant to SFCC Section 14-5.2(C)(5)(c)(i), the Board finds that granting the exception would not damage the character of the streetscape because only the height and not the style of fence and the locations of the fence are being changed;

- b. Pursuant to SFCC Section 14-5.2(C)(5)(c)(ii), the Board finds that the exception is required to prevent a hardship to the Applicant or an injury to the public welfare because the property layout, along a heavily traveled thoroughfare, presents a danger to the students who attend Girls Inc.;
 - c. Pursuant to SFCC Section 14-5.2(C)(5)(c)(iii), the Board finds that granting the exception would strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts: the higher, propose coyote fencing at the Girls, Inc., property will better shield the girls at that location, and they will no longer be visible to persons who pose a hazard to them;
 - d. Pursuant to SFCC Section 14-5.2(C)(5)(c)(iv), the Board finds that there are special conditions or circumstances that are peculiar to the land or structure involved that are not applicable to other lands or structures in the related streetscape: the property at 301 Hillside Ave. is alongside a heavily traveled thoroughfare accessible to the public, which presents a danger to the students who attend it;
 - e. Pursuant to SFCC Section 14-5.2(C)(5)(c)(v), the Board finds that the special conditions or circumstances are not the result of actions by the Applicant; and
 - f. Pursuant to SFCC Section 14-5.2(C)(5)(c)(vi), the Board finds that granting the exception would provide the least negative impact with respect to the purposes set forth in SFCC Section 14-5.2(A)(1): the coyote fencing at the Girls, Inc., property has been present for over 20 years, the height of the new fence will be consistent with the Hillside Avenue portion of the neighborhood and will be set back at least three feet from the retaining wall at the street so that the appearance of an unusually tall barricade will be avoided.
13. The Board finds that the Applicant has conclusively demonstrated that all of the exception criteria have been met.
 14. Under SFCC Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new drawings or documentation, satisfactory to the Board, have been submitted.
 15. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable requirements for Board review as herein described have been met.
 16. The information contained in the Staff Report and exhibits, and the testimony and evidence submitted at the hearing, establishes that all applicable design criteria have been met, subject to the conditions imposed by the HDRB, as described below.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the application as follows:

1. The Board has the authority to review and approve the Application.
2. The Board approves Items # 1-6 as set forth in the application, as recommended by Staff, with the following additional conditions:

Finding of Fact and Conclusions of Law – Remodel or New Construction

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- a. the metal frames of the gates shall be powder coated, or a rust to dark brown shade, to match the primary material,
- b. the pedestrian gate on Hillside Avenue shall have latillas on the exterior so that it blends in with the latilla fence, although the structure of the gate behind the latillas may be metal,
- c. the latillas shall be uneven,
- d. the framework for the fencing shall be to the interior of the property, and
- e. the latillas shall be unpeeled.

IT IS SO ORDERED ON THIS 26th DAY of NOVEMBER, 2024, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios, Chair

Date

FILED:

Andréa Salazar
City Clerk

Date

APPROVED AS TO FORM:

Frank Ruybalid
Assistant City Attorney

Date