

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

Case # 2024-8628-HDRB

Address – 216 Old Santa Fe Trail

Agent’s Name – John Padilla

Owner/Applicant’s Name – Lewis West

THIS MATTER came before the Historic Districts Review Board (“Board”) for hearing on February 25, 2025.

BACKGROUND

The commercial building at 216 Old Santa Fe Trail is a non-contributing structure in the Downtown and Eastside Historic District. The streetscape consists of the properties on Old Santa Fe Trail south of Water Street and north of East Alameda Street. On this commercial street, the properties to the north of the subject property have divided-lite windows, including the windows of the two-story building behind the neighboring lot. At the end of the street is the five-story La Fonda hotel, which very visibly has divided-lite windows on all five floors. The structures on the west side of the street mostly have divided-lite doors, and windows that are separated from the grade by three feet of stucco wall. Across the way is an open-air market, the Loretto Inn and the historic Loretto Chapel. Wrapping around and going north along the west side of the street, the corner property at 200 Old Santa Fe Trail has divided lites as well.

The Board designated 216 Old Santa Fe Trail as non-contributing under Case # 2024-8452-HDRB in a hearing June 25, 2024. The structure was constructed in a vernacular manner between 1956 and 1958. The 1984 Historic Building Inventory provides little information about the structure. The 2024 Historic Cultural Properties Inventory reflects changes that were made in 2023 without permit or approval from the HDRB.

Aerial photography in the HCPI shows the structure in 1958 and with additions in 1978. The 1984 structure was entirely to the rear of the lot and still appeared as the original residence. The 2016 property owner requested the removal of a temporary tent structure, the construction of a 346-square-foot addition on the east elevation, and a 63-square-foot addition on the north. See Case # H-16-007. Additional work in 2017 altered the face of the structure by enclosing windows and increasing the size of fenestrations to create the store front as it appeared in 2022, with about three feet of stuccoed wall below two large windows on either side of the door on the east elevation.

The structure today has no fenestration on the north or south façades. The east elevation was altered again in 2023, creating a glass front which extends to the grade. The single header from the 2016 conversion is still present, but an awning has been placed over the header below the parapet. The Applicant received a Stop Work Order (or “Red Tag”) in February, 2024, for creating the glass-dominated front, installing the awning, and replacing signs without a permit.

The Applicant requests retroactive approval for the following work done without approval or permits:

- (1) Removal of the previously existing wood-frame French door and two wood-framed windows.
- (2) Replace the windows and doors, each with a single fenestration, with a glass door and side lites. The windows and door are single panes in dark-bronze aluminum frames.
- (3) Stucco the east elevation to match the remaining portion of the structure in a cementitious “Desert Rose”.
- (4) Install a single slope canvas awning in black mounted above the existing word header beam and below the existing parapet line.

The City Staff notes that the neighboring lot, 214 Old Santa Fe Trail, has an entry and windows matching those of the subject property, which were installed without permission and are also the subject of a Stop Work Order. Therefore, they are not considered a part of this streetscape. The building at 228 Old Santa Fe Trail had divided-lite doors with two single-lite windows. 222 and 218 Old Santa Fe Trail each have single-lite display windows as well. Three businesses on the street frontage have single-pane display windows, none of which are connected to the door in a single fenestration. They are windows centered in wall-dominated façades. There are no cases on file in the Historic Preservation Division that show whether the three buildings had approval to change to non-conforming single-lite windows.

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 recommended a finding that the criteria for an exception to SFCC Section 14-5.2(E)(1)(c) had not been met and recommended denial of the application, as it does not comply 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 the requirements and general design standards set forth in SFCC Section 14-5.2(D), General Design Standards.
5. 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).
6. Under SFCC Sections 14-2.6(B-C), 14-5.2(A)(1), 14-5.2(C)(3)(a-b), and 14-5.2(C)(4), 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.

7. Under SFCC Section 14-5.2(E)(1)(c), single panes of glass exceeding 30 inches in any dimension are not permitted.
8. The Applicant has installed single-pane windows at 8'4", and now seeks retroactive approval from the Board. The Staff determined that an exception to SFCC Section 14-5.2(E)(1)(c) would be required for approval of the application, and the Applicant requested an exception.
9. To obtain an exception, the Applicant was required to conclusively demonstrate that the three exception criteria set forth in SFCC Section 14-5.2(C)(5)(b) have been met.
10. 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 recommended finding that the Applicant has not conclusively demonstrated that all exception criteria have been met:
 - a. Pursuant to SFCC Section 14-5.2(C)(5)(b)(i), the Board finds that granting the exception would damage the character of the district because it does not meet either the Old Santa Fe Style or Recent Santa Fe Style, as defined in SFCC Section 14-5.2(E)(1-2), which are both characterized by small window panes, deep-inset windows and doors, and divided-lite windows. These windows also are out of proportion on this streetscape;
 - b. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds that the exception is not required to prevent a hardship to the Applicant or an injury to the public welfare because the Downtown and Eastside Historic District is filled with successful businesses whose structures have divided-lite windows and windows separated from the grade by stucco walls, and have no door-and-sidelite combinations of undivided lites. There is no proof that the business is adversely affected by these restrictions; and
 - c. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that granting the exception would 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 within the Historic Districts, because there has been no evidence that proprietors cannot manage successful businesses with storefronts that are consistent with the historic character of the streetscape.
11. The Board finds that the Applicant has failed to conclusively demonstrate that the exception criteria have been met.
12. 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.
13. 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 not been met.

CONCLUSIONS OF LAW

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

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

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1. The Board has the authority to review and approve the application.
2. The Board denies the exception requested in the application.
3. The Board denies approval of Items # 1-4 as set forth in the application because the unapproved work is inconsistent with the streetscape and the design standards of SFCC Section 14-5.2(E).

IT IS SO ORDERED ON THIS 14th DAY of OCTOBER, 2025, 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