

City of Santa Fe, New Mexico

memo

DATE: December 9, 2025

TO: Historic Districts Review Board

VIA: Maggie Moore, Assistant Land Use Director
Gary Moquino, Historic Preservation Division Manager

FROM: Heather Lamboy, AICP, Planning & Land Use Director #LL

2025-011122-HDRB, 121 E. Santa Fe Ave, Don Gaspar Area Historic District, Significant, Brett Trusko, agent for the Trusko Living Trust, owner, requests approval for a 40 sq. ft. addition to a primary façade to a height of 13'-0" where the maximum allowable is 18'-3" and other minor alterations. An exception is requested 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 facade.*

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

District Standards & yard wall
& fence standards.

Historic Inventory Form

Zoning Review Sheet

Other: Previous Case Documents

APPLICANT SUBMITTALS

Proposal Letter

Site Plan/Floor Plan

Elevations

Photographs

Other: Previous Building Permit Documents

STAFF RECOMMENDATION:

Staff finds that the exception criteria have been met and recommends approval of the addition to a primary facade. Staff recommends approval of the other elements of the application as they

comply with 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(H) Don Gaspar Area Historic District Design Standards. 14-5.2(C)(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.

Sample motions:

Two motions may be required in this case. One motion is required for 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 facade, and one for the elements of the project that do not require an exception.

Remodels:

- a. In case 2025-011122-HDRB, for 121 E. Santa Fe Ave, approve/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 facade, finding that the exception criteria have been met.
- b. In case 2025-011122-HDRB, for 121 E. Santa Fe Ave, approve/deny the elements of the project that do not require an exception.

Should the Board deny the exception request, the applicant shall return with an alternative proposal for review and approval before proceeding to a building permit.

BACKGROUND & SUMMARY:

Streetscape:

The single-family residence located at 121 E. Santa Fe Ave is situated between Don Gaspar Ave to the west and Webber Street to the east. The general development of this specific area took place in the early 1900s into the 1930s as identified in the Santa Fe County Tax Parcel Map and is part of the Salmon Addition, which represents one of the first American-style subdivisions in the district. The combination of Craftsmen and Spanish Pueblo Revival style homes on this street makes it a stand-alone streetscape that is mirrored anywhere else in the Historic Downtown area. The red brick pitched roofs with dormers, and multi-storied structures which include attics and basements, separates itself from what is commonly observed in the historic districts. Generally, the properties are bungalows and include wooden picket fences, porches over the entrance with wooden decking, wood-framed three-over-one windows, and brick chimneys. The vegetation includes mature fruit trees, cottonwoods, and perennial grasses and shrubbery.

The applicant is before the HDRB as a result of the issuance of a red tag for unpermitted construction. What was originally a laundry room in a historic addition on the northwest corner of the house was replaced with a larger addition to accommodate expanded space. What prompted the change was, when the roof was replaced, structural damage was discovered at the location

where the addition attached to the building. The reroof of the structure, approximately 3,098 sq. ft. had been permitted administratively.

Site Description:

121 E. Santa Fe Ave is a single-family residence designated as significant to the Don Gaspar Area Historic District. The Santa Fe County Tax Parcel Map identifies that the structures on the property were constructed on a 0.32-acre parcel in 1915 and comprised of approximately 3,098 sq. ft. of roofed area. The structure is a stand-alone Craftsmen home built from red brick, with a pitched shingle roof with dormers, a brick chimney, wooden deck and a porch at the entry way, with a wooden picket fence in front of the yard wall. Several additions have occurred since the original construction, however the additions are noted as historic in nature. The structure was nominated as significant in 1985 by the State of New Mexico Office of Cultural Affairs Historic Preservation Division Cultural Properties Review Committee (CPRC). The historic name of the house is the Dunleavy Berry House.

Previous Hearing Overview and Updated Information:

At the September 23 meeting, the HDRB expressed concerns with the readability of the plans. Furthermore, questions were raised regarding whether a fence and pergola previously existed. The HDRB requested a floor plan to understand better the internal changes associated with the addition.



Figure 1: Real Estate Photo 2023. Note existing fence and pergola.

In response to HDRB concerns, the applicant has provided updated drawings. The floor plan had been provided previously but was not included in the packet.

Relative to the addition on the rear of the building, it replaced a previous mud room addition that was constructed prior to the 1970s. Due to the informal construction methods of the time, the building eave became damaged through the attachment of the addition. The original building is characterized by extended eaves and the addition was constructed in a manner that caused damage to the eave over time.



Figure 2: Addition in 2023, prior to demolition. Note attachment to original building's eaves. Addition was removed, roof repaired, and construction of a new addition that is 42 square feet larger (through the squaring off of the addition at the original entryway) than the historic addition.

PREVIOUS CASE SUMMARIES:

HDRB: H-96-017, January 23, 1996, the Board denied the application request to replace the existing shingle roof with a standing seam metal roofing system. The denial of the request was based upon Section 14-70.71A 1987 SFCC, which requires that a false historical appearance is not created.

ADMINISTRATIVE: Case No. 2023-007613-ADMIN.

Approved scope of work:

- 1) Replace the windows on the dormer to reflect the style of the windows and the other two dormers more accurately.
- 2) Replace the windows with double-pane windows in a style that is similar to the historic windows on the rest of the house (except the casita).
- 3) Include grills across the entire window.
- 4) The windows will be painted white, consistent with the primary color of the house.
- 5) Paint the house the same color of white.
- 6) Propose to repair and repaint the windows to the original white color.
- 7) Repair and replace the screens as well as manufacture identical new storm windows for the winter weather, granted the option for light blue.
- 8) Repair the brick planter immediately in front of the deck.
- 9) Repair and repaint the front door white, which is the current color.
- 10) Replace fence at the end of the driveway (on west side of the house) with a cedar shingle gate as well as a double gate to accommodate larger items going to the backyard (see drawing). The current fence is in disrepair and is currently painted red. Propose staining the cedar in a red tint that would not significantly alter the look.

ADMINISTRATIVE: Case No. 2023-007139-ADMIN.

Approved scope of work:

- 1) Re-roof the structure as submitted with the condition that there shall be no publicly visible rooftop appurtenances. Repair damaged wood in-kind maintaining as much historic materials as possible. Shingles will be replaced in kind with Terra Cotta color to match existing.

APPLICANT'S CURRENT REQUEST:

The applicant proposes the following exterior alterations:

- 1) Replace the windows on the east dormer to reflect the style of the windows and the other two dormers more accurately.
- 2) Replace the front concrete and brick patio in-kind.
- 3) Replacement of front patio deck with cedar with weather-resistant coated decking material.
- 4) Repair the brick planter immediately in front of the deck.

- 5) Install 41” railings on the front porch, which will be consistent with building code.
- 6) Repair and repaint the front door white, which is the current color.
- 7) Repair and repaint the windows.
- 8) Repair and replace the screens as well as manufacture identical new storm windows for the winter weather; color will remain white.
- 9) Rebuild the original white picket fence at the front of the property.

EXCEPTION CRITERIA AND RESPONSES:

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 facade; The applicant requests an exception to 14-5.2(D)(2)(d) for a 28 sq. ft. addition to the north primary façade.

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

Applicant Response: The additional walls are stucco and cedar shake, consistent with the district and the property. The add on done in the past added a stucco casita to the back of the house. The dormers and house immediately next door is almost 100% cedar shake.

Staff Response: Staff has evaluated the applicant’s response and finds that this criterion is met. The applicant constructed the 42 sq. ft. addition on the north primary façade to preserve the roof and the overall condition of the structure under the premise the contractor had previously received Board and staff approval. Given the current condition, the applicant is coming before the Board for retroactive approval for the non-approved and non-permitted work.

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

Applicant Response: Four walls were completely rotted due to the add on in the last century. This poses a health risk (mold) and a physical risk (falling down).

Staff Response: Staff has evaluated the applicant’s response and finds that this criterion is met. The applicant constructed the 42 sq. ft. addition on the north primary façade to preserve the roof and the overall condition of the structure under the premise the contractor had previously received Board and staff approval. Given the current condition, the applicant is coming before the Board for retroactive approval for the non-permitted work.

(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 replacement of the walls allow the home to be occupied and remain structurally sound.

Staff Response: Staff has evaluated the applicant’s response and finds that this criterion is met. The applicant constructed the 42 sq. ft. addition on the north primary façade to preserve the roof and the overall condition of the structure under the premise the contractor had previously

received Board and staff approval. Given the current condition, the applicant is coming before the Board for retroactive approval for the non-permitted work.

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.

(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* stepbacks 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 Stepbacks

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 stepback 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.

(H) Don Gaspar Area Historic District

(1) District Standards

Compliance with the following structural standards shall occur wherever 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, stone, or wood shall be used as exterior *wall* materials. Aluminum siding, metal panels, mirrored glass and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior *wall* materials. The painting of *buildings* with a color that causes arresting or spectacular effects or with bold repetitive patterns, or using *building* as signs is prohibited. Murals, however, are permitted and may be referred to the city arts board for an advisory recommendation.
- (b) Roof forms including but not limited to flat, gabled, shed, and *hipped roofs* are allowed. Folded plate or hyperbolic roofs are not allowed.
- (c) 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, *greenhouses*, garden rooms, 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 by the following methods:

- (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 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.

- (d) Mechanical, electrical, telephone equipment, microwave satellite receiving dishes, and other obtrusive equipment shall be architecturally screened by opaque materials by raising the parapet, framing in the equipment, or other appropriate means. The equipment shall be of a low profile to minimize the *screening* problems.
- (e) *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, chain-link, metal wire, or similar materials are prohibited, except where the *wall* or fence is not in view from any public *street*, way, or other public place.
- (f) *Greenhouses*. 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 the *greenhouses* made from enclosed *porches* or *portales* shall maintain the shape of the *porch* or *portal*.
- (g) For *residential* uses, paving with asphalt or parking is not allowed in the front *yard* except in the sidewalk or driveway.
- (h) For commercial uses zoned C-1 front *yards* are required to be landscaped, and no required front *yard* shall be used for *off-street parking*.
- (i) As a condition of any rezoning all *applicants* shall provide evidence of sufficient *off-street parking* and an intent to maintain the architectural integrity of the existing *building* or to conform to the architectural style of the district if constructing a *building* on a vacant *lot*.

(2) Walls; Fences; Solar Collectors; Administration

Applications for erection, alteration, or destruction 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, or 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 Significant Structure:

A structure located in a historic district that is approximately fifty years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a structure to be designated as significant, it must retain a high level of historic integrity. A structure may be designated as significant:

- (A) for its association with events or persons that are important on a local, regional, national or global level; or
- (B) if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

14-12 Primary Façade:

One or more principal faces or elevations of a building with features that define the character of the building's architecture.