

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

Case # 2025-9947-HDRB

Address – 214 Old Santa Fe Trail

Agent’s Name – John A. Padilla

Owner/Applicant’s Name – Mark Suleiman

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

BACKGROUND

The former single-family residence and current commercial structure at 214 Old Santa Fe Trail has a contributing designation in the Downtown and Eastside Historic District. The structure was built post-1912 in a vernacular manner as seen by the wood frame and stucco materials, recessed doors and windows, and four-over-one historic windows. Originally it was a modest residential home, converted into a commercial storefront in the 1940s. A two-story apartment addition was added in the early 1970s. The structure was given contributing status in 1984, with a primary façade designation in 2021, Case # 2021-3908-HDRB, in which the north façade was designated primary. It has had additions to the eastern and western facades, changing the original design. However, the structure’s northern and southern facades are relatively intact, showing the original fenestration, construction materials and architectural style of the structure.

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 City issued to the property owner a notice of violation and citation for construction on the structure without Board approval or building permits. The project included the installation of two large plate-glass windows on the eastern elevation which extend to the grade, one of which shares a single fenestration with a plate-glass double door; installation of a black steel, ribbed gate on the southeast corner; and construction of a stuccoed planter on the north façade. At this hearing, the Applicant requests retroactive Board approval of the following items, already constructed, which require exceptions to SFCC Sections 14-5.2(D)(2)(c), Additions to Primary Façades, and 14-5.2(E), Downtown and Eastside Design Standards:

- 1) Addition of a low landscape planter wall (1’4” to 2’7”) along a portion (36 feet) of the north primary façade, for which an exception is requested.

- 2) Removal of two windows and double doors on the east façade and installation of two plate-glass windows and a pair of plate-glass doors, for which exceptions are requested.
- 3) Installation of a new black metal gate to the height of 7 feet at the southeastern façade portal to secure the passageway to the rear structure, for which an exception is requested.

The City Staff notes that the neighboring lot, 216 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. 228 Old Santa Fe Trail has 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.

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 found that all the exception criteria have not been met and recommended denial of the application as it did 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 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.

Plate-Glass Windows and Doors:

8. Under SFCC Section 14-5.2(E)(1)(c), single panes of glass exceeding 30 inches in any dimension are not permitted.
9. The Applicant has installed two single-pane windows 8’4” high, 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.

10. 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.
11. Based on the information set forth in the Staff Report, and the exhibits, evidence and testimony presented at the hearing, the Board agrees with Staff's recommended finding that the Applicant has not conclusively demonstrated 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/sidelite combinations of undivided lites. There is no evidence 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 in the Historic Districts, because it erodes the enforcement of the City Code for property owners to make alterations to buildings without procuring the necessary permits, and there is no evidence proprietors cannot manage successful businesses with storefronts consistent with the historic character of the streetscape.
12. The Board finds that the Applicant has failed to conclusively demonstrate that the exception criteria have been met for the plate-glass windows and doors.

Black Steel Fence and Gate:

13. Under SFCC Section 14-5.2(E)(1-2), buildings are characterized by construction in adobe, with wooden architectural elements, all in light to dark earth colors.
14. The Applicant has installed a black, ribbed steel gate and fence section, seven feet tall at its highest point, at the southeast corner of the structure, and now seeks retroactive approval from the Board. The Staff determined that an exception to SFCC Section 14-5.2(E)(1-2) would be required for approval of the application, and the Applicant requested an exception.
15. 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.
16. Based on the information set forth in the Staff Report, and the exhibits, evidence and testimony presented at the hearing, the Board agrees with Staff's recommended finding that the Applicant has not conclusively demonstrated 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 black seven-foot ribbed gates are not a color or design approved in the Downtown and Eastside Historic District. Other steel fences and gates on the streetscape are low or have

- an elongated checkerboard with reinforced union design, and they are brown, patinaed or some other earth-toned or design-consistent color;
- 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 which have other, more harmonic designs for gates and fences, and there is no evidence that the businesses are 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 it erodes the enforcement of the City Code for property owners to make alterations to buildings without first procuring the necessary permits, and there is no evidence that proprietors cannot manage successful businesses with fences and gates consistent with the historic character of the streetscape.
17. The Board finds that the Applicant has failed to conclusively demonstrate that the exception criteria have been met for the seven-foot-high, black ribbed steel gates.

Low Landscape Planters:

18. Under SFCC Section 14-5.2(D)(2)(c), additions are not permitted to primary façades.
19. The Applicant has built a landscape planter varying in height from 1’4” to 2’7” along a 36-foot section of the north primary façade, and now seeks retroactive approval from the Board. The Staff determined that an exception to SFCC Section 14-5.2(D)(2)(c) would be required for approval of the application, and the Applicant requested an exception.
20. 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.
21. Based on the information set forth in the Staff Report, and the exhibits, evidence and testimony presented at the hearing, the Board agrees with Staff’s recommended finding that the Applicant has not conclusively demonstrated 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 the north façade has been designated a primary façade for its features that define the character of the building’s architecture, notably the historic windows, stepped parapet and chimney mass. The planter interferes with the architectural features of the primary facade, which is a traditional bungalow design consistent with the original residential character of the building;
 - 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 there has been no showing that the business which occupies the structure at 214 Old Santa Fe Trail cannot operate successfully without a landscape planter; 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 it erodes the enforcement of the City

Code for property owners to make alterations to buildings without first procuring the necessary permits, and there has been no showing that the art displayed on the landscape planter cannot be showcased adequately by some other mechanism that does not attach to the primary façade.

22. The Board finds that the Applicant has failed to conclusively demonstrate that the exception criteria have been met for the low landscape planter on the north primary façade.
23. The alterations to this contributing structure compromise the historic status of the structure by the removal of historic materials and alteration of architectural features and spaces that embody the contributing status, as prohibited by SFCC Section 14-5.2(D)(1) (a).
24. 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.
25. 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:

1. The Board has the authority to review and approve the application.
2. The Board denies the exceptions requested in the application.
3. The Board denies approval of Items # 1-3 as set forth in the application in its entirety.

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