

City of Santa Fe, New Mexico

memo

DATE: November 18, 2025

TO: Historic Districts Review Board

VIA: Heather Lamboy, Planning & Land Use Department Director #LL
Maggie Moore, Assistant Land Use Director *MM*
Gary Moquino, Historic Preservation Division Manager *GM*

FROM: Paul A. Duran, Senior Planner, Historic Preservation Division PAD

2025-011418-HDRB, 320 Paseo de Peralta, Downtown & Eastside Historic District, Non-contributing, Charlotte Fox, owner, requests approval for a mural. Four exceptions are requested to 14-5.2(D)(10) signs and murals, 14-5.2(E)(1)(b) exterior walls, 14-5.2(E)(2)(e) publicly visible facades, and 14-8.10(H) special sign regulations in the H Districts.

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: Exterior Finishes

STAFF RECOMMENDATION:

Staff recommends denial of the proposed project and finds that the exception criteria have not been met for the exceptions requested to 14-5.2(D)(10) signs and murals, 14-5.2(E)(1)(b) exterior walls, 14-5.2(E)(2)(e) publicly visible facades, and 14-8.10(H) special sign regulations in the H Districts, and that the application does not comply with Section 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(E) Downtown and Eastside Design Standards.

This property was cited in August for the mural being painted on the building without approval. Murals are permitted in the historic districts, but must be reviewed and approved by the HDRB.

Sample motions:

Up to four motion will be required in this case. Four motions are required for the exceptions to 14-5.2(D)(10) signs and murals, 14-5.2(E)(1)(b) exterior walls, 14-5.2(E)(2)(e) publicly visible facades, and 14-8.10(H) special sign regulations in the H Districts.

Sample Motion

- a. In case 2025-011418-HDRB, 320 Paseo de Peralta, approve or deny the exception requests to 14-5.2(D)(10) signs and murals, 14-5.2(E)(1)(b) exterior walls, 14-5.2(E)(2)(e) publicly visible facades, and 14-8.10(H) special sign regulations in the H Districts.

Should the Board deny the exception requests, the applicant shall return the structure to its previous state before the mural.

BACKGROUND & SUMMARY:

Streetscape:

The general streetscape can be summarized as a mixed-use commercial and residential area where the architectural design reflects the Spanish Pueblo Revival, Territorial, and Vernacular styles prevalent throughout the historic districts. Pitched and flat roofs are commonly observed with stuccoed exterior walls colored with earth tones, with some stuccoed and wooden fences along Paseo de Peralta. Wrought iron can be observed at some properties in the area. The overstory is prominent with large cottonwoods, pines, sequoias, and other domestic cultivated vegetation.

Site Description:

The structure at 320 Paseo de Peralta is a mixed-use property serving currently as an Airbnb under Casa de Huerto Properties, LLC, as a family and pet-friendly abode. The property is defined as two non-residential buildings constructed in the Spanish Pueblo Revival style. Both buildings are designated as noncontributing to the Downtown and Eastside Historic District. The following paragraphs are a summation previously described by Mrs. Nicole A. Ramirez Thomas, former planner for the Historic Preservation Division (HPD) in a case that was presented to the HDRB in 2016.

Building A: Building A is an irregularly shaped one-story building constructed in 1886. The house noted on the 1912 Kings Map indicates the “U” shape the property possessed until sometime after 1958, when the massing of the building changed significantly. Multiple flat roofs adjoin and the report from Mr. Murphey’s 2016 Historic Cultural Property Inventory (HCPI) survey report indicating the original 1912 building underneath the modifications and additions that comprise the current building. A portal with wood posts defines the entrance on the front of the building. The addition of the portal and massing on the north side of the building occurred sometime between 1958 and 1973. The east of the elevation is entirely covered by a portal. This area serves as a corridor between the north side of the building and the south side of the building. The

south side of the building was added on to sometime before 1973 and after 1958. A courtyard area was enclosed by an adobe yard wall which was recently demolished. No date is given for the yard wall, but aerial photos indicate that it too was constructed before May of 1973 and after November of 1958. The west elevation is not connected to the 1985 Building B but is not visible and provides another passage from the north side and the south side of the property.

Building B: Building B was constructed in the 1980s as an addition to the property, but it is a separate building. The current HCPI survey report photos demonstrate changes to the northwest corner of the building.

PREVIOUS CASE SUMMARIES:

HDRB:

On September 22, 2016, in Case No. H-16-073A, the Board maintained the status as non-contributing to the Downtown and Eastside Historic District.

On September 22, 2016, in Case No. H-16-073B, the Board approved a wholesale window replacement and 168' sq. ft. portal addition on the non-contributing structure.

Several 1984 Legacy HDRB and ADMINISTRATIVE approvals have taken place on the property, but no records are currently available for review.

APPLICANT'S REQUEST:

The applicant proposes the following exterior alterations:

- 1) Retroactive approval of a mural, titled "Orchard Sentinel," applied to the exterior wall of the property located at 320 Paseo de Peralta, Santa Fe, New Mexico, within the Downtown & Eastside Historic District. This submission is made in direct response to the Historic Preservation Division Notice of Violation issued on August 5, 2025.



Figure 1. North and West publicly facing facades on Paseo de Peralta.



Figure 2. North publicly facing facade. The mural camouflages the existing utility boxes and lines.



Figure 3. West publicly facing facade.

EXCEPTION CRITERIA AND RESPONSES:

Exception to 14-5.2(D)(10) signs and murals: The applicant requests an exception to 14-5.2(D)(10) signs and murals to address the non-compliance with sign and design standards, as outlined below in response to the Historic Preservation Division Notice of Violation issued on August 5, 2025.

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

Applicant Response: The mural enhances the district's character by integrating Tewa-inspired fox and feather motifs, using colors that echo traditional Pueblo aesthetics, complementing the historic streetscape.

Staff Response: Staff finds that this criterion is not met. The mural may be visually aesthetically pleasing; however, the mural was not approved by the Board or the Arts Commission prior to the painting on the building's facades and cannot be approved as it stands today. Overall murals may be permitted, but they may not overtake the building thereby obfuscating the architectural character of the building. The purpose of the historic district design standards is, in part, the creation of a general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design. The mural overtakes the building and damages the streetscape.

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

Applicant Response: Retaining the mural mitigates financial hardship from its \$7,900 cost, while its aesthetic improvement supports public welfare by welcoming visitors

to the historic district.

Staff Response: Staff finds that this criterion is not met. The mural may be visually aesthetically pleasing; however, the mural was not approved by the Board or the Arts Commission prior to the painting on the building's facades and cannot be approved as it stands today. Furthermore, financial cost cannot be considered as a hardship, especially in this case due to the Code violation. No attempt was made by the applicant to seek approval prior to the financial investment that was made.

(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 mural contributes to "The City Different" by offering a culturally resonant design, enriching the district's diverse aesthetic and supporting residential vibrancy.

Staff Response: Staff finds that this criterion is not met. The mural may be visually aesthetically pleasing; however, the mural was not approved by the Board or the Arts Commission prior to the painting on the building's facades and cannot be approved as it stands today. Furthermore, the mural in part draw attention to the building and effectively can be considered signs. If this mural were considered a sign, it would not meet Code standards regarding size and placement of signage.

Exception to 14-5.2(E)(1)(b) exterior walls: The applicant requests an exception to 14-5.2(E)(1)(b) exterior walls to address the non-compliance with sign and design standards, as outlined below in response to the Historic Preservation Division Notice of Violation issued on August 5, 2025.

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

Applicant Response: The mural's earth tones and Tewa-inspired design harmonize with the district's adobe aesthetic, enhancing rather than detracting from its historic integrity.

Staff Response: Staff finds that this criterion is not met. The mural may be visually aesthetically pleasing; however, the mural was not approved by the Board or the Arts Commission prior to the painting on the building's facades and cannot be approved as it stands today. Furthermore, the mural overtakes this historic building and radically changes the streetscape, thereby impacting the character of the district as a whole.

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

Applicant Response: The mural's retention avoids financial loss from its creation and improves the public's experience by beautifying an unsightly utility area.

Staff Response: Staff finds that this criterion is not met. No attempt was made by the applicant to receive HDRB and City approval prior to making the financial investment to paint the mural. The mural may be visually aesthetically pleasing; however, the mural was not approved by the

Board or the Arts Commission prior to the painting on the building's facades and cannot be approved as it stands today.

(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: By blending Tewa symbolism with modern artistry, the mural enriches Santa Fe's diverse identity, fostering cultural appreciation within the district.

Staff Response: Staff finds that this criterion is not met. This is a business and there is no need to address this criterion based on allowing residents to continue to reside in the historic districts. Furthermore, through the applicant's negligence in receiving approval for the murals, multiple design options were not considered.

Exception to 14-5.2(E)(2)(e) publicly visible facades: The applicant requests an exception to 14-5.2(E)(2)(e) publicly visible facades to address the non-compliance with sign and design standards, as outlined below in response to the Historic Preservation Division Notice of Violation issued on August 5, 2025.

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

Applicant Response: The mural's placement and colors align with the district's aesthetic, providing an aesthetically pleasing street frontage that complements the historic environment.

Staff Response: Staff finds that this criterion is not met. The bright colors and scale of the building is not compatible with the streetscape or characteristics of the Downtown & Eastside Historic District. Furthermore, district standards call for all the exterior walls be painted of the same earthtone color – the scale of the murals consume the building and fails to meet this design criterion as well as the intent of the Downtown & Eastside Historic District. The mural may be visually aesthetically pleasing; however, the mural was not approved by the Board or the Arts Commission prior to the painting on the building's facades and cannot be approved as it stands today.

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

Applicant Response: The mural prevents hardship by preserving a significant investment and enhances public welfare by welcoming residents and guests with vibrant, culturally significant imagery.

Staff Response: Staff finds that this criterion is not met. The mural creates a diversion which negatively impacts the character of the district. The design standards set forth an expectation for consistency and predictability in design that is expected in all historic districts to maintain the unique character of Santa Fe.

(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 mural supports Santa Fe's "City Different" identity, offering a unique design that enhances the district's appeal and residential vitality.

Staff Response: Staff finds that this criterion is not met. There was no opportunity to consider the full range of design options as the mural was painted without the required approvals.

Exception to 14-8.10(H) special sign regulations in the H Districts: The applicant requests an exception to 14-8.10(H) special sign regulations in the H Districts to address the non-compliance with sign and design standards, as outlined below in response to the Historic Preservation Division Notice of Violation issued on August 5, 2025.

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

Applicant Response: The mural preserves the district's unique character by incorporating Tewa-inspired elements, ensuring compatibility with Santa Fe's historic and cultural landscape.

Staff Response: Staff finds that this criterion is not met. The mural does not relate to the character of the district – while the murals may be Tewa-inspired, similar murals are not found on traditional indigenous buildings.

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

Applicant Response: Retaining the mural avoids financial hardship for my family and supports public welfare by enhancing the district's aesthetic appeal for residents and tourists.

Staff Response: Staff finds that this criterion is not met. Financial hardship cannot be considered when granting an exception. Furthermore, the hardship was created by the applicant making an investment without obtaining the proper City approvals.

(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 mural provides an aesthetically pleasing street frontage sign, welcoming residents and guests into historic downtown Santa Fe with a culturally resonant form and colors that accentuate the streetscape's vibrancy.

Staff Response: Staff finds that this criterion is not met. A full range of design options was not considered in this case; and as this building is a business, there is no need to ensure that a residence may continue to reside at the subject property.

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.
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- (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.

(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.

(E) Downtown and Eastside Design Standards

The *governing body* recognizes that a style of architecture has evolved within the *city* from the year 1600 to the present characterized by construction with *adobe*, hereafter called "old Santa Fe style", and that another style has evolved, hereafter called "recent Santa Fe style", which is a *development* from, and an elaboration of the old Santa Fe style, with different materials and frequently with added decorations.

(1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with *adobe*, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

- (a) With rare exception, *buildings* are of one *story*, few have three stories, and the characteristic effect is that the *buildings* are long and low. Roofs are flat with a slight *slope* and surrounded on at least three sides by a firewall of the same color and material as the *walls* or of brick. Roofs are never carried out beyond the line of the *walls* except to cover an enclosed *portal* or *porch* formed by setting back a portion of the *wall* or to form an exterior *portal*, the outer edge of the roof being supported by wooden columns. Two- *story* construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second *story*. Façades are flat, varied by inset *portales*, exterior *portales*, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding *walls*;
 - (b) All exterior *walls* of a *building* are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under *portales*, or in church-derived designs, inset panels in a *wall* under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;
 - (c) Solid *wall* space is always greater in any façade than window and door space combined. Single panes of glass larger than thirty (30) inches in any dimension are not permissible except as otherwise provided in this section;
 - (d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof *structures*, but such *structures* other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the *street* on which the *building* fronts;
 - (e) True old Santa Fe style *buildings* are made of *adobe* with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the *adobe* effect can be simulated is permissible; provided, that the exterior *walls* are not less than eight (8) inches thick and that geometrically straight façade lines are avoided. Mud plaster or hard plaster simulating *adobe*, laid on smoothly, is required; and
 - (f) It is characteristic of old Santa Fe style commercial *buildings* to place a *portal* so that it covers the entire sidewalk, the columns being set at the curb line.
- (2) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic *buildings* by *retention* of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of *adobe* construction, prescribed as follows:

- (a) No *building* shall be over two stories in height in any façade unless the façade shall include projecting or recessed *portales*, *setbacks* or other design elements;
- (b) The combined door and window area in any *publicly visible* façade shall not exceed forty percent of the total area of the façade except for doors or windows located

under a *portal*. No door or window in a *publicly visible* façade shall be located nearer than three (3) feet from the corner of the façade;

- (c) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof *treatment* described below;
- (d) No less than eighty percent of the surface area of any *publicly visible* façade shall be *adobe* finish, or stucco simulating *adobe* finish. The balance of the *publicly visible* façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for *building permits*;
- (e) The *publicly visible* façade of any *building* and of any adjoining *walls* shall, except as otherwise provided, be of one color, which color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. Façade surfaces under *portales* may be of contrasting or complimentary colors. Windows, doors and *portals* on *publicly visible* portions of the *building* and *walls* shall be of one of the old Santa Fe styles; except that *buildings* with *portals* may have larger plate glass areas for windows under *portals* only. Deep window recesses are characteristic; and
- (f) Flat roofs shall have not more than thirty (30) inches overhang.

14-5.2(10) Signs; Murals

Sign applications and required submittals shall be reviewed by the planning and land use department. Approval or disapproval shall be indicated by the division on the application for the building permit and on each of the required submittals. If a proposed mural does not meet the criteria in the historic ordinance, an exception is required. (Ord. No. 2007-45 § 30; Ord. No. 2020-22 § 16; Ord. No. 2023-27 § 1)

14-8.10 - SIGNS

14-8.10(H) Special Sign Regulations in the H Districts

(1) Purpose

- (a) The purpose of the sign regulations in this section is to establish and carry into effect regulatory procedures governing signs in historic districts of the city . These regulations pertain to permits, colors, texture and finish, materials and design, location and size. They are set forth to preserve the special qualities inherent in the city that attract tourists and residents alike and that are the basis of the city's economic stability and growth. Signs excessive in size, illumination and of commonplace design will defeat the purpose of the preservation of characteristic areas in this, the oldest capitol in the United States.
- (b) In addition to the prohibition contained in this section, approval of the display of a sign in the historic district shall be granted by the division only when the signs and the plans conform to the unique and distinctive character of the city , do not injuriously affect the same and do not impair the value to the community of those buildings having architectural worth.

(2) Applicability

Signs in the following areas and districts shall comply with the additional sign regulations of this Subsection 14-8.10(H), in addition to the general sign regulations of Section 14-8.10 above:

DEFINITIONS:

14-12 Noncontributing Structure:

A structure, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.