



CITY OF SANTA FE CITY ATTORNEY

MEMORANDUM

To: Members of the Governing Body

From: Frank Ruybalid, Assistant City Attorney

Via: Marcos Martínez, City Attorney

Re: **Appeal # 2026-12028-APPL of Case # 2025-11380.** The Old Santa Fe Association Appeals the Planning Commission’s February 5, 2026, Decision Approving a Development Plan by Titan Development to Build a Four-Story, 150-Room Marriott Hotel on a 3.4-Acre Parcel at 1000, 1101 and 1103 Cerrillos Road.

Date: June 17, 2026, for the June 25, 2026, Special Governing Body meeting

The Old Santa Fe Association has filed an appeal challenging a decision by the Planning Commission approving a Development Plan to build a 79,491-square-foot Antonio Catalán Marriott Hotel with 150 rooms on a 3.4-acre parcel covering three addresses, 1000, 1101 and 1103 Cerrillos Rd. The subject land parcel is located at the southwestern corner of the intersection of Cerrillos Road and St. Francis Drive and is bordered by the AT&SF Railroad right of way to the southeast, and two existing commercial businesses to the south. **[Exhibit D, Staff Report, at 32]** The commercial structures at the site will be demolished at the time of the hotel’s development. **[Ex. D, Staff Report, at 32]**

In a public hearing February 5, 2026, the Planning Commission (“Commission”), based on a recommendation by the Land Use Staff, approved the AC Marriott Hotel development plan, submitted by Titan Development, who is the responding party in this Appeal. The Planning Commission found that the plan complies with the C-2 zoning standards, subject to conditions of approval and technical corrections, and that the development meets the Development Plan Approval Criteria found in the Santa Fe City Code (“SFCC”) Section 14-3.8(D). **[Ex. C, Minutes of 2/5/2026 Planning Commission Meeting, at 29]**

In this “de novo” appeal, the Governing Body may uphold or reverse the Planning Commission’s decision to approve the AC Marriott Hotel Development Plan. **[SFCC Section 14-2.2(F)]** A “de novo” appeal is one in which the Governing Body uses the planning commission's record but reviews the evidence and law without deference to the planning commission's decision.

I. PROCEDURAL HISTORY

A. Application for Development Plan Approval

In October, 2025, JenkinsGavin, agent for Titan Development (the “Applicant”), submitted a Development Plan along with various plans, plat maps, elevation drawings, an archaeological clearance, traffic impact analysis, and letter addressing the Development Plan Approval Criteria under the City Code, SFCC Section 14-3.8(D). **[Ex. E, Project Application, at 72-291]**

The Applicant described the design of the proposed four-story hotel as drawing inspiration from the vernacular Santa Fe style, with façades drawing upon traditional Pueblo architecture, establishing a clear massing hierarchy while visually reducing the structure’s scale. The Applicant’s agent described significant landscaping improvements that would enhance and beautify this segment of the Cerrillos Road corridor, presently dominated by aesthetically void warehouse-type structures and minimal landscaping. **[Ex. E, Project Application, at 72]** The Applicant’s agent described significant setbacks from the streets: 67 feet from the street at the front and 51.5 feet at the side – considerably greater than the 15-foot street-front setback and no side setback required by the City Code in a C-2-zoned district. **[Ex. E, Application Letter, at 74-75; Ex. D, Staff Report, at 33]**

In recognition that the increased traffic created by a busy hotel directly across the street from the New Mexico School for the Deaf would be a concern to the Commission and to the public, the Applicant submitted a 161-page traffic analysis by professional engineers. **[Ex. E, Project Application, at 90-250]** The conclusions by the Land Use Staff, in accordance with the recommendations of the engineers, was to restrict access to the hotel to two entries/exits: one across Cerrillos Road from the entrance to the School for the Deaf (Driveway A) and another east of the Burrito Spot, which is at the corner of Cordova and Cerrillos Roads (Driveway B). The Staff recommended a westbound left-turn deceleration lane and an eastbound right-turn deceleration lane on Cerrillos Road at Driveway A, without an additional traffic signal; and that Driveway B be a left-in and right-in, but right-out only, access. **[Ex. D, Staff Report, at 33-34]**

Presently there is no sidewalk abutting the site, and the Staff noted that, with no sidewalk, a “volunteer path” has formed along the narrow dirt section adjacent to the fence along Cerrillos Road. The Applicant wrote that a new six-foot-wide sidewalk will be constructed along the Cerrillos Road frontage behind a five-foot planter strip with street trees, improving pedestrian connectivity and safety. **[Ex. E, Project Application, at 74; Ex. D, Staff Report, at 33]**

B. Staff Recommendation and Commission Decision

In its Staff Report to the Planning Commission, the Land Use Staff recommended approval of the development proposal. **[Ex. D, Staff Report, at 31]** The Staff explained its decision why the development fulfilled the Development Plan Approval Criteria under the City

Code, SFCC Section 14-3.8(D):

- it would not adversely affect the public interest [SFCC § 3.8(D)(1)(b)];
- it would be compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises [SFCC § 3.8(D)(1)(c)]. [Ex. D, Staff Report, at 43-44]

The Planning Commission considered the development application in its regular meeting February 5, 2026. [Ex. C, Planning Commission Minutes, at 29] Seven members of the Commission participated in the hearing. [Ex. C, Minutes, at 29] Case Manager Claudia Kath described the project application, and recommended that the Planning Commission approve it, subject to written Conditions of Approval. [Ex. C, Minutes, at 29] [See also YouTube, <https://www.youtube.com/live/IDgnL6GiYOo?si=bM2CyTP5qjv1HUtf> at 1:03:40] Ms. Kath said the project would meet or exceed the City's open space standard and comply with the lot coverage restriction. Ms. Kath showed elevation drawings, plat maps, a lighting schematic, a utility plan map and diagrams of proposed signage.

Alan Hook, Water Resources Coordinator for the City Water Division, described the project's compliance with the City's Alternative Water Budget provision, SFCC § 14-8.13(B)(2) (b), which permits a water budget supported by reliable data demonstrating that the anticipated annual water use will be less than that based on the City Water Division's standard formula. [YouTube at 1:15:15]

Commissioner Thomas Rieland questioned why a westbound left turn into Driveway B would be permitted, when N.M. Department of Transportation recommended against it. Leroy Pacheco, the City's Traffic Engineer, said the City would require the project to comply with the DOT recommendation, and there would be no westbound left turn into Driveway B. [YouTube at 1:23:05]

Jennifer Jenkins of JenkinsGavin; Josh Rogers, Partner, and Ian Robertson, Director of Development, Titan Development Group, also addressed the Commission. [YouTube at 1:26:30] Ms. Jenkins described the traffic analysis, open space requirements, the sidewalk plan, landscape buffer, and the developer's plans for attractive landscaping. She said the traffic analysis is based on standard traffic-flow data published by the Institute of Transportation Engineers and was reviewed by the City's Public Works Department and N.M. Department of Transportation. Mr. Robertson said Titan Development first designed a more modern-looking hotel, but re-designed the hotel consistently with Old Santa Fe style in response to comments at an early neighborhood notification meeting. [YouTube at 1:41:30]

Edward Archuleta, Co-Director of the Old Santa Fe Association (the Appellant in this Appeal) said the hotel was characterized by poor design and planning, and was inconsistent with Santa Fe's architecture, which is "unique in all the world." [YouTube at 1:53:10] He questioned the need for another multi-story hotel in Santa Fe. He said the intersection at St. Francis and Cerrillos is already overly congested. He quoted the Traffic Impact Analysis as reading that eastbound traffic on Cerrillos Road will be backed up past the main driveway into

the Marriott Hotel. As traffic volumes grow over time this condition will worsen, impairing traffic attempting to turn left into the hotel from westbound Cerrillos Road. He read a letter from former Santa Fe County Commissioner Anna Hansen expressing concern that a four-story building will cast a shadow on the road creating icy conditions in the winter. **[YouTube at 1:55:40]**

Four other public commentators opposed the hotel based on concerns about its height and scale, insufficient parking, and the impact of the additional traffic on this busy streetscape, although one supported the creation of the sidewalk along Cerrillos Road. **[YouTube at 1:56:30]**

Commissioner Mirando made a motion to approve the project, subject to the written Conditions of Approval and Technical Corrections, and with the requirements that the Applicant work with the Land Use Staff to architecturally soften the fourth-story corner deck, and that the property owner assist in the relocation of the Gunnison prairie dogs at the site. **[Ex. C, Minutes, at 29]** Six members of the Commission voted, with three voting to approve the project and three voting against it. **[Ex. D, Minutes, at 29]** Because the chair may vote only in the event of a tie, Chair Janet Clow did not vote until the Clerk announced a tie, then Chair Clow voted in favor of the project, which passed on a vote of four to three. **[City Resolution # 2009-20, Art. 11, § 2(B); Ex. D, Minutes, at 29]**

On March 5, 2026, the Commission adopted written Findings of Fact and Conclusions of Law reflecting its decision to approve the application. **[Ex. B, Findings & Conclusions, at 23-25]**

II. APPEAL TO THE GOVERNING BODY

A. Applicable Code Sections

Under SFCC Section 14-3.17(A)(2), an appeal of a Land Use Board decision may be filed for one or more of the following reasons:

- (a) To contest non-compliance of a final action with Chapter 14 or Sections 3-21-1 through 3-21-14 NMSA 1978 (the New Mexico zoning enabling act);
- (b) To contest the application of SFCC Chapter 14; or
- (c) To appeal a decision lacking substantial evidence to support it.

B. The Appellants' Claims

In its Verified Appeal Petition (“Petition”), the Appellant claims the Planning Commission made a ruling which was not supported by substantial evidence. **[Ex. A, Verified Appeal Petition, at 16]**

Among other objections to the Planning Commission’s decision, the Appellant argues:

- The Cerrillos Road / St. Francis Drive intersection is extremely dangerous, with

curving lanes, a train crossing, and no clear directions for vehicles turning left from Cerrillos Road onto side roads and parking lots. The proposed hotel would add countless more cars to this already congested and badly designed intersection **[Ex. A, Petition, at 3]**;

- An engineer who contributed to the Traffic Impact Analysis wrote that the hotel’s proposed location would be problematic due to eastbound traffic on Cerrillos Road backing up past the main driveway into the hotel, preventing cars westbound on Cerrillos Road from turning left and further obstructing westbound traffic **[Ex. A, Petition, at 4]**;

- The application packet to the Planning Commission was incomplete, lacking a comprehensive public transit, pedestrian walkway and road-upgrade plan to improve traffic flow and ease congestion across a designated neighborhood corridor (known to urban planners as a “City-Grade Level 2 Corridor Package”) **[Ex. A, Petition, at 8, 12]**;

- The application packet lacked a corridor reconciliation model, core infrastructure documents for water and drainage, documentation for architectural-design compliance, and State Highway Access Permits for N.M. State Hwy. 14 and U.S. 84/285 **[Ex. A, Petition, at 16]**;

- The Traffic Impact Analysis contains unreconciled internal conflicts on driveway movements **[Ex. A, Petition, at 7]**; and

- Although the application packet contained a Utility Service Application and a Preliminary Water Budget, it did not contain the necessary Agreement to Construct and Dedicate or an Approved Water Plan. **[Ex. A, Petition, at 9]**

As a remedy, the Appellant urges the Governing Body, in the alternative, to:

1. Deny the approval, and overturn the Feb. 5, 2026, decision of the Planning Commission; OR
2. Suspend and stay the project and remand the application to the Planning Commission until the record is completed with the required proof. **[Ex. A, Verified Appeal Petition, at 16]**

C. The City Staff’s Position

The Land Use Staff, consistently with the position it took in its Staff Report and in the Planning Commission hearing, recommends APPROVAL of the AC Marriott Hotel project and DENIAL of the Appellant’s Appeal Petition. The Land Use Staff recommends a finding that there was sufficient evidence to support the Planning Commission’s Feb. 5, 2026, decision approving the project.

The Land Use Staff stands by its previous recommended findings that the Development

Plan will not adversely affect the public interest, as required by SFCC 1987 Section 14-3.8(D)(1)(b). Older commercial structures with significant outdoor storage areas occupy the existing site, and redevelopment of the property will greatly enhance and improve this gateway to the downtown area. The property is centrally located within walking distance to bus service, the Rail Runner Station, and area amenities such as restaurants, the Santa Fe Railyard Park, retail services, the Santa Fe Rail Trail, and the Acequia Trail, supporting multi-modal transportation and reducing automobile dependency. Furthermore, the proposed hotel provides economic benefits through employment opportunities, tourism revenue, lodger's tax revenue, and the multiplier effect of increased visitor spending.

The Land Use Staff stands by its previous recommended findings that the proposed hotel is compatible with and adaptable to buildings, structures, and uses of the abutting property and other properties in the vicinity, pursuant to SFCC 1987 Section 14-3.8(D) (1)(c). Other properties in the vicinity include Capital Flats, a four-story multi-family housing development, the New Mexico School for the Deaf (NMSD), and the South Capitol complex of large, multi-story state government buildings. Development of a quality hotel at the heart of this lively commercial and recreational area aligns with the General Plan policy supporting a diverse mix of land uses in all areas of the City, as well as with the policy encouraging infill. The use of this property for a hotel is allowed in a C-2 zoned district, and the building, through the architectural points analysis, complies with SFCC 1987 Section 14-8.7, Architectural Design Review.

The Development Plan should be approved subject to the conditions and technical corrections recommended by Staff because all applicable code requirements and criteria for preliminary Development Plan approval have been met.

D. Standard of Review

On appeal, the Governing Body should determine whether there is substantial evidence to support the Planning Commission's approval of the AC Marriott Hotel application. The Governing Body should independently apply the Code provisions described above to the facts of this case. *See* Appendix (relevant Code provisions).

III. CONCLUSION

In considering the Appellant's appeal, the Governing Body must address the following question: Was the February 5, 2026, decision of the Planning Commission approving the proposed AC Marriott Hotel at 1000, 1101 and 1103 Cerrillos Rd. supported by substantial evidence?

If the answer is "yes," deny the appeal.

If the answer is "no," and you do not find that the Applicant has provided substantial evidence in support of the project, grant the appeal.

IV. MOTION OPTIONS

Here are two options for motions in this case:

Motion 1: I move to deny the appeal, on the grounds that substantial evidence supported the Planning Commission’s February 5, 2026, decision approving the AC Marriott Hotel project at 1000, 1101, and 1103 Cerrillos Rd.

Motion 2: I move to grant the appeal, based on our finding that there was not substantial evidence to support the Planning Commission’s February 5, 2026, decision approving the AC Marriott Hotel project at 1000, 1101, and 1103 Cerrillos Rd., and there was not substantial evidence presented to the Governing Body to support the AC Marriott Hotel project.

V. LIST OF EXHIBITS

A	Verified Appeal Petition	March 6, 2026	pp. 1-22
B	Findings of Fact and Conclusions of Law	March 5, 2026	pp. 23-25
C	Minutes of Feb. 5, 2026, Planning Commission Meeting	Feb. 5, 2026	pp. 26-30
D	Land Use Department Staff Report	Feb. 5, 2026	pp. 31-45
	Conditions of Approval		pp. 46-47
	Technical Corrections		p. 48
	Development Review Team Comments		pp. 49-71
E	Project Application		pp. 72-291
	Letter of Intent from JenkinsGavin	Oct. 13, 2025	pp. 72-77
	5G Studio Collaborative Architectural Point Analysis	Dec. 1, 2025	pp. 78-83
	Utility Service Application		pp. 84-87
	Preliminary Water Budget	Oct. 13, 2025	pp. 88-89
	Traffic Impact Analysis	Nov. 25, 2025	pp. 90-250
	Development Plan	Dec. 2, 2025	pp. 251-255
	Infrastructure Plan Set	Dec. 2, 2025	pp. 256-291

**APPENDIX:
EXCERPTS FROM SANTA FE CITY CODE**

SFCC § 14-3.1 – GENERAL PROVISIONS

(F) Early Neighborhood Notification Procedures

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(6) ENN Guidelines

For any project application required to meet ENN requirements, the applicant and neighborhood shall use the guidelines set forth below to assist them in discussing the project at ENN meetings. The guidelines are based on the requirements of Chapter 14

and the general plan and other formally adopted city plans. Where applicable, the applicant shall respond in writing with a short narrative statement. Interested parties may also respond. Responses from all participants shall be provided to the land use board hearing the application. Responses for specific elements may be cross-referenced to other submittal documents. The ENN guidelines provided in this paragraph are adopted for use by applicants in meeting with interested parties.

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(e) Effects on Pedestrian or Vehicular Traffic and Access to Services

When applicable, the applicant shall state how the requirements for parking, the Americans with Disabilities Act, the general plan future land use map and other policies and traffic studies are met. Considerations may include:

- (i) increased access to public transportation and public transportation corridors;
- (ii) effects of design or services provided on traffic in the neighborhood and citywide;
- (iii) whether the project helps in the equitable distribution of traffic citywide, reduces overall travel distance or encourages alternate transportation modes;
- (iv) traffic mitigation measures, including changes in flow of pedestrian and vehicular traffic;
- (v) cumulative traffic impacts;
- (vi) enhancement of transit options;
- (vii) pedestrian access to destinations; and
- (viii) new or improved pedestrian trails to recreational and cultural activities and human and educational services.

SFCC § 14-3.8 – DEVELOPMENT PLANS

(D) Approval Criteria and Conditions

(1) Necessary Findings

To approve a development plan, the planning commission must make the following findings:

- (a) that it is empowered to approve the plan under the section of Chapter 14 described in the application;
- (b) that approving the development plan will not adversely affect the public interest; and
- (c) that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.

(2) Conditions

The planning commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan, including:

- (a) special yards or open spaces;
- (b) fences, walls or landscape screenings;

- (c) provision and arrangement of parking and vehicular and pedestrian circulation;
- (d) on-site or off-site street, sidewalk or utility improvements and maintenance agreements;
- (e) noise generation or attenuation;
- (f) dedication of rights of way or easements or access rights;
- (g) arrangement of buildings and use areas on the site;
- (h) special hazard reduction measures, such as slope planting;
- (i) minimum site area;
- (j) other conditions necessary to address unusual site conditions;
- (k) limitations on the type, extent and intensity of uses and development allowed;
- (l) maximum numbers of employees or occupants permitted;
- (m) hours of operation;
- (n) phases of development, if applicable;
- (o) establishment of an expiration date, after which the use must cease at that site;
- (p) establishment of a date for annual or other period review at a public hearing;
- (q) plans for sustainable use of energy, recycling and solid waste disposal;
- (r) any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate the development and use of land; and
- (s) conditions may not be imposed that restrict the use to a specific person or group.

SFCC § 14-8.13 – DEVELOPMENT WATER BUDGETS

(B) Development Water Budget

(1) The development water budget shall be reviewed and approved by the Engineering Section of the Water Division and shall contain the following information:

(a) A description of all proposed and existing structures on the subject parcel of land together with a complete description of all proposed and existing water fixtures and other water using devices and equipment to be installed or constructed on the subject parcel (not including water to be used during and for construction);

(b) A description of all proposed water uses proposed for the subject parcel of land, separating such uses by indoor and outdoor categories and including the total area of proposed and existing landscaping ; and

(c) A quantification in gallons and acre-feet of the total proposed water usage on the subject parcel of land on an annual basis. In the case of phased development, the quantification shall also include the proposed water usage by each phase of development.

(2) Applicants may choose to:

(a) Allow the Water Division to calculate a development water budget

based on standard formulas using historical water use data for similar type of development; or

(b) Develop a detailed alternative development water budget for the development project supported by reliable data that demonstrates that the anticipated annual water use will be less than if based on the Water Division's standard formulas.

(3) When a proposed new structure or use replaces an existing structure or use, the development water budget for the proposed new structure or use may be reduced by an amount equal to the average annual consumption in the 24 months that the highest water use was active during the preceding 10 years or by the amount of water previously offset if the previously offset amount is higher. Consumption shall be determined through city utility billing system records.

(4) A development water budget may also be reduced by an amount equal to a specific approved annual water allocation made by the governing body for the development project as set forth in Section 25-9.6 SFCC 1987.

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(6) A development water budget may be for a single phase of a multi-phase development project.