

**City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law**

Case #2024-8898

214 Camino De Los Marquez Rezoning from R-21 PUD to R-29

Owner's/Applicant's Name – Santa Fe Opera

Agent's Name – JenkinsGavin, Inc.

THIS MATTER came before the Planning Commission (“Commission”) for public hearing on December 5, 2024 (“Hearing”) upon the application (“Application”) of JenkinsGavin, Inc. (“Agent”) for Santa Fe Opera (“Applicant”).

The Applicant requests rezoning from R-21 PUD (Residential – twenty-one (21) dwelling units per acre Planned Unit Development) to R-29 (Residential – twenty-nine (29) dwelling units per acre)(“Rezoning”).

After conducting a public hearing and having heard from staff and all interested persons, the Planning Commission (“Commission”) hereby FINDS, as follows:

FINDINGS OF FACT

1. SFCC 1987 Section 14-3.5(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending the Governing Body approve the Rezoning.
2. In this case, the Applicant sought a rezoning from R-21 PUD to R-29.
3. SFCC 1987 Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
4. The property is approximately 2.50 acres, located at 214 Camino De Los Marquez.
5. SFCC 1987 Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC 1987 §14-3.1(E)]; (b) an Early Neighborhood Notification (“ENN”) meeting [SFCC 1987 § 14-3.1(F)(2)(a)(iii)]; and (c) compliance with notice and public hearing requirements [SFCC 1987 §14-3.1(H)-(I)].
6. The Applicant effected notice by: mailing out notice via first-class mail to property owners within 300 feet of the subject property on November 20, 2024; mailing out notice via certified mail to those within 100 feet; e-mailing neighborhood associations within 300 feet; and posting the required City sign on the property from November 20, 2024 and December 5, 2024.
7. The Applicant attended a pre-application conference on July 11, 2024.
8. The Applicant conducted an ENN meeting on July 30, 2024, virtually via Zoom. The Agent, Applicant, and City land use staff (“Staff”) attended the ENN meeting. Several members of the public attended the ENN meeting.
9. At the Hearing, the Commission received reports from Staff, as well as testimony and evidence from the Applicant’s agent prior to making a decision. The Commission opened the hearing to public comment, and several members of the public provided testimony, both in-person and via Zoom. Testimony included both support for and opposition to the case: the latter being the majority.
10. Once the Chair closed the Public Hearing, Commissioner Miranda moved to recommend the Governing Body approve the Rezoning.

11. After discussion, the Planning Commission voted unanimously in favor of the motion to recommend the Governing Body approve the Rezoning.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

1. Pursuant to SFCC 1987 Section 14-3.1(H)(1), the Applicant properly gave notice of the ENN meeting.
2. The Applicant properly conducted the ENN meeting pursuant to SFCC 1987 Section 14-3.1(F).
3. The Applicant has the right under the SFCC to propose the rezoning of the Property. Pursuant to SFCC 1987 Section 14-3.5(A)(1)(d), any person may submit a written request for rezoning, along with all submissions required by the SFCC 1987 Chapter 14 and any other information requested by the land use director as reasonably necessary to determine compliance with Chapter 14 (“Submittal Requirements”).
4. Pursuant to SFCC 1987 Table 14-2.1-1: Review and Decision-Making Bodies and Responsibilities and Section 14-3.5(B)(1), and 14-3.5(C), the Commission has the authority to review and recommend the Governing Body approve or deny the rezoning request.
5. SFCC 1987 Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, make a recommendation to the Governing Body, and transmit the application, including any plans, to the Governing Body, together with a recommendation as to findings and conclusions, desirable changes and recommendations for approval or denial.
6. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(a)(iii), the Commission finds that the Rezoning would increase density in the central area of the City and would therefore directly align with the intent of the General Plan, which has identified the Future Land Use of the parcel as “High Density Residential” and within the designated “Infill Area.”
7. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(b), the Commission finds that the Application is complete as required by Chapter SFCC 1987, 14-3.5(C) “Approval Criteria”, and the rezoning request meets all rezoning approval criteria required by Chapter 14 SFCC 1987, Subsection 14-3.5(C).
8. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(c), the Commission finds that the Rezoning is consistent with General Plan Themes and Policies such that the rezoning from R-21 PUD to R-29 is merited. The Rezoning request satisfies all rezoning approval criteria.
9. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(d), the Commission finds the Rezoning provides sufficient information to address 14-3.5(C)(1)(d), the current use of the property (Multi-family Residential) matches the proposed zone district R-29 (Multi-family Residential) and is consistent with other adjacent uses in the vicinity. While no new development is proposed with this application, any future residential uses would be consistent with the General Plan Future Land Use Map and the increased density would be compatible with surrounding development patterns.
10. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(e), the Commission finds that the existing and proposed public services, facilities and infrastructure, including the sewer line and manhole repair work that is guaranteed to the City by funds that have been submitted in escrow with a fully-executed escrow agreement, are able to accommodate the impacts of the proposed development (increased density).
11. Pursuant to SFCC 1987 Section 14-3.5(C)(2), the Commission finds:

- a. The prevailing use and character of the area is a mix of single-family and multi-family residential, with some low intensity commercial uses. The rezoning from R-21 PUD residential to R-29 residential will remain consistent with the prevailing character in the area.
 - b. The property is greater than two acres in size.
 - c. The increase in density enhances compliance with the City’s adopted General Plan, which serves the interest of the general public. The neighborhood contains several multi-family developments at a frequency and density greater than single-family homes and any new multi-family residential use will continue this existing use at a slightly higher intensity. This was intended by the General Plan to take place at this location since 1999.
12. Pursuant to SFCC 1987 Section 14-3.1, all procedural requirements regarding the pre-application conference, ENN meeting, and notice of public hearing have been met.
13. The Commission has the power and authority to review and recommend the Governing Body approve Case #2024-8898: 214 Camino De Los Marquez Drive Rezoning from R-21 PUD to R-29.
14. The Applicant met the applicable Submittal Requirements.
15. The Commission recommended the Governing Body approve the Rezoning because the Application met all applicable Code criteria.

WHEREFORE, IT IS ORDERED ON THE 16TH DAY OF JANUARY 2025, BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission recommends the Governing Body approve the Rezoning as requested from R-21 PUD to R-29, as requested in the Application for Case #2024-8898.

Janet Clow
Chairperson

Date:

FILED:

Geraldyn F. Cardenas
Interim City Clerk

Date:

APPROVED AS TO FORM:

Rebecca A. Mnuk-Herrmann
Assistant City Attorney

Date: