

**City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law**

Land Use Appeal #2024-8666 – 7625 Baca Lane

THIS MATTER came before the Governing Body for a discussion (“Discussion”) on January 15, 2025, to consider the Land Use Director’s determination, with which the City Attorney’s Office concurred, that an appeal by Karl Sommer, Agent for Ferran Properties LLC (“Appellant”) of the Land Use Director (“Director”) decision on June 21, 2024, not to pursue an enforcement action against Mr. G’s Auto Sales, LLC, aka Mr. G’s Pro Tow (“Mr. G’s”) did not conform with the City’s appeal requirements.

The record on appeal includes the following documents:

1. Memorandum dated December 5, 2024, from Rebecca Mnuk-Herrmann, Assistant City Attorney, to the Members of the Governing Body regarding the conformity of Appellant’s appeal of the Land Use Director Decision; and
2. Appellant’s Verified Appeal Petition, which included a copy of the Director decision appealed.

FINDINGS OF FACT

1. The Director issued a written decision on June 21, 2024, in which the Director determined that Mr. G’s, located at 7625 Baca Lane is a “licensed business with legal non-conforming status for wrecker/towing service and auto salvage/recycling uses, and that no enforcement action will be taken regarding these current uses.” (Appellant’s Verified Appeal Petition, Attachment No. 1)
2. Appellant appealed the written decision in a Verified Appeal Petition.
3. Santa Fe City Code (“City Code”) Section 14-3.17 (A)(1)(a) provides that “[o]nly final actions may be appealed.”
4. The Code describes certain actions that do not constitute final action in Section 14-3.17(A)(1)(d)(iv).
5. The Code provides that final action does not include “a decision not to take enforcement action.” SFCC 1987, § 14- 3.17(A)(1)(d)(iv).
6. The Director decision on June 21, 2024 was a decision not to take enforcement action.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the Hearing, the Governing Body CONCLUDES as follows:

1. SFCC 1987, Section 14-3.17 (“Appeals”) governs appeals of decisions by the Director.
2. Only final actions may be appealed, and the Verified Appeal Petition identified no final action. There was no appealable decision upon which a hearing could be held.

3. The Petition should be denied for failure to conform to the requirements of an appeal under the City Code.

WHEREFORE, IT IS ORDERED ON THE 12th DAY OF FEBRUARY, 2025, BY THE GOVERNING BODY OF THE CITY OF SANTA FE AS FOLLOWS:

The appeal is denied as nonconforming with the City Code.

Mayor


Date:

FILED WITH THE CITY CLERK:

Andrea Salazar
City Clerk

Date:

APPROVED AS TO FORM:



Assistant City Attorney

2/5/2025
Date: