

City of Santa Fe, New Mexico

memo

DATE: April 30, 2025

TO: Governing Body

VIA: Elisa Montoya, Community Development Director ^{EDM}
Heather L. Lamboy, AICP, Planning and Land Use Director ^{HLL}
Maggie Moore, Assistant Land Use Director ^{MM}

FROM: Janice Biletnikoff, AICP, Long-Range Strategic Planner ^{JBE} For Janice Biletnikoff

CONSIDERATION OF BILL NO. 2025-8

Rezoning. Case #2024-8898. 214 Camino De Los Marquez Rezoning. JenkinsGavin, Inc., Agent, for Santa Fe Opera, Owner/Applicant, asks the Governing Body to adopt Bill 2025-8 to rezone 2.50 acres located at 214 Camino De Los Marquez from R-21 PUD (Residential Twenty-one (21) dwellings per acre, Planned Unit Development) to R-29 (Residential Twenty-nine (29) dwellings per acre), and to remove a planned unit development (PUD) from the subject property. (Janice Biletnikoff, Case Manager, jibiletnikoff@santafenm.gov)

I. Planning Commission Recommendation:

On December 5, 2024, the Planning Commission ("Commission") voted to recommend the Governing Body take the following action:

APPROVE Case #2024-8898. Changing the land use designations for 214 Camino De Los Marquez from R-21 PUD (Residential Twenty-one (21) dwellings per acre, Planned Unit Development) to R-29 (Residential Twenty-nine (29) dwellings per acre), and removing the PUD designation from the subject Property.

II. Sample Motion:

One (1) motion will be required:

Move to approve or deny Case #2024-8898, adopting Bill 2025-8, changing the official Zoning Map designation from R-21 PUD (Residential Twenty-one (21) dwellings per acre, Planned Unit Development) to R-29 (Residential Twenty-nine (29) dwellings per acre), and removing the PUD, for the property located at 214 Camino De Los Marquez, located near the intersection of Camino De Los Marquez and Galisteo Street.

III. Executive Summary

Santa Fe Opera, owner, through its agent, JenkinsGavin, Inc. (the “Applicant”), requests a rezoning (“Rezoning”) for 214 Camino De Los Marquez (*see* Figure 1, *infra*) (“Property”), including removing the existing PUD¹ designation (“Proposal”). The Applicant’s objective is to amend the zoning on the Property from its current zoning designation of R-21 PUD (Residential Twenty-one (21) dwellings per acre, Planned Unit Development) to R-29 (Residential Twenty-nine (29) dwellings per acre).

The Project Analysis, below, provides general information about the Property and its history, followed by a brief section on the Proposal’s processing requirements, and a discussion on the required Approval Criteria for Rezoning.

The Property is a legal lot of record approved by the City and recorded in the Office of the Santa Fe County Clerk on November 17, 1982 (recorded at Book 122, Page 035). The Applicant complied with Subsections 14-3.1(E) "Pre-Application Conferences," 14-3.1(F) "Early Neighborhood Notification Procedures," and 14-3.1(H) "Notice Requirements."

The rezoning criteria require that the Applicant demonstrate that the request is eligible for are zoning, and that the request is appropriate (*i.e.*, that it is consistent with the policies of the General Plan, Future Land Use Map, and the City’s policies regarding growth; that its impacts can be accommodated by the existing infrastructure and services; and that it will be consistent in character and benefit the area beyond a single landowner). Staff’s full analysis of the criteria concludes that, with recommended Conditions of Approval and Technical Corrections, the Proposal satisfies Subsection 14-3.5(C) “Approval Criteria” for Rezoning. Staff finds that the Rezoning request is consistent with the General Plan designation for the Property, which is designated high-density residential (“HDR”). HDR allows densities between 12 and 29 dwelling units per acre including apartment complexes. The current PUD, applied as an overlay in 1971, changed the zoning on the Property from single-family residential to multi-family residential, and the PUD has remained in place since that time². The base zoning designation of R-21 also allows for multi-family residential.

¹ “Planned unit development” is a zoning designation “intended to allow the creation of planned districts, each conceived as a unit of cohesive development and integrated uses in either a single development operation or a planned series of development operations that may take place over a period of several years.” SFCC 1987, § 14-5.7(A)(1).

² See Ord. #1962-19, and as amended in Ord. 1971-16.

Figure 1: Aerial photo of 214 Camino De Los Marquez

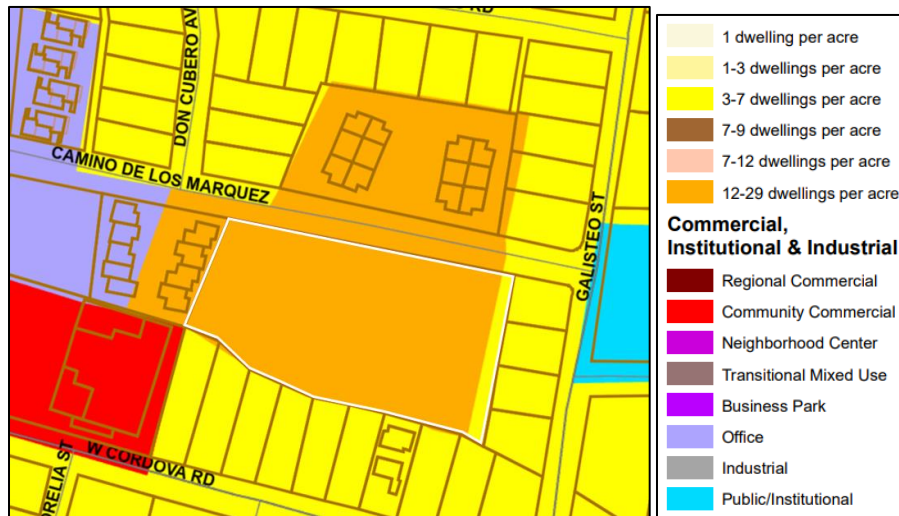


IV. Project Analysis

1. Property Information and Zoning

The 2.50-acre Property is identified in the General Plan’s Future Land Use Map as High Density Residential (HDR), with a very narrow strip along the eastern boundary designated as Low Density Residential (LDR) (see Figure 2: “Future Land Use Map”). The Property is also currently zoned R-21 PUD (see Figure 3: “Existing Zoning”).

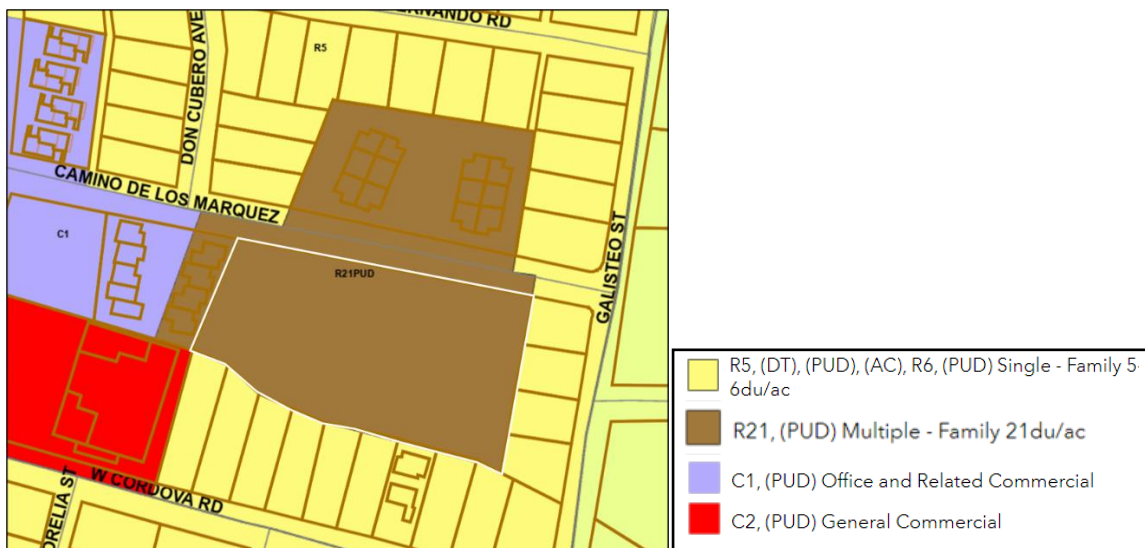
Figure 2: Future Land Use Map



The Land Development Code requires that all rezoning requests be consistent with the General Plan Future Land Use Map (see SFCC 1987, § 14-3.5(C)(1)(c)). The HDR designation supports residential densities between 12 and 29 dwelling units per acre, accommodating apartments, condominiums, and other multifamily housing. The LDR designation supports densities between three and seven dwelling units per acre. The Property’s current R-21 PUD zoning is consistent with the Future Land Use Map. The proposed R-29 rezoning would also be consistent with the map’s HDR designation, since it allows up to 29 dwelling units per acre. Therefore, no General Plan amendment is required. Additionally, the Property is located within the General Plan’s designated “Infill Area.”

The Zoning Map designation for the Property, and a separately owned parcel to the north, is R-21 PUD. Zoning designations for the adjacent properties to the east and south of the Property are R-5. The C-2 district is adjacent for a small portion of the Property's southwest boundary. The parcel to the west of the Property is designated R-29 PUD and C-1. The City Zoning Map is shown in Figure 3: “Existing Zoning.”

Figure 3: Existing Zoning



In 1982, the City approved a 50-unit apartment complex on the Property through a development plan (DP), which was then constructed as the “Axtion Apartments.” The 1982 development currently remains substantially the same as originally approved (See “Revised Development Plan for Camino De Los Marquez Apartments,” attached in Attachment B: *Applicant Materials*). The complex includes a total of 50 units (18 one-bedroom units and 32 two-bedroom units) and 69 parking spaces. The Applicant purchased the Property in 2001 to house temporary seasonal employees and has operated and maintained the apartment complex as such since the purchase. The Applicant also retains a small number of longer-term apartments for non-employee tenants who resided there prior to the Applicant’s purchase of the Property.

The Applicant requests to increase the density by rezoning to R-29 to accommodate their future plans of redeveloping the Property to an 83-unit apartment complex. No development plan is included with the current Rezoning application; however, the Applicant has provided a conceptual plan for illustrative example purposes only. If the Rezoning is approved, the Applicant has expressed the intention to demolish the existing structure and redevelop, which would require the Planning Commission's approval. However, it should be noted that the Applicant's intentions regarding future development on the Property is not part of the Governing Body's consideration at this time.

2. Planned Unit Development (PUD)

The Property contains a PUD overlay. In 1962, Ordinance #1962-19 created a special permit for a non-conforming use (a community building and its appurtenant improvements) in the A-1 single family residential zoning district³. The ordinance included the Property, as well as some adjacent property to the north and west. In the following years, the A-1 single family residential zone district was replaced with the R-5 single family residential zone district. In 1971, the City amended Ordinance #1962-19 in order to change the zoning from R-5 single family residential to RM-1 PUD, which allowed for "multiple family residential" planned unit developments (*see Ordinance #1971-16, attached in Attachment B: Applicant Materials*). This was the initial application of a PUD on the Property. The PUD, as described in the ordinance, contains no special standards or requirements beyond the current applicable Chapter 14 standards. The current request to rezone the Property to R-29 also includes a request to dissolve the PUD on the Property since the PUD only served to place a now-obsolete zone district and apply a PUD that contains no standards or requirements. The Proposal would not change the PUD zoning on the remaining parcels in the PUD, where it would remain in place.

The legal description of the existing Planned Unit Development (PUD) in the original ordinance contains a location error. While the shape of the PUD is correct, it was mapped onto the wrong area, west and northwest of the actual intended site. This error appears to stem from a misreference to a physical landmark, such as a manhole. Staff identified the source of the error and confirmed that the PUD intended to apply to the Subject Property at 214 Camino de los Marquez. The proposed rezoning corrects the location and removes the PUD designation from the Property.

Figure 4: Incorrect PUD Boundaries

³ See Ord. #1962-19, and as amended in Ord. 1971-16.

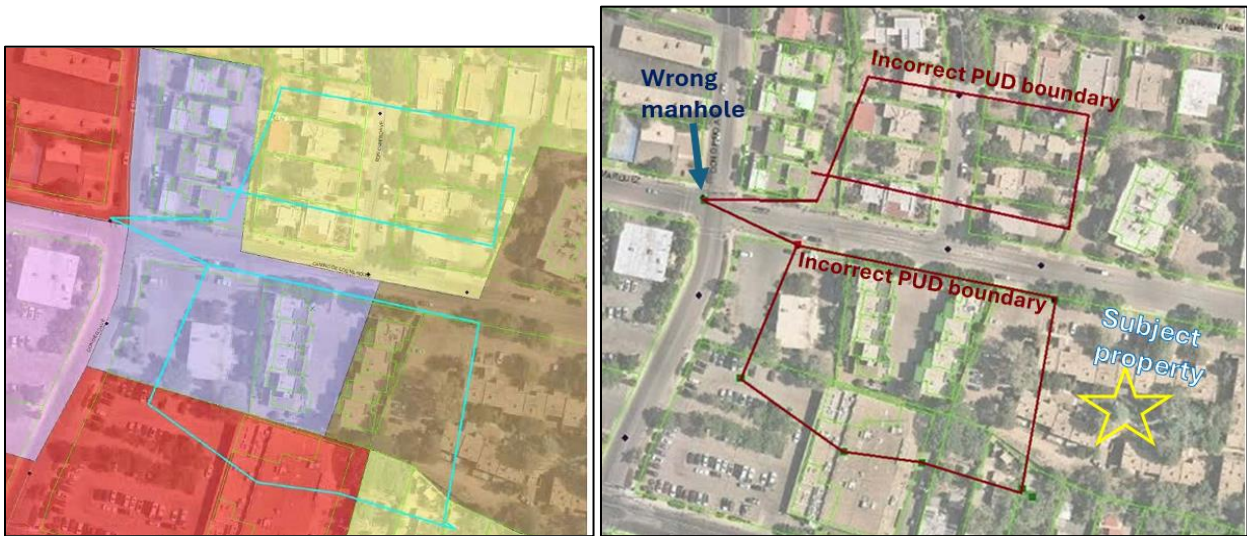


Figure 5: Correct PUD Boundaries (Approximate)



3. Archaeological Review Districts

The Property is located within two additional overlay districts: the Suburban Archaeological Review District and the River and Trails Archaeological Review District. For properties located within these districts, the City Code Section 14-3.13(B)(2) “River and Trails Archaeological Review District” states as follows:

In this district, an archaeological clearance permit shall be required prior to approval of the final development plan or plat for the following projects:

(a) All annexations, rezonings, subdivisions, planned unit developments, or other development requiring approval by the Planning Commission, having over two acres, or having any part lying within the area identified as the Santa Fe Trail.

The Property is larger than two acres (it is 2.5 acres); therefore, this Rezoning request will require an archaeological clearance permit from the Archaeological Review Committee prior to the issuance of any building permit. The Land Use Director has determined that since both districts are present on the Property, the archaeological clearance permit and archaeological monitoring will apply to the entire parcel, not just the portion that lies within the River and Trails Archaeological Review District.

V. Early Neighborhood Notification

The Applicant conducted an Early Neighborhood Notification (ENN) meeting virtually via Zoom Video Communications on July 30, 2024. The primary concerns raised by neighbors related to the proposed level of density included: traffic impacts; parking availability; noise; architectural character; and impacts to views from possible future development on the parcel at the maximum height that could be allowable through Development Plan review. A full summary of the concerns raised by those in attendance, as well as additional comments received (e.g., a neighborhood petition), can be found in Attachment C: *Early Neighborhood Notification (ENN) Materials* and D: *Public Comments*.

VI. Planning Commission

On December 5, 2024, the Commission held a public hearing to review Case #2024-8898, during which the Commission heard reports from City Planning and Land Use Department staff (“Staff”), testimony and evidence from the Applicant, and public comments by interested members of the public. The Commission found that the requested Rezoning was consistent with the General Plan and that all Rezoning approval criteria had been met.

On January 16, 2025, the Commission voted to recommend that the Governing Body approve the Proposal and adopted the Findings of Fact and Conclusions of Law (Attachment E, *Planning Commission Approved Findings of Fact and Conclusions of Law*).

VII. Approval Criteria – Rezoning

City Code Section 14-3.5(A) SFCC 2001 sets forth the procedures for Rezonings. Section 14-3.5(C) requires fulfillment of the Rezoning approval criteria as follows:

(1) The Planning Commission and the Governing Body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning

Table 1, below, contains analysis of the Rezoning request for Case #2024-8898.

Table 1: Rezoning Criteria

<p>Criterion 1 (14-3.5(C)(1)(a)): one or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant’s Response: (i) there was a mistake in the original zoning; N/A</p> <p>(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; <i>The most significant and relevant change is the housing shortage that Santa Fe is facing. Increasing the supply of all types of housing is critical to accommodating projected growth and addressing affordability. In addition, a key component of economic development is an adequate supply of housing to support a robust workforce.</i></p> <p>(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans. <i>Affordable Housing Policy 4-4-G-7: The rezoning to R-29 allows for a higher density of residential units, increasing the unit count from 50 to 83. This increase can help alleviate some of the housing shortages in Santa Fe by providing housing for Opera staff, so those individuals do not compete with others seeking housing in the Santa Fe market. Furthermore, in the off-season, the units will be made available for six-month lease terms, which is an important, diverse housing option for visiting professionals, new arrivals, and others with short-term housing needs. Additionally, a fee in lieu of affordable housing will be paid to the Affordable Housing Trust Fund to support future affordable housing efforts.</i></p> <p><i>Economic Development Strategic Plan: The General Plan recognizes that the arts and tourism are essential to the Santa Fe economy as outlined in Sections 9.2.1 and 9.3.1, noting that “...the arts annually account for 25.9 percent of the local economy”. The Santa Fe Opera significantly impacts the local and state economy, contributing over \$250 million annually. The Opera employs 80 full-time staff year-round, which increases to 750 employees during the season. The Opera's esteemed Apprentice Programs, which train more than 120 young professionals each season, are vital to its operations and mission. This relationship shows the importance of the project in supporting both the artistic and economic vibrancy of the region. Furthermore, increased housing capacity will drive demand for local retail, benefiting area businesses and supporting the local economy.</i></p> <p><i>In addition, a major theme of the Economic Development Strategic Plan is to diversify and decentralize the economy. Rezoning to R-29 supports economic diversity by facilitating housing that accommodates a diverse population, including the technical and voice apprentices, interns, and other staff associated</i></p>	

with the Opera. By providing on-site housing for these groups, the Opera helps ensure that seasonal workers have housing, which in turn supports the local economy by maintaining a stable and diverse workforce. Furthermore, the availability of six-month lease options in the off-season can provide quality, short-term housing for visiting professionals.

Urban Form/Higher Densities - Growth Management Methods 4.1:

“In both ‘infill’ and ‘future growth’ areas, the city must encourage higher densities of residential and commercial development than existing zoning often allows. This approach does not necessarily require greater building height but rather greater massing on specifically identified infill sites within the Urban Area.”

The rezoning supports the General Plan’s emphasis on higher densities and a compact urban form by increasing the allowable density on the Property. This higher density is essential for maximizing land use efficiency in an urban setting, reducing urban sprawl, and supporting walkability and transit-oriented development. By promoting higher-density residential development, the rezoning aligns with the city’s vision of creating a more sustainable urban environment.

Community-Oriented Development - Growth Management Methods 4-1-G-3:

“Use a full range of growth management methods to achieve a superior quality of life and to ensure a financially and environmentally sustainable community.”

Rezoning to R-29 promotes community-oriented development by integrating the Opera’s housing needs within the existing community fabric. The project, enabled by this rezoning, will help meet specific community housing needs, particularly for seasonal workers, without burdening the broader community’s housing market. Additionally, by upgrading the Property’s built environment and infrastructure, the rezoning ensures that the development will contribute positively to the neighborhood’s quality of life.

Compact Urban Form 4-3-G-2:

Rezoning to a higher density supports a more compact urban form by making more efficient use of the land. This is particularly important for infill sites like the Axton Apartments, where existing utility and roadway infrastructure can be leveraged without the need for extensive new development. This efficient use of land and infrastructure is a key goal of the General Plan, helping to reduce the environmental impact of development and supporting more sustainable urban growth.

Mix of Housing Types in All Neighborhoods (3.3 Land Use Framework):

“Future Land Use (Figure 3-2) illustrates neighborhoods with integrated housing types, designed to locate a larger share of residences close to transit and neighborhood centers.”

The subject Property is in a diverse neighborhood of single-family lots, multi-family, institutional uses, and commercial development. Maintaining the multi-family use of the Property, yet at higher density, sustains this diversity. Furthermore, access to public transit, services, and employment make the site an ideal infill location for multi-family development.

Staff Response:

(i) Staff finds that there is no mistake in the current R-21 PUD zoning. However, the adopted 1999 General Plan classification of HDR on the vast majority of the Property supports even greater density than this zoning district allows, and the General Plan gives policy direction to encourage infill development within the City (*see 4-4 – Growth Management – The Urban Area; Policy 4-4-G-1: “Promote infill residential development in the same historical pattern as has traditionally occurred, to make more efficient use of existing infrastructure.”*). The proposed R-29 zoning would better achieve the General Plan’s intention for high density multifamily housing and infill development to be located in this area.

(ii) After reviewing historical aerial photography of the neighborhood, Staff finds that the neighborhood retained largely the same mix of uses and land development pattern since at least 1992. This neighborhood contains a mix of single-family residences on small parcels, multifamily residential developments, and commercial buildings with surface parking lots. Some multifamily developments have been constructed in the neighborhood since the 1971 PUD, which brought a small amount of incremental change; however, the general character remained consistent. The neighborhood character in this area has been relatively stable for the last several decades. As such, Staff finds that the character of the neighborhood has not changed to such an extent as to justify changing the zoning. Additionally, Staff disagrees with the Applicant’s response that the city-wide housing shortage constitutes a change in the character of the surrounding area.

(iii) The Applicant has largely responded to this criterion based on a future development concept that is not part of the current request and, therefore, cannot be considered in analyzing how the proposed Rezoning meets the required criteria. It is improper to base a relatively permanent zoning decision on impermanent factors such as the current ownership - or on proposed elements that may never come to fruition and are not bound by this application, such as the potential tenants, possible architectural elements or appearance, conceptual lease-duration programs, or the possible nature of work done by a development’s potential clientele. Since no development plan or master plan has been included in this Rezoning request, the rezoning analysis must strictly be limited to the elements of the Rezoning request.

That said, Staff finds that a different use category (in this case, R-29 zoning) would allow for greater density and therefore be more advantageous in that it will enhance compliance with the General Plan policies; specifically, the themes and policies relating to higher densities, compact urban form, infill as growth management, and allowing for a mix of housing types. The additional density included in this rezoning request has the potential to provide long-term, permanent housing solutions in the center of the city where infrastructure is already present. Additionally, the General Plan has identified this area as an appropriate location for future infill development, and a higher density could incentivize the infill redevelopment in close proximity to employment and services.

<p>Criterion 2 (14-3.5(C)(b)): all the rezoning requirements of Chapter 14 have been met;</p>	<p>Criterion Met: (Yes/No) YES</p>
--	--

Applicant’s Response:

The rezone requirements specified in §14-3.1 and §14-3.5 are addressed below.

Staff Response:

Staff finds that the rezoning requirements of Chapter 14 have been met: specifically, §14-3.1 “Applicable General Provisions” (the authority to file; form of the application; fees paid; pre-application conference and ENN requirements, sign posting and public notice) and the provisions, procedures, and additional requirements of §14-3.5 “Rezoning.”

Criterion 3 (14-3.5(C)(1)(c): the rezoning is consistent with the applicable policies of the general plan, including the future land use map;

**Criterion Met:
(Yes/No)
YES**

Applicant’s Response:

The Property is designated as High-Density Residential on the Future Land Use Map, which supports the requested R-29 zoning. This designation is intended to accommodate higher-density residential developments, making the proposed rezoning fully consistent with the city’s long-term land use planning.

The rezoning to R-29 supports the creation of more housing, thereby supporting affordability in the market (Policy 4-4-G-7), by increasing the number of available units on the Property from 50 to 83. This increase directly contributes to addressing the housing shortage in Santa Fe. Additionally, the project includes a payment in lieu of affordable housing, which further supports future affordable housing initiatives.

Rezoning to R-29 supports economic diversity (Theme in the Economic Development Strategic Plan) by providing housing for a diverse population, including technical and voice apprentices, and interns with the Opera. This helps maintain a stable and diverse workforce, which is crucial for the local economy. By offering housing, the Opera reduces the demand for seasonal and low-income housing in the broader market, thereby supporting economic stability and diversity.

The rezoning aligns with the policy of encouraging higher densities in both infill and future growth areas (Growth Management Methods 4.1). By allowing a higher density of residential units, the rezoning promotes a more compact urban form, which is a key goal of the General Plan. This approach maximizes land use efficiency, reduces urban sprawl, and supports sustainable urban development.

Rezoning to R-29 fosters community-oriented development (Growth Management Methods 4-1-G-3) by addressing specific housing needs within the community, particularly for seasonal workers associated with the Opera. The rezoning ensures that the development is integrated into the existing community fabric and contributes to the overall quality of life in the neighborhood. Upgrading the Property’s infrastructure as part of the rezoning further enhances the community’s living conditions.

The rezoning supports a compact urban form (Policy 4-3-G-2) by allowing for higher-density development on an infill site. This makes efficient use of existing land and infrastructure, reducing the need for new development on the city’s outskirts. This policy is consistent with the General Plan’s goal of promoting sustainable growth and reducing the environmental impact of urban development.

Provision of a Mix of Housing Types (Growth Management in the General Plan). The rezoning allows for the development of a mix of housing types. This aligns with the General Plan’s objective of providing a diverse range of housing options in all neighborhoods. By offering a variety of housing types, the

rezoning promotes a balanced socioeconomic profile within the community, catering to different household sizes and income levels.

The rezoning supports policies for the Arts and Tourism (Sections 9.2.1 and 9.3.1): The Santa Fe Opera, contributing over \$250 million annually to the local economy, is essential to Santa Fe’s arts and tourism sectors. Rezoning supports the Opera’s Apprentice Programs, crucial to its operations and the region’s economic diversity. Increased housing capacity will also boost demand for local retail, further benefiting businesses in the area.

Staff Response:

The City Code does not allow the Commission to consider the potential economic impacts of a specific future development on the subject Property or the potential form of construction or type of future users that would be served. No development plan or master plan has accompanied the rezoning request, so the financial benefits to the community from a current Property owner cannot be assessed in addressing this criterion.

Based solely on the Rezoning request, Staff finds that the proposed Rezoning aligns with the applicable policies of the General Plan, including the Future Land Use Map. The zone district proposed in this request (R-29) allows for greater density in an area identified in the Future Land Use Map as High Density Residential, which is intended to accommodate densities between 12 and 29 dwelling units per acre, providing for “apartments, condominiums, and other forms of multifamily housing.” Specifically, a density of 29 dwelling units per acre could potentially advance the goals or policies of providing a mix of housing types, since market forces would likely encourage building to the maximum density allowed. Rezoning could also facilitate infill development and the use of existing infrastructure, which reduces urban sprawl and the need for greenfield development.

Criterion 4 (14-3.5(C)(d)): the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;

**Criterion Met:
(Yes/No)
YES**

Applicant Response:

The rezoning is consistent with the City’s policies regarding the provision of urban land sufficient to meet the projected growth in both population and housing demand. This consistency is reflected in several key aspects of the General Plan, particularly regarding infill development, higher densities, and sustainable urban growth.

General Plan Figure 4-4, Urban Sub-Areas, designates the subject Property and surrounding area as an “Infill Area.” General Plan Section 4.1 states, “In both ‘infill’ and ‘future growth’ areas, the city must encourage higher densities of residential and commercial development than existing zoning often allows” to help “create efficient use of already existing roads and utilities, help ensure cost-efficient public transit, and provide the type of housing that will be in demand...”.

The rezoning proposal supports the city’s policy of maximizing the efficiency of existing urban infrastructure. By increasing the density of a Property within an established urban area, the city can accommodate growth without the need to extend roads, utilities, or other public services into undeveloped areas. This not only aligns with sustainability goals, but also helps manage the rate of growth in a manner consistent with long-term city planning. The size of the land proposed for rezoning

is adequate to support an increase in housing units while remaining within the capacity of the current infrastructure, which is vital for balanced and manageable urban growth.

The rezoning is also consistent with the city’s policy to ensure that the supply of urban land meets long-term housing demand, thereby supporting sustained population growth. By rezoning for higher density, the city is not just responding to immediate tenant needs, but is planning for future demand. This strategic approach ensures that as the population grows, there is adequate housing available in desirable locations, contributing to economic stability and urban vitality.

Staff Response:

Staff agrees with the Applicant’s response. The amount of land, at 2.50 acres is one of the largest parcels in the vicinity. Staff finds that rezoning the subject parcel could provide for housing needs in the center of the City where infrastructure already exists and reduce the pressure to accommodate such growth at the edges of the City.

If the subject Property is rezoned to R-29, a future residential development on this 2.50-acre site could potentially allow a maximum of 72.5 (rounded down to 72) dwelling units. Any future residential development on the subject Property will have to comply with the Affordable Housing ordinance, based on the number of proposed dwelling units. A density bonus of 15% can also be utilized, depending upon the provision of affordable housing units or a fee-in-lieu. Additionally, 14-3.5(C)(2)(b) prohibits a rezoning if the rezoning will “*affect an area of less than two acres, unless adjusting boundaries between districts.*” The Applicant’s request is to rezone 2.50 acres. Staff finds that Criterion 4 (14-3.5(C)(1)(d)) is met.

Criterion 5 (14-3.5(C)(1)(e): the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.	Criterion Met: (Yes/No) YES
--	--

Applicant’s Response:

Water and Sewer Capacity:

Utility Service Applications have been submitted to the Water and Wastewater Divisions and we are awaiting their response.

Public Schools:

With respect to school capacity, Santa Fe Public Schools responded as follows per the attached email: “We do not have objections to this redevelopment, and we will take the notification of the additional 33 units into consideration for our school planning.”

Park Capacity:

The proposed rezoning and redevelopment of the parcel are well-supported by the proximity to a variety of public parks, providing residents with ample recreational options within walking distance. Cornell/Rose Park (1.54 acres) is a neighborhood park just 625 feet from the site, while Salvador Perez Park, a larger community park (11.95 acres), is a short 0.25-mile walk from the Property. The park is equipped with a variety of amenities, including two tennis courts, picnic tables, play equipment, a park shelter, three baseball fields, a soccer field, volleyball court, concession stand, restrooms, a multi-purpose field, and a recreation center with an indoor swimming pool. Additionally, there is the adjacent Salvador Perez Dog Park, a 0.57-acre neighborhood park. Combined, these parks total 13.93 acres and are all within 0.25 miles of the site, offering residents convenient access to green spaces and outdoor

activities, which enhances the appeal of the higher-density development and supports a high quality of life for future residents.

A request for confirmation of park capacity was forwarded to the Parks Division on August 20, 2024 and we are awaiting their response.

Public Transportation:

The proposed rezoning to R-29 is well-supported by the proximity of adequate public transportation options, which can effectively accommodate a maximum-density buildout of the Property. The parcel's location offers convenient access to multiple bus routes, ensuring that future residents have reliable public transportation options that align with the city's goals for sustainable urban growth and reduced dependency on personal vehicles.

A Route 6 bus stop is 400 feet from the site on Galisteo St. There are two Route 4 bus stops approximately 450 feet from the Property on Don Diego near the intersection with Camino de los Marquez.

Emergency Services:

The Santa Fe Police Department reviewed the proposal and determined it will have no impact on their call volume in this location based on historical records concerning police calls for services. See the attached response document.

The Santa Fe Fire Department reviewed the proposal and provided the requested information to our Land Use case manager.

Road Capacity:

A Site Threshold Assessment was conducted (attached) and the proposed addition of 33 dwelling units does not meet the threshold for a Traffic Impact Analysis, because it is understood that such low traffic generation will have a negligible impact on the roadway network.

Staff Response:

Code section 14-3.5(C)(e) requires that "the existing and proposed infrastructure, such as the street system, sewer and water lines, and public facilities, including fire stations and parks, must be able to accommodate the impacts of the proposed development." As stated in the Applicant's response, the Applicant contacted each of the infrastructure/utility providers as well as the providers of public facilities and services, such as schools and emergency response. Each provider, with the exception of the Wastewater Division, stated no objection to the proposed Rezoning and indicated general capacity in their respective systems or facilities (see Attachment A: *DRT [Development Review Team] Comments*).

City water facilities currently serve the Property, and this will continue if the Rezoning is approved. The City's water division has assessed that there is adequate capacity in the existing lines to provide service to the proposed density of the R-29 zoning district. The water division has requested that, as part of any future development plan for the subject Property, the Applicant submit a Water Plan and an Agreement to Construct and Dedicate for review and acceptance (see Attachment A: *DRT Comments*).

City sewer facilities currently serve the Property, and this will continue if the Rezoning is approved. During the Development Review Team (DRT) process, the City's wastewater division staff identified that the sewer line that currently serves the Property is compromised. The existing rock-built manhole was

built in 1939 and is not structurally stable or safe to enter (see Attachment A: DRT Comments). Given these issues with the sewer line and manhole, the additional density requested in the Proposal cannot be supported by the existing infrastructure at this Property unless the Applicant makes certain repairs to the manhole and sewer line. The repairs would allow the line and manhole to accommodate the anticipated impacts of the new proposed density.

Therefore, the Applicant must repair the manhole and sewer line if the Rezoning is approved. Section 14-3.5(D)(1) states that “If the impacts of the proposed development or Rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies...” To remedy the deficiency, the Applicant worked with the City Wastewater Division to identify a solution. The Applicant obtained and submitted an engineer’s estimate for repairing both the line and the manhole, which the City’s wastewater engineer approved. The Applicant also submitted a financial guarantee and funds into escrow with the City that are sufficient to cover the cost of line and manhole repair (see Attachment B: *Applicant Materials*). If the Rezoning request is denied, the funds will be returned to the Applicant, as there will be no new potential density for which any impacts will need to be accommodated. If the Rezoning request is approved, the Applicant will be required to repair the line and manhole to the City’s satisfaction (and warranty the work) prior to the permitting of any demolition or development of the subject Property. The City would provide the necessary permits and inspect the finished product. If the Applicant does not complete the agreed-upon work, or does not complete the work to City standards, the City has the right to utilize the funds to complete the work. Without this repair work, the Rezoning would fail to meet this criterion as the existing infrastructure could not accommodate the impacts of the proposed additional density.

Given the responses received from the DRT agencies, and the security of the financial guarantee and the Applicant’s commitment to completing the sewer repair work, Staff finds that the existing and proposed infrastructure such as the streets system, sewer and water lines, as well as the public facilities such as fire stations and parks, will be able to accommodate the impacts of the proposed development and, therefore, Criterion 5 (14-3.5(C)(1)(e)) is met.

<p>Criterion 6 (14-3.5(C)(2)): Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:</p> <ul style="list-style-type: none"> (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area; (b) affect an area of less than two acres, unless adjusting boundaries between districts; or (c) benefit one or a few landowners at the expense of the surrounding landowners or general public. 	<p>Criterion Met: (Yes/No) YES</p>
---	--

Applicant’s Response:
This rezone request not only complies with the Property’s Future Land Use Map designation of High-Density Residential, but it also embodies many of the Plan’s themes and policies with respect to infill, compact urban form, economic development, and support for the arts. Therefore, the criteria above are not applicable to this application.

Staff Response: Staff Agrees with the Applicant's response. The proposed change is consistent with applicable General Plan policies and themes discussed above, for the following reasons:

- (a) The prevailing use and character of the area is a mix of single-family and multi-family residential. Low-intensity commercial uses are also present in the vicinity. A density increase to R-29 is consistent with the density that was contemplated in and established by the Future Land Use Map.
- (b) The Property is greater than two acres.
- (c) The adjacent land use patterns for the area are consistent with the General Plan policies. The proposed density is more intense than that of some nearby multifamily developments; however, Staff finds that the level of infill made possible by the Rezoning is, overall, beneficial to the City and consistent with the General Plan. Staff finds that the Rezoning would not take place at the expense of the surrounding landowners or general public, as this neighborhood already contains multifamily developments at a density greater than single-family homes. That said, it is important to note that the character (height, massing, siting, etc.) of any specific future development on the Property will be subject to the applicable discretionary review processes and must meet all criteria related to compatibility with the existing development in the neighborhood. A parcel of this size has the potential to significantly influence neighborhood character and its development should blend in with the existing historic character of the South Capitol neighborhood and Cordova Road corridor. When the Property is reviewed for a Development Plan in the future, consideration will be given to visual impacts to adjacent single-family areas along Galisteo Avenue, including landscape buffering in those areas. Staff finds that Criterion 6 (14-3.5(C)(2)) is met.

VIII. Conclusion

The Applicant has complied with all application process requirements for a Rezoning as described in the City Code:

- a) *The Applicant complied with the following steps required by the Santa Fe City Code:*
 - 1) *Pursuant to 14-3.1(E) "Pre-application," the Applicant conducted a pre-application conference on July 11, 2024.*
 - 2) *Pursuant to 14-3.1(F) "Early Neighborhood Notification" (ENN) the Applicant conducted one ENN on July 30, 2024.*
 - 3) *The Applicant has addressed the Rezoning Approval Criteria per Section 14-3.5(C) "Approval Criteria."*

Staff and the DRT have analyzed the Proposal and found that it meets all applicable Code criteria. The Land Use Department recommends APPROVAL of the Proposal.

IX. Attachments

- A. *Development Review Team (DRT) Comments*
- B. *Applicant Materials*
- C. *Early Neighborhood Notification (ENN) Materials*
- D. *Public Comments to Planning Commission*
- E. *Planning Commission Approved Findings of Fact and Conclusions of Law*

Signature: Elisa D. Montoya
Elisa D. Montoya (Apr 25, 2025 08:35 MDT)
Email: edmontoya1@santafenm.gov

Signature: 
Email: hllamboy@santafenm.gov