

City of Santa Fe, New Mexico

Exhibit B

RKSS Rezone Report



JENKINSGAVIN
LAND USE | PROJECT MANAGEMENT

March 21, 2025
(Revised May 23, 2025)

Claudia Kath, Senior Planner
Planning & Land Use Department
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

**RE: RKSS Cerrillos Road – Lot A-2 (3439 Cerrillos Rd./3450 Rufina St.)
Rezone Application**

Dear Claudia:

This letter is respectfully submitted on behalf of RKSS Santa Fe 1, LLC in application to rezone Lot A-2 comprising 1.49 acres from R-3 (Residential, three dwellings per acre) to C-2 (General Commercial), for consideration by the Planning Commission on May 1, 2025. The subject parcel is designated both Community Commercial (southern half) and Transitional Mixed-Use (northern half) on the General Plan Future Land Use Map.

Project Summary

The 1.49-acre subject parcel, Lot A-2, is being created via a Lot Consolidation Plat submitted on February 12, 2024 (attached) and is currently under review. This parcel is part of the RKSS Cerrillos Road multi-family project premises, the Development Plan for which was approved by the Planning Commission on February 6, 2025. The balance of the RKSS premises is zoned C-2 and this rezone will bring the subject property into conformance with the surrounding C-2 zoning and allow the parcel to potentially be developed with outdoor recreational amenities and additional resident parking. The approved Development Plan (attached for reference) includes only an access drive across Lot A-2 in compliance with the property's R-3 zoning restrictions.

Rezone Approval Criteria

Responses to the rezoning approval criteria in SFCC §14-3.5(C) and (D) are detailed below.

(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:

(a) One or more of the following conditions exist:

- (i) *there was a mistake in the original zoning.* N/A
- (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.*

The subject parcel is a remnant of the traditional land pattern along the Agua Fria and Rufina corridors comprising long, narrow tracts historically used for agricultural purposes. The intensity of land uses in the area has increased significantly over time and, accordingly, this parcel relates much more to the Cerrillos Road corridor than Rufina St. The change in the surrounding area is further evidenced by the subject property’s designations of Community Commercial and Transitional Mixed-Use on the City’s Future Land Use Map. The subject parcel is bordered by C-2 zoning to the west, south, and east.

- (iii) *a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans.*

With this rezone, the subject parcel will support a 194-unit multifamily community, as opposed to the development of just four dwelling units permissible under the current R-3 zoning. This is more advantageous to the community through the provision of much needed housing in the urban area with access to public transit, services, and employment.

- (b) *all the rezoning requirements of Chapter 14 have been met.*

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

- (c) *the rezoning is consistent with the applicable policies of the general plan, including the future land use map;***

This rezone request complies with with the property’s Future Land Use Map designations of both Community Commercial and Transitional Mixed-Use. This parcel is part of the RKSS Cerrillos Road multi-family Development Plan, which was approved by the Planning Commission on February 6, 2025. The balance of the RKSS premises is zoned C-2 and this rezone will bring the subject property into conformance with the surrounding C-2 zoning, allowing the parcel to potentially be developed with outdoor recreational amenities and additional resident parking. This rezone and the RKSS project also align with General Plan Themes and Policies such as Affordable Housing, Economic Diversity, Urban Form/Higher Densities, Transportation Alternatives, and Community Oriented Development. Furthermore, the project exemplifies key elements of the General Plan Land Use Framework, including compact urban form and the provision of a mix of housing types in all neighborhoods. As an infill site, the subject property is efficiently served by existing utility and roadway infrastructure.

Affordable Housing Policy 4-4-G-7

This increase in housing supply provided by the RKSS multifamily project will help alleviate the current housing shortage in Santa Fe. In addition, a fee in lieu of affordable housing will be paid to the Affordable Housing Trust Fund to support future affordable housing efforts.

Economic Development Strategic Plan

The provision of adequate housing opportunities for the workforce is critical to economic development. Furthermore, the RKSS development enhances the mixed-use environment of the Cerrillos Road corridor, whose residents will support local businesses in the vicinity.

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. The requested rezone to C-2 maximizes 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.”

The RKSS project, supported by this rezoning, will help meet the community’s housing needs in a sustainable manner. Developing housing in the Cerrillos Road corridor provides walkable access to services and employment opportunities. Furthermore, the site is served by a Santa Fe Trails bus stop directly adjacent to its Cerrillos frontage.

Compact Urban Form 4-3-G-2

Rezoning to C-2 supports a more compact urban form by making more efficient use of the land. This is particularly important for infill sites 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 commercial uses and a variety of residential densities. The RKSS multifamily project adds to this diversity, increasing the housing supply in this mixed-use area. Furthermore, access to public transit, services, and employment make the site an ideal infill location for multi-family development.

Applicable General Provisions, §14-3.1

(B) Authority to File Applications

(1) Unless otherwise specified in Chapter 14, applications for review and approval under Chapter 14 may be filed by:

(a) the owner of the property that is the subject of the application;

RKSS Santa Fe 1, LLC is the legal owner of the subject property per the Warranty Deed attached.

(b) the owner's authorized agent with written authorization;

JenkinsGavin is authorized to submit this application on behalf of the owner per the attached letter of authorization.

(c) a land use board; or N/A

(d) the land use director. N/A

(2) When a land use board files an application, it does so without prejudice to the outcome.

(C) Form of Application

(1) Applications required by Chapter 14 shall be submitted in a form and in such number as required by the land use director.

(2) Each application shall include plans, calculations, and reports sufficient to clearly demonstrate compliance with all applicable provisions of Chapter 14 and applicable state and federal regulations that are administered or enforced by the city. The

number and format of the required documentation shall be as required by the land use director.

(3) The land use director shall provide standardized checklists and format guidelines for each type of application. The land use director may waive the submittal of items on the checklist or require supplemental materials not included on the checklist where such action is necessary to clearly demonstrate compliance with applicable provisions.

(4) In the course of reviewing an application, the governing body and the land use boards may waive the submission of items on the checklist or may require supplemental materials not included on the checklist where such action is necessary to clearly demonstrate compliance with applicable provisions.

This application complies with the form application outlined above.

(D) Schedule of Fees, Charges and Expenses

The governing body shall establish by resolution a schedule of fees, charges, and expenses and a collection procedure for construction permits, appeals, subdivisions, amendments, and other applications. This schedule of fees, charges, and expenses shall be posted in the planning and land use department and may be altered or amended only by the governing body. No permit or approval required under Chapter 14 shall be issued or granted unless and until applicable charges, fees, and expenses have been paid in full.

This application acknowledges the Schedule of Fees, Charges, and Expenses outlined above.

(E) Pre-Application Conferences

(1) Applicability

(a) Pre- Pre-application conferences are required prior to submission of applications for:(i)amendment of the number, shape, boundary, or area of any district, whether by a non-governing-body -initiated annexation or a rezoning;(ii)subdivisions, unless the land use director waives, in writing, the requirement for good cause shown; and(iii)a residential development request that is subject to the Santa Fe Homes Program set forth in Section 26-1 SFCC 1987;

(b) The land use director may determine that a pre-application conference is necessary for other applications to land use boards due to the scope or complexity of the proposed project; and

(c) The land use director may waive or modify the pre-application conference procedures based on a determination that the purposes of the conference have

been achieved by other means or that the limited scope or simplicity of the project does not warrant a formal pre-application conference.

(2) Procedures

- (a) At least fifteen calendar days before the application is filed, the applicant shall initiate a pre-application conference with the land use director.*
- (b) For annexations and rezonings, the purpose of the pre-application conference is to review the proposal for conformity with the general plan, availability of community facilities and utilities, proposed utilities and street improvements, required park and open space improvements, and other requirements as may be dictated by city ordinance.*

(3) Responsibility

The city does not assume any responsibility for a lack of understanding of these regulations by the applicant. Advice to the applicant shall not be construed to result in the city, its officers, agents, or employees becoming responsible for damages to the applicant as a result of the applicant's reliance on information given by them. Advice to the applicant does not limit the discretion of any land use board or the governing body in making conditions of approval for the proposed development not anticipated at the time of the pre-application conference.

This application acknowledges the Pre-Application Conference's applicability, procedures, and responsibility outlined above. The requisite Pre-Application Conference was conducted on July 27, 2023.

F) Early Neighborhood Notification Procedures

(1) Intent

Early neighborhood notification (ENN) is intended to provide for an exchange of information between the applicant and residents and property owners in affected neighborhoods before plans become too firm to respond meaningfully to community input and before changes in plans might cause major financial losses by the applicant. Notification set forth in this section is in addition to notification required elsewhere in Chapter 14, unless the other notification procedures are duplicative with the requirements of this section.

- (2) Applicability to Projects Reviewed by the board of adjustment, planning commission or the governing body.
(Ord. No. 2013-16 § 4)*

(a) ENN is required for the following types of projects, if a public hearing before the board of adjustment, planning commission or the governing body is required by other provisions of Chapter 14:

(iii) rezonings;

(5) ENN Meeting

The announced meeting shall take place at least ten days before the development project application is submitted. Attendees should make a good-faith effort to communicate with the applicant. The meeting shall be attended by a representative of the land use director whose role at the meeting shall be to acquaint the applicant and community with provisions of city ordinances, applicable requirements of city codes and the development review process. At the meeting, the applicant shall present schematic or preliminary plans for the proposed project and a drawing or other graphical representation suitable to reasonably indicate streets and structures within a two hundred (200) foot radius from the perimeter of the property that is the subject of the application.

(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.

The Early Neighborhood Notification (ENN) Meeting was conducted in accordance with these provisions on March 11, 2025.

(G) Application Completeness

An application shall be considered complete if it is submitted in the required form; includes all mandatory information, including all exhibits specified by the land use director; and is accompanied by the applicable fee. The land use director shall make a determination of application completeness. If an application is determined to be incomplete, the land use director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected in a future re-submittal.

This application acknowledges the completeness standards and procedures outlined above.

(H) Notice Requirements The notices required by this section shall indicate the nature of the change proposed; the property affected; the time, date, and place of the hearing or meeting; and the deadline for receiving written comments regarding the request, if applicable. The notice shall be approved by the land use director. Neighborhood associations that wish to receive notifications of hearings and meetings and copies of agendas, including email notifications, must register with the land use director.

(1) Notice of Public Hearing Before Land Use Boards and ENN Meetings.

(a) General Notice Requirements

The notice requirements in Subsections 14-3.1(H)(1)(b), (c) and (d) below apply to public hearings required for all applications and ENN meetings, except that:

(i) Public hearings concerning development review actions initiated by the city require notification as described in Subsection 14-3.1(H)(1)(e);

(ii) Public hearings concerning Archaeological Clearance Permits require notification in accordance with Section 14-3.13(C)(3);

(iii) Public hearings concerning projects heard before the historic districts review board shall meet the agenda and posting requirements in Subsections 14-3.1(H)(1)(b) and (c) below, but mailed notification in accordance with Subsection 14-3.1(H)(1)(d) is not required; and

(iv) Public hearings concerning appeals must provide notice as described in Subsection 14-3.1(H)(4).

All general notice requirements have been met for this application with respect to the ENN meeting.

(b) Agenda Requirements

For all public hearings required before any land use board, the land use director shall place the tentative meeting agenda in a local daily newspaper of general circulation at least fifteen calendar days prior to the scheduled meeting. In addition, the land use director shall post the tentative meeting agenda in City Hall and send a copy to neighborhood associations that are registered with the land use director, at least fifteen days prior to the scheduled meeting.

Application acknowledges the agenda requirements stated above.

(c) Posting Requirements

(i) For all ENN meetings and public hearings required before a land use board, except appeals, the property shall be posted by the applicant with posters obtained from the land use director at the applicant's expense. At

least one poster shall be prominently displayed, visible from each public and private street and road abutting the property, and securely placed on the property at least fifteen calendar days prior to the scheduled meeting. Placement of the posters shall be in such a manner as to not compromise public safety.

(ii) The posters shall be removed within thirty days after final action, and failure to do so may result in the city removing the poster and charging the applicant a civil fee of fifty dollars (\$50.00).

All posting requirements were satisfied for the ENN meeting.

(d) Mailing and Emailing Requirements

Notice of a public hearing or ENN meeting shall be mailed via the United States postal service by the applicant at least fifteen calendar days prior the public hearing or meeting as follows:

(i) notices shall be mailed by first class mail to the owners of properties within three hundred (300) feet of the subject property as shown in the records of the county treasurer, and to the physical addresses of such properties where the property's address is different than the address of the owner ;

(ii) notices shall also be mailed by first class mail to neighborhood associations that have registered with the land use director and that will be directly affected by the proposed action or that have a boundary within three hundred (300) feet of the subject property. Email notices to the neighborhood associations shall be provided on the same day the applicant sends postal notices;

(iii) for zone changes of one block or less, notices to property owners for public hearings before the governing body or the planning commission shall be by certified mail with return receipt requested as required by Section 3-21-6 NMSA 1978;

(iv) in the case of an application for a telecommunications facility, all property owners within the corresponding setback distances listed in Section 14-6.2(E) shall also receive notices;

(v) if a notice by certified mail of a zoning change is returned undelivered, the city shall attempt to discover the owner's most recent address and shall send the notice by certified mail to that address as required by Section 3-21-6 NMSA 1978;

(vi) copies of all required mailing lists, mailing certificates and return receipts shall be provided to the land use director prior to the public

hearing or ENN meeting with an affidavit of mailing signed by the person who mailed the notices.

All mailing and emailing requirements have been met for the ENN meeting. Applicant also acknowledges the public hearing notice requirements and the special provisions for rezone applications requiring notice via certified mail, return receipt, to all property owners within 100 feet of the subject parcel.

(2) Notice of Public Hearing Before Governing Body

Notice shall be provided as required in Subsection 14-3.1(H)(1)(a) or (e), as applicable. In addition, the applicant shall publish one notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing.

Applicant acknowledges the notice requirements outlined above.

(3) Postponed or Recessed and Reconvened Public Hearings and Meetings

If a public hearing or ENN meeting is postponed prior to the scheduled meeting, re-notification is not necessary if notice of the new date, time, and location of the meeting is clearly posted at the time and place where the original public hearing or meeting was to be held. A public hearing or meeting may be recessed and reconvened without re-noticing if the date, time, and place for the meeting is specified immediately prior to recessing. N/A

14-3.5 (A) General Provisions

(1) Initiation of Proposals

A rezoning, or amendment to the official zoning map, may be proposed by:

(d) any other person, who must submit a request in writing to the governing body, along with all submissions required by Chapter 14 and any other information requested by the land use director as reasonably necessary to determine compliance with this chapter.

This is the “request in writing” referenced above, which is accompanied by all requisite submittal materials listed at the end of this report.

(2) Plan Requirements

Plan submittal requirements for rezonings are set forth in Articles 14-4 (Zoning Districts) and 14-5 (Overlay Zoning Districts).

There are no plan submittals required for a rezone to C-2. Nevertheless, the RKSS Multifamily Development Plan is submitted for reference.

(3) Uniform Zoning Classification for Entire Lot Required

Except where a legal lot of record is divided by a zoning district boundary, no request to change the zoning classification on a portion of a legal lot of record shall be considered unless the change will establish a uniform zoning classification for the entire lot. A new zoning district boundary shall not divide a legal lot of record, except to establish overlay district boundaries based on topography or other physical conditions.

The entirety of Lot A-2 is proposed to be rezoned.

(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.

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 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.

(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.

Water and Sewer Capacity: The City’s Water and Wastewater Divisions have confirmed that the RKSS development, of which the subject parcel is a part, will be served and identified the infrastructure improvements necessary for service.

Public Schools: A Santa Fe Public Schools (SFPS) Impact Form was submitted and, to my knowledge, SFPS has not issued a response.

Park Capacity: Given the significant commercial nature of the Cerrillos Road corridor, the nearest neighborhood park is San Isidro Village Park, which is 0.75 miles away. Given this distance, the future residents of the RKSS community will have minimal impact on the Park. Given this environment, the RKSS project is providing 1.18 acres of common open space and outdoor amenities. The rezone of Lot A-2 will enable additional development of outdoor recreational space to serve the residents.

Public Transportation: The property is served by Santa Fe Trails Route 2 and there are bus stops directly in front of the site and across the street.

Emergency Services: The potential development of Lot A-2 with outdoor recreational amenities will not have a significant impact on emergency services. Furthermore, the Fire Department reviewed the RKSS Multifamily Development Plan and did not express any concerns regarding capacity to serve the project.

Road Capacity: A Traffic Impact Analysis was reviewed and approved as part of the RKSS Multifamily Development Plan with a finding that there would not be significant impact on the roadway network.

- (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:*
- (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.*

The proposed C-2 zoning not only complies with the property’s Future Land Use Map designations of Community Commercial and Transitional Mixed-Use, but it also embodies many of the Plan’s themes and policies with respect to infill, compact urban form, and economic development. Therefore, the criteria above are not applicable to this application.

- (1) 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;*
- (2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

The infrastructure requirements for the RKSS project are documented in the approved Development Plan. There are no additional infrastructure requirements to serve the potential outdoor amenity and parking improvements on Lot A-2.

Early Neighborhood Notification

The Early Neighborhood Meeting (ENN) for the rezone request was conducted on March 11, 2025. In addition to City staff and the Applicant team, one neighbor and a member of the press were present. Following the Applicant's presentation, the neighbor inquired if an additional resident building would be constructed on Lot A-2 and the Applicant responded that only outdoor recreational amenities and resident parking are being considered.

In support of this request, the following documentation is submitted herewith for your reference:

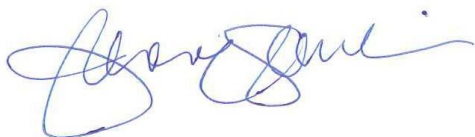
1. Rezone Application
2. Agent Authorization Letter
3. Boundary Survey & Lot of Record Deed
4. Warranty Deeds
5. ENN Meeting Notice & Participant List
6. SFPS Impact Form
7. RKSS Development Plan
8. Lot Consolidation Plat (Lot A-2)

The application fees are calculated as follows:

Rezoning Application 1-9.99 acres (first 5 acres)	\$1,000.00
<u>Notice Poster</u>	<u>\$0.00 (will re-use ENN poster)</u>
TOTAL	\$1,000.00

Please contact me should you have any questions or require additional information. Thank you.

Sincerely,



Jennifer Jenkins, Principal