

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

**Case #2025-010094**

**5211 Las Soleras Drive; Development Plan**

**Owner's/Applicant's Name- New Mexico Education Retirement Board (“NMERB”)**

**Agent's Name - David Archuleta, NMERB**

THIS MATTER came before the Planning Commission (“Commission”) for public hearing on April 17, 2025 (“Hearing”) upon the application (“Application”) of NMERB (“Applicant”) through its agent, David Archuleta, Executive Director of NMERB (“Agent”).

The Applicant requested development plan (“Development Plan”) approval for an approximately 20,000 sq.ft. single story office building development (“Project”), located at 5211 Las Soleras Drive and totaling approximately 2.99 acres in size (“Property”). The Property is zoned C-2 or General Commercial as identified on the City of Santa Fe’s Official Zoning Map.

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

**FINDINGS OF FACT**

1. Pursuant to Santa Fe City Code (“SFCC” or “Code”) 1987 Section 14-2.3(C)(1) and Section 14-3.8(B)(4), the Commission has the authority to review and approve development plans.
2. Code Section 14-3.1 sets out the following procedures for a development application: (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)(iv)]; and (c) compliance with notice and public hearing requirements [SFCC 1987, § 14-3.1(H)-(I)].
3. The Applicant attended a pre-application conference on July 25, 2024.
4. The Applicant gave notice of the ENN meeting by submitting the Application, prominently displaying a public notice poster on the site, and mailing public notice of the meeting to neighbors within a 200 foot radius.
5. The Applicant held a virtual ENN meeting on March 3, 2025. The Project team and members of City land use department staff (“Staff”) attended the meeting. No members of the public were present.
6. SFCC 1987, Section 14-3.8(C)(2) establishes certain procedures for Development Plan approval which include, without limitation, 1) that the Commission hold a public hearing, 2) that the Commission review the development plan, and 3) that the Commission render a decision based on the criteria set out in SFCC 1987, Section 14-3.8(C).
7. Staff reviewed the Application, related materials, and other information that the Applicant submitted for conformity with applicable SFCC requirements. Staff also provided the Commission a written report of Staff’s findings (“Staff Report”) that evaluated the factors relevant to the Application.
8. At the Hearing, the Commission considered the Application in this case, received reports from Staff, heard testimony and evidence from the Applicant, and opened the floor for testimony from any interested members of the public prior to making a decision. No members of the public offered testimony at the Hearing.
9. Staff recommended that the Commission approve the development plan, subject to the conditions and technical corrections set out in the attachments of the Staff Report.

10. The project proposed in the Development Plan exceeds 10,000 square feet. Pursuant to SFCC 1987, Section 14-3.8(B)(3)(b), a new development with a gross floor area of ten thousand (10,000) square feet or more requires the Commission to approve a Development Plan. The project includes office space located adjacent to amenities, public transportation, and freeway access.
11. The use of the building is compatible and comparable with the commercial and multifamily development located in the area. There is a variety of mixed use residential and commercial structures in the district and adjacent to the property. The site accommodates commuter traffic to the building by car, bicycle, and public transportation. other documentation that demonstrates conformity with applicable provisions of the Code (“Submittal Requirements”).
12. The information contained in the Staff Report and attachments is sufficient to establish that the Submittal Requirements have been met.
13. SFCC 1987, Section 14-3.8(D)(1) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before approving a development plan.
14. Pursuant to SFCC 1987, Section 14-3.8(D)(2), the 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.” Additionally, pursuant to SFCC 1987, Section 14-3.1(J), “[a]pplications may be approved with conditions of approval to ensure compliance with the purpose and intent of Chapter 14 or any section of this chapter and any applicable city land use policy.”
15. Here, Staff recommended conditions of approval and technical corrections, which were attached as Attachment A to the Staff Report.

### 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 14-2.3(C)(1) and Section 14-3.8(B)(4), the Commission has authority to review and approve this Development Plan.
2. 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.
3. Pursuant to SFCC 1987, Section 14-3.8(C)(1), the Applicant met the applicable Submittal Requirements.
4. Pursuant to SFCC 1987, Section 14-3.8(D)(1)(b), the Commission finds that the Development Plan will not adversely affect the public interest. The Governing Body has implemented the General Plan and ordinances to establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest. This project serves the public interest through its provision of office space located adjacent to amenities, public transportation and freeway access.
5. Pursuant to SFCC 1987, Section 14-3.8(D)(1)(c), the Commission finds that the development 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. The subject property is located in a master planned area designed to accommodate office space of this size. Pursuant to SFCC 1987, Section 14-3.8(D)(2) and SFCC 1987, Section 14-3.1(J), the Commission finds that the conditions of approval and technical corrections set forth in the Staff Report and attachments are necessary to accomplish the proper development of the area, to

implement the policies of the general plan, and to ensure compliance with the purpose and intent of Chapter 14 or any section of this chapter and any applicable city land use policy.

6. The Commission approves the Development Plan subject to the conditions and technical corrections recommended by staff because all applicable code requirements and criteria for development plan approval have been met.

**WHEREFORE, IT IS ORDERED ON THE 5th DAY OF JUNE 2025 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

The Development Plan for the Project is approved, subject to the conditions of approval and technical corrections set forth in the Staff Report and attachments. The Development Plan shall expire three years after issuance of this final action unless actual development of the site or off-site improvements has begun and is continued pursuant to SFCC 1987 Subsection 14-3.19(B)(6), or a time extension is granted pursuant to SFCC 1987 Section 14-3.19(C).

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Janet Clow, Chair

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Date

FILED:

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Andrea Salazar  
City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Rebecca Mnuk-Herrmann  
Assistant City Attorney

\_\_\_\_\_  
Date