

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

**Case #2025-10688: Tierra Contenta Phase 3A Preliminary Subdivision Plat
Variance (Slopes)**

6120, 6130, 6135, and 6150 Paseo del Sol

Owner/Applicant's Name - Homewise, Inc.

Agent's Name – Jennifer Jenkins, JenkinsGavin, Inc.

THIS MATTER came before the Planning Commission (“Commission”) for hearing on November 6, 2025, upon the application (“Application”) of JenkinsGavin, Inc., agent for Homewise, Inc. (“Applicant”).

The Application is located at 6120, 6130, 6135, and 6150 Paseo del Sol (“Property”) and is zoned PRC (Planned Residential Community). The Applicant requests a variance (“Variance”) to Santa Fe City Code (“SFCC”) Subsection 14-8.2(D)(2)(b) Terrain Management standards prohibiting disturbances of natural slopes of thirty percent (30%) for an approximate area of 7,305 square feet.

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

FINDINGS OF FACT

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by interested members of the public.
2. The Santa Fe City Code (“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)(v)]; and (c) compliance with notice and public hearing requirements [SFCC 1987 § 14-3.1(H)-(I)].
3. A pre-application conference was held on March 12, 2025, in accordance with SFCC 1987 Section 14-3.1(E).
4. Pursuant to SFCC 1987 Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
5. The Applicant conducted one ENN on May 29, 2025. The ENN meeting was conducted virtually via Zoom. The meeting was attended by a representative of the Applicant and City staff. The meeting was well attended by the public.
6. Pursuant to SFCC 1987 Subsection 14-2.3(C)(3), the Commission has the authority to review and approve or disapprove variances as part of a development.
7. City staff reviewed the Application and all related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (“Staff Report”), which evaluates the factors relevant to the Application.

8. Staff recommended that the Commission deny the variance requested for case #2025-10688.
9. The Applicant attended a public hearing before the Commission on November 6, 2025.
10. At the Hearing, the Commission received reports from Staff, heard testimony and evidence from the Applicant and their Agent, and offered to hear testimony by any interested members of the public.
11. SFCC 1987 Subsection 14-3.16(C) sets the approval criteria for Variances.
12. The Commission adopted the variance findings submitted and presented by the Applicant
13. The Applicant's finding for criterion SFCC 1987 Subsection 14-3.16(C)(1)(a) states: Trail Improvements – The Phase 3A lands are characterized by significant tributaries of the Arroyo de los Chamisos traversing the north and southwest areas of the site, presenting significant challenges with respect to installation of the requested trail improvements. Drainage Improvements – The physical characteristics of the Phase 3A lands are exemplified by significant tributaries of the Arroyo de los Chamisos traversing the site. The project is employing a unique stormwater management approach that establishes ponding in existing drainageways through the installation of gabion and earthen dams. This approach respects the natural path of water, minimizes ground disturbance, and preserves developable area in support of this affordable housing initiative.
14. The Applicant's finding for criterion SFCC 1987 Subsection 14-3.16(C)(1)(b) states: Trail Improvements – It is infeasible to construct the requested trails without the modest disturbance of 30% slopes. The desired connections cross steep terrain and cross arroyos. In addition, the trails are designed to minimize slope and establish as much accessibility as possible. Drainageway Improvements – The drainage design is a terrain-based approach that honors the existing drainage pattern, while minimizing disruption of the natural terrain. It is infeasible to overly engineer a stormwater management solution that diverts water from its natural path, which can result in higher maintenance costs for the City and erosive conditions over time.
15. The Applicant's finding for criterion SFCC 1987 Subsection 14-3.16(C)(1)(c) states: Trail Improvements -- The proposed intensity of development is consistent with previous phases of Tierra Contenta. Drainageway Improvements – The proposed intensity of development is consistent with previous phases of Tierra Contenta.

16. The Applicant's finding for criterion SFCC 1987 Subsection 14-3.16(C)(1)(d) states: Trail Improvements -- Significant efforts have been made to minimize the disturbance of 30% slopes to those areas that are absolutely necessary to provide the desired trail connectivity. The property could not be developed as a different category or lesser intensity of use without the City Council approving amendments to the Tierra Contenta Annexation Agreement and Master Plan. Nor would other use categories satisfy the City's objectives of increasing housing supply, especially affordable housing. Tierra Contenta implements the purposes of Chapter 14 through a coordinated and harmonious development that promotes the health, safety, and welfare of the community. Furthermore, the development of Phase 3A with this requested variance enables construction of coordinated streets, trails, and utility infrastructure. Drainageway Improvements – Significant efforts have been made to minimize the disturbance of 30% slopes to those areas that are absolutely necessary to ensure the orderly and efficient development of the property in accordance with the Master Plan. The property could not be developed as a different category or lesser intensity of use without the City Council approving amendments to the Tierra Contenta Annexation Agreement and Master Plan. Nor would other use categories satisfy the City's objectives of increasing housing supply, especially affordable housing. Tierra Contenta implements the purposes of Chapter 14 through a coordinated and harmonious development that promotes the health, safety, and welfare of the community.
17. The Applicant's finding for criterion SFCC 1987 Subsection 14-3.16(C)(1)(e) states: Trail Improvements -- The development of Phase 3A is in the public interest through the increase in housing supply, including up to 600 affordable homes. In addition, the public interest is served through the construction of new trails providing connectivity to SWAN Park and Capital High School for area residents. Drainageway Improvements – The development of Phase 3A is in the public interest through the increase in housing supply, including up to 600 affordable homes, which is enabled by the infrastructure design that requires this modest variance. In addition, the public interest is served through a stormwater management design that minimizes land disturbance, while increasing the supply of affordable housing by preserving developable land for that purpose.

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 Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.
2. The Applicant met the applicable Submittal Requirements of SFCC Sections 14-3.1(C), (G) and (L).
3. Pursuant to SFCC 1987 Subsection 14-2.3(C)(3), the Commission has the authority to hear and decide on variances as part of a development.

4. Pursuant to SFCC 1987 Subsection 14-3.16(C)(1)(a), the Commission finds that the variance is justified by the presence of an existing unusual physical characteristic of the land or structure that existed at the time of the adoption of the regulation.
5. Pursuant to SFCC 1987 Section 14-3.16(C)(2), the Commission finds that existing special physical circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.
6. Pursuant to SFCC 1987 Section 14-3.16(C)(3), the Commission finds that granting the variances would not increase the intensity of the proposed development relative to other uses in the vicinity that are subject to the same relevant provisions of Chapter 14.
7. Pursuant to SFCC 1987 Section 14-3.16(C)(4), the Commission finds that the variance is the minimum amount of deviation that will make possible the reasonable use of the land or structure.
8. Pursuant to SFCC 1987 Section 14-3.16(C)(5), the Commission finds that granting the variance would not be contrary to the public interest.
9. Pursuant to SFCC 1987 Section 14-3.16(C)(6), the Commission finds that there are no additional requirements, or supplemental or special findings required by other provisions of Chapter 14.
10. The Commission finds that Case #2025-10688 satisfies the required approval criteria pursuant to SFCC 1987 Section 14-8.2(D)(2)(b) slopes. The Commission voted to approve the thirty (30) percent slopes variance request.

WHEREFORE, IT IS ORDERED ON THE 4TH DAY OF DECEMBER 2025 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission approves the Variance to SFCC 1987 Subsection 14-8.2(D)(2)(b) for Case # 2025-10688.

Janet Clow
Chair

Date:

FILED:

Andréa Salazar
City Clerk

Date:

APPROVED AS TO FORM:

Rebecca A. Mnuk-Herrmann
Assistant City Attorney

Date: