

**City of Santa Fe  
Board of Adjustment  
Findings of Fact and Conclusions of Law**

**Case #2024-8667**

**121 Siringo Special Use Permit**

**Owner's/Applicant's Name-** Christian Life Fellowship Inc.

**Agent's Name-** Liaison Planning Services Inc.

THIS MATTER came before the Board of Adjustment (Board) for public hearing on September 10<sup>th</sup>, 2024 (Hearing) upon the application (Application) of Liaison Planning Services Inc. as agent for Christian Life Fellowship Inc. (Applicant).

The Application pertains to 121 Siringo Road on a property totaling approximately 5.45 acres (Property). The Applicant requests approval of a Special Use Permit for a Private School with 20 students. (Project). The Property is zoned for one (1) residential unit per acre (R-1).

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

**FINDINGS OF FACT**

General

1. At the Hearing, the Board heard reports from Land Use Department Staff (Staff), received testimony and evidence from the Applicant, and testimony offered by any interested members of the public prior to making a decision.
2. The Property is located in an R-1 district.
3. Staff recommended that the Board approve the special use permit (Special Use Permit) subject to conditions of approval and technical corrections set forth in the written report of Staff's findings and analysis (Staff Report) and attached exhibits.
4. Santa Fe City Code Section (SFCC or Code) §14-3.6(C) sets out the procedures to be followed prior to the grant by the Board of a special use permit, including:
  - (a) Approval of a site plan and other site development drawings necessary to document that the Project can be accomplished in conformance with applicable Code standards [SFCC 1987 §14-3.6(C)(1)];
  - (b) Submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested SFCC 1987 [Section 14-3.6(C)(2)]; and
  - (c) A special use permit is required for any change of use to a new or different use category that requires a special use permit as designated in table 14-6.1-1. [SFCC 1987 §14-3.6(C)(3)].
5. SFCC 1987 §14-3.1(F)(2)(a)(viii) requires an early neighborhood notification meeting (ENN) prior to a public hearing for special use permits. SFCC 1987 §14-3.1(F)(4)-(6) sets for the procedures for the ENN, including:
  - (a) Compliance with the notice requirements of SFCC 1987 Section 14-3.1(H) [SFCC §14-3.1(F)(4)];

- (b) Timing for the ENN meeting and the principles underlying its conduct [SFCC 1987 §14-3.1(F)(5)]; and
  - (c) Guidelines for the conduct of the ENN meeting [SFCC 1987 §14-3.1(F)(6)]
6. The applicant provided public notice of the ENN meeting by first class mail to the registered neighborhood associations as well as the owners and physical addresses of properties within three hundred (300) feet of the subject property.
  7. The Applicant conducted an ENN meeting virtually on March 12<sup>th</sup>, 2024, via a ZOOM conference.
  8. The ENN meeting was attended by three representatives of the Applicant, two member of City staff and ten (10) members of the public. Members of the public voiced concerns about noise from the church, traffic safety along Siringo, and safety of the playground adjacent to Siringo in particular. The Applicant gave their plan to mitigate any safety and noise concerns.
  9. The Applicant submitted a site plan with its Application indicating the Code section under which the special use permit was being sought and stating the grounds for the request.
  10. Staff reviewed the Application, and related materials and information submitted by the Applicant, for conformity with applicable Code requirements and provided the Board with a written report of its findings (Staff Report) together with a recommendation that the Special Use Permit be approved, subject to certain conditions (the Conditions) set out in such report.
  11. During the Hearing and in the Staff Report, Staff recommended the Board remove Condition of Approval #4, which required the applicant to designate a 20' Trail/Public Use easement, due to its infeasibility. The Board of Adjustment accepted Staff's recommendation to remove Condition #4 and removed it from the final approval.
  12. The Board removed Condition of Approval #2, which required the submittal of and compliance with an updated landscaping plan within one (1) year of the approval of the SUP, from the final approval.
  13. The Board removed Condition of Approval #6, which required the applicant to return to the BOA within one year of the approval of the SUP, from the final approval.
  14. The information contained in the Staff Report, along with conditions of approval and technical corrections as amended by the Board, is sufficient to establish that the applicable requirements have been met.
  15. SFCC 1987 §14-3.6(D)(1) sets out certain findings that the Board must make to grant a special use permit, including:
    - (a) *That the Board has the authority to grant a special use permit for the Project [SFCC 1987 §14-3.6(D)(1)(a); SFCC 1987 §14-2.4(B) and Table 14-6.1-1 provide the authority for the Board of Adjustment to grant a special use permit for a Private School in the R-1 district. Application for this permit is necessitated under Chapter 14-6.1, specifically noted in Table 14-6.1-1, Land Use Table of Permitted Uses which allows permitting for elementary and secondary schools and educational training for both public and private schools in an R-1 residential zoned areas.*
    - (b) *That granting the special use permit for the Project does not adversely affect the public interest [SFCC 1987 §14-3.6(D)(1)(b)];* The term "Public Interest" is not defined in Chapter 14; however, the Governing Body has implemented the General Plan and ordinances in order to establish minimum standards for health, safety and welfare affecting land uses and development. Staff has reviewed the Special Use Permit application in accordance with Chapter 14. Subject to the amended staff recommended conditions of approval, the proposed special use

complies with minimum standards of Chapter 14 SFCC and would not adversely affect the public interest.

*(c) That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project [SFCC 1987 §14-3.6(D)(1)(c)].* The design of the existing facility, which was purpose built to house a private school, does not require any significant changes to accommodate the new use. The existing church building has been in this location for over 20 years and regularly serves a congregation of 300 – 400 people. The proposed use will comply with applicable City code requirements to bring the facility into compliance to accommodate the new use.

16. SFCC Section 14-3.6(D)(2) authorizes the Board to specify conditions of approval for a special use permit to accomplish the proper development of the area and to implement the policies of the general plan.
17. SFCC Section 14-3.6(C) sets out certain findings that must be made by the Board to approve a special use permit with conditions recommended by Staff.
18. On September 10<sup>th</sup>, 2024, the Board approved the Special Use Permit to allow the Private School on the site, subject to the Conditions and technical corrections set forth in the Staff Report as amended by the Board of Adjustment during the hearing.
19. The Applicant agrees to all recommended Conditions as amended.

## CONCLUSIONS OF LAW

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

1. Pursuant to SFCC 1987 §14-3.6(B) the Board has the authority to hear and decide applications for special use permits in accordance with applicable provisions of Chapter 14; to decide questions that are involved in determining whether special use permits should be granted; and to grant or deny special use permits with such conditions and safeguards as appropriate under Chapter 14.
2. Pursuant to SFCC 1987 §14-6.1(C) Table 14-6.1-1, entitled “Table of Permitted Uses”, “Elementary and secondary schools, public and private” is a permitted use in the R-1 district with a special use permit.
3. The Applicant gave notice for the ENN in accordance with the notice requirements of SFCC 1987 §14-3.1(H)(1)(a)-(d).
4. The ENN meeting complied with all notice and procedural requirements established under the Code.
5. The Board has the authority to grant the Special Use Permit for the Project [SFCC 1987 §14-3.6(D)(1)(a); SFCC 1987 §14-2.4(B) and Table 14-6.1-1 es which allows permitting for elementary and secondary schools and educational training for both public and private schools in an R-1 residential zoned areas.
6. Granting the Special Use Permit does not adversely affect the public interest because, based on Staff analysis that the Special Use Permit is consistent with the General Plan and all applicable Code sections, the Special Use Permit does not adversely affect the public interest.
7. The Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project because the design of the existing facility, which was purpose built to house a private school, does not require any significant changes to accommodate the new use. The existing church building has been in this location for over 20 years and regularly serves a congregation of 300 – 400 people. The proposed use will comply with applicable City code requirements to bring the facility into compliance to accommodate the new use.
8. The criteria set forth in SFCC 1987 §14-3.6 for granting the requested special use permits have been met.
9. The Board may grant the Special Use Permit for the specific use of the Property and intensity applied for.

**WHEREFORE, IT IS ORDERED ON THE 7th DAY OF JANUARY, 2024 BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE:**

1. That the special use permit is approved as applied for, subject to the Conditions and the technical corrections presented in the Staff Report. No change of use or more intense use shall be allowed unless approved by the Board under a new or amended special use permit or as otherwise permitted by applicable Code.
2. The special use permit granted herewith shall expire three (3) years from the date when these Findings of Fact and Conclusions of Law are adopted by vote of the Board, subject to any right of the Applicant under applicable Code to request an extension of such time or (b) it ceases for any reason for a period of three hundred and sixty five (365) days.

Case #2024-8667  
121 Siringo Road Special Use Permit

Gary Friedman, Chair

\_\_\_\_\_  
Date

FILED:

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Andrea Salazar  
City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Rebecca MnuK-Herrmann,  
Assistant City Attorney

\_\_\_\_\_  
Date