

**City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law**

Appeal # 2026-12028-APPL

Appellant's Name – Old Santa Fe Association

Agent's Name – JenkinsGavin, Inc., for Titan Land Development

Address – 1000, 1101 and 1103 Cerrillos Rd.

THIS MATTER came before the City of Santa Fe Governing Body for a specially scheduled public hearing on June 25, 2026, to consider the appeal of the Old Santa Fe Association (the “Appellant”) from a decision of the City’s Planning Commission in Case # 2025-11380. On February 5, 2026, the Commission approved a development plan for a 79,491-square-foot, 150-room AC Marriott Hotel at 1000, 1101 and 1103 Cerrillos Rd. The Appellant asked the Governing Body to overturn the Planning Commission’s decision and deny the approval, or to stay the approval and remand it to the Planning Commission and require additional proof for the accuracy of a traffic impact analysis for this location.

I. RECORD ON APPEAL

The record on appeal included the following documents:

1. Memorandum to the Members of the Governing Body dated June 17, 2026, from the City Attorney’s Office;
2. Exhibit A, Verified Appeal Petition filed March 6, 2026;
3. Exhibit B, Planning Commission’s Findings of Fact and Conclusions of Law for Case # 2025-11380, approved March 5, 2026;
4. Exhibit C, Minutes of the February 5, 2026, Planning Commission meeting;
5. Exhibit D-1, Staff Report of Planning and Land Use Department;
6. Exhibit D-2, Table of Conditions of Approval;
7. Exhibit D-3, Table of Technical Corrections;
8. Exhibit D-4, Development Review Team Comments;
9. Exhibit D-5, Site Maps and Elevation Drawings;
10. Exhibit E-1, JenkinsGavin, Inc., Letter of Intent dated October 13, 2025;
11. Exhibit E-2, 5G Studio Architectural Points Analysis;
12. Exhibit E-3, Utility Service Application;
13. Exhibit E-4, Preliminary Water Budget;
14. Exhibit E-5, Traffic Impact Analysis;
15. Exhibit E-6, Development Plan Set; and
16. Exhibit E-7, Infrastructure Plan Set.

II. FINDINGS OF FACT

After conducting a Special Governing Body Meeting June 25, 2026, the Governing Body hereby FINDS, as follows:

A. Proceedings Prior to the Governing Body Appeal

1. SFCC 1987 Section 14-3.1 sets out the following procedures for a development application:
 - a. a pre-application conference (SFCC § 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)).
2. Titan Land Development (the “Applicant”) and JenkinsGavin, Inc., the Applicant’s Agent (“Agent”), attended a pre-application conference on August 14, 2025.
3. The Applicant gave notice of the ENN meetings by posting signs on the property, and mailing notice to all tenants and property owners within 300 feet of the property.
4. The Applicant held a virtual ENN meeting on the application on September 30, 2025. The project team, members of Staff, and 31 members of the public attended the ENN meeting. Members of the public voiced concerns about traffic and environmental impacts, the height and design of the proposed structure, its effect on the surrounding viewscape, safety, and whether there is a need for another hotel in Santa Fe.
5. The project proposed in the Development Plan exceeds 30,000 square feet. Pursuant to SFCC 1987 Section 14-3.8(B)(3)(a), a new development with a gross floor area of 30,000 square feet or more requires the Commission to approve a development plan.
6. SFCC 1987 Section 14-3.8 establishes procedures for development plan approval including, without limitation, a public hearing by the Commission and a decision based on the criteria set out in SFCC 1987 Section 14-3.8(D).
7. The City Planning and Land Use Staff reviewed the application, related materials, and other information that the Applicant submitted, for conformity with the SFCC. The Staff also provided the Planning Commission a written report of the Staff’s findings (“Staff Report”) that evaluated the factors relevant to the application.
8. Staff recommended that the Commission approve the application subject to certain conditions and technical corrections set out in the Staff Report and exhibits.
9. In a public hearing on February 5, 2026, the Planning Commission received reports from Staff, testimony and evidence from the Applicant and Agent, and testimony offered by any interested members of the public prior to making a decision.
10. At the conclusion of the hearing, the Commission voted 4 to 3 among the seven members to approve the application.
11. On March 5, 2026, the Commission adopted written Findings of Fact and Conclusions of Law reflecting its decision to approve the development plan for the AC Marriott Hotel.
12. As reflected in the Findings of Fact and Conclusions of Law and the Minutes approved by the Commission March 5, 2026, the Commission made the following findings:
 - a. The approval is for a 79,491-square-foot, 150-room AC Marriott Hotel, at 1000, 1101 and 1103 Cerrillos Rd. on a lot approximately 3.40 acres in size;
 - b. The development plan will not adversely affect the public interest;
 - c. The development serves the public interest through the provision of much-needed housing;
 - d. The residential use 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; and

- e. The Development Plan is subject to the conditions and technical corrections recommended by the Planning and Land Use Staff, with the addition of the following conditions imposed by the Commission:
 - i. the Applicant will work with the City Staff to architecturally soften the fourth-story corner deck; and
 - ii. the property owner will help in good faith to relocate the Gunnison prairie dogs at the project location.
- 13. The Commission's decision was based on the following provisions of the City of Santa Fe Land Use Code, SFCC Chapter 14:
 - (a) SFCC 1987 Sections 14-2.3(C)(1) and 14-3.8(B)(4) give the Commission the authority to review and approve final development plans.
 - (b) SFCC 1987 Section 14-3.8 establishes procedures for development plan approval including, without limitation, a public hearing by the Commission and a decision based on the criteria set out in SFCC 1987 Section 14-3.8(D);
 - (c) 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.
 - (d) SFCC 1987 Section 14-3.8(D)(2) permits the Commission to "specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan."

B. Appeal to Governing Body

- 14. On March 6, 2026, the Appellant Old Santa Fe Association ("OSFA") timely filed a Verified Appeal Petition, asking the Governing Body to review the decision of the Commission, and to require Titan Land Development to address traffic corridor safety and access issues by obtaining an urban-planning level 2 corridor package, an N.M. Department of Transportation state highway access permit, and a final water budget.
- 15. In the Verified Appeal Petition, the Appellant, among other issues, argued that:
 - a. The Cerrillos Road / St. Francis Drive intersection is extremely dangerous, with curving lanes, a train crossing, and no clear directions for vehicles turning left from Cerrillos Road onto side roads and parking lots. The proposed hotel would add countless more cars to this already congested and badly designed intersection;
 - b. The hotel's location would cause eastbound traffic on Cerrillos Road to back up past the main driveway into the hotel, preventing cars westbound on Cerrillos Road from turning left and further obstructing westbound traffic;
 - c. The application packet to the Planning Commission was incomplete, lacking a City-Grade Level 2 Corridor Package, which would include a comprehensive public transit, pedestrian walkway and road-upgrade plan to improve traffic flow and ease congestion across a designated neighborhood corridor; and
 - d. The application packet did not contain the necessary core infrastructure documents for water and drainage, documentation for architectural-design compliance, State Highway Access Permits for N.M. State Hwy. 14 and U.S. 84/285, an Agreement to Construct and Dedicate, or an Approved Water Plan.
- 16. SFCC Section 14-3.17(A)(2) sets forth the grounds for an appeal of a Land Use Board decision and provides that an appeal may be filed for one or more of the following

reasons only:

- a. the Board's (or Commission's) final action does not comply with SFCC Chapter 14 or the Zoning Enabling Act, NMSA 1978, Sections 3-21-1 to -14;
 - b. the Board misapplied SFCC Chapter 14; or
 - c. the Board's decision is not supported by substantial evidence.
17. As required by SFCC Section 14-3.17(D)(6), the City Land Use Director reviewed the Verified Appeal Petition for conformity with the requirements of SFCC Section 14-3.17 and determined that the Appeal conformed to the requirements.
 18. The Appellant provided notice of the Governing Body hearing by mailing notices to the owners of record of all neighboring properties within 300 feet of 1000, 1101 and 1103 Cerrillos Rd. no less than 15 days in advance of the hearing.

C. Governing Body Special Hearing June 25, 2026

19. Under SFCC Section 14-2.2(F), the Governing Body conducts a *de novo* hearing on an appeal of a final action of a Land Use Board.
20. The City of Santa Fe Governing Body conducted a specially scheduled, quasi-judicial public hearing in the City Council Chambers, City Hall, on June 25, 2026.
21. The Appellant was represented at the hearing by Katherine Rivera, who was accompanied by traffic monitoring experts Aurora Martinez and Sean Noonan.
22. Assistant City Attorney Frank Ruybalid presented an overview of the case to the Governing Body. Also present on behalf of the City were City Planner Manager Daniel Esquibel; Senior Planner Claudia Kath; Leroy Pacheco, City Public Works Traffic Engineer; Taylor Jurgens, Water Division Engineer; Levi Newell, Water Resources Analyst; Dee Beingessner, City Engineer; and, appearing by a remote medium, Phil Gallegos, Senior Transportation Engineer, Wilson & Company (consultants).
23. Ms. Rivera, Ms. Martinez and Mr. Noonan made presentations to the Governing Body on behalf of the Appellant OSFA. Mr. Noonan played a short video showing vehicular and pedestrian traffic and the Rail Runner train passing through the intersection of Cerrillos Road and St. Francis Drive.
24. Jennifer Jenkins, JenkinsGavin, Inc., made a statement in support of the Planning Commission's decision. Ms. Jenkins was accompanied by Josh Rogers, Partner, Titan Land Development; Ian Robertson, Director of Development, Titan Land Development; Ron Bohannon, Civil Engineer, Tierra West Engineering; and Frank Herdman, Santa Fe Law Group, legal counsel for JenkinsGavin.
25. During the time allotted for comment from the public, 26 persons present in the Council Chambers addressed the Governing Body, after being sworn. Of those, 21 expressed opposition to the development, two supported the development, and three neither supported nor opposed it but urged the developer to redesign the hotel or encouraged further study about its impact on traffic.
26. Eight persons addressed the Governing Body via a remote medium (Zoom) after being sworn. Of those, six expressed opposition to the development, and two others either spoke about pedestrian traffic in that vicinity or urged the Governing Body to follow the law, but did not express opposition to or support for the hotel.
27. During the hearing, City Councilors and the parties asked questions of or heard comments from Mr. Bohannon, Mr. Pacheco, Mr. Esquibel, Mr. Ruybalid, Ms. Jenkins,

Mr. Noonen, Ms. Rivera, Mr. Herdman, Mr. Gallegos and Mr. Newell.

28. City Councilor Patricia Feghali asked whether OSFA had legal standing to challenge a traffic impact analysis. Mr. Ruybalid said standing to challenge a Land Use Board decision is conferred on “organizations duly organized at the time the decision appealed from was rendered alleging injury to their economic, environmental or aesthetic interests,” pursuant to SFCC City Code Section 14-3.17(B)(3). Ruybalid and City Attorney Marcos Martinez said OSFA did not specify in its Appeal Petition the injury to its economic, environmental or aesthetic interests.
29. In response to Councilor Feghali’s question, Mr. Herdman said federal and state law requires an organization challenging a governmental action to have standing based on an injury to an interest that is germane to the organization, traffic is not germane to the mission of the Old Santa Fe Association, and for that reason OSFA did not have standing.
30. Attorney Frank Katz said OSFA’s interest is in preserving Old Santa Fe, and that the increased traffic from this development plan would create safety hazards, negatively affecting the aesthetics of Santa Fe, which gave OSFA standing to appeal.
31. Councilor Jamie Cassutt asked whether the Applicant would accept a condition of approval that the New Mexico Department of Transportation certify the City’s traffic impact analysis; Ms. Jenkins said she would agree to that condition.
32. Mr. Noonen on behalf of OSFA gave a three-minute presentation in response to new evidence which arose during the Governing Body’s questioning of witnesses, and for seven minutes posed questions to and received additional information from Mr. Pacheco and Mr. Gallegos.
33. Ms. Jenkins for three minutes asked further questions of Mr. Gallegos and Mr. Esquibel.
34. Mr. Katz on behalf of the Appellant OSFA and Ms. Jenkins on behalf of the Applicant each gave five-minute closing statements.
35. Based on the information provided by the sworn witnesses, City Staff and speakers who addressed the Governing Body, the Governing Body finds that substantial evidence supported the Planning Commission’s March 5, 2026, decision to approve the Development Plan for the proposed AC Marriott Hotel, at 1000, 1101 and 1103 Cerrillos Rd., subject to the conditions and technical corrections recommended by the Planning and Land Use Staff and the additional conditions imposed by the Commission.

III. CONCLUSIONS OF LAW

Under the circumstances and based upon the record and the evidence and testimony submitted at the hearing, the Governing Body CONCLUDES as follows:

1. Pursuant to SFCC Section 14-2.2(F), the Governing Body has the power and authority to hear and decide the matter that is the subject of the Appeal.
2. The Planning Commission’s written Findings of Fact and Conclusions of Law, adopted March 5, 2026, was a final action subject to appeal.
3. The Appellant timely appealed the Commission’s decision to the Governing Body and complied with the procedural requirements set forth in the SFCC.
4. This Appeal should be denied for the reasons:
 - a. Substantial evidence supported the Planning Commission’s February 5, 2026, decision to approve the Development Plan;
 - b. The Development Plan will not adversely affect the public interest as it meets all

- Code requirements for a property in an area zoned C-2 and will replace an existing development that appears to be used primary for parking earth-moving equipment, has no landscaping and is unaccommodating to pedestrians;
- c. The development serves the public interest through the provision of additional lodging for visitors to Santa Fe and economic benefits through employment, tourism revenue, lodgers tax revenue and visitor spending;
 - d. The improvements and any associated buildings are compatible with and adaptable to buildings, structures, and uses of the abutting and other properties in the vicinity: large institutional and government buildings such as the New Mexico School for the Deaf and the South Capitol complex; and
 - e. The Development Plan is made conditional upon, and the Applicant agrees to obtain, a review by the N.M. Department of Transportation of the development's traffic impact analysis ("TIA") and letter from N.M. DOT staff certifying that the TIA comports with State traffic control standards.
5. The City of Santa Fe Governing Body Procedural Rules, adopted January 12, 2022, section (VI)(D)(8)(b), read in part: "If one or more Governing Body members abstain, and the action being voted on is other than the passage of an ordinance or resolution, then abstentions shall be counted as acquiescence with the majority."

IV. VOTE AT THE HEARING

With respect to the Appeal and Old Santa Fe Association's challenge to the Planning Commission's February 5, 2026, decision, the Governing Body voted to deny the appeal, with a vote of four in the affirmative, two in the negative and one abstention.

WHEREFORE, IT IS ORDERED ON THE 29TH OF JULY, 2026, BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

The Governing Body DENIES the appeal with respect to the property at 1000, 1101 and 1103 Cerrillos Rd., affirms the Planning Commission's February 5, 2026, decision, and approves the development as described in Land Use Case # 2025-11380, subject to the conditions described in Sections II(A)(12)(e) and III(4)(e), above.

Michael J. Garcia, Mayor

Date

FILED WITH THE CITY CLERK:

Geraldyn Cardenas, City Clerk

Date

APPROVED AS TO FORM:

Frank Ruybalid
Frank Ruybalid, Assistant City Attorney

July 21, 2026
Date