

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

Case #2015-46

River Trail Lofts – 2180 and 2184 West Alameda Rezoning to R-7 and Development Plan

Owner's Name – Alameda Lofts Investments, LLC

Applicant's Name – Sommer Karnes & Associates

THIS MATTER came before the Governing Body of the City of Santa Fe for hearing on August 12, 2015 upon the application (Application) of Sommer Karnes & Associates as agent for Alameda Lofts Investments, LLC (Applicant).

On June 4, 2015 the Planning Commission (Commission) voted to recommend, subject to certain conditions (the Conditions), that the Governing Body approve the rezoning of two contiguous parcels of land located at 2180 and 2184 West Alameda with a total area of 4.25± acres (collectively, the Property) from R-5 (Residential – 5 dwelling units/acre) to R-7 (Residential – 7 dwelling units/acre) (the Rezoning). The Property is classified on the City of Santa Fe General Plan Future Land Use Map (Plan) as Low Density Residential (3-7 dwelling units/acre). The Commission also approved a preliminary development plan for the Property (the Development Plan) at the June 4 meeting. Findings of Fact and Conclusions of Law (Commission Findings and Conclusions) embodying the Commission's vote recommending that the Governing Body approve the Rezoning and the Development Plan, subject to the Conditions, together with two additional conditions set forth in the Commission's Order (the Additional Conditions), were adopted by the Commission on July 2, 2015 and were filed with the City Clerk as Item #15-0641.

In accordance with the foregoing, and after conducting a public hearing, and having heard from staff, the Owner and its representatives, residents of the neighborhood in which the Property is located, and certain interested others, the Governing Body hereby FINDS as follows:

FINDINGS OF FACT

1. The Governing Body has authority, under Santa Fe City Code (Code) Sections 14-2.1 Table 14-2.1-1 and 14-2.2(A) to review and finally decide upon applications for rezoning in accordance with the procedures set forth in Code Section 14-3.5(B)(2) and applying the criteria set forth in Code Section 14-3.5(C).
2. Code Section 14-3.1(H)(2) requires that notice of a public hearing before the Governing Body be provided in accordance with Code Section 14-3.1(H)(1)(a) and that, in addition, the applicant publish notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing (collectively, the Notice Requirements).
3. The Notice Requirements have been met.
4. The Governing Body reviewed the report dated August 3, 2015 for the August 12, 2015 City Council Meeting prepared by City staff (Staff Report) summarizing the Application and the

Commission vote recommending that the Governing Body approve the Application, subject to the Conditions and the Additional Conditions; the Commission Findings and Conclusions embodying said vote; and the evidence introduced at the hearing in accordance with the requirements of Code Section 14-3.5(B)(2)(a).

5. The Governing Body heard direct testimony from City staff, the Applicant's representative, residents of the neighborhood in which the Property is located, and certain interested others.
6. Commission Findings of Fact 2 through 25 accurately reflect the facts in this matter as presented at the hearing.
7. Commission Conclusions of Law 1 through 6 are within the authority of the Commission and are reasonably based upon the Commission Findings of Fact.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the hearing, the Governing Body hereby **CONCLUDES** as follows:

1. The Commission Findings and Conclusions, a copy of which is attached hereto as **Exhibit A**, are adopted in part by the Governing Body as follows: Commission Findings 2 through 25 and Conclusions of Law 1 through 6. The foregoing enumerated Findings of Fact and Conclusions of Law are hereby adopted by the Governing Body and are incorporated in these Findings of Fact and Conclusions of Law as if set out in full herein. Those Findings of Fact and Conclusions of Law not specifically adopted herein are specifically not adopted.
2. The proposed Rezoning meets the criteria established by Code Section 14-3.5(C).

WHEREFORE, IT IS ORDERED ON THE _____ OF AUGUST 2015 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

That the Application is approved, subject to the Conditions and Additional Conditions set forth on **Exhibit B**, a copy of which is attached hereto, together with the following additional condition: That the six (6) affordable dwelling units to be constructed on the Property be offered for sale to eligible buyers rather than rented.

Mayor

Date:

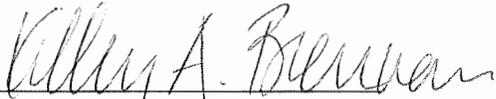
[REMAINING SIGNATURES APPEAR ON THE FOLLOWING PAGE]

FILED WITH THE CITY CLERK:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:



Kelley Brennan
City Attorney



Date:

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

Case #2015-46

River Trail Lofts, 2180 & 2184 West Alameda Rezoning to R-7
River Trail Lofts, 2180 & 2184 West Alameda Development Plan

Owner's Name – Alameda Lofts Investments, LLC
Agent's Name – Sommer Karnes & Associates

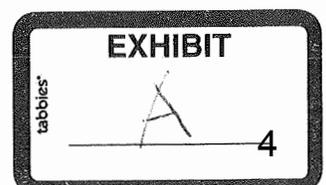
THIS MATTER came before the Planning Commission (Commission) for hearing on June 4, 2015 upon the application (Application) of Sommer Karnes & Associates as agent for Alameda Lofts Investments, LLC (Applicant).

The Applicant requests rezoning 4.25 acres from R-5 (Residential – 5 dwelling units per acre) to R-7 (Residential- 7 dwelling units per acre). The application includes a Development Plan for 32 dwelling units. The property is on West Alameda near the Calle Nopal intersection.

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

FINDINGS OF FACT
General

1. The Commission heard testimony and took evidence from staff, the Applicant, and there were twenty-one members of the public interested in the matter.
2. The Commission has the authority under Code §14-2.3(C)(1) to review and decide applications for development plan approval.
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN), notice and a public hearing in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating



- the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
7. An ENN meeting was held on the Application on March 18, 2015 at the Frenchy's Field Community Building.
 8. Notice of the ENN meeting was properly given.
 9. The ENN meeting was attended by representatives of the Applicant, City staff and 28 other interested parties attended and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
 10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the development plan and recommending approval by the Commission.

Rezoning

11. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
12. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
13. Code §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
14. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:
 - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (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; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].* Properties along the south side of West Alameda have developed over the years as multi-family type housing, as well as single family subdivisions.
 - (b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].* All the rezoning requirements of Code Chapter 14 have been met.
 - (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].* There is no change to the "use category" of Low Density (3-7 dwelling units per acre) as designated by the General Plan Future Land Use map is required to accommodate this rezoning request to R-7.
 - (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 [Code §14-3.5(C)(1)(d)].* General Plan Land Use Policy 3-G-3 states: "there shall be infill development at densities that support the construction of affordable housing and a designated mix of land uses that

provide an adequate balance of service retail and employment opportunities....” The rezoning request will increase the amount of centrally located land available for multi-family residential uses and will avoid urban sprawl.

- (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 [Section 14-3.5(C)(1)(e)]; Infrastructure and public facilities are available to serve the proposed development of the property. Any new development will require connection to the City water and sewer.*

15. The Commission has considered the criteria established by Code §§14-3.5(D) and finds, subject to the Conditions, the following facts:

- a. *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;*
- b. *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 proposed rezoning of the subject property to R-7 is marginally different than the surrounding R-5 zoning, but still within the future land use designation of Low Density (3-7 dwelling units per acre) and will therefore not change the character of the surrounding area. Streets and utilities are adequate to accommodate the proposed development. No significant off-site facilities are needed.*

Development Plan

16. Pursuant to Code §14-3.8(B)(3)(a), approval of a development plan by the Commission is required prior to new development with a likely gross floor area of ten thousand square feet or more located within any residential district in the City.
17. A development plan is required for the Project.
18. Code §14-3.8(B)(4) requires that development plans described in §14-3.8(B)(3) must be reviewed by the Commission.
19. The development plan for the Project is required to be reviewed by the Commission.
20. Code §14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
21. The Applicant has complied with the Submittal Requirements.
22. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:

- a. That it is empowered to approve the development plan for the Project [§14-3.8(D)(1)];
 - b. That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)]; and
 - c. That the 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 Project [§14-3.8(D)(1)].
23. The Commission finds the following facts:
- a. *The Commission has the authority under the section of Code Chapter 14 cited in the Application to approve the development plan [Code §14-3.8(D)(1)(a)].* The Commission has the authority to grant development plan approval for the Project.
 - b. *Approving the development plan will not adversely affect the public interest [Code §14-3.8(D)(1)(b)].* Approving the development plan for the Project will not adversely affect the public interest because the development plan addresses issues involving access, parking, loading, landscaping, terrain management, environmental services, waste water, fire protection, lighting and signage/architecture.
 - c. *That the Project 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 Project [Code §14-3.8(D)(1)(c)].* The Project is compatible with and adaptable to buildings and uses of abutting property and other properties in the vicinity because properties along the south side of West Alameda have developed over the years as multi-family type housing, as well as single family subdivisions.
24. Code §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of area and to implement the policies of the general plan.
25. There was substantial evidence presented to support retaining the stop signs on West Alameda in order to address traffic and safety concerns.
26. The Commission recommends that the City Council ask staff to analyze the traffic concerns/speeding issues on West Alameda, not just for this particular development, but as a generalized study for this corridor.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. The proposed development plan and proposed rezoning were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.

2. The ENN meeting complied with the requirements established under the Code.

The Rezoning

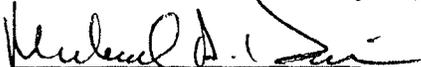
3. The Applicant has the right under the Code to propose the rezoning of the Property.
4. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

The Development Plan

5. The Commission has the power and authority under the Code to review and approve the Applicant's development plan.
6. The Applicant has complied with all applicable requirements of the Code with respect to the development plan, including the Submittal Requirements.

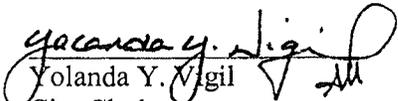
WHEREFORE, IT IS ORDERED ON THE 2nd DAY OF JULY, 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

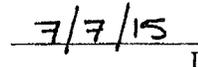
1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the development plan.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-7 subject to the Staff Conditions, and to the following additional conditions
 - a. Deleting the condition made by the Traffic Engineering Public Works Department on the removal of the stop signs on West Alameda Street;
 - b. Amending the condition made by the MPO to read that the project shall include internal pedestrian pathways/sidewalks or pedestrian connections to the existing neighborhood to the east.


Chair

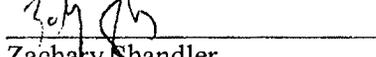

Date:

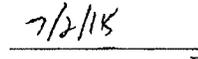
FILED:


Yolanda Y. Vigil
City Clerk


Date:

APPROVED AS TO FORM:


Zachary Shandler
Assistant City Attorney

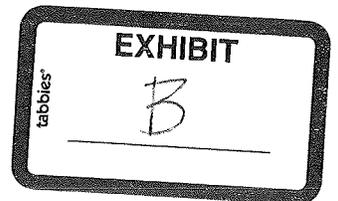

Date:

River Trail Lofts

(Case #2015-46)

2180 and 2184 West Alameda Rezoning with a Development Plan

<p>The following notes shall be added to the plat for the final development plan as a condition of approval:</p> <ul style="list-style-type: none"> No fences, walls, or other obstructions shall be placed or constructed across or within public sanitary sewer or utility easements. Wastewater Utility Expansion Charges for each lot shall be due to the City of Santa Fe at time of building permit application. Add a note that the development is served by a private on-site sewer collection system <p>The following are conditions of approval:</p> <ul style="list-style-type: none"> Show the existing sewer line and sewer easement on the grading/drainage plan and the landscape plan Indicate on sheet C-3 in the title block that the on-site sewer system is private. No trees are allowed within the sewer easement as shown on the landscape plan set. It appears some of the proposed buildings/foundations and drainage ponds are encroaching into the existing sewer easement which is not allowed. It is not clear how access to the existing sewer manhole within the site will be provided. It appears the proposed six (6) inch private sewer line can connect to the existing public manhole without the addition of two (2) new public manholes. Please verify. 	<p>Wastewater</p>	<p>Stan Holland</p>
<ul style="list-style-type: none"> Prior to recording, Development Plan must contain vicinity map and all items listed in Article 14-3.8(C)(1). Consolidation Plat must be recorded prior to or simultaneous with approved Development Plan. 	<p>Land Use Engineer</p>	<p>RB Zaxus</p>



River Trail Lofts

(Case #2015-46)

2180 and 2184 West Alameda Rezoning with a Development Plan

<ul style="list-style-type: none"> • Provide Landscape Plan as per Article 14-8.4 “Landscape and Site Design” • Show compliance with Article 14-8.4 (F)(2)(e) which states “stormwater detention ponds and retention ponds shall be planted with appropriate trees, shrubs and grasses, with a minimum of one tree and three shrubs per five hundred (500) square feet of required ponding area. Plants located in the bottom third of the detention pond or retention pond must be adaptable to periods of submersion and may require replacement during periodic maintenance to remove silt”. • Provide analysis of how many trees and shrubs are required and how many are actually provided for all open space, detention ponds, and streets. • Provide details on proposed plant species. This shall include icons, species, size and caliper. . • Show compliance with Street Tree Standards. Trees shall be planted in a 5 foot planter strip located between the curb and sidewalk. Each tree shall be space between 25 and 35 feet. 	Landscape Review	Noah Berke
<p>There are over 18 units so it does not qualify for service in 90 gallon containers. There should be a space designated for dumpster service.</p>	Solid Waste	Eric Lucero

River Trail Lofts

(Case #2015-46)

2180 and 2184 West Alameda Rezoning with a Development Plan

<ul style="list-style-type: none"> • The proposed development requires a water main extension to connect a water main on Santa Fe River Road to a main on a private street off of Alameda St. Each dwelling unit must either be separately metered or sub-metered with a master meter. • An Agreement to construct and dedicate will be required to connect the existing mains through the subject lot. The water division has discussed the main extension concept with the developer. An approved water plan will be required for the agreement to construct and dedicate the new main. • Fire service requirements will have to be determined by the Fire Department prior to development. 	Water	Dee Beingessner
<p>Prior to any new construction or remodel shall comply with the current code adopted by the governing body.</p> <ul style="list-style-type: none"> • All Fire Department access shall be no greater than a 10% grade throughout. • Fire Department Access shall not be less than 20 feet width. • Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. • Fire Department shall have 150 feet distance to any portion of the building on any new construction. • Shall have water supply that meets fire flow requirements as per IFC 	Fire Marshal	Reynaldo Gonzales