

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

Case #2016-23

701 Camino De La Familia Railyard Flats Master Plan Amendment

Case #2016-25

701 Camino De La Familia Railyard Flats Development Plan

Applicant's Name- Aberg Property Company

Agent's Name-Santa Fe Railyard Company & Dekker Perich Sabatini Architects

THIS MATTER came before the Planning Commission (Commission) for hearing on April 21, 2016 upon the application (Application) of Santa Fe Railyard Company & Dekker Perich Sabatini Architects, agents for Aberg Property Company (Applicant).

The Applicant requests a Master Plan Amendment to the Santa Fe Railyard Master Plan to increase the allowable height on Lease Parcel A2 to 35 feet and to decrease the build-to line. The Applicant requests a development plan approval to allow a 58 unit, 35 foot high apartment building to be located on Lease Parcel A2 in the North Railyard. The property is zoned BCDRED (Business Capital District Redevelopment Subdistrict).

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant; there were eighteen members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C), the Commission has the authority to review and approve or disapprove amendments to master plans and development plans.
3. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN), notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an ENN meeting [§14-3.1(F)(2)(a)(iv)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
5. 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)].
6. An ENN meeting was held on the Application on February 11, 2016 at Warehouse 21 at 1614 Paseo de Peralta.

7. Notice of the ENN meeting was properly given.
8. The ENN meeting was attended by representatives of the Applicant, City staff and approximately 80 interested others and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
9. The Applicant is requesting approval from the Governing Body for two amendments to the Railyard Master Plan for Parcel A-2.
10. The Governing Body has previously adopted Master Plan amendments, specifically in 2005 and 2010, regarding Parcel A-2.
11. Pursuant to Code §14-3.8(C)(2)(e), if review and approval of a master plan by the Governing Body is required, and there is a development plan, the applicant may submit a development plan for review and approval “concurrently with the master plan.”
12. Pursuant to Code §14-3.8(B)(8), approval of a development plan by the Commission is required for a new development with a gross floor area of ten thousand square feet or more that is located within two hundred feet of a residential district.
13. Code §14-3.8(C)(1) and §14-3.9(C)(1) requires applicants for master plan amendments and development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
14. The Applicant has complied with the Submittal Requirements.
15. Code §14-3.9(D)(1) sets out certain findings that must be made by the Commission to approve Master Plan Amendments, including:
 - a. The Master Plan is consistent with the General Plan [§14-3.9(D)(1)(a)].
 - 1) *The proposed Master Plan amendment will be consistent with Chapter 3.3 of the General Plan, which has described the Railyard Area with the following statement: The City of Santa Fe purchased 50 acres of railyard property and is presently pursuing redevelopment of this property.*
 - 2) *The Railyard Area is one with an active railyard, mix of retail, offices, public and private services, affordable housing, live/work opportunities and other residential uses.*
 - b. The Master Plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and development standards of those districts. [§14-3.9(D)(1)(b)].
 - 1) *The Master Plan amendment will be consistent with the purpose and intent of the BCD Redevelopment zoning district standards and with the overall intent of the adopted Railyard Master Plan.*
 - 2) *The existing Master Plan has Design Elements and Architectural Standards that permit a 100% build-out area and no front or side set back is required.*
 - 3) *The City Council has previously approved an amendment to the Railyard Master Plan to have a built-to line for Parcel A2 up to the parcel line.*

- 4) *The proposed Master Plan amendment would decrease the built-to line for Parcel A2 by six feet (from the north parcel line), by ten feet and nine and half inches (from the east parcel line), by seven and half feet (from the south parcel line) and by four feet (from the west parcel line).*
 - 5) *The “Railyard Master Plan Amendment Handout” provided by Mr. Richard Czoski (on page 4) illustrated the current built out area in blue and illustrated the proposed built out area in yellow.*
 - 6) *The existing Master Plan has Design Elements and Architectural Standards that permit a flat roof up to 26 feet and a pitched roof up to 34 feet.*
 - 7) *These heights do not require an applicant to factor in chimneys, mechanical equipment, or towers.*
 - 8) *The City Council has previously approved an amendment to the Railyard Master Plan, in the Masque Building Master Plan Amendment, governing building height for Parcel A2.*
 - 9) *The proposed Master Plan amendment would increase the building height, with a flat roof, to 35 feet.*
 - 10) *The “Railyard Master Plan Amendment Handout” provided by Mr. Richard Czoski (on page 3) provided a drawing of the proposed roof height amendment.*
 - 11) *The “Railyard Master Plan Amendment Handout” provided by Mr. Richard Czoski (on page 2) stated that the proposed height would be only one foot higher than the existing ArtYard building.*
- c. *Development of the master plan area will contribute to the coordinated and efficient development of the community. [§14-3.9(D)(1)(c)]. The proposed Master Plan amendment and development plan are consistent with efficient development of the Railyard.*
 - d. *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 planned development. [§14-3.9(D)(1)(d)]. The proposed development is supported by the existing infrastructure within the Railyard master plan area as infrastructure to accommodate the various tracts have already been developed as part of the part of the Railyard Master Plan.*
16. 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)(a)]. The Commission has the authority under the section of Code Chapter 14 cited in the Application to approve the development plan.*
 - b. *That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)(b)].*
 - 1) *The Project will not adversely affect the public interest because the development plan is in compliance with the standards required by the Land Development Code.*

- 2) *The proposed use is identified as a permitted use in Table 14-6.1-1.*
 - 3) *The proposed development complies with applicable provisions of the Land Development Code including Section 14-6 (Permitted Uses and Use Regulations); Section 14-7 (Building Envelope and Open Space Standards) and Section 14-9 (Infrastructure Design Standards).*
 - 4) *The proposed development complies with applicable standards for utility service and traffic impacts, as indicated in the memorandums on file from City staff.*
 - 5) *The “Parking Analysis Handout” provided by Mr. Richard Czoski (on page 2) provided a table of estimated demand for parking in the Railyard and existence of eight hundred and fifty three parking “pay to park” spots in the area.*
 - 6) *The “Parking Analysis Handout” provided by Mr. Richard Czoski (on page 3) provided a table of parking spaces in the North Railyard showing a total of one hundred and forty one spaces, which includes the ArtYard building’s current thirteen gated parking spaces (with approximately nine for its residential tenants and four for its business tenants) and showing that, even after subtracting spaces for the Railyard Flat residences, there will still be approximately sixty-three “pay-to park” spaces available for the public.*
 - 7) *The “Parking Analysis Handout” provided by Mr. Richard Czoski (on page 5) provided an “alternate proposal” where approximately twenty-eight “pay to park” spaces will be available directly adjacent to the ArtYard building for its customers for its business tenants.*
- 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)].
- 1) *The use is compatible and adaptable to buildings, structures and uses of the abutting property and other properties in the Railyard vicinity and is in compliance with the standards required by the Land Development Code.*
 - 2) *The proposed multi-family residential project will not result in conflicts with existing land uses on adjacent or nearby properties.*
 - 3) *The proposed multi-family residential project is within the scope of the uses anticipated for the Railyard Master Planned area.*
 - 4) *The proposed multi-family residential project is regulated through the Design Standards of the Railyard Master Plan.*
17. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the Master Plan amendments and the development plan be approved, subject to certain conditions (the Conditions or Exhibit A) set out in such report.

18. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.
19. The following conditions are added as part of the recommended approval:
 - a. The condition stated in the March 2, 2016 memorandum from Dee Beingessner, Water Division Engineer, is adopted as a condition.
 - b. The conditions in Exhibit A from the Wastewater Management Division shall be deleted and replaced with the condition: "The Applicant shall meet all applicable Wastewater Code requirements."
 - c. The "alternative proposal" in the "Parking Analysis Handout" provided by Mr. Richard Czoski is adopted as a condition.

CONCLUSIONS OF LAW

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

1. The Commission has the authority under the Code to recommend approval of the Master Plan amendments and Development Plan for the Property.
2. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE 5th OF MAY 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Master Plan Amendments and Final Development Plan for the Property are recommended for approval to the City Council, subject to Conditions.

Vince Kadlubek
Chairperson

Date: _____

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date: