

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

Case #2015-116

Pulte SFHP Development Plan

Owner's Name – Pulte Group

Agent's Name – James W. Siebert & Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on January 7, 2016 upon the application (Application) of James W. Siebert & Associates as agent for Pulte Group (Applicant).

The Applicant seeks a preliminary development plan approval for the construction of an 87 unit affordable housing development on Tract 9-A-2 within the Las Soleras Master Plan. The 4.5 acre parcel is zoned R-21 (Residential – 21 units per acre).

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 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 §14-3.8(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 November 16, 2015 at the Santa Fe Public Southside Library.
7. Notice of the ENN meeting was properly given.
8. The ENN meeting was attended by representatives of the Applicant, City staff and approximately 2 interested others and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).

9. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the development plan and recommending approval by the Commission along with Exhibit B-1, B-2 and B-3.
10. Pursuant to Code §14-3.8(B)(3)(b), approval of a development plan by the Commission is required prior to new development with a gross floor area of ten thousand square feet or more located within a residential zone within the City.
11. A development plan is required for the Project.
12. Code §14-3.8(B)(4) requires that development plans described in §14-3.8(B)(3) must be reviewed by the Commission.
13. The development plan for the Project is required to be reviewed by the Commission.
14. 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).
15. The Applicant has complied with the Submittal Requirements.
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)]. *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]. *The Project will not adversely affect the public interest because the development plan is in compliance with the density, lot coverage, height, parking, setbacks and open spaces standards required by the Land Development Code.*
 - 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)]. *The use is compatible as this is a vacant tract of land and the Applicant has agreed to look at connectivity to the future residential housing in Pulte Unit 1C and future park.*
17. Code §14-7.2(E)(2) sets out certain factors that must be considered for building up to a height of thirty-six feet in R-21 districts, including:
 - a. If the future land use designations shown on the general plan is highly residential. *The City Future Land Use Map shows this land as high density residential.*
 - b. The need for the increased height, however, financial gain or loss shall not be the sole determining factor. *The third floor is needed to accommodate 87 dwelling units on the property to provide for a reasonable number of affordable rental units responding to the greatest demand for affordable housing in Santa Fe.*
 - c. If the height is needed to make the proposed development more affordable, what level of affordability will be provided and how that affordability will be guaranteed long term. *The additional height does make the dwellings more affordable since the required infrastructure is the same for three story units as one story units. Under the provisions of*

- Low Income Housing Tax Credits the complex must be reserved for low income residents for a minimum period of 40 years.*
- d. Heights of existing buildings in the vicinity. *There are no existing buildings within the half mile of this proposed development.*
 - e. Impacts of the increase height upon the neighborhood and the community so that the increased height does not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest. *The structures adjacent to Rail Runner Road are one and two stories in height. This is an intentional design element in the site plan in order to provide a transition from the R-6 zoning on the east side of Rail Runner Road and lessen the visual impact of buildings adjacent to Rail Runner Road.*
18. Code §14-7.2(F)(2) sets out certain factors that must be considered for having a density up to twenty-one dwelling units in R-21 districts.
- a. If the future use designation shown on the general plan is high density residential. *The general plan designation shown on the General Plan is high density residential.*
 - b. The need for the increased density, however, financial gain or loss shall not be the sole determining factor. *The need to develop at a density of 19.3 units per acre is required to achieve a density that is permitted by the underlying zoning, which is R-21 (twenty one dwelling units per acre).*
 - c. If the increased density is needed to make the proposed development more affordable, what level of affordability will be provided and how that affordability will be guaranteed long term. *The additional density does make the dwellings more affordable since the required infrastructure is the same for three story units as one story units. Under the provisions of Low Income Housing Tax Credits the complex must be reserved for low income residents for a minimum period of 40 years.*
 - d. Densities of existing developments in the vicinity. *The density to the north is R-12, but this parcel is reserved as a regional park. The density to the south is R-21. The density to the west is R-21. The density to the east on the east side of Rail Runner Road is R-6.*
 - e. Impacts of the increase density upon the neighborhood and the community so that the increased density does not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest. *The structures adjacent to Rail Runner Road are one and two stories in height. This is an intentional design element in the site plan in order to provide a transition from the R-6 zoning on the east side of Rail Runner Road and lessen the visual impact of buildings adjacent to Rail Runner Road.*
19. 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.

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 was 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 Preliminary Development Plan

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

WHEREFORE, IT IS SO ORDERED ON THE 4th OF FEBRUARY 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

That the Applicant’s requests for preliminary development plan request is approved, subject to Staff conditions.

Vince Kadlubek
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date: