

# City of Santa Fe, New Mexico

# memo

**DATE:** September 24, 2015 for the October 1, 2015 Meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Greg Smith, Director, Current Planning Division 

**FROM:** Donna Wynant, AICP, Senior Planner, Current Planning Division 

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**Case #2015-46. River Trail Lofts Final Development Plan.** Sommer Karnes & Associates, agent for Alameda Lofts Investments, LLC requests Final Development approval for 32 units on 4.25 acres of land. The property is zoned R-7 (Residential, 7 dwelling units per acre) and is located at 2180 and 2184 West Alameda. (Donna Wynant, Case Manager)

## I. RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report. The lot consolidation plat shall be recorded immediately after development plan approval.

## II. EXECUTIVE SUMMARY

The City Council approved the rezoning to R-7 (Residential, 7 dwelling units per acre) with a preliminary development plan at its August 12, 2015 meeting, as recommended by the Commission on June 4, 2015. (See Exhibit E: City Council Minutes and Findings of Fact). The applicant now requests the Planning Commission's approval of a final development plan based on the approved preliminary plan.

The request includes an application to consolidate the two lots, 2180 and 2184 West Alameda, totaling approximately 4.25 acres. The lot consolidation will be recorded prior to or concurrently with recording the development plan. The development plan consists of 32 units, with 6 of the units affordable. Units will be loft style construction, built to a maximum of 24 feet at the peak of the pitched roof and range in size from 1,200-1,750 square feet, which includes square footage of both floors. (See Exhibit D: Floor Plans) The final development plan shows detached and duplex units; an existing house on the site will be converted to be used for a shared workshop space, and other out-buildings will be demolished.

be converted to be used for a shared workshop space, and other out-buildings will be demolished.

At the City Council hearing, neighbors raised concerns about neighborhood character, density, traffic and building setbacks along the east property line, similar to the concerns that were raised at the June 4 Commission hearing on the rezoning application. The Council did not adopt specific conditions of approval related to those issues, noting that the Commission would review site planning details at the final development plan hearing.

### **III. ANALYSIS**

Details of the Final Development Plan are consistent with the Preliminary Development plan details listed in the Development Plan table (see Exhibit D) and in compliance with City dimensional standards per Section 14-7.21 for parking, setbacks, height and lot coverage.

#### **Traffic and Circulation:**

Access to the site is from Alameda through an existing driveway/roadway entrance approximately 150 feet to the west of the intersection of West Alameda and Calle Nopal. The northern portion of the drive into the development winds around following the existing contour which then becomes a gravel drive just past the workshop building. The drive comes just short of the Santa Fe River Road in the adjacent subdivision, but will not allow through traffic. Access beyond this point is via sidewalk which will then give pedestrian access to the Santa Fe River Trail. The applicant has indicated that they do not intend to connect the private street of the proposed development to Santa Fe River Road, which is a public street that serves the Rio Vista Subdivision to the east.

The Traffic Impact Analysis states that the proposed development will have minimal impact on the level of service for the intersection of West Alameda and Calle Nopal and that the entrance to the development will operate at an acceptable level of service. The applicant agrees to not have the east/west stop signs removed on West Alameda at the Calle Nopal intersection.

A separate dedication plat shall be recorded concurrently with the development plan since a dedication of a public easement is required for a public sidewalk to give access from West Alameda through the development to the river trail.

#### **Parking:**

The 71 parking spaces provided exceeds the minimum requirement for the number of residential units proposed, giving an extra 7 spaces. A minimum of 15 bicycle spaces are required for the development.

**Liquid and Solid Waste:**

The subject property is accessible to the City sanitary sewer system. A space must be provided for dumpster service since any project more than 18 units does not qualify for service with individual 90 gallon containers.

**Water and Fire Protection:**

A water main will be extended from Santa Fe River Road to a main on a private street off of Alameda. The applicant will work with the Water Division on an agreement to construct and dedicate to connect the existing mains through the subject lot. A development water budget as required by Section 14-8.13 shall be submitted at time of construction permit.

The Fire Marshal requires the drive to not exceed a 10% grade throughout the development. Fire trucks must be able to reach all buildings within 150 feet or provide an emergency turn-around. The main drive of the development ends along the property's east property line, across from and in alignment with Santa Fe River Road. No through access is proposed from the subject development to the Rio Vista subdivision to the east, except by emergency vehicles via a gate operated with an opticom device.

**Terrain Management and Landscaping:**

The Landscape (see Exhibit D) shows an increase in plant materials throughout the site. The Technical Review Division recommends approval of the proposed landscape plan but reserves the right to require additional or a change of materials and plants at time of Construction Permit. An Irrigation Plan is also required at time of Construction Permit.

**Lighting:**

The applicant stated that the development will be in compliance with the night sky ordinance and that no lighting will be installed along the drive.

**Affordable Housing:**

The applicant submitted an Affordable Housing proposal that specifies 6 affordable units: one within income range 2 (3 bedroom unit); 4 in income range 3 (3 bedroom units); and 1 in income range 4 (4 bedroom unit). An Affordable Housing agreement will be submitted after approval of the development plan which will show the affordable units to be for purchase and for rent per the requirement of the City Council (see Exhibit E: City Council minutes, 8/12/15). The units will be dispersed throughout the development.

**School Notification:**

Santa Fe Public Schools have been notified of the proposed development and have not indicated any concerns in accommodating the small number of children to be expected from this development.

## **Other Considerations:**

Several neighbors expressed concerns at the City Council public hearing regarding the impact of the development on the Rio Vista neighborhood to the east, blocking views, and impeding solar access. The applicant has indicated that the grade of the subject site is much lower and should not be a problem for solar access to the adjacent homes which are oriented south with some having clerestory windows (see Exhibit D: Section Drawing).

The proposed building heights and setbacks meet or exceed the applicable standards. Although the topography varies substantially along the common property line with Rio Vista, the finished grades for all but the two front units of the Lofts will be lower than for Rio Vista finished grades. The two front units will be located on a portion of the lot that is somewhat higher than the existing lots to the east, and which will be lowered slightly by the final grading plan.

Staff is concerned that the proximity of the driveway to the “Workshop” building may be unsafe, and recommends a minimum setback of five feet and a barrier to prevent impact with the building.

## **IV. CONCLUSION**

The Land Use Department believes the Final Development Plan to be in agreement with the Preliminary Development Plan reviewed and approved by the Planning Commission and City Council as part of the Rezoning to the R-7 district subject to conditions as stated by the City Council and outlined in this report

## **V. ATTACHMENTS:**

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division memorandum, John Romero
2. Metropolitan Planning Organization memorandum, Keith Wilson
3. Water Division memorandum, Dee Beingessner
4. Technical Review Division, City Engineer email, Risana Zaxus
5. Fire Marshal memorandum, Reynaldo Gonzales
6. Wastewater Management Division memorandum, Stan Holland
7. Landscape Review memorandum, Noah Berke
8. Archeological Review, Historic Preservation Division, Lisa Roach
9. Affordable Housing memorandum, Alexandra Ladd

EXHIBIT C: Maps

1. Future Land Use
2. Zoning Map
3. Utilities and Floodplain Map

(Exhibits continued next page)

EXHIBIT D: Applicant Materials

1. Letter of Application
2. Final Development Plan – 11” x 17”
3. Landscape Plan
4. Section Drawing

EXHIBIT E: Miscellaneous

1. City Council minutes – August 12, 2015
2. Findings of Fact and Conclusions of Law

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit A**

**Final Development Plan Conditions of Approval**

**River Trail Lofts**  
**(Case #2015-82)**  
**2180 and 2184 West Alameda**  
**Final Development Plan**

DRT Conditions of Approval	Department	Staff
<p><b>1. The Developer shall add the following to the Lot Consolidation Plat, subject to approval by the <u>Public Works Department (PWD)</u>, prior to recordation:</b></p> <p><b>A. <u>Grant of Public Sidewalk Easements;</u></b></p> <p>i. Grant a public sidewalk easement for the applicable portions of the sidewalk along the frontage of West Alameda Street.</p> <p>ii. Grant a public sidewalk easement from West Alameda Street through the River Trail Lofts that provides a pedestrian connection to Santa Fe River Road at the eastern boundary of the subject property.</p> <p><b>B. <u>Grant of Public Multiuse (bicycle/pedestrian) Trail Easement;</u></b></p> <p>Grant a public multiuse trail easement (for an 8' wide trail) that connects the internal pedestrian/bicycle circulation to the River Trail located near the south end of the property.</p> <p><b>2. The Developer shall make the following changes to Development plan &amp; Construction drawings, subject to <u>PWD approval</u>, prior to final sign-off:</b></p> <p><b>A. <u>Sheet C-1 Grading and drainage Plan:</u></b></p> <p><i>i. <u>River Road pedestrian improvements:</u></i> The Developer shall Design and Construct pedestrian improvements from the subject property to connect with the existing sidewalk at the northwest corner of Santa Fe River Road and Calle Don Jose.</p> <p><i>ii. <u>Internal circulation sidewalk:</u></i></p> <p>1. The Developer shall modify the design of the sidewalk from West Alameda Street through the subject property that connects to Santa Fe River Road by separating the sidewalk from the travel lane with vertical curb and gutter.</p> <p>2. The Developer shall modify the design of the sidewalk, where there is a right-angle jog in alignment, (at a location that is about 60' west of the eastern</p>	<p>Traffic Engineering/Public Works</p>	<p>John Romero (per Sandra Kassens)</p>

**River Trail Lofts**  
**(Case #2015-82)**  
**2180 and 2184 West Alameda**  
**Final Development Plan**

<p>property line) to eliminate or reduce the abruptness of the 90-degree jog in the path.</p> <p>iii. <i>Multiuse trail connection.</i> The Developer shall design and construct an 8' wide multiuse trail that connects the internal pedestrian/bicycle circulation to the River Trail.</p> <p><b>B. Sheet C-2 Roadway Plan and Profile:</b> The Developer shall demonstrate that there is at least 1 foot of cover over the existing drainage pipe, located in the northwest corner of the property, where the proposed concrete sidewalk crosses this pipe.</p> <p><b>C. Sheet C-5 Civil Details and Construction Notes:</b> The Developer shall update the roadway typical sections to reflect the changes made to the pedestrian path as indicated previously in Section 2.A.ii.</p>		
<p>As part of the Rezoning and Preliminary Development Plan Approval (Case #2015-46) two conditions attributed to the MPO were placed on this project.</p> <ol style="list-style-type: none"> <li>1. This size of project should provide a connection to the River Trail which exists along the southern boundary”</li> <li>2. Include internal pedestrian pathways, sidewalks or pedestrian connection to the existing neighborhood to the east.”</li> </ol>	MPO	Keith Wilson
<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> <li>3. Fire service requirements will have to be determined by the Fire Department prior to development.</li> </ol>	Water	Dee Beingessner

**River Trail Lofts**  
**(Case #2015-82)**  
**2180 and 2184 West Alameda**  
**Final Development Plan**

	Land Use Engineer	RB Zaxus
<ol style="list-style-type: none"> <li>1. Since the Consolidation Plan will be recorded prior to recording the Development Plan, remove the “Tract A” and “Tract B” designation on sheet D-1 (Development Plan).</li> <li>2. Identify or remove the hatching on sheet D-1.</li> <li>3. Include on the Development Plan (ONE sheet to be recorded) all relevant information to provide a ‘snapshot’ of the proposed development. Include addresses, site plan, proposed modifications, etc., as detailed in Article 14-3.8(C)(1).</li> </ol>	Fire Marshal	Reynaldo Gonzales
<ol style="list-style-type: none"> <li>1. All Fire Department access shall be no greater than a 10% grade throughout.</li> <li>2. Fire Department Access shall not be less than 20 feet width.</li> <li>3. 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.</li> <li>4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.</li> <li>5. Shall have water supply that meets fire flow requirements as per IFC</li> <li>6. Shall meet the IFC turning radius throughout the entire driveway.</li> </ol>	Landscape Review	Noah Berke-
<p>Staff recommends approval of the proposed project as the regulations in Article 14-8.4 “Landscape and Site Design” have been satisfied. Staff reserves the right to require additional or change of materials and plants at time of construction permit. Irrigation Plan will be required at time of Construction Permit.</p> <ol style="list-style-type: none"> <li>1. Show all trail and sewer easements on consolidation plat or separate dedication plat.</li> <li>2. Show open space on development plan.</li> <li>3. Provide dimensions that show compliance with parking and driveway standards, including bicycle parking.</li> <li>4. Provide minimum 5-foot setback and wall or other barrier between the NW corner of the common building and the driveway.</li> </ol>	Current Planning Division	Donna Wynant

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit B**

**Development Review Team Memorandum**

# City of Santa Fe, New Mexico

# memo

**DATE:** September 4, 2015  
**TO:** Donna Wynant, Land Use Division  
**VIA:** John J. Romero, Traffic Engineering Division Director *JR*  
**FROM:** Sandra Kassens, Engineer Assistant *SK*  
**SUBJECT:** River Trail Lofts Final Development Plan, (Case #2015-82)

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## ISSUE:

Sommer, Karnes & Associates, agent for Alameda Lofts Investments, LLC requests Final Development approval for 32 dwelling units on 4.25 acres of land. The property is zoned R-7 (Residential, 7 dwelling units per acre) and is located at 2180 and 2184 West Alameda.

## RECOMMENDED ACTION:

Review comments are based on submittals received on August 26, 2015. The comments below should be considered as Conditions of Approval to be addressed prior to final sign-off unless otherwise noted:

1. **The Developer shall add the following to the Lot Consolidation Plat, subject to approval by the Public Works Department (PWD), prior to recordation:**

### **A. Grant of Public Sidewalk Easements;**

- i. Grant a public sidewalk easement for the applicable portions of the sidewalk along the frontage of West Alameda Street.
- ii. Grant a public sidewalk easement from West Alameda Street through the River Trail Lofts that provides a pedestrian connection to Santa Fe River Road at the eastern boundary of the subject property.

### **B. Grant of Public Multiuse (bicycle/pedestrian) Trail Easement;**

Grant a public multiuse trail easement (for an 8' wide trail) that connects the internal pedestrian/bicycle circulation to the River Trail located near the south end of the property.

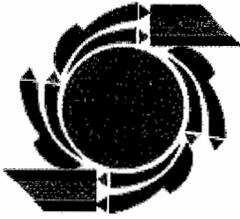
2. **The Developer shall make the following changes to Development plan & Construction drawings, subject to PWD approval, prior to final sign-off:**

### **A. Sheet C-1 Grading and drainage Plan:**

- i. River Road pedestrian improvements: The Developer shall Design and Construct pedestrian improvements from the subject property to connect with the existing sidewalk at the northwest corner of Santa Fe River Road and Calle Don Jose.
- ii. Internal circulation sidewalk:

1. The Developer shall modify the design of the sidewalk from West Alameda Street through the subject property that connects to Santa Fe River Road by separating the sidewalk from the travel lane with vertical curb and gutter.
  2. The Developer shall modify the design of the sidewalk, where there is a right-angle jog in alignment, (at a location that is about 60' west of the eastern property line) to eliminate or reduce the abruptness of the 90-degree jog in the path.
- iii. Multiuse trail connection: The Developer shall design and construct an 8' wide multiuse trail that connects the internal pedestrian/bicycle circulation to the River Trail.
- B. Sheet C-2\_Roadway Plan and Profile:** The Developer shall demonstrate that there is at least 1 foot of cover over the existing drainage pipe, located in the northwest corner of the property, where the proposed concrete sidewalk crosses this pipe.
- C. Sheet C-5\_Civil Details and Construction Notes:** The Developer shall update the roadway typical sections to reflect the changes made to the pedestrian path as indicated previously in Section 2.A.ii.
- D. Sheet EC-1\_Erosion Control Plans and Details:** The Developer shall replace "2000 Edition" with "Current Edition" in the note concerning seeding specifications.

If you have any questions or need any more information, feel free to contact me at 955-6697.



## Santa Fe Metropolitan Planning Organization

*"Promoting Interconnected Transportation Options"*



### MEMORANDUM

Date: September 8, 2015  
From: Keith Wilson, MPO Senior Planner **KPW**  
To: Donna Wynant, Planning and Land Use Department  
Cc: John Romero, City Traffic Engineering Division Director  
Sandra Kassens, City Traffic Engineering Assistant  
Leroy Pacheco, City Trails and Watershed Engineering  
Re: **River Trail Lofts Final Development Plan, (Case #2015-82)**

The MPO Staff has reviewed the Final Development Plans submitted August 26, 2015 for the River Trail Lofts. As part of the Rezoning and Preliminary Development Plan Approval (Case #2015-46) two conditions attributed to the MPO were placed on this project.

- *"This size of project should provide a connection to the River Trail which exists along the southern boundary"*
- *"Include internal pedestrian pathways, sidewalks or pedestrian connections to the existing neighborhood to its east."*

Based on the review it has been determined that the submitted plans do not fully address the above conditions.

MPO Staff has coordinated with the City Traffic Engineering Division on developing conditions of approval for the Final Development Plan that will meet the Rezoning and Preliminary Development Approval Conditions.

Therefore, the MPO concurs with the conditions of approval outlined in the September 4<sup>th</sup> memo from Sandra Kassens and John Romero.

*City of Santa Fe*  
**memo**

**DATE:** August 31, 2015  
**TO:** Donna Wynant, Land Use Senior Planner, Land Use Department  
**FROM:** Dee Beingessner, Water Division Engineer   
**SUBJECT:** Case # 2015-82 River Trail Lofts Final Development Plan

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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.

**WYNANT, DONNA J.**

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**From:** ZAXUS, RISANA B.  
**Sent:** Thursday, September 03, 2015 3:38 PM  
**To:** WYNANT, DONNA J.  
**Subject:** River Trails Lofts

Hi Donna,

I will be out all next week, but wanted to let you know that I have NO additional review comments on River Trails Lofts, except those detailed in my request for additional submittals (see below).

RB

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**From:** ZAXUS, RISANA B.  
**Sent:** Monday, August 31, 2015 2:44 PM  
**To:** WYNANT, DONNA J.  
**Subject:** Request for Additional Submittals

Donna, the following are my Requests for Additional Submittals for the River Trails Lofts Final Development Plan:

\*Since the Consolidation Plan will be recorded prior to recording the Development Plan, remove the "Tract A" and "Tract B" designation on sheet D-1 (Development Plan).

\*Identify or remove the hatching on sheet D-1.

\*Include on the Development Plan (ONE sheet to be recorded) all relevant information to provide a 'snapshot' of the proposed development. Include addresses, site plan, proposed modifications, etc., as detailed in Article 14-3.8(C)(1).

Risana B "RB" Zaxus, PE  
City Engineer

**City of Santa Fe**



**New Mexico**

# MEMO

## Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

### E-MAIL DELIVERY

Date: September 9, 2015

To: Donna Wynant, Case Manager

From: Stan Holland, P.E.  
Wastewater Management Division

Subject: Case 2015-82 River Trails Lofts Final Development Plan

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**The subject property is accessible (within 200 feet) to the City public sewer system.**

**The Wastewater Division has no comments or conditions of approval for this submittal to address.**



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909  
www.santafenm.gov

*Javier M. Gonzales, Mayor*

**Councilors:**

Peter N. Ives, Mayor Pro Tem, Dist. 2  
Patti J. Bushee, Dist. 1  
Signe I. Lindell, Dist. 1  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Christopher M. Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Bill Dimas, Dist. 4

June 24, 2015

Rick Brenner  
P.O. Box 9146  
Santa Fe, NM 87504

## NOTICE OF ARC ACTION

Project Location: 2180/2184 West Alameda Street  
ARC Case Number: AR-20-15

Dear Mr. Brenner,

At their hearing on June 18, 2015, the City of Santa Fe Archaeological Review Committee (ARC) voted unanimously to approve an archaeological reconnaissance report prepared by Ron Winters, covering 4.25 acres at 2180 / 2184 West Alameda Street, finding it to be in compliance with the requirements of the Santa Fe Archaeological Review Districts Ordinance. An Archaeological Clearance Permit has been issued, and the proposed project may proceed. If you have questions or concerns, please do not hesitate to contact me at 505-955-6660 or [lgroach@santafenm.gov](mailto:lgroach@santafenm.gov).

Sincerely,

Lisa G. Roach  
Senior Planner / Archaeological Liaison  
Historic Preservation Division  
City of Santa Fe

CC: Ron Winters  
109 Calle Paula  
Santa Fe, NM 87505

# City of Santa Fe, New Mexico

# memo

**DATE:** September 20, 2015

**TO:** Donna Wynant, Case Manager

**FROM:** Reynaldo Gonzales, Fire Marshal *RDG*

**SUBJECT:** Case #2015-46 River Trail Lofts 2180 and 2184 W Alameda

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

**Prior to any new construction or remodel shall comply with the current code adopted by the governing body.**

1. All Fire Department access shall be no greater than a 10% grade throughout.
2. Fire Department Access shall not be less than 20 feet width.
3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turnaround that meets the IFC requirements shall be provided.
4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
5. Shall have water supply that meets fire flow requirements as per IFC
6. Shall meet the IFC turning radius throughout the entire driveway.

# City of Santa Fe, New Mexico

# memo

**DATE:** September 21, 2015  
**TO:** Donna Wynant, Land Use Planner Senior  
**FROM:** Noah Berke, CFM, Land Use Planner Senior  
**SUBJECT:** Final Comments for Case #2015-46, River Trail Lofts, 2180 and 2184 West Alameda

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Below are staff's final comments for the River Trail Lofts, 2180 and 2184 West Alameda. These comments are based on documentation and plans dated August 15<sup>th</sup>, 2015.

Staff recommends approval of the proposed project as the regulations in Article 14-8.4 "Landscape and Site Design" have been satisfied. Staff reserves the right to require additional or change of materials and plants at time of construction permit. Irrigation Plan will be required at time of Construction Permit.

# City of Santa Fe, New Mexico

## memo

**Date:** September 21, 2015

**To:** Donna Wynant, Senior Planner  
Department of Planning and Land Use

**From:** Alexandra Ladd, Housing Special Projects Manager  
Housing and Community Development Department

**Re:** Applicability of SFHP requirements to the proposed "River Trail Lofts"

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At R-7 zoning, the proposed subdivision, "River Trail Lofts" can support 28 dwelling units. The SFHP requirement is that 20% of the units are sold to income-certified homebuyers, as calculated below:

=  $28 \times .20 = 5.6$  units  
= Five units constructed and a fractional fee paid for 0.6 units

Additionally, the developer is allowed a 15% density bonus, offered as an incentive for compliance with the Santa Fe Homes Program (SFHP).

=  $28 \times .15 = 4.2$   
=  $28 + 4$   
= 32 total units (both market rate and affordable)

The SFHP pricing schedule is based on HUD's area median income (AMI) and calculated so that housing costs do not exceed 30% of the homebuyer's income. The number of units is distributed across income tiers as follows:

5% of the units sold to buyers earning 50 – 65% AMI = 1 unit  
10% of the units sold to buyers earning 65 – 80% AMI = 4 units  
5% of the units sold to buyers earning 80 – 100% AMI = 1 unit

At the proposal stage, the developer has opted to round up the requirement to six (6) units rather than paying the fractional fee. The SFHP Affordable Housing Agreement will be finalized at the time that final subdivision documents are recorded. At that time, the developer may revise the proposed method of compliance. If five (5) affordable units are constructed, the fractional fee is calculated as follows:

= "Base Fractional Fee" (1/2 Tier 2, 3 BR Home Price) X Unit Fraction  
=  $\$61,875 \times 0.6$  percent = \$37,125

**City of Santa Fe, New Mexico**

**Planning Commission**

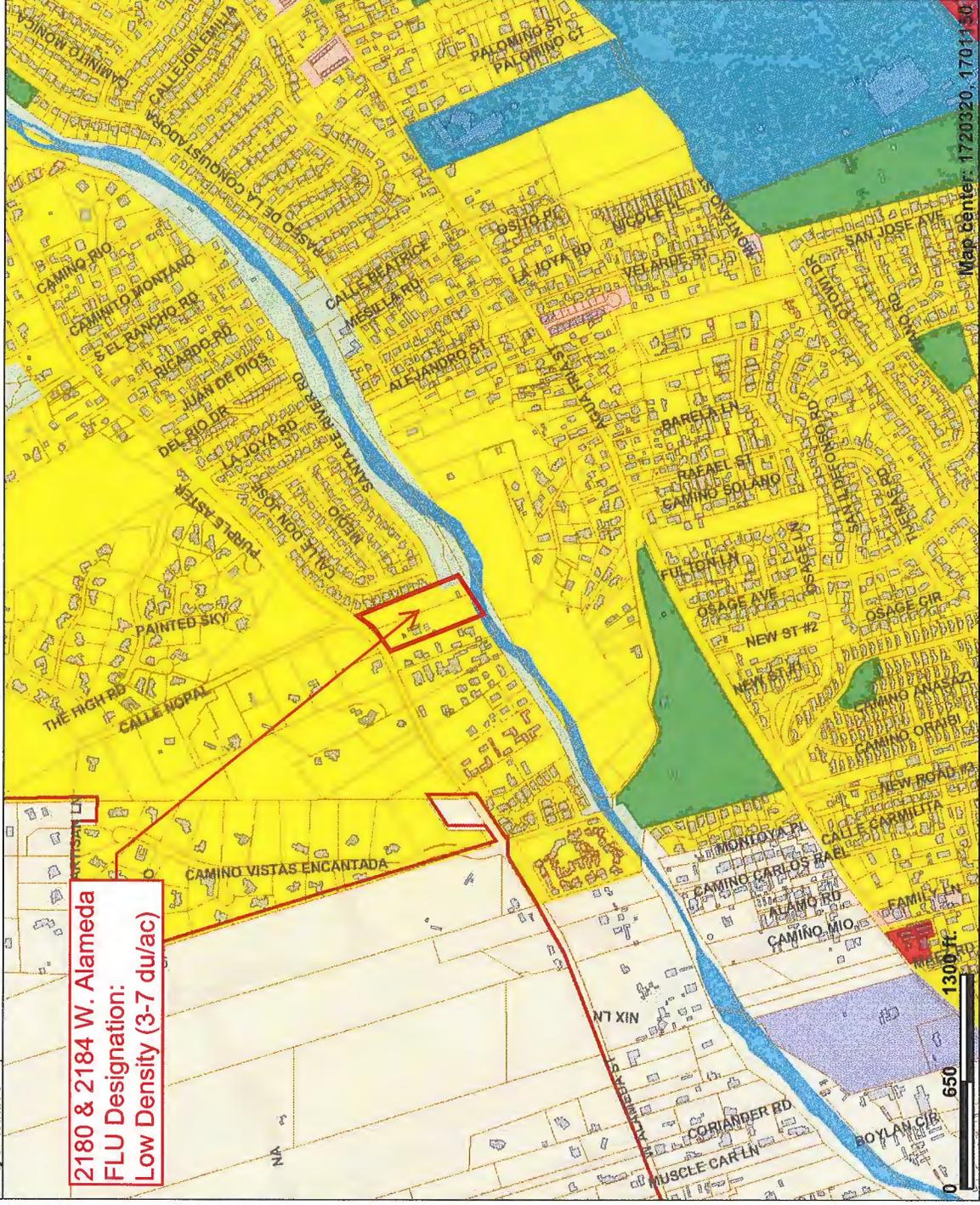
**Exhibit C**

**Maps and Photographs**

# Future Land Use Map



**2180 & 2184 W. Alameda  
FLU Designation:  
Low Density (3-7 du/ac)**



### Legend

- City Limits** (Red outline)
- Parcels** (Thin black lines)
- Building Footprint** (Grey fill)
- Santa Fe River** (Blue fill)
- Future Land Use**
  - Mountain/Corridor (1 dwelling per 10+ acres) (Light yellow)
  - Very Low Density (1-3 dwellings per acre) (Yellow)
  - Low Density (3-7 dwellings per acre) (Light orange)
  - Moderate Density (7-9 dwellings per acre) (Orange)
  - Medium Density (7-12 dwellings per acre) (Dark orange)
  - High Density (12-25 dwellings per acre) (Red)
- Regional Commercial** (Dark red)
- Community Commercial** (Red)
- Neighborhood Center** (Purple)
- Transitional Mixed Use** (Light purple)
- Business Park** (Light blue)
- Office** (Blue)
- Industrial** (Light green)
- Public/Institutional** (Green)
- Open Space** (Light green)

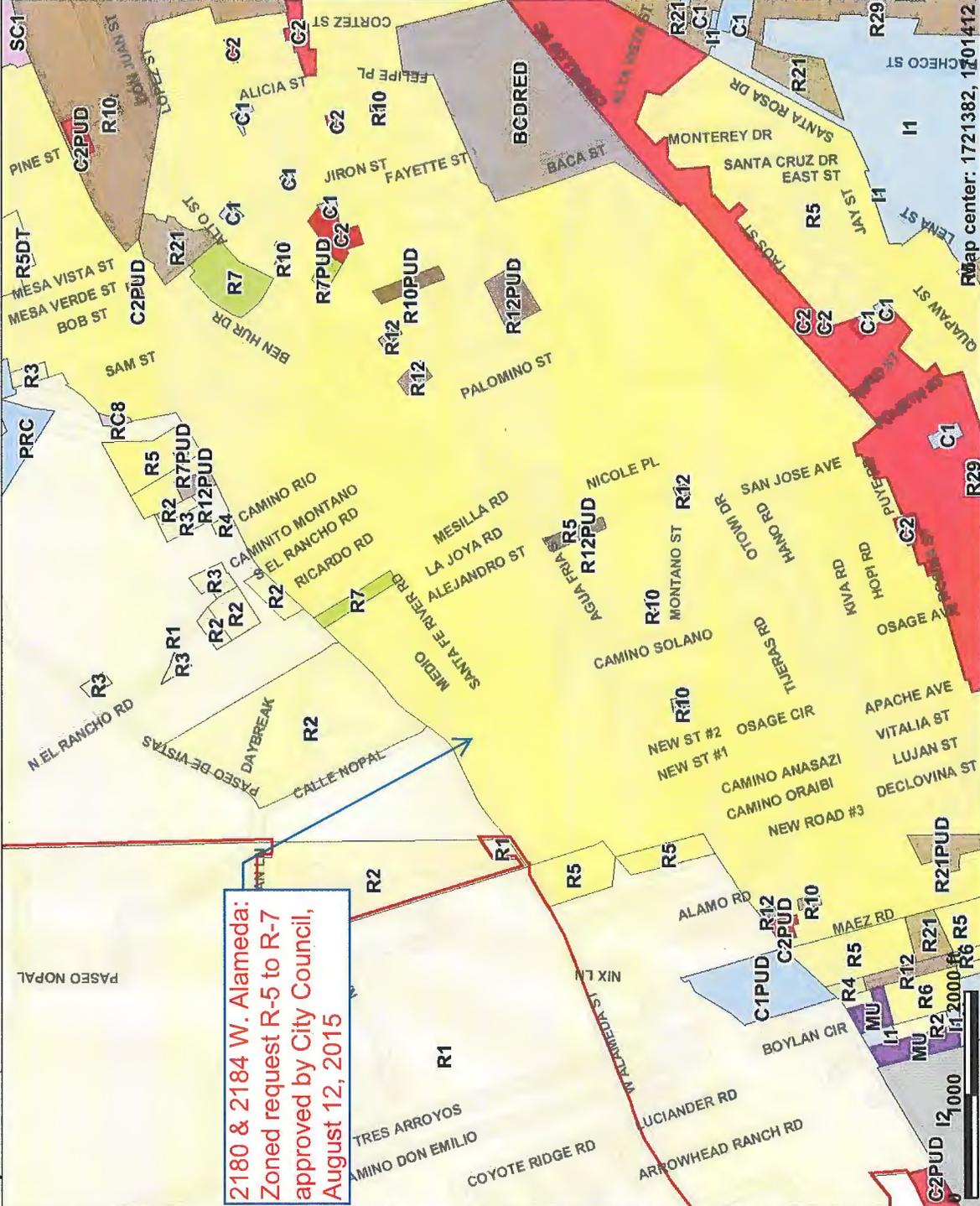
Scale: 1:11,154

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

# Zoning Map



**2180 & 2184 W. Alameda:  
Zoned request R-5 to R-7  
approved by City Council,  
August 12, 2015**



## Legend

- City Limits
- Zoning**
- RR Rural Residential
- R1, (PUD) Single - Family 1du/ac
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC5, RC5AC Compound 5du/ac
- RC8, RC8AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD),(AC) Multiple - Family 29du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park
- C1, (PUD) Office and Related Commercial
- C2, (PUD) General Commercial
- C4 Limited Office and Retail
- HZ Hospital Zone

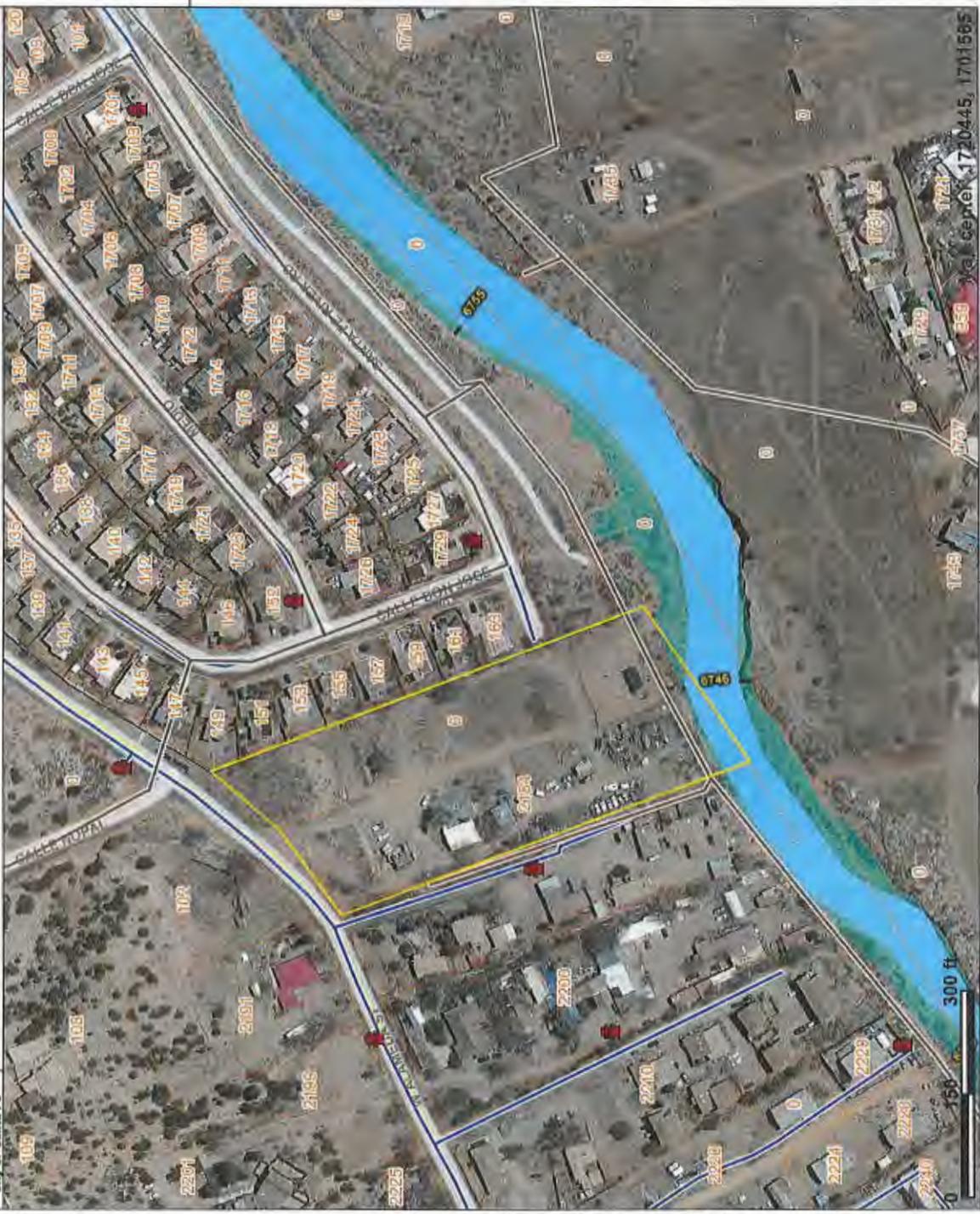


Scale: 1:17,922

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# Aerial Map & Utilities



**Legend**

- City Limits
- Fire Hydrants
- Wastewater Collection Pipelines
- Water Pipe Distribution
- Parcels
- Santa Fe River
- FEMA Base Flood Elevations December 4, 2012
- FEMA Floodplain December 4, 2012 (100 yr)
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

Scale: 1:2,668

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit D**

**Applicant Submittals**

**River Trail Lofts at West Alameda  
ALAMEDA LOFT INVESTMENTS, L.L.C.  
Rick Brenner & Rachel Watson, Managers  
P.O. Box 9146  
Santa Fe, NM 87504  
August 24, 2015**

RECEIVED

AUG 24 2015

**RE: Final Development Plan Approval, Planning Commission**

Land Use Dept.

**City of Santa Fe  
Current Planning  
Land Use Department  
200 Lincoln Avenue  
Santa Fe, NM 87501**

Dear Land Use Director:

We are hereby submitting application for Final Approval of the Development Plan for River Trail Lofts @ West Alameda. This submittal is based on the plan that received preliminary approval by the Planning Commission at the June 4, 2015 meeting. It is also based on the re-zoning to R-7 as approved by the City Council at the August 12, 2015 meeting.

The application has been revised as requested by City of Santa Fe staff and is in full compliance with all applicable codes and ordinances, and the rezoning.

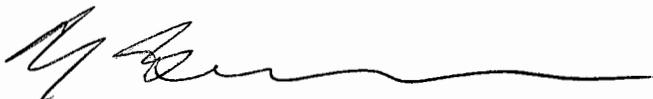
The Development Plan consists of a total of thirty-two (32) loft style homes and an existing workshop building on a parcel of approximately 4.085 acres (4.25 acres less .0165 acres within the 1% flood plain). The total number of units includes six (6) affordable units and four (4) density bonus units (15% additional units).

We are also including the documentation for a lot consolidation of the two existing parcels into one parcel. This is presented for review purposes at this time. The lot consolidation will not be completed and recorded until the final development plan has been approved and is ready for recording.

Our agent representing us during the development review process is Sommer Karnes & Associates, 200 West Marcy Street, Suite 133, Santa Fe, NM 87501, (505) 989 3800.

Please let us know if you need any additional information.

Sincerely,

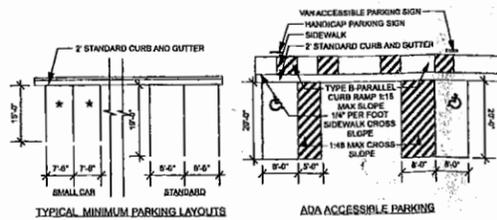
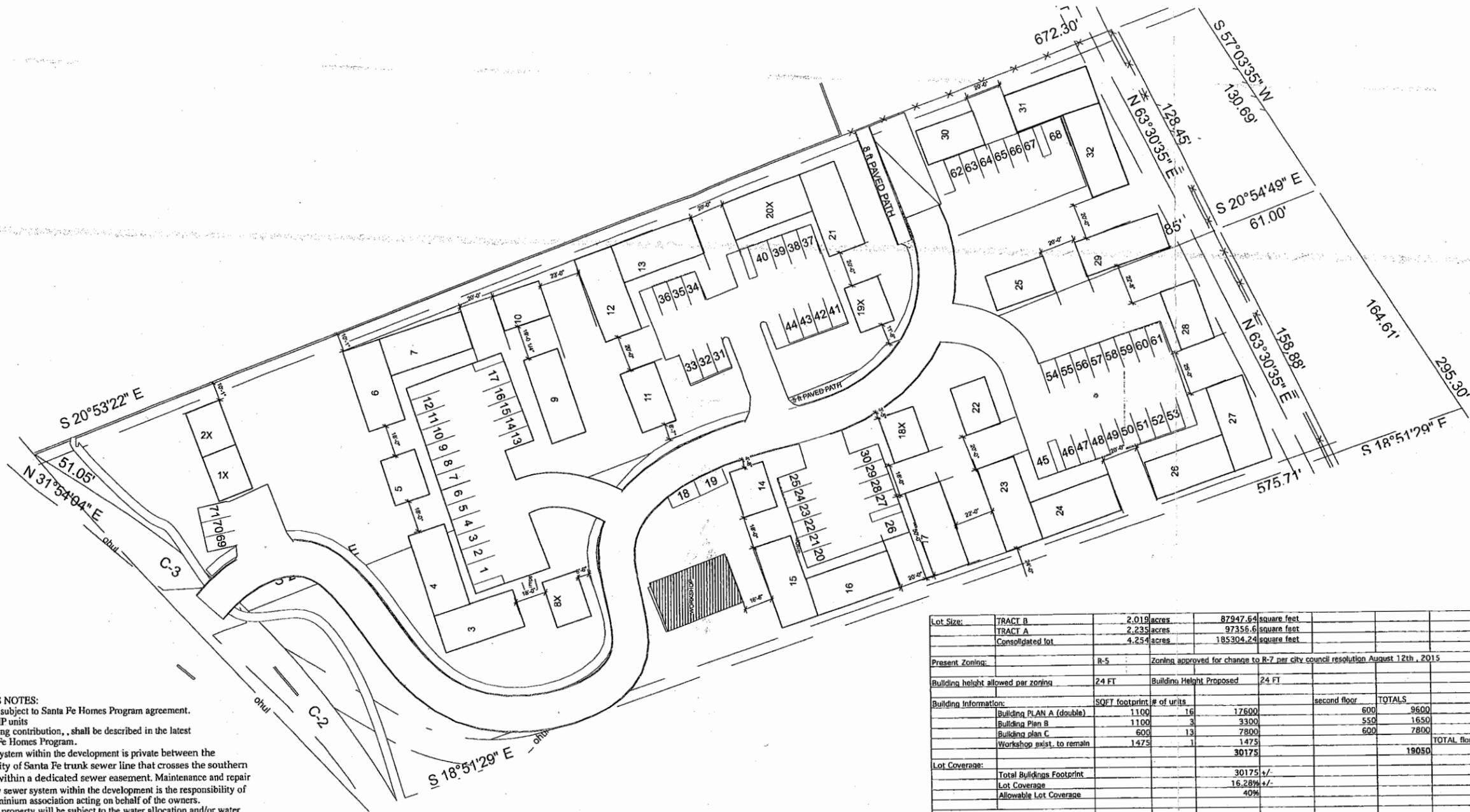


Rick Brenner, Manager  
Alameda Loft Investments, L.L.C.

Copy: Joseph Karnes.

**RIVER TRAIL LOFTS NOTES:**

1. This development is subject to Santa Fe Homes Program agreement.
2. There will be 6 SFHP units
3. The affordable housing contribution, shall be described in the latest agreement with Santa Fe Homes Program.
4. The sanitary sewer system within the development is private between the residences and the City of Santa Fe trunk sewer line that crosses the southern end of the property within a dedicated sewer easement. Maintenance and repair of the private sanitary sewer system within the development is the responsibility of the owners or a condominium association acting on behalf of the owners.
5. Development on the property will be subject to the water allocation and/or water offset retrofit provisions of ordinance No. 2002-29 and resolution 2002-55 at the time of permit application or water hook-up request.
6. Property development is required to comply with the provisions of each city of Santa Fe ordinance adopted after October 30, 2002 and subsequent amendments up to the issuance of each building permit for each stage of property development.
7. Property development is required to comply with applicable provisions of Chapter 14, Land development code, SFCC 1978 and subsequent amendments up to the issuance of each building permit for each stage of property development.
8. This project lies within the River and Trails Archeological district District, and shall comply with Article 14-5.3(D) of the Santa Fe City Code.
9. Property development is subject to the provisions of section 14-8, 4(F)(5), plant material standards, wherein preservation of significant trees is required.
10. All building units shall conform to the intent of the development plan with actual size and shape of each structure contained within the herein defined building envelopes, including walls and fences, subject to application building permit requirements.
11. Building setbacks shall apply to all permanent structures including accessory structures.
12. All proposed changes to the approved improvement plans shall receive prior approval by the city of Santa Fe's planning and land use department before construction.
13. All parking spaces shall be maintained available for the intended use at all times.
14. River Trail lofts Development, LLC shall cause a homeowner or condominium association with associated articles of incorporation, by-laws, and conditions, covenants, and restrictions, to be created after the approval of said documents by the City of Santa Fe's permit and development review division and city attorney's review and approval. Included in the association's responsibilities shall be the perpetual responsibility to maintain a 20'-0" wide access and utility easement for (1) utility and emergency vehicle use only to serve the River Trail Lofts development.



**STORMWATER AGREEMENT:**

Property Owner(s) hereby agree that all stormwater easements and any other drainage improvements on private property will be maintained and kept fully functional as originally designed and constructed within private property boundaries by the property owner and subsequent heirs, assigns, and future owners. The City is hereby granted the following: (1) access for inspection of said improvements; (2) in the event of drainage improvement maintenance deficiency and after ten (10) days written notice to the respective property owner, to enter and restore full functional capacity of the drainage improvements; and (3) to lien the property for both direct and indirect costs associated with such work. By signature affixed to this instrument, the property owner(s) approve and agree that this AGREEMENT is binding perpetually, running with the land, on present and future owners, heirs, and assigns.

Lot Size:	TRACT B	2.019 acres	87947.64 square feet		
	TRACT A	2.235 acres	97356.6 square feet		
	Consolidated lot	4.254 acres	185304.24 square feet		
Present Zoning:	R-5	Zoning approved for change to R-7 per city council resolution August 12th, 2015			
Building height allowed per zoning	24 FT	Building Height Proposed	24 FT		
Building Information:	SOFT footprint	# of units	second floor	TOTALS	
	Building PLAN A (double)	1100	16	600	9600
	Building Plan B	1100	3	550	1650
	Building plan C	600	13	600	7800
	Workshop exist. to remain	1475	1		
					TOTAL floor area
				19050	49225
Lot Coverage:	Total Buildings Footprint	30175 +/-			
	Lot Coverage	16.28% +/-			
	Allowable Lot Coverage	40%			
SETBACKS required	5 feet first floor	10 feet second floor			
	Setbacks provided 10 feet minimum				
Building heights	24 feet allowed Maximum Building Height 24 feet				
Open Space Required:	Table 14-7.2-1				
	Residential	32	250	8,000	
Open Space Provided	COMMON OPEN SPACE Greater Than				25,000 SF
Parking Load Requirements	Units	Rate	Spaces		
	Residential	32	2	64	
	Total Parking Required			64	
	Total Parking Provided			71	
Mix of Car Spaces					
	One Size Fits All	66			
	Standard Accessible Spaces	0			
	Van Accessible Spaces	5			
City of Santa Fe Approvals:					

**DEVELOPMENT PLAN**  
SCALE 1"=30'

A. CHRISTOPHER RIVER TRAIL  
200 West Marcy #1  
Santa Fe New Mexico 87501 Tel: 505.9



RIVER TRAIL LOFTS  
© WEST ALAMEDA

9/21/  
D.



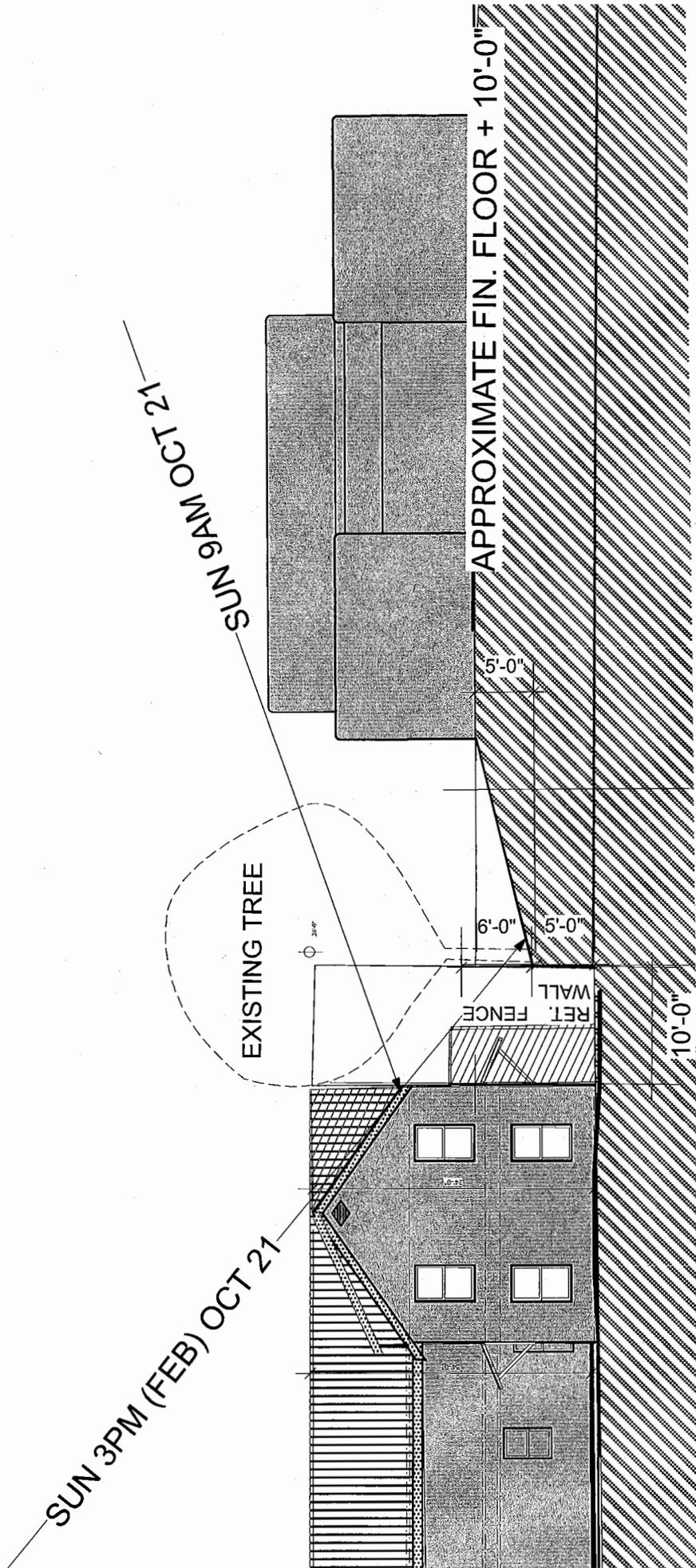
# River Trail Lofts

## Development Plan Details

Lot Size:	TRACT B	2.019	acres	87947.64	square feet			
	TRACT A	2.235	acres	97356.6	square feet			
	Consolidated lot	4.254	acres	185304.24	square feet			
Present Zoning:		R-5	Zoning approved for change to R-7 per city council resolution August 12th , 2015					
Building height allowed per zoning		24 FT	Building Height Proposed	24 FT				
Building Information:		SQFT footprint	# of units			second floor	TOTALS	
	Building PLAN A (double)	1100	16	17600		550	8800	
	Building Plan B	1100	3	3300		550	1650	
	Building plan C	750	13	9750		400	5200	
	Workshop exist. to remain	1475	1	1475				TOTAL floor area
				32125			15650	47775
Lot Coverage:								
	Total Buildings Footprint			32125	+/-			
	Lot Coverage			17.34%	+/-			
	Allowable Lot Coverage			40%				
SETBACKS required								
	5 feet first floor	10 feet second floor						
	Setbacks provided 10 feet minimum							
Open Space Required:				Table 14-7.2-1				
				Acre/Unit	Rate	Total Open Space Required		
	Residential			32	250	8,000		
Open Space Provided					Greater Than	26,000	SF	
Parking Load Requirements				Units	Rate	Spaces		
	Residential			32	2	64		
						=		
	Total Parking Required					64		
	Total Parking Provided					71		
Mix of Car Spaces								
		One Size Fits All		66				
		Standard Accessible Spaces		0				
		Van Accessible Spaces		5				
City of Santa Fe Approvals:								

# DEVELOPMENT PLAN

(Chart enlarged from chart on Development Plan)



SECTION 1

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit E**

**City Council Minutes**

**&**

**Findings of Fact and Conclusions of Law**

- 3) **CONSIDERATION OF BILL NO. 2015-31, ADOPTION OF ORDINANCE NO. 2015-29; CASE NO. 2015-46. RIVER TRAILS LOFTS, 2180 AND 2184 WEST ALAMEDA REZONING. SOMMER KARNES & ASSOCIATES, AGENT FOR ALAMEDA LOFTS INVESTMENTS, LLC, REQUESTS REZONING OF 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. (DONNA WYNANT)**

A Memorandum dated May 20, 2015, for the June 4, 2015 Planning Commission Meeting, with attachments, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, in Case #2015-46, is incorporated herewith to these minutes as Exhibit "15."

A Memorandum dated August 3, 2015 for the August 12, 2015 Meeting of the Governing Body, to Members of the Governing Body, from Greg Smith, Director, Current Planning Division in Case #2015-46, is incorporated herewith to these minutes as Exhibit "16."

A Memorandum dated August 3, 2015, for the August 12, 2015 Planning Commission Meeting, with attachments, to Members of the Governing Body, from Greg Smith, Director, Current Planning Division in Case #2015-46, is incorporated herewith to these minutes as Exhibit "17."

An email communication from Sylvie Obledo, to Melissa Byers, in support of the project, is incorporated herewith to these minutes as Exhibit "18."

An email communication from residents of the Rio Vista Subdivision, to Melissa Byers, in opposition to the project, is incorporated herewith to these minutes as Exhibit "19."

An email communication from Jeanne DiLoreto, to Mayor Gonzales, et al, in opposition to the project, is incorporated herewith to these minutes as Exhibit "20."

A letter to Mayor Gonzales and City Council Members, from Brian Rempel, in opposition to the project, entered for the record by Brian Rempel, is incorporated herewith to these minutes as Exhibit "21."

A statement for the record by Julie DiLoretto, in opposition to the project, entered for the record by Julie DiLoreto, is incorporated herewith to these minutes as Exhibit "22."

A color drawing of the subject site, entered for the record by Richard Cady, is incorporated herewith to these minutes as Exhibit "23."

The staff report was presented by Donna Wynant. Please see Exhibits "16 and "17," for specifics of this presentation.

## Public Hearing

### Presentation by Applicant

*All those speaking for the Applicant were sworn en masse*

**Karl Sommer, Attorney for the Applicant**, introduced the members of his team Rick Brenner and Rachel Watson, owners; Christopher Purvis, Architect, the design consultant; Morrie Walker, Walker Engineer, who has worked closely with John Romero, Traffic Engineer; and his Partner, Joseph Kames.

Mr. Sommer said he will be brief about the legal aspects, and you have to consider rezoning under your Code and your General Plan, starting with the General Plan and then moving to the Code to make sure all elements have been met. He said, "I can tell you, without equivocation, without any doubt, your General Plan [*inaudible*], in favor of this project, in this location at this scale. The second thing is every requirement of your Code with respect to rezonings and the development plan and all requirements have been met.

Mr. Sommer said he has lived in Santa Fe all his life, and has lived through, just have you, the ups and downs of the real estate market and the effect on housing in Santa Fe. We've all suffered through having housing that was affordable to a wide range of people, not just those at the upper end of the economic ladder, and those at the lower end have always struggled to find affordable housing. He said the General Plan was amended and adopted at the turn of the last century and it militated in favor of infill projects. The key to effective infill is that is appropriate. The General Plan tells you what is appropriate in terms of what it looks for. This project is a "smack-dab" in the middle of an infill area identified in the General Plan which says the preferred density on infill projects is R-7, this currently is zoned R-5, and they are asking for R-7. They aren't asking for any variations and breaks on any part of your Code or plan policy which is critical, and doesn't present you with those issues at all. He knows this because your staff and Planning Commission have said, and they've gone through every element thoroughly, and your Code militates in favor of this rezoning. This is important because it guides your discretionary decision.

Mr. Sommer said our Affordable Housing Ordinance isn't enough to make housing available. This is the kind of project that puts a downward pressure on pricing for middle range housing for people who live and work here – families, young people, retirees.

Mr. Sommer said Rick Brenner and Rachel Watson aren't newcomers, and Mr. Brenner has been in this business for 30 years and Rachel was born and raised in Santa Fe. He said Mr. Brenner developed the Alameda Lofts, of a similar scale and housing, a successful, vibrant development and you can see the kinds of work they do by looking at that project. He said the other project he did was the Lena Street Lofts, which transformed that neighborhood into a vibrant, lively area which continues to thrive and grow, commenting that Councilor Ives had his office over there for a while ago and he can testify and say that is a quality project, creatively done, that is going to be a success in Santa Fe and they are responsible for that. He said this is important because they will make promises about what they intend to do and they are people with a track record of excellence and success. These are the kinds of people we want developing, and this is the kind of project we want developed. He said he would urge the Governing Body, after they

hear everything, to look favorable at this project and grant the rezoning and the preliminary approval. He asked Mr. Purvis to talk about the nature of the design.

**Christopher Purvis, Architect**, said this project is similar to one he did with Mr. Brenner down the street 25 years ago. He said the concept is instead of lining up housing in a row, to cluster the housing together so there is more open space. It is more of a common open space. Instead of having individual houses with individual back yards, they have this idea that the housing is clustered together and there is more of a kind of shared space between the two. The difference between this project and the one they did 25 years ago, is they found out they needed some small amount of private open space, noting back then people were creating them with small fences. So they altered this one slightly to have smaller single units with small bits of yard that directly attaches to them as well as the larger L-shaped spaces. He said he thinks the reason people like it in Santa Fe are the spaces between the buildings, more than the buildings, they really made an effort to take advantages of that on the developer's project to the attention of the way the buildings relate to each other as much as the buildings themselves.

**Morrie Walker, Walker Engineering**, said he wants to address traffic issues, noting there were a lot of comments about traffic at the Planning Commission, and they've worked very hard on traffic, what are the traffic issues in the area and the impact of the project on the traffic. He said this is an innovative project and they have a lot of information on the impact this type of project will generate. The first thing they looked at was how much traffic they anticipate coming in there. He said they actually went out and counted traffic. Mr. Walker, using a map on the overhead, said, "Our site is right 'here,' and what we did, we actually went out on Alameda, set the counter right 'there' and counted the traffic from houses in that area to see what kind of traffic is generated in this type of neighborhood. It's a different neighborhood than most traffic generations. It's not completely an urban, real tight neighborhood, but it is a different type of neighborhood. So we actually went out and physically counted how much traffic actually is coming out of a certain subdivision, so that we would know how much traffic our subdivision is going to generate, so we really have a good idea of what we anticipate our traffic is going to make."

Mr. Walker continued saying, they actually have hard numbers and found out that there won't be as much traffic as thought, and it actually increased it about 7% and they have good backup on it. He said they counted traffic at Calle Nopal and West Alameda, noting that is the intersection most people worry about, which has a two-way stop sign. He said the neighborhood has always wanted the stop sign. They did a count at the intersection, too, so they have two counts. He said roughly, we're getting 400-500 cars in each direction during the peak hours, so there is a good amount of traffic. He said for our subdivision, "This chart here shows how much our traffic is generating versus how much traffic is out there. We're only about 1-2% of the actual traffic in the area. When we actually build, we are only increasing it here about 1-2%, so we will have a very low impact on the traffic there. I am comfortable that the impact will be minimal."

Mr. Walker said the next thing they did was to look at whether or not to keep the stop sign. He said, as far as our subdivision, we could have that stop sign or not. He said their impact on that intersection and that roadway is very minimal with or without the stop sign. He said they analyzed it without a stop sign. He used a drawing from the Metropolitan Planning Organization on the overhead,

noting it is classified as a principal arterial collector. He said this means you try to make the traffic move better. So they ran the study with and without the stop sign and the intersection works fine with or without the stop sign, depending on how the Council wants to go.

**Rachel Watson**, said she grew up in Santa Fe, noting her family owned Tiles of Santa Fe and they tiled a lot of houses and hotels in Santa Fe, and she's seen the growth and change in Santa Fe, so she knows the neighbors and what they are feeling. She said she is proud of the communities her husband, Rick Brenner, has developed in Santa Fe, two in particular are the Lena Street Lofts and Alameda Street Lofts. She would encourage the Council to visit, commenting it is a wonderful, creative community. She feels that both communities are the most creative in Santa Fe. She said she shows rental properties every day and hears from people asking for rentals just like they have built. She looks forward to the development of River Trail Lofts, a really creative community and believes it would benefit Santa Fe. She said to the neighbors, it is important they understand these aren't apartments. She said with regard to the private road they talked about, she wants to be clear they don't want that road used just like the neighbors don't want it to be used.

**Rick Brenner, owner**, said his last two projects were to be his swan song to exit from being a builder to other things. He said he did survive the real estate depression in Santa Fe "while treading water," and is now living off the assets they have. He said at the end of last year he was brought to this property and it was a rare opportunity for a project for which they received congratulations and support. He said it clearly fills the need in Santa Fe, as did the Lena Street Lofts. He said the Alameda Lofts are residential, this one will be residential. It is designed to have big open spaces and isn't the typical mid-entry housing style. He said it's one that a lot of people in Santa Fe want, and the feedback we get is, why isn't there more of this in Santa Fe. He said if you do a standard subdivision and divide the lots and do the required setbacks, the big corporation can't fit it into their game plan because they don't take risks and don't necessarily have contacts in Santa Fe with the locals. He said Homewise does, but not a broad cross section of Santa Fe. This gave him the opportunity to do something successful. He said his wife told him he just had to do this project.

Mr. Brenner said he went to City staff, to view the Code to compare it today to how it was when we did the other project, looked at the long range zoning map, what's anticipated and it became clear if we added some more units that we could have a great product mix, with some small units which would appeal to the whole crowd that want this type of housing that can't afford the Alameda lofts, or to afford to rent on Lena Street. So they decided to move ahead and do the project and ask for the relatively small increase in zoning.

Mr. Brenner said staff warned him that it wouldn't be easy, but he assumed everybody would rally around this project that met every aspect of the Code. He said, "Boy was I wrong." He said at the ENN somebody walked in without looking at the plans saying, I'm here to squash this monstrosity. He thought they were talking about the Faust Brothers apartment project down the way. He asked them if they have been to the projects they did and he said no, but that he lives right here, right next to this vacant land and said, "You're going to create a lot of housing and it's going to change my life."

Mr. Brenner said, "I get it. I absolutely get it. Change is disturbing." He finds it selfish that people in that area want to completely close down a community development to preserve their own view or sense of open space, even though they clearly bought it knowing the zoning and eventually the family would sell. He said sure enough this person showed up at the Planning Commission and, he felt, questioned our integrity and the issue of what is community. He said you chose to get involved in these kinds of things as arbitrators when you ran for office, but it was a surprise to him. He said then, "To see what I call the Fox News method of communication, which is taking things and completely distorting them. As Murray Walker just pointed out. We're not making the traffic safe on Alameda, we're adding almost nothing to the amount of traffic."

Mr. Brenner said there has been a lot of change and they suffered because of the unit they held onto at Alameda Lofts. He said the bridge at Siler has dramatically increased the amount of traffic on Alameda, but this project isn't going to increase it much as shown by the graphics, and it's not going to make anything dangerous.

Mr. Brenner continued saying, the other concern is that somehow we would lower property values. He said he doesn't believe that, and every project he has done has raised property values. He said there are concerns we are going to connect the road. The issue is there is a public road that dead ends at this property. He said, "Initially, staff said we were going to have to put in a full City road, connected to Alameda. However, they realized it wouldn't benefit anybody and would be a negative, a lose-lose, so they said you can close it, with your roadway advanced to driveway standards and put in a fire emergency access gate. We figured the neighbors would be happy, but now we hear people saying that the gate is coming down." He said they won't be taking down the gate. The community doesn't want it down because they don't want the traffic from the adjoining neighborhood.

Mr. Brenner said they are confident they will build a community which is a positive addition to the community of Santa Fe, as are the others they have done.

Mr. Sommer said they will now stand for questions, and thanked the Governing Body for the time.

Mayor Gonzales would like to finish the public hearing before asking questions.

### **Speaking to the Request**

*All those speaking were sworn en masse*

*Mayor Gonzales gave each person 1 minute to speak to the issue, and asked those speaking to try to just add something new. He said he will strictly enforce the one minute given for each speaker, noting written comments can be submitted for the record.*

**Reverend Talitha Arnold, 146 Calle Don Jose, [previously sworn]**, a senior minister at the United Church of Santa Fe, and an advocate for affordable housing. She said she is not opposed to the development, but she is opposed to the rezoning request. She said her church was the founding congregation for Santa Fe Habitat for Humanity, noting she served on the Habitat Board, and served on

the Board of the first Housing Roundtable. She has lived in her house since 1998 on Calle de Don Jose, a small house she can afford on a pastor's non-profit salary. Her concern is about the rezoning. There are a number of reasons it shouldn't happen, in terms of exacerbating an already dangerous traffic situation on Calle Nopal as well as the street into the Rio Vista Subdivision. It perpetuates a piecemeal approach to overall planning needed in the area. She said an overall plan needs to be developed for the West Alameda corridor, but this isn't a good way to do it. [inaudible]. There is a way of providing affordable housing and wonderful neighborhoods that does not affect the density to the level this request for rezoning does. She wants to leave the zoning at R-5 so it doesn't impact a very wonderful and well established Santa Fe neighborhood.

**David A. Sena, 1729 River Road, [previously sworn]**, said he lives on the corner where they plan to put in the emergency gate. He has lived there since 1980, and there is one entrance and egress to get in and out. He is concerned about them coming in and out of the fire gate and bringing more cars into the area. He said there are problems at Nepal and Alameda, and the traffic is bad already. He isn't saying their traffic will add much more to the problem, but it will make a problem getting on Alameda during rush hour. He suggests putting in a stop light to allow their people to get in, and give us access while they are stopped at the light.

**Brian Rempel, 159 Calle Don Jose, [previously sworn]**, said his back yard is 10 feet from the nearest 2-story, 24 foot tall building proposed in the development and there is a 5 foot retaining wall separating his yards from the proposed development with a 5 foot elevation difference with his yard on the high side. He said the view from his yard to the west will be approximately 19 feet of condo walls. This will obstruct the line of sight, and will obstruct solar gain in the afternoon. He said anyone can come to his place to look first hand to understand the issues. He said their property values will suffer from this as well as their quality of life. He said this was ignored or not taken into account accurately in the Planning Commission memo to the Council, noting it reads, *Finding of Fact 23(c) Code 14-3.8, that the project use and any associated buildings are compatible and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the project.* He said regarding the Code, the Planning Commission stated, *The project is compatible and adaptable to the buildings and uses of abutting property and other properties in the vicinity, because properties along the south side of West Alameda have been developed over the years as multi-family type housing.* That assessment only addresses other properties, but not the abutting property or my property portion of the Code.

Mr. Rempel said, "In closing, I would like to say that growth is inevitable. We all know this. We aren't here to point that out or to argue that point. However, irresponsible growth is not inevitable. As a matter of fact, it is 100% preventable. I would hope as elected officials you will vote for what is in your constituents' best interests. It's my belief that those who spoke before me and those after, and I have adequately expressed to you what is in our best interests, which is keeping the zoning as it currently is, R-5."

Mayor Gonzales said the Council has received emails and we've reviewed the minutes of the Planning Commission, so testimony given throughout this whole process is something we've been able to consider. He said one minute may seem difficult, but we have a lot of information that's been provided by the community prior to this evening that we had the opportunity to look at. He said moving to any salient point or hasn't been addressed, would be the best use of your one minute.

**Nancy Fay, 728 Mesilla Road, [previously sworn]**, read a statement into the record in opposition to the record because it is out of scale with the character of the surrounding R-1 to R-5 zoning, and is not congruent in its design with the proposed site. It includes traffic at an already risky intersection with limited sight distance which would compromise their safety, and the proposed multi-story buildings imposed in the semi-rural neighborhood, would obliterate the solar gain rights and disrupt the character and quality of the River Corridor neighborhood. In *Euclid v. Ambler*, a landmark Supreme Court case in 1926, establishing the constitutionality of zoning laws, in a crucial ruling written by Justice Brandeis that, "Benefit for the public welfare must be determined in connection with the circumstances, the conditions and locality of this case." We must ask who benefits from approval.

Ms. Fay continued, saying, the long documented history of speeding crashes that destroy property and endanger life, the lack of traffic safety and impaired visibility at this intersection must be considered. Sand filled yellow barrels have served as a partial remedy to slow speeding and crashing cars, and the barrels bear evidence of unreported crashes. She asked how increasing the volume of traffic at a documented dangerous intersection benefit the public. Our lives, our safety and investment in our homes and neighborhoods are being used as capital for developers profit plans, also this same developer asks to violate the boundaries of our neighbors. The developer has evaded our attempts to elicit clear details of the proposed project and has only complied with one required ENN. She said, "Vote no."

**Marcos Sena, 2191 West Alameda, [previously sworn]**, said he lives north of the development, and owns property at 102 Calle Nopal. He isn't against the development, he is against the rezoning. He said north of this property, everything R-1 and R-2, and they have restrictions on height of buildings. He would like to see one-story development and not two-story. He is concerned about the exit from this property which is only 50-75 feet and it will cause problems. He said now that school has started, he sees the buses stopped, cars pass on the opposite, and they have called the police to be there, and sometimes they are, sometimes not. He would greatly encourage the Mayor and Councilors to visit the area before making any decision tonight so see what we're talking about, noting that Alameda is 19 feet wide where this development is happening.

**Mia Fong, 1701 SF River Road, [previously sworn]**, said she has lived in Santa Fe for 30 years, and supports conservation and preservation rather than development. She said West Alameda is a special historic region and represents Santa Fe charm with houses, horses and chickens which she enjoys. She said to rezone from R-5 to R-7 will disrupt the character.

**Joyce Hardaway, 143 Calle don Jose, [previously sworn]**, said she has lived there for 32 years and really enjoys the area. It seems now it is getting too crowded and she strongly opposes the R-7 zoning and it should stay at R-5 or less. She said the stop sign on Alameda is 25-40 feet from the driveway entrance to the property and goes down steeply, so it is a very awkward way to approach Alameda. She agrees with everything everyone else has said.

**Rob Turner, 1703 River Road, [previously sworn]**, said he lives near the River confluence, an extraordinary area. It is quiet, rural and almost all the houses up and down the River are single story. He pointed out again, that the entrance and exit to the proposed development is quite precipitous and will be very dicey in the Winter when it is icy, and maybe that will be addressed. He said he doesn't think we welcome the precedent of the R-7 development in the area, and most of the area is R-5 and less, and it is not a high end area. It is very comfortable for people as is, and it's a really remarkable atmosphere. He thinks this development is well intention, well designed, and thinks we can honor the intent of the City infill plan and the intent of the development at R-5.

**Annie McDonell, 161 Calle Don Jose, [previously sworn]**, said she lives next door to Brian Rempel. She said she could be characterized as selfish. She bought her house there partly because there is a big field behind it and a sense of space and quiet, which is valuable in the neighborhood. There is a lot of talk about accessible, diverse income neighborhood which is what this neighborhood is. She said this development will fundamentally change their quality of life. She said it's not going to be stopped, and we're on a "big train of development," everywhere, which is the sad story of our time. In addition to looking about how the houses relate to each other, we should hear more about how the houses will relate to the neighborhood we're living next to, and protect our sense of space, quiet and privacy, and she advocates for staying at R-5 and protecting our neighborhood.

**Yolanda Soler Gutierrez, 161 Calle Don Jose, [previously sworn]**, said she agrees with her neighbors and hopes it stays at R-5 instead of R-7.

**Paula Matthews, 155 Calle Don Jose [previously sworn]**, said she likes this project and the people and the lofts. She said her problem is her property backs to it, and the proposed building will be 24 feet tall from the property line. She thinks there is a very real possibility it will block our solar with our one-story windows and tile floor that get heat which is a problem. She asked if there any way you could ask them if there is some way not to put the two-story buildings to their houses, and in putting some garden space and putting the two-story buildings on the other side. She said there is one street in their area which is R-7. She said their neighborhood is one-story attached houses. The Lofts is lovely, but not when it will block solar gain for our houses.

**Jeanie DiLoreto, 149 Calle Don Jose [previously sworn]**, said she supports the development of the Lofts, but at R-5 zoning. She supports the comments made previously. She has one additional comment. She said, "With all due respect to the traffic problems, my neighbors helped and we got together and prepared a handout for you on the nature of West Alameda [Exhibit "22"], and distributed copies to the Governing Body. She said it's more than traffic counts, West Alameda is a dangerous street, with 25 accidents a year, not counting all the accidents on parallel streets generated from West Alameda. The distance from Calle Nopal to Siler Road, less than 3 miles, with traffic signs, horseback riders. She said she will let them read the handout for the information.

**Gaia DiLoreto said she is the daughter of Jeannie DiLoreto** and she is a graduate of Capital High in 1992. Although she no longer lives in Santa Fe, she was born and raised here, and spent her formative years at 149 Calle Don Jose, because it was an affordable subdivision that was build that her mother could buy into. She is in full support of affordable housing and in full support of maintaining the existing zoning without increase to R-7. That density doesn't benefit the existing community, and she hasn't heard support for the housing here today from anyone, although the developer keeps saying he has support.

**Rick Martinez, 725 Mesilla Road, [previously sworn]**, said he wants to protest the one minute given to speak to this issue, noting the neighbors came here with practiced two-minute speech. He thinks that should have been known ahead of time, and this neighborhood should be given more time, commenting "these guys had a lot more time to do their presentation, and it is unfair for the neighbors to be given only one minute. He said he is part of the Santa Fe River Alliance who is trying to make the Santa Fe River Corridor, Alameda, Agua Fria Street, special. He said when you bring in projects like this with a cookie cutter two-story buildings is not a way to move forward with a River Corridor Plan. He asked if this is the future. This is not suburbia, it is the Santa Fe River Corridor. It is Alameda. He said Del Rio is a single-story development. He wanted to bring visuals, but knew he wouldn't have time to finish his speech. He said the neighborhood wants R-5 zoning. He said these guys are giving nothing back to the neighborhood. He said, "Once again, it's a bad process. Thank you."

**Sydney Cooper, 1610 A Lena Street [previously sworn]**, said she lives in the Lofts. She lived in Chimayo in a rural situation for 15 years, and has lived in The Lofts for 6 years, and has had experience in dense situations and rural situations, so she has great empathy for the concerns of people who spoke here. She said she wants to speak on behalf of Rick Brenner and Rachel Watson who have made this incredible community, commenting that they choose people to live in their community and are really discerning. She said there are a lot of renters, an incredible place, where she lives. She is a decorative painter, a mother, a single parent, and the space at The Lofts suits her very well. She is interested in community, but she is private and doesn't like people just dropping away. She said in this dense environment, she has managed to have her privacy as well as living in a community.

**Todd Christensen, 111 La Joya Road [previously sworn]**, said his reservation on this project is the zoning change because it may create a precedent, and believes they want the zoning for profit which isn't a good enough reason to change zoning and affect an area with the particular distinction for Santa Fe and the way they feel about the community. He thinks the zoning should be kept at R-5 and they can build houses at one story, and be part of the community, rather than separating us.

**Stefanie Beninato, PO. Box 1601 [previously sworn]**, said she agrees that one minute to speak is really short and if you want people to participate, you need to them enough time to say something. She doesn't know whether or not she is in support of the project, she has known Rachel Watson for a very long time, and would say whatever she is involved in would be of high quality. She said the question is what the General Plan calls for in the area, and if it calls for infill and more density, then perhaps you need to allow this. It will be 28 units on the 4 acres. She said two-story is allowed, and this is not in a historic zone, so the height limitation is set by the zoning, and it allows two-story, 24 feet, with setbacks. She understands there are many houses near the site that are built with solar design. She said there is a State law that says if you want to preserve your solar rights, you have to record the solar rights and notify your neighbors.

**Richard Cady property, 2190-B West Alameda [previously sworn]**, said he is upset that we have only one minute, when he was led to believe we could speak for more time. He said they were able to speak to the Planning Commission for 2 minutes. He is here to let the Council know the ingress/egress around development isn't tenable in terms of the traffic. He submitted a map showing the ingress/egress for the property surrounding The Lofts.

Mayor Gonzales said the Council packet includes all the minutes of the Planning Commission and we were able to review the input.

Karl Sommer said they would stand for questions, noting you have before you all of the issues.

#### **The Public Hearing was closed**

Councilor Rivera said he has questions of staff. He asked if this remains R-5, can there be two-stories in R-5.

Ms. Wynant said yes, 24 feet is the maximum height in R-5, and 10 feet from the property line.

Councilor Rivera asked Fire Marshal Gonzales about traffic through an emergency gate, noting we have these in many places. He asked if there are any issues regarding these gates.

Rey Gonzales, Fire Marshal, said in reviewing the proposal, an Opticon is required, so it would be the responsibility of the subdivision.

Councilor Rivera asked if the gates have been vandalized or been allowed as a usable roadway.

Fire Marshal Gonzales said there have been issues at the one on Richards Avenue with the sensors because there were some broken, but those have been repaired.

Councilor Rivera said there were questions as to whether the gate would remain open or remain lock.

Fire Marshal Gonzales said they would be required to have an Opticon gate and for them to maintain it. It will be just for emergency vehicles.

Councilor Rivera asked Mr. Sommer if the developer could consider the configuration suggested.

Mr. Sommer said these homes are at a lower elevation and they are pushed away from the property line. So the view across from these houses doesn't look at a two-story 24 ft. building, and they look at about a story and a third of the property, so it's not much different than the elevation of a single story. He said, "But we will have to come back with a Final Development Plan to the Planning Commission, and we'll address that issue if they can, but they've put a lot of time and effort into the project in terms of its sensitivity in that regard. I don't want to make any promises."

Councilor Trujillo said he has a question for staff. The neighborhood directly north, Calle Don Jose en Medio, what is that zoned.

Ms. Wynant said it's R-5, commenting about everything around there is R-5. She asked if he is speaking of across Alameda.

Councilor Trujillo said it's Calle Don Jose en Medio, that's R-5 as well.

Councilor Lindell asked if these properties will be rentals or condos.

Mr. Sommer said they haven't decided whether they will be for sale or for rent at this point, and asked Mr. Brenner if this is accurate and he nodded yes.

Councilor Lindell said it is a bit surprising to her that this far into the project that the developer doesn't know if they're developing condos or rentals, commenting she is sure that the bank would have some idea if they're financing rentals or condos.

Mr. Sommer said, "Rick and Rachel have maintained ownership in the projects they've done, so parts have been for rent and parts have been owned by them over the course of their development. I'm not trying to be cagey. That has been their history with their projects, and he hasn't decided which will dominate in this particular project."

Councilor Lindell said she has a rhetorical question. She said almost every project we see is looking for a little more zoning, sometimes a lot more zoning. It doesn't seem that we ever see a project come before us where the property as it sits, as it's purchased, is developed that way. It always seems to be just a little more reach. It is frustrating to her that happens continuously. She said Mr. Brenner said the

neighbors don't like change, and she is sure they don't, but Mr. Brenner is asking for a change that is pretty sizable to them. She said everything she hear from the neighborhood and people in the neighborhood is they're satisfied to see this development R-5, and even welcoming of it. It is really the little bit of over reach that is frustrating for people. She said the neighbors said nicely, and eloquently by some, that this property was purchased as R-5. She is sure *pro formas* were done on the property at R-5.

Councilor Lindell continued, noting on page 52 of the Staff Report, regarding zoning, she is unclear where under Staff Response it says, '*The subject property is currently developed with one single-family house and various accessory structures on 4.25 acres. Properties along the south side of Alameda have developed over the years as multi-family type housing, rather than single-family subdivisions.*' She honestly doesn't think that's true, noting she knows of no multi-family subdivisions on that side of Alameda.

Mr. Sommer said, "You are incorrect. To the west of this project as several multi-family projects, all the way down. If you have an aerial, look at the projects to the west and you'll see many projects that are multi-family structures."

Councilor Lindell said then they aren't mostly single-family homes.

Mr. Sommer said, "They are not."

Councilor Lindell asked, "How about to the east?"

Mr. Sommer said to the east, you have the developed subdivision where Camino Don Jose is, which is an R-5.

Councilor Lindell asked approximately how many homes are in there.

Mr. Sommer said there are 100 homes, according to Ms. Matthews.

Councilor Lindell when she looks at the Zoning Map, the houses along that side of Alameda mostly appear to be single-family homes, "But you're telling me that I'm not correct about that."

Mr. Sommer said, "When you say mostly appears, I'm telling you there are projects to the west of this project and they are the more recent projects that are multi-family and you are correct that the subdivision to the east is a single-family sort of 'stand like' development."

Councilor Lindell said on her Zoning Map, the only place she sees R-7 is on only one street, Del Rio, off West Alameda. She said across the street it is all R-1 and R-2. She said she is just making a point about this. She said the General Plan does ask us for consistency and compatibility. She isn't feeling that this is consistent and compatible. She knows two-story homes are allowed in R-5 and R-7 and other places. She understands there is a sizable elevation change, and that it's just a story and a third.

She said she thinks that's a discouraging thing to happen to you 10 feet from your property line. She said 10 feet is a very very short distance to have that happen. She is sorry this wasn't presented to us in such a way that the two stories sat a little further from the neighbors' property lines. She said, "I think that's really a rather bitter pill for people to have to swallow."

Councilor Lindell asked the square footage and price point.

Mr. Purvis said they are 20 ft. x 50 ft. footprint for the basic unit, but there is a two-story nature to it, some of which is open, some of which is not and it will be configured differently, depending how that lot's going to be. So it could be as much as 1600 sq. ft. of floor space in our 1,000 sq. ft. footprint, and then we have smaller units of 750 to 800 sq. ft. footprint, and some will be lofts, so more like 1,200 sq. ft. He said regarding the two-story, because these are pitched, 24 feet is the top of the pitch, which means adjacent to the 10 feet, they actually are only 17 feet off the floor. So if the housing next door is 8 or 9 feet higher, then they're only looking, at that point, 10 feet off their property line, then it slopes back to the 9 and 12 foot pitched. He said he doesn't know the price point.

Mr. Sommer said, "It's difficult to pin down with specificity, but the range we're looking at is from \$250,000 to \$350,000."

Councilor Dominguez said, "Real quickly, for the record, procedure wise, what is the next step in this project, assuming it gets approved. We know if it doesn't get approved, it's a different story."

Ms. Wynant said, "It's going to the Planning Commission for a Final Development Plan."

Councilor Dominguez said, "I'll get to that point in a minute. Most of these questions are for staff. In the Memo that you have, there's a sentence here that's interesting to me. It talks about projects at or above existing neighborhood densities. And I've seen it cited twice, not only in your report, but in the minutes as well. Where does that come from. Does that come from the General Plan."

Mr. Sommer said, "Yes it does."

Councilor Dominguez asked where in the General Plan commenting he can't find it.

Mr. Sommer said it is in *Section 4-4.16 The target density for new infill development, in order to address affordable housing goals is a minimum of 5 per acre with 7 per acre preferred.*

Councilor Dominguez said he is speaking of the language where it specifically says "*Projects at or slightly above the existing neighborhood density.*" He said he's asking because he has seen it twice, and perhaps a third time in the entire packet, but there's a reason for it, and he's trying to figure out if it's because of the affordable housing component and wanting to achieve more affordable housing.

Mr. Sommer said the goals of the General Plan are to utilize efficiently, existing infrastructure in infill projects. He said, "Increasing in density has a slightly more number of houses for that and that also, according to the General Plan, makes a wider range of housing types available, not just affordable, but a range of housing types."

Councilor Dominguez said, "For staff, in the Staff Report you talk about condos. All of the units will be located on one lot of record and will be rented or condo. This is consistent with Councilor Lindell's question. Are we just going to use the standard definition of condo. I don't think there is one in our Land Use Code, is there."

Mr. Smith said, "The General Plan *[inaudible]* in Chapter 14 standards distinguish between single, multi-family in terms of the number of units per lot of record. There are no specific standards with regard to rentals versus condo ownership, rather in subcategories within condominium ownership."

Councilor Dominguez said, "For the Applicant. Is that to just signify the difference between sale and rental."

Mr. Sommer said, "Sale and rental, because these are not individual lots, you would have to create a condominium."

Mr. Smith said he made a mistake and indicated that it was *[inaudible]*.

Councilor Dominguez said he didn't ask anything about that.

Mr. Smith said you didn't.

Councilor Dominguez said, "Just two more questions if I can Mayor, I think two more. When I look at Finding #14(a) under Rezoning, it talks about, 'The Commission has considered the criteria established by Code, (c) and (a)'. There's two sites there that I think fit with this project. There has been a change in the surrounding area altering the character, that's #2. And #3 is a different use category is more advantageous to the community. First let me ask, the motion itself from the Planning Commission doesn't include those two specific findings in the body of the motion, so I'm guessing staff was able to take those two findings just from the context of the discussion."

Mr. Smith said, "The Assistant City Attorney prepared these based on the record and the Commission *[inaudible]*. The goal that they indicate as a basis for recommending approval was a finding of one of the criteria that states that a different type of use is beneficial to the community because of the General Plan Policy."

Councilor Dominguez Dominguez said during the course of the record, one of those was talked about generally speaking, but it wasn't in the body of the motion. He said, "I guess the other question is density. I live in a high density development, it's not so bad, but I just want to kind of do some math here real quickly. If I read this correctly, we're talking about 5 additional units than what is already allowed. Staff."

Mr. Smith said that would be a maximum of 32, versus 23 under R-5.

Mr. Sommer said, "That is the total number and includes the affordable units. The other thing about the density is these buildings, the structures on the plan you saw are going to get built. The question is, are the smaller units going to be housing or accessory buildings. So in terms of the intensity, we're talking about having housing or not housing on those additional structures."

Councilor Dominguez said he asks because it seems to him that during the testimony, quite a few people talked about liking the project but felt the density was too high. He guesses if you live there and see things every day, he can understand that, but from a planning perspective, it's a different story. He said, "The other reason I wanted to ask that question is because if we comply with the existing zoning, how many affordable units can you get."

Ms. Wynant said as mentioned in her presentation, the R-5 would yield 4 affordable, and R-7 would yield 6 affordable.

Councilor Dominguez said then it would be 2 additional affordable units. He said some people might say that's better for the community, but he isn't going to weigh that right now, except to say that perhaps more affordable is better than not, and there's plenty of people out there who need it.

Councilor Dominguez said, "I just want to clarify real quick, because this has to go for a Final Development Plan, the two-story, the elevations, all of those details still have to be worked out in that Development Plan. The reason I ask that is because during the testimony you had some people that really were more concerned about the height, setbacks and such. I just want to clarify that some of those details, elevation, where they're going to be seen and from how far, all will be debated, not resolve, but debated at the *[inaudible because Mr. Sommer interrupted Councilor Dominguez.]*

Mr. Sommer said, "They have to go to the Planning Commission for approval. They have to be presented for approval and considered by the Planning Commission."

Councilor Ives said, "We're talking a lot about affordable housing, and it was just indicated the price point for these units is \$250,000 to \$350,000. Tell me, given that, how does affordability come into play here."

Mr. Smith said, "It's my impression that those at the market rate comply with the affordability criteria, but I don't have the current numbers to report to the Council as to what the sales and regular prices would be."

Councilor Ives asked Mr. Sommer to elucidate.

Mr. Sommer said you're asking what would be the affordable housing price for the units that will be built under the Santa Fe Homes Program.

Councilor Ives said yes, because we're talking dedication for the 6 units to affordable housing, didn't seem to fall within the broad scope you put forth.

Mr. Sommer said, "The income range under the Santa Fe Homes Program, the top price under the Plan is \$245,000, that's the highest, income range 3 is \$179,500, so basically \$180,000 which is a 3-bedroom. And income range 2, currently the lowest income range, must be sold at \$138,000, and those have a distribution at the highest income range, 5%, middle income range 10%, and the lowest income range 5%. So the distribution of affordable housing would be in those distributions at those prices.":

Councilor Ives said possibly 1 or two in the lower, 3 or 4 in the middle and 1-2 in the highest.

Mr. Sommer said, "If you were doing six, it would be one, four and one. The four in the middle would be four at \$179,500."

Councilor Ives said otherwise, it would one, two one, and Mr. Sommer said, "I believe so."

Councilor Ives said we talked about whether these will be rental or condos, and asked about affordability on the rental side.

Mr. Sommer said there is a similar scale, but he doesn't have it in front of him, noting you would have to follow the distribution and the income range and the price point.

Councilor Ives asked where the units will be within the development.

Mr. Sommer said the requirement is that you disburse them throughout the development, and you can't put them in one building or in one corner, so they will be disbursed throughout the development in the picture you saw.

Councilor Ives said presumably no more than one in any particular unit and Mr. Sommer said, "Probably so."

Councilor Ives asked if the buildings to the east along Calle don Jose are one story or two story.

Mr. Smith said he believes the existing houses are only one story, but the zoning in that subdivision would not prevent two-stories, but the predominant pattern is one-story in the subdivision currently.

Councilor Ives said on packet page 78, it says it's on contract, but as he understands it's actually been acquired at this point in time, and Mr. Sommer said that's correct.

Mr. Smith asked what fences and/or walls are proposed for the development as any type of separation between any of the continuity in the neighborhood.

Mr. Smith said he doesn't believe they have anything at that level of detail in the plan which was submitted so far.

Mr. Sommer said, "If I understand the question, you're asking if there are going to be perimeter walls along the property boundaries. At this point we don't have perimeter walls planned. So there are no big walls going up."

Councilor Ives noted that on one of the plats, it indicates a wire fence potentially along the western boundary.

Mr. Sommer said he thinks there is a barbed wire fence already along the western boundary.

*[Mr. Sommer's remarks here are inaudible because he was away from the microphone when he approached the Governing Body to demonstrate something on the subject site].* He said, "You can see the wall that is there is a retaining wall. Those houses are above that and set back a bit. So we're not proposing any walls along that side that would be visible."

Councilor Ives asked in terms of access to the pedestrian walkways proposed for the interior of the project, if those will be public walkway and to everyone walking from the River Trail up to Alameda, for example, back and forth or east and west.

Mr. Sommer said there is public pedestrian access through the sidewalks through this property to the River Trail. He said, "It actually has to go onto the other property through a public access that already exists."

Councilor Ives said under the General Plan there are requirements for sustainability and water conservation. He asked what is anticipated here in this regard.

Mr. Sommer said they will have to comply with whatever the requirement is, but he will defer to Mr. Brenner or Mr. Purvis to let you know if there is a particular catchment program in place or planned.

Mr. Brenner said, "At the very least there would be a whole series of pumice wicks. We're not going to let water off the site, and we'll use all the water that we can."

Councilor Ives said there was statement earlier that these are not going to be apartments, but if you have 900 sq. ft. that's being rented out, that sounds like an apartment to him. He said, "Explain that distinction if you can."

Mr. Brenner said, "The apartments you refer to, the Del Rio Project, is the project behind Lowe's that the Branches did. Typically, apartments have units stacked above the other, they're very small, common corridor. If you look at our development plan, these are separate units completely. There are no units stacked above the other. There's nothing that's going to feel like an apartment. That's why it's a desirable community to a lot of the people that have approached us."

Councillor Ives said, "In the Development Plan in the packet, I suppose that the walls facing to the east and west, there seems to be, I'm not sure if reorienting your buildings would cut down the amount of sort of the back of the building space that faces to the east and the west. And that's just the orientation of the buildings that are there in terms of the L-shapes, in almost every instance, except for 2, the larger side of the L-shape faces a neighbor either to the east or west. Is this a fixed plan, in terms of building location or is that something that could be modified without terribly affecting the project in any way."

Mr. Brenner said, "I would say it would terribly affect the project. I can defer to the architect. We worked long and hard on that. The idea is to create a compound feel and if we did that, it would destroy the internal sense. The other thing that should be made clear is that in terms of the rezoning, that doesn't affect the Site Plan. If we didn't come to the Council, if we just went to the Planning Commission for Development Plan approval, this is the plan that we would propose, and that complies with all existing laws and ordinances."

Councillor Ives said, "One of the persons who spoke this evening, spoke about you choosing people to live in your communities, and that makes me a little nervous. Can you comment on that."

Mr. Brenner said Sydney should respond, "I don't know what she means. Rachel can, she does the leasing. Let me be clear that would only apply for units we're renting. Clearly, we're not going to be able to violate housing codes and discriminate."

Responding to Councillor Ives, Mr. Brenner said, "I understand, as an attorney, that would make your ears prick up."

Ms. Watson said, "Just as when you were working for the Trust for Public Lands, and because it was a very creative community, and they loved the building. And the economy, they had to leave and go somewhere else. But clearly it is people who like that kind of creative community who come there, and no we don't particularly choose people to come there because they like that, just as you enjoyed it when you were there."

Councillor Bushee said she doesn't think there are any questions left to ask at this point, except John Romero could earn his dime and come on down her for a second. She asked, "What's about this stop sign and why do we have to take it away. I was here when we put those stop signs in. I know your boss doesn't like them, he considers them political stop signs. And it was 10-11 years those stop signs came in on Galisteo, and I read the minutes and you referenced political stop signs that don't really serve the purpose. Why does it need to be removed."

Mr. Romero said, "I don't recall labeling it as a political stop sign."

Councillor Bushee said, "Your boss did."

Mr. Romero said, "I don't recall labeling it as a political stop sign. My opinion is that it's unwarranted. It doesn't meet federal guidelines for it's placement. And when you have an unwarranted stop sign, you make people stop when they don't need to. It increases emissions, travel time, frustration

and it doesn't provide the traffic calming effect that people think, all based on a national study. We did do a post study in this area and were able to dig up old requests to put a stop sign. There were several of them, there were 3 requests which staff denied, until finally the stop sign was placed. All those studies evaluated speed in the area. So we had document speeds previous to the stop sign. We evaluated the speed after the stop signs and the speeds remain the same or are slightly increased. This is consistent with what national studies have shown, that when you place a stop sign, people will slow down, roll through it and try to speed up and make up for lost time for what they consider to be a nuisance stop sign."

Councilor Bushee asked Mr. Romero why, with a development that could potentially increase traffic, "would you take on that stop sign."

Mr. Romero said, "The reason, quite frankly, is I've gotten several requests to do so. And I wouldn't do it without a formal public hearing. My sense is this is going to have all the effect to residents and it was going to be a fishy use of not only our time, but the resident's time so they don't have to come down here for a second public hearing to talk it over. So they did voice concerns about it, and I understand that, but in my opinion it should be taken down. If it does, it does, if it doesn't, then we'll live with what we have."

Councilor Bushee asked, "Would you say the same for the signs for the stop signs on Osage Avenue, which also probably aren't warranted."

Mr. Romero said he hasn't studied those.

Councilor Bushee said they put traffic calming in on top of it, but they still didn't want their stop signs to go away.

Mr. Romero reiterated he hasn't looked at those in detail, so he doesn't know if those stop signs met warrants or what reasoning was used to place those stop signs.

Councilor Bushee said, "So I have no more questions, but I have some statements. I live off West Alameda in an R-5 zone. I developed a small compound in my area. I have one space that sold at R-5, so they're originally 50 x 100 lots, 5,000 sq. ft. lots, they're tiny relatively speaking. And folks keep referencing the 1999 General Plan. The hope was that infill would turn that into affordability, but it certainly didn't from my experience. But what I can say to you that we're stuffed into these little lots. They are affordable, and in fact the General Plan in 1999 wanted to go for 2,000 sq. ft. lots, that's pretty darned small."

Councilor Bushee continued, "Alameda has exponentially increased its traffic, once we opened Siler Road. I like the connectivity. I use it myself all the time. It's genuinely going to suffer some serious problems. And I know, from an engineering perspective, John, you would like to say... in fact I argued the same for one of the stop signs on Alameda and then gave up the ghost, because I had Ike and [inaudible] giving me the engineering this isn't warranted. The traffic is backed up for days at certain times of the day and it's very fast at other times of the day. And when we don't break it up with the stop signs, the speeding is pretty significant. There's no real enforcement. On top of this, the newly annexed areas are work horse

properties. So people have who have suffered for years have just continued to be developed, and I understand that. And I understand that you aren't going to see very many empty spaces for very long. But I have to say, it's significant, and I adore Rachel and Rick, and I think they're some of the better developers we have here in town. I like the Lena Street Lofts and their Lofts project on West Alameda, they've done a nice job."

Councilor Bushee continued, "My hope is that you'll be able to develop this in an R-5 zoning and still make your numbers. The 10 foot setback is all the City requires if you're building a two-story. So yes, folks are going to start to see a loss in their light, never mind their solar gain. I like the compound aspect. I like the difference from the cookie-cutter residential zoning. I would like the idea of a little bit of water harvesting if you can in some form or another and I like the pitched roofs. I don't see the public gain, incredibly going from 4 to 6 affordable units. And I also don't see.... these folks live in an area that's affordable right now. When I first bought into it in my neighborhood, a little east of that, they were very affordable so folks could get in the first time lease. She knows it's numbers, it's money. I have that it can be a good R-5 development and fit into the neighborhood, so that's my hope."

Councilor Bushee said she would like to see the stop signs stay, and doesn't want to have to open that can of worms.

Councilor Maestas said his questions are for staff. He said there is kind of a bench in the northeast corner of the development, and in the existing plat it says "manmade fill," which raises some flags for him. He asked if there is any history on the fill area, is it just soil, were there questions on the part of the DRT to ask if we need to characterize it and what is the history of the manmade fill area, noting it is the highest point of the development.

Ms. Wynant said what they are trying to do is work with the existing topography, it does slope down from West Alameda with that high spot there. She said, "If you look at the topo map, it shows how that's arranged. I think I would have to defer to the applicant because I don't know the history of that fill."

Councilor Maestas said the proposal is to have a more gradual slope than the actual which will expose more of the material, and he doesn't know how stable the material is, what's in the fill. He realizes we don't require a full blown environmental assessment, noting when he sees man-made fill it can be 100% soil or something else. He wanted staff insight to see if there was staff discussion in this regard.

Ms. Wynant said the DRT didn't get into the details of that, and thinks we probably will see more of that with the Final Development Plan. She spoke about a development where they had to provide engineering studies on the fill and show how they would support a structure and such. She imagines that is the same case here with the Permit Division as well as Technical Review that looks at terrain management. She said she would have to defer to the applicant for history on that fill.

Councilor Maestas understands the lot is long and narrow and to maximize street access you have to have this meandering street. He has an issue with access by a fire truck, and asked if the two-story nature of the development would require a ladder truck.

Fire Marshal Gonzales said, "We do respond with ladder trucks, however the Code requires only a 26 foot drive with anything over 30 feet, so a 20 foot width would suffice for a two-story.

Councilor Maestas said the street design has what he sees as difficult maneuvering by a ladder truck, and asked if it is satisfactory as long as there is enough room to back out.

Fire Marshal Gonzales said that is the purpose and intent of the emergency egress on the opposite side so we have a through-way and won't have to back up. He said the Code says that anything that is under 100 feet is acceptable, and anything over 150 feet would require a turnaround.

Councilor Maestas noted the DRT entry that says, "*shall meet the 150 feet driveway requirements.*"

Fire Marshall Gonzales said, "Yes and that would all be done in the permitting process."

Councilor Maestas asked what happens if the parking lot is fully occupied and we need to access it with a ladder truck.

Fire Marshall Gonzales said, "We shouldn't have to back up if we have the emergency egress on the opposite side. I'm not exactly seeing what you're referring to."

Councilor Maestas said he is concerned about getting a fire truck in and out, even turning off to the main street.

Mayor Gonzales said there seems to be a little bit of indecision on what the market is going to bear, whether you're going to be able to sell or rent this. He said part of the Affordable Housing Ordinance he assumes was to incentivize a developer, through density, to put up housing that would be available for purchase to people at lower incomes. He is a little worried if the product goes up and the market is a rental market and not an acquisition market and those 6 units become rental as opposed to a purchase unit, and then this was all basically for naught in the name of producing affordable housing. He asked if there is any commitment that the affordable units will be put into a sale program versus being put up and then rented. He asked, "How do we have assurances that the densities you are pursuing under the Affordable Housing Ordinance will actually yield affordable homes."

Mr. Sommer said, "The Affordable Housing Ordinance, with respect to rental in this town, is just as much in crisis as the market rate. It is difficult for people in those lower income brackets to find affordable rental housing."

Mayor Gonzales said he understands, "but you're not here under that ordinance."

Mr. Sommer said they would have to comply with whichever one of the Ordinances would apply to us with an affordable housing plan. So if we come in with rental properties we have to declare that and follow through with that with our affordable housing plan.

Mayor Gonzales asked if the density bonus have been the same, if all 32 came in as rental units, the density would have been the same.

Mr. Sommer said, "It's a dwelling yes. I understand the concern you're voicing Mayor, it's just difficult at this point...."

Mayor Gonzales said we do know there is a need for low income housing purchase, there are lines that exist today.

Mr. Sommer said the thing about this project that Rick has made clear is these are not designed as apartments, so there is more likelihood these properties will be sold rather than rented because of the way they are being designed. They are not designed as apartments with common entrances and exits and such. They are designed to stand alone as individual homes and to be occupied that way, whether that be for rent or not, "I'm not sure. The Code is a little bit vague about when you have to declare that and what you have to comply with. I understand the concern, I just wish I had better information."

Mayor Gonzales asked Mr. Brenner if there is a commitment he can make to the Council tonight, if they approve this tonight, or at least give an indication that those would be available for sale to people of low income.

Ms. Brennan said, "In considering zoning, we don't usually address form of ownership. The applicant has put this into the mix, but it's not a typical zoning consideration."

Mayor Gonzales said, "I am struggling with this density, because of the lack of commitment or knowledge of whether those would be made available for sale or just rental. I agree with Karl that there is a need for rental stock for many income areas. But the way I understood this coming forward and many of your great product that you put up has been for sale housing, not so much rental *per se*, so as Kelley indicated, you don't have to make any commitments as part of this effort. I just want to share with you right now what I'm struggling with, is approving because of the issue of not knowing for certain whether those units will actually be sold or rented."

Mr. Brenner said, "What I can say, I don't know if it's appropriate or not, but what I can say as the developers will not object to a condition of approval that requires that affordable be sold in accordance with the Affordable Housing Program, the City's program."

Ms. Brennan said, "Mayor, if the applicant makes an offer to accept a condition, you can impose the condition."

Councilor Ives said, in terms of the buildings, there is a reference to pitched roofs, and asked if that is with a peak in the center, pitched across the entire building, and if it is pitched across the entire building does it run to those portions of the buildings that face out to the east and west as opposed to facing interior to the courtyard concept.

Mr. Purvis said most of the buildings a standard 9 and 12 pitch that start at the edges and go toward the middle. All of the smaller buildings you see are single pitch, "so they are more like a 3½ or 4 inches to 12."

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to deny the rezoning to R-7, at 2180 and 2184 West Alameda.

**VOTE:** The motion failed to pass on the following Roll Call vote:

**For:** Councilor Bushee and Councilor Lindell.

**Against:** Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Mayor Gonzales.

**Explaining his vote:** Councilor Ives said, "No, but I would say that I would prefer to impose some additional conditions on the Development Plan."

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2015-49, approving Case #2015-46, River Trail Lofts, 2180 and 2184 West Alameda Rezoning.

**FRIENDLY AMENDMENT:** Mayor Gonzales asked if Councilor Rivera would agree to a friendly amendment which was offered by the developer, that the affordable units will be sold, as opposed to rented. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**DISCUSSION ON THE MOTION AS AMENDED:** Mr. Smith said, "If I might suggest that the condition would also be conditioned and subject to entry by the Applicant into a Santa Fe Homes Contract that conforms with the applicable Ordinance standards. Our housing staff is not here. I'm not entirely comfortable with the idea that we have the possibility of a mixed sale and rental type of project. I'm not sure how the Ordinance would apply to that."

Mayor Gonzales said it seems as if this is approved at the densities, that there is flexibility in for sale or for rental, and I'm assuming at some point, the rental could be converted to a for sale as opposed to apartments.

Mr. Smith said, "Its also possible that the condition that you require, would require separate approval by the Council, as an alternative means of compliance, at some point the future in order to comply with the Affordable Housing Chapter."

Ms. Brennan said, "They will have to comply with the Affordable Housing Ordinance, and this may make some kind of adjustment necessary, but I think we can probably cope with that as the project is developed."

Mayor Gonzales asked if this can be done at the Planning Commission level, or does it have to come all the way back up.

Ms. Brennan said, "If it modifies the Ordinance it would have to come all the way back up."

Mr. Sommer said, "The Ordinance speaks in predominately for sale or predominantly for rental, and there is that flexibility in the Ordinance. If there is some question, we will bring that particular question back for approval of that."

Mayor Gonzales said, "And I'm not necessarily... if this is... I want to make it as easy as possible, so that the homes become available to members of this community that need access to home ownership. So hopefully, there is that consideration when the staff considers how to make sure that condition is actually met."

Councilor Ives asked, in terms of our action here tonight, how much of an expressed or tacit approval would a favorable vote on the rezoning be as to the Development Plan that has been submitted so far.

Mr. Smith said, "You have, as part of your action tonight, approval of the Preliminary Development Plan that is in your packet. The Planning Commission would have authority over the Final Development Plan, and the Commission could approve the development plan they found to be consistent with the Preliminary Development Plan. It would then have to be identical. The Commission could establish height limits and setback requirements which differed slightly from the Preliminary Development Plan. They could not add units in their approval process. Staff would advise that the Planning Commission would need to leave a substantial public policy [*inaudible*] if they intended to adopt the restrictive setbacks and height limits as provided in the Code."

**FRIENDLY AMENDMENT:** Councilor Ives asked to amend the Motion to provide that that the Development Plan be reworked to attempt to lessen the façades that face the adjoining properties to the east and west, which he thinks the layout as proposed would allow for, simply by reorienting a number of the buildings in order break up the solidity of the viewshed perceived by neighbors to the east and west. .  
**THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**DISCUSSION ON THE MOTION AS FURTHER AMENDED:** Councilor Ives said if you reorient the facades of the building facing east and west so the buildings aren't massed against the property line, but to the interior of the property.

Mayor Gonzales said he wonders what that does from a development standpoint to reorient the buildings, and if that creates a kind of *de facto* stop.

Mr. Sommer said, "It is an absolutely substantial redesign of the project. And I think the impression you have is that the homes to the east, and that's what we're talking about, because it's not to the west we're talking about, are up again their property lines and they're 10 feet away from a two-story building. That isn't the case. Their houses are set back on top of a ridge, that's what that picture shows you. And so

there is this distance between these houses up 'here' and these houses that are going to be over 'here.' So that's the setback. So reducing the height, flipping the buildings, all messes with just about every aspect of the project. So I'm being a little bit more strident than probably I should be, but it is a substantial redesign of the project."

Councilor Ives said, "Nothing I said talked about reducing the height of the buildings. It is simply reorienting the angle at which they are located."

Mr. Sommer said, "Which affects all of the parking on the interior."

Mayor Gonzales asked, "Is there some direction that could be given to the Planning Commission that would address the concerns that you have, Councilor Ives, in terms of, through design, minimizing the amount of obstruction of the sun that was brought forward, so that at least there can be some testing of the design to make sure that that has it, as opposed to mandating that there be *[inaudible because Mr. Sommer interrupted the Mayor]*

Mr. Sommer said, "If I may say something. This is rather serious, because Mr. Brenner has just told me he would rather accept the R-5 and do this same project, than to redesign it for the reasons I've just described. If I may approach just briefly."

Councilor Bushee said, "I think we already voted on the project, the rezoning."

Mayor Gonzales said, "No."

Mayor Gonzales said, "Just go ahead and come up real quick so you can show Councilor Ives."

*[Mr. Sommer was inaudible here because he was away from the microphone]*

Councilor Ives said, "Let me just ask you this question as long as you are standing right here."

Mayor Gonzales asked Councilor Ives and Mr. Sommer to please speak into the microphone so everyone can hear what you're saying.

Councilor Ives said, "If this were oriented so that the long edge was 'here,' and the small thing was 'here,' you wouldn't have to change the parking lot at all, it would simply be moving the relative location of the buildings, creating a broken viewshed to the neighbors to the neighbors to the east and west if you did that consistently."

Councilor Rivera said, "Mayor, point of order. Shouldn't this discussion be involving all of us so we're all aware."

Mayor Gonzales said, "The reason I allowed for it, because it's Councilor Ives' concern on the conditions, so I just wanted to make sure the Applicant understood what he was trying to achieve with, but I understand your point."

Councilor Ives said, "And I can certainly explain it. If you look at, and this is from the plans submitted, and just look at L-1 which I think is the last page in your packet. And up in the upper left hand corner of that plat, if you come inside the property to the first sort of quadrant area, if you look at the building that's on the northwest corner of that quadrant. The last one, it's marked as L-1 in the lower right hand corner."

Mr. Sommer said, "Councilor Ives, I posed your question to the architect who is very familiar with this, those distances that you're talking about moving and flipping them. One distance is 90 feet where the little houses, the little units are, from end to end, that is a 90 foot distance. The other distance is 70 feet along the line 'there,' so they don't fit that way. Can I show you."

Councilor Ives said, "Well, I know what you're saying, because of the pond there, it doesn't seem, at least looking at the plat, that it would be a tremendously difficult change to put in."

Mr. Sommer said, "What I'm saying is, they don't fit. You can't fit 90 feet into 70 feet."

Mayor Gonzales said, "Councilor Maestas, I think he might have suggested... Councilor were you talking about maybe a wider buffer, because I was thinking the same thing. Is there any room for additional setback. There's no room because of the property in the internal roads."

*[The response was inaudible because it was from the audience and away from the microphone]*

Mayor Gonzales said, "Got it, okay. I want to make sure we stay focused on the friendly amendment that was proposed that can severely alter the design in such a way that it *de facto* cuts out the project from taking place, so we should stay on that issue."

**COUNCILOR RIVERA WITHDREW HIS AGREEMENT TO THE FRIENDLY AMENDMENT.** Councilor Rivera said, "I won't accept the amendment as friendly."

Mayor Gonzales asked Councilor Ives if he would like to propose it now just as a separate amendment, because Councilor Rivera withdrew his acceptance of your friendly amendment.

Councilor Ives said, "I'm not sure what good restating it would be, quite frankly."

Mayor Gonzales said, "So the issue of altering the design is not on the table. Councilor Dominguez. So we're still on the regular motion, correct."

Councilor Dominguez said, "So I guess maybe the Applicant is going to everything they can to try to minimize the impact to the neighbors. Correct."

Mr. Brenner said, "Yes." *[The balance of the statement is inaudible here because the individual was speaking from the audience and away from the microphone]*

Councilor Dominguez said, "Well, what that would be, would depend on a lot of different things. I think you would have to go out into the field. You actually have to do some surveying and take some slope distances even, and that was one of the technical questions that I had, with regards to setbacks. Is that on a slope distance, or is that on a horizontal design."

Mr. Sommer said, "The setback is horizontal, it's just straight flat."

Councilor Dominguez said, "So that makes a huge difference when you have slope and elevations at a different height in adjacent properties. And so I think these are some of the things that need to be considered as you try to minimize that impact. And to try to legislate that now, I think that's why they have planning commissions, so they can look at those slopes, distances, and all those other things. And so, we don't have that level of detail here. That's the question that I had."

Mayor Gonzales said, "Right. And in line with what I stated earlier, and I need the Counsel to help me on this. Generally, do you make part of the motion some of the direction to the Planning Commission to address those issues without any definitiveness or is it pretty clear, based on our statements, that we're expecting that the Planning Commission will address the issues of impact to the neighborhoods through design."

Ms. Brennan said, "Mayor, Councilors, I think that's the Planning Commission's charge, and I do think they will take what you have said to heart, but that is what the Planning Commission does."

Mayor Gonzales said, "Got it."

Councilor Bushee said, "It's a quick question and I know you're not going back to R-5 at this point, but would the R-5 design, because there was nothing in the packet that reflected that change of anything in terms of the buffering to the neighbors."

Mr. Sommer said, "No there is not."

Councilor Bushee asked, "How is it reconfigured as an R-5."

Mr. Sommer said, "It would be exactly as you see it here. It would just be less housing."

Councilor Bushee asked, "So, but where, which L's or little..."

Mr. Sommer said, "The little small units would all be accessory buildings."

Councilor Bushee asked, "What do you mean by accessory buildings."

Mr. Sommer said, "They would be garages or studios. Not dwellings. When I say studios, that is like artists's studios, that kind of thing."

Councilor Bushee said, "Okay. So not part of the live/work concept. I see."

Councilor Maestas said, "Just for clarification, I don't recall us including in the motion an adoption of the Findings of Fact and Conclusions of Law of the Planning Commission."

Mayor Gonzales asked Councilor Rivera if he would agree with that.

Councilor Rivera asked, "Is that necessary. After one of the last land use hearings we had, the Findings of Fact and Conclusions of Law come back."

Ms. Brennan said, "We do try to do them... it avoids repetition if you adopt them. Then when we draft Findings for this Body we include the additional elements you've added and recite your authority, but rely on those existing conditions, yes."

Councilor Rivera said, "And then they come back to us again, then."

Ms. Brennan said, "That's correct, you approved two tonight, as a matter of face."

Councilor Rivera said, "So yes, including the Findings of Fact and Conclusions of Law."

**FRIENDLY AMENDMENT.** Councilor Maestas asked to include the Findings of Fact and Conclusions of Law of the Planning Commission in the motion to approve. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**VOTE:** The motion, as amended, was approved on the following Roll Call Vote:

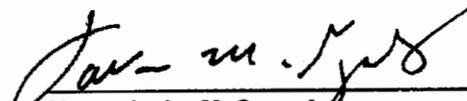
**For:** Mayor Gonzales, Councilor Dominguez, Councilor Ives, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Dimas.

**Against:** Councilor Lindell and Councilor Bushee.

## I. ADJOURN

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:00 p.m.

Approved by:

  
\_\_\_\_\_  
Mayor Javier M. Gonzales

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.

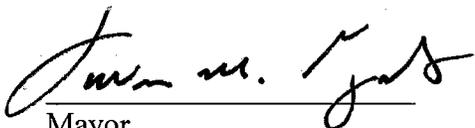
#### CONCLUSIONS OF LAW

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 26<sup>th</sup> OF AUGUST 2015 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

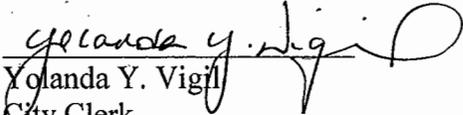
That the Application is approved, subject to the Conditions and Additional Conditions set forth on **Exhibit B**, a copy of which is attached hereto, together with the following additional condition: That the six (6) affordable dwelling units to be constructed on the Property be offered for sale to eligible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

  
\_\_\_\_\_  
Mayor

9-1-15  
Date:

[REMAINING SIGNATURES APPEAR ON THE FOLLOWING PAGE]

FILED WITH THE CITY CLERK:

  
Yolanda Y. Vigil  
City Clerk  
CC mtg. 8/26/15

8-26-15  
Date:

APPROVED AS TO FORM:

  
Kelley Brennan  
City Attorney

8/17/15  
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

EXHIBIT

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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 2<sup>nd</sup> 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

7/2/15  
Date:

FILED:

Yolanda Y. Vigil  
City Clerk

7/7/15  
Date:

APPROVED AS TO FORM:

Zachary Shandler  
Assistant City Attorney

7/2/15  
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"> <li>No fences, walls, or other obstructions shall be placed or constructed across or within public sanitary sewer or utility easements.</li> <li>Wastewater Utility Expansion Charges for each lot shall be due to the City of Santa Fe at time of building permit application.</li> <li>Add a note that the development is served by a private on-site sewer collection system</li> </ul> <p>The following are conditions of approval:</p> <ul style="list-style-type: none"> <li>Show the existing sewer line and sewer easement on the grading/drainage plan and the landscape plan</li> <li>Indicate on sheet C-3 in the title block that the on-site sewer system is private.</li> <li>No trees are allowed within the sewer easement as shown on the landscape plan set.</li> <li>It appears some of the proposed buildings/foundations and drainage ponds are encroaching into the existing sewer easement which is not allowed.</li> <li>It is not clear how access to the existing sewer manhole within the site will be provided.</li> <li>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.</li> </ul>	<p>Wastewater</p>	<p>Stan Holland</p>
<ul style="list-style-type: none"> <li>Prior to recording, Development Plan must contain vicinity map and all items listed in Article 14-3.8(C)(1).</li> <li>Consolidation Plat must be recorded prior to or simultaneous with approved Development Plan.</li> </ul>	<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"> <li>• Provide Landscape Plan as per Article 14-8.4 "Landscape and Site Design"</li> <li>• 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".</li> <li>• Provide analysis of how many trees and shrubs are required and how many are actually provided for all open space, detention ponds, and streets.</li> <li>• Provide details on proposed plant species. This shall include icons, species, size and caliper.</li> <li>• 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.</li> </ul>	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"> <li>• 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.</li> <li>• 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.</li> <li>• Fire service requirements will have to be determined by the Fire Department prior to development.</li> </ul>	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"> <li>• All Fire Department access shall be no greater than a 10% grade throughout.</li> <li>• Fire Department Access shall not be less than 20 feet width.</li> <li>• 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.</li> <li>• Fire Department shall have 150 feet distance to any portion of the building on any new construction.</li> <li>• Shall have water supply that meets fire flow requirements as per IFC</li> </ul>	Fire Marshal	Reynaldo Gonzales