

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

Case #2015-46

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

Owner's Name – Alameda Lofts Investments, LLC

Agent's Name – Sommer Karnes & Associates

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

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

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

FINDINGS OF FACT

General

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

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

### Rezoning

11. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
12. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
13. Code §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
14. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:
  - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].* Properties along the south side of West Alameda have developed over the years as multi-family type housing, rather than 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, rather than 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.

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Chair

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Date:

FILED:

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Yolanda Y. Vigil  
City Clerk

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Date:

APPROVED AS TO FORM:

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Zachary Shandler  
Assistant City Attorney

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Date: