



# Agenda

CITY CLERK'S OFFICE

DATE 9/10/15 TIME 2:40pm  
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**PLANNING COMMISSION**  
**Thursday, October 1, 2015 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**MINUTES:** September 3, 2015

**FINDINGS/CONCLUSIONS:**

**Case #2015-57. Gerhart Apartments General Plan Amendment.**

**Case #2015-58. Gerhart Apartments Rezoning.**

**Case #2015-43. 2749 & 2751 Agua Fria Street General Plan Amendment.**

**Case #2015-44. 2749 & 2751 Agua Fria Street Rezone.**

- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. A Resolution directing staff to complete the Old Pecos Trail Scenic Corridor Plan by following the necessary public process. (Councilor Patti Bushee, Sponsor)
2. A Resolution directing staff to create the West Santa Fe River Corridor Plan by following the necessary public process. (Councilor Patti Bushee, Sponsor)
3. **Case #2015-82. 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)

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
- I. ADJOURNMENT**

**NOTES:**

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.  
**\*Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**



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Thursday, October 1, 2015

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**MINUTES OF THE MEETING  
OF THE  
PLANNING COMMISSION  
October 1, 2015**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Michael Harris, at approximately 6:00 p.m., on Thursday, October 1, 2015, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

Commissioner Michael Harris, Chair  
Commissioner Brian Patrick Gutierrez, Secretary  
Commissioner Roman Abeyta  
Commissioner Justin Greene  
Commissioner Vince Kadlubek  
Commissioner Sarah Cottrell Propst  
[Vacancy]  
[Vacancy]

**MEMBERS EXCUSED:**

Commissioner Piper Kapin  
Commissioner Katharine Anne Chavez [resigned]

**OTHERS PRESENT:**

Lisa Martinez, Director, Land Use Department  
Greg Smith, Director, Current Planning Division – Staff liaison  
Zachary Shandler, Assistant City Attorney  
Carl Boaz for Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

Lisa Martinez, Land Use Director, said Commissioner Katharine Anne Chavez sent a letter of resignation earlier today via email with a copy to the Chair.

**B. PLEDGE OF ALLEGIANCE**



### **C. APPROVAL OF AGENDA**

**MOTION:** Commissioner Propst moved, seconded by Commissioner Kadlubek, to approve the Agenda as presented.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Abeyta, Greene, Gutierrez, Kadlubek, and Propst, voting in favor of the motion and no one voting against [5-0]

### **D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

#### **MINUTES: SEPTEMBER 3, 2015**

The following changes were made to the minutes of September 3, 2015:

Commissioner Propst asked a global correction to the spelling of her last name.

Page 3, Items 2(a), (b) and (c) correct as follows "~~St. Chair Harris Drive~~ St. Michaels Drive..."

Page 4, paragraph 4, line 4, add close quote after "for residents."

Page 5, paragraph 2, line 4, correct as follows: "~~To~~ So he felt..."

Page 7, paragraph 6, line 7, correct as follows: "...gap of ~~wind~~ land between..."

Page 8, paragraph 4, line 1, correct as follows: "Mr. William ~~Mean~~ Mee..."

Page 13, paragraph 1 under New Business, line 9, correct as follows: "~~Commissioner~~ Councilor Bushee..."

Page 14, paragraph 4, line 9, Incomplete sentence. Staff to insert a verb.

Page 25, paragraph 5, line 1, correct as follows: "...~~panning~~ planning process..."

**MOTION:** Commissioner Greene moved, seconded by Commissioner Kadlubek, to approve the minutes of the meeting of September 3, 2015, as amended.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Abeyta, Greene, Gutierrez, Kadlubek and Propst, voting in favor of the motion and no one voting against [5-0]

#### **FINDINGS/CONCLUSIONS:**

A copy of the Findings of Fact and Conclusions of Law, in Case #2015-57, Gerhart Apartments General Plan Amendment, and Case #2015-58, Gerhart Apartment Rezoning to R-21, as presented by staff, is incorporated herewith to these minutes as Exhibit "1."

A copy of the Findings of Fact and Conclusions of Law, in Case #2015-43, 2749 & 2751 Agua Fria Street General Plan Amendment, and Case #2015-44, 2749 & 2751 Agua Fria Street Rezoning to C-2, as presented by staff, is incorporated herewith to these minutes as Exhibit "2."



**1. CASE #2015-57. GERHART APARTMENTS GENERAL PLAN AMENDMENT AND  
CASE #2015-58. GERHART APARTMENTS REZONING TO R-21**

Commissioner Greene said, regarding Finding 16, General Plan Amendment, he would propose to add the following at the end, *"Although the City has a lease of neighboring land with plans for a fire station, it was revealed that no master plan or design for access through the subject property and the adjacent property has been proposed at this time."*

Commissioner Greene said the goal was to make clear that there are plans for a fire station which is less than 20% of the land, and no access or master plan for it has been discussed, and "something should be expedited either at the Councilor Level, through planning or through Long Range Planning to discuss how we're going to get through there and to fulfill the General Plan commitment to connectivity."

Chair Harris agreed saying it is an accurate statement. He asked Mr. Shandler if he would like to speak to the proposed language and Mr. Shandler indicated he did not.

Commissioner Greene said, in Finding 23 under General Plan Amendment, he would propose to add the word "proposed" where it says "fire station," and, anywhere it says "commercial area," to add the word "proposed." He said, "At this time, there is no plan or documentation that this is prepared to go forward."

Commissioner Green proposed, in Finding #24, under General Plan Amendment, to strike the last sentence as follows: ~~There are no identified inconsistencies with any other adopted policies.~~ Insert in lieu the following: "Access through and connecting adjacent properties was not able to be defined at this time. This could affect the use and efficient development of the State owned and City leased land located adjacent to the subject property. The proposed frontage road was not addressed at the time of the hearing. Access to the proposed fire station might be affected by the lack of defined access to the property and should be addressed as part of the development plan."

Commissioner Propst said that language seems to be a little beyond the scope.

Chair Harris said, "I'm not sure I followed all of that, because what I remember in reading the discussion is.... again, I'm not following all that you're proposing Commissioner Greene, but I thought there was going to be a pretty clear connection to the roundabout, this is at a fire station."

Commissioner Greene said, "It was proposed as a cul-de-sac and without other connectivity to South Meadows, which the General Plan generally says we shouldn't be doing. But in Finding 13, that was pretty clear, so it might be redundant."

Commissioner Propst said, "The first sentence that you suggested, 'access through and connecting adjacent properties is not able to be defined at this time,' seems accurate. But the rest of it is a little beyond the scope of what that finding is."



Commissioner Greene said, "The second sentence, I'm agreeable to maybe strike it from the proposed frontage road that is not addressed at that point."

Commissioner Propst said right.

Chair Harris said, "I would agree, because in talking it through, I think there was some confusion about what even the frontage road... which side of 599 it was supposed be on, even though it was represented in some of the packet information as being on, call it the City side versus the County. I think that the City frontage road was really never intended. I would be okay with the first statement which just basically reinforces the finding, but I probably think the second sentence went a little too far."

Commissioner Greene said, "Or the third sentence, right."

Chair Harris said, "Yes, the second sentence you're proposing... I guess it is the third sentence."

Commissioner Greene said, "In Finding 25, again 'proposed' new fire station and 'proposed' commercial area.' The same thing in Finding 27, 'proposed' fire station and proposed 'commercial' area."

Commissioner Greene said, "Again Finding 33, 'proposed' fire station and a new 'elementary' school is just to specify what kind of school is there."

Commissioner Greene said, "In Finding 34 add a sentence at the end, '*The Subject property will return to staff and the Planning Commission for staff and Planning Commission review, with a development plan that will address requirements for open space, sidewalks, connectivity to adjacent properties and upgrade to South Meadows to bring to urban standards*'."

Chair Harris said, "That's true, that's part of a process as well [inaudible because microphone was not turned on]." Chair Harris said, "Mr. Shandler what do you think."

Mr. Shandler said, "I defer to the Chair."

Chair Harris asked if there is Commission response to Commissioner Greene's proposed language.

Commissioner Kadlubek said, "I guess we're using the word proposed. I don't want to get too much into the nitty-gritty here. If we're saying proposed fire station, it makes me think that there's a fire station that's being proposed. Which the whole point of adding proposed in there is to state that there is not one that is currently being proposed. So, I don't know if it's the right word to use to get what you're trying to get at. I get what you're trying to get at, I just don't know if proposed is the right word, because there isn't a proposed fire station. That's the problem. Right."

Commissioner Propst said, "I think that's why in some places it said 'future,' but they weren't consistent in saying that either, so maybe that's the right term and we should put that consistently throughout."



Commissioner Kadlubek said, "Or hypothetical."

Chair Harris said, "I think it was pretty clear that they've been working on it since 2008-2009. There was a lot of discussion about the Agua Fria Fire Station that Commissioner Abeyta led. So it didn't say it was a done deal. We didn't hear that from Mr. O'Reilly. I guess I'm okay with either future or proposed, but it should be consistent. I agree it's not consistent."

Mr. Kadlubek said, "That's fine."

*[Commissioner Greene's remarks here were inaudible because his microphone was not turned on]*

Commissioner Harris asked Commissioner Propst which one she likes – future or proposed, and Commissioner Propst said either is okay with her. She said it doesn't matter.

Commissioner Gutierrez asked Mr. Smith if the commercial property has already been taken care of – it is commercial and ready for sale.

Mr. Smith, "There are two possible meanings to the proposed commercial. There is the potential that the City parcel may have some sort of economic development use. I believe the context of these comments are with regard to C-2 Zoning which exists on the zoning map and a master plan for commercial use at the other side of the roundabout which had been approved by the Extraterritorial Zoning Authority, but which has likely expired since then. So, if we are talking about the C-2 Zoning, there is not a specific proposal, but there is zoning, C-2 Zoning, that would support future commercial use at that location."

Chair Harris asked which is the more appropriate word, noting he didn't follow whether he was talking about the commercial area of the 30 acres leased by the City. He asked, "What do you think is the more appropriate word, proposed or future."

Mr. Smith said, "I'm not trying to put words in the Commission's mouth in terms of which type of commercial. In either case, it's anticipated it would cover both bases if we wanted to, or planned or zoned commercial use, either of those would work."

Ms. Martinez said, "I'm thinking the right word might be proposed. And the reason I say that, is if you say future then you've already said this is what's coming, this is what is going to be there. Proposed means maybe yes, maybe no."

Chair Harris said then he is okay with proposed as long as we are consistent.

**MOTION:** Commissioner Kadlubek moved, seconded by Commissioner Greene, to approve the Findings of Fact and Conclusions of Law in Case #2015-57 Gerhart Apartments General Plan Amendment and Case #2015-58, Gerhart Apartments rezoning, with the corrections, as amended.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Abeyta, Greene, Gutierrez, Kadlubek, and Propst, voting in favor of the motion and no one voting against. (5-0).



**2. CASE #2015-43. 2749 & 2751 AGUA FRIA STREET GENERAL PLAN AMENDMENT & CASE #2015-44. 2749 & 2751 AGUA FRIA STREET REZONE.**

Commissioner Greene said under Finding 21, he would propose adding at the end, after "family business," the following: *"The current legal, nonconforming status has affected investment and property owner's ability to bring subject property up to Code. While this General Plan Amendment will address some of the land use issues, it does not bring the property up to current Code standards, and in fact, the property will remain legal, nonconforming until a Land Use and Redevelopment Plan is Developed."*

Chair Harris said, "I believe that's an accurate statement, is it not, Mr. Shandler."

Mr. Shandler said, "Affected Investment, I don't know that was in the record, but... it was in the record... oh."

Commissioner Kadlubek said, "I would agree. I think also the affected investment is a reach and is not on record."

Commissioner Greene said, "I could strike the first sentence just to be clear, but the fact is it won't bring it up to Code and any new building permit would open a whole new can of worms. There's nothing that can be done to that property. It's still in limbo as to its status."

Mr. Shandler said, "There was testimony about that, yes."

Chair Harris said, "Then we'll accept the second sentence as proposed by Commissioner Greene... well we're consider accepting."

Commissioner Greene said, "Under Finding 22, similarly, add: *'The proposed General Plan Amendment does not address the current land use mix and in fact the property is developed to below current Building Codes. No Development Plan was addressed at the hearing.'* And striking the sentence, ~~*"The proposal is consistent with land use policies, ordinances, regulations and plans."*~~

Commissioner Kadlubek said, "It's true that it doesn't address the land use mix. Was it on the record that the buildings are not up to Code."

Commissioner Propst said, "I don't remember anything about Building Codes. I do remember that there are residential structures on the property and that is a nonconforming usage."

Commissioner Greene said, "Yes. That may be right, that we kept it to land use."

Commissioner Abeyta said, "That is my recollection also. I didn't think we got into Building Codes."



Mr. Smith said, "If I may, also for the record, I believe it's appropriate that there should be an affirmative finding that it does comply with the standards in that subsection. I think that would be significant to the record. The absence of a Finding of consistency with Subsection G might question the Commission's subsequent recommendation for approval."

Commissioner Greene said, "I can pull my proposal completely and return it to its original form."

Commissioner Kadlubek said, "I think it's important. It might be important to state that it doesn't deal with the mixed usage of the land. I think that's true and that was an issue that came up. It is also stated in your previous amendment that it is still legally nonconforming, and I think that's true. So if you want to restate that there, I think that's fine. I agree the last sentence should remain. I think that is what Mr. Smith is saying is that the proposal is consistent with land use policies, ordinances, regulations and plans. We allow for legally non-conforming."

Commissioner Greene restated his amendment to Finding 22 as follows: "*The proposed General Plan Amendment does not address the current land use mix as developed. No development plan was addressed at this hearing.*"

Chair Harris said then that keeps the first sentence as proposed, and asked Commissioner Greene to read it one more time.

Commissioner Greene said, "*The proposed General Plan Amendment does not address the current land use mix and its legal, nonconforming status. No development plan was addressed at the hearing.*"

Commissioner Propst said she is unsure we need the last sentence and the Chair agreed.

Commissioner Kadlubek said, "There are a lot of things that weren't addressed at the last meeting."

Chair Harris said he would be okay with it, if Commissioner Greene drops the last sentence.

Commissioner Greene said, "On the last one, Finding 32, strike the last 4 words, '~~project at full development~~,' and change the sentence to read, '*Existing infrastructure is available to serve this development and has the capacity to accommodate the current uses.*' Add new language that says, '*At the time of this Rezoning Proposal there was no planned change of use, no detailed development plan for which to address specific infrastructure requirements. A development plan might be required for future redevelopment and change of land use mix. Depending on those future plans, this property and proposed new uses might be subject to review by the Planning Commission.*'"

Chair Harris said, "I like the fact that you are digging into these, and I certainly don't want to discourage you from doing so into the future, but I need something in front of me in writing. I just couldn't follow it, and I can't read it on the screen with it grayed out like that."



Commissioner Kadlubek said, "I think what is important here is that he's trying to get at that like the issue at the end of that case, which was what if they come back wanting to do something that's of more intensity, do they have to submit a new Development Plan. Yes."

Chair Harris said, "We didn't consider any type of Development Plan."

Commissioner Greene said, "It was a question of if they come back with a 9,000 sq. ft. commercial building that is not subject to our review. If the Council decides to put a PUD over [it], it would automatically come back to the Planning Commission for review at any level, but we did not choose to slap that on there as a part of the *[inaudible]* just to be clear."

Chair Harris asked him to read the proposed language again.

Commissioner Propst said, "Could I make a suggestion before he reads that, that might simplify it. Again, the first sentence you're suggesting I think starts to get the whole point. And then maybe the end of it is not necessary, the last sentence or two. If they have to come in front of us for a development plan, they will. If they don't, they won't. We don't need to say that in the Findings here."

Chair Harris reiterated his request of Commissioner Greene to reread his proposed language.

Commissioner Greene said, *"At the time of this Rezoning Proposal, there was no planned change of use and no detailed development plan for which to address specific infrastructure requirements. A development plan might be required for future redevelopment and change of land use mix. Depending on those future plans, this property and the proposed uses might be subject to review by the Planning Commission."*

Mr. Smith said, "Simplified language might refer to the likelihood that upgrades to infrastructure could be required at the time of future development and approvals. I'm trying to look at the point of the finding.... that the infrastructure is or will be adequate to accommodate the likely intensity of development. And it seems to me that the discussion is.... although we don't know, we do not have a development plan today, when and if there is a development plan for more intense..... the Commission believes it's likely that the infrastructure can be upgraded at that point."

Commissioner Greene said he is fine with that. He said, "I'm not sure why we have to list all of the hypotheticals. I think there are hundreds of hypotheticals with that property, right, why choose this one as the one that we're listing. But either way...."

Commissioner Propst, "I do think it's fair to state that first sentence, because it is somewhat unusual that someone came to us for a rezone but didn't have a plan with what they wanted to develop for the rezone.

Commissioner Greene said, "I think the first sentence is accurate."



Chair Harris said, "To repeat. Here's what I heard then. Existing infrastructure is available to serve this development and has the capacity to accommodate the current uses..... I simply can't..."

Commissioner Greene said, "At the time of this rezoning proposal there were [was] no planned change of use and there were no detailed development plans for which to address specific infrastructure requirements."

Chair Harris said if we leave it at that, he can support it.

Commissioner Greene, "On Finding 31, add a sentence that says, '*Future land uses that may be proposed on the property might require further review by the Planning Commission to address traffic, access, connectivity and other infrastructure requirements.*' That would be the catch-all."

Commissioner Greene said, "Pardon me, Mr. Chairman, but you opened a can of worms last time in giving us the option to read and review our findings."

Commissioner Kadlubek said, "I think what Commissioner Greene is getting at should be stated somehow. I do agree that part of the discussion we were having had to do with future usage and future development of that unit, so I think stating it in that way... I mean, again, I think there are a lot of things that might happen, and so I don't know why we're choosing one, but I think it's fine."

Chair Harris asked Mr. Shandler, "Can you capture most of that, or do you need to get with Commissioner Greene afterward?"

Mr. Shandler said, "Mr. Chairman, I'm ready for a motion."

**MOTION:** Commissioner Propst moved, seconded by Commissioner Kadlubek, to approve the Findings of Fact and Conclusions of Law in Case #2015-57, 2749 & 2751 Agua Fria Street General Plan Amendment and Case #2015-44, 2749 & 2751 Agua Fria Street Rezone, as amended with the edits the Commission just discussed.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Abeyta, Greene, Gutierrez, Kadlubek, and Propst, voting in favor of the motion and no one voting against [5-0]

## **E. OLD BUSINESS**

There was no old business.



## **F. NEW BUSINESS**

### **1. A RESOLUTION DIRECTING STAFF TO COMPLETE THE OLD PECOS TRAIL SCENIC CORRIDOR PLAN BY FOLLOWING THE NECESSARY PUBLIC PROCESS (COUNCILOR PATTI J. BUSHEE, SPONSOR)**

*Items F(1) and F(2) were combined for purposes of presentation and discussion.*

A Legislative Summary for Resolution No. 2015- \_\_\_\_ Old Pecos Trail Corridor, with attachments, is incorporated herewith to these minutes as Exhibit "3."

A Legislative Summary for Resolution No. 2015- \_\_\_\_ West Santa Fe River Corridor, with attachments, is incorporated herewith to these minutes as Exhibit "4."

A proposed Amendment Sheet to this bill, submitted by Councilor Peter N. Ives, is incorporated herewith to these minutes as Exhibit "5."

A Memorandum regarding Proposed West Santa Fe River Corridor, undated, to Kate Chavez, Justin Greene, Lisa D. Martinez, from Simon Brackley, President, Santa Fe Chamber of Commerce, is incorporated herewith to these minutes as Exhibit "6."

Mr. Smith said he spoke with Councilor Bushee yesterday and she is unable to attend this evening because of a conflict. He said the Resolution was presented to the Public Works Committee, and understands there are additional sponsors. He said it was presented in a study session at PARC at its previous meeting.

Mr. Smith said the Commission is not required to take any action on this Resolution or the next Resolution on the agenda. This is on the Commission Agenda in the event the Commission does want to give advice to the Governing Body as it does effect the Commission's general authority over planning issues. The staff, subsequent to the September meeting of the Commission, did meet one time with a small group of neighbors involved in the original Old Pecos Trail Overlay District, and with Cyrus Samii in the Long Range Planning Division in 2003-2004."

Mr. Smith continued, saying the working group formulated four recommendations for amendments to the Old Pecos Trail Corridor area, changing the boundary to include the part of Old Pecos Trail north of St. Michael's intersection up to the H-District. They proposed a height limit, use restrictions and those aspects of the proposal never made it to a formal Planning Commission or City Council hearing. He said the setback recommendations of that working group have been incorporated into the Old Pecos Trail part of the existing South Central Highway Corridor Overlay District. He said if the Governing Body adopts this Resolution, the Current Planning Staff will resume work with the neighborhood, anticipating one or two meetings with the neighborhood working group and then presenting some form of a relatively brief Code amendment to the Commission for a public hearing, which then would go to the City Council for a formal hearing for adoption.



Commissioner Abeyta said his concern is he doesn't see the need for a \$10,000 professional services contract for a professional meeting facilitator, and would think staff could do that themselves, especially in light of what we read about our budget deficit. He thinks it is a good idea to move this forward, but questions whether it is necessary to pay \$10,000 to have someone to come in and facilitate a meeting for us.

Commissioner Kadlubek said with regard to this Resolution and the next Resolution, "I'll just reiterate what I said at the last Commission meetings, and I will say this again when we talk about the next Resolution, and I'll probably say this again for the next couple of years. If I'm going to be on the Planning Commission I'm going to be making decisions about the future development of our City. I want to have more criteria than just a developer telling me what they think and neighbors telling me what they think. I really think I want to hear more strong testimony from the City regarding economic impact from economic development, maybe long term. We read in the newspaper about a \$15 million deficit. We read that Santa Fé County has the lowest amount of construction out of all counties across the United States. We read that 97% of our housing is occupied. We read that 38% of our workers live in Santa Fe, while 62% live outside of City limits, and these are all tied together."

Commissioner Kadlubek continued, "I want to know, because I'm not an economist, and I can't put these things together. I want to hear how the future of our City's economy is tied to housing and development. And I want to be able to base my decision on that and not on views, and not on hypothetical traffic increases, even when the Traffic Engineer tells us there's not. We've got to get real here. I guess I'm continuing to ask staff and maybe administration to get some teeth behind the economic future of our City and how development is tied to it."

Chair Harris said he agrees with Commissioner Abeyta regarding the expenditure. He said, "The expenditure narrative talks about the impact of staff, hiring a combination of a, b and c, of this. And then it goes on to say it could absorb the management. I think it's something staff should be able to do without bringing in additional consultants. That's my own view. The big question for me really is... we'll be talking about River Trail Lofts and we look at the Governing Body's comments which were interesting. One was from Councilor Bushee, and it was a different context. It talked about political stop signs. Do you remember that. Well it seems to me this is a different form of political stop sign. Just like the other Resolution is a different form of a political stop sign. And I think a more appropriate approach would be to make a real concerted effort to look at the General Plan and see how these sector plans really fit within that context. Both of the Resolutions, I think, just respond to the immediate circumstances here in 2015, as opposed to really thinking about.... is the 1999 General Plan still appropriate. My view is it needs attention, it needs a lot of attention. It needs prioritization. That's really what it comes down to for me."

Chair Harris continued, "I also think there should be an answer really about what went on before, whereas those standards were not fully adopted. I wrote in there, why not. What happened in 2004. You mentioned 4 categories, Mr. Smith, of things that were being considered. Poof. They went away. What happened."

Chair Harris continued saying, with regard to the Resolution, "It is not presented by anybody this evening, it is not defended by anybody, and, even if it was, I would probably have the same point of view in



terms of context with the General Plan, and my characterization, borrowing Councilor Bushee's characterization, of a political stop sign. And that's really what I have to say."

Commissioner Greene said both of the Resolutions will mean \$40,000 in professional services. He said a neighborhood planner internal to the City might be able to do more and cover more of a scope than two projects. He said if the City has \$40,000, the City might be better using those funds for an internal hire focused on neighborhood planning, overlay zones and facilitating this sort of thing. He said, "That is a comment more than it is anything else."

Mr. Smith said, "The questions about the FIR and the Old Pecos Corridor Rehabilitation.... we had initially anticipated that it would not be possible to locate the work product. I'm not clear that we did locate an official work product, although we do have more material available to us on Old Pecos Trail than we had at the time that the FIR was drafted. Our request for facilitation services anticipated that it would be highly controversial as was the case with MorningStar since it's in that same neighborhood, and also the Hospital. As I indicated in our presentation, we have scaled back the idea that we do any kind of comprehensive outreach process as part of this first translation."

Mr. Smith continued, "With regard to the specifics about staffing, Mr. MacPherson from the Long Range Planning Division is available to make any presentation or answer specific questions about staffing that the Commission has. I did not mean to present both simultaneously, but certainly the Commission can proceed in tandem if they wish to, just that Mr. MacPherson is available to address that second Resolution."

Commissioner Kadlubek proposed to amend the Resolution on page 2, as follows, "*Now Therefore Be It Resolved by the Governing Body of the City of Santa Fe, that Land Use Department staff is directed to immediately reconvene the public process to develop standards for the Old Pecos Trail Scenic Corridor following the prioritization of future land use criteria, and to present those standards to the Governing Body for adoption into the City's Land Use Code.*" He said he would like to try to place the prioritization of criteria for future land use, prior to doing these because how are we ever going to decide what our plan is if we don't know what we are planning for.

Commissioner Propst said, "On page 2, line 22 of the Resolution, it says, '*The City of Santa Fe General Plan shall be kept current.*' And I don't know what that means. I would like to see more specificity along the lines of what you just outline, Chair Harris, about calling for an immediate review of the General Plan or something more specific, than just saying we're going to keep it current. I don't know what that means."

Commissioner Propst continued, "I also wondered on page 3, line 7, number 1 refers to a citizen working group, and it might be helpful to specify the size or the makeup in greater detail. Or if it's anyone who wants to be involved and can come, that level of specificity would also be helpful."



Responding to questions from the Chair and Commissioner Kadlubek, Commissioner Propst said it is on page 3, line 7, Item #1 where it says, "Create a citizen working group comprised of interested area residents and community members to advise staff during the process. And asked if that means anybody interested, or a group of 10. She said some way to specify the makeup would be helpful.

There was discussion among the Committee that Commissioner Propst is speaking of the Resolution in F(2).

Chair Harris said then she would like something like her proposed language to be incorporated in the response to the Governing Body as to how we view this Resolution.

Commissioner Propst said she is just suggesting that the Resolution would be more powerful and more clear for staff to implement if there was more specificity.

Responding to the Chair, Commissioner Propst said she isn't suggesting specific language for the Resolution, but suggesting that it might be a more effective Resolution if there is more specificity in the Resolution, for example the size and makeup of this working group.

Commissioner Kadlubek asked, in terms of process, do we want to talk about these Resolutions together, or do we want to stick with talking first about the first Resolution.

Commissioner Propst said she understood the Chair to say we were talking about both of them.

Commissioner Kadlubek said it's okay, he just wanted clarification if that's what we're doing.

Chair Harris said we can discuss them together.

Commissioner Greene said, "I was at one of the... at the meeting about a month ago after the last Planning Commission meeting where we met on that infamous Tuesday, maybe, and one of the concerns at the time... one of my concerns, and we've since received a letter of concern about this, is that the working group include property owners and business owners. And in this case, it's area residents as opposed to just give the property owners and the business owners in the neighborhoods a voice at the table at the same time."

Chair Harris said since we're moving back and forth, he thinks it's appropriate to talk generally. He said under the River Corridor Resolution, page 2, line 16, is the fourth point in a statement that starts, "Whereas the City Desires," and it desires 6 of the 7, but only wishes 1. He said, "And it wishes to work with land owners that have land uses and an existing condition. I think if the City desires to foster a Santa Fe tradition for instance, in number 2, I think the City should desire to protect the property rights of the land owners that have lands uses in existing conditions. That's my own view. I think it's similar to what I said a month ago and I think it's similar, Commissioner Greene, to what you're suggesting now."

Commissioner Greene said, "I think you're recommending striking 'the City wishes,' and then start Item #4 as a continuation, whereas the City desires to Item #4."



Chair Harris said, "I just started by saying number four. So it would read, '*Whereas the City desires to protect the property rights of the landowners that have land uses and existing conditions,*' something like that. But again, I didn't know why there would have to be a distinction when it comes to property rights where the City wishes rather than the City desires.

Commissioner Greene said he thinks the first 4 words should be stricken.

Commissioner Kadlubek agreed, saying it makes sense for it to just read, "Whereas the City desires to work with landowners that have land uses and existing conditions that do not currently meet City zoning regulations."

Chair Harris said, "Well, I'm going further, because this is again a month ago. It really does have to do with the property rights, so I would like to see, that's my own personal view. And I think what we're doing really is just providing comments that are going to back to the Governing Body. Correct."

Mr. Smith said, "The record of the Commission's discussion, and any friendly advice the Commission chooses to give to the Council will be forwarded to them as part of the record."

Commissioner Kadlubek said, "In the list of 'Whereas the City desires to,' I'm surprised to not read that the City desires to create affordable housing or strengthen the economy, or attract new business owners. So I'm wondering if we're listing in this Resolution and, this Resolution is based on the planning of this area, why there are some things that are omitted that I know it has already been determined that the City wishes or that the City desires. So I think there needs to be some language in here about the City desiring to alleviate the housing capacity issue. There needs to be some language about the City desiring to supply more affordable housing. So I think that those are two things I'd like to see in there in the Whereas. The Resolution is obviously slanted to me."

Chair Harris said, "I'm going to try and summarize a few things so that maybe we can just give a consolidated statement of some broad bullet points that I heard mentioned. Would that be appropriate Commissioners. I think it might be hard for them to pull out of our discussion what we're saying. I know when I read my own language in minutes, it's not always clear."

Chair Harris continued, "If I could, I want to start with one of the points that I made, which is I believe the sector plans should follow a thorough updating of the General Plan. That's my view. Whether or not you agree with that, it could coincide with the development of the General Plan. There's language that suggests that. For the Old Pecos Trail Coordinator it would need to be coordinated with other ongoing planning and Code updates, including the update to the General Plan. I don't know exactly what that means. To me, it means that it could still go pretty far along without... and then just be included in the updated General Plan."

Commissioner Propst said, "I'm not sure if I am comfortable in making a recommendation on the sequence. But I am comfortable, and in fact it would make our jobs easier doing the public's business here, if there was a more systematic update of the General Plan happening, and we weren't just reacting to political hot spots."



Commissioner Kadlubek said, "Being on the Long Range Planning Committee, we were informed that basically, we don't need a thorough restructuring of the General Plan. We need a targeted one. 90% of the General Plan is probably going to remain. And what we need.... and then the conversation completely got dropped because Councilor Lindell pulled her Resolution. So there was a Resolution in the works and at Long Range we were basing off that, but that got pulled and it's no longer on the table. I think we need to urge Councilor Lindell to maybe reintroduce, or any member of the Governing Body, to reintroduce something that looked to the General Plan. And I would say, just from my vantage point, having direction from the City as to what priorities are we determining. And I don't know if we can.... so there's already a list of criteria in the General Plan. But the criteria is like 14 pieces of criteria that are not weighted. So you have water over here. You have economic development over here, and they're not weighted, so it's just a total wash. So I think if we had a better sense from staff and a better sense from the City as to how we should be prioritizing our planning. That would be a first step that would be really helpful. And if we start a public process of planning without that, then what are we planning. What are the pillars of planning at that point."

Commissioner Abeyta said he agrees with Commissioner Kadlubek. He said, "You had mentioned about that we don't have to redo the General Plan, there are these targets. Well, who chooses the targets, and by what criteria I think. Or is it just done by Resolution. Whoever bring forward a Resolution from their District and you get enough votes that's what gets looked at. So I agree, I think we do need to define.... we have to look at where we are today, what are the challenges we are facing as a City, and maybe that's how you determine the weight. Because, certainly at one point water was, and water will always be critical, but economic development, I agree with you. One of my concerns is that as our children grow up and they go to school, there's nothing here for them to come back to. And we've got to try to reverse that. And I think now is the time to do it."

Chair Harris thanked Commissioner Abeyta. He said, "We've had this discussion off and on throughout 2015, and I hear the same things...how difficult it is up here to respond to, quite frankly, typically the loudest voice, and that's just the way it has been, when it comes to how to interpret the General Plan. So perhaps, at the very least, what this body could say, is that we really should start with what they call a targeted prioritization. The 1999 General Plan needs to be addressed. It seems like we can't put these two sector plans at the head of the list and just completely set aside the General Plan. And I've read the same thing too, I haven't talked to any Councilors about this, but at the very least, they should come out of the chute at the same time."

Ms. Martínez said, "In the last year that I've been here in this position and watched this process, and started to learn how it works, the thing that I've seen is there's been a lot of talk about the General Plan. And it seems like when we get into some of these complicated issues, like we looked at, at our last meeting, pertaining to Agua Fria, everybody says we don't have enough specifics to know how to look at this and look into the future and what happens. So ultimately, it always comes back to the General Plan and the need for some updates."

Ms. Martinez continued, "Historic has started to work on some of those updates. It's not that comprehensive as of yet, but some work has started. So, as we've gotten into these more complicated cases that have come forward, then as the public has come out and talked to us about their concerns,



what has come forward are these proposed resolutions to focus on a specific area. So, while we're trying to look at the bigger picture, other folks have come in and said no, you need to get into these specifics. But I think the comment Commissioner Kadlubek made about needing to have priorities defined is absolutely right. We need to have those to focus attention on those for whether it be this Resolution or the next Resolution, General Plan Amendments."

Ms. Martinez continued, "So I'm kind of thinking that that's kind of a good place to start and maybe that might be an opportunity for us to think about an upcoming planning session and to focus and start thinking about what some of those priorities might be. Otherwise, we'll be jumping from whichever Resolution comes up next month or the following month, and we won't have a focus. It will just kind of be all over the place. And so if you are open to that sort of idea, we would be willing to put together a study session and start looking at that."

Commissioner Kadlubek said, "I personally appreciated the last study session we had, and I would welcome another one for sure about this specifically, about the prioritization. Yes."

Chair Harris said, "I think that's fine. What I would like to do though, rather than do it from the podium.... the study session we had in December we did it around the table, people could talk, look one another in the eye. The public was still invited. It's not the biggest room, but it really sets a different tone when, as citizens of Santa Fe and Commissioners for the City, we can talk across the table. It's still a public meeting. It's still *quasi judicial* and we don't get into cases, but it is, I don't want to say relaxed, but the circumstances allow a better conversation. So, that's the way I would like to handle it and I think would be important. And I'd really like to know the specifics too, of what has come out of the internal process that you described, Director Martinez. I don't need to know it now, but I would like to...."

Chair Harris continued, "The Law Center, and I can't remember the exact name of it... Councilor Lindell was on this particular Board and she took it upon herself, and I thought it was a great idea, to list those goals that are found in the Land Use Section, the themes in the Land Use Section of the General Plan, there are about 11 of them and she just ranked them. She said, water consumption, she gave it a 9. Affordable housing, she gave that an 8 or 9. Economic development. I'm not going to put words in her mouth, but I remember it as being just as Commissioner Abeyta said. The City has made some real progress on some of those stated themes within Land Use. I think it would be a useful exercise, perhaps as part of this Study Session, to ask each of the Commissioners how they would rank each of those themes 1-10. I think that might lead to a little bit of understanding where each Commissioner is coming from."

Commissioner Kadlubek said, "As a follow-up to that, if I am going to rank themes, I need to have some expertise.... I would like to hear some testimony or I would like to hear just some education from those themes. And I don't know what they were. I don't know Commissioner Greene, but remember when we saw the board at Long Range Planning, were those the themes, or some criteria under future land use or what was that."



Commissioner Greene said, "Yes, those were generalized themes. Some of them were kind of redundant and I'm not sure if they were all the 11, I think there were more than the 11. Some of them were a process and some others. I think those are included in the General Plan as the end result.

Chair Harris said as citizens, and people who live here, we have a different responsibility, and we can combine both of those as what do we think. He believes there are 14 themes in the General Plan and 11 in the Land Use Section, and they are broad. He said it is an idea, and asked Ms. Martinez to think this through and propose something she thinks might be useful and valuable to do in a study session, somewhere not on the podium.

Commissioner Greene said he would like update from where we were in 1999 to where we are now – report the progress, so we can see how we've done in last 15 years.

Commissioner Kadlubek asked if, as a Commission, we want to recommend the public process on the sector plans be delayed until there is a prioritization, commenting his personal opinion is yes.

Commissioner Abeyta agreed with Commissioner Kadlubek, commenting he thinks some of these resolutions may be appropriate and there may be uses that fit in a certain area of the City, and if there is an area where they do fit, then we should designate that and roll out the red carpet so it happens. However, with a comprehensive look at the whole thing, it is difficult to make those judgment calls.

Commissioner Propst reiterated that she is uncomfortable in telling the Governing Body to pull back on their Resolutions, but she does think we need to make a very strong recommendation for the prioritization as discussed this evening, and take a comprehensive look at the City, and look at other hot spots that we should prioritize like Ms. Martinez was talking about. A study session would be helpful.

Commissioner Gutierrez said he would echo Commissioner Propst's remarks, commenting he doesn't think we will slow down the resolutions anyway. He wants to update what we can in the General Plan to make things easier for us.

Commissioner Greene said he would prefer the \$40,000 to be used toward the General Plan update which includes focusing on these areas. He believes Agua Fria and the River Corridor are more in need of detailing than the Old Pecos Trail Corridor which was a singular project that raised everybody's ire. He said whether it goes away or stays, that will have to be resolved, but this probably won't come fast enough for that.

Commissioner Kadlubek said another thing involving public process, is we talk about involving the people from the area and the landowners who own houses or business owners in the area. He said if you're thinking about the River Trail, a lot of that area could be developed as dense housing, infill and affordable housing. He said the people whose voices would matter in this discussion who need affordable housing are not currently in the area. So we can't just base the process in the future development of an area on the people who are already there, because the potential development will affect people living in Rio Rancho or on the southside of town who want to move closer into town. He thinks we need to try to have a broader and better cross section in public input.



Commissioner Gutierrez said he has full faith that staff can mediate these meetings, as opposed to hiring an outside source to help get the ball rolling.

Chair Harris said, "To honor what you've said Commissioner Propst and Commissioner Gutierrez, we acknowledge full well that we are an advisory body on these issues. The Governing Body will set the pace as they decide, but also there is a sentiment that the General Plan needs to be reinvigorated, and that reinvigoration will occur. We can let them know we're going to have another study session. He said that reinvigoration doesn't need to be a complete rewrite but at the very least should look at the themes and talk about a prioritization. And we can encourage the Governing Body also to consider reinvigorating the General Plan as they look at these sector plans. And furthermore we have full faith and confidence in the ability of Current Planning Staff and Long Range Planning staff to lead the effort in the sector plans, and we think the broader effort is the more appropriate place to use the money that is proposed. Is that a fair statement. Okay."

Mr. Smith said, "We can discuss it further under Communications with Staff and the Commission at the end of the meeting if you wish. I heard considerable sentiment with regard to a study session. If it is the consensus of the Commission, we can work with Current Planning and Long Range Planning staff to schedule a study session on some of these topics as early as November 19, 2015, the second scheduled meeting in November.

Chair Harris said he realizes the time constraints, and said for the forum he prefers, November 19<sup>th</sup> which would be the earliest date.

No action was taken on this Agenda Item.

**2. A RESOLUTION DIRECTING STAFF TO CREATE THE WEST SANTA FE RIVER CORRIDOR PLAN BY FOLLOWING THE NECESSARY PUBLIC PROCESS. (COUNCILOR PATTI J. BUSHEE, SPONSOR)**

Please see Item F(1) above for discussion.

No action was taken on this Agenda Item.

**3. CASE #2015-82. 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)**

A Memorandum dated September 24, 2015 for the October 1, 2015 Meeting, with attachments, to the Planning Commission from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "7."



A Memorandum dated October 1, 2015, with attachments, to the Planning Commission from the Current Planning Division, regarding additional information, is incorporated herewith to these minutes as Exhibit "8."

A Gmail dated October 1, 2015 at 5:44 p.m., to Rachel Watson and Rick Brenner, from Gregory Leon Baird, regarding Testimonial: 2240 W. Alameda Street, is incorporated herewith to these minutes as Exhibit "9."

A copy of a matrix containing DRT Conditions of Approval on the River Trails Loft, Case #2015-46, is incorporated herewith to these minutes as Exhibit "10."

A copy of pages 40-41 of the Planning Commission minutes for the meeting of June 4, 2015, submitted for the record by Zachary Shandler, are incorporated collectively herewith to these minutes as Exhibit "11."

*The River Trail Lofts at West Alameda Final Development Plan and Rezoning, Sheet C*, prepared by High Desert Surveying, Inc., dated 08/24/15, is on file in and copies can be obtained from the City of Santa Fe Land Use Department.

**Disclosure:** Commissioner Kadlubek said, "Due to some mutual interests in each others business, I am going to have to recuse myself from this case." Commissioner Kadlubek then left the Council Chambers.

Chair Harris said Commissioner Kadlubek pointed out that the backup materials are for Case #2015-46, and the caption of the Agenda is Case #2015-81.

Ms. Wynant said the caption is correct, Case #2015-82.

Donna Wynant presented information in this matter via overhead. Please see Exhibit "7," for specifics of this presentation.

Ms. Wynant noted there two late communications before the Commission which were received from Charles V. Henry, Esq., an attorney representing a neighbor regarding solar rights, and from Nury Khozein, a neighbor to the west with regard to drainage [Exhibit "8"]. Ms. Wynant noted that John Romero, Director, Traffic Vision, is present to deal with access issues.

Ms. Wynant said Keith Wilson made 2 points. One is any development of this size should be connected to the River Trail, noting how that was to be done wasn't reflected in the Preliminary Development Plan. Secondly was that this development should connect to the Rio Vista Subdivision by way of pedestrian connection, noting Mr. Wilson wasn't making a case for a vehicular connection but for a pedestrian connection. She said, "So I think tonight there is a question of interpretation of his two points. He certainly felt this should be connected to the River Trail and that there should be a pedestrian access to



the Rio Vista Subdivision. So the details of that should go right to his comments. I think that connection could be made by way of a sidewalk, a kind of pathway, but the Memo from Traffic Engineering is to really make the point and emphasize the importance of ADA accessibility from where the sidewalk ends at the drive and continues to the intersection with Don Jose where there is a sidewalk."

Ms. Wynant said, "The Land Use Department felt this proposal was in compliance with and in alignment with the Preliminary Development Plan and the issues have been addressed."

## **Public Hearing**

### **Presentation by the Applicant**

Joseph Karnes, Sommer, Karnes & Associates, 200 West Marcy, Agent for the owner was sworn. Mr. Karnes distributed copies of a late communication from Gregory Baird, a resident of Alameda Lofts [Exhibit "9."].

Mr. Karnes presented information via the overhead, and said, "We appreciate the opportunity to come back tonight and follow through on the decisions that were made by this Commission back in June to unanimously approve the rezoning request from R-5 to R-7, and also unanimously recommended approval of the Preliminary Development Plan. Those items went to City Council in August and were approved there as well. One of the reasons we went through the Preliminary Development Plan process is to set the stage and get everyone's eyeballs on that Preliminary Development Plan. Since that time the project team has had several meetings with staff and has carried out the engineering, taking a schematic plan and turning it into what is proposed to be development as part of this project, and before I launch into my two items I have to talk about, I want to mention that the project architect, Christopher Purvis, is here tonight. He'll spent a few minutes walking through the planning process, particularly for the benefit of those Commissioners who were not at the Planning Commission in June. And the Applicant representatives from Alameda Lofts, LLC, Rick Brenner and Rachel Watson are here tonight and are available to answer any questions you may have."

Mr. Karnes said, "In going through the engineering process, and turning the Preliminary Development Plan into the Final Plan before you tonight, there were a couple, two particular areas where there was focus and some revisions to the Preliminary Plan. Initially, as you are aware and as Ms. Wynant explained, at the north end of the site next to West Alameda Street, there is an area of fill. It is the highest area of the property and there were some challenges that Morrie Walker the Project Engineer, worked closely with staff on, to provide for getting in and out of the property onto West Alameda. There needs to be a pad at the top. It's flat so one or two cars can queue when turning onto West Alameda and need to get down the hill into the property. So that received a lot of focus. The proposal is to take down about 7 feet of that fill and create a situation where you have proper turning radii and are able to get down the hill in and out of the property. As a result of that, the two dwelling units in the northerly part of the property have been reduced from two-stories to one-story, and that will have some ramifications I'll get to in a minute. So that whole area works better as the result of lowering that artificial fill that was placed sometime in the past."



Mr. Karnes continued, "Secondly the plan before you tonight shows the pedestrian path that goes down along the driveway network from West Alameda Street, and you can see down at the southern end of the property, the path goes all the way down to the River Trail and provides the connectivity Ms. Wynant spoke of that was important to the MPO and to the Public Works Department, so that is shown on the plan that Christopher will be walking through in a few minutes."

Mr. Karnes said, "I have two matters to discuss, both of which Ms. Wynant touched upon. The first has to do with solar rights. There was a lot of discussion before the Planning Commission at the June meeting about the proximity of the buildings along the easterly side of the property and the adjacent subdivision. About a week ago, we received a recorded solar rights easement, recorded pursuant to the New Mexico Solar Rights Act. It was recorded by Charlie Henry, an attorney here in town on behalf of Jeanne DiLoreto who owns 149 Calle Don Jose. That easement relates to the two buildings that are in that area of fill, which for reasons having to do with the engineering have been reduced to one story. It provided us the opportunity, in particular, Christopher Purvis with the opportunity to spend some time grappling with the easement provisions and the provisions of the Act, and really focus on and analyze the relation of the protected solar rights which we recognize and the proposed structures."

Mr. Karnes continued, "Mr. Purvis went through that analysis and concluded that there will be no infringement of the proposed buildings in that area on the solar rights claimed by the adjoining property owner. And we presented that analysis to Mr. Henry, and he provided me an email this afternoon saying, 'This is the confirmed agreement that my client will not appear at the public hearing tonight and object or protest the development, and in return, your client will not oppose my client's solar rights declaration.' So that issue has been asked and answered with respect to the one solar rights easement that has been recorded. And I'll also point out that the easement is a purely civil matter between the adjoining property owners, and does not have a direct bearing on this body's actions tonight. But of course, the Applicant does not want to get into a situation where they construct something that would give rise to an issue. So we did the analysis, and as Mr. Purvis will explain, since that area is the highest portion of the site and as Ms. Wynant explained, the southerly portion of the subject property is lower than the adjoining subdivision, so basically, we analyzed the worst case scenario and Mr. Purvis has a couple of cross-sections he will show you that demonstrate that the issues that have been asked and answered with respect to the worst case scenario, show there are not going to be issue along the balance of the site."

Mr. Karnes continued, "The other issue I want to speak to has to do with the proposed condition from the Public Works Department and the MPO regarding off-site pedestrian improvements. Apart from that one condition, the Applicants and the project team are in agreement with all of the conditions recommended by staff for the Final Development Plan."

Mr. Karnes continued, "With respect to the off site trail requirements, Condition A-1 in your packet, the focus throughout the process, through the ENN meetings, the Planning Commission's consideration of the application and the City Council's consideration, has really been on providing pedestrian connection between West Alameda Street and the River Trail. With respect to the connection to westerly side of the project, where it intersects where the emergency access intersects with the adjoining subdivision, the discussion was consistent all the way through the process. The Planning Commission and City Council approved the Preliminary Development Plan without imposing a requirement for any off-site construction."



All the discussion was about internal dedication of easement and pedestrian path construction.”

Mr. Karnes continued, “I’ll start back at the Planning Commission Staff Report from the Public Works Department, dated May 19, 2015. It didn’t say anything about an off-site construction requirement. The only requirements were the granting of easements within the project site. And this is one of the reasons we went through the Preliminary Development Plan process, was to get these issues on the table. The Public Works staff had an opportunity to make any recommendations it wanted to that were not in the May 19, 2015 staff report.”

Mr. Karnes continued, “Then at the Planning Commission meeting on June 4, 2015, the issue was specifically discussed and there was clarification of the MPO’s requested condition, and I’ll read to you directly from the motion that preceded the unanimous vote to approve the Preliminary Development Plan. It said, *‘The condition of approval from the MPO was clarified to include internal pedestrian pathways/ sidewalks or pedestrian connections to the existing neighborhood to its east.’* Internal means within the project side and exactly what the Final Development Plan provides. There was not discussion, no request by either Public Works staff or the MPO for any off site construction. So, if we look at this, when the adjacent subdivision was developed, the City could have required have required construction of sidewalks by that developer for that development. That didn’t occur. The opportunity existed during this review and approval process to make that requirement as part of the Preliminary Development Plan, but that did not occur.”

Mr. Karnes continued, “So this is really a third bite at the apple. And I’ll just point out, the Final Development Plan, as it’s required to do, references all of the conditions imposed on the Preliminary Development Plan and it’s consistent with the Preliminary Development Plan. The requirement for construction of an off-site sidewalk contradicts the prior approval, it’s not supported by a nexus. This project does not give rise to the need for sidewalks on an adjoining property. And it is an unjustified third bite of the apple, attempting to impose yet more construction costs on this project, which, as we know, will be passed on to the residents of the project if this condition is allowed to stand. This is a substantial cost that is being put upon this project at the last minute, after approval of the Preliminary Development Plan and we request that you delete that condition from your consideration tonight. Other than that one item, we appreciate of all staffs....”

Chair Harris said, “Excuse me Mr. Karnes, I want to make sure that.... I’ve got the conditions of approval open here. Give me the exact reference. Are we talking 1A. Give me the exact reference, excuse me, give the Commission the exact reference.”

Mr. Karnes said, “I’m looking at Exhibit A, Final Development Plan Conditions of Approval, at the bottom of page 1 of 3. I don’t have the page references in your packet, but it’s Condition 2(A)(1), and I’ll read it to you, *‘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.’* And so I’ll just reiterate what the language was in the minutes of the Planning Commission’s approval back in June. There was no reference to off-site improvements, rather, the condition was, *‘Internal pedestrian/pathways, sidewalks or pedestrian connections to the existing neighborhood to its east.’* The only way that you can read that condition into a condition requiring an off-site improvement is to



stand the word 'internal' on its head and call it its opposite which is 'external.' The condition that was imposed by the Planning Commission, ratified by the City Council, was internal improvements. And so we submit to you that the request for off-site improvements is not warranted in this case. Apart from that, all of the other conditions recommended to you, we stand behind and we're ready to accept."

Mr. Karnes continued, "In conclusion, I would like to say a couple of words. Rick and Rachel aren't going to speak tonight. But as those of you who were here, for the benefit of the Commissioners who were not there, Rick and Rachel have a long track record here. They are long time Santa Fe residents. They've done the Alameda Lofts project just to the west of this project. The individual who sent the letter I handed out earlier lives in that project, it's been very well received. It's a unique and different type of residential development in this town that is in great demand. They also did the Lena Street Lofts project, again, a very well received project. They care a lot about this community and have decided to take on this project due to the need for the type of affordable, market rate housing that this project provides. And I'll just point out that, as you recognized in recommending approval of the Rezone and the Preliminary Development Plan, this project is infill development that is called for by the General Plan. There is existing infrastructure that will serve this project and avoid sprawl. We need this type of development close to the downtown area and it will provide 6 designated affordable housing units which Mr. Brenner and Ms. Watson have agreed to sell instead of rent. So that was a commitment on their part to address the Council concerns that were raised. So I'll be happy to stand for any questions. Mr. Purvis will walk through a little bit of the planning philosophy behind the Final Development Plan."

**Christopher Purvis, 200 West Marcy, Architect for the project, was sworn.** Mr. Purvis said, "I'll give a brief overview for those of you who weren't here a few months ago. The concept behind this subdivision is that it's not a standard subdivision that the housing is collected and gathered so the footprint of each unit is 1000 sq. ft feet, and by clustering them around courtyards are more like car parks. But the car parks are kind of informal and they support the adjacent properties, we were able to have much less footprint overall on the land. Our lot coverage is close to 17% which is significantly less than you would find on a typical subdivision at this scale."

Mr. Purvis continued, "So with that in mind, I wanted to try and address a couple of the issues that came up to do with the solar rights and/or how our property affects the properties next door. And Mr. Karnes referenced the solar rights that were put in place by this property owner 'here,' and you can see how it directly faces into our subdivision. So I spent some time looking at those. I got a lot of nice survey information. They gave us their floor heights and where the *[inaudible]* is. And it turns out their finished floor, currently proposed at 2½ feet below the finished floor of these units up 'here.' So that yields something like 'this.' As you can see, solar rights kick in at three o'clock on December twenty-first, so the time when the sun is the lowest and when you need to have the heat on. They have a small terminal over there, and according to way we understand it, there were some discrepancies between our surveyor and their surveyor. They both use different datum, but they talk and we agree that there is a foot and a half difference. So using that interpretation, we could build a 20 foot house in the location we show. We're proposing the peak of the roof at 17 feet, so at one point, it gets within 3 feet. But as it gets closer to the property line it falls away, so you end up not throwing much shadow at all. In fact, I took a more typical survey for October 21<sup>st</sup>. You can see that we hardly throw any shadow even on their property, never mind our their house at three o'clock in the afternoon."



Mr. Purvis continued, "Using this information, and my own interpretation, I worked further down. There's two lots up at the top. We have two lots where we are actually a little bit higher than those houses, which are typically 10 feet lower than the houses that are immediately adjacent. So the solar rights include your grade and then you add a 10 foot fence. So this kicks in at 15 feet above our finished floor. In fact our *[inaudible]* line, even on these two-story units is 17 feet. So we're only two feet above and ten feet away from the property line. So you can tell we're not going to have an impact on those houses, never mind on their collectors. The collectors typically face down in 'this' direction and we're talking about how I did my calculations based on straight across from 'this' wall to 'this' wall of the house. But it is 'this' wall of the house that has the solar collectors and will face southeast just to get that clear, which is the appropriate place to face the photo collector. Although that one property actually faces slightly southwest and that is the one that faces more toward our property."

Mr. Purvis continued, "And finally, just because a picture is worth a thousand words, 'this' is the view from our property up to the immediately adjacent neighbors. You see a piece of steel bolted to the wall. It's approximately the third line of their yard. And then all of the yards of the houses slope from their finished floor down to that third line. I believe there is a testimony in front of you or the City Council that one of the members said it's approximately ten feet difference between the finished floor of theirs and the finished floor at 'this' grade. And certainly, by eyeballing it, it seems that's the case. And of course, I only have the final grades on the top property, because they're the only ones who actually gave us the information. And that's all I have."

Chair Harris thanked the Applicant for their presentations.

### **Speaking to the Request**

There was no one speaking to the request.

### **The Public Testimony Portion of the Public Hearing was closed**

Chair Harris said, "Let me start by saying how relieved I am that the homes closest to West Alameda have now become one-story homes. I felt what I had heard previously and actually saw in our packet, however those buildings would be configured, was going to tower over, not only the neighbors, but the rest of River Trail Lofts. Not to mention the issues associated with the man-made fill. I was going to ask about a geotechnical report and those types of things, but it seems like the Applicant anticipated that. And then with the discussion of the solar rights, I thought it was good that that particular individual, I just don't remember their name, pursued that, because it required the Applicant to study further and confirm in their own mind, some of the effect they were going to have on adjacent properties, so I think that was commendable, and helps to resolve my biggest concern."

Chair Harris continued, "Actually, I was concerned enough that, thinking about the property adjacent to West Alameda, I was looking at §14-3.8(D)(1)(c) before the meeting which talks about compatibility and adaptable to buildings abutting the project. It seemed to me like there was a real problem there, but anyway, you've solved it, and that's to your credit."



Chair Harris said, "Before we get into some of the other questions, I would like to hear from either Mr. Shandler, Mr. Smith, Director Martinez, on kind of the question about Preliminary Plan Approval and Final Development Plan approval. I thought it was appropriate to demonstrate, particularly, the intent I believe was the General Plan Amendment, the Rezoning I should say, rezoning from R-5 to R-7, correct me when I stray, Mr. Smith. So that Preliminary Development Plan really did help to make the case about whether or not that rezoning was appropriate. And it was unanimous at this level and I believe it was a vote of 6-2 at the Governing Body."

Chair Harris continued, "So we've heard Mr. Karnes's logic and the case he's making in opposition to the third bite of the apple. It talks about, make sure I'm correct here, and maybe we need to ask Mr. Romero, it's just really a sidewalk. It looks to me like the Applicant is building a sidewalk. It's an 8 foot, paved path up to the easternmost property line, that is the Santa Fe River Road. And so to go to the..., basically, it seems like you're just going to the depth of the lot in the Rio Vista Subdivision, or to connect to the corner of River Trail Road and Calle Don Jose. Is that correct. What kind of distance are we talking about, Mr. Romero. Can you tell us."

John Romero, Director, Traffic Division, said, "I was out there yesterday. I would say it is 100 feet or less, but I don't know exactly."

Chair Harris asked, "Is it basically the depth of that lot."

Mr. Romero said yes.

Chair Harris said, "For a sidewalk that would be a standard profile. Is it 8 feet or does it go down to 5 feet."

Mr. Romero said the City Code in that area would be 5 feet.

Chair Harris said, "I wanted the dimension so we could get an idea of what we're talking about here. So again, Mr. Shandler. How should the Commission consider the conditions that were imposed on the Preliminary Plat for the Development Plan versus this condition that was added to this proposed Final Development Plan. Can you advise us on that."

Mr. Shandler said, "Under Chapter 4-3.8(2)(C), *'If review and approval of the Development Plan by the Planning Commission and the Governing Body is required, in conjunction with a rezoning action, the Applicant may submit a Preliminary Development Plan for consideration at the time of rezoning. So that's what previously happened. If the rezoning is approved, a separate application for a Final Development Plan must be approved by the Planning Commission prior to development of the affected property.'* So that's why we're here tonight."

Mr. Shandler continued, "As far as I can tell, the disagreement going back to even that first meeting. Mr. Karnes calls it a new condition. I think staff might say no, that was the condition that they wanted at the preliminary level. And from what I can tell, Mr. Wilson of the MPO had 3 bullet points in the packet at the Preliminary Development Plan level. And the third one was, the project shows no internal



pedestrian pathways or sidewalks, or pedestrian connections to the existing neighborhood to its east. So that's what was in the packet for the Preliminary."

Mr. Shandler continued, "And what I handed out to you are pages 40 and 41 of your discussion back on June 4<sup>th</sup> [Exhibit "11"]. And Commissioner Villarreal at that point asked specifically about these 3 bullet points, so this on the top of page 40. And Mr. Smith went through bullet points 1 and 2, and then on page 40, about halfway through, Commissioner Villarreal said, '*And on the 3<sup>rd</sup> point could Mr. Sommer explain the 3<sup>rd</sup> point specifically if it is to be part of the conditions* [Mr. Sommer is Mr. Karnes' law partner]. It goes on to read that, '*Mr. Sommer said Mr. Brenner met specifically with Keith Wilson at the MPO and they arrived at an understanding about what would be there, noting this was long after Mr. Wilson did his submittal...*' Then there is some discussion about Mr. Brenner testifying about his meeting with Mr. Wilson and then going to the top of page 41 on the back, Mr. Sommer turns to his client, '*Did you concur with his suggestion Rick* [which I think is Rick Brenner] *and Mr. Brenner says yes*'."

Mr. Sommer said, "So it appears from the minutes that Mr. Brenner had a certain understanding of what that 3<sup>rd</sup> bullet point was. I think Mr. Romero is saying that wasn't Mr. Wilson's understanding. Mr. Wilson was focused on the 2<sup>nd</sup> bullet point which is the connection to the River Trail, and the 3<sup>rd</sup> bullet point is the connection to the neighborhood. And I don't know if Mr. Romero can talk a little more, hopefully, an accurate assessment. I think even back then, there may not have been agreement about what condition might have been."

Mr. Romero said, "The City Attorney's Office represented the minutes correctly, although I think what was represented by Mr. Brenner may have been inadvertently inaccurate. And so there were 3 bullets issued by Mr. Wilson. The second bullet had to do with a trail connection. The 3<sup>rd</sup> bullet had to do with connection to the neighborhood. In talking to Keith Wilson with Mr. Brenner, I believe what they went out there to meet about was about bullet #2, although it is misrepresented in here as bullet #3. So what they went out to the field to talk about had primarily to do with where they are going to connect to the trail. At that time, Mr. Wilson had said you can either connect through the neighborhood or directly from your site. If you are going to go from your neighborhood, that would be going through Del Rio Road [inaudible], but I don't believe they talked about bullet #3, because when I talked to Mr. Wilson, bullet #3 was a very specific comment that we made, '*The project shows no internal pedestrian pathway, sidewalk or pedestrian connections to the east neighborhood.*' It has nothing to do with the trail."

Mr. Romero continued, "So when Mr. Karnes states that was sprung on him in the third bite of the apple, I have two comments with that. One is this a third bite of the apple, that's why we're here. It's a Final Development Plan approval, and Preliminary Development Plan, at least my staff, we try to catch as much as we can. But we take the context of the Preliminary Development Plan more for whether we should rezone or not. We're not getting into the nitty gritty and the door schedules and window schedules and everything that has to happen as part of the Development Plan. We try to give as much information as we can, but we do consider this a second opportunity to come at this. That being said, it was a condition in here. It was a comment made by Mr. Wilson and it was included in the motion. And the motion did say to include an internal, it did say internal, pedestrian pathway, or pedestrian connection to the existing neighborhood to the east."



Mr. Romero continued, "Our interpretation of that is to connect to San Jose, because without the sidewalk going to that point, there would not be a connection. It would just be a connection to that property line. There would not be a formal pedestrian connection. So that's what the supplemental memo was for, was just to clarify why we put that condition. It was based off a condition that was implemented and our interpretation of that. So what we're asking you guys is, did we correctly interpret it. If so, then that would be the condition. If not, then it would be what Mr. Brenner is requesting. But again, what Mr. Brenner is requesting is a sidewalk that ends at his property line with no physical connection to the sidewalk that connects to the internal pedestrian circulation of the adjoining development."

Chair Harris thanked Mr. Romero.

Mr. Smith said, "If I might just briefly, just point for the record, your question about the approval process. I think the record might also include 14-3.8(C)(3)(b) *The Commission must make a determination that your action to approve the Final Development Plan complies with all the applicable provisions of the Preliminary Plan.* Final Plan approval includes a finding that it complies with the Preliminary Plan Approval."

Chair Harris said it is compliant but not necessarily verbatim.

Mr. Smith said, "Staff would agree with Mr. Romero's interpretation that there is room for a more detailed interpretation and application of the Codes and the conditions of approval at the final review."

Chair Harris said that is his opinion as well.

Commissioner Abeyta he said, "So what staff is requesting of the Applicant is to purchase an easement through the adjoining property to make the connection at Calle Don Jose and the Santa Fe River Road. So it's not just a matter of going and putting in a sidewalk. They probably have to purchase an easement, right, to put that sidewalk there."

Mr. Romero said, "We couldn't condition that on them, and I believe there is enough existing right-of-way for them to construct the sidewalk. There's a road stub out there that just does not have sidewalks, so there is roadway right of way that connects to their property with an actual paved road, curb and gutter, there's just no sidewalk along that."

Commissioner Abeyta asked who owns the right-of-way.

Mr. Romero said it is a City owned right-of-way, a City dedicated right-of-way.

Commissioner Abeyta said, "When the condition at preliminary was put on, well at least the minutes doesn't clearly state through, and it doesn't state the two roads to make that connection. It says, 'Connection to existing neighborhood to the east.' I read that as just to my property line, because my neighbor to the east is on the other side of my boundary. It doesn't say to include internal pedestrian pathways, sidewalks or pedestrian connections. There I would put, 'through the existing neighborhood and connect to Calle Don Jose and Santa Fe River Road.' That could have been said at Preliminary if that's



what the intent was. But the way I read this is to the neighborhood, that's my property boundary. It didn't say through it, unless these minutes aren't correct. And if that was the intent, it's interesting that Commissioner Kadlubek specifically points that out, but he doesn't include the language in there going through the neighborhood through the neighborhood. He just says to the existing neighborhood to the east. I would have said through the neighborhood. I'm having a hard time interpreting that it means putting the sidewalk through, because it doesn't say through it. It just says, internal to the neighborhood. That's just my opinion."

Commissioner Gutierrez said he would like to see a photo of what we are talking about.

Mr. Romero, "So, the asphalt goes from 'here' to the property line, and there's the gate right 'there.' Right now what the Developer is proposing to build is a sidewalk up to his property line, and then it would be discontinued from 'this' point to 'this' point. So Commissioner Abeyta's interpretation of that condition, I can pretty well understand that that interpretation. It definitely can be interpreted like that. So that's why we're asking exactly what it is you guys want. My sense is that either you hold to the interpretation, or if you guys all interpret it the same way as Commissioner Abeyta, I believe you can impose an additional condition. If you impose an additional condition to extend that sidewalk, that still doesn't contradict the condition that was imposed at Preliminary Development Plan. They're still doing it to the property line. And if that doesn't happen, then basically we have a sidewalk that's discontinued. So we'll have to get on the road and then get back on the sidewalk. That would be the result."

Chair Harris asked if there is a continuous sidewalk on, call it the west side of Calle Don Jose. So, in other words... Is there a sidewalk in front of those homes."

Mr. Romero said, "Yes, there's a sidewalk along these homes. It's hard to see, but there is."

Chair Harris asked the engineer's estimate for the cost of the approximately 100 feet of 5-foot wide sidewalk.

Mr. Romero said he doesn't have that information.

Commissioner Abeyta asked, "Is the access going to continue through there. So, is the neighbor going to drive out that way and down that road."

Mr. Romero said, "No. There is going to be an emergency access gate, so vehicular access will not be allowed."

Commissioner Abeyta said, "They have a big sidewalk actually."

Mr. Romero said, "Well they do, but then the thing is where they have to enter the sidewalk over here, they would be in an intersection, they would be in the road. Again, if you guys are comfortable with that. Again, that was the intent of the additional memo, that was my interpretation and what I think would be adequate."



Commissioner Abeyta said if the road went through, then the sidewalk makes sense, but since the road dead-ends there, he doesn't see how adding a sidewalk on top it will make a big difference. He said traffic isn't going to be going through there which would necessitate a sidewalk.

Chair Harris said, "Assuming there is ADA compliance consistent with that. You're going to ask people to jump a curb."

Commissioner Abeyta said, "We're imposing something that is off-site to this Developer. And where do you draw the line. Because it's only 100 feet, it's appropriate. What if it was 200 feet, 300 feet, 400 feet. That's my concern. Once you start getting into off site requirements, where do we decide okay, well 100 feet is appropriate, and maybe 150 isn't because it's too far away. Just because we're dealing with an off site issue."

Commissioner Greene said he has process questions for Mr. Shandler. He asked if the Preliminary Plan presented at the ENN on top of the zoning request change.

Mr. Shandler asked Ms. Wynant if she remembers that answer from her presentation two months ago.

Ms. Wynant said she believes it was part of the ENN, but she will have to look through the packet, commenting she may have to defer to the applicant on that. She said, "I believe a site plan was shown at the ENN, that's pretty basic to an ENN, to show the layout of what they had in mind. I'd have to look at my ENN notes and I have mine right here."

Commissioner Greene said it is okay with taking the word of the Applicant and asked the Applicant if they had a site plan at the time of the ENN.

Rachel Watson, Applicant was sworn. Ms. Watson, pointing to a map on the overhead said, "Right where my finger is, where their road ends, they can get on the River Trail that was built by the City. So right where that pavement is, is where the River Trail is, it's like 5 feet wide, and they're wanting us to put the sidewalk 'here,' but anyway, it just seems strange because there is a sidewalk for that neighborhood to get on the River Trail right in their own community."

Commissioner Greene said his quick calculation for 500 sq. ft. of concrete is estimated to be between \$2,000 and \$3,000.

Commissioner Greene asked if there a trail to get from the sidewalk at the southernmost part that connects with the River Trail that connects somewhere between Units 29, 28 and 27, and where is that 5-foot sidewalk that isn't currently on this Development Plan.

Mr. Kames said, "In your packet, the trail which goes right along 'this' area is not shown. So what we're presenting tonight is consistent. It's a condition that we provide a trail through the project site all the way down to the River Trail. That's shown right 'here' between Units 25, 29 and 32. So that is the proposed trail."



Commissioner Greene asked if that disrupts the private open space for those units that would then conflict with some of the open space requirements.

Mr. Karnes said, "We don't believe so."

Commissioner Greene asked Mr. Smith it is a requirement of this plan.... the 20 foot dimension between Unit 29 and 32, looks like it's dimensioned for an effort as trying to qualify as private open space, or some required open space.

Mr. Smith said, "The applicant has sufficient flexibility under the Code to provide common open in another location, even if it was the case that the trail would disrupt the private open space on some of those units."

Commissioner Greene said, "So this a condition that isn't on the plan right now, but this is something that you have revised a plan that is in the hands of DRT."

Mr. Karnes said, "We have revised the plan in response to the condition that was imposed by the City Council on the Preliminary Development Plan."

Commissioner Greene said, "But not in our packet."

Mr. Karnes said that is correct.

Commissioner Greene said, "So maybe it's too late and I'm getting here sort of after a Preliminary Plan and after this rezoning and so on, but just as a matter of interpreting the General Plan and Chapter 14. Chapter 14 says that we should connect to River Road to the east, and it says we should offer at least a stub-out to the west, to the neighbor to the west, and either to their driveway or to their property, but maybe it's too late. Maybe the interpretations earlier missed that opportunity. But it seems like whether it is in the General Plan, where it is specifically spelled out that we should have a variety of access points, and a method for getting through neighborhoods. As well as in Chapter 14-1.3(B), *providing for the appropriate distribution of population and traffic*. As well as in 14-9-2, *local streets shall be constructed, extended and widened in accordance with the General Plan to accommodate an orderly development of types and intensities of the development shown for the Future Land Map and to provide for the continuation or appropriate projection of existing streets in the surrounding areas*. There is a stub-out and a dead end that dives right into this property. And it seems, in this case, we're going like 'this' but we're putting a fence between the two and allowing the Applicant to have a private road, and no sidewalk connecting because they don't want it, and no road that connects. And there is concern that should happen in the interpretation of Chapter 14. There's caveats that say that this is impractical, but it seems like it's completely practical. It seems like it's made for a connection."

Mr. Smith said, "If that is a question to the staff, I think staff's response on that question is that it certainly is a valid concern that was addressed in some detail at the Planning Commission and City Council. It was in connection with the Preliminary Development Plan and the Rezoning, and staff believes



it's appropriate for the Commission to rely upon the Preliminary Plan determination with regard to that issue."

Commissioner Greene said, "Additionally, it says *cul de sacs and dead end streets, both public and private may be only constructed if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street*. None of those conditions were met."

Mr. Smith said, "Commissioner Greene, I understand your concerns [*inaudible*], but staff reviewed this project as being served by a private driveway, rather than by a private road or a public road. Certainly not diminishing your concern with that, but again, there was some discussion, some consideration at the rezoning case, and with regard to the Code requirement, because this was treated as a driveway rather than as a street. That would explain why the cul de sac is acceptable under the Code in staff's judgment."

Commissioner Greene asked what is the cut-off for that. How many units is a driveway or a private street or a public street. Where does that threshold hit, so in the future when somebody comes with a Preliminary Plan and we disagree....

Mr. Smith said, "So there are situations that might be considered gray areas. In general that is a road or street if it serves multiple lots. It is treated as a driveway if it is completely internal to one lot of record. That's a slightly oversimplified version of that standard, but the short answer on how we've applied it and interpreted it.

Commissioner Greene said, "I'm coming to this late. I'm dealing with the Final Development Plan, so I don't know if I'm going to push that too much further, but in general it seems to me like there was a missed opportunity to fulfill the guidelines of Chapter 14, as well as the General Plan and included in the late memo that we got from the neighbor to the west about fire safety concerns and that where Unit 24 is, it looks like it has a great opportunity to connect through to the, at least even as a fire access gate, to connect through to their driveway and allow future development of that property and as well as a healthy road network."

Mr. Smith said, "Staff doesn't disagree with much of your analysis, but again, the more appropriate time to address that issue was with the Preliminary Plan and the zoning application that were before the Commission and the Council previously."

Commissioner Gutierrez said, "Just to follow up on Commissioner Greene reading from the minutes of the Governing Body, 'Councilor Rivera asked Mr. Sommer if the developer could consider the configuration suggested.' I'm on page 37 of the minutes. 'Mr. Sommer responds and says we'll have to come back with a Final Development Plan to the Planning Commission and we'll address that issue. All too often we hear they will be back with a Final Development Plan where the issue is going to be addressed. And now we're hearing it's something that should have been talked out at preliminary, so I don't agree that it's can't be talked about now. I think that we hear this quite a bit. And you're not coming late. The only person who was at this meeting is the Chairman. I don't think any of us were here at this meeting besides Commissioner Kadlubek."



Commissioner Greene asked, "By the way, why was he at that meeting and not at this meeting. What changed in his position to make him not recuse himself earlier. That's something else, but anyway, that's not..."

Commissioner Gutierrez said, "Let me finish if I could. The other thing on this sidewalk. I see your point. I believe that a sidewalk is needed. I'm skimming through here and I want to know more about the gate and I think the reason for it is because the Fire Marshal agreed to put in that gate instead of making connectivity. You can answer that in a minute. Mr. Abeyta, I agree with you that if we're going onto another piece of property that it becomes cumbersome on the Applicant. However, if they are going to be doing this gate and the improvements for the Fire Department anyway, it might be warranted. Thank you."

Chair Harris said, "There is a better representation than the Development Plan for the existing conditions and what's being proposed. Can you put C-1 up. If I could ask Commissioners to turn to C-1 in the submittal. What this says to me is that Santa Fé River Road stops short of the property line. I think that High Desert Surveying's document states it the same way. Correct. Santa Fe River Road is not paid. It also states here it's a 50 foot right of way, so there would be room for a sidewalk behind the curb. But this show a 5 foot paved pathway connecting to Santa Fe River Road within the City right-of-way. Correct."

Mr. Romero said, "Correct."

Chair Harris said, "When I looked at the development plan, I assumed the paving went right up to the property line. And actually, the Development Plan shows an 8 foot wide paved pathway in that section for whatever reason, I don't know. But that's what the Development Plan shows. Again, if this is an accurate representation of existing conditions on Santa Fé River Road and how they propose to connect within the City right-of-way to that existing street. This could probably work and have an accessible pathway. I think, for me, that's the issue is continuous accessibility from one group of neighbors to another. And so, I have a hard time seeing what the problem would be. I think there needs to be a good clean connection. I think what I see on C-1 represents what could be, if done properly, a good clean connection."

Mr. Romero said, "You are correct. Here's a picture that shows the asphalt and you can see the two tracks just before the gate with the weeds in between. So you can see the grass there in between the two tracks, so you can see where the asphalt ends. Another thing I would like to show you, that I showed before is condition of the asphalt. There's some major cracking in that asphalt in that area. So if you would want to make that somewhat of a pedestrian path, that would have to be fixed. I did do a quick calculation for 100 feet of sidewalk, 5 feet wide, 4 inches thick, a little over 6 cubic yards. Assuming \$200 a cubic yard and double that for the cost of installation, you're right around \$2,500."

Mr. Smith, "I would note for the record that my comments in response to Commissioner Greene's questions had to do with vehicular access and not with any questions about the Commission's authority on pedestrian access."

Commissioner Abeyta said, "That's a good point. When you direct it to these plans, the plans represent a sidewalk that goes off site, off the property. I'm looking at EC-1 and EC-1 shows a path all the way to Santa Fé River Road. C-2 has it. It's showing a path clearly off the property that comes from your



development. And that's the area we're talking about that the staff wants them to do, right.":

Commissioner Abeyta asked if that is existing right now, and the reason it was on the plans.

Mr. Karnes said, "There is no existing sidewalk there."

Commissioner Abeyta said, but your engineer showed it on the plans. It's proposed.

Mr. Purvis said, "I'm not dead sure of this, but if I understood it correctly, the engineer was proposing it because he saw the paving coming down to that point, and so he connected it to the paving. And I would add one little thing about vehicular access. If you were here at the earlier meetings, we had 50 people saying don't connect to vehicles. That's kind of where most of that came from."

Mr. Karnes said, "I just have one follow up. I would appreciate it if someone, if the inclination of the Commission is to require this connection out to the Calle Don Jose, will specifically address the wording, not just in this Planning Commission's motion, but in the MPO Memo of September 8, 2015, which says, '*Include internal pedestrian pathways, sidewalks or pedestrian connections to the existing neighborhood to the east.*' The word 'internal,' needs to be addressed. It can't simply be read out of the condition or the recommendation of the MPO. It's an internal connection. That needs to be addressed. I would appreciate that, thank you."

Commissioner Propst, referring to the minutes that were handed out from the previous meeting, asked, "Is there is a comma between pathways and sidewalks. It looks like somebody hand-wrote something into these and I'm trying to figure out to the point about what does internal apply to. Is it internal pedestrian pathways/sidewalks. Because one reading of this could be that internal doesn't apply to the second clause, pedestrian connections to the existing neighborhoods."

Mr. Shandler said, "I think the original MPO condition was just a slash, not a slash and a comma. I think the comma is a typo."

Commissioner Propst said, "Connectivity is desirable as much as this Applicant has done a great job of working with the neighborhood and addressing all the other outstanding things and the last thing we're hung up on. And they've done everything in really good faith it sounds like, but a sidewalk is desirable here."

Commissioner Greene said, "I agree with Commissioner Propst. I'm a big sidewalk fan as well and connecting to the east is desirable. I would hope there is a drawing or a commitment to connecting to the River Trail from the road, and even though it doesn't show on the plans, you have something that shows on the plans but you're not supporting. And then you have something that doesn't show on the plan that you are supporting. So that inconsistency on those two issues needs to be clarified for us today to fulfill our mission and mandate."



Mr. Shandler said, "If it's going a certain way, I just want to establish a record that in his interpretation, when Mr. Romero talked about how Mr. Wilson kind of had a different interpretation of the conversation, that's one point. The second point is about how the Final Development Plan can have some changes. And finally, maybe a legal counter-argument to Mr. Karnes is that it says, '*No internal pedestrian pathways/sidewalks or pedestrian connections to the existing neighborhood to its east.*' So maybe the internal is only modifying that first phrase, pedestrian pathways/sidewalks, and Mr. Wilson then an and/or pedestrian connections to the existing neighborhood to the east."

Commissioner Propst said, "Mr. Shandler just said better what I was trying to say a minute ago."

Chair Harris said, "I want to make sure I understand which of the solutions for connectivity this Commission feels would be appropriate. We heard discussion and I think we understand what Mr. Romero has defended in terms of a sidewalk, kind of a traditional, behind the curb, the depth of that lot and we say approximately 100 feet or somewhat less. Again, the Development Plan shows an 8-foot wide paved pathway pretty much the depth of the first home, or the most adjacent home on the River Trail lots. However, all of your civil drawings seem to indicate a 5-foot wide, paved pathway that goes over the property line and connects a certain distance to River Trail Road. So again, if you're speaking to connectivity, which solution are you thinking of when you say that. I think I know what you feel Commissioner Abeyta, but please confirm."

Commissioner Abeyta said, "I think that a connection is appropriate but I think it could stop right where it's shown on the plan, because it's paved from that point on. And there's not going to be any car traffic going through there, because the neighbors don't want it. So I'm in favor of what is shown on the Plan and not any more."

Chair Harris said, "C-1. If I could just ask you to state it as C-1."

Commissioner Abeyta said, "C-1. That would be my preference, C-1, Mr. Chair."

Chair Harris asked the other members their preference.

Commissioner Propst said she agrees with Commissioner Abeyta.

Commissioner Gutierrez said C-1 is fine.

Commissioner Greene said, "I'm sort of slightly extending it to make sure there is at least a 5 foot connection that is ADA accessible to the closest sidewalk, and that a sidewalk survey is performed, and whatever solution allows for a 5 foot wide sidewalk, whether it's repaving Santa Fe River Road, or paving it with a little concrete strip to allow it to get from ADA sidewalk to ADA sidewalk."

Chair Harris said it would be hard to make them improve the road, quite frankly.

Mr. Karnes said, "The Applicants are prepared to move forward and accept the C-1 solution as Commissioner Abeyta proposed it. The C-1 solution."



Mr. Smith said, "If I may, for the record, since we have different versions and different exhibits, is it the intention of the Commission to require both the sidewalk to extend to the road dead end, and also the pathway between the buildings. Or are we talking about the C-1 that has one but not the other."

Chair Harris said he is unsure what Mr. Smith wants the Commission to clarify. He said, "I think you are confused. I think what we've been talking about... all the other conditions, we heard the Applicant say that all the other conditions have been agreed to. We're only talking about the condition specific to the reference here. Correct."

Mr. Kames said that is correct.

Commissioner Greene said, "Sort of. There was the other one that connected between units."

Chair Harris said, "Any other connections stated appropriately in staff conditions of approval."

Commissioner Greene said, "There was one to connect to the River Trail from West Alameda through to the River Trail."

Chair Harris asked, "But isn't that stated in the conditions?"

Commissioner Greene said, "It is, but it's not shown on the drawings."

Mr. Kames said, "That's correct. It's not shown on the drawings that were submitted to you and/or as part of the packet. What we presented tonight was a plan that had two changes as I described from the start, and we would appreciate it if those were added as conditions of approval. The first has to do with making the two units, closest to West Alameda Street, one-story instead of two. I think the cleanest way, and I spoke with Mr. Shandler and Mr. Smith this morning, and that would be the cleanest way to achieve that simple change as a condition that's imposed tonight. And as far as the connection to the River Trail, it is shown on the plan we are presenting tonight. We acknowledge that it is not in your packet. The plan that we're presenting tonight shows the trail that was required as a condition by the City Council."

Commissioner Greene asked where is that on the plan.

Mr. Kames said, pointing to the map on the overhead, "That's right 'here.' Sorry. The straight line that goes in between Units 25, 29 and Unit 32 from the driveway out to the River Trail, that responds to the City Council's condition."

Mr. Kames continued, "And if I may, Mr. Brenner asked me to present another option for the connection to the subdivision to the east, which is we heard Mr. Romero speak of a construction on the order of \$2,500. Mr. Brenner is willing to put up, to contribute \$3,000 to have that sidewalk connected all the way out to Calle Don Jose by the City. And I'm putting that on the table as an option, separate and apart from the C-1 solution."



Chair Harris said, "Well, I think that is a fine proposal. I think, in my experience, I believe as long as the crew is not just mobilizing to come on site to build 100 feet of 5-foot sidewalk. If they're there for everything else, they can get it done for \$3,000. The mechanics of it, I'm not sure what you're suggesting though, Mr. Kames. Is it \$3,000 to have the City do it, I thought is what I heard."

Mr. Kames said, "Yes."

Mr. Romero said, "I agree it would be pretty arduous for us to spend \$3,000. We would have to get quotes, pay mobilization. Maybe a way to do it is that he would construct up to \$3,000 of sidewalk, get it to where it gets, and that would be determined probably by the Subdivision Engineer as part of the cost estimate and the financial guaranties that she helps develop. And they do it, but up to the amount of \$3,000. I wanted to clarify there is already curb and gutter there, so it's only sidewalk."

Chair Harris said there are some mechanics associated with that, but it's relatively straightforward. It can be worked out I think, if there's a commitment from the applicant for \$3,000 toward the sidewalk. Mr. Brenner if you want to speak to it, by all means."

**Rick Brenner, owner, was sworn.** Mr. Brenner said, "There is one other huge issue, which is that at this point, there is not one neighbor here. The neighbors have been, from the ENN through the City Council meeting, extremely adamant about their opposition to this project, and specifically to any construction happening right where we're talking. They made it very clear that they did not want that road to connect. So we proposed a multi-family project not a subdivision, like any other apartments. It doesn't have any real road going to it, and the City agreed that that would be a solution. It's not a road, it's a driveway, and that we would stay off of their property. They have been calling, taking up Lisa Martinez's time, other staff's time, because there is a contractor going through that gate to do City work to improve the River Trail. They don't want us there. And I don't want to be out there getting rocks thrown at me or my crews because we're doing something on what they feel is their property. So there's a whole social, political part of it. It's not just looking at the Code and believing good planning says connect and make the developer connect. And I think it's completely inappropriate for you to make a requirement, especially since there isn't one neighbor here any more that is going to require that, unless you're willing to come out and do the work. Are you willing to come out and calm them down, and I promise you they will start yelling and screaming."

Chair Harris said, "So noted. It's a City right-of-way, and perhaps they need a lesson in what that means. But I think those lessons are valuable for all the citizens, and perhaps all sides will settle down a little bit too. I think we had the easiest solution represented by C-1, and why we would complicate it with the \$3,000 is up to the Commission to consider before we move way past this. We've talking about it enough. Commissioner, do you mind if I change gears to another issue that potentially is more serious, okay."

Chair Harris continued, "This has to do with a letter we received from, I guess this is from Nury Khozien. And the question I had is, is there a drainage easement that runs.... so we've got the culvert under the street. Ah, Ms. Zaxus, thank you. It seems like it has been a problem, and I can't tell from High Desert Survey documents, if in fact there is a drainage easement on the west side of the property."



Risana B. Zaxus, Acting Director, Technical Review Division, said, "There is a drainage there. It is what is called a water course easement on the west side of the property and it is shown on the Lot Consolidation Plat. It shows on sheet S-2. On the west side of the property, first there is a 25 foot access and utility easement, and just east of that there is a 15 foot water course easement identified. And I presume that is where the water is now flowing and will continue to flow."

Chair Harris said, "So this is a 15 foot wide water course easement."

Ms. Zaxus said that is correct.

Chair Harris asked how that is administered.

Ms. Zaxus said, "There is a required note of agreement which shows up on the Development Plan sheet D-1, it's called the Stormwater Agreement. It's down at the bottom of the page on D-1, and they don't have lines for this to be signed and notarized, but it will be signed and notarized by the owner. It basically says that all stormwater facilities on properties which would include this easement, will be maintained by the property owner or the HOA, however that turns out. And if it is not, the City can go in there, do the work and place a lien on the property for the cost of that work. So that's our assurance that the situation would be taken care of."

Chair Harris asked if the City is on site now.

Ms. Zaxus said she doesn't know.

Chair Harris asked Mr. Brenner to speak to this.

Mr. Brenner said, "Michelle Martinez and Leroy Pacheco are supervising the project currently at the very end of this water course where it exits, where it transitions from on our property all the time. But from our property onto an easement the City bought for the River Trail, they are putting in a big catchment basin. They put in a culvert that will take the water to the River and a limestone rundown, and then they put a concrete back on the River Trail. So they are addressing just a portion of the problem, which is when this water comes from way upstream from Calle Nopal. And when it rains, it brings water and debris that has been creating a nuisance on the River Trail. So the City has this big project going on that's being performed by HO Construction. Part of the arrangements that we made with HO Construction is that they could use in a very limited way, the portion of our property they needed to stage this project without having to obstruct more of the actual River Trail that is in place, in return for dredging the easement, or watercourse, from that drop inlet all the way up to Alameda."

Mr. Brenner continued, "They have not been performing very well on their contract. I don't know what's going on. They've got piles of rock. It's been 2-3 months later than they promised even in their contract with me, but we are assured that they will.... they have a contractual obligation to do that work on our property. That will provide a huge benefit because the neighbor to the west, Nury, it's actually Terrell's property, could suffer consequences on a major storm, minuscule consequences relative to what's happening to the property that we're going to be developing. It is jumping the banks of the water course



now and tends to flood through the property. So, not only will there be a legal requirement on the Development Plan, or grading plan but there will be a requirement that we maintain that so we don't create a situation where our own units are being flooded out."

Commissioner Greene asked, regarding that flooding and flood control, if the designs are anywhere similar to the conditions that might have caused the tragedy over in your lofts on Lena Street that they discovered this week.

Mr. Brenner said, "Those two are so completely different, that I can't answer that.

Commissioner Greene asked if it is the engineering solution that has the same risk...

Mr. Brenner said, "Sir, you're speaking from a point of ignorance on a very emotional issue, and I will not answer that."

Chair Harris said, "I think we should entertain a motion."

**MOTION:** Commissioner Abeyta moved, seconded by Commissioner Gutierrez for purposes of discussion, to approve Case #2015-82, River Trail Lofts Final Development Plan, with all staff conditions as set out in the Staff Report [Exhibit "7"], "with the following amendments to staff conditions: "Add a condition regarding the one-story instead of the two-story building if that could work, I think they know what I'm talking about; there needs to be a connection to the River Trail as shown on the Plan that was presented tonight, but not in our packet; and with regard to the connection, my condition would be that the Developer build the 5-foot pavement pathway as shown on the plans C-1."

**VOTE:** The motion was approved on the following Roll Call Vote [5-0-1]:

**For:** Commissioner Abeyta, Commissioner Greene, Commissioner Gutierrez, Commissioner Propst and Chair Harris.

**Against:** None.

**Recused:** Commissioner Kadlubek.

*Commissioner Kadlubek returned to the meeting*

## **G. STAFF COMMUNICATIONS**

Mr. Smith said the Hospital Master Plan approval case and appeal of the Commission's decision on the Hospital Use Permit are scheduled at the City Council meeting on October 28, 2015.



Mr. Smith said Land Use staff anticipates working with Long Range Planning staff to set up a study session on November 19, 2015, with a likely focus on the prioritization of the themes from the 1999 General Plan, and prioritization of geographic areas for sector plans.

Chair Harris asked, "Backtracking a little, is it appropriate to just mention the grounds of appeal, Mr. Shandler, for the Hospital case, the Master Plan."

Mr. Shandler said, "It has been appealed by one individual citizen, Bob Walsh, and just lack of compatibility is his general issue."

Chair Harris said then it came from the individual and not from the Association with the acronym SMASH.

Mr. Shandler said that is correct.

Mr. Smith noted one further procedure. He said it is possible that Mr. Walsh or the Association will also appeal the Commission's decision on the Development Plan. That appeal period does not close until Monday.

## **H. MATTERS FROM THE COMMISSION**

*Summary Committee Report* - Commissioner Gutierrez said the Committee met this morning and approved one case on Cerrillos Road at Smith's Food Store, where the old Chinese restaurant was. He said it is probably due for demolition and something nice coming in.

Chair Harris said Long Range Planning had a long discussion and asked if there is anything to add

Commissioner Greene said the Committee didn't meet this week but he met with Richard MacPherson at his office. He said, "They are beginning to do parcel by parcel analysis, to bring all of the different land owners and identify what is under-developed, what is fully developed, what is zoned, what is to be redeveloped, and what is sort of under-zoned. They are doing some analysis that would help the proposed Resolution and master planning for the River Trail Corridor, or they would come to us for some sort of report I think.

Chair Harris said they are working specific to that Resolution, noting the Resolution broke it down, but just the first phase of it.

Commissioner Greene said the first phase is Agua to the River from La Joya to Siler, more or less, noting it is a little extended from the areas that were part of Zone 1 of the Annexation, but it takes care of a lot of that.



Chair Harris asked if the Tuesday meeting happened that was scheduled. He said as he looked through the notes, Mr. Sobiens, Mr. Rivera, Ms. Lopez and others said they would attend. He asked what happened at that meeting.

Commissioner Greene he attended and the meeting was chaired by Commissioner Bushee. He said staff from Current Planning, Long Range Planning and Kate Noble were in attendance. He said also attending were Mr. Sobiens, Mr. Romero, Mr. Rivera and good number of residents from the La Joya neighborhood. He said former Planning Commissioner Villarreal attended the meeting. He said Councilor Bushee said the goal was to do the things required under the Resolution at no cost. He said at the time she was talking about doing everything with as little financial impact as possible. The idea was to bring in mostly residents and not property owners or business owners. This is one of his concerns and the reason it came up today, because it is a topic he thinks should be addressed. He said the meeting was just an information session.

Chair Harris asked how the statement from Simon Brackley was circulated.

Ms. Martínez said she received the email late this afternoon, after 3:00 p.m., and she wanted to make sure the Commissioners had copies, noting it was too late to email it. She did forward it to some of the Long Range Planning staff and some internal Planning staff so they could look at it. She said at that late hour, there wasn't a lot they could do about it. She understands Kate Noble contacted Mr. Brackley, but she didn't tell her specifically what she said or if there were any additional comments from that conversation.

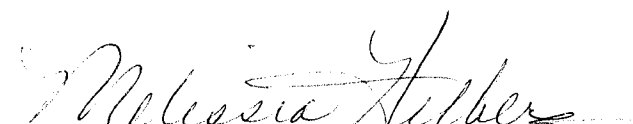
Commissioner Greene said his comment for Mr. Brackley is what would be his alternative, and what process he would want to see in that area – what process would he prefer.

## **I. ADJOURNMENT**

There was no further business to come before the Commission, and the meeting was adjourned at approximately 9:10 p.m.

Approved by:

  
**Michael Harris, Chair**

  
**Melessia Helberg, Stenographer**



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

Case #2015-57

Gerhart Apartments General Plan Amendment

Case #2015-58

Gerhart Apartment Rezoning to R-21

Owner's Name – Storm River LLC

Agent's Name – Scott Hoeft of Santa Fe Planning Group

THIS MATTER came before the Planning Commission (Commission) for hearing on August 6, 2015 and September 3, 2015 upon the application (Application) of Scott Hoeft of Santa Fe Planning Group as agent for Storm River LLC (Applicant).

The Applicant requests an amendment to General Plan Future Land Use map to change the designation of 11.83± acres of land from Low Density Residential (1-3 dwelling units per acre) to High Density Residential (12-29 dwelling units per acre) and requests rezoning of 11.83± acres of land from R-1 (Residential, 1 dwelling unit per acre) to R-21 (Residential, 21 dwelling units per acre). The property is located at 2800 South Meadows Road.

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 six members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the General Plan (Plan), including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §14-3.5(B) sets 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)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F) and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.

*Exhibit "1"*



5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. A pre-application conference was held on January 22, 2015 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E).
7. An ENN meeting was held on the Application on March 16, 2015 at the El Camino Real Academy.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there were 10 members of the public in attendance and concerns were raised.
10. The Applicant voluntarily held a second meeting with the neighbor members.
11. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application.
12. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the General Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
13. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the General Plan.
14. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings Staff Report, subject to certain conditions (the Conditions) set out in such report.

#### General Plan Amendment

15. Under Code § 14-3.2, an amendment to the General Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
16. The Commission has considered the criteria established by Code §14-3.2(E)(1)(a) and finds the following facts: (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure.* [§14-3.2(E)(1)(a)]. The South Meadows Road extension and the NM 599 interchange provide sufficient access to support development that is much more intense than the current R-1 and R-3 that apply to the project site and to much of the nearby land.
17. The Commission has considered the criteria established by Code §14-3.2(E)(1)(b) and finds the following facts: (b) *Consistency with other parts of the Plan.* [§14-3.2(E)(1)(b)]. General Plan Policies encourage compact urban form and development at a higher intensity to make the most efficient use of utilities, roads and parks and encourage pedestrian linkages.



18. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area. [§14-3.2(E)(1)(c)].* The proposed high density residential development is an appropriate use located between a school and future fire station and near a future commercial area. This growing area is in transition, near an interchange and features a variety of uses in the surrounding areas.
19. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (ii) affect an area of less than two acres, except when adjusting boundaries between districts. [§14-3.2(E)(1)(c)].* The site is 11.83± acres which is well beyond the minimum requirement of two acres.
20. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].* The proposed General Plan Amendment will not benefit a few landowners at the expense of surrounding landowners.
21. The Commission has considered the criteria established by Code §14-3.2(E)(1)(d) and finds the following facts: (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].* The proposal already conforms with Code §14-3.2(E)(1)(c).
22. The Commission has considered the criteria established by Code §14-3.2(E)(1)(e) and finds the following facts: (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].* This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.
23. The Commission has considered the criteria established by Code §14-3.2(E)(1)(f) and finds the following facts: (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].* A high density market rate residential apartment development in the proposed location is well situated near a school, fire station, a future commercial area, the Santa Fe river trail and proximity to the 599 interchange.
24. The Commission has considered the criteria established by Code §14-3.2(E)(1)(g) and finds the following facts: (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.* There are no identified inconsistencies with any other adopted policies.
25. The Commission has considered the criteria established by Code §14-3.2(E)(2)(a) and finds the following facts: (a) *the growth and economic projections contained within the general plan are erroneous or have changed.* New school uses, new



fire stations, new parks/trail and commercial areas all make up the ongoing changes that are occurring in this area.

26. The Commission has considered the criteria established by Code §14-3.2(E)(2)(b) and finds the following facts: *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.* A high density residential development that is adjacent to a school makes for a safer, more convenient trip to school, without crossing busy streets and the future fire station on the north side of the property increases safety to the development.
27. The Commission has considered the criteria established by Code §14-3.2(E)(2)(c) and finds the following facts: *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.* New school uses, new fire stations, new parks/trail and commercial areas all make up the ongoing changes that are occurring in this area.

### Rezoning

28. Under Code §14-3.5(C), the Commission may review the proposed rezonings and make recommendations to the Governing Body by the Planning Commission.
29. The Commission has considered the criteria established by Code §14-3.5(C)(1)(a) and finds the following facts: *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)].* Recent changes in the surrounding areas do alter the character of the neighborhood to such an extent as to justify changing the zoning and a different use category is more advantageous to the community, as articulated in the General Plan and other adopted city plans.
30. The Commission has considered the criteria established by Code §14-3.5(C)(1)(b) and finds the following facts: *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.
31. The Commission has considered the criteria established by Code §14-3.5(C)(1)(c) and finds the following facts: *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].* The proposed rezoning is consistent with the Plan.
32. The Commission has considered the criteria established by Code §14-3.5(C)(1)(d) and finds the following facts: *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)].* The nearby future commercial development and proximity to the interchange for the subject property makes the site



well-suited to higher density development rather than a low density single family subdivision.

33. The Commission has considered the criteria established by Code §14-3.5(C)(1)(e) and finds the following facts: *(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)]*; The subject area features new streets, such as South Meadows Road, a new interchange at NM 599, new water and sewer lines and new public facilities with a future fire station and proposed new parks. A new school is immediately adjacent to the subject site.
34. The Commission has considered the criteria established by Code §§14-3.5(D)(1),(2) and finds the following facts: *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; 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 apartment project can be accommodated by existing infrastructure and public facilities. The area features new infrastructure such as water, sewer, NM 599 interchange and a possible new fire station.

### CONCLUSIONS OF LAW

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

#### General

1. The proposals 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 General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.
4. The Applicable Requirements have been met.

#### The Rezoning



5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. 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.
7. The Applicable Requirements have been met.

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_ DAY OF OCTOBER, 2015 BY  
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the General Plan Amendment to High Density Residential to the Governing Body.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the rezoning request to R-21 to the Governing Body, subject to Staff Conditions.

\_\_\_\_\_  
Michael Harris, Chair

\_\_\_\_\_  
Date:

FILED:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

\_\_\_\_\_  
Date:



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

Case #2015-43

2749 & 2751 Agua Fria Street General Plan Amendment

Case #2015-44

2749 & 2751 Agua Fria Street Rezoning to C-2

Owner's Name – Emelecio (Leroy) Romero

Agent's Name – James W. Siebert and Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on September 3, 2015 upon the application (Application) of James W. Siebert and Associates as agent for Emelecio (Leroy) Romero (Applicant).

The Applicant requests an amendment to the General Plan Future Land Use map to change the designation of 2.20± acres of land from Mountain/Corridor Density Residential to Community Commercial and requests rezoning of 2.20± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The property is located at 2749 & 2751 Agua Fria Street.

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 fifteen members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the General Plan (Plan), including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §14-3.5(B) sets 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)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F) and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating

*Exhibit "2"*



- the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. An ENN meeting was held on the Application on April 15, 2015 at the Southside Library.
  7. Notice of the ENN meeting was properly given.
  8. The ENN meeting was attended by the Applicant and City staff; there were eight members of the public in attendance and concerns were raised.
  9. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application.
  10. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the General Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
  11. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the General Plan.
  12. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings Staff Report, subject to certain conditions (the Conditions) set out in such report.

#### General Plan Amendment

13. Under Code § 14-3.2, an amendment to the General Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
14. The Commission has considered the criteria established by Code §14-3.2(E)(1)(a) and finds the following facts: (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure.* [§14-3.2(E)(1)(a)]. The City is attempting to provide for a diversity of uses in the area along Agua Fria and Siler Road. A traffic impact study prepared by the Applicant indicates it would be feasible to provide access from Agua Fria for commercial development on the project site.
15. The Commission has considered the criteria established by Code §14-3.2(E)(1)(b) and finds the following facts: (b) *Consistency with other parts of the Plan.* [§14-3.2(E)(1)(b)]. Since the 1960's, this area has consisted of a mix of housing and small scale commercial businesses. This property is not located within the boundaries of the Southwest Sector Plan and a definition of appropriate land uses is derived more from consistency with recently approved zoning applications and existing mix of uses rather than reliance on specific plan policy statements.
16. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use*



- and character of the area. [§14-3.2(E)(1)(c)]. Commercial uses have existed in the vicinity for several decades. The City Council has recently approved C-2 zoning on the land just east and west of the properties.*
17. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (ii) affect an area of less than two acres, except when adjusting boundaries between districts. [§14-3.2(E)(1)(c)].* The site is greater than two acres.
  18. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].* The proposed General Plan Amendment will not benefit a few landowners at the expense of surrounding landowners as there have been several similar plan amendments during the past several years.
  19. The Commission has considered the criteria established by Code §14-3.2(E)(1)(d) and finds the following facts: (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].* The proposal conforms with Code §14-3.2(E)(1)(c).
  20. The Commission has considered the criteria established by Code §14-3.2(E)(1)(e) and finds the following facts: (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].* This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.
  21. The Commission has considered the criteria established by Code §14-3.2(E)(1)(f) and finds the following facts: (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].* This area along Agua Fria Road has a long history of diverse land uses, first under County jurisdiction prior to 1990, and then under extraterritorial jurisdiction from 1991 to 2009. It was common for many decades for Santa Fe families to buy land in this area along Agua Fria and construct their homes and start a small business at the same location. This practice has continued as new generations of family members continue to reside on the property and continue the family business.
  22. The Commission has considered the criteria established by Code §14-3.2(E)(1)(g) and finds the following facts: (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.* The proposal is consistent with land use policies, ordinances, regulations and plans.
  23. The Commission has considered the criteria established by Code §14-3.2(E)(2)(a) and finds the following facts: (a) *the growth and economic projections contained within the general plan are erroneous or have changed.* When the existing General Plan was adopted in 1999, it did not recognize the land use complexity of



Agua Fria Street. The current Mountain/Corridor Density Residential and R-1 designations are inconsistent with the pattern of Santa Fe families buying land in this area along Agua Fria and constructing their homes and starting a small business at the same location.

24. The Commission has considered the criteria established by Code §14-3.2(E)(2)(b) and finds the following facts: *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.* The Applicant has resided at this location for many decades. The application of the C-2 zoning is a better step, as opposed to maintaining the status quo, to allow the Applicant's children to benefit from the property and to try to address the mix of residential and commercial uses on this property on this particular street.
25. The Commission has considered the criteria established by Code §14-3.2(E)(2)(c) and finds the following facts: *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.* The conditions affecting the subject land are jurisdictional rather than a result of market conditions.

### Rezoning

26. Under Code §14-3.5(C), the Commission may review the proposed rezonings and make recommendations to the Governing Body by the Planning Commission.
27. The Commission has considered the criteria established by Code §14-3.5(C)(1)(a) and finds the following facts: *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)].* The current R-1 zoning designation is inconsistent with the historical pattern of Santa Fe families buying land in this area along Agua Fria and constructing their homes and starting a small business at the same location. The City Council recently approved C-2 zoning for the nearby Boylan property and Rivera property. Given the discrepancy between the zoning maps and the actual land use, it would be advantageous to recognize the existing land use pattern for these areas as part of amending the city maps.
28. The Commission has considered the criteria established by Code §14-3.5(C)(1)(b) and finds the following facts: *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.
29. The Commission has considered the criteria established by Code §14-3.5(C)(1)(c) and finds the following facts: *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].* The proposed rezoning is consistent with the Plan.



30. The Commission has considered the criteria established by Code §14-3.5(C)(1)(d) and finds the following facts: *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)].* The rezoning request for the subject property should be considered an infill development rather than a property that is located in the path of the future growth of the community. There is larger other undeveloped C-2 zoned land available in the southern region of the urban area, generally along Cerrillos Road, the Las Soleras and Entrada Contenta developments.
31. The Commission has considered the criteria established by Code §14-3.5(C)(1)(e) and finds the following facts: *(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)].* Public utilities are available on Agua Fria, including water, gas and electric lines, cable and telephone lines. A traffic impact study prepared by the Applicant indicates it would be feasible to provide access from Agua Fria from commercial development on the project site.
32. The Commission has considered the criteria established by Code §§14-3.5(D)(1),(2) and finds the following facts: *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; 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.* Existing infrastructure is available to serve this development and has the capacity to accommodate the project at full development.

### CONCLUSIONS OF LAW

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

#### General

1. The proposals 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 General Plan Amendment



3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.
4. The Applicable Requirements have been met.

The Rezoning

5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. 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.
7. The Applicable Requirements have been met.

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_ DAY OF OCTOBER, 2015 BY  
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the General Plan Amendment to Community Commercial to the Governing Body.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the rezoning request to C-2 to the Governing Body, subject to Staff Conditions.

\_\_\_\_\_  
Michael Harris, Chair

\_\_\_\_\_  
Date:

FILED:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

\_\_\_\_\_  
Date:



# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

Resolution No. 2015-\_\_\_\_  
Old Pecos Trail Corridor

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**SPONSOR(S):** Councilor Bushee, Mayor Gonzales, Councilors Ives, Lindell and Maestas

**SUMMARY:** The proposed resolution would direct staff to complete the Old Pecos Trail scenic corridor plan, following the necessary public process.

**PREPARED BY:** Jesse Guillen, Legislative Liaison

**FISCAL IMPACT:** Yes

**DATE:** September 9, 2015

**ATTACHMENTS:** Resolution  
Amended FIR



1                                   **CITY OF SANTA FE, NEW MEXICO**

2                                   **RESOLUTION NO. 2015-\_\_**

3                                   **INTRODUCED BY:**

4  
5                                   Councilor Patti J. Bushee

Mayor Javier M. Gonzales

6                                   Councilor Peter N. Ives

Councilor Signe I. Lindell

7                                   Councilor Joseph M. Maestas  
8  
9

10                                   **A RESOLUTION**

11 **DIRECTING STAFF TO COMPLETE THE OLD PECOS TRAIL SCENIC CORRIDOR**  
12 **PLAN BY FOLLOWING THE NECESSARY PUBLIC PROCESS.**  
13

14                   **WHEREAS**, the Old Pecos Trail, with its panoramic views of the Sangre De Cristo and  
15 Jemez Mountains, and its historic connection to the Old Santa Fe Trail, is iconic and irreplaceable;  
16 and

17                   **WHEREAS**, the 1999 General Plan states: "The character of Santa Fe is defined by more  
18 than just buildings. Many other features are recognized as making a collective contribution to the  
19 city's distinctive cultural landscape. Such features should be identified and recorded locationally and  
20 include acequias, street forms, and physical attributes"; and

21                   **WHEREAS**, the 1999 General Plan directs the City to expand existing resource survey  
22 efforts to include recording characteristics and unique physical features and historic development  
23 patterns and to develop processes to preserve those characteristics, physical features, and  
24 development patterns; and

25                   **WHEREAS**, the 1999 General Plan specifically calls for development of the Old Pecos Trail



1 Scenic Corridor , saying "The Old Pecos Trail Scenic Corridor designates Old Pecos Trail, between  
2 Cordova Road and I-25, as a scenic roadway and recognizes its importance as an unspoiled entryway  
3 into downtown"; and

4 **WHEREAS**, the 1999 General Plan states that development standards for the Old Pecos Trail  
5 Scenic Corridor, including land uses, density, and design controls, will be developed through a public  
6 participation process; and

7 **WHEREAS**, the city has adopted SFCC Section 14-5.5(a)(2)(A) Boundaries of the South  
8 Central Highway Corridor Protection District (SCHC), which defines the SCHC district  
9 encompassing the land within six hundred feet of the edge of the right of way on both sides of the  
10 following streets designated as special review districts in the general plan, and shown on the official  
11 zoning map in the south central section of Santa Fe: St. Michael's Drive; Old Pecos Trail; St. Francis  
12 Drive; Rodeo Road; and Interstate 25 and its frontage roads; and

13 **WHEREAS**, in the early 2000's, there was an extensive public process to develop more  
14 specific standards for Old Pecos Trail to be included within SFCC 14-5.5, the SCHC Protection  
15 District, as the "Old Pecos Trail Scenic Corridor"; and

16 **WHEREAS**, those standards were not fully adopted; and

17 **WHEREAS**, this lack of specificity has resulted in concerns that the Old Pecos Trail Scenic  
18 Corridor, as called for in the 1999 General Plan, is imperiled and needs immediate protection.

19 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
20 **CITY OF SANTA FE** that Land Use Department staff is directed to immediately reconvene the  
21 public process to develop standards for the Old Pecos Trail Scenic Corridor and to present those  
22 standards to the Governing Body for adoption into the City's Land Use Code.

23 **PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
24  
25

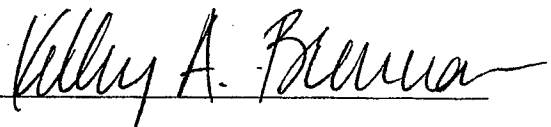


\_\_\_\_\_  
JAVIER M. GONZALES, MAYOR

ATTEST:

\_\_\_\_\_  
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
KELLEY A. BRENNAN, CITY ATTORNEY



## City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

### Section A.      **General Information**

(Check) Bill: \_\_\_\_\_ Resolution:   X  

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **A RESOLUTION DIRECTING STAFF TO COMPLETE THE OLD PECOS TRAIL SCENIC CORRIDOR PLAN BY FOLLOWING THE NECESSARY PUBLIC PROCESS.**

Sponsor(s): Councilor Bushee, Mayor Gonzales, Councilors Ives, Lindell and Maestas

Reviewing Department(s): Land Use

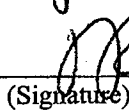
Persons Completing FIR: Greg Smith, Director Current Planning Division Date: 9/9/15 Phone: 955-6957

Reviewed by City Attorney: \_\_\_\_\_

  
(Signature)

Date: 9/21/15

Reviewed by Finance Director: \_\_\_\_\_

  
(Signature)

Date: 9-21-2015

### Section B.      **Summary**

Briefly explain the purpose and major provisions of the bill/resolution:

**The proposed resolution directs staff to "immediately reconvene the public process to develop standards for the Old Pecos Trail Scenic Corridor and to present those standards to the Governing Body for adoption into the City's Land Use Code."**

### Section C.      **Fiscal Impact**

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

#### **1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate:      "A" if current budget and level of staffing will absorb the costs  
                      "N" if new, additional, or increased budget or staffing will be required
- c. Indicate:      "R" – if recurring annual costs  
                      "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: \_\_\_\_\_



\_\_\_\_\_ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 15-16	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non- recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non- recurring	Fund Affected

Personnel*	\$ ***	A***	NR	\$ _____	_____	_____	_____
Fringe**	\$ ***	A***	NR	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services Planning Consultant	<del>[\$50,000]</del>	N	NR	\$ _____	_____	_____	_____
Professional Services Meeting Facilitation	\$10,000	N	NR	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	<del>[\$60,000]</del> \$10,000			\$ _____			

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

## 2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non- recurring	FY _____	"R" Costs – Recurring or "NR" Non- recurring	Fund Affected

No funding source identified

_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		



### 3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

Staff has been unable to locate any work products generated by earlier efforts that are identified in the resolution, and anticipates that the work would essentially have to start from "scratch." Depending on the extent of public involvement and the complexity of regulations that are developed, the effort would involve a few hundreds of hours of professional services from staff and/or consultants for research, notification, conducting meetings, preparation of draft regulations, public meetings, etc. Since this project is not included in the annual work program for either the Land Use Department or the Long Range Planning Division of the Housing and Community Development Department, completing the OPT Corridor regulations would require a) professional service contracting, b) deferring action on projects that have already been included in departmental work programs, c) hiring new staff, or d) a combination of a, b, and c. Staff estimates [the contract amounts as \$50,000 for professional planning services, plus] \$10,000 for meeting facilitation services. Existing staffing levels for the Land Use Department Current Planning Division and/or the Long Range Planning Division of the Housing and Community Development Department could absorb the management of consultant services, and – depending on other project priorities – could also provide limited direct involvement in conducting meetings. No additional sources of revenue have been identified for this project.

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### Section D.      General Narrative

1. **Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

No conflicts or duplications are anticipated. The OPT corridor project would need to be coordinated with other ongoing planning and code updates, including the update to the General Plan.

### 2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The existing "South Central Highway Corridor Overlay District [Section 14-5.5(A) SFCC 1987] will continue to regulate part of the area identified in the 1999 General Plan, and the remainder will continue to have no special overlay regulations.

### 3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None

### 4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The intent of the regulations is to preserve the distinctive features of the Old Pecos Trail entryway to the city.



# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

Resolution No. 2015-\_\_\_\_  
West Santa Fe River Corridor

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**SPONSOR(S):** Councilor Bushee

**SUMMARY:** The proposed resolution would direct staff to create a West Santa Fe River Corridor by following the necessary public process.

**PREPARED BY:** Jesse Guillen, Legislative Liaison

**FISCAL IMPACT:** Yes

**DATE:** September 18, 2015

**ATTACHMENTS:** Resolution  
FIR

*Exhibit "A"*



**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2015-\_\_**

**INTRODUCED BY:**

Councilor Patti J. Bushee

**A RESOLUTION**

**CREATING THE WEST SANTA FE RIVER CORRIDOR AREA MASTER PLAN AND  
ADOPTING IT AS AN AMENDMENT TO THE GENERAL PLAN (OR AS THE 2<sup>ND</sup> PHASE  
OF THE SANTA FE CITY/COUNTY SOUTHWEST AREA MASTER PLAN).**

**WHEREAS**, the West Santa Fe River Corridor has been an historic gateway for centuries for the Pueblo and Spanish and was part of the Agua Fria Historic Village, descendants of this large portion of the Santa Fe river community continue to live here on or near large vacant parcels of land and could experience growth and that growth needs to be directed by a comprehensive and publicly validated plan; and

**WHEREAS**, previous planning efforts were undertaken before annexation of the area southwest of the West Santa Fe River Corridor that ended south at Henry Lynch Road; and

**WHEREAS**, pursuant to Section 3-19-19 NMSA 1978, the City's master plan shall include:  
"careful and comprehensive surveys and studies of existing conditions and probable future growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will,



1 in accordance with existing and future needs, best promote health, safety, morals, order, convenience,  
2 prosperity or the general welfare as well as efficiency and economy in the process of  
3 development...”; and

4 **WHEREAS**, the City desires to

5 (1) Enhance the quality of life by ensuring that development is in character with the  
6 surrounding neighborhoods, and that social equity, physical growth, redevelopment,  
7 historical, agricultural and cultural practices, natural resource conservation and  
8 protection are balanced; and

9 (2) Foster a Santa Fe tradition that enriches everyday life by providing urban space  
10 conducive to public life, establish an ecological base for urban design, while  
11 continuing to build and preserve in accordance with the history of Santa Fe including  
12 the historic “El Camino Real” and the neighborhoods surrounding it which is integral  
13 to the West Santa Fe River Corridor; and

14 (3) Follow the wishes of the voters who added neighborhood preservation as a critical  
15 value in the City’s Charter; and

16 (4) The city wishes to work with landowners that have land uses and existing conditions  
17 that do not currently meet the city’s zoning regulations; and

18 (5) Create predictability of future growth and development of the area, especially around  
19 use and scale of development; and

20 (6) Maintain and allow a mix of uses in the neighborhood; and

21 (7) Assess needed infrastructure in the area, especially around roads and sewer; and

22 **WHEREAS**, the City of Santa Fe General Plan shall be kept current so that City policies  
23 reflect changing conditions and concerns; take into account the Land Use Codes and City Charter;  
24 and

25 **WHEREAS**, the City General Plan’s goals and procedures for community area planning call



JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY



1 for comprehensive citizen involvement intended to generate and apply concepts and ideas through a  
2 series of citizen participation workshops within smaller, related neighborhood units.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
4 **CITY OF SANTA FE** that city staff is directed to begin the process of creating the West Santa Fe  
5 River Corridor Area Master Plan and ensuring its adoption as an amendment to the City of Santa Fe's  
6 General Plan. This shall be accomplished through:

- 7 1. Create a citizen working group comprised of interested area residents and community  
8 members to advise staff during the process.
- 9 2. Allow for input, in a spirit of partnership, with representatives of the Agua Fria  
10 Traditional Historic Community.
- 11 3. Study and plan for an initial phase that generally includes the area bounded by West  
12 Alameda Street to the north, La Joya Road to the east, Agua Fria Street to the  
13 south and the Agua Fria Traditional Historic Community to the west. Then study and  
14 plan for a 2<sup>nd</sup> phase, upon further action from the Governing Body which should  
15 include any necessary allocation of additional funding, this would include the city-  
16 initiated Phase 3 annexation area between West Alameda Street and NM highway  
17 599; and studying the need for a final phase which could include other areas of the  
18 Santa Fe River Corridor in the southwestern part of the city.
- 19 4. The planning process timeline should take 6-12 months in drafting a West Santa Fe  
20 River Corridor Plan prior to starting the adoption process which will include review  
21 and recommendation by the Planning Commission prior to City Council  
22 consideration.
- 23 5. That the Master Plan may also include a draft overlay ordinance for part or all of the  
24 Planning Area to be included in the city's Land Development Laws (Chapter XIV).

25 PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.



## City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

### Section A. General Information

(Check) Bill: \_\_\_\_\_ Resolution: X  
(A single FIR may be used for related bills and/or resolutions)

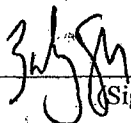
Short Title(s): **A RESOLUTION CREATING THE WEST SANTA FE RIVER CORRIDOR AREA MASTER PLAN AND ADOPTING IT AS AN AMENDMENT TO THE GENERAL PLAN (OR AS THE 2ND PHASE OF THE SANTA FE CITY/COUNTY SOUTHWEST AREA MASTER PLAN).**

Sponsor(s): Councilor Patti Bushee

Reviewing Department(s): Housing and Community Development Dept.

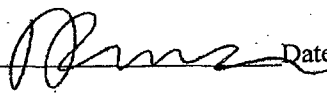
Persons Completing FIR: Richard Macpherson, Senior Planner Date: 9/18/15 Phone: 955-6609

Reviewed by City Attorney: \_\_\_\_\_

  
(Signature)

Date: 9/18/15

Reviewed by Finance Director: \_\_\_\_\_

  
(Signature)

Date: 9-18-2015

### Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

**The proposed resolution directs staff to create a corridor plan for the West Santa Fe River Corridor area. This plan is an extensive land use area and is near the west side neighborhoods.**

### Section C. Fiscal Impact

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

#### **1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost-savings are projected (explain in Section 3 Narrative)

Finance Director: \_\_\_\_\_



\_\_\_\_\_ Check here if no fiscal impact

mn #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non- recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non- recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$30,000.00	A	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	\$30,000.00			\$ _____			

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

## 2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non- recurring	FY _____	"R" Costs - Recurring or "NR" Non- recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ 0		\$ _____		



CITY OF SANTA FE, NEW MEXICO  
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2015-\_\_\_\_  
West Santa Fe River Corridor

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2015-\_\_\_\_:

1. On page 1, *delete* lines 11-13, and *insert* in lieu thereof:

**"DIRECTING STAFF TO CREATE THE WEST SANTA FE RIVER  
CORRIDOR MASTER PLAN AND BRING IT FORWARD FOR  
ADOPTION BY THE GOVERNING BODY AS AN AMENDMENT TO THE  
GENERAL PLAN."**

2. On page 3, *delete* lines 3-6 and *insert* in lieu thereof:

**"NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY  
OF THE CITY OF SANTA FE that city staff is directed to create the West Santa  
Fe River Corridor Master Plan and bring it forward for adoption by the Governing  
Body as an amendment to the General Plan. This shall be accomplished through:"**

Respectfully submitted,

\_\_\_\_\_  
Councilor Peter N. Ives

ADOPTED: \_\_\_\_\_  
NOT ADOPTED: \_\_\_\_\_  
DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

*Exhibit "5"*



**MARTINEZ, LISA D.**

---

**From:** Simon Brackley <simon@santafechamber.com>  
**Sent:** Thursday, October 01, 2015 3:06 PM  
**To:** 'Kate Chavez'; Justin Greene; MARTINEZ, LISA D.  
**Subject:** Proposed West Santa Fe River Corridor

Planning Commission Members,

Re: The Proposed West Santa Fe River Corridor

The Santa Fe Chamber of Commerce has serious concerns about the proposal to create a designated River Corridor area and its impact on existing and future businesses.

- The area is home to dozens of existing small businesses which employ hundreds of Santa Feans and are not mentioned anywhere in the proposal. These businesses generate significant tax revenue to the City, and are good neighbors
- The area has numerous empty and underdeveloped lots, many of which have been held as investments by local families who have property rights
- The area has recently received significant infrastructure improvements – roads, bridge, utilities etc under the assumption that area would be developed in the future
- The City's existing General Plan governs the area and is already being reviewed and updated in order to consider the entire communities needs
- Much of the language in the proposal is vague and beyond the scope of a neighborhood committee

We urge you to delay action on this vague proposal until the Master Plan review has made recommendations for this area and its role in the community as a whole.

Thank you for your consideration

Simon Brackley  
President and CEO  
Santa Fe Chamber of Commerce  
505-988-3279  
[www.santafechamber.com](http://www.santafechamber.com)  
[simon@santafechamber.com](mailto:simon@santafechamber.com)  
1644 St. Michael's Dr.  
Santa Fe, NM 87505

Volunteer two hours in October and help strengthen the The Voice of Business in Santa Fe!  
Ask me how!



# 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

**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>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:</p> <p><i>A. Grant of Public Sidewalk Easements;</i></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><i>B. Grant of Public Multiuse (bicycle/pedestrian) Trail Easement;</i></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>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:</p> <p><i>A. Sheet C-1 Grading and drainage Plan:</i></p> <p><i>i. River Road pedestrian improvements:</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. Internal circulation sidewalk:</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. <u>Multiuse trail connection</u>: 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**

<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>	Land Use Engineer	RB Zaxus
<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>	Fire Marshal	Reynaldo Gonzales
<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>	Landscape Review	Noah Berke-
<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 Wrynant



# **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)

## 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:

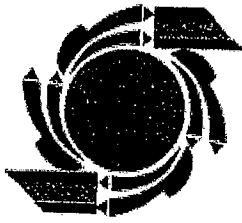
- i. River Road pedestrian improvements: The Developer shall Design and Construct pedestrian improvements from the subject property to connect with the existing sidewalk at the northwest corner of Santa Fe River Road and Calle Don Jose.
- ii. Internal circulation sidewalk:



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

---

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.**

---

**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

---

**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

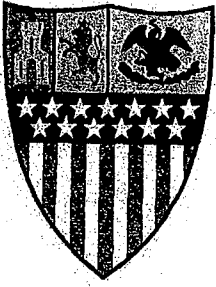
Subject: Case 2015-82 River Trails Lofts Final Development Plan

---

**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](http://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 

**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 turn-around 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

---

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"

---

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**

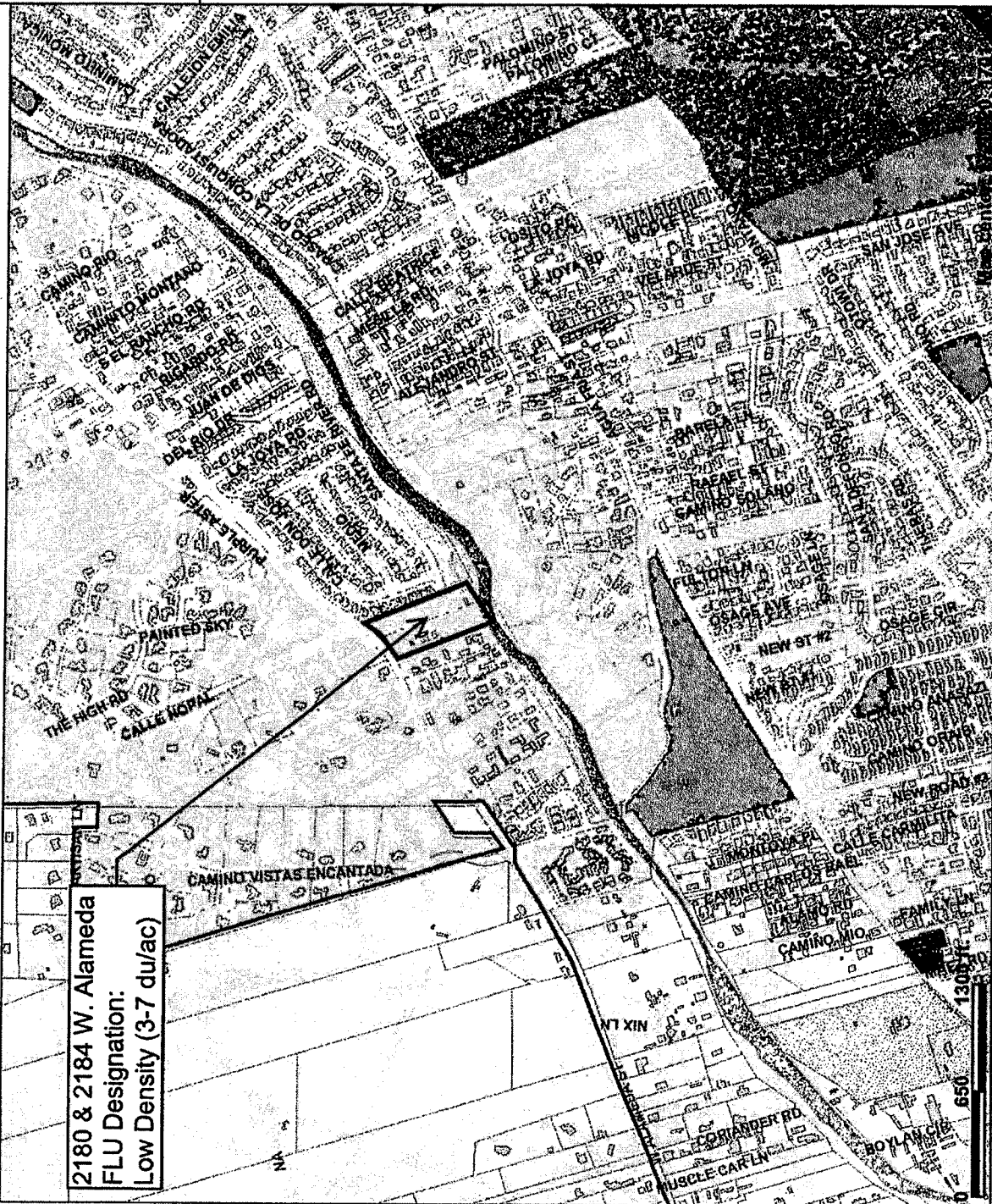
## **Planning Commission**

### **Exhibit C**




















**Maps and Photographs**



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



## City Limited

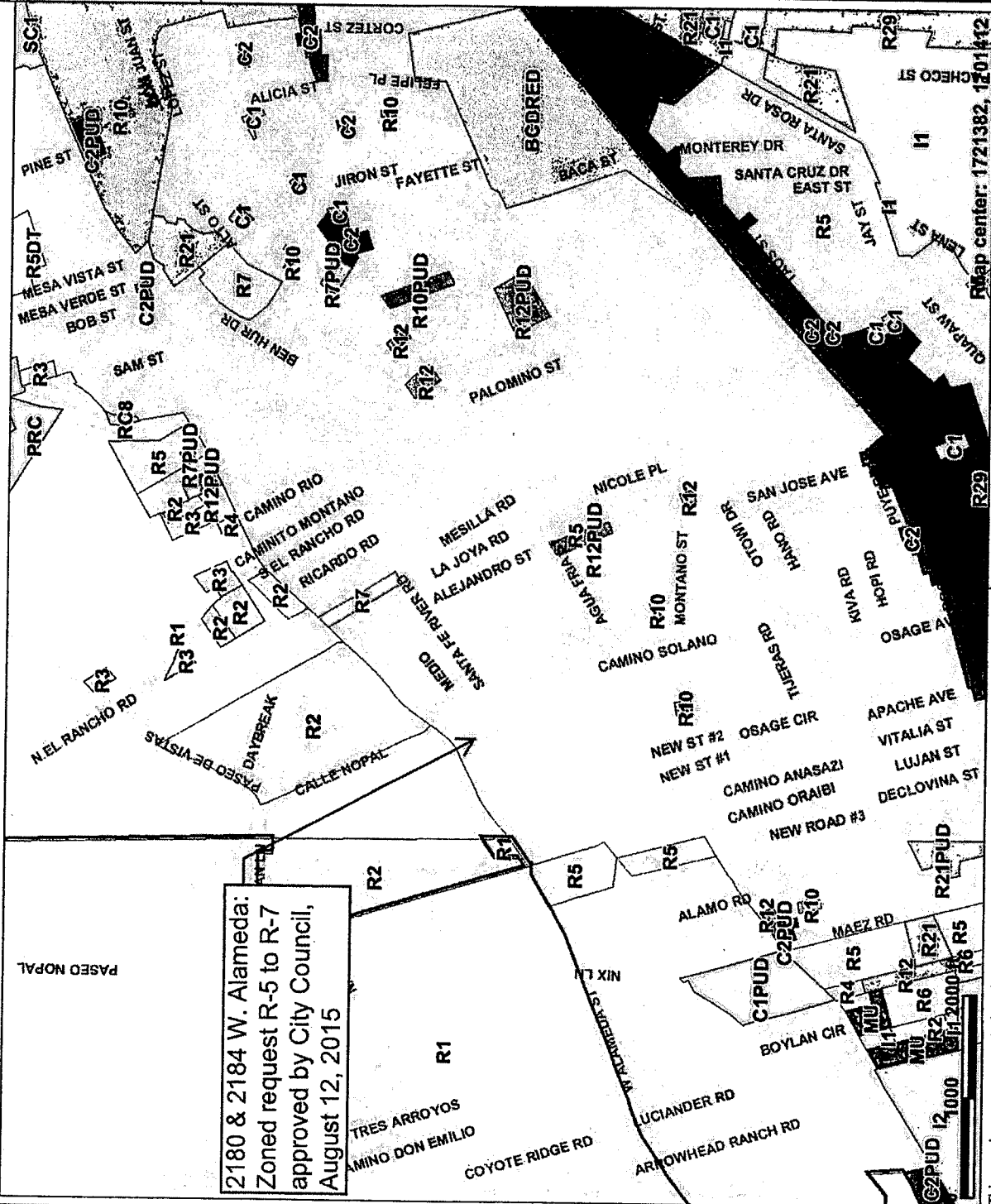
- |   |   |
|---|---|
|    | <b>Parcels</b>                                      |
|    | <b>Building Footprint</b>                           |
|    | <b>Santa Fe River</b>                               |
|    | <b>Future Land Use</b>                              |
|    | <b>Mountain/Corridor (1 dwelling per 10+ acres)</b> |
|    | <b>Very Low Density (1-3 dwellings per acre)</b>    |
|    | <b>Low Density (3-7 dwellings per acre)</b>         |
|    | <b>Moderate Density (7-9 dwellings per acre)</b>    |
|    | <b>Medium Density (7-12 dwellings per acre)</b>     |
|    | <b>High Density (12-29 dwellings per acre)</b>      |
|    | <b>Regional Commercial</b>                          |
|    | <b>Community Commercial</b>                         |
|    | <b>Neighborhood Center</b>                          |
|    | <b>Transitional Mixed Use</b>                       |
|    | <b>Business Park</b>                                |
|   | <b>Office</b>                                       |
|  | <b>Industrial</b>                                   |
|  | <b>Public/Institutional</b>                         |
|  | <b>Open Space</b>                                   |

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.



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



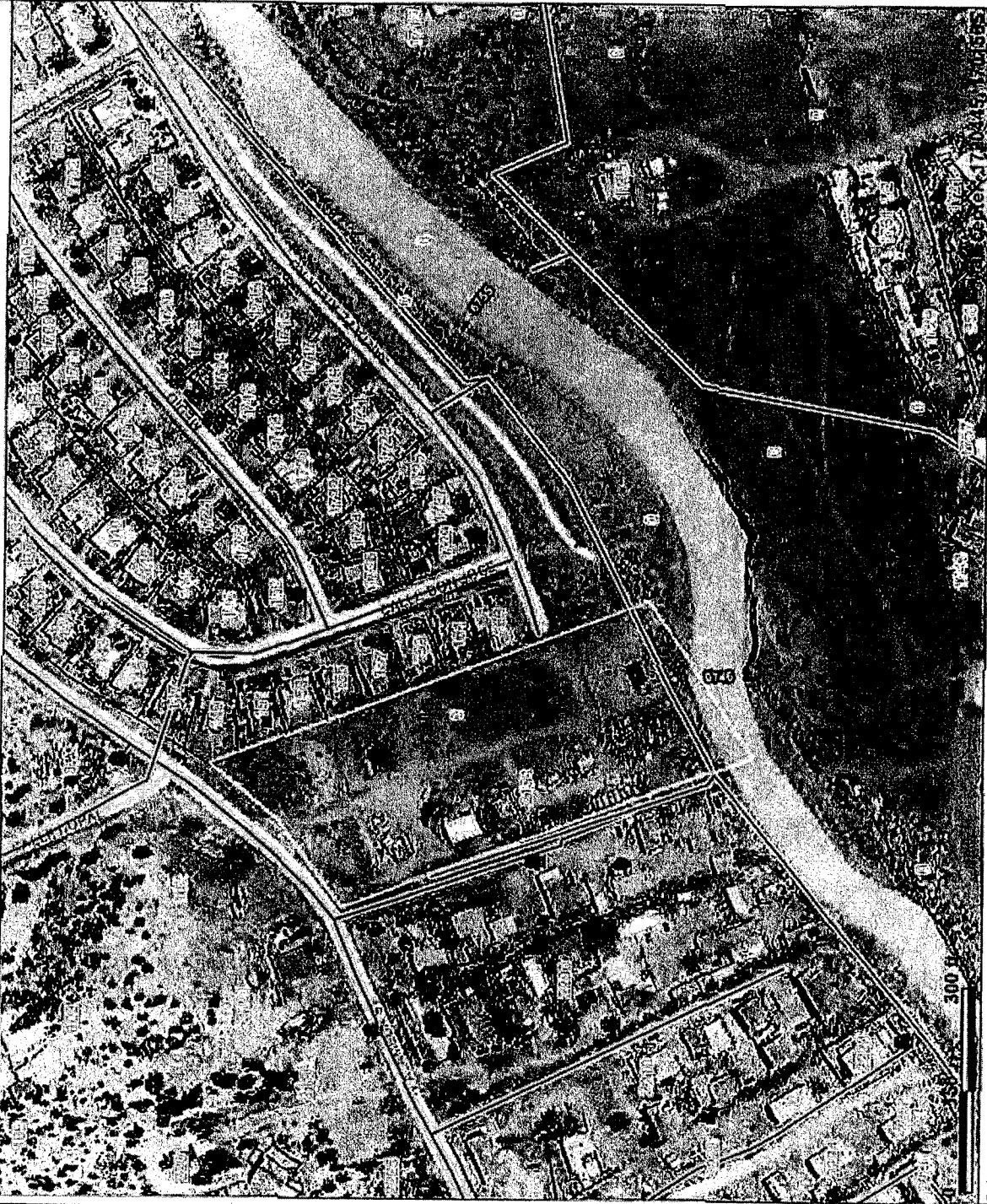
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

**Scale: 1:17,922**





# 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.

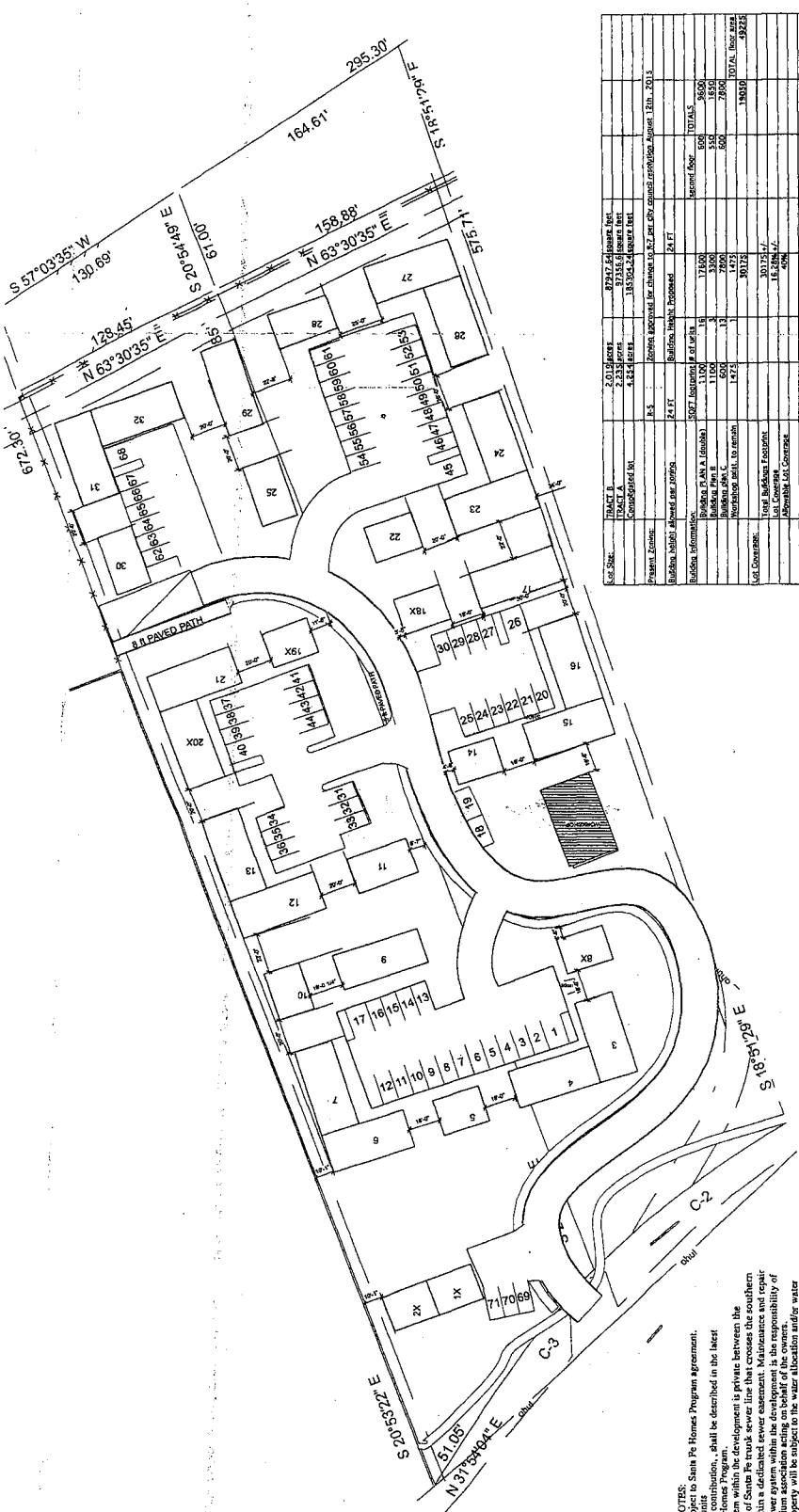
Sincerely,



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

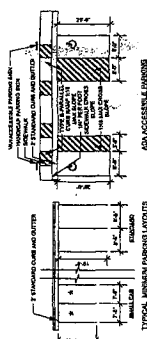
Copy: Joseph Karnes.





**RIVER TRAIL LOFTS NOTES:**

1. The project is located within the Santa Fe Historic Program Agreement.
2. There will be 6 SFHP units.
3. The affordable housing contribution, shall be described in the deed.
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 property owner.
5. Development on the property will be subject to the water allocation and/or water other permit provisions of ordinance No. 2002-29 and resolution 2002-55 at the time of development.
6. Property development is required to comply with the provisions of each city of Santa Fe.
7. Permitted after October 30, 2002 and subsequent amendments up to the date of the building permit.
8. Property development is required to comply with applicable provisions of Chapter 14, Land development code, SFC, 1998 and subsequent amendments up to the date of the building permit.
9. This project is within the River and Trails Archeological District, and shall comply with Article 14-5.3(D) of the Santa Fe City Code.
10. All building units shall conform to the intent of the development plan with material standards, which preservation of significant trees is required.
11. The project shall be designed to meet the minimum standards for building envelopes, including walls and fences, subject to application building permit requirements.
12. All proposed changes to the approved improvement plans shall receive prior approval from the City of Santa Fe's planning and use department before construction.
13. All parking spaces shall be maintained available for the intended use at all times, and shall be maintained in accordance with the standards of the City of Santa Fe.
14. The City of Santa Fe's planning and use department shall review and approve the development plan and any subsequent amendments to the development plan.
15. The property owner shall maintain the property in accordance with the development plan and any subsequent amendments to the development plan.
16. The property owner shall maintain the property in accordance with the development plan and any subsequent amendments to the development plan.
17. The property owner shall maintain the property in accordance with the development plan and any subsequent amendments to the development plan.
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30. The property owner shall maintain the property in accordance with the development plan and any subsequent amendments to the development plan.
31. The property owner shall maintain the property in accordance with the development plan and any subsequent amendments to the development plan.
32. The property owner shall maintain the property in accordance with the development plan and any subsequent amendments to the development plan.



**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 the project. The property owner(s) shall be responsible for the maintenance and repair of the stormwater improvements 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(s) to correct the deficiency; and (3) the cost of maintenance and repair of the stormwater improvements for both direct and indirect costs associated with such work. By signature affixed to this agreement, 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.

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







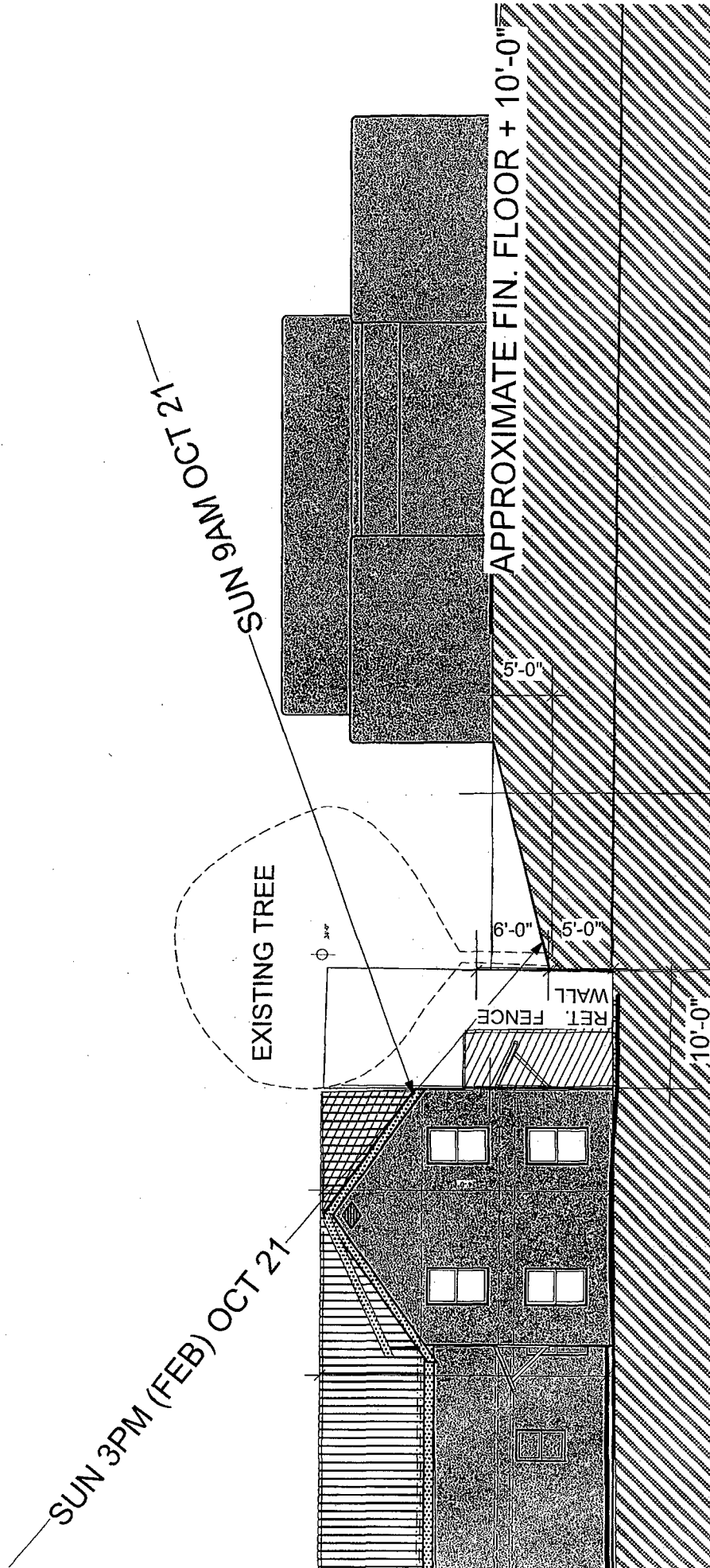
## Development Plan Details

[illegible]

# DEVELOPMENT PLAN

(Chart enlarged from chart on Development . . .)





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 know 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 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 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 the 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."



Councilor 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."

Councilor 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 Councilor 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."

Councilor 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."

Councilor 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 entire 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 façades 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 against 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:

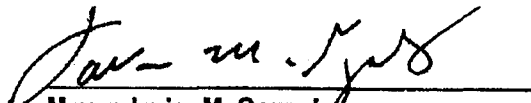
**For:** Mayor Gonzales, Councilor Dominguez, Councilor Ives, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Dimas.

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

# **I. ADJOURN**

The 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.

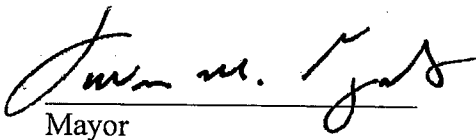
#### CONCLUSIONS OF LAW

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.

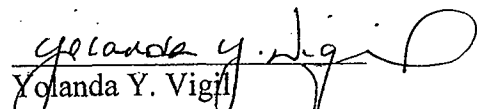
  
Mayor

9-1-15  
Date:

[REMAINING SIGNATURES APPEAR ON THE FOLLOWING PAGE]

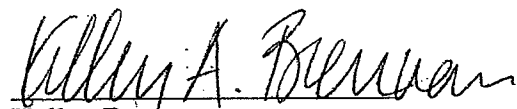


FILED WITH THE CITY CLERK:

  
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:



ITEM # 15-0641

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

tabbies

A



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

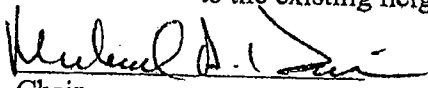
3. The Applicant has the right under the Code to propose the rezoning of the Property.
4. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that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

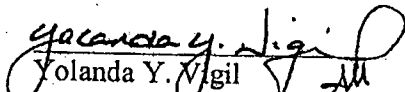
1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the development plan.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning 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

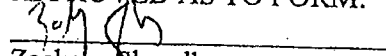
Date:

FILED:

  
Yolanda Y. Vigil  
City Clerk

7/7/15  
Date:

APPROVED AS TO FORM:

  
Zachary Shandler  
Assistant City Attorney

7/2/15  
Date:

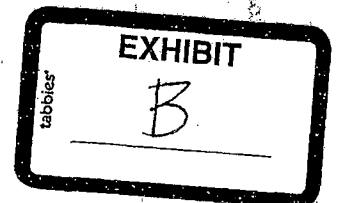


# River Train Lofts

(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>	Wastewater	Stan Holland
<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>	Land Use Engineer	RB Zaxus



Revised - August 1, 2015 - Planning Commission

Page 10



# 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 Train 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



# City of Santa Fe, New Mexico

## memo

**DATE:** October 1, 2015  
**TO:** Planning Commission  
**FROM:** Current Planning Division  
**RE:** Additional Information

---

The attached information is not in your October 1, 2015 Planning Commission packet. The information is in the following order:

**Case #2015-82. River Trail Lofts Final Development Plan.**

- Memo dated September 25, 2015 from Sandra Kassens, Engineer Assistant, Traffic Engineering Division.
- Solar Rights Declaration for 149 Calle Don Jose from Charles Harvey, representative for Jeanne DiLoreto.
- Santa Fe Public Schools Residential Development Impact Information Form.
- Email correspondence from Nury Khozein, neighbor.

*Exhibit "B"*



# City of Santa Fe, New Mexico

## memo

**DATE:** September 25, 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)

### 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.

### ADDITIONAL CORRESPONDENCE WITH COMMISSIONERS:

The following comments are based on a discussion with the Developer Sept. 25, 2015, regarding condition 2.A.i of the Traffic Engineering conditions of approval per our staff report dated **September 4, 2015** that should be included in your packets.

The Planning Commission at its June 4, 2015 meeting made a motion to recommend approval to the City Council of the rezone request for the referenced project. The motion included the following amendment to the third bullet point in the MPO's conditions to read *"to include internal pedestrian pathways/sidewalks or pedestrian connections to the existing neighborhood to its east."*

We interpret pedestrian connectivity to mean that the pedestrian pathway from the subject development must physically connect to the pedestrian pathway in the neighboring development. Since the existing sidewalk in the neighboring development ends near the corner at Calle Don Jose, the Developer needs to construct sidewalk from their property line to the end of the existing sidewalk in order to create this connectivity.

The Traffic Engineering Division shares the concerns of the MPO for pedestrian connectivity, therefore we have included condition 2.A.i in our staff report to clarify this issue. Condition 2.A.i. is repeated here for your convenience.

2.A.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.

We sincerely hope that this condition supports the intent of the Planning Commission's amendment. We respectfully request that you review the above and make a determination as to whether we have interpreted this amendment correctly.  
Thank you.

Sandy Kassens, Engineer Assistant, Traffic Engineering Division



**WYNANT, DONNA J.**

---

**From:** Charlie Henry <charlie@walcottlaw.com>  
**Sent:** Thursday, September 24, 2015 4:43 PM  
**To:** WYNANT, DONNA J.  
**Subject:** River Trail Lofts Development  
**Attachments:** Recorded DSR 9-24-15.pdf

Ms. Wynant,

I left a voice message for you.

I represent Jeanne DiLoreto.

She owns property next to the River Trail Lofts Development.

She is asserting a solar rights easement. The recorded easement right is attached. Exhibit 1 is a survey which shows the location of the easement right (specifically the height).

I have provided a copy of this Solar Right Declaration to Karl Sommer, who is the attorney for the developers. I will talk to Karl about this when he gets a chance.

I just wanted to make sure that you are aware of this.

If you have any questions, please feel free to contact me.

---

**Charles V. Henry**



**WALCOTT HENRY & WINSTON, P.C.**

200 West Marcy Street, Suite 142  
Santa Fe, NM 87501  
ph: 505-982-9559  
cell: 505-660-1288  
fax: 505-982-1199  
email: [charlie@walcottlaw.com](mailto:charlie@walcottlaw.com)

please note

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This firm is a debt collector. Any information obtained will be used for that purpose.



### SOLAR RIGHT DECLARATION

Jeanne DiLoreto, owner of the real property described below, claims a solar right in favor of real estate in Santa Fe County, New Mexico commonly known as 149 Calle Don Jose, Santa Fe, New Mexico 87501, and with a legal description of:

Lot Nine (9), Block One (1), Rio Vista Subdivision as shown on plat entitled "Replat of Blocks 1, 2, 3, 4 and 5 Rio Vista Subdivision" filed in the Office of the County Clerk, Santa Fe County, New Mexico on May 2, 1980 as Document No. 457,660;

and also shown on a Boundary Survey With Cross Sections for Solar Rights For Jeanne DiLoreto, of Lot 9, Block 1, Rio Vista Subdivision (Exhibit 1).

The following named persons have each received notification by certified mail evidenced by a return receipt signed by the named person, or if the address of any person was not known and could not be ascertained by reasonable diligence, or if a return receipt signed by the named person could not be obtained, then notification to that person shall be made by publication of a copy of this declaration, with the intended date of filing, at least once a week for two consecutive weeks in a newspaper of general circulation in the county in which the property for which the solar right is being claimed is located, the last publication of which was no less than ten days prior to the filing of this declaration:

1. **Anita Soltero a/k/a Anita S. Stewart**  
151 Calle Don Jose  
Santa Fe, New Mexico 87501  
Santa Fe County Tax Assessor Account ID/Location ID 16009867  
Parcel Code ID: 1-052-098-050-349000-000  
Alternate Location ID: Lot 10, Block 1, Rio Vista Subdivision

**Legal Description:**

Lot 10, Block 1, Rio Vista Subdivision, as shown on plat filed in the Office of the County Clerk, Santa Fe County, New Mexico on May 2, 1980, in Plat Book 79, page 16, as Document No. 457,660

**Other Reference:**

As Shown on the Sole and Separate Property Agreement and Conveyance recorded as Instrument #1347957 on September 27, 2004 in the records of Santa Fe County.

Owner Address: 38 Bluestem Drive, Santa Fe, New Mexico 87506

2. **Alameda Loft Investments, LLC**  
and

SFC CLERK RECORDED 05/24/2015



Michael Rivera  
2180 W Alameda St.  
Santa Fe, New Mexico

Santa Fe County Tax Assessor Account ID/Location ID 12175744  
Parcel Code ID: 1-052-098-051-324000-000  
Alternate Location ID: TR B Blk 6-3

Legal Description:

Tract "B" as delineated on that certain plat prepared by George Rivera, Registered Land Surveyor, from surveys completed in the field on May 9, 1966 entitled "La Era Subdivision, Ward 4, Santa Fe, N.M.," and bearing said surveyor's identification Number G.R.L.S. which said plat was filed for record in the office of the County Clerk of Santa Fe County on May 27, 1966 as Document No. 293,011 in Plat Book 14, Page 42.

Other Reference:

Warranty Deed dated May 27, 2015 and recorded as Instrument #1766845 on June 12, 2015, executed by Richard Martinez, Abe Rivera and Michael Rivera to Alameda Loft Investments, LLC, P.O. Box 9164, Santa Fe, New Mexico 87504 and describing the property as

Tract A and B, of La Era Subdivision, as shown on plat filed in the office of the County Clerk, Santa Fe, New Mexico on May 27, 1966, in Plat Book 14, Page 42, as Document No. 293,011.

Rivera Owner Address: Michael L Rivera, 2184 W. Alameda St., Santa Fe, NM 87507

Alameda Loft Investment Addresses:

- a. Corporate Mailing Address:  
P.O. Box 9146,  
Santa Fe, NM 87504
- b. Registered Agent:  
Rudolph B. Sacks Jr.  
406 Botolph Ln, Ste 1  
Santa Fe, NM 87505
- c. Karl Sommer  
Sommer Karnes & Associates, LLP  
200 West Marcy St., Suite 133  
Santa Fe, NM 87501
- d. Richard H. Brenner,

SEC. CLERK RECORDED 89/24/2015



Managing Member for First Property Management, LLC, managing member  
of Alameda Loft Investments, LLC,  
Corporate Mailing Address  
P.O. Box 9146  
Santa Fe, NM 87504

Registered Agent:  
Rudolph B. Sacks Jr.  
406 Botolph Ln, Ste 1  
Santa Fe, NM 87505

3. **Alameda Loft Investments, LLC**  
2184 West Alameda

Santa Fe County Tax Assessor Account ID/Location ID 12170880  
Parcel Code ID: 1-052-098-042-312|000-000  
Alternate Location ID: TR A

Legal Description:

Tract "A" as delineated on that certain plat prepared by George Rivera, Registered Land Surveyor, from surveys completed in the field on May 9, 1966 entitled "La Era Subdivision, Ward 4, Santa Fe, N.M.," and bearing said surveyor's identification Number G.R.L.S. which said plat was filed for record in the office of the County Clerk of Santa Fe County on May 27, 1966 as Document No. 293,011 in Plat Book 14, Page 42, Real Property Records of Santa Fe County, New Mexico.

Other Reference:

Warranty Deed dated May 27, 2015 and recorded as Instrument #1766845 on June 12, 2015, executed by Richard Martinez, Abe Rivera and Michael Rivera to Alameda Loft Investments, LLC, P.O. Box 9164, Santa Fe, New Mexico 87504 and describing the property as

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Owner Address:

Alameda Loft Investment Addresses:

- a. Corporate Mailing Address:  
P.O. Box 9146,  
Santa Fe, NM 87504
- b. Registered Agent:

SEC CLERK RECORDED 09/24/2015



Rudolph B. Sacks Jr.  
406 Botolph Ln, Ste 1  
Santa Fe, NM 87505

- c. Karl Sommer  
Sommer Karnes & Associates, LLP  
200 West Marcy St., Suite 133  
Santa Fe, NM 87501
- d. Richard H. Brenner,  
Managing Member for First Property Management, LLC, managing member  
of Alameda Loft Investments, LLC,  
Corporate Mailing Address  
P.O. Box 9146  
Santa Fe, NM 87504

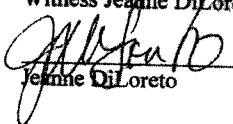
Registered Agent:  
Rudolph B. Sacks Jr.  
406 Botolph Ln, Ste 1  
Santa Fe, NM 87505

The claimant, Jeanne DiLoreto, has placed improvements on the land in the form of a solar collector (Exhibit 2), as shown by the attached Boundary Survey With Cross Sections for Solar Rights For Jeanne DiLoreto, of Lot 9, Block 1, Rio Vista Subdivision (Exhibit 1) setting forth distances from lot lines and height from ground level of all solar collectors entitled to be recorded under the provisions of the Solar Recordation Act, NMSA 1978, §§ 47-3-1 et. Seq, and setting forth the maximum height of a theoretical fence located at the property lines of the property on which the solar collector is located which will not interfere with the solar easement.

Notice is hereby given that by virtue of the Solar Recordation Act, NMSA 1978, §§ 47-3-1 et. Seq, the holders of any interest in property described above as having been mailed notice must record a declaration, with the county clerk in each county in which solar right recordation has been filed, contesting the claimed solar right within sixty days, or the solar right shall be fully vested.

Copies of any exhibits and questions concerning this Solar Rights Declaration can be directed to Jeanne DiLoreto's attorneys, Walcott, Henry & Winston, P.C. (Charles V. Henry), 200 West Marcy St., Suite 142, Santa Fe, New Mexico 87501 (505) 982-9559.

Witness Jeanne DiLoreto's hand and seal this 22nd day of September, 2015

  
Jeanne DiLoreto

Date: 9/24/2015

SEC. CLERK RECORDED 09/24/2015



**Acknowledgment and Signature**

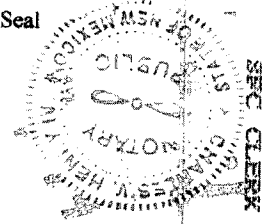
State of New Mexico     )  
                                      )ss  
County of Santa Fe     )

This Solar Rights Declaration was acknowledged and signed before me on September 22, 2015 by Jeanne DiLoreto.

Charles Henry  
Notary Public

My commission expires: June 6, 2017

Seal



COUNTY OF SANTA FE     )  
STATE OF NEW MEXICO   ) ss

SOLAR RIGHT DECLARATION  
PAGES: 8

I Hereby Certify That This Instrument Was Filed for  
Record On The 24TH Day Of September, 2015 at 01:29:20 PM  
and Was Duly Recorded as Instrument # 1775426  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Geraldine Salazar  
Deputy Jeanne DiLoreto County Clerk, Santa Fe, NM



SEC. CLERK RECORDED 09/24/2015



Exhibit 1

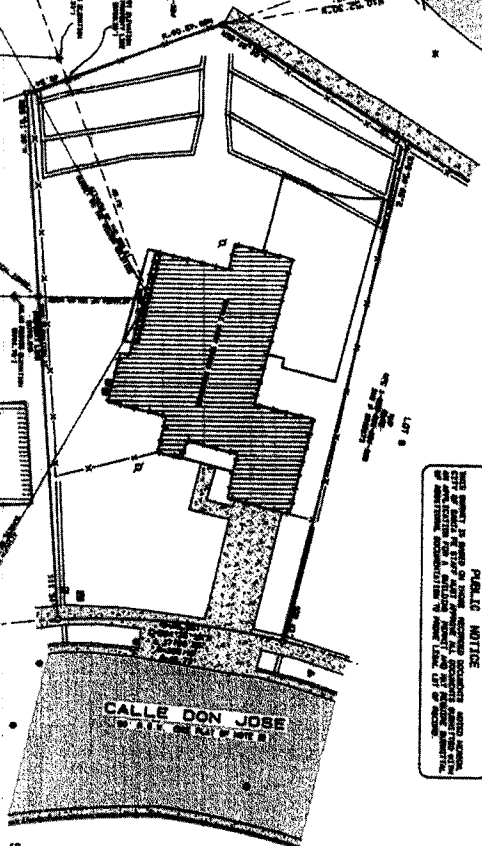
SEC. CLERK RECORDED 88/24/2815

# BOUNDARY SURVEY WITH CROSS SECTIONS FOR SOLAR RIGHTS FOR JEANNE DILORETO, OF LOT 9, BLOCK 1, RIO VISTA SUBDIVISION

LYING & BEING SITUATE WITHIN SECTION 27, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M.  
CITY & COUNTY OF SANTA FE, NEW MEXICO



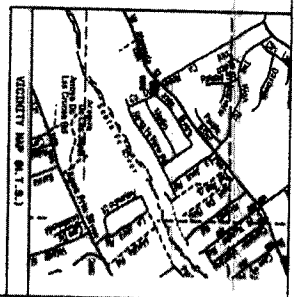
**PUBLIC NOTICE**  
THIS SURVEY IS MADE BY JOHN, A REGISTERED SURVEYOR, AND HIS ASSISTANT, AND IS A FINAL SURVEY. IT IS HEREBY CERTIFIED THAT THE SAME IS TRUE AND CORRECT, AND THAT THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE STATE OF NEW MEXICO.



**SECTION 27, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M.**  
CITY & COUNTY OF SANTA FE, NEW MEXICO



COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
JOHN, A REGISTERED SURVEYOR  
AND HIS ASSISTANT  
CITY & COUNTY OF SANTA FE, NEW MEXICO



## LEGEND

- BOUNDARY LINE
- CROSS SECTION LINE
- EASEMENT LINE
- FENCE LINE
- OVERGROW
- ROAD
- RAILROAD
- UTILITY LINE
- WATERWAY
- WETLAND
- WOODLAND
- CROPLAND
- PASTURE
- FOREST
- SWAMP
- MOUNTAIN
- RIVER
- LAKE
- BEACH
- DUNE
- CLIFF
- CANYON
- MOUNTAIN
- RIVER
- LAKE
- BEACH
- DUNE
- CLIFF
- CANYON

## SURVEYOR'S NOTES:

1. THIS SURVEY WAS MADE BY JOHN, A REGISTERED SURVEYOR, AND HIS ASSISTANT, AND IS A FINAL SURVEY. IT IS HEREBY CERTIFIED THAT THE SAME IS TRUE AND CORRECT, AND THAT THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE STATE OF NEW MEXICO.
2. THE SURVEY WAS MADE BY JOHN, A REGISTERED SURVEYOR, AND HIS ASSISTANT, AND IS A FINAL SURVEY. IT IS HEREBY CERTIFIED THAT THE SAME IS TRUE AND CORRECT, AND THAT THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE STATE OF NEW MEXICO.
3. THE SURVEY WAS MADE BY JOHN, A REGISTERED SURVEYOR, AND HIS ASSISTANT, AND IS A FINAL SURVEY. IT IS HEREBY CERTIFIED THAT THE SAME IS TRUE AND CORRECT, AND THAT THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE STATE OF NEW MEXICO.
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5. THE SURVEY WAS MADE BY JOHN, A REGISTERED SURVEYOR, AND HIS ASSISTANT, AND IS A FINAL SURVEY. IT IS HEREBY CERTIFIED THAT THE SAME IS TRUE AND CORRECT, AND THAT THE SURVEYOR HAS BEEN DULY QUALIFIED BY THE STATE OF NEW MEXICO.

**SOUTHWEST MOUNTAIN SURVEYS**  
1114 HENDER ST., SANTA FE, N.M. 87505  
PHONE: 988-1114  
FAX: 988-1115  
WWW.SWMTNSURVEYS.COM



Exhibit 2

SPEARS HORN ARCHITECTS

September 8, 2015

To whom it may concern:

The solar collector at 149 Calle Don Jose was inspected and measured today. The collector is comprised of 9 units of clear thermopane glazing. The collector faces approximately south (12° west of south). The three lower glazing units are a Trombe wall system backed with solid thermal mass. The upper six units are direct gain glazing. The total area of glazing is 93.38 square feet of glazing. This will produce approximately 132,000 BTU's of heat from 9 am to 3 pm on December 21<sup>st</sup>. Please see the attached calculations.

Thermal storage is provided by a concrete masonry unit wall with solid concrete core filling of approximately 68.65 cubic feet. Additional thermal mass is provided by the concrete slab floor. This collector unquestionably meets the requirements set forth in the New Mexico Solar Rights Act of 1978.

*B. Spears*

Beverley Spears, FAIA  
NM Board of Examiners for Architects  
NM License No. 1349

REC'D CLERK RECORDED 09/24/2015

architecture • landscape architecture • urban design  
1334 Pacheco Street • Santa Fe, New Mexico 87505  
505.983.6966 • fax 505.983.2691 • studio@spearshorn.com



Diloreto Solar Rights  
149 Calle Don Jose

	Width of glazing in feet	Ht. of glazing in feet	No. of units	Total SF
Trombe wall	3.75	2.75	3	30.94
Direct gain				
middle windows	3.73	3.83	3	42.86
upper windows	3.73	1.75	3	<u>19.58</u>
Total glazed area				93.38

Orientation of glazing is 12° west of south  
Glazing is standard thermopane double glazing

BTU gain is approximately 1420 btus per sq foot of glass from 9  
am to 3 pm on the winter solstice

Total BTUs of collector from 9 am to 3 pm on December 21st	132,596
--	---------

Note: BTU values tken from The Passive Solar Energy Book, page 456

Thermal storage	.96 x 18.67 x 3.83 feet	68.65 cubic feet
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SFC CLERK RECORDED 09/24/2015





## Santa Fe Public Schools

### Property & Asset Management

### Residential Development Impact Information Form

School Notification as required by City Ordinance 14-8.18 AFCC 1987

1. Project Name: River Trail lofts @ W. Alameda
2. Location of Property: 2180 W. Alameda
3. Owner/Agent Name: Alameda Loft Investments, L.L.C.  
Mailing Address: P.O. Box 9146  
Phone & Fax: 505 984 1921
4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)	32	\$ 300,000
Single Family (attached)		
Townhome/ Apartment		
Multi-Family		
Commercial		

5. Elementary School Zone for Proposed Development: Gonzales
6. Middle School Zone for Proposed Development: Gonzales
7. High School Zone for Proposed Development: Capitol
8. Build out Rates (Year/s; #/yr): 15  
16

Educational Services Center  
810 Alta Vista  
Santa Fe, NM 87505  
Telephone (505) 467-2000  
[www.sfps.info](http://www.sfps.info)

For questions & submittal, contact:  
Santa Fe Public Schools, Property & Asset Management,  
2195 Zia Road, Santa Fe NM 87505  
505 467 3400



**WYNANT, DONNA J.**

---

**From:** WYNANT, DONNA J.  
**Sent:** Wednesday, September 23, 2015 2:56 PM  
**To:** 'nury khozein'  
**Subject:** RE: River Trail Lofts

Thanks for your email. If you don't mind, I'd like to forward this on to Rick Brenner.

-----Original Message-----

From: nury khozein [<mailto:nuryrun@gmail.com>]  
Sent: Wednesday, September 23, 2015 2:49 PM  
To: WYNANT, DONNA J.  
Subject: Re: River Trail Lofts

Thanks, Donna, for your email. As you know, we are concerned about the west side drainage ditch at 2190 W. Alameda. It regularly causes flooding on our property. We have spent several thousand dollars over the past few years to stop the flooding and erosion but it has not completely solved the problem. We would like to see a note on the plan about the maintenance of this ditch by the developer and later by the home owners association to prevent the flooding problem. Also, there must be an erosion control plan for this drainage ditch, i.e. large rocks/gravel inside wire/mesh boxes, to stop the erosion that causes flooding on our property.

Our second area of concern regards fire prevention. We want to be assured that there will be a fire hydrant on the development and a turn around area for the fire engines. Not long ago there was a fire on the property to the west of our property and since there was no hydrant, there were fire trucks and engines on our property needing access water. Thanks for your attention,

Nury Khozein

> On Sep 23, 2015, at 1:23 PM, WYNANT, DONNA J. <[djwynant@ci.santa-fe.nm.us](mailto:djwynant@ci.santa-fe.nm.us)> wrote:

>

> <River Trail Lofts- Grading and Drainage.pdf>



**WYNANT, DONNA J.**

---

**From:** WYNANT, DONNA J.  
**Sent:** Wednesday, September 23, 2015 2:21 PM  
**To:** 'nuryrun@gmail.com'  
**Cc:** MCDONALD, MELISSA A.  
**Subject:** FW: River Trail Lofts  
**Attachments:** River Trail Lofts- Grading and Drainage.pdf

Hi Nury,

I just received the message below from Rick Brenner and am forwarding it on to you to make sure you receive his response.

***The contractor doing the work for the City at the SW corner of our property has contracted to dredge the entire length of the drainage way that serves the City stormwater system by taking water from Calle Nopal, under Alameda, along our west property line (east property line of the Terrells'). This will help alleviate the problem of water jumping out of the drainage way and damaging our properties.***

***H.O. Construction is about 2 months behind schedule on completing their work.***

**Rick Brenner**  
**505 231 2008 cell**  
**505 216 1618 work**  
**505 989 8428 fax**

---

**From:** WYNANT, DONNA J.  
**Sent:** Wednesday, September 23, 2015 1:23 PM  
**To:** 'nuryrun@gmail.com'  
**Cc:** MCDONALD, MELISSA A.  
**Subject:** River Trail Lofts

Hi Nury

I believe I met you at the Early Neighborhood Meeting for the River Trail Lofts back in March.

Melissa McDonald, River and Watershed Coordinator/Public Works Department said you wanted a copy of the drainage plan for the River Trail Lofts. The Grading and Drainage sheet to their plans is attached. Let me know if you have any questions. The developer is Rick Brenner if you'd like to contact him about your concerns.

**Rick Brenner**  
**505 216 1618 work**  
**505 989 8428 fax**  
[rick@lenastreetlofts.com](mailto:rick@lenastreetlofts.com)





## Testimonial: 2240 W. Alameda St

Gregory Leon Baird <gregoryleonbaird@gmail.com>  
To: Rachel Watson <rachelwatsonbrenner@gmail.com>  
Cc: rick brenner <lenastreetlofts@gmail.com>

Thu, Oct 1, 2015 at 5:44 PM

Hello Rick and Rachael,

I hope this testimony helps because I believe the City of Santa Fe should be building more Communities like the 2240 Alameda Lofts.

To Whom it May Concern,

My name is Gregory Leon Baird and I have lived at the 2240 Alameda Lofts for the past 4 years. The first 3 1/2 years I rented and in August 2015 I decided to purchase the Unit I had been living in as well as purchasing a second Unit as a painting studio.

I love living at the Alameda Lofts. As a Designer and Painter I find living and working at the Alameda Lofts to be an extremely creative and productive environment.

I go every day to work outside of the Alameda Lofts and do not find West Alameda to be overly congested.

The interior layout of my home feels so light and spacious in spite of its actual square footage and I never hear or feel bothered by my neighboring Unit even though we share a small common wall. The Units are really well designed from that stand point. In addition, the density and configuration of my home is the perfect balance of Public and Private space. I truly feel as if I am living in a Park like setting. I believe the overall design of the Alameda Lofts creates a community that has attracted a wonderful, diverse, friendly and richly creative group of residents which is good for any neighborhood. Many of us have keys to other Units to help out with kids, pets, travel, etc. I love living here !!!!!

I believe that the City of Santa Fe needs more housing of the Quality of the 2240 Alameda Lofts because it creates a sustainable living community and neighborhood.

Thank you for your consideration.

Gregory Leon Baird  
2240 W. Alameda Street, # 2  
Santa Fe, NM 87507-8484  
505-795-5959

gregoryleonbaird@gmail.com

*Exhibit "9"*



# CONFIDENTIAL

## River Trail Lofts

(Case #2015-46)

2180 and 2184 West Alameda Rezoning with a Development Plan

DRT Conditions of Approval	Department	Staff
<p>Traffic Engineering Division stated several conditions of approval in the attached memo based on the Traffic Impact Report:</p> <ul style="list-style-type: none"> <li>Remove the stop signs on West Alameda Street as presented in the TIS in order to improve the operation of the intersection, provided that there are no sight distance issues at this intersection.</li> </ul> <p>The Developer shall make the following changes to the Lot Consolidation plat prior to recordation:</p> <ul style="list-style-type: none"> <li>Grant public sidewalk easements for those portions of the 5' wide concrete sidewalk near West Alameda Street where the alignment of said sidewalk leaves the Right-of-Way (ROW) and continues through the subject properties of the River Trail Lofts.</li> <li>Grant pedestrian access easement(s) from the River Trail Lofts to Santa Fe River Road that abuts the property to the East and to the River Trail on the south end of the property.</li> <li>Grant Pedestrian access for the internal north-south, 4" thick concrete sidewalk so that it is ADA compliant and connects to the River Trail to the south of the property.</li> </ul> <p>(See attached Traffic Engineering memo for more detailed comments regarding required revisions to civil and construction details on the applicant's plan sheets.)</p>	<p>Traffic Engineering/Public Works</p>	<p>John Romero (per Sandra Kassens)</p>
<ul style="list-style-type: none"> <li>It appears that Santa Fe River Road was stubbed out at the property line for this project with the intention for it to connect. Why does this project not have a roadway connection with Santa Fe River Road?</li> <li>This size of project should provide a connection to the River Trail which exists along its south boundary</li> <li>The project shows no internal pedestrian pathways/sidewalks or pedestrian connections to the existing neighborhood to its east.</li> </ul>	<p>MPO</p>	<p>Keith Wilson</p>

Exhibit "10"



Commissioner Villarreal said there are conditions placed in the matrix from the MPO from Keith Wilson, and they're not written as conditions, they're questions and they are clarification statements. She said, "So, I would like to understand what, out of the 3 bullet points, are considered as conditions. Or are they just questions that accidentally got into the matrix."

Mr. Smith said, "I believe you are correct in pointing out that those are not properly characterized as conditions of approval. They would more properly have been included in the request for additional information questions in the review process."

Commissioner Villarreal asked which ones are actually conditions that you, as staff are placing on this project.

Mr. Smith said, "I can't speak definitively for the MPO staff. I believe the first bullet point with regard to why does the project not have a roadway condition is not a condition of approval. The second bullet point says the project should provide a connection to the river trail which exists along its south boundary would be a condition. And the project shows no pedestrian pathways, sidewalks or pedestrian connections to the existing neighborhood to its east, it's not clear to me whether the MPO staff did include that as a condition or not."

Commissioner Villarreal said then on the 3<sup>rd</sup> point, could Mr. Sommer explain the third point specifically if it is to be part of the conditions.

Mr. Sommer said Mr. Brenner met specifically with Keith Wilson at the MPO and they arrived at an understanding about what would be there, noting this was long after Mr. Wilson did his submittal, and he can ask him to explain what they talked about and what would be proposed

Mr. Brenner said, "We met in the field, Mr. Wilson and I. His concern was that there be connectivity through the community we're building to the new River Trail."

Commissioner Villarreal asked him to explain connectivity, and asked if he is speaking of pedestrian connectivity.

Mr. Brenner said, "...When we went out there, he determined that the proper way to deal with it would be to... the graphics are off a little. 'This' is the road... the extension of River Road is 'here,' and it wouldn't go through a building. 'These' buildings would be further down. So, he wants, where the emergency access road would be for the Fire Department, he wants us to add on an asphalt lane for bicycles and connect it to the existing River Road and then help improve 'this' portion which is an extension of 'this' road, but not as a vehicular road, but as a bicycle lane down to the sidewalk trail which goes through 'here.' So the intent will be met. And he's agreed on that, it's just that it was too late for him to change the language, and as he said, well Rick you're only going to the Planning Commission at this point for preliminary hearing, you're going to revise not only this but many other small details, and we'll be back before them and you'll have an opportunity to endorse my condition at that time."

*Exhibit "H"*



Commissioner Villarreal said I think we actually should state it the right way tonight so it's on the record as something we think needs to happen.

Mr. Sommer asked, "Did you concur with his suggestion, Rick."

Mr. Brenner said, "Yes."

Mr. Sommer said, "So as he described it, he doesn't have any problem with that connectivity as it was just described."

Commissioner Kapin said in the conditions from Stan Holland, Wastewater, there are statements there that, she is thinking should be clarified for the record, one of which says, "It appears some of the proposed building/foundations and drainage ponds are encroaching into the existing sewer easement which is not allowed." She said, "And then the one bullet right below that is also.... can you clarify if those are conditions or what to do with those."

Mr. Smith said, "These are concerns that would have to be corrected either with the preliminary development plan, or likely as possibly feasible to correct at the final development plan stage. They're not extensive encroachment I don't believe the grading of access to the sewer could also be handled by staff at that point with the final plan."

Commissioner Villarreal said for future reference, perhaps staff could state them as issues to look into versus statements that were concerns of the particular staff person.

Mr. Smith said, "That's a good suggestion. We have begun discussions with the DRT team, and it seems the Commissioners are looking more closely at the language on those, and staff will be more careful and have read it."

**MOTION:** Commissioner Kadlubek moved, seconded by Commissioner Padilla, to recommend approval to the City Council of Case #2015-46, River Trail Lofts, 2180 and 2184 West Alameda Rezoning with a development plan, with all staff conditions as set out in the Staff Report [Exhibit "6"], "with the following amendments to staff conditions, the first amendment is to remove the first condition in Traffic Engineering Public Works conditions of approval matrix that states, 'Remove the stop signs on West Alameda Street as presented in the TRS in order to improve the operation of the intersection, provided there are no site distance issues at this intersection; and to amend the 3<sup>rd</sup> bullet point in the MPO's conditions of approval to read, 'to include internal pedestrian pathways/sidewalks or pedestrian connections to the existing neighborhood to its east'."

**DISCUSSION:** Mr. Smith said, "For the record, the Commission is actually to recommend approval by the City Council with those conditions."

Chair Harris said this is correct, we are a recommending body in this rezoning case.