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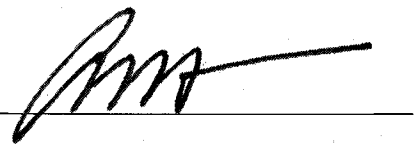
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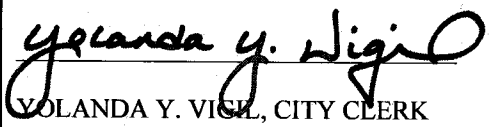
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PASSED, APPROVED, and ADOPTED this 8th day of July, 2020.



ALAN WEBBER, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

Bill No. 2020-15
Legislation/2020/Ordinances/2020-15 Calle La Resolana Emergency Access

EXHIBIT A

Legal Description TRACT 1-A-2.

Commencing at the Point of Beginning, being the southwest corner of TRACT 1-A-2, from whence the brass cap demarking the 1/4 corner of S 33, T 17 N, R 9 E bears S71°10'55"W, a distance of 296.88'.

thence North 60°04'13" West, a distance of 15.55 feet;
thence North 14°56'08" West, a distance of 27.07 feet;
thence North 75°06'59" East, a distance of 209.48 feet;
thence North 14°54'59" West, a distance of 170.33 feet;
thence South 75°03'52" West, a distance of 69.10 feet;
thence North 14°56'08" West, a distance of 90.53 feet;
thence South 75°03'52" West, a distance of 11.00 feet;
thence North 14°55'30" West, a distance of 115.84 feet;
thence North 75°05'45" East, a distance of 135.00 feet;
thence South 14°55'01" East, a distance of 98.11 feet;
thence North 75°03'37" East, a distance of 210.97 feet;
thence South 14°49'06" East, a distance of 316.40 feet;
thence South 74°58'34" West, a distance of 264.59 feet;
thence South 75°11'27" West, a distance of 199.14 feet;

to the Point of Beginning. Containing 2.592 ACRES, more or less.

EXHIBIT B

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 1998-23

AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE CLASSIFICATION OF A CERTAIN AREA FROM ITS PRESENT
DESIGNATION AND CLASS OF RM-1 TO C-2; APPROVING A PRELIMINARY
DEVELOPMENT PLAN AND ADOPTING CONDITIONS OF APPROVAL; AND
PROVIDING AN EFFECTIVE DATE. PROPERTY LOCATED AT 2900 CERRILLOS
ROAD OFF THE CALLE LA RESOLANA BEHIND THE PARK INN HOTEL.
(SOMERSET STORAGE REZONING, CASE NO. ZA 1998-4).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. The following area which is restricted to the classified as RM-1 is now
restricted to and reclassified as C-2.

PROPERTY DESCRIPTION, TRACT 1-A-2.

A tract of land lying within Section 33, T17N, R9E, N.M.P.M. Santa Fe, New
Mexico; more particularly described as follows:

Beginning at the southwest corner of herein described tract, from whence a
brass cap marked, SC, P.C. 410, L2, C3, S.33, bears S 71°07'40"W, 269.88'; thence
from said point N 14°52'02"W, 208.72'; thence S 75°07'58"W, 69.01'; thence N
14°52'02"W, 90.01'; thence S 75°07'58"W, 10.99'; thence N 14°52'01"W, 115.19';
thence N 75°07'43"E, 135.11'; thence S 14°50'55"E, 97.98'; thence N 75°07'43"E,
210.69'; thence 14°45'00"E, 315.97'; thence S 75°08'01"W, 265.11' to the point of

1 beginning, containing 2.403 acres, more or less as shown on a plat prepared by Gary
2 G. Dawson N.M.P.L.S. 7014 Fiesta Brehm Partners in May 1992.


3 Section 2. The official zoning map of the city of Santa Fe adopted by Resolution No.
4 1981-6 is amended to conform to the change of zoning classification for the property set forth
5 in Section 1 of this Ordinance.

6 Section 3. The conditions of approval attached hereto and referenced herein as
7 "Exhibit A" are hereby adopted as conditions of approval that run with the land and bind the
8 property.

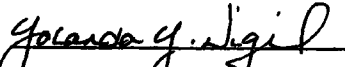
9 Section 4. This Ordinance shall be published one time by the title and general
10 summary and shall become effective five days after such publication.

11 Section 5. The rezoning action with respect to the property affected by this Ordinance
12 is subject to the time restrictions set forth in Section 14-9.19 SFCC 1987.

13 PASSED, APPROVED AND ADOPTED this 24th day of June, 1998.

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15 
16 LARRY A. DELGADO, MAYOR

17 ATTEST:

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19 YOLANDA Y. VIGIL, CITY CLERK

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21 APPROVED AS TO FORM:

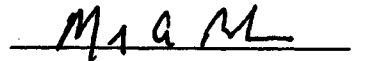
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23 MARK A. BASHAM, CITY ATTORNEY

Exhibit A
Ordinance No. 1998-23

1. The property shall be developed in accordance with the approved development plan.
2. The Planning Commission shall have the authority to approve amendments to the development plan.
3. The applicant shall file a plat providing appropriate easements for vehicular access; sewer, water and other utilities; and drainage. Easements shall be dedicated to the City and affected utility companies. The plat shall be filed prior to issuance of any construction permit for the project.
4. The existing driveway at the northeast end of the Park Inn property is to be modified to an exit only. Additionally, landscaping will be installed to eliminate access between the Cactus Lodge[east of the Park Inn on Cerrillos Road] and the Park Inn. Plans for this modification shall be reviewed and approved by the City Traffic Engineer, and permits for landscaping on State Highway Department ROW shall be applied for prior to review of the final development plan by the Development Review Committee.
5. Access from Calle Resolana will be controlled and have limited access during the construction period, and will be limited to emergency access thereafter.
6. The applicant shall install sidewalk and other frontage improvements at the Cerrillos Road frontage of the Park Inn property as required for traffic impact mitigation by the City Traffic Engineer after review of an updated traffic impact analysis.
7. A detailed final development plan including all site improvement drawings and off-site traffic mitigation construction drawings shall be submitted to the Planning Commission for review within six months after approval of the rezoning. Final development plan shall include a drainage study stamped by a professional engineer, and shall comply with all applicable City codes. No building permit for the project shall be issued prior to approval of the detailed final development plan.
8. If the detailed final development plan has not been approved and filed for record within 12 months after approval of rezoning, the Planning Commission and City Council shall conduct hearings to consider rescinding the rezoning as provided by Section 14-9.19 SFCC 1987.
9. The project shall conform with the new lighting Ordinance.

**City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law**

Case #2020-1994 - Calle La Resolana Zoning Ordinance Amendment.

Applicant's Name – Santa Fe Civic Housing Authority

Agent's Name – Monica Montoya

THIS MATTER came before the Governing Body (Governing Body) for public hearing on July 8, 2020 on the application (Application) of Monica Montoya as agent for Santa Fe Civic Housing Authority (Applicant).

The Application pertains to 1115 Calle La Resolana, totaling approximately 2.4 acres (Property). In this case, the Applicant requests approval of a zoning ordinance amendment to Ordinance No. 1998-23. Specifically, the Applicant asks the Governing Body to remove Condition #5, as set forth in Ordinance No. 1998-23, Exhibit A, to allow ingress/egress to and from Calle La Resolana from 1115 Calle La Resolana. The Property is zoned C-2 (General Commercial District).

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

FINDINGS OF FACT

Background

1. On June 24, 1998, the Governing Body approved a rezoning request from Pacific Santa Fe Properties, L.P. and adopted Ordinance No. 1998-23, which rezoned the Property from RM-1 (Residential – 21 dwelling units per acre) to C-2 (General Commercial).
2. Pacific Santa Fe Properties, L.P. requested approval of the rezoning and a preliminary development plan for the Property to construct mini-storage units.
3. Ordinance No. 1998-23 included an "Exhibit A," which set forth nine conditions of approval that run with the land and bind the Property.
4. At the time that the Governing Body approved the rezoning, it also approved a preliminary development plan.
5. The mini-storage unit project was never constructed, and the development plan expired, along with certain conditions of approval that were attached to the development plan.
6. Although the conditions attached to the development plan expired, the conditions attached to Ordinance No. 1998-23 remain in effect.

General

7. Pursuant to the Santa Fe City Code (SFCC) Section 14-3.5(A)(1)(d), any person may submit a written request for a rezoning or a zoning ordinance amendment.
8. In this case, Applicant submitted two Applications to City Land Use Department, one for approval of a development plan (Case #2019-1149) and one for approval of a zoning ordinance amendment (Case #2020-1994).

9. In Case #2020-1994, the Applicant seeks to amend Ordinance 1998-23, Exhibit A, by removing Condition #5, which provides as follows: "Access from Calle Resolana will be controlled and have limited access during the construction period, and will be limited to emergency access thereafter."
10. Pursuant to SFCC Section 14-3.19(D)(1), the procedures for a substantive amendment to a final action are the same as those that apply to a new application.
11. The Santa Fe City Code ("SFCC") Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iii)&(iv)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
12. A pre-application conference was held on May 30, 2019 in accordance with SFCC Section 14-3.1(E).
13. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
14. Pursuant to SFCC Section 14.3.1(F), an ENN meeting was held on March 9, 2020 at the Genoveva Chavez Center, 3221 Rodeo Road, Santa Fe, New Mexico 87507. The ENN meeting was attended by a representative of the Applicant and two members of City staff. Approximately 48 members of the public attended. Residents had concerns about traffic and pedestrian impacts, crime and safety, the large number of apartments, and over population of the neighborhood.
15. Pursuant to SFCC Sections 14-2.3(C)(7)(c) and 14-3.5(B)(I), the Planning Commission (Planning Commission) has the authority to review and make recommendations to the Governing Body regarding a proposed rezoning or zoning ordinance amendment.
16. Pursuant to SFCC Sections 14-2.3(C)(1) and 14-3.8(B)(3), the Commission has the authority to review and approve or disapprove development plans.
17. City staff reviewed the Applications and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Planning Commission with a written report of its findings (Staff Report), which evaluated the factors relevant to the Application.
18. Staff recommended that the Commission should recommend that the Governing Body grant the request to amend Ordinance 1998-23 by removing Condition #5.
19. Staff recommended that the Commission should approve the development plan, subject to certain conditions of approval and technical corrections set forth in the Staff Report and attached exhibits.
20. On May 21, 2020, the Commission held a public hearing and voted to recommend that the Governing Body approve the zoning ordinance amendment.
21. On May 21, 2020, the Commission adopted written Findings of Fact and Conclusions of Law recommending that the Governing Body approve the zoning ordinance amendment.
22. On May 21, 2020, the Commission held a public hearing, voted to approve of the development plan subject to conditions of approval and technical corrections set forth in the Staff Report and exhibits, and adopted written Findings of Fact and Conclusions of Law reflecting its decision.
23. The Commission's approval of the development plan is a final action and is not before the Governing Body for review or decision.

24. The Applicant cannot proceed with the development plan approved by the Commission unless the Governing Body approves the proposed zoning ordinance amendment.
25. Pursuant to SFCC Sections 14-2.2(A) and 14-3.5(B)(2), and Table 14-2.1-1, the Governing Body has the authority to consider the recommendations of the Commission and to either approve or disapprove the proposed zoning ordinance amendment.
26. SFCC Section 14-3.5(B) sets out procedures for rezoning and requires the Governing Body to hold a public hearing, review the Application, and make a decision to approve or deny the Application.
27. SFCC Section 14-3.5(C) sets out approval criteria and requires the Governing Body to make complete findings of fact sufficient to show that these criteria have been met before recommending a rezoning.
28. Most of the approval criteria in SFCC Section 14-3.5(C) are inapplicable to a request to amend the conditions attached to a prior rezoning ordinance, and the SFCC does not provide specific criteria for evaluating a request to amend such conditions.
29. The Governing Body held a hearing on the Application on July 8, 2020.
30. At the hearing, the Governing Body received reports from staff, testimony and evidence from the Applicant, and written public comments and testimony offered by any interested members of the public.
31. The Governing Body finds that the rezoning criteria are intended to ensure that the public interest is not harmed by the rezoning, that development under the new zoning will serve the public more than development under the original zoning, and that infrastructure can handle or be modified to handle the proposed new development.
32. In this case, Condition #5, as adopted with Ordinance 1998-23, was associated with a previous development plan that incorporated a poorly designed driveway, which was situated on a curve with poor siting.
33. The new development plan proposed in Case #2019-1149 includes a proposed driveway design that eliminates the prior issues associated with Condition #5 by including an easement across the abutting property that will allow ingress/egress to Calle La Resolana on the straightaway between the curve on Calle La Resolana and Calle De Oriente.
34. The City Traffic Division reviewed the Application and the traffic impact analysis submitted by the Applicant and stated, "With the proposed realignment of the said driveway, the developer is able to obtain the required sight lines."
35. Additionally, with respect to safety, the traffic impact analysis submitted by Applicant, and stamped by a professional engineer, stated, "Crash data for Calle La Resolana and Calle de Oriente was obtained from the NMDOT for the years 2013 through 2017. This does not appear to be a high-density crash area."
36. With respect to traffic, in the engineer's professional opinion, "The additional traffic generated by this development has a negligible effect on the surrounding network."
37. Therefore, the Traffic Division reported, "The Public Works Department supports the proposed development plan and the proposed ordinance amendment allowing access on Calle La Resolana."


CONCLUSIONS OF LAW

Under the circumstances, and given the information provided in the staff report and exhibits, and the evidence and testimony submitted during the public hearing, the Governing Body CONCLUDES as follows:

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.
2. The Governing Body has the authority to review and approve the amendment of conditions placed on a prior rezoning ordinance.
3. The Applicant met the applicable Submittal Requirements.
4. The requested zoning ordinance amendment should be approved because all applicable code requirements have been met, the public interest will not be harmed, development under the new zoning will serve the public interest, and the infrastructure can handle the proposed new development.

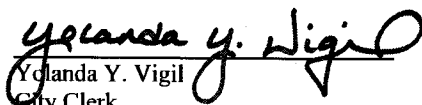
WHEREFORE, IT IS ORDERED ON THE 8th DAY OF JULY, 2020 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Governing Body approves the proposed zoning ordinance amendment requested in Case #2020-1994 and amends Ordinance No. 1998-23 to remove Condition #5, which provides, "Access from Calle Resolana will be controlled and have limited access during the construction period and will be limited to emergency access thereafter."


Allen M. Webber
Mayor

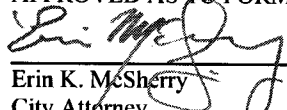
Jul 10, 2020
Date

FILED:


Yolanda Y. Vigil
City Clerk

Jul 10, 2020
Date

APPROVED AS TO FORM


Erin K. McSherry
City Attorney

Jul 10, 2020
Date