

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2009-43

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9
10 AN ORDINANCE

11 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
12 CHANGING THE CLASSIFICATION FROM MHP (MOBILE HOME PARK) TO R-7(I)
13 (RESIDENTIAL, SINGLE FAMILY INFILL, 7 DWELLING UNITS PER ACRE); AND
14 PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A CERTAIN PARCEL OF
15 LAND COMPRISING 2.149± ACRES OF LAND LYING WITHIN SECTION 6 AND 7
16 T16, R9E, N.M.P.M., SANTA FE COUNTY, STATE OF NEW MEXICO (“VISTA
17 BONITAS PHASE II” ZONING CASE NO. ZA 2009-03).

18
19 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

20 Section 1. The following real property (the “Property”) located within the
21 municipal boundaries of the city of Santa Fe is restricted to and classified as R-7(I)
22 (Residential, Single Family Infill, 7 dwelling units per acre):

23 A parcel of land comprising 2.149 acres more or less formerly the alignment of
24 the private portion of Calle Griego, lying within Section 6 and 7, T16, R9E, N.M.P.M.,
25 City of Santa Fe, Santa Fe County, New Mexico, as more fully described in “Exhibit A”

1 attached hereto and incorporated by reference.


2 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance
3 No. 2001-27 is amended to conform to the changes of zoning classifications for the
4 property set forth in Section 1 of this Ordinance.

5 **Section 3.** The rezoning action effected by this ordinance was made subject to
6 the staff conditions in "Exhibit B" attached hereto and incorporated by reference and the
7 Findings of Fact and Conclusions of Law from the Planning Commission set forth in
8 "Exhibit C", attached hereto and incorporated by reference.

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
12 Ordinance is subject to the time restrictions set forth in Section 14-3.5(D)(1) SFCC 1987
13 (Two-year Review/Rescission).

14
15 **APPROVED AS TO FORM:**

16 
17 Kelly A. Brennan, for
18 **FRANK D. KATZ, CITY ATTORNEY**

**VISTA BONITAS PHASE II
ZONING CASE #ZA 2009-03**

**EXHIBIT A:
PROPERTY DESCRIPTION**

A CERTAIN TRACT OF LAND, LYING AND BEING SITUATE WITHIN SECTION 6, T16N, R9E, N.M.P.M., COUNTY OF SANTA FE, STATE OF NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT DESCRIBED HEREON, FROM WHENCE SANTA FE CONTROL MONUMENT KNOWN AS HUD 3 BEARS S41°54'43"E A DISTANCE OF 2962.72 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING;

N19°12'52"W A DISTANCE OF 1886.78 FEET; THENCE,
N70°49'18"E A DISTANCE OF 75.07 FEET; THENCE,
ALONG A CURVE TO THE LEFT (DELTA = 90°02'10",
RADIUS = 25.00', LENGTH = 39.29') A CHORD OF
S25°48'13"W A DISTANCE OF 35.37 FEET; THENCE,
S19°12'52"E A DISTANCE OF 74.98 FEET; THENCE,
S19°10'40"E A DISTANCE OF 1762.22 FEET; THENCE,
ALONG A CURVE TO THE LEFT (DELTA = 90°48'55",
RADIUS = 25.00', LENGTH = 39.63') A CHORD OF
S64°35'07"E A DISTANCE OF 35.61 FEET; THENCE,
S71°09'41"W A DISTANCE OF 74.27 FEET TO THE
TRUE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 2.151 ACRES, MORE OR LESS.

Vistas Bonitas II
 Rezoning from MHP to R-7I (Case #ZA 2009-03)
DRT Comments

	Comments	Department	Staff
1	<p>I have conducted a 3rd review of the above mentioned case(s) for compliance with the 2006 International Fire Code® (IFC). The request is conditionally approved. No step have been taken too met the below requirements since the original review in May 2008. Below are the conditions which shall be addressed prior to final development approval.</p> <p>Proposed infrastructure shall be sufficient to accommodate the fire flow requirements set forth in IFC § B105.</p>	Fire	Barbara Salas
2	<p>Fire Hydrants shall be relocated to a location acceptable to the Fire Code Official. Contact Fire Department for clarification and approval of fire hydrant locations.</p> <p><i>C102.1 Fire hydrant locations. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.</i></p>	Fire	Barbara Salas
3	<p>All Fire Department Access Roads in excess of 150 feet shall be provided with a turnaround.</p> <p><i>503.1.1 Buildings and facilities.</i> <i>Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.</i></p>	Fire	Barbara Salas
4	<p><i>503.2.5 Dead ends.</i> <i>Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.</i></p> <p>Fire Department Turnaround shall be one of the examples shown (in the attached memo)</p>	Fire	Barbara Salas
5	<p>Proposed Cul-De-Sac's shall be 96' diameter as set forth in IFC § D103.1</p>	Fire	Barbara Salas
6	<p>All Fire Department Access Roads shall be marked with signs in accordance with IFC § D103.6. Development plans shall include a signage plan with fire access roads marked with appropriate signs spaced not more than 40 ft. apart.</p> <p><i>D103.6 Signs.</i> <i>Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective</i></p>	Fire	Barbara Salas

Exhibit D
 Page 1 of 3

Vistas Bonitas II
 Rezoning from MHP to R-7I (Case #ZA 2009-03)
DRT Comments

	<p><i>background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.</i></p> <p><i>D103.6.1 Roads 20 to 26 feet in width.</i></p> <p><i>Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.</i></p>		
7	<p>Development Plan General notes shall indicate the following provisions: Fire Department Access shall be maintained throughout all development construction phases § 1410.1. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. IFC § 1412.1.</p>	Fire	Barbara Salas
8	<p>I have no comment on this rezoning. If this project goes forward to the stage of Subdivision Plat, additional review will be required and comments will be provided</p>	Tech Review Div/Land Use	Risana Zaxus
9	<p>Review comments are based on original submittals received on March 18, 2009. The comments below should be considered as Conditions of Approval unless otherwise stated:</p> <ol style="list-style-type: none"> 1. The proposed development will generate less than the 25 peak hour trips, therefore a Traffic Impact Analysis is not needed. 2. The already approved rezoning and subdivision of Vistas Bonitas Phase I, which contributed towards the construction of traffic signals along Rufina. Consistent with this, the developer for the Vista Bonita Phase II subdivision shall provide monetary contributions towards the construction of traffic signals long Rufina based on a prorated amount comparing projected traffic for Phase I and for Phase II. <p>If you have any questions or need any more information, fell free to contact me at 955-6638. Thank you.</p>	Traffic	John Romero
10	<p>Applicant to address the following comment(s):</p> <p>There were no sewer plans submitted with this application. Therefore, the Wastewater Division has no comments to issue directly to the proposed development.</p> <p>However, based upon the previous review of this project at a denser development level and assuming the same overall design for utilities the applicant should address the following:</p> <ol style="list-style-type: none"> 1. Will need a plat for this project with Easement/ROW dedication language and notes stating: <ul style="list-style-type: none"> • Fences, walls or other obstructions shall not be placed or constructed across public sanitary sewer easements. 	Wastewater	Stan Holland

Page 2 of 3

Vistas Bonitas II
 Rezoning from MHP to R-71 (Case #ZA 2009-03)
DRT Comments

	<ul style="list-style-type: none"> • Utility expansion charges shall be paid at the time of building permit application for each lot. Contact the City of Santa Fe Permit and Development review Division to pay these charges. This requirement may not apply to affordable housing. • Each lot shall be served through separate sewer and water. <p>2. The homes may be served by private sewer service lines that connect to the public main in the street. On the plat add note that;</p> <ul style="list-style-type: none"> • Access, Utility and private sewer easements are granted for the benefit of Lots X, Y, and Z. (mention specific lots easement serves). <p>Please contact me at 955-4637 if you have any questions.</p>		
11	<p>Provide the following items with the subdivision plat submittal:</p> <ol style="list-style-type: none"> 1. Revise the Rezoning Report to include a description of the City of Santa Fe MS4 (Municipal Separate Storm Sewer System) in the Public Utilities section. Describe the nearest MS4 component including the location, size, type of pipe, existing drains and outfall locations. Provide an analysis of the MS4's capacity in this area and the ability to accept increased flows resulting from the development. Provide a description of the proposed development's stormwater management plans and their effect on the MS4, including the underground system and surface arroyos, channels or rivers. Include the potential for increased erosion and sedimentation in the analysis and plans. If warranted, provide plans for upgrade of the MS4 to meet new demands generated by the development. 2. Provide a Stormwater Management Plan (SWMP) demonstrating how stormwater pollutants will be reduced prior to stormwater entering the MS4 and/or waters of the United States. Show the proposed, planned and existing storm drains on the SWMP. 3. Demonstrate that the pond will empty within 24 hours. 	Stormwater, Public Works	Jim Salazar
12	<ol style="list-style-type: none"> 4. Provide a Stormwater Management Plan (SWMP) demonstrating how stormwater pollutants will be reduced prior to stormwater entering the MS4 and/or waters of the United States. Show the proposed, planned and existing storm drains on the SWMP. 5. Demonstrate that the pond will empty within 24 hours. 	Stormwater, Public Works	Jim Salazar
13	<p>At this time, we have no affordable housing proposal for this plan. We have one for the old plan that was rejected by Council. We should have a signed proposal before this goes to Planning Commission.</p>	Affordable Housing	Ted Swisher

4-26-09

City of Santa Fe, New Mexico

memo

DATE: March 26, 2009

TO: Donna Wynant, Planning and Land Use Department

FROM: John Romero, Public Works Dpt/Engineering Div/Traffic Engineering Sect. *JR*

SUBJECT: Case #ZA-2009-03, Vista Bonitas Phase II Rezoning.

ISSUE

Request for approval of a rezone from MHP (Mobile Home Park) to R-7 I (Residential, Single Family Infill, 7 dwelling units per acre) for 2.149± acres of land. The property is located on the vacated access for Calle Griego, north of Airport Road and South of Rufina.

RECOMMENDED ACTION:

Review comments are based on original submittals received on March 18, 2009. The comments below should be considered as Conditions of Approval unless otherwise stated:

1. The proposed development will generate less than 25 peak hour trips, therefore a Traffic Impact Analysis is not needed.
2. The already approved rezoning and subdivision of Vista Bonitas Phase I, which consisted of 75 lots, included a condition of approval requiring \$13,500 be contributed towards the construction of traffic signals along Rufina. Consistent with this, the developer for the Vista Bonita Phase II subdivision shall provide monetary contributions towards the construction of traffic signals along Rufina based on a prorated amount comparing projected traffic for Phase I and for Phase II.

If you have any questions or need any more information, feel free to contact me at 955-6638. Thank you.

M:\Engineering\Traffic Engineering Section\01-TIAs\2005\Vista Bonita (Hermosas)\Vista Bonita Phase II 03-26-09.doc

Exhibit *B-1*

DATE: March 24, 2009
TO: Donna Wynant, Planning and Land Use Department
FROM: Barbara Salas
Barbara Salas, Fire Marshal
SUBJECT: DRT Case: Vista Bonitas Phase II Rezoning

Case #	ZA-2009-03			
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I have conducted a 3rd review of the above mentioned case(s) for compliance with the 2006 International Fire Code® (IFC). The request is conditionally approved. No step have been taken too met the below requirements since the original review in May 2008. Below are the conditions which shall be addressed prior to final development approval.

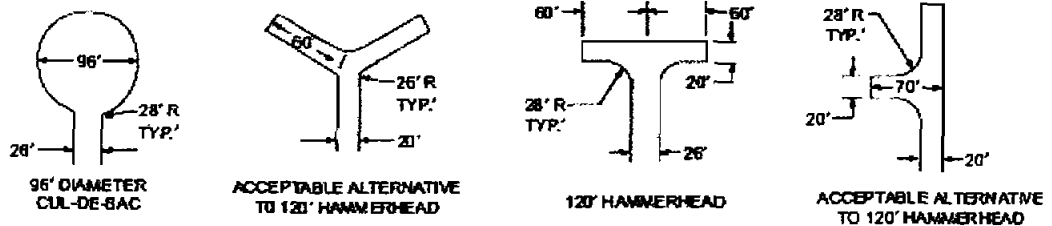
1. Proposed infrastructure shall be sufficient to accommodate the fire flow requirements set forth in IFC § B105.
2. Fire Hydrants shall be relocated to a location acceptable to the Fire Code Official. Contact Fire Department for clarification and approval of fire hydrant locations.
C102.1 Fire hydrant locations. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.
3. All Fire Department Access Roads in excess of 150 feet shall be provided with a turnaround.
503.1.1 Buildings and facilities.
Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

503.2.5 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

Fire Department Turnaround shall be one of the examples shown below:

Fire Department Approved Turnarounds



SI: 1 foot = 304.8 mm.

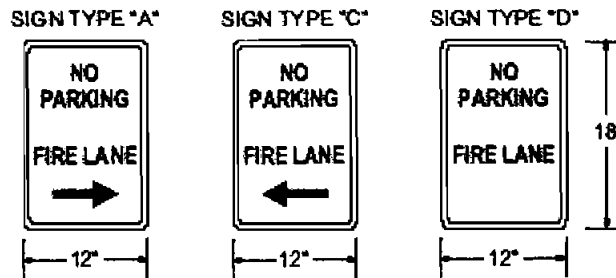
**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

- Proposed Cul-De-Sac's shall be 96' diameter as set forth in IFC § D103.1
- All Fire Department Access Roads shall be marked with signs in accordance with IFC § D103.6. Development plans shall include a signage plan with fire access roads marked with appropriate signs spaced not more than 40 ft. apart.

D103.6 Signs.

Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

**FIGURE D103.6
FIRE LANE SIGNS.**



D103.6.1 Roads 20 to 26 feet in width.

Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

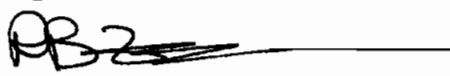
5. Development Plan General notes shall indicate the following provisions:
- Fire Department Access shall be maintained throughout all development construction phases § 1410.1.
 - An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. IFC § 1412.1.

City of Santa Fe, New Mexico

memo

DATE: April 13, 2009

TO: Donna Wynant, Case Manager

FROM: Risana "RB" Zaxus, PE 
City Engineer for Land Use Department

RE: Case # ZA 2009-03
Vista Bonitas Phase II Rezoning

I have no comment on this rezoning.

If this project goes forward to the stage of Subdivision Plat, additional review will be required and comments will be provided.

Exhibit B-3

City of Santa Fe



New Mexico

MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: March 20, 2009

To: Donna Wynant, Planning and Land Use

From: Stan Holland, PE
Wastewater Management Division

Subject: ZA 2008-03 Vistas Bonitas Phase II Rezoning

Applicant to address the following comment(s):

There were no sewer plans submitted with this application. Therefore, the Wastewater Division has no comments to issue directly to the proposed development.

However, based upon the previous review of this project at a denser development level and assuming the same overall design for utilities the applicant should address the following:

1. Will need a plat for this project with Easement/ROW dedication language and notes stating:
 - Fences, walls or other obstructions shall not be placed or constructed across public sanitary sewer easements.
 - Utility expansion charges shall be paid at the time of building permit application for each lot. Contact the City of Santa Fe Permit and Development review Division to pay these charges. This requirement may not apply to affordable housing.
 - Each lot shall be served through separate sewer and water.
2. The homes may be served by private sewer service lines that connect to the public main in the street. On the plat add note that;
 - Access, Utility and private sewer easements are granted for the benefit of Lots X, Y, and Z. (mention specific lots easement serves).

Please contact me at 955-4637 if you have any questions.

cc: File

Exhibit B-A

City of Santa Fe, New Mexico

memo

DATE: April 21, 2009

TO: Donna Wynant, Senior Planner

FROM: Jim L. Salazar, Stormwater Management Division Director

RE: Final Comments – May 7, 2009 Planning Commission Agenda

Please require the following conditions of approval:

Case #ZA 2009-03. Vista Bonitas Phase II Rezoning.

Provide the following items with the subdivision plat submittal:

1. Revise the Rezoning Report to include a description of the City of Santa Fe MS4 (Municipal Separate Storm Sewer System) in the Public Utilities section. Describe the nearest MS4 component including the location, size, type of pipe, existing drains and outfall locations. Provide an analysis of the MS4's capacity in this area and the ability to accept increased flows resulting from the development. Provide a description of the proposed development's stormwater management plans and their effect on the MS4, including the underground system and surface arroyos, channels or rivers. Include the potential for increased erosion and sedimentation in the analysis and plans. If warranted, provide plans for upgrade of the MS4 to meet new demands generated by the development.
2. Provide a Stormwater Management Plan (SWMP) demonstrating how stormwater pollutants will be reduced prior to stormwater entering the MS4 and/or waters of the United States. Show the proposed, planned and existing storm drains on the SWMP.
3. Demonstrate that the pond will empty within 24 hours.

Exhibit B-5



DEVELOPMENT REVIEW TEAM
TRANSMITTAL FORM

sent attached
Aff Housing Agreement
3/15/09

Case #ZA 2009-03. Vista Bonitas Phase II Rezoning. Linda Tigges, agent for Dennis Branch, requests rezoning of 2.149± acres from MHP (Mobile Home Park) to R-7 I (Residential, Single Family Infill, 7 dwelling units per acre). The property is located on the vacated access for Calle Griego, north of Airport Road and south of Rufina. (Donna Wynant, case manager)

Name: Linda Tigges
Tigges Planning Consultants
Submittal date **March 16, 2009**
Request additional submittals
March 26, 2009
DRT final Comments by April 13, 2009

Agent/ Owner #982-1986 FAX 988-9698
Email **tiggesl@aol.com**
Planning Commission date **May 7, 2009**

- PDR Case File/Case Manager (see below)
- Fire Inspector(s) (Barbara Salas x 3126)
- Traffic Division Engineer (John Romero x 6638)
- Waste Water Division Engineer (Stan Holland x 4637)
- PW/ Engineering Division (Chris Ortega x 6626)
- Landscaping (Charlie Gonzales x 6955)
- Water Division Engineer (Antonio Trujillo x 4266)
- Subdivision Engineer (RB Zaxus x 6641)
- Office of Affordable Housing (Ted Swisher x6574)
- Solid Waste Div. Engineer (Randal Marco x 2228)
- Trails & Open Space (Bob Siqueiros x 6977)

COMMENTS: AT THIS TIME WE HAVE NO AFFORDABLE HOUSING PROPOSAL FOR THIS PLAN. WE HAVE ONE FOR THE OLD PLAN THAT WAS REJECTED BY COUNCIL. WE SHOULD HAVE A SIMILAR PROPOSAL BEFORE THIS GOES TO PLANNING COMMISSION.

3/20/09
TED SWISHER

Case Manager: Donna Wynant x6325
Tamara Baer x 6580 tbaer@santafenm.gov
Wendy M. Blackwell x 6127 wblackwell@santafenm.gov
Charlie D. Gonzales x 6955 cdgonzales@santafenm.gov
Lucas Cruse x 6583 lacruse@santafenm.gov
Donna J. Wynant x 6325 djwynant@santafenm.gov

Daniel A. Esquibel x 6587 daesquibel@santafenm.gov
Patrick Nicholson x 6888 pdnicholson@santafenm.gov
Greg T. Smith x 6957 gtsmith@santafenm.gov
RB Zaxus x 6641 rbzaxus-onaxis@santafenm.gov

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

Case #ZA-2009-03

Vista Bonitas Phase II Rezoning

Owner's Name – Dennis Branch

Applicant's Name – Linda Tigges, Tigges Planning Consultants, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on July 2, 2009 upon the application (Application) of Linda Tigges, for Tigges Planning Consultants, Inc, as agent for Dennis Branch (Applicant).

The Applicant seeks to rezone a 2.146+/- acre parcel of land that was formerly a private road providing north-south access from Airport Road to Agua Fria for the Sierra Vista Mobile Home Park, located north of Airport Road and south of Rufina Street (the Property) from MHP (Mobile Home Park) to R-7(I) (Residential, Single-Family Infill, 7 dwelling units/acre). The Property is located between the Vista Bonitas Phase I subdivision (VB Phase I) and the Sierra Vista Mobile Home Park, both zoned R-7 (single-family residential, 7 dwelling units/acre). The configuration of the Property, a 50-foot-wide asphalt-paved strip of land, presents unique challenges for development, but the Property Owner is also the developer of VB Phase I and will thus be able to utilize its facilities, including roadways for access and utilities easements, to carry out the proposed project (Project).

The Project will include 17 lots ranging from 5,000 to 6,000 square feet in size. The lots will be developed with one- and two-story single-family dwellings. The new units will be one and two stories, with at least three bedrooms and two bathrooms.

In 2008 the Applicant sought approval for a General Plan amendment and rezoning to support a project with 31 dwelling units. On August 7, 2008 the Planning Commission recommended approval of the 2008 application. The Governing Body approved the General Plan amendment request at its November 12, 2008 meeting, but denied the rezoning. This application restores the prior General Plan designation for the Property.

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

FINDINGS OF FACT

1. The Commission heard testimony from staff, the Applicant, and members of the public interested in the Proposed Ordinance.
2. Under Code Section 14-3.5(A)(1)(d) any individual may propose a rezoning (amendment to the zoning map).

*Exhibit C
(page 1 of 4)*

3. Code Section 14-3.5(A)(2)(b) requires all proposed rezonings to be reviewed to determine if they are consistent with the Plan.
4. Code Sections 14-2.3(C)(8)(c) and 14-3.5(B)(4) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
5. Code Sections 14-3.5(B)(1) through (3) set out certain requirements to be followed prior to the Commission's recommendations to the Governing Body on a proposed rezoning, including:
 - (a) A pre-application conference [Section 14-3.5(B)(1)];
 - (b) Compliance with Code Section 14-3.1(F) early neighborhood notification (ENN) requirements [Section 14-3.5(A)(2)];
 - (c) Compliance with Code Section 14-3.1(H) and (I) notice and public hearing requirements [Section 14-3.5(A)(3)].
6. A pre-application conference under Section 14-3.1(E)(1) was held on February 5, 2009.
7. Code Section 14-3.1(F) requires an ENN for proposed rezonings [Section 14-3.1(F)(2)(a)(iii)] and establishes procedures for the ENN, including:
 - (a) At least one ENN meeting [Section 14-3.1(F)(3)(b)(i)]; and
 - (b) Notice requirements for the ENN meeting [Section 14-3.1(F)(3)(b)].
8. An ENN meeting was held on March 5, 2009; however, City staff was not in attendance at that meeting, so a second ENN meeting with City staff in attendance was held on June 8, 2009, with a follow-up meeting held on June 17, 2009 with the City Traffic Engineer in attendance to address questions pertaining to traffic.
9. In accordance with the notice requirements of Code Section 14-3.1(F)(3)(a)(i), (ii) and (iii):
 - (a) ENN notification letters (ENN Letters) were sent via first class mail fifteen (15) days prior to the ENN meeting to all property owners and physical addresses in the neighborhood and to all neighborhood associations registered with the City that were within 200 feet of the Property; and
 - (b) E-mail notification of the ENN meeting was sent to all neighborhood associations registered with the City that were within 200 feet of the Property on the same day that the ENN Letters were mailed;
 - (c) A sign indicating the proposed rezoning, the area affected, and the time, date, and place of the ENN meeting was posted in the public right-of-way, near the intersection of major street, fifteen (15) days prior to the ENN meeting.
10. The June 8, 2009 ENN meeting was attended by the Applicant, City staff, and approximately 25 other attendees; the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(5), with the June 17, 2009 follow-up meeting attended by fewer neighbors, with the discussion focused on traffic issues.
11. Commission staff provided the Commission with a report evaluating the factors relevant to the proposed rezoning and recommending approval by the Commission of the proposed rezoning.
12. Code Sections 14-3.5(A)(2) and(3) and 14-3.5(C) establish the criteria to be applied by the Commission in its review of proposed rezonings.
13. The Commission has considered the criteria established by Code Sections 14-3.5(A)(2) and (3) and 14-3.5(C), and finds the following facts:

- (a) *Whether the proposed rezoning creates a uniform zoning classification for the entire Property and whether the proposed rezoning is consistent with the General Plan [Section 14-3.5(A)(2) and (3)];*

The Commission finds that the proposed rezoning establishes a uniform zoning classification for the entire Property and is consistent with the Plan designation of "Medium Density Residential" and with the Southwest Area Master Plan.

- (b) *The need and justification for the change [Section 14-3.5(C)(1)];*

Based upon (i) the information contained in the Staff Report as to the nature of the Property as an unused road and the character of the area in which the Property is located, (ii) the testimony of the Applicant as to the proposed development of the Property, and (iii) the fact that the proposed rezoning is consistent with the Plan and the Southwest Area Master Plan, the Commission finds that the proposed rezoning is needed and justified.

- (c) *The effect of the change, if any, on properties in the area proposed for rezoning and on surrounding properties [Section 14-3.5(C)(2)];*

Based upon (i) the information contained in the Staff Report as to the nature of the Property as an unused road and the character of the area in which the Property is located, (ii) the testimony of the Applicant as to the proposed development of the Property, and (iii) the fact that the proposed rezoning is consistent with the Plan, the Commission finds that the proposed rezoning is compatible with adjacent residential uses and will provide a transition between the attached and detached single-family housing to the west and the mobile home park to the east through appropriate infill and by integrating an abandoned roadway into the larger community.

- (d) *Whether the area proposed for rezoning and the proposed use for the area is consistent with the City's policies regarding the amount, rate, and geographic direction of the City's growth [Section 14-3.5(C)(3)];*

The Commission finds that the proposed rezoning is consistent with the City's policy for infill in the "Stage 1 – Infill and Approved Development" section of the Plan and with the General Plan Future Land Use Map designation of the area in which the Property is located as "Medium Density Residential".

- (e) *The ability of existing infrastructure to support development in the area as rezoned [Section 14-3.5(C)(4)];*

Based upon the information contained in the Staff Report, the Commission finds that the proposed rezoning will not have a significant effect on infrastructure.

- (f) *If the proposed rezoning creates a need for the expansion of public utilities [Section 14-3.5(C)(5)];*

Based upon the information contained in the Staff Report, the Commission finds that the proposed rezoning is unlikely to create a need for the expansion of public utilities.

14. The Commission has considered additional criteria established under New Mexico case law and finds that the facts found by the Commission under paragraph 13 above demonstrate a sound basis and justification for the proposed rezoning, that the proposed rezoning is consistent with the City's adopted plans, including the Southwest Area Master Plan, that changed conditions due to the abandonment of the roadway that comprises the Property justify the change, and that the proposed rezoning is advantageous to the community as a

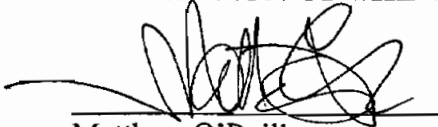
whole, in that it promotes appropriate community infill and removes a hazardous area adjacent to residential developments.

CONCLUSIONS OF LAW

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

1. The Applicant has the right under the Code to propose the rezoning of the Property.
2. 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.
3. The proposed rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
4. The ENN meetings complied with the requirements established under the Code and afforded parties likely to be affected by the proposed rezoning a meaningful opportunity to be heard and to contribute to the proposed rezoning.
5. The proposed rezoning is necessary and justified under the criteria established by Code Sections 14-3.5(A)(2) and (3) and 14-3.5(C) and at law, and should be approved by the Council, subject to the conditions of staff contained in the staff report.

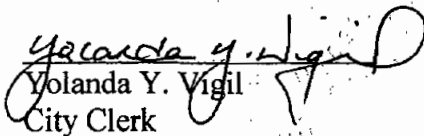
IT IS SO ORDERED ON THE 20TH OF AUGUST 2009 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE



Matthew O'Reilly
Chair

8/20/09
Date:

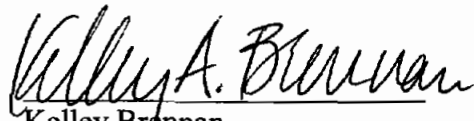
FILED:



Yolanda Y. Vigil
City Clerk

8-21-09
Date:

APPROVED AS TO FORM:



Kelley Brennan
Assistant/City Attorney

8/20/09
Date: