City of Santa Fe

CITY CLERK'S OFFICE

Agenda DATE 1/29/14 TIME 4:05

AMENDED

PLANNING COMMISSION
Thursday, February 6, 2014 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS
MINUTES: January 9, 2014
FINDINGS/CONCLUSIONS:
Case #2013-119. Lot 6A, Plaza la Prensa, Southwest Business Park Final Subdivision Plat.

E. OLD BUSINESS
F. NEW BUSINESS

1. **Case #2013-101. 2791 and 2797 Agua Fria Road (Rivera) General Plan Amendment.** James W. Siebert, agent for Stella Rivera, requests General Plan Future Land Use map amendment to change the designation of 4.65± acres from ~~Residential Low Density (3-7 dwelling units per acre)~~ *Rural/Mountain/Corridor (1 dwelling unit per acre)* to General Commercial. (Dan Esquibel, Case Manager)

2. **Case #2013-102. 2791 and 2797 Agua Fria Road (Rivera) Rezoning**. James W. Siebert, agent for Stella Rivera, requests rezoning of 4.65± acres from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The application includes a Development Plan for existing residential and nonresidential uses of the property. (Dan Esquibel, Case Manager)

3. **Case #2013-128. 2868 Rufina Street (Homewise) Rezoning.** JenkinsGavin Design & Development, Inc., agent for Homewise, Inc., requests rezoning of 2.39± acres from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000± sq. ft. office building. (Donna Wynant, Case Manager)

4. **Case #2013-130. 313–317 Camino Alire (Desert Academy) General Plan Amendment.** David Schutz, agent for Desert Academy, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Office. The property is the former site of Desert Academy. (Donna Wynant, Case Manager)

5. **Case #2013-131. 313-317 Camino Alire (Desert Academy) Rezoning.** David Schutz, agent for Desert Academy, requests rezoning of 1.38± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is the former site of Desert Academy. (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.**

City of Santa Fe

Agenda

CITY CLERK'S OFFICE
1/16/14 TIME 11:25 am

PLANNING COMMISSION
Thursday, February 6, 2014 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. **ROLL CALL**
B. **PLEDGE OF ALLEGIANCE**
C. **APPROVAL OF AGENDA**
D. **APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**
   MINUTES: January 9, 2014
   FINDINGS/CONCLUSIONS:
   Case #2013-119. Lot 6A, Plaza la Prensa, Southwest Business Park Final Subdivision Plat.

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

1. **Case #2013-101. 2791 and 2797 Agua Fria Road (Rivera) General Plan Amendment.** James W. Siebert, agent for Stella Rivera, requests General Plan Future Land Use map amendment to change the designation of 4.65± acres from Residential Low Density (3-7 dwelling units per acre) to General Commercial. (Dan Esquibel, Case Manager)

2. **Case #2013-102. 2791 and 2797 Agua Fria Road (Rivera) Rezoning**. James W. Siebert, agent for Stella Rivera, requests rezoning of 4.65± acres from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The application includes a Development Plan for existing residential and nonresidential uses of the property, including night club and liquor sales. (Dan Esquibel, Case Manager)

3. **Case #2013-128. 2868 Rufina Street (Homewise) Rezoning.** JenkinsGavin Design & Development, Inc., agent for Homewise, Inc., requests rezoning of 2.39± acres from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000± sq. ft. office building. (Donna Wynant, Case Manager)

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

NOTES:

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SUMMARY INDEX
CITY OF SANTA FE
PLANNING COMMISSION
February 6, 2014

MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
February 6, 2014

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Tom Spray, at approximately 7:10 p.m., on Thursday, February 6, 2014, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:
Commissioner Tom Spray, Chair
Commissioner Lisa Bemis
Commissioner Michael Harris
Commissioner Signe Lindell
Commissioner Lawrence Ortiz
Commissioner John Padilla
Commissioner Dan Pava
Commissioner Renee Villarreal

MEMBERS EXCUSED:
Commissioner Angela Schackel-Bordegary

OTHERS PRESENT:
Matthew O'Reilly, Director, Land Use Department
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Kelley Brennan, Assistant City Attorney
Melessia Helberg, Stenographer

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

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AMENDED AGENDA

MOTION: Commissioner Villarreal moved, seconded by Commissioner Bemis, to approve the Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Padilla, Pava, and Villarreal voting in favor of the motion and no one voting against [7-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – JANUARY 9, 2014

MOTION: Commissioner Harris moved, seconded by Commissioner Villarreal, to approve the minutes of the meeting of January 9, 2014, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [7-0].

2. FINDINGS/CONCLUSIONS

CASE #2013-119. LOT 6A, PLAZA LA PRENSA, SOUTHWEST BUSINESS PARK FINAL SUBDIVISION PLAT.

A copy of the Findings of Fact and Conclusions of Law in Case #2013-119, Lot 61, Plaza la Prensa, Southwest Business Park Final Subdivision Plat, is incorporated herewith to these minutes as Exhibit "1."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusion of law in Case #2013-119, Lot 6A, Plaza la Prensa, Southwest Business Park Final Subdivision Plat, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [7-0]

E. OLD BUSINESS

There was no old business.

F. NEW BUSINESS

Items F(1) and F(2) were combined for purposes of presentation, public hearing and discussion but were voted upon separately.

1. CASE 2013-101. 2791 and 2797 AGUA FRIA ROAD (RIVERA) GENERAL PLAN AMENDMENT. JAMES W. SIEBERT, AGENT FOR STELLA RIVERA, REQUESTS GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 4.65± ACRES FROM RURAL/MOUNTAIN/CORRIDOR (1 DWELLING UNIT PER ACRE) TO GENERAL COMMERCIAL. (DAN ESQUIBEL, CASE MANAGER)

A Memorandum dated January 30, 2014, for the February 6, 2014 Planning Commission Meeting, with attachments, to the Planning Commission from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, regarding Case #2013-101, 2791 and 2797 Agua Fria Road (Rivera) General Plan Amendment, and Case #2013-102, 2791 and 2797 Agua Fria Road (Rivera) Rezoning, is incorporated herewith to these minutes as Exhibit "2."

A copy of a Santa Fe County Business Registration certificate, with attached receipt for $35 from Santa Fe County, are incorporated herewith collectively to these minutes as Exhibit "3."

A series of color photographs and drawings of the subject site, used by Daniel Esquibel in his presentation, and entered for the record by Daniel Esquibel, are incorporated herewith to these minutes collectively as Exhibit "4."

The staff report was presented by Daniel Esquibel. Please see Exhibit "2" for specifics of this presentation.

Recommendation: The Land Use Department recommends approval of the General Plan Amendment and Rezoning with no conditions of approval as part of the General Plan or Rezoning. DRT conditions will be made part of the Development Plan.

Public Hearing

Presentation by the Applicant

Jim Siebert, 915 Mercer, Agent for the Applicant, Stella Rivera and her son George Rivera, was sworn. Mr. Siebert said, "Originally, this property was under County jurisdiction, and if you wanted something, you would go to the County and request approval for a building permit or other permits. Then there was the Extraterritorial Jurisdiction which lasted for about 12 years, and then at that time, it was both City and County jurisdictions. You would still though at that time, submit all your applications to the County. Then in 2009, the City adopted the SPPAZO [Subdivision, Platting, Planning, And Zoning Ordinance] for the presumptive City limits. At that point, they established zoning for the property and jurisdictional control at the same time. On January 1, 2014, this and other parts of the presumptive City limits, were annexed to the City."

Mr. Siebert continued, "And part of the reason I'm giving this history, is I think there's going to be a question that comes up is, one, the City established the zoning back in 2009, why didn't the applicant at that time say something. What has progressed over all this time is that the Riveras have lived through all these jurisdictions, and the result has been that they continued to do business as they have always done business. But in this particular case, because one of the businesses was no longer renewing their business licenses, it was leasing the old Club Alegria, all that came to an end and they became a non-conforming use. They simply couldn't continue to do business as they have in the past."

Mr. Siebert continued, "And just to kind of further give you a little background on these kinds of lack of understanding of jurisdictional issues, I'm going to hand you out a couple of items, and leave this with the secretary [Exhibit "3]. What this is, and once again to reiterate, 2009 is when the City took over the jurisdiction of this particular area. Then in 2010, the County issued a Business Registration for Club Alegria [Exhibit "3], so even then there was some real confusion about who had jurisdiction over this area."

Mr. Siebert continued, "And then the Sylvans Wholesale was just a few doors down from this particular request. They issued a business license, the Sylvans, in the exact same area in 2012. So you can begin to understand the kinds of confusion that existed in this particular area of what was the County."

Mr. Siebert continued, "So the property is currently zoned R-1. There is a variety of uses on the property and I will point those out on the aerial. So, under current R-1 regulations, the only use that would be existing on the property that would be conforming would be Stella Rivera's residence. Eveything else would be a non-conforming use. If it burned down, they couldn't simply replace it. These uses, by the way, most of them have been in business for 50 years."

Mr. Siebert continued, "So let me pull out some maps. So just to reiterate what staff has pointed out in the way of zoning. The property sits 'here.' 'This' is the Ulibarri landscaping business that sits on 'this' property over 'here.' 'C-2' is 'here.' And kind of scattered throughout 'here' is a mix of what were approved commercial uses in the County, a lot of those are now non-conforming uses. But roughly across the street is I-2. Heavy industry which is the most intensive zoning district that Santa Fe has. 'This' is the [inaudible] structure, 'this' is the old Nambe manufacturing location. And I tell you what's taken place and what's on the property. 'This' is Stella Rivera's home, and it has been there for the last 50 years. 'This' is the old Club Alegria. The Club Alegria really hasn't existed for about 10 years. It's been closed up. And some of the uses that have been in there, the last one was a pond supply and contractor. There have been carpentry shops, two different carpentry shops that sit on 'this' side. There are 4 apartment units that are 'here,' and another rental unit that sits 'here,' and not shown in the photograph, there's a landscape businesses that have based some of their supplies out of the old Club Alegria."

Mr. Siebert continued, "The kind of interesting thing about this is that what we're requesting tonight is the continuation of uses that have existed on this property for 50 years. So all of a sudden we're going from the lowest single family district in Santa Fe to a C-2 general commercial district. And I think the one thing I'd like to leave you with is George Rivera in some of our discussions, he said, when they moved to the property and his dad built the house and started Club Alegria, that in that particular area, that's what people did. You moved, you built a house and you started your business, and a lot of those businesses actually in the surrounding areas are still there today. So with that, I would like to request your approval of C-2 zoning and the General Plan Amendment and I'll answer any questions you may have."

Speaking to this request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Lindell said she has questions about the sewer and capping of the well. She asked what infrastructure is available to this property.

Mr. Esquibel said, "As you know, this was annexed in from the County and the development of this piece of property came in during the 1950's and 1960's. In any event, the development of this property actually came in prior to the County Code. The County Code came into effect in 1981, and their General Plan came into effect in 1980, so a lot of infrastructure was built as it was in the County when there wasn't much infrastructure from the City available to that, and it has maintained its status quo. Within the City limits, they will be able to attach on any infrastructure that is available to the property. And what was requested by our DRT for Sewer and Water, was that there was movement in that direction for connection by capping the well and connecting to the sewer system. And that will be a function of the Development Plan as we move forward with that review."

Commissioner Lindell said, "I guess I'm somewhat not clear. I understand about capping the well and attaching to the City water, but it says they would obtain a septic system permit. So, is it going to stay on septic."

Mr. Esquibel said he would leave that to Stan Holland to determine whether or not there will be a push to connect them. He is unsure exactly where the sewer system is along Agua Fria. He said, currently, if they have an existing septic system, we would like to make sure that the infrastructure they've developed around the septic system can still accommodate that growth. Sometimes it will develop over and over again, but the septic system stays the same size. They might increase the leach field a little bit, but the actual box that's put in the ground doesn't increase in size, so they're looking at that as a main issue.

Commission Lindell said she thinks this property borders the River, and Mr. Esquibel said this is correct.

Commissioner Lindell said it says it's not accessible to the City public sewer system. She hopes by the time this property is developed more that it would have access to a public sewer system rather than putting a septic system there. She said, "I don't know that I'm really looking for an answer on this, because I don't think there is an answer on it, I'm just putting out a wish list on it. So there is water there that they have to cap the well and tap into City water. That's what it sounds like. Is that true."

Mr. Esquibel said, "I believe so, yes."

Ms. Baer said, "There's a 10 inch water line in Agua Fria, so water is available immediately in front of the site, and so they will be connecting to City water. There is no City sewer line that is adjacent to or within 200 feet of the property, so the sewer folks take a look at the proximity of the nearest line. If it's not within 200 feet, then they're not required by Code to connect to City sewer. So that's simply not available at this time."

Commissioner Lindell asked, "If it were available some time in the future, prior to anything happening with this property, would then they be required to attach."

Ms. Baer said they would be required to connect at time of development or improvement of the property.

Commissioner Padilla said Mr. Trujillo's memo provides, "All structures will be served by individual meters. That's upon development of the property. Or did I understand you correctly, if this is approved, part of the development plan, there were no conditions of approval, do not require that they connect on approval of this general plan amendment and rezoning. Is that correct."

Ms. Baer said, "The 2008 Ordinance, which required connection if those utilities were available, does say specifically, upon improvement or development of the property. Now I believe this is a separate condition that Mr. Trujillo is asking for and it would become a condition of this approval. So, in other words, it's not that the Code necessarily requires it until the time of improvement or development. But as I read Mr. Trujillo's memo, I think he's asking for that to happen before the rezoning would be recorded."

Commissioner Padilla asked Mr. Siebert if that acceptable to the owner.

Mr. Siebert said it was his understanding that there were no conditions associated with this. He said some of the property is on City water.

George Rivera, 2182 Candelero Street, son of the owner, was sworn.

Mr. Padilla noted the request for approval of the General Plan Amendment and Rezoning have no conditions of approval. He said staff has stated, as part of this approval, you will be required to connect the entire project to City services.

Ms. Baer said, "If I may, I would like to retract that. The report does say there are no conditions that attach to the rezoning and the general plan amendment. They do say the DRT conditions, of which this is one, would apply at the time of the development plan. So, if they come in for a new development plan to expand or to add additional property, that's when that would have to happen."

Commissioner Padilla asked what units are on City water service at this time.

Mr. Rivera said, "In 1984, when I remodeled the Club Alegria, we hooked up to the City. So, the Club Alegria has City water and we worked it where, in case the well would dry out, or something happened to the well, City water will service the 4 apartments and my mother's house to the right side. So, we're all hooked up with City water, except we just have one meter that provides for everything, but right now it's only metered for the building for the nightclub building. But we have access if we wanted to provide water for the apartments with the hookup we already have there."

Chair Spray asked said at the bottom of packet page 4, it says "because the property is zoned R-1, the liquor license that is located on the property for over 50 year can no longer be used at its historic location." He asked, "Does that mean if the zoning is changed, the liquor license can be used, and is that the plan."

Mr. Siebert said, "The way it works with the liquor license is that a liquor license is not valid unless the underlying zoning permits the liquor license and that activity to occur. In this particular case, the liquor license is valid. It still remains valid, it's kept current every year with the State, but since it's zoned R-1, he can't use the liquor license. Now whether it will be used again when it becomes C-2, it would then be a valid license under State law. Whether Mr. Rivera uses it at that location, remains to be seen. He has the opportunity once it is zoned, to lease it and move it to another location within the City limits. Before, he was in the County and didn't have that opportunity. You can't move a liquor license from the County to the City, so at this time, it would probably depend on what the ultimate use of the old Club Alegria would be."

Chair Spray said, "So the possibility would exist that you could use it again."

Mr. Siebert said yes.

Chair Spray said, "Ms. Baer or Ms. Brennan, can I ask you, would that going forward in the Development Plan, would that have anything to do with anything."

Ms. Baer said, "It may not Mr. Chair, Commissioners. If it turns out they just do a tenant remodel, and there's no development, there's nothing that kicks in the development plan requirement, which in this case would be 10,000 sq. ft. or more of new construction. Then that would simply be processed as part of the building permit."

Chair Spray said, "So he can open it up and Club Alegria lives again."

Ms. Baer said, "They would have to go through the City Council, I believe."

Mr. Siebert said, "The nightclub itself would require, I want to say a special exception, but what is it now. Is it a special use under the new Code. So if they want to do a nightclub, it would have to come back for another hearing for a special exception."

Responding to the Chair, Ms. Baer said, "The hearing would be through this body because it is adjacent to residential."

MOTION: Commissioner Pava moved, seconded by Commissioner Ortiz, to recommend to the Governing Body, the approval of Case #2013-101, 2791 and 2797 Agua Fria Road (Rivera) Rezoning as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [7-0].

2. **CASE 2013-102. 2791 AND 2797 AGUA FRIA ROAD (RIVERA) REZONING. JAMES W. SIEBERT, AGENT FOR STELLA RIVERA, REQUESTS REZONING OF 4.65± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE APPLICATION INCLUDES A DEVELOPMENT PLAN FOR EXISTING RESIDENTIAL AND NON-RESIDENTIAL USES OF THE PROPERTY. (CAN ESQUIBEL, CASE MANAGER)**

MOTION: Commissioner Pava moved, seconded by Commissioner Villarreal, to recommend to the Governing Body, the approval of Case #2013-102, 2791 and 2797 Agua Fria Road (Rivera) Rezoning, as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [7-0].

3. **CASE #2013-128. 2868 RUFINA STREET (HOMEWISE) REZONING. JENKINSGAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR HOMEWISE, INC., REQUESTS REZONING OF 2.39± ACRES FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL) TO ACCOMMODATE A PROPOSED 20,000± SQ. FT. OFFICE BUILDING. (DONNA WYNANT, CASE MANAGER).**

A Memorandum, with attachments, dated January 24, 2014 for the February 6, 2014 meeting, to the Planning Commission from Donna Wynant, Senior Planner, Senior Planning Division, is incorporated herewith to these minutes as Exhibit "5."

A series of aerial photographs and drawings of the subject site, used by Jennifer Jenkins in her presentation, and entered for the record by Jennifer Jenkins, are incorporated herewith to these minutes collectively as Exhibit "6."

The staff report was presented by Donna Wynant. Please see Exhibit "5" for specifics of this presentation.

Recommendation: Staff recommends approval of the request to rezone property at 2868 Rufina Street from I-2 to I-1, with all staff conditions as outlined in the report.

Public Hearing

Presentation by the Applicant

Jennifer Jenkins and Colleen Gavin, JenkinsGavin Design & Development, Agent for the Applicant, were sworn. Ms. Jenkins said, "We are here this evening on behalf of Homewise, Inc., in request a 2.39 acre parcel, at the corner of Clark Road and Rufina."

Ms. Jenkins continued, "Homewise's current headquarters is at the Siler Road Studio, and they are running out of space which is a wonderful problem for a non-profit like Homewise to have. They are growing. They love their location, and I think really in a lot of ways this is really the heart of Santa Fe, the geographic center of Santa Fe, and this location works really well for them and they really want to remain here in a big way, partly for wayfinding. People are very accustomed to their presence in that area of the Siler Road corridor and they really want to continue that."

Ms. Jenkins continued, "So when the property next door became available, it seemed like a prime opportunity for homewise to acquire the property to allow for the construction of a new headquarters, a larger building to serve them. So what I'm showing you here on the screen [Exhibit "6"] is 'this' is the Siler Road Studios Project which is... 'here's' Rufina and 'this' is Siler Road. And as Donna mentioned, prior to the 2012 Chapter 14 Code Amendment, uses that were permitted in less intensive zoning categories in more intense zoning categories — if it was permissible in I-1 you could do it in I-2, which seemed to make sense. That is no longer the case under the current Code. Because that is what was very confusing for us and I remember calling Tamara when we were first assisting Homewise with this, like, so there's offices next door and it's zoned I-2, so why can't we do offices on where we are. And she explained it to me very cogently and I understood."

Ms. Jenkins continued, "The interesting thing about this particular area is we're on the edge of what is the gray area. What you'll see here is the I-2 zoning, and we're really on the edge of that, and what is surrounding us, are offices and not heavy industrial uses. To put something heavy industrial right here on this parcel would have a great impact, I think, on the neighboring properties. So we're really looking to create an organic extension of the Siler Road Studios Project. We've been working closely with Merritt Brown and Mark Bertram with respect to this project. And we're working with them to create an opportunity for a shared access. So, we really see this as a natural extension of that project."

Ms. Jenkins continued, "So again, 'this' is Rufina 'here,' and 'this' is their driveway that kind of runs along the back side. And the proximity to the Clark Road intersection 'here,' it doesn't really make sense for us to drop another driveway into Rufina right 'there,' and so we are working with them to have a shared driveway 'here,' that would be our Rufina access and then we would have another access... and this is oriented differently, I apologize. So Rufina is 'here,' Clark is 'here,' and 'these' are the Siler Road Studios 'here.' So we have 'this' shared access here which is very efficient and then we have an access point directly onto Clark Road 'there'."

Ms. Jenkins said they would be happy to stand for questions, are in agreement with all staff conditions, have nothing further to add and respectfully request the Commission's recommendation for approval this evening.

Speaking to this request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Harris he it seems like the mixed use district would be a more appropriate zoning classification for this project. He said in reading the goals of the mixed used districts, it even gets to the point of promoting shared parking areas which is similar to what she described. He asked the reason for the request for the industrial designation instead of mixed use.

Ms. Jenkins said primarily because offices are permitted in industrial, and "we are surrounded on two sides by I-1 zoning, so it seemed logical just to match up what is already there and , as stated in the staff report, to be an extension of the adjacent I-1 zoning, instead of introducing a zoning category that does not currently exist in the vicinity. I am not an expert on the mixed use zoning category, I've never taken a project forward under that zoning. But it is my understanding it mandates a specific residential component in terms of percentage, and we are not proposing any residential development as part of that."

Commissioner Harris said, "I am familiar as well. We've not seen a mixed use, and just seems the way it's structured, it seemed like this type of development would be more appropriate."

Ms. Baer said, "I would agree with what Ms. Jenkins had to say, that in the first place we like to expand existing districts and that's what this would represent, rather than introduce a new zoning category where it doesn't already exist in adjacency. And the second reason that we would not probably recommend a mixed use, we would have considered it certainly, but it wouldn't have come to the top of our idea plate, because as Ms. Jenkins said, mixed used requires a residential component, and it makes it more difficult as a zoning district to work around."

Commissioner Harris said the zoning category allows office, commercial and residential uses in the same building. He said he hasn't read everything, but he has seen nothing that requires residential.

Ms. Baer said, "Mixed use requires a residential component of 40% residential if the property is adjacent to any residential zoning, and it is 20% if it is not adjacent."

Commissioner Harris said, "And this kind of gets to the other point I had. And I realize that in the... I want to make sure I get this stated correctly .....a development plan is not required because it does not meet the 30,000 sq. ft. criteria benchmark. Correct."

Ms. Baer said this is correct.

Commission Harris said, "But we've seen a conceptual plan that at most, kind of develops half of the property. And then as I read the language for applicability of development plans, particularly no. 4 where it talks about.... the section applies to the cumulative square footage, and it refers to basically phasing projects. Again, I wonder why a development plan wouldn't be applicable for this project."

Ms. Baer said, "The trigger is the 30,000 sq. ft. And if they don't know what they're going to do on the remainder of the lot, then it's difficult to force them into something that they would then be committed to or would have to come back and change. This allows them to forward to building permit to meet their current needs. The way that the Code has been applied, is that if you exceed the 30,000 sq. ft. on any construction after 1999, which is when development plans came into being in the Code, that would trigger

a development plan. If they were to put another 20,000 sq. ft. on the property, they would have to come back and do a development plan that would include all portions."

Commissioner Harris said, "It's cumulative. Even though... it's logical that there's going to be another building there, but it's pushed out to that that second phase."

Ms. Baer said this is correct.

Commissioner Ortiz said, "I'm looking at Exhibit B-4, John Romero's conditions of approval here. Could you please elaborate a little bit about 'the developer shall dedicate a right of way or grant a sidewalk easement along Clark Road.' And on Number 2, it say, 'At the time of development any portion of subject property, the developer shall construct the sidewalk and curb and gutter...' Is it the easement we're going to dedicate, or are we going to construct the sidewalk."

John Romero said, "We're asking them to dedicate an easement or right-of-way, either one, which is allowed by Code, for a sidewalk. We're requiring them to construct the sidewalk at the time they develop the property. So as part of their building permit they'll have to include sidewalk construction.".

Commissioner Ortiz asked, "Okay. And do you feel comfortable with the width. I know that Clark Road, in particular, is really narrow at the intersection with Rufina, and I know the two roadways are in pretty poor shape in terms of condition. Do you feel comfortable with that without expanding on improving the roadway also. I'm sure you'll develop that a the development time."

Mr. Romero said, "We weren't asking them to reconstruct the roadway. Basically what they're going to have to do is build a curb and gutter along that side, and then their sidewalk. The road relative to the right-of-way is pushed up against their property. So there is a bunch of vacant property to the east and I didn't think it would be reasonable to ask them to expand the road on that side just to build what they needed to on their side."

Commissioner Ortiz said, "The reason I ask is that there is a photo in here and it shows the roadway on Rufina that's really in poor condition. I know the drainage is kind of lax, kind of funny in there also, but I'm sure you'll evaluate all those things as we go on further."

Mr. Romero said, "We'll definitely look at the drainage and how the proposed improvements would affect that."

Commissioner Padilla said, "Question of staff, Tamara. Question in reference to, just for clarification, 30,000 sq. ft. is the trigger for development plan. Correct."

Ms. Baer said, "Only in the commercial district and only if it isn't adjacent to residential – well commercial and industrial, in other words, not in a residential district."

Commissioner Padilla said, "So the question is, is there any reason why staff... when I look at their conceptual site plan, it appears than an easy flip of their 20,000 sq. ft. building could be accommodated on the southern side of that property, therefore giving the ability to do 40,000 sq. ft. or so, maybe let's just call it 15,000, is what they could do there. So it would put it about 35,000 sq. ft. Is there any reason why staff would not have recommended a lot split for this property, so that, one we've got the property identified as to what they're doing and then a separate submittal with the other southern parcel.".

Ms. Baer said, "There are probably a couple of reasons at least that we wouldn't. First of all, it is not incumbent on us to look for people dividing their land if that's not what they're interested in doing. They're purchasing the property in entirety. They may not know what they're going to be doing with it in the future. If it turns out that they have no further expansion plans for Homewise, you know, it may be in their interest to divide in the future, and then develop the two parts separately. But that's not something that we would anticipate. We simply don't know what will happen in the future, so that's one reason. And the second reason is, we're not necessarily against the fact that they might go forward and construct something under a building permit for Homewise specifically. And we have many conditions in place to safeguard the development of the property in a way that we feel is appropriate and required by Code."

Commissioner Padilla said, "So the question is, back to Mr. Ortiz's question about the development and the concern along Clark Road as well as Rufina Street, the requirement for improvement of sidewalk, curb and gutter, etc., would be reviewed in the development plan. A development plan is not required for this, so would it still be reviewed in the permitting phase."

Ms. Baer said that is correct. She said, "And it's a requirement. It's going to be part of the requirement of the building permit when they come in to build this building."

Commissioner Padilla said then that would handle drainage and so forth. He said, "That area is known for its issues when we do get rain."

Ms. Baer said, "We do a very thorough building permit review that includes technical review for grading and drainage, sidewalk requirements, landscape requirements, architectural requirements – everything that would be on a development plan and then some is reviewed at the building permit stage."

Commissioner Padilla asked if the 20,000 sq. ft. building is proposed for a single story, or is it a two story. [Someone responded from the audience, but was not identified.]

Commissioner Padilla said, "So it is proposed as two-story development. I didn't pick that note up either on the site plan or in the packet, so we've got a two-story development which is what we have in the Siler Studios, correct. Okay. Thank you."

Mr. Pava said, "As I look at this area and the zoning maps, what impresses me is that there is an abundance nearby with zoning that allows for offices, either in an office and/or a commercial zone. And I think I use the word abundance reasonably. So, my question is, why this lot, which requires a zone change."

Ms. Jenkins said, "Homewise, when they realized that they did need to seek out a location for a new facility, they did look around for sure. And, looking at an aerial and seeing possibilities is one thing, but not everything's on the market, not everything's for sale, and there's very little vacant land in the vicinity. So, in the midst of their search for an opportunity..... they looked at existing buildings as a possibility. They looked at raw land. They looked at a lot of different options. But when the property next door to the existing facility became available, it was just too good to pass up."

Commissioner Pava said, "That answers my question. The follow up question would be... I presume there's an option on this piece of property, contingent on the rezoning."

Ms. Jenkins said, "No. They own it. They have acquired this property. They purchased this property fairly recently, yes."

Commissioner Pava said, "Currently the offices they occupy are rental space."

Ms. Jenkins said, "No they own their building."

Commissioner Pava said, "And a question for staff, Ms. Baer. How much I-2 land is there in Santa Fe, and what percentage of this diminishes that, if we rezone this. This is like 2½ acres. I recall recently we were told as a Commission, the value of I-2 and preserving it and all that, so I'm a little concerned about the pool, the availability of raw I-2 land remaining."

Ms. Baer said, "I don't have a precise number for you, but we did feel we were making an exception in this particular case. We understand that we need I-2 land and I hope we addressed that in the staff report. We felt that there were enough circumstances surrounding this request that warranted our support for the rezoning. Also the fact that there are really heavy industrial use on... really all three sides. On the west side it's already developed as an office park. There's a non-profit, I believe, that has their offices on the south, and then there are storage units and a plumbing supply on the east. So it didn't feel as though, necessarily, an I-2 or heavy industrial use was going to come in appropriately into this kind of pocket that was already surrounded by less intensive uses. So we recognize the need for I-2. We felt the circumstances warranted support for I-1 in this particular case."

MOTION: Commissioner Lindell moved, seconded by Commissioner Bemis, to recommend to the Governing Body, the approval of Case #2013-128, 2858 Rufina Street (Homewise) Rezoning, with all conditions of approval as recommended by staff.

DISCUSSION: Commissioner Harris asked what level of impact fees and overall fees will apply to this project for Homewise.

Ms. Baer said they are applied at the time of building, and Mr. O'Reilly will describe those.

Mr. O'Reilly said, "Impact fees will be required, as will development water budget offsets for any new construction on this property. The impact fees depend on what the use is when the construction is done. So there are different impact fees for office use, warehouse use, residential use. I don't have the fees

memorized, except for the residential, and since this isn't residential I couldn't tell you. But there will be significant impact fees for this project."

Commissioner Harris said, "Since Homewise operates under a not for profit umbrella, but they do have a for profit subsidiary, I just wanted to make sure that they would be asked to pay the same level of fees that a for-profit company would."

Mr. O'Reilly said, "There is no waiver of impact fees under the Code for non-profit or for-profit status. The only thing you can receive a waiver of impact fees for is the construction of an affordable residential dwelling unit."

Ms. Jenkins said, "I pulled it up, so I have a figure."

Commissioner Harris said he would like to hear that.

Ms. Jenkins said, "Office use is about $2,600 per 1,000 sq. ft., so there's 20,000 sq. ft., so It's going to be about $52,000 in impact fees at building permit."

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Padilla and Villarreal voting in favor of the motion and Commissioner Pava voting against [6-1].

4. **CASE #2013-130. 313-317 CAMINO ALIRE (DESERT ACADEMY) GENERAL PLAN AMENDMENT. DAVID SCHUTZ, AGENT FOR DESERT ACADEMY, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.38± ACRES OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE PROPERTY IS THE FORMER SITE OF DESERT ACADEMY. (DONNA WYNANT, CASE MANAGER)**

Items F(4) and F(5) were combined for purposes of presentation, public hearing and discussion but were voted upon separately.

A Memorandum dated January 24, 2014 for the February 6, 2014 meeting, with attachments, to the Planning Commission from Donny Wynant, Senior Planner, Current Planning Division, regarding Case #2013-130, 313-317 Camino Alire General Plan Amendment, and Case #2013-131, 313-317 Camino Alire Rezoning, is incorporated herewith to these minutes as Exhibit "7."

The staff report was presented by Donna Wynant. Please see Exhibit "7 for specifics of this presentation.

Public Hearing

Presentation by the Applicant

David Schutz, Agent for the Applicant, was sworn. Mr. Schutz introduced, James Wheeler, Commercial Properties, Inc., Morrie Walker, Traffic Engineer, and from the Desert Academy: Terry Passalacqua, Head of Desert Academy, Lesley Livingston, Executive Director of Operations, Judd Osborn, Finance Director, Monica Scarborough, Board member and parent, Kim Mottola, Board member and parent, as well as Haley Scarborough student at Desert Academy. He said Ms. Wynant did a very thorough job of presenting their case, commenting his presentation will be brief. The Staff Memo very accurately summarizes what they propose and request: Designating this property from R-5 to C-1, office and related commercial activities.

Mr. Schutz said the C-1 classification is light commercial use, as opposed to C-2 which is a more intense and heavier use. He said, "Over the years, generally speaking, C-1 activities have always been approved and allowed in residential districts and neighborhoods, provided that they have a minimal impact on the surrounding neighborhood, and no traffic impacts, impacts on the school system and so forth. Those have been approved by this Commission and the Governing Body over the years."

David Schutz demonstrated the subject site using an enlarged drawing. He said, "So this is the subject property right 'here.' It's 3 lots. Immediately adjacent to the north is zoned C-1 and then a couple of residences 'here,' and then there's another C-1 at 'this' corner, there's another C-1 zoning 'here.' 'This' is the National Dance Institute. 'This is Alameda Middle School, 'this' is a football field. 'Here's' Payne's Nursery and 'this' is Adobe Realty." Now Payne's Nursery as you know, has been there for a long long time and they're grandfathered in. 'This' is a recent, I think, home occupation. 'These' are fairly recent C-1s. I say recent, several years ago."

Mr. Schutz continued, "As we state in our application, if this request is approved, the prior non-residential uses will have been recognized by the City. The property has been used non-residentially for more than 50 years, beginning in 1962 with the Granada Hills Nursing Home, and subsequent to that, it was the Pinon Hills Facility, and then Desert Academy came in thereafter. We believe and submit that this is a very efficient transition from what it was recently, a school, to C-1 office and related commercial uses."

Mr. Schutz continued, "I would like to reiterate two important points. One in the ENN meeting we had on August 22nd there were over 120 certified letters going to every property owner and/or resident and/or tenant within 300 feet. We had two folks show up to that meeting at B.F. Young Community Center and both of those were immediately adjacent property owners. I thought they would be here tonight, they're not because of the weather, and they're supportive. And they've told me I could say that to the Commission, they're not opposed."

Mr. Schutz continued, "And the other important point I want to make is in regard to the traffic analysis that was done by Mr. Walker, and I believe Mr. Romero, the Traffic Engineer, concurs with his conclusion that the existing street network is capable of handling any proposed traffic resulting from the proposed use. I'd like to ask Mr. Wheeler to get up, briefly, to discuss with you the underlying rationale for this request, and why it's important for Desert Academy. And then we'll stand for any questions."

James Wheeler, Commercial Properties, Real Estate Broker for Desert Academy [previously sworn], said, "The reason this all came about is this property has been on the market about 2½ years now. The school has been moved out of the property for about 1½ years. Probably about 7-8 months ago, I was thinking, actually it was the middle of the night. I'm laying there thinking, what am I going to for Desert Academy. My kids have gone to Desert Academy grade school, but we've got a vacant building. They had a grandfathered use in here, and the grandfathered use has since expired. I did try to sell the property to churches. I did try to sell it for schools, and it wasn't appropriate for younger kids because they need a playground, so it doesn't quite fit in."

Mr. Wheeler continued, "And finally I went to the School and the members and said what we really need to do, if you would consider it, is go for a different zoning, for C-1 zoning, because if I had a C-1 zoning, then this opens it to office, arts and crafts types of things where somebody could have a little studio, and someone else could have another little studio there, things along those lines. But the way it is now, you know, residential type of thing, it's not going to work. You've got an R-5 zoning, you've got a 17,000 sq. ft. building, and so this is a matter of practicality. What can we do so this does not become an eyesore for the neighborhood. And that's it very simply, and I'd like to see if you have any questions or thoughts and I'd like to answer them if there are any."

Speaking to this request

Lucille Kennedy, 1211-B Agua Fria, was sworn. Ms. Kennedy said her house is next door to this property and she is concerned about a couple of things. Ms. Kennedy said, "Did they say, I think they said it would only be one story, and what kinds of offices will it be, and are there going to be any night time restaurants or noise."

The Public Testimony Portion of the Public Hearing Was Closed

Chair Spray asked Mr. Schutz to address the issue about which Ms. Kenney spoke.

Mr. Schutz said, "The answer to the first question, in regarding to the single story, is that there is an existing two-story addition onto it, and it exists as such. We're not proposing any new, additional square footage. The C-1 zoning would not allow for a restaurant."

Chair Spray said, "Then these would all be tenant improvements to the existing structure. Would that be an accurate statement."

Mr. Schutz said, "Interior tenant improvements and landscaping, bicycle racks and those kinds of exterior improvements are being proposed."

Ms. Baer said, "There is one kind of restaurant service that is allowed in a C-1 District, and that is what we call 'fast service take out, no drive through no drive up.' So that would be if you had a little coffee shop. People could come and get coffee and it would be prepared foods."

Chair Spray said then you have to park and walk in.

Ms. Baer said, "Part of the idea of that is if there are offices in a building like this that there could be a small coffee shop that could then provide coffee. And also, Mr. O'Reilly points out, it can't be larger than 1,000 sq. ft. and there are no alcohol sales allowed."

Chair Spray said then that is part of the zoning as well, and Ms. Baer said yes.

Chair Spray said, "So in a C-1, just so we can kind of answer the question there, is like you've got sort of a sandwich shop where people from the offices there would come out, get something at lunch, or come back in and be able to do that, but there's no alcohol that would be involved in that at all."

Ms. Baer said this is correct.

Mr. O'Reilly said, "I just want to remind the Planning Commission that was one of the changes that this Commission worked on and approved when it approved the new Land Development Code in 2012, specifically designed to reduce traffic, so that people working in an office building wouldn't have to leave the site."

Chair Spray said, "The other key element, Mr. Schutz, if I've got it correct is that it is all tenant improvements, at least at this point, except for some of the other amenities with respect to landscape as you mentioned, bicycle racks or other elements that would be part of that as well. Is that what you're proposing."

Mr. Schutz said this is correct.

Commissioner Bemis asked will there be lighting that will be on at night.

Mr. Schutz said, "I believe the building has existing wall mounted lights which are directed down so as not to impact the night sky. There will be no additional lighting proposed for the parking lot. They're wall packs."

Commissioner Padilla said, "Ms. Baer, in looking at the information provided to us, it states very clearly that 'one space per 300 sq. ft. net leasable area is required for business offices.' So the proposal, I guess now a question for the Applicant. We understand that the tenant improvement is limited to business offices, no medical, because medical has a higher ratio for parking requirements. Right now your proposal and your parking count accommodates standards business operations."

Mr. Schutz said, "Correct. And my development plan so notes that this will be for non-medical uses, and it is a footnote on my development plan."

Commissioner Padilla said, "A question for staff, a follow-up is, the applicant is proposing landscape improvements for the site. Is there a trigger as to a dollar amount of improvements, either on the site, in the building, that triggers meeting all the Land Use Code for landscaping."

Ms. Baer said, "There is. It's $100,000. If you're doing improvements to the tune of $100,000 or more, that triggers the landscape requirements as well, to the extent that an existing facility can meet those. We always work with people when there is an existing situation and we try and make it better."

Commissioner Padilla said, "So if the overall improvements that are proposed exceed $100,000, then they will be required to meet all the landscape requirements for this development."

Ms. Baer said this is correct.

Commissioner Padilla asked, "And the applicant is aware of that."

Mr. Schutz said, "Yes. And we agree and concur with all staff conditions."

Commissioner Pava said, "This is a question for the Applicant. In the time this has been on the market, have you done studies on the feasability of, were it to remain residentially zoned, redeveloping the property for the density that would be permitted on this site. In this area, there are a variety of housing types. This is typical of Barrio la Canada. There are a lot of town homes, for example, fee simple town homes. Very close by here. This 1.38 acre parcel with the R-5 seems to be able to accommodate maybe 5, maybe 6 town homes, for example or patio homes. Was any *pro forma* done, any study done as to the feasibility of redeveloping the parcel, since the future land use map shows it as residential. I'm just curious. For 40 years, yes, it's been institutional uses, for however long Payne's Nursery has been there which is a non-conforming use and is not a commercial use, commercially zoned. So I'm questioning if studies have been done about the feasibility of redevelopment in an area like this that's rather close to the Plaza, on the River Trail, and so on and so forth."

Mr. Wheeler said, "I think that's a very good question. And very simply, if you scraped the buildings, you would have an R-5 zoning, which means you might get 7 homes, and it's just an unfeasible way to do things. In other words, you don't have to do a study, it's not going to work. R-5 won't work. So you take the building the way it is now, and before it was a nursing home, and then it was the behavioral care for the other entity. So you have these series of offices or rooms that are probably 100 or 150 sq. ft. So then you say, okay, how would you divide this up. And by the time you're done, it just becomes economically unfeasible, so no study was done, but just based on my experience in the commercial real estate business And I used to specialize in residential real estate years ago, and it won't work. And I've had people looking at properties for assisted living, elder care, etc. They want a naked piece of ground. They want it fresh, ready to go. Does that answer your question, sir."

Commissioner Pava said, "It does. As a resident in Barrio la Canada, I'm aware of what property values are and I would maybe dispute what you're saying.".

MOTION: Commissioner Padilla moved, seconded by Commissioner Harris, to recommend to the Governing Body, the approval of Case #2013-130, 313-317 Camino Alire (Desert Academy) General Plan Amendment, with all conditions of approval as recommended by staff.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Padilla and Villarreal voting in favor of the motion and Commissioner Pava voting against [6-1].

5. **CASE 2013-131. 313-317 CAMINO ALIRE (DESERT ACADEMY) REZONING. DAVID SCHUTZ, AGENT FOR DESERT ACADEMY, REQUESTS REZONING OF 1.38± ACRES OF LAND FROM 4-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS THE FORMER SITE OF DESERT ACADEMY. (DONNA WYNANT, CASE MANAGER.**

MOTION: Commissioner Padilla moved, seconded by Commissioner Bemis, to recommend to the Governing Body the approval of Case #2013-131, 313-317 Camino Alire (Desert Academy) Rezoning, with all conditions of approval as recommended by staff.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Padilla and Villarreal voting in favor of the motion and Commissioner Pava voting against [6-1].

G. STAFF COMMUNICATIONS

Ms. Baer said the next meeting of the Commission will be on March 13, 2014, noting the date is being deferred because the Chambers will be unavailable because they will be canvassing the election returns.

Ms. Baer wished Commissioner Lindell a premature congratulations, whom we expect will not be here for the next meeting. She said it has been a pleasure and honor to work with her and wished her good luck.

Chair Spray echoed her remarks, commenting Commissioner Lindell has done sterling work for this Commission for more than 7 years. There was a round of applause from the members of the Commission for Commissioner Lindell.

Ms. Baer Introduced Zach Thomas, the new Senior Planner, who comes to Santa Fe from Chico, California.

Mr. Thomas said although he is new to Santa Fe, his wife, Nicole Ramirez, is from Santa Fe. He has worked throughout California, noting Chico is similar in size and demographics to Santa Fe. He said it is wonderful to be here and he is very excited about this opportunity and looks forward to working with everyone.

H. MATTERS FROM THE COMMISSION

Commissioner Pava asked Mr. Thomas if he is an AICP member.

Mr. Thomas said no, noting it wasn't something which was promoted in the jurisdictions in which he worked, so he never went in that direction although he has thought about it.

Commissioner Pava encouraged him to look into doing so.

I. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 7:45 p.m.

Tom Spray, Chair

Melessia Helberg, Stenographer

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

Case #2013-119
Owner's Name – Carmel, LLC, Final LLC, SF South LLC and State Properties of NM LLC
Applicant's Name –James W. Siebert, for James W. Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on January 9, 2014 upon the application (Application) of James W. Siebert, for James W. Siebert and Associates, Inc. on behalf of Carmel, LLC, Final LLC, SF South LLC and State Properties of NM LLC (collectively, the Applicant).

The Applicant seeks the Commission's approval of the final subdivision plat to divide 6.54± acres at 37 Plaza la Prensa (Property) into 3 lots. The Property is zoned BIP (Business Industrial Park).

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 reports from staff and received testimony and evidence from the Applicant; there were no members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats and development plans.
3. Pursuant to Code §14-3.7(A)(1)(b) subdivisions of land must be approved by the Commission.
4. Code §14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [Code §14-3.7(B)(4)] and criteria for the Commission's approval [Code §14-3.7(C)] (collectively, the Applicable Requirements).
5. Code §14-9 sets out infrastructure design, improvement, and dedication standards and requirements.
6. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code §14-3.1(F) for subdivision plats.
7. Code §14-3.1(F)(2)(a)(v) requires an ENN for subdivision plats, except for final subdivision plats for which ENN procedures were followed at the preliminary plat review stage.
8. An ENN meeting on the Applicant's application for preliminary plat approval was held at on May 15, 2013 at the South Side Library; therefore no ENN is required for final subdivision plat approval in this case.
9. The preliminary subdivision plat was finally approved by the Commission on December 19, 2013.
10. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements

Exhibit "1"

and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.

11. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

CONCLUSIONS OF LAW

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

1. The Commission has the authority under the Code to approve the final subdivision plat for the Property.
2. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE _____ OF FEBRUARY 2014 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the final subdivision plat for the Property is approved, subject to the Conditions, with an amendment to Condition 2 so that it reads as follows: The owners shall agree to a condition on the plat that residential construction on Lots 2, 3, 4, 5 and 6 shall be site built. Site built housing and modular housing as defined in Code Chapter 14 is acceptable on these lots.

_____ _____
Thomas Spray Date:
Chair

FILED:

_____ _____
Yolanda Y. Vigil Date:
City Clerk

_____ _____
Kelley Brennan Date:
Assistant City Attorney

City of Santa Fe, New Mexico

memo

DATE: January 30, 2014 for the February 6, 2014 Planning Commission Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department
Tamara Baer, Planner Manager, Current Planning Division

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

RIVERA GENERAL PLAN AMENDMENT AND REZONING TO GENERAL OFFICE.

Case #2013-101. 2791 and 2797 Agua Fria Road (Rivera) General Plan Amendment. James W. Siebert, agent for Stella Rivera, requests General Plan Future Land Use map amendment to change the designation of 4.65± acres from Rural/Mountain/Corridor (1 dwelling unit per acre) to Community Commercial. (Dan Esquibel, Case Manager)

Case #2013-102. 2791 and 2797 Agua Fria Road (Rivera) Rezoning. James W. Siebert, agent for Stella Rivera, requests rezoning of 4.65± acres from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The application includes a Development Plan for existing residential and nonresidential uses of the property. (Dan Esquibel, Case Manager)

RECOMMENDATION:

The Land Use Department recommends **APPROVAL** of the General Plan Amendment and Rezoning with no conditions of approval as part of the General Plan or Rezoning. DRT conditions will be made part of the Development Plan.

Two motions will be required: one for #Case 2013-101 Rivera General Plan Amendment and one for #Case 2013-102 Rivera Rezoning.

I. APPLICATION OVERVIEW

The Applicant is requesting a General Plan Future Land Use Map amendment from Rural/Mountain/Corridor and Rezoning from R-1 (1 dwelling unit per acre) to C-2 (General Commercial) in order to continue legal nonconforming nonresidential use established on the property. The property came into the City's jurisdiction on August 27, 2009 under Ordinance 2009-01 and was annexed as part of the Phase 2 annexation on January 1, 2014.

Exhibit "2"

Nonresidential use was established on the property prior to the adoption of County zoning regulations, and by County standards was considered legal nonconforming. Legal nonconforming status continued under the City's jurisdiction. The property was designated R-1 on August 27, 2009 as part of the original SPPAZO ordinance, which granted zoning jurisdiction to the City.

The property consists of 4.32± acres, located on the north side of Agua Fria Street and accessed directly from Agua Fria Street. The property is the site of the former Club Alegria night club housed in a 10,000 square foot building, and no longer in operation. However, a liquor license is still held by the applicant and located at the property. The uses now established on the property contain a mix of both residential and commercial. The building that housed the night club now contains wood working shops occupying 3000 square feet and a landscaping firm with portable buildings occupying 220 square feet. The balance of the structure remains empty. Other uses on the property are residential, consisting of 5 rental units and 1 single family dwelling occupied by the applicant. Residential use is allowed in a C-2 District as part of an approved Development. The applicant is proposing a Development Plan to allow existing residential uses to continue.

The adjoining properties include the Santa Fe River, with sand and gravel extraction to the north, Agua Fria Street to the south, residential to the east, a landscape company to the northwest and residential to the southwest.

City zoning surrounding the property is R-1 (Residential-1 dwelling unit per acre) to the north, west and east, and I-2 (Heavy Industrial) across the street on the south side of Agua Fria Street.

Direction	Use
North	R-1 (1dwelling units per acre)
South	South side of Agua Fria Street I-2 (General Industrial)
East	R-1 (1dwelling unit per acre)
West	R-1 for 630± feet then C-2 (General Commercial)

The nearest C-2 (General Commercial) District is approximately 630± feet west of the property, with pockets of residential and legal nonconforming commercial uses in between.

Early Neighborhood Notification

An Early Neighborhood Notification (ENN) meeting was held on August 19, 2013 at the Southside Library. No concerns were raised.

I. GENERAL PLAN AMENDMENT POLICIES & APPROVAL CRITERIA

Case #2013-101. Rivera General Plan Amendment.

The Future Land Use Map identifies this area as Rural Mountain Corridor, 1 dwelling unit to the acre. Section 14-3.2 of the Land Development Code establishes approval criteria for General Plan Amendments. These are addressed below.

Chapter 14 Criteria

Section 14-3.2 (E) (1) Approval Criteria (applicable criteria)
The Planning Commission shall review and make a finding on the following criteria:

(1) Criteria for All Amendments to the General Plan

(a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;

Applicant response: *This is a rather unique property where many of the buildings have existed on the lot for over 50 years. This is not a matter of being in the path of growth but having existed within a developed area of the City for a substantial period of time, well beyond the time limits of the current property became the subject of the City's land use regulatory controls, including the rezoning of the property to R-1, single Family residential.*

Staff response: *The proposal is consistent with the City of Santa Fe growth projections and makes efficient use of existing infrastructure. The existing use of the property provides a continued employment base for the City, consistent with economic development goals for Santa Fe.*

(b) Consistency with other parts of the General Plan;

Applicant response: *The City General Plan shows this property as Rural/Mountain/Corridor, 1 dwelling per acre. The properties across Agua Fria to the south are zoned I-2, Heavy Industrial zoning and consist of industrial, service and retail businesses. The properties on either side of the subject rezoning consist of a mix of commercial, multi-family, mobile homes, residential rentals and a few scatter single family dwellings. The properties at the northeast comer of the Siler Road and Agua Fria Road intersections are zoned C-2/PUD and extend for a distance of approximately 560 feet along Agua Fria. It is assumed that the properties that are currently zoned C-2/PUD required a general plan amendment that was approved as part of the rezoning process. With the exception of a few scattered single family dwellings, the land to the east is very similar to the land that was previously rezoned C-2/PUD at the northeast corner of Siler Road and Agua Fria Road intersection.*

Staff response: *The property was annexed as part of the Phase 2 City Initiated Annexation. The physical layout and design along this portion of Agua Fria Street from the property to the Siler Road intersection is predominantly nonresidential, in contrast to the rural characteristics of the Rural corridor designation. A change in general policy for this area would not conflict with the comprehensive growth policies of the city.*

(c) the amendment does not:

(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or

Applicant Response: *The uses have existed on this property for 25-30 years. The surrounding uses have a similar time frame.*

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

Applicant Response: *The requested amendment is greater than 2.0 acres in size.*

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Applicant Response: *The requested commercial zoning designation is generally consistent with the land use patterns found on surrounding and near-by lots.*

Staff response to i, ii & iii: *The prevailing use for the property is R-1 (Residential-1 dwelling unit to the acre) with nonconforming, nonresidential uses as well. The adjoining properties to the west also include a mix of residential and nonconforming, nonresidential uses. This portion of the District represents the outskirts of the R-1 District bordered by Agua Fria Street and I-2 zoning across the street. The change would be consistent with the area and the 4.32± acre tract is sufficiently large so as to be consistent with city rezoning policies. Further, it converts nonconforming uses and structures specifically designed for nonresidential use to conforming uses and structures along Agua Fria Street.*

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

Applicant Response: *The justification for the rezoning action is based on the historic use of the property.*

(e) compliance with extraterritorial zoning ordinances and extraterritorial plans;

Applicant Response: *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.*

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and;

Applicant response: *With the exception of the single family residence occupied by Ms. Rivera, none of the other structures within the development request are consistent with the underlying R-1, single family residential zoning that is associated with the current zoning on the property. As non-conforming structures they cannot be modified to allow for other uses or expand the structure beyond its current foot print. In fact, the club/bar has not been operational for some time and as such is no longer a legal, nonconforming use. Because the property is zoned R -1 the liquor license that is located on the property for over 50 years can no longer be used at its historic location, since the use does not conform to the underlying zoning. This inability to make investments in the existing structures can lead to the neglect of these structures which does*

nothing to "promote health, safety, morals ... or general welfare." Encouraging redevelopment of these structures will maintain their value and discourage blight in this area of the City proposed for annexation in the near future.

Staff response: *The applicant's focus for the property is the continued reuse of the existing structure. Nothing prevents adaptive reuse of the existing structures to develop within the existing zoning and meeting requirements in accordance with health, safety and welfare. However, a change in zoning from R-1 to C-2 will expand the variety of uses allowed for the property, promoting greater opportunity for economic development. The current uses within the property are legal non-conforming, which, upon expiration, could not be reinstituted under the current zoning. This would result in empty buildings requiring massive remodeling or tear down in order to redevelop in a residential or approved district nonresidential manner. Continued reuse of the existing structure provides for efficient use of City resources and has less of an environmental impact, all of which are promoted in the City's General Plan.*

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Applicant response: *The City has a policy of promoting a mix of land uses, this property has historically included a mix of residential, retail and entertainment. The recent changes to the City code now permit residential uses within a C-2 commercial district.*

Staff response: *The proposal is submitted to all appropriate city departments for review and comment. This provides full compliance with all city polices, ordinances and regulations (reference Exhibits A1 through A7 Development Review Team "DRT" responses).*

(2) Additional Criteria for Amendments to Land Use Policies

(a) the growth and economic projections contained within the general plan are erroneous or have changed;

Applicant response: *When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and assign a zoning district that best fit those land uses. Under the current zoning regulations residential uses are only allowed in a C-2 zoning district if there is a development plan that accompanies the rezoning request. The City was not in a position to prepare a development plan for this area or other areas with a mix of commercial and residential uses when the property was assigned its current zoning designation*

(b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or

Applicant response: *There are other locations in Santa Fe where general commercial is available. This location has served as a commercial use for over 50 years.*

(c) 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.

Applicant response: *This property has historically been subject to either County or Extraterritorial jurisdiction. This property has always be recognized as a legal non –conforming use until the City exerted jurisdictional control over this property, at which time unbeknownst to the land owner the commercial status was eliminated.*

Staff response (a), (b) and (c): *Growth has generally shifted to the south and west parts of the City, which increases the need for services, including C-2 types of uses in this part of town.*

Additional criteria for amendment identify that the proposed change in land use be related to the character of the surrounding properties. With findings that:

(a) The growth and economic projections contained within the *general plan* are erroneous or have changed;

Applicant response*: When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and as sign a zoning district that best fit those land uses. Under the current zoning regulations residential uses are only allowed in a C-2 zoning district if there is a development plan that accompanies the rezoning request. The City was not in a position to prepare a development plan for this area or other areas with a mix of commercial and residential uses when the property was assigned its current zoning designation.*

(b) No reasonable locations have been provided for certain land uses for which there is a demonstrated need; or

Applicant response*: There are few locations this close to the center of the City where such a variety of land uses can take place. The 1-2, Heavy Industrial District across Agua Fria does not allow for residential uses and restricts retail and office uses as well. With the rezoning of this property to C-2 the City begins to recognize the diverse land use pattern that has existed along this section of Agua Fria for the last 50 years.*

(c) 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.

Applicant response*: The conditions affecting the subject land are more jurisdictional than a result of market conditions. Historically this area has been under extraterritorial jurisdiction where diverse mixes of land uses are permitted as part of the development review process. Santa Fe County permitted business licenses for changes to uses within buildings as legal, non-conforming structure uses. When the City assumed regulatory control over this area, the assignment of R-I rezoning made all of the structures, with the exception of the single family residence, non-conforming structures. The application of the C-2 zoning with a development plan will bring all of the structures into conformity.*

Since the structures are existing there is no impact to the surrounding property, which consists of heavy industrial zoning across Agua Fria to the south, the Ulibarri tract to the west with a landscape business and single family residential to the east. All these uses have co-existed with each other for 30-40 years. At the time this area developed, which was in the 50's and 60's families built their homes and started their businesses on the same lot. This was the land use pattern for the area and pretty much remains the same pattern today.

Staff response (a),(c) and (d): *The recent City-initiated annexation and the existing non-residential development along this corridor segment, together, support reconsideration of land use designations. Additionally, while general commercial districts exist in Santa Fe, increasing interest in servicing the industrial properties with general services is on the rise. Providing support services to industrial areas in their proximity reduces the need to travel to other areas of the city for such services and removes any pressure to accommodate those services within the industrial districts themselves.*

IV. REZONING POLICIES & APPROVAL CRITERIA

Case #2013-102. Rivera Rezoning to C-2.

Chapter 14 – Santa Fe City Code
Article 14-3.5(C) of Chapter 14 SFCC, establishes approval criteria that the reviewing bodies must make in order to recommend or approve any rezoning:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(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 *general plan* or other adopted *city* plans;

Applicant response: *When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and assign a zoning district that best fit those land uses. Under the current zoning regulations residential uses are only allowed in a C-2 zoning district if there is a development plan that accompanies the rezoning request. The City was not in a position to prepare a development plan for this area or other areas with a mix of commercial and residential uses when the property was assigned its current zoning designation.*

Staff response: *There was no error in the original zoning that was established for this large area annexed into the city. It is not clear if during the review, consideration was given to this specific area and existing conditions for designation. More likely, and in recognition of the diversity of land uses in the area, any consideration of rezoning was postponed to individual property owners or groups of owners. Upon staff recommendation, the applicant did pursue the possibility of rezoning a larger area by including adjacent properties in the application, but those property owners were not interested in applying for rezoning at this time.*

(2) no reasonable locations have been provided for certain land uses for which there is a demonstrated need.

Applicant response: *There are few locations this close to the center of the City where such a variety of land uses can take place. The 1-2, Heavy Industrial District across Agua Fria does not allow for residential uses and restricts retail and office uses as well. With the rezoning of this property to C-2 the City begins to recognize the diverse land use pattern that has existed along this section of Agua Fria for the last 50 years.*

Staff response: *The property was annexed as part of the Phase 2 City Initiated Annexation Plan. The zoning designation granted by the city is residential allowing 1 dwelling unit to the acre (R-1). No significant changes to the area have occurred beyond phase 2 annexation and zoning to R-1.*

(i) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

Applicant response: *The owner of the property states that a liquor license has existed on this property for the Club Alegria for 50 years. Commercial uses have taken place on this property since approximately 1955. The prior Club Alegria building has been used for approximately 10 years as various retail commercial uses, including a pond supply and construction company that also sold various exterior patio goods associated with the pond sales. Other commercial uses such as landscape companies and their associated yards have occupied the property for several years. The City General Plan shows this property and other properties between Agua Fria and the Santa Fe River as "Low Density Residential". The predominate land use for this area is commercial and higher density rental housing. Since this area was brought into the "Presumptive City Limits" and zoned R-l, single family residential, one dwelling per acre, most of the uses have become non-conforming. The land owners are now limited in the expansion of the existing structures on the property and the issuance of business licenses. If the business ceases to exist for one year or more the property must revert back to a low density single family use which is not consistent with the existing land use pattern.*

Given the inconsistency between the zoning and the actual land use it would be more advantageous to recognize the existing land use pattern for the area. It does not make planning sense to create non-conformity out of 70 to 80 percent of the ownership in the vicinity of this request. That non-conformity discourages investment in the property and can lead to blight in the area.

Staff response: *At the time of annexation and zoning designation, the city also categorized future Land Use for the area. The Future Land Use Map identified the property as Rural Mountain Corridor, 1 dwelling per acre. The proposed request to rezone from R-1 to C-2 is consistent with*

that portion of the R-1 District closest to the I-2 and C-2 Districts along Agua Fria Street where the predominant use is nonresidential. The rezoning provides appropriate infill development to the area while converting nonconformities to conforming.

(b) all the rezoning requirements of Chapter 14 have been met;

Applicant response: *Currently the existing zoning is R-1, Single Family Residential, one dwelling per acre. Rezoning of the property to C-2 would bring the uses on this property into conformance with the historic uses that have taken place on this property.*

(c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;

Applicant response: *The City General Plan shows this tract as "Rural/Mountain/Corridor, 1 dwelling unit to the acre", which is inconsistent with the use of the property and the surrounding uses for the area. It appears that the area was inadequately surveyed when the City General Plan was prepared and when zoning was assigned to this area during the adoption of spaZZo, or the ordinance that established the zoning legislation for the areas that the City planned to annex in the future. It is therefore, not that the property is inconsistent with the General Plan, especially the future land use map, but that the land use designation established by the City General Plan was incorrect.*

Staff response to "b" and "c": *As previously discussed, the proposal is submitted to all appropriate city departments for review and comments to the reviewing bodies. This provides full compliance with all city polices, ordinances and regulations (reference Exhibits A1 through A7 Development Review Team "DRT" responses)." The applicant has submitted a request for a General Plan Amendment, which, if approved, will provide consistency with the Future Land Use Map.*

(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; and

Applicant response: *Although there is a limited amount of vacant or developed C-2 land in this area of the City, the land area associated with this request should not be considered an addition to the City's supply of C-2 land, since it has been used for that purpose for 55 years. 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.*

Staff response: *At 4.32± acres, the subject property is greater than the 2 acre minimum for rezoning. The existing uses on the property are a mix of nonconforming and residential uses. The already existing nonresidential uses are typically found in a C-2 District (General Commercial). The adjoining uses include residential and nonconforming commercial. The areas to the south and west represent more compact urban form supporting infill, versus auto-oriented, low-density development found in rural communities.*

(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.

Applicant response: *All public utilities are available on Agua Fria, including water and sewer lines, gas and electric lines and cable and telephone lines. The City has completed street improvements and widening of Agua Fria adjacent to the subject property including upgrades to the Agua Fria and Siler Road intersection. Siler Road has recently been completed from Agua Fria to West Alameda providing for alternative points of access to this site. The closest Fire Station to this site is located on Cerrillos Road near Third Street within a five minute service radius to this property. The County has been negotiating with the Boylan family to purchase the 6± acre tract of land adjacent to the northern boundary of this property. This purchase would allow for the continuation of the Santa Fe River improvements and the construction of trail on the north side of the Santa Fe River.*

Staff response:
DRT comments and conditions have been submitted to the Planning Commission addressing infrastructure review.

V. DEVELOPMENT PLAN

The applicant has submitted a Development Plan in order to allow residential development in a C-2 District (if rezoned). As previously stated in this report, there are 5 residential rentals units and 1 single family residence, which is occupied by the applicant. The Development Plan submitted is fairly basic, essentially depicting existing conditions. The Development Plan requires minor graphic delineations related to parking, landscaping and terrain management to be brought to code standards. No new construction is proposed as part of this application. Any future construction of 10,000 square feet or more will trigger the requirement for a new Development Plan for Planning Commission review and approval.

VI. CONCLUSION

The proposal satisfies the criteria in Chapter 14 for General Plan Amendment and Rezoning. The submitted Development Plan identifies existing conditions requiring minor graphic additions. The proposed requests do not conflict with the General Plan policies of the City nor with existing uses in the area. The property is bordered by the Santa Fe River to the North, creating a buffer to the R-1 rural character to the north and providing a distinct and identifiable boundary between the residential to the east. All City reviewing Divisions support the applications as presented. Proposals for significant development or expansion will require Planning Commission review of a new Development Plan.

City of Santa Fe
New Mexico

MEMO

Wastewater Management Division
DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: October 7, 2013

To: Dan Esquibel, Case Manager

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

Subject: Case 2013-101 &102 - 2791 & 2797 Agua Fria Road Rezoning and General Plan Amendment

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The subject properties are not accessible to the City public sewer system. Prior to any new construction on the lot, the owner shall obtain a septic system permit from the State of New Mexico Environment Department (505-827-1840).

There are no Wastewater Division comments for the Applicant to address.

City of Santa Fe

memo

DATE: October 16, 2013

TO: Dan Esquibel, Land Use Planner, Land Use Department

FROM: Antonio Trujillo, Water Division Engineer

SUBJECT: Case **#2013-101, 102. 2791 and 2797 Agua Fria Road General Plan Amendment and Rezone**

All structures will have to be served by individual metered services. The well will have to be capped. Fire protection is to be addressed by the Fire Department. This may require a main extension for the installation of fire service or fire protection.

S-waste-1 20130-101.txt

From: MARCO, RANDALL V.
Sent: Tuesday, October 15, 2013 3:23 PM
To: ESQUIBEL, DANIEL A.
Subject: Case 20130-101

Dan,
For this case refuse & recycling must be brought to an area for pickup that is currently being serviced by the City of Santa Fe solid waste division.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

From: MARCO, RANDALL V.
Sent: Tuesday, October 15, 2013 3:24 PM
To: ESQUIBEL, DANIEL A.
Subject: Case #2013-102

Dan,
No solid waste issues at this time.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

DATE: October 15, 2013

TO: Dan Esquibel
Case Manager

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

RE: Case # 2013-101 and # 2013-102
2791 and 2797 Agua Fria Road
General Plan Amendment and Rezoning

I have no review comments on this case.

City of Santa Fe, New Mexico

memo

DATE: October 21, 2013

TO: Daniel Esquibel, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Traffic Engineering Division

SUBJECT: 2791 and 2797 Agua Fria General Plan Amendment & Rezone. Cases # 2013-101 and 102

ISSUE:

James W. Siebert, agent for Stella Rivera, requests General Plan Future Land Use map amendment to change the designation of 4.65± acres from Residential Low Density (3-7 dwelling units per acre) to General Commercial, Case # 2013-101. James W. Siebert, agent for Stella Rivera, requests rezoning of 4.65± acres from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The application includes a Development Plan to address existing residential and nonresidential uses of the property including night club and liquor sales, case # 2013-102. The property is located approximately 440 feet northeast of the Siler Road/Agua Fria intersection and within phase 2 of the City initiated Annexation area.

RECOMMENDED ACTION:

Review comments are based on submittals received on October 2, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. Applicant shall remove the existing drive-pads at 2797 and 2791 Agua Fria Street; replace them with sidewalk and curb and gutter; maintain the existing drive-pad for the commercial driveway and a construct a 20 foot wide drive-pad at Jardin Lane.
2. Although the Traffic Engineering Division had previously requested either the construction of a right turn deceleration lane or a Traffic Impact Study (TIS) to demonstrate that a right-turn deceleration lane is not needed; neither shall be required at this time. This decision is based on our realization that it could be onerous to relocate a curb drop-inlet and possibly a power pole in order to accommodate a right lane deceleration lane.

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

February 6, 2014
Planning commission
Case # 2013-101 &102

RIVERA GENERAL PLAN AMENDMENT AND REZONING TO GENERAL OFFICE

EXHIBIT A

Development Review Team (DRT)

VII. EXHIBITS:

Exhibit A -DRT comments
- A1: Wastewater Management
- A2: Water Division
- A4: Environmental Services Division
- A5: Technical Review Division
- A6: Traffic Engineering
- A7: Fire Marshal

Exhibit B- Future Land Use and Zoning map
- B1: Land Use Map
- B2: Zoning Map

Exhibit C - ENN and correspondence

Exhibit D - Applicant submittals
- D1: General Plan and Rezoning information

Packet Attachment -Plans and Maps

WYNANT, DONNA J.

From: ZAXUS, RISANA B.
Sent: Wednesday, January 15, 2014 9:57 AM
To: WYNANT, DONNA J.
Subject: Camino alire GPA and Rezoning, Cases # 2013-130/131

Ms. Wynant,

I have no review comment on this Case.

Risana B "RB" Zaxus, PE
City Engineer for Land Use
City of Santa Fe, NM

EXHIBIT B-1

City of Santa Fe, New Mexico

memo

DATE: January 15, 2014

TO: Donna Wynant, AICP, Land Use Planner Senior

FROM: Noah Berke, CFM, Planner Technician Senior NLB

SUBJECT: Final Comments for Cases #2013-130 and 2013-131, 313-317 Camino Alire General Plan Amendment and Rezoning

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Below are conditions of approval for the 313-317 Camino Alire General Plan Amendment and Rezoning request. These comments are based on documentation and plans that were submitted to staff:

At time of permit, the applicant show compliance with all applicable sections of the Site and Landscape Design Standards as set forth in Article 14-8.4 of the Land Development Code.

EXHIBIT B-2

City of Santa Fe, New Mexico

memo

DATE:	January 6, 2014
TO:	Donna Wynant, Case Manager
FROM:	Stan Holland, Engineer, Wastewater Division
SUBJECT:	Case #2013-128 & 130 – 311-317 Camino Alire Rezoning and General Plan Amendment

The subject property is accessible to the City sanitary sewer system.

There are no further conditions to be addressed by the applicant.

EXHIBIT B-3

City of Santa Fe, New Mexico

memo

DATE: January 16, 2014

TO: Donna Wynant, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Traffic Engineering Division

SUBJECT: 313 -317 Camino Alire General Plan Amendment and Rezoning. Cases # 2013-130 and 131.

ISSUE:

David Schutz, agent for Desert Academy, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Office Use. In addition, they also request rezoning of 1.38± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street.

RECOMMENDED ACTION:

Review comments are based on submittals received on January 2, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The Traffic Engineering Division concurs with the recommendations of the Traffic Impact Analysis (TIA) prepared for David Schutz & Desert Academy by Walker Engineering, dated November 5, 2013; that this development will have a minimum impact on the City of Santa Fe road system and that the roadway network will have sufficient capacity to accommodate this development.

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

EXHIBIT B-4

City of Santa Fe, New Mexico

memo

DATE: January 9, 2014

TO: Donna Wynant , Case Manager

FROM: Reynaldo Gonzales, Fire Marshal RDG

SUBJECT: Case #2013-317 313-317 Camino Alire

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 Zoning R-5 to C-1 These requirements must be able to be met with any new construction as per IFC:

1. Shall comply with IFC requirements.

2. Fire Department Access shall not be less than 20 feet width.

3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

4. Shall have water supply that meets IFC requirements.

EXHIBIT B5

WYNANT, DONNA J.

From: WILSON, KEITH P.
Sent: Monday, January 06, 2014 11:02 AM
To: WYNANT, DONNA J.
Cc: MARTINEZ, ERIC B. (ebmartinez@ci.santa-fe.nm.us); BAER, TAMARA (tbaer@ci.santa-fe.nm.us)
Subject: Case #2013-130 and #2013-130

1. **Case #2013-130. 313-317 Camino Alire General Plan Amendment.** David Schutz, agent for Desert Academy, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Office Use. The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street. (Donna Wynant, Case Manager)\\file-svr-1\Public$\Land Use\2013-130 & 131 Desert Academy Gen Plan Amend & Rezoning

2. **Case #2013-131. 313-317 Camino Alire Rezoning.** David Schutz, agent for Desert Academy, requests rezoning of 1.38± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street. (Donna Wynant, Case Manager)\\file-svr-1\Public$\Land Use\2013-130 & 131 Desert Academy Gen Plan Amend & Rezoning

Dona:

I do not have any comments on the requested General Plan Amendment or Rezoning for Case #2013-130 and #2013-131, 313-317 Camino Alire.

I do have the following comments on the Conceptual Site Plan.

- No pedestrian access is shown from the adjoining street. On-site Pedestrian Walkways should connect to the adjoining sidewalk on Camino Alire.
- The design and location of the Bicycle Parking facilities shown on the Site Development Plan should be reviewed to ensure they meet the requirements outlined in Chapter 14 and guidance provided in the MPO Bicycle Master Plan.

Let me know if you have any questions.

Keith P. Wilson
MPO Senior Planner
Santa Fe Metropolitan Planning Organization
Mailing: P.O. Box 909
Santa Fe, NM 87504-0909
Office: 500 Market St, Suite 200 (Above REI Store)
Santa Fe, NM
Map: http://tinyurl.com/l6kejeq
Directions & Parking: http://www.railyardsantafe.com/north-railyard/
Phone: 505-955-6706
Email: kpwilson@santafenm.gov

Please Visit Our Website at: www.santafempo.org

EXHIBIT B-6

City of Santa Fe

memo

DATE: January 15, 2014

TO: Donna Wynant, Land Use Planner, Land Use Department

FROM: Antonio Trujillo, Water Division Engineer

SUBJECT: Case #2013-130, 131. 313-317 Camino Alire General Plan Amendment and Rezoning

---

There are no issues with water service for the subject case. A main extension may be required to meet fire protection. Fire protection requirements are addressed by the Fire Department.

EXHIBIT B-7

WYNANT, DONNA J.

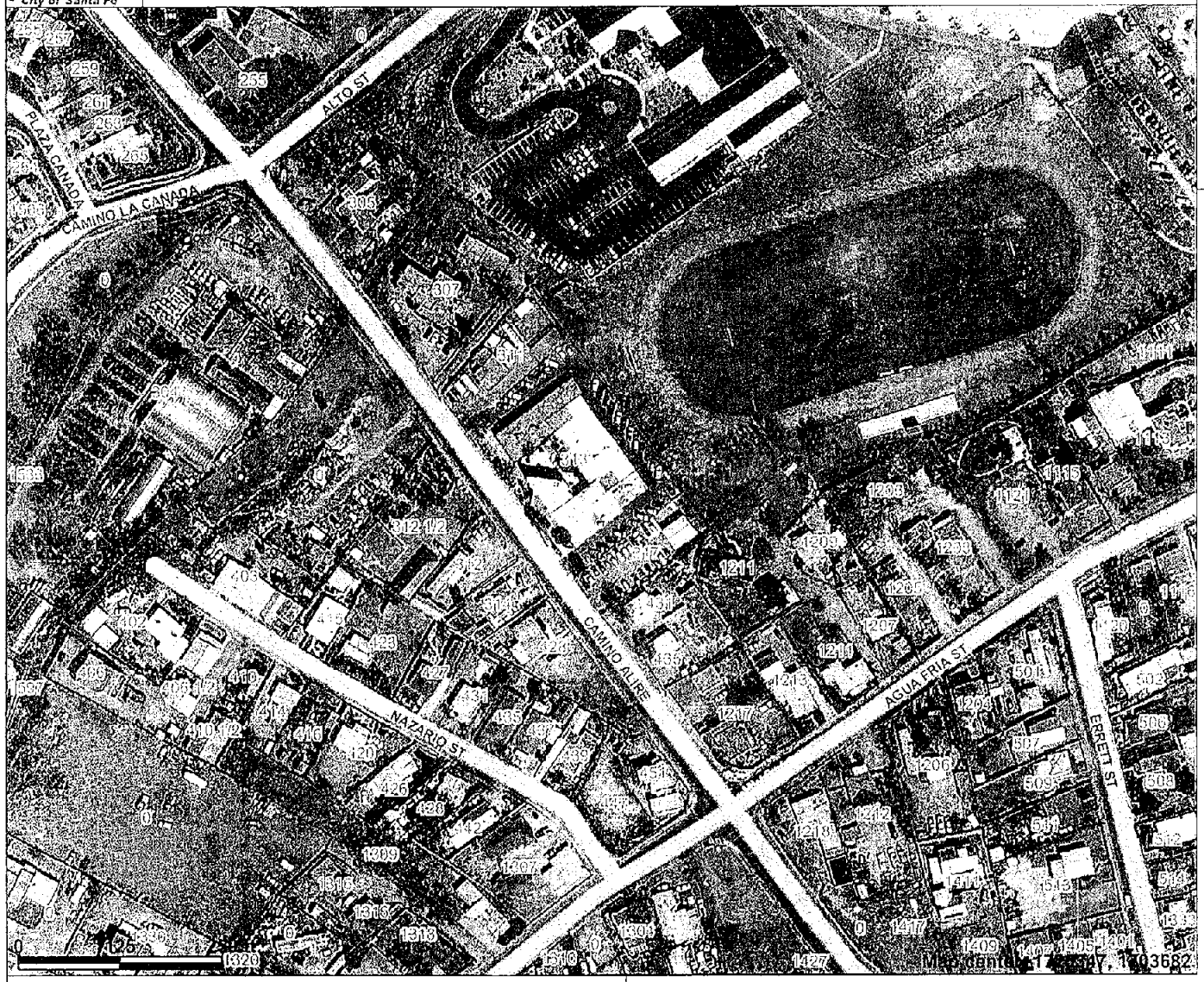
From: MARCO, RANDALL V.
Sent: Friday, January 03, 2014 7:56 AM
To: WYNANT, DONNA J.
Subject: Case 2013-130 ; 2013-131

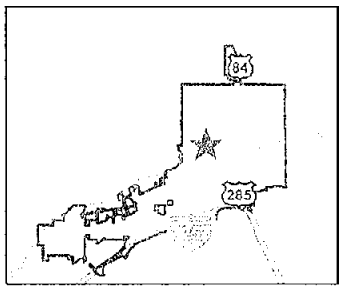
Donna,
At the current location for refuse service only rear loading might work depending on the depth allotted. As an option 96 gallon containers would work. More detail is needed to make a proper assessment of refuse and recycling requirements.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

EXHIBIT B-8

313-317 Camino Alire - Aerial





Legend

- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

N

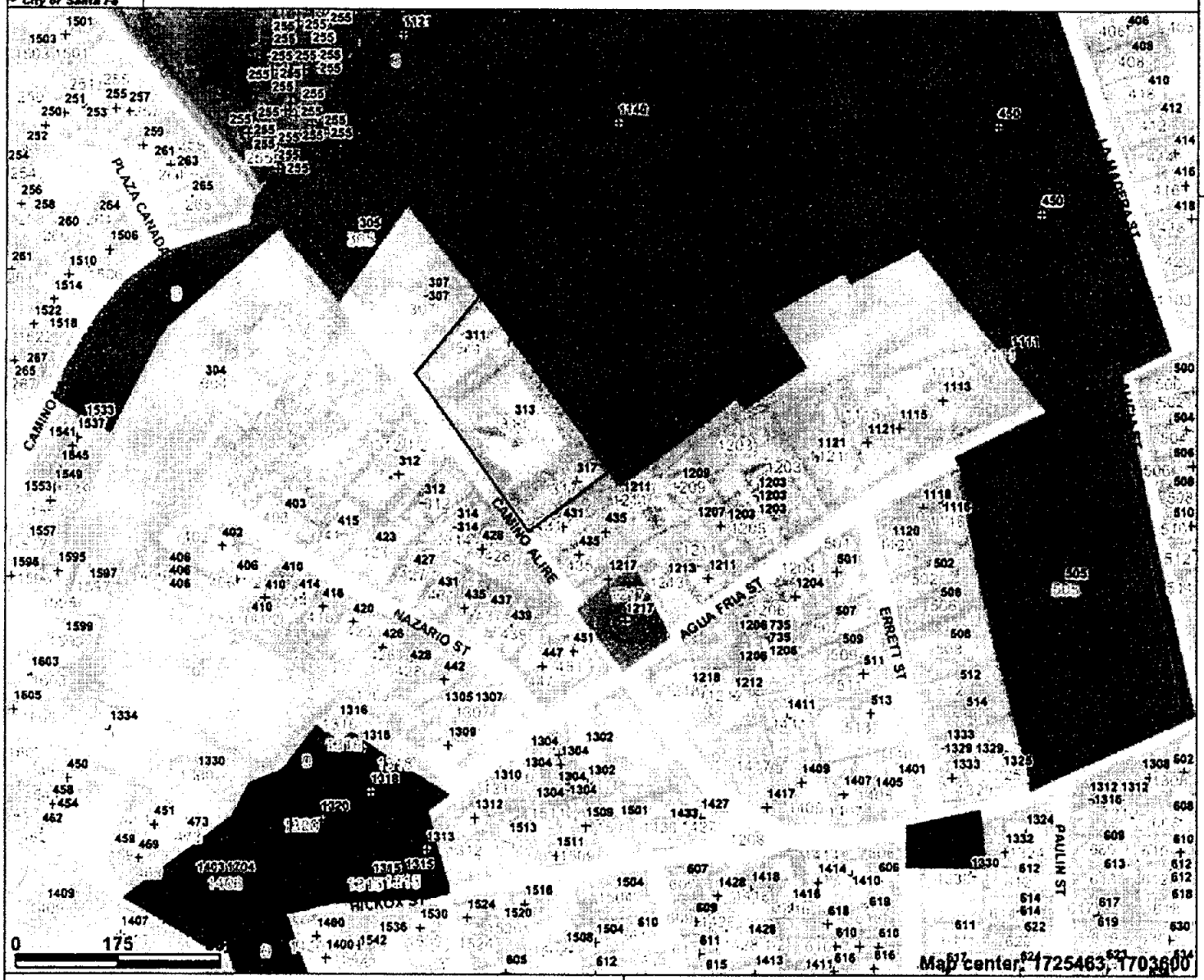
Scale: 1:2,225

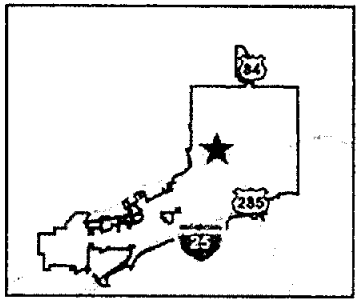
Map centered at 17, 347, 1,703,682

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.

EXHIBIT C-4

313-317 Camino Alire: Future Land Use





Legend

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River

Future Land Use

- Mountain/Corridor (1 dwelling per 10+ acres)
- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-8 dwellings per acre)
- Medium Density (7-12 dwellings per acre)
- High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional

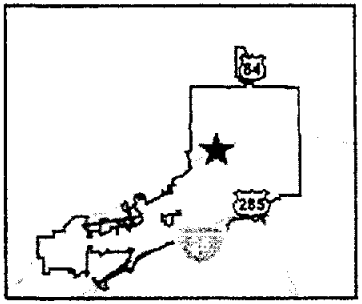
Scale: 1:3,106

Map center: 1725463, 1703600

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.

EXHIBIT C2

Desert Academy: 313-317 Camino Alire



Legend

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River

Zoning

- RR Rural Residential
- R1, (PUD) Single- Family 1du/ac.
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC5, RC5AC Compound 5du/ac
- RC8, RC8AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD),(AC) Multiple - Family 29du/ac
- RAC Residential Arts & Crafts

Scale: 1:2,600

EXHIBIT C

City of Santa Fe
Land Use Department
Early Neighborhood Notification
Meeting Notes

Project Name	Desert Academy Rezoning
Project Location	313-317 Camino Alire
Project Description	General Plan Amendment (Low Density Residential to Office Designation) & Rezone from R-5 to C-1
Applicant / Owner	Desert Academy
Agent	David Schutz
Pre-App Meeting Date	May 23, 2013
ENN Meeting Date	August 22, 2013
ENN Meeting Location	B.F. Young School, Sierra Vista Conf. Room
Application Type	General Plan Amendment & Rezoning
Land Use Staff	Donna Wynant
Attendance	2 neighbors in attendance and 3 people representing applicant

Notes/Comments:

Meeting started at 5:30. Two adjacent property owners were in attendance who asked questions but did not express opposition to the proposal.

Meeting ended at 6:00 pm.

EXHIBIT D-1

SIGN-IN SHEET

ENN MEETING - AUGUST 22, 2013

presenting Applicant?	NAME	ADDRESS	PHONE
	Donna Sanchez	428 Camino Alire	984-0023
	Mary M. Cannon	2870 PLAZA Amarilla	471-6332
	Donna Wynant	Land Use Dept./City of S.F.	955-6325
Yes	Jud Osborn	7300 Old SF Trail 87505	501-2971
YES	TERRY PASSALACQUA	7300 old SF Trail 87505	992 8284
	David Schutz	600 Cielo Grande	316-6552

ENN GUIDELINES

Applicant Information

Project Name: Desert Academy General Plan Amendment and Rezoning

Name: Desert Academy
Last *First* *M.I.*

Address: 313-317 Camino Alire
Street Address *Suite/Unit #*

Santa Fe NM 87501
City *State* *ZIP Code*

Phone: (505) 316-6552 E-mail Address: m.schutz1@hotmail.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails*

The 2 existing structures on the property will not be enlarged in order to maintain their current scale and to keep intact the residential character of the neighborhood. However, some improvements such as additional landscaping, paint, parking lot improvements and other minor architectural improvements to the buildings may be made to enhance to overall aesthetic of the exterior of the buildings. As such, no adverse effects to the surrounding neighborhood are anticipated.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

All existing landscaping and other property improvements will remain. No adverse effects on the physical environment are anticipated. The nighttime sky will not be adversely impacted since no new lighting will be installed with the exception of low level walkway light bollards.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

Not Applicable.

EXHIBIT D-2

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The surrounding area is mixed zoning patchwork of residential and commercial(C-1) activities. The adjacent property to the north is zoned (C-1) as is the property located at the northeast corner of the Camino Alire/Agua Fria intersection. The adjacent property to the east is the Alameda Middle School athletic fields and the adjacent property to the south is residential. A "grandfathered" commercial uses, Paynes Nursery, also exists at 304 Camino Alire.

If this request is approved, all applicable criteria required under the C-1 Office and Related Commercial District Ordinance regarding setbacks, lot cover, open space ,parking, etc. can be met.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

All required parking required for C-1 uses can be accommodated internally. An efficient one way traffic pattern exists for ingress and egress to the property by employees and visitors. As such, no adverse impacts are anticipated in regard to traffic congestion or pedestrian safety. Access to the facility by the disabled, children and the elderly is also provided.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

The proposed commercial use will have a positive economic impact on the City as all of the employees will most likely live in Santa Fe County and frequent local businesses and restaurants.

(g) *EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVIAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS. For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

The use of the property under a proposed marketing plan is targeted for creating affordable offices for local small businesses who are unable to afford the more upscale office areas in the City.

(h) *EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES. For example: whether the project will contribute to the improvement o existing infrastructure and services.*

It is anticipated that many of the employees and visitors to the complex will take advantage of the City's bus system which is readily accessible. No adverse impacts to City systems or services are contemplated.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

Water conservation will be achieved via an on-site rain catchment system for irrigating landscaping and site drainage will be detained on site.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

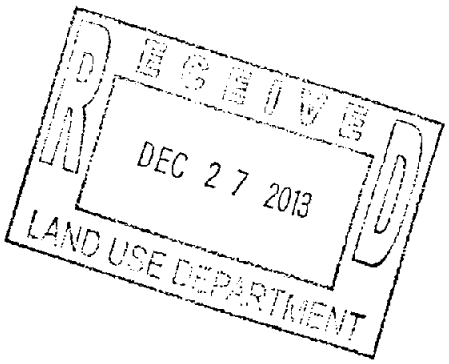
Not Applicable.

(k) EFFECT ON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

We believe that the proposed rezoning promotes a compact urban form and is an appropriate infill development since all City infrastructure exists.

(l) ADDITIONAL COMMENTS (optional)

December 21, 2013



Mr. Matt O'Reilly
Land Use Director
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Desert Academy Rezoning and General Plan Amendment

Dear Matt:

Desert Academy is requesting the rezoning and general plan amendment for the property located at 313-317 Camino Alire Street. This application is submitted for consideration by the Planning Commission at their regularly scheduled meeting in February, 2014.

PROJECT SUMMARY

The subject property consists of 3 tracts owned by Desert Academy at the above referenced address and includes a main building with an area of 16,675 gsf and a "casita" with an area of 858 gsf. If approved, the 3 tracts will be consolidated into one parcel for a total area of 1.38 ac. The property was the former Desert Academy campus which they vacated and have moved to their new campus off of Old Santa Fe Trail. Desert Academy desires to sell the property to prospective buyers for office use and/or other similar uses under the C-1 zoning classification.

REZONING REQUEST

This application requests the rezoning of the property from its current designation R-5, to C-1, Office and Related Commercial District. Outlined below are the responses to the Approval Criteria in Section 14-3.5(C) of the Santa Fe Land Development Code.

(a) one or more of the following conditions exist:

(i) there was a mistake in the original zoning;

Not applicable.

(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.

Over the past several years, the neighborhood's character has been altered such that limited commercial uses have been approved over

EXHIBIT E-1

time along the Camino Alire corridor. The adjacent property to the north is zoned C-1 as is the property at the intersection of Agua Fria and Camino Alire (NE quadrant). The property directly across the street is the home of Adobe Realty, presumably operating as a home occupation and Payne's Nursery has been in operation at 304 Camino Alire for over 20 years. We anticipate that this trend will continue as properties fronting Camino Alire become less desirable for residential use and the demand for limited commercial uses continues.

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

We submit that the proposed zoning classification is advantageous to the community as it contributes to a more vibrant neighborhood of mixed uses of residential activity and employment centers where residents can work close to their homes, walk to work, shop nearby, etc. These concepts are embraced in the General Plan as policy goals in creating employment opportunities within neighborhoods. Further, the prospect of this property reverting to residential use is unrealistic given the property's previous uses and the associated large main building on the property which is not suitable for residential use without extensive upgrades. We believe that the neighborhood is better served by allowing the continuation of limited non-residential uses as opposed to a vacant, deteriorating and unkempt property.

(b) all the rezoning requirements of Chapter 14 have been met;

All of the rezoning requirements have been met.

(c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;

The rezoning is consistent with the applicable policies of the General Plan in regard to promoting mixed use neighborhoods, economic diversity and the availability of existing infrastructure. As an infill project, the property is consistent with the concept of maintaining a compact urban form.

Please refer to the General Plan Amendment section of this report, item (2), Additional Criteria for Amendments to the General Plan, which discusses our position regarding the Future Land Use map.

(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.***

The proposed use of the property is consistent with city policies since this property will, if approved, contribute to the mixed use concepts embraced by the General Plan and its geographic location is ideal for the proposed use.

(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.***

The property is currently served by existing public infrastructure and services. All public utilities are available including water, sewer, power, gas and telephone. Parks, shopping, and dining establishments are within walking distance of the property.

(D) Additional Applicant Requirements

(1) 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;

The subject property is served by City infrastructure and public facilities.

(2) 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.

There is no need for additional streets, sidewalks, or curbs, as part of this request.

GENERAL PLAN AMENDMENT REQUEST

The Land Development Code lists the criteria for addressing an amendment to the General Plan. Each of those criteria is addressed below.

(1) **Criteria for all amendments to the general plan:**

(a) Consistency with growth for the City using a data base maintained and updated on an annual basis by the City, with 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.

The surrounding neighborhood is comprised of a mix of uses including commercial, home occupations, institutional and residential. This request, if approved, is consistent with surrounding uses and will not adversely impact adjacent neighbors.

(b) Consistency with other parts of the general plan.

This request is consistent with the General Plan in regards to promoting mixed-use neighborhoods and economic diversity. Its geographic location and the availability of existing infrastructure are key factors discussed as requisites for development projects. Re-development and re-use of existing properties is encouraged in the General Plan in relation to infill and urban sprawl.

(c) the amendment does not:

(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or

As discussed herein, the surrounding neighborhood is a mixed use of residential, commercial and institutional activities. The property adjacent to this one is zoned C-1 as is the property as is the property at the intersection of Agua Fria and Camino Alire (NE quadrant).

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

The proposed amendment is an expansion of the boundary of the C-1 use directly adjacent (north) of the subject property, and if approved, will exceed two acres.

(iii) benefit one or a few landowners of the surrounding landowners or the general public;

The subject property has been in existence as a commercial enterprise since the early 1960's, first as Granada Nursing Home, then as the Pinon Hills assisted living facility. Most recently the property was the main campus of Desert Academy.

This request, if approved, will recognize its historical use and non-residential status within the neighborhood. As such, we submit that this continuation will not adversely impact surrounding landowners or the general public.

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification.

Not applicable.

(e) Compliance with extraterritorial zoning ordinances and extraterritorial Plans;

Not applicable.

(f) Contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

This request, if approved, recognizes its previous uses and its continuation contributes to a well balanced and harmonious mixed use neighborhood that currently exists. The C-1 designation is an efficient transition from institutional (school) to Office and Related Commercial Activity.

(g) Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

(1) Additional Criteria for Amendments to Land Use Policies

In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown

on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping, or other means, and a finding must be made that:

(a) the growth and economic projections contained within the general plan are erroneous or have changed;
(b) No reasonable location have been provided for certain land uses for which there is a demonstrated need; or

(c) 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 General Plan's Future Land Use Map designates the subject property as Low Density Residential, 3-7 dwellings per acre. The map also designates the property adjacent to the north, currently zoned C-1, as Low Density Residential, 3-7 dwellings per acre. We submit that the City erred, since at the time that the General Plan was adopted in 1999 both properties were being used for commercial activities. The General Plan failed to recognize the existing uses that had been established prior to its adoption. This request, if approved, will correct this oversight. As such, the effect of the proposed change in land use as reflected in the Future Land Use map will recognize the current and previous commercial activities on the subject property and that this change will not have a negative impact on the surrounding properties.

ENN MEETING

An Early Neighborhood Notification meeting was held on August 22, 2013 at the B.F. Young School. Two adjacent property owners were in attendance who were interested in gathering more information about this request. It is our understanding that they were not opposed to our proposal. To our knowledge no written comments have been received in regard to this proposal.

TRAFFIC IMPACT ANALYSIS

Mr. John Romero, City Traffic Engineer, requested that a Traffic Impact Analysis (TIA) be conducted to determine potential traffic impacts that would be caused by the proposed rezoning. The TIA was conducted by Walker Engineering, Santa Fe, NM, in August of 2013. His conclusions are that the proposed rezoning will have "a minimum impact on the City of Santa Fe road system" and that the "roadway network will have sufficient capacity to accommodate this development". Their report is attached herewith.

Please contact me for any questions or any additional information you may need in this regard.

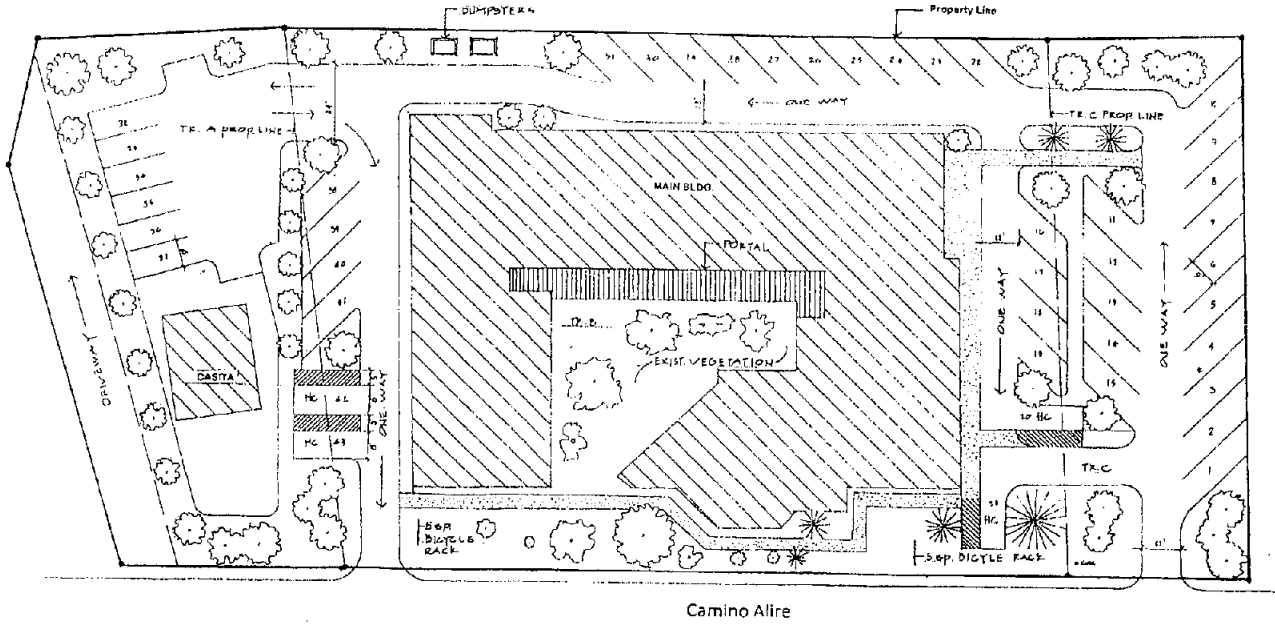
Sincerely,

David Schutz
Agent for Desert Academy

xc: Mr. Jud Osborn, Finance Director, Desert Academy

Attachments:

Traffic Impact Analysis
General Plan Amendment Application
Rezoning Application
Vicinity Map
Survey Plats
Warranty Deed
Future Land Use Map
Development Plan
Landscaping Plan
ENN Sign in Sheet



SITE DATA

Lot Areas

Tract A-	.32 Ac.
Tract B-	.84 Ac.
Tract C-	.22 Ac.
Total-	1.38 Ac.

Building Areas

Main Bldg.-	16,675 gsf
Casita-	858 gsf
Total-	17,533 gsf

Parking

Required- 1/350 nlsf= 40 spaces *
Provided- 43 spaces
Handicapped Spaces: 4 (Exceeds Code)

Open Space

Required-	15% x 1.38 Ac.=.21 Ac.
Provided-	.25 Ac.

* For non-medical uses.

NOTES:

1. Tract C to be graded to match grade of Tract B.
2. Fire Protection: Main building is protected by an automatic sprinkler system.

SITE DEVELOPMENT PLAN

DESERT ACADEMY PROPERTY

NORTH

1" = 1'-0" • 12-16-13 -

SHEET 1 of 2

EXHIBIT E-2

COPY

DESERT ACADEMY
CAMINO ALIRE PROPERTY
REZONING REQUEST

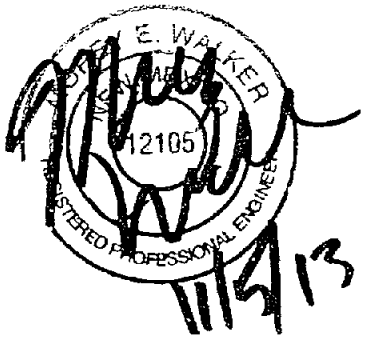
TRAFFIC IMPACT ANALYSIS

PREPARED
FOR

DAVID SCHUTZ
&
DESERT ACADEMY

PREPARED
BY

WALKER ENGINEERING
905 Camino Sierra Vista
Santa Fe, NM 87505



November 5, 2013

Desert Academy - Camino Alire Property - Rezoning
TRAFFIC IMPACT ANALYSIS

TABLE OF CONTENTS

Desert Academy - Camino Alire Property - Rezoning
TRAFFIC IMPACT ANALYSIS

I. INTRODUCTION

A. Project Location and Description

The Desert Academy Alire property was the campus for a private high school but is presently vacant. The current site has a 17,533 square foot building on approximately 1.38 acres. The site is located on Camino Alire between West Alameda Street and Agua Fria Street within the City of Santa Fe. Figure 1 is a vicinity map describing this site within the context of the local road network. The attached Figure 2 shows the building location, traffic circulation and access to public streets.

B. Purpose

It is the purpose of the TIA to evaluate the impact reazoning the property from R-5 to C-1 on operational capacity of the Camino Alire/Bob Street & West Alameda Street and the Camino Alire & Agua Fria Street intersections. In addition, the driveway to the site was analyzed. The results will be used in the rezoning request approval process.

C. Methodology

This TIA obtained existing traffic volumes with AM and PM peaks at the intersections of Camino Alire & West Alameda Street and Camino Alire & Agua Fria Street. Roadway conditions, future traffic volumes with peaks are described. Impacts to the selected intersection are evaluated on the basis of the time frame for the build-out of the development and the traffic volume for the project design year. A level of service analysis (LOS) is conducted for the design year using HiCap V2. Recommendations for mitigation of impacts, if they occur, are included in the final section of the report.

II. EXISTING AND FUTURE ROAD CONDITIONS

A. Existing Conditions

Camino Alire consists of single travel lanes in each direction with dedicated left turn lanes at the major intersections. At the intersection of Camino Alire, West Alameda consists of dedicated left turn for both directions, a combined through/right turn lanes for west bound and separate through & right turn lanes for the east bound. For the Camino Alire and Agua Fria Street intersection, Agua Fria Street consist of a dedicated left turn lane and combined through/right turn lanes in both direction. Figure 3 describes the existing lane configuration for the Camino Alire & West Alameda Street and the Camino Alire & Agua Fria Street intersections.

B. Planned Road Improvements

As of the date of this report, no roadway improvements are planned for this area.

C. Traffic Volumes and Existing Conditions

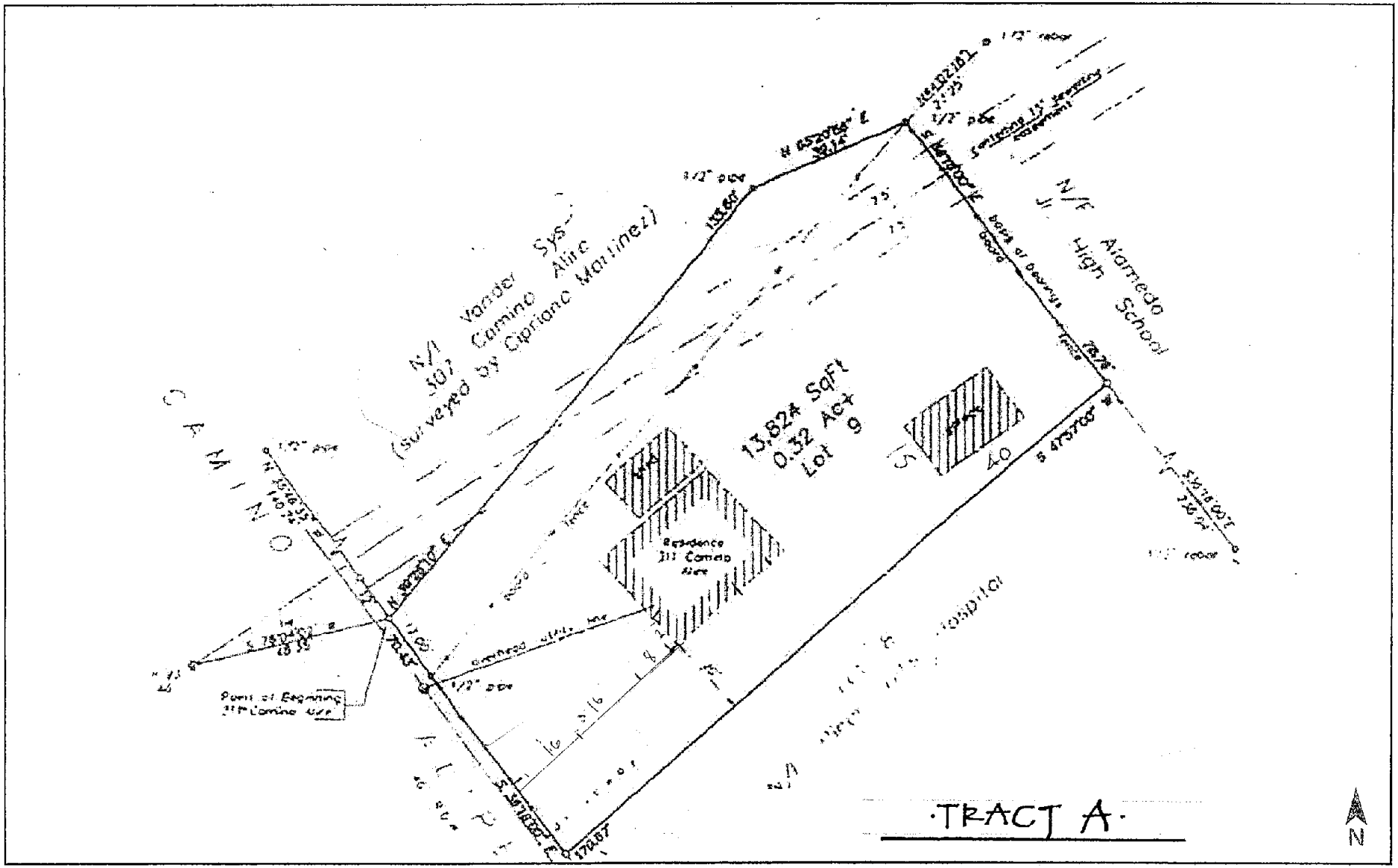
On October 24, 2013, traffic counts were taken at the intersection of Camino Alire/Bob Street and West Alameda Street by Walker Engineering. On October 23, 2013 traffic counts were taken at the intersection at Camino Alire and Agua Fria Street. Traffic counts were taken from 7:00 - 9:00 AM, and 4:00 - 6:00 PM. The AM and PM counts represent the normal anticipated peak hour periods for traffic in Santa Fe. Figure 4 shows the Existing Background Traffic. The counts are shown in Appendix A.

D. Future Traffic Volumes

The Desert Academy at Camino Alire is assume to be fully occupied by occupied by 2016. Therefore, a design year of 2017 has been selected for this development. A three percent annual increase in background traffic is assumed for that time period. A three percent increase is a generally accepted value. Design Year Background peak hour traffic movements are shown in Figure 5.

E. Traffic Light Timing

The traffic light timing for both the Camino Alire & West Alameda Street and the Camino Alire & Agua Fria Street intersections were provided by the City of Santa Fe Traffic Department. Presently, the traffic light timing has not been optimized for the traffic volumes. Both timings are attached in Appendix B.



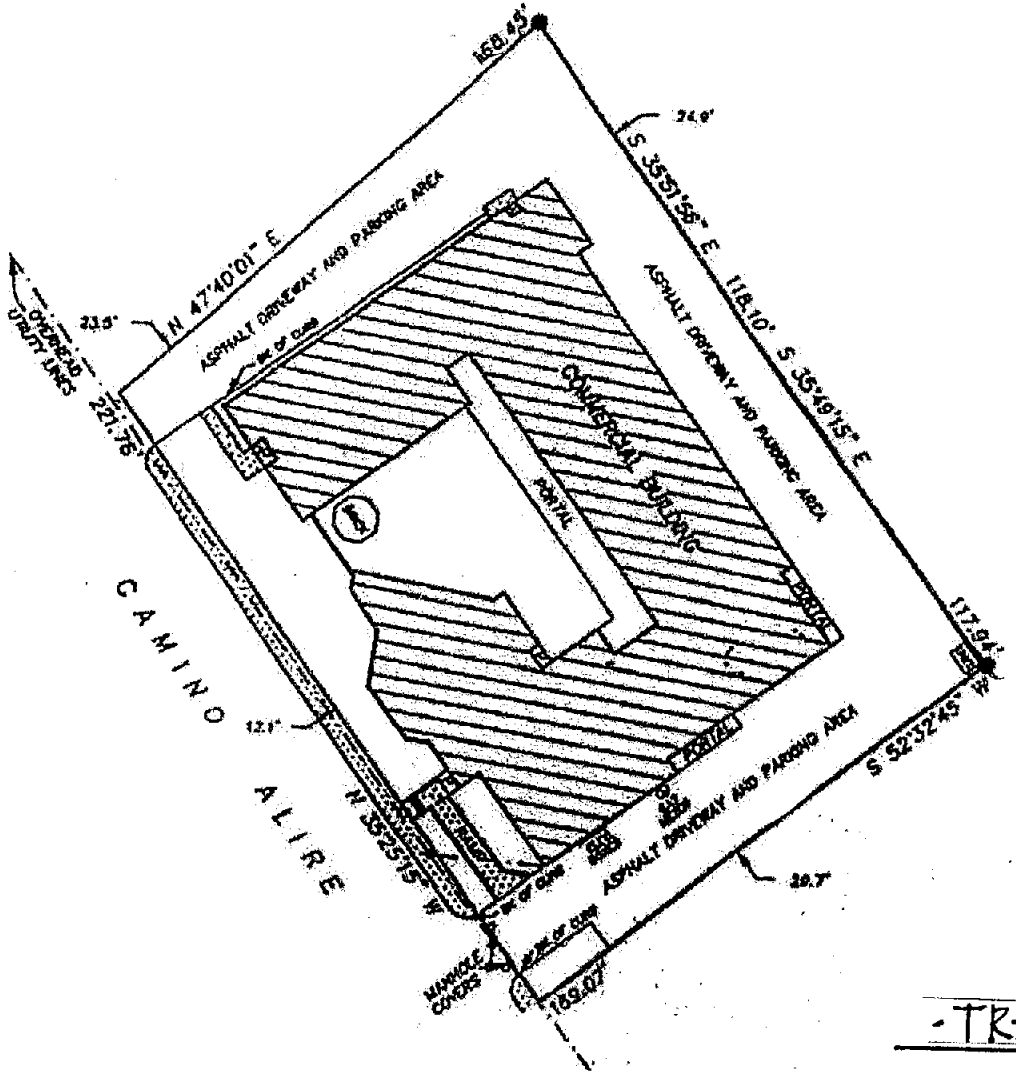
For more information please contact:
JAMES F. WHEELER, CCIM
james@gotspaceusa.com
505 470 8081

505.988.8081

2019 Galisteo St. Suite L1, Santa Fe, NM 87505
www.gotspaceusa.com
NAI Maestas & Ward
Commercial Real Estate Services. Worldwide.

SITE PLAN

313-317 CAMINO ALIRE | SANTA FE, NM 87501



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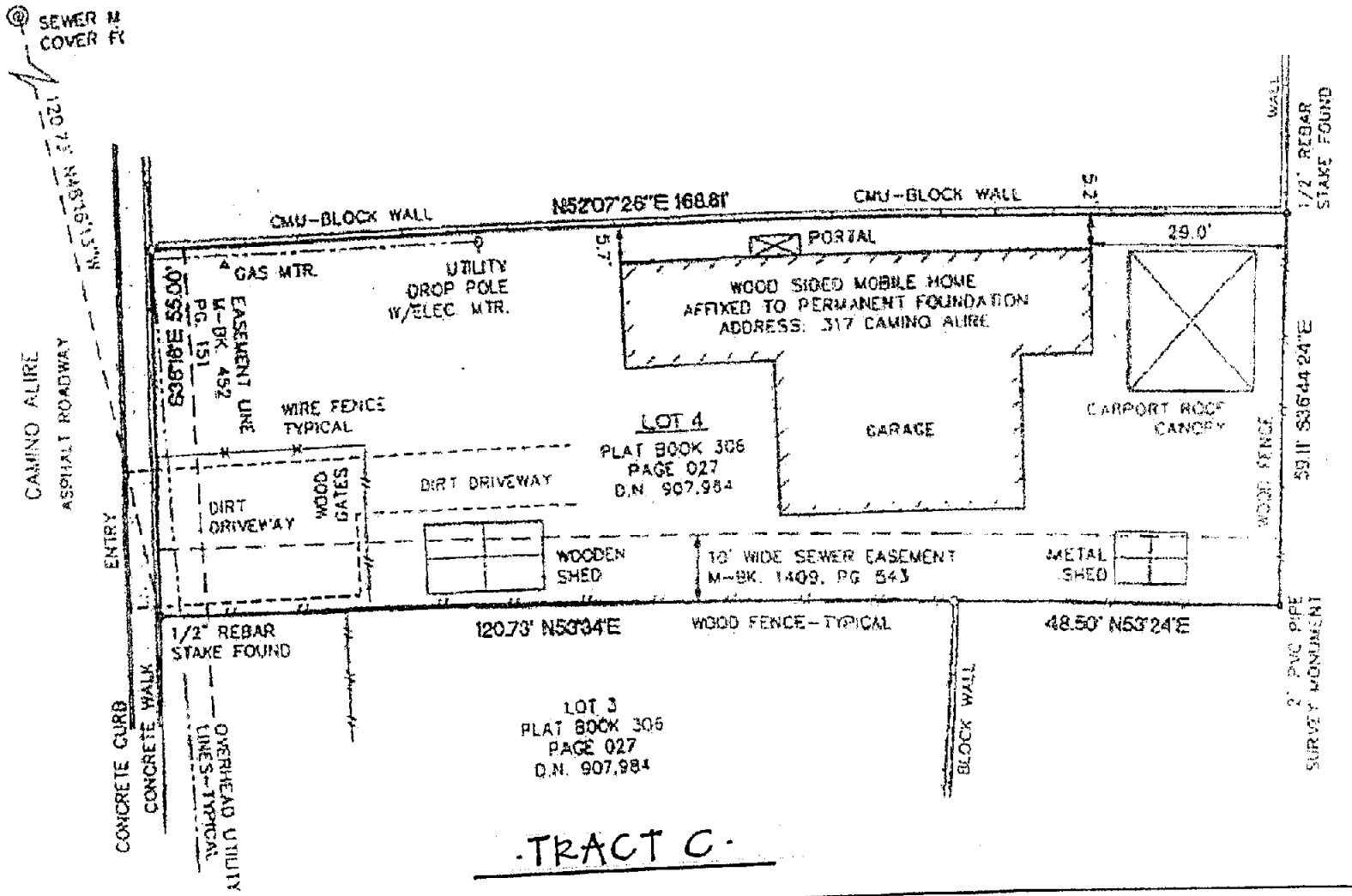
PLAT



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C-1 Office and Related Commercial District

The purpose of the C-1 office and related commercial district is to provide areas for government offices; professional and *business* offices; medical and dental offices or clinics; *personal care facilities for the elderly*; and *hospitals*, laboratories, *pharmacies* and related complementary *businesses* that provide sales or service of office equipment, medical and dental supplies and office supplies. This district serves as a transitional buffer between more intense commercial use districts and *residential* districts.

Permitted Uses

1. Adult day care
2. Arts & crafts schools
3. Arts & crafts studios, galleries & shops,
4. Banks, credits unions (no drive-through)
5. Banks, credits unions (with drive-through) ☼
6. Barber shops & beauty salons
7. Boarding, dormitory, monastery
8. Clubs & lodges (private) ☼
9. Colleges & universities (non-residential)
10. Continuing care community
11. Correctional group residential care facility ☼
12. Dance studios
13. Daycare; preschool for infants & children (6 or fewer) Small
14. Daycare; preschool for infants & children (more than 6) Large
15. Dwelling; multiple family
16. Dwelling; single family
17. Electrical distribution facilities
18. Electrical substation
19. Electrical switching station
20. Electrical transmission lines
21. Fire stations
22. Foster homes licensed by the State
23. Funeral homes or mortuaries
24. Group residential care facility
25. Group residential care facility (limited)
26. Kennels ☼
27. Manufactured homes
28. Medical & dental offices & clinics
29. Museums
30. Neighborhood & community centers (including youth & senior centers)
31. Nursing, extended care, convalescent, & recovery facilities
32. Offices; business & professional (no medical, dental, financial services)
33. Personal care facilities for the elderly
34. Pharmacies or apothecary shops
35. Photographers studios
36. Police stations
37. Police substations (6 or fewer staff)
38. Preschool, daycare for infants & children – Small
39. Preschool, daycare for infants & children – Large
40. Public parks, playgrounds, playfields

41. Religious assembly (all)
42. Religious educational & charitable institutions (no schools or assembly uses) ☼
43. Rental, short term
44. Restaurant; fast service, take out (no drive through or drive up, no alcohol sales, not to exceed 1,000 Square Feet)
45. Schools; Elementary & secondary (public & private) ☼
46. Schools; vocational or trade, non-industrial
47. Tailoring & dressmaking shops
48. Veterinary establishments, pet grooming ☼

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

Special Use Permit
The following uses may be conditionally permitted in C-1 districts subject to a Special Use Permit:

1. Cemeteries, mausoleums & columbaria
2. Colleges & universities (residential)
3. Grocery stores (neighborhood)
4. Hospitals
5. Laundromats (neighborhood)
6. Mobile home; permanent installation
7. Sheltered care facilities
8. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

Accessory Uses
The following accessory uses are permitted in C-1 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds (within the rear yard only)

Dimensional Standards

Minimum district size

- Single family dwelling: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided.
- Multiple family dwelling: as required to comply with gross density factor.

Maximum height:	36
Minimum setbacks:	
Non-residential uses:	Street 10; side 5, rear 10
Residential uses:	Street 7; side 5 (10 on upper stories); rear 15 or 20% of the average depth dimension of lot, whichever is less
Max lot cover:	
Non-residential uses:	60
Residential uses:	40
Open Space Requirements:	
Single-Family	Where the *lot* size is between two thousand (2,000) and four thousand (4,000) square feet, qualifying *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of single *family lots*, equals no less than four thousand (4,000) square feet.
Multiple-Family	Qualifying *common open space* is required at a minimum of two hundred fifty (250) square feet per unit.
Non Residential	The minimum dimension for *nonresidential open space* shall be 10 feet and cover a minimum of 300 square feet, unless the area is a component of interior parking *landscape* and meets the requirements for *open space* credits for *water harvesting* described in 14-7.5(D)(6). The percentage of *required open space* shall be calculated on the basis of total *lot* area, and shall be no less than 25% unless the conditions described in 14-7.5(D)(6) are met; then the *required open space* may be reduced by a maximum of 10% of the total *lot* size.

IV. EARLY NEIGHBORHOOD NOTIFICATION MEETING

An early Neighborhood Notification meeting was held on August 22, 2013. Two adjacent property owners were in attendance who asked questions but did not express opposition to the proposal.

V. CONCLUSION

Staff supports the proposed rezone subject to the attached DRT Conditions of Approval.

VI. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda
1. Technical Review Division – City Engineer email, Risana Zaxus
2. Technical Review Division – Landscape memo, Noah Berke
3. Wastewater Management Division memorandum, Stan Holland
4. Traffic Engineering Division memorandum, Sandra Kassens
5. Fire Marshal, Reynaldo Gonzales
6. Metropolitan Planning Organization email, Keith Wilson
7. Water Division memorandum, Antonio Trujillo
8. Solid Waste Division email, Randall Marco

EXHIBIT C: Maps
1. Aerial Photo
2. Future Land Use
3. Current Zoning

EXHIBIT D: ENN Materials
1. ENN Meeting Notes
2. ENN Responses to Guidelines

EXHIBIT E: Applicant Materials
1. Letter of Application
2. Site Plan
3. Landscape Plan

EXHIBIT F: Other Material
1. Photographs of site

313-317 Camino Alire
General Plan Amendment to Office Use and Rezoning from R-5 to C-1
Case #2013-130 & 317

DRT Conditions of Approval	Department	Staff
1. Shall comply with IFC requirements. 2. Fire Department Access shall not be less than 20 feet width. 3. Fire Department shall have 150 feet distance to any portion of the building on any new construction. 4. Shall have water supply that meets IFC requirements.	Fire Marshal	Reynaldo Gonzales
I do have the following comments on the Conceptual Site Plan. 1. No pedestrian access is shown from the adjoining street. On-site Pedestrian Walkways should connect to the adjoining sidewalk on Camino Alire. 2. The design and location of the Bicycle Parking facilities shown on the Site Development Plan should be reviewed to ensure they meet the requirements outlined in Chapter 14 and guidance provided in the MPO Bicycle Master Plan.	MPO	Keith Wilson
At the current location for refuse service only rear loading might work depending on the depth allotted. As an option, 96 gallon containers would work. More detail is needed to make a proper assessment of refuse and recycling requirements.		Randal Marco

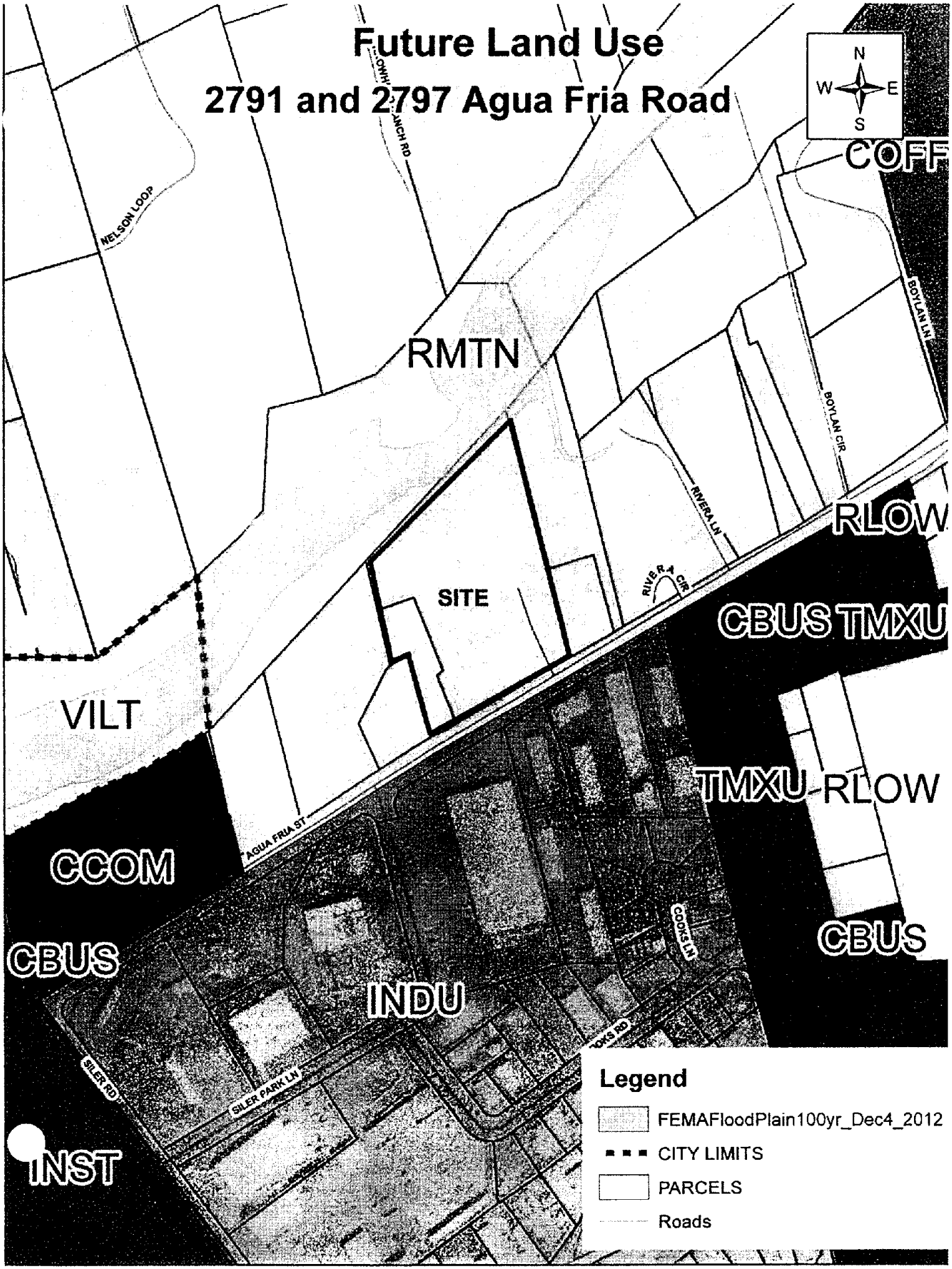
EXHIBIT 4

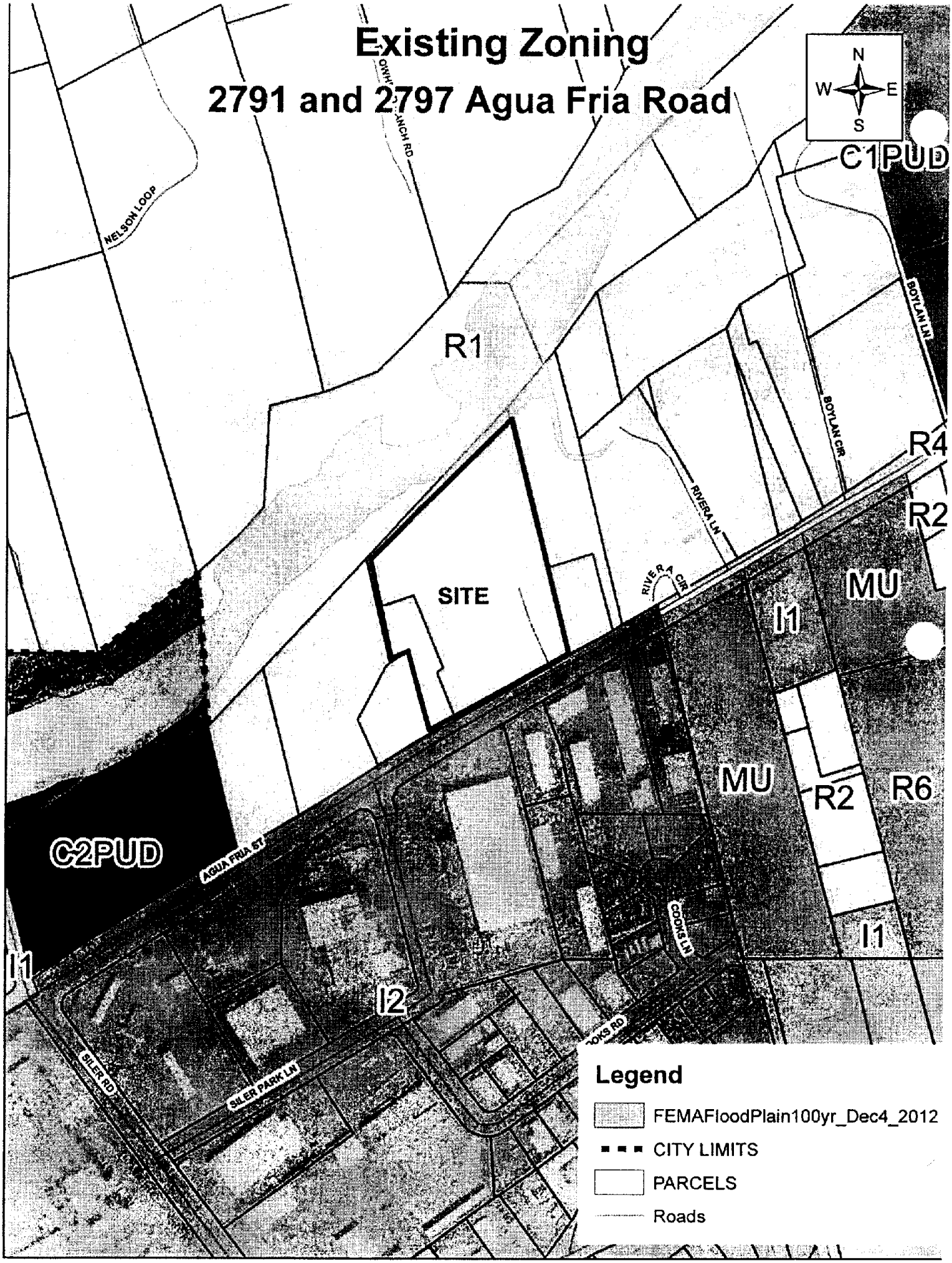
February 6, 2014
Planning commission
Case # 2013-101 &102

RIVERA GENERAL PLAN AMENDMENT AND REZONING TO GENERAL OFFICE

EXHIBIT B

Future Land Use and Zoning map


Future Land Use
2791 and 2797 Agua Fria Road
N
W
E
S
COFF
NELSON LOOP
RMTN
BOYLAN LN
BOYLAN CIR
RIVERA LN
RIVERA CIR
RLOW
SITE
CBUS TMXU
VILT
TMXU RLOW
AGUA FRIA ST
CCOM
COOKS LN
CBUS
CBUS
INDU
SILER RD
SILER PARK LN
INST
Legend
FEMAFloodPlain100yr_Dec4_2012
CITY LIMITS
PARCELS
Roads


Existing Zoning
2791 and 2797 Agua Fria Road
N
W
E
S
C1PUD
NELSON LOOP
R1
BOYLAN LN
BOYLAN CIR
R4
R2
RIVERA LN
RIVERA CIR
SITE
MU
I1
MU
R2
R6
C2PUD
AGUA FRIA ST
COOKS LN
I1
I1
I2
SILER RD
SILER PARK LN
Legend
FEMAFloodPlain100yr_Dec4_2012
CITY LIMITS
PARCELS
Roads

February 6, 2014
Planning commission
Case # 2013-101 &102
RIVERA GENERAL PLAN AMENDMENT AND REZONING TO GENERAL OFFICE

EXHIBIT C

ENN

JAMES W. SIEBERT
AND ASSOCIATES, INC.

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

EARLY NEIGHBORHOOD NOTIFICATION MEETING

April 26, 2013

Dear Neighbor:

Southwest Business Park is requesting a General Plan Amendment to amend to contiguous tracts of land from very low density to community commercial and rezoning from R-1 to C-2. The subject properties are located at 2791 Agua Fria Rd and 2797 Agua Fria Rd.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time:	***5:30 PM***
When:	***Monday August 19, 2013***
Where:	***Southside Library***
	6599 Jaguar Drive
	Santa Fe, NM 87507

Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

Attached, please find a vicinity map on reverse side of this letter. If you have any questions or comments, please contact (*James Siebert & Assoc. Inc., (505) 983-5588, jim@jwsiebert.com).*

Sincerely,

James W. Siebert

Attachments: Vicinity map

City of Santa Fe
Land Use Department
Early Neighborhood Notification
Meeting Notes

Project Name	Rivera Agua Fria GPA & Rezoning
Project Location	2791 & 2797 Agua Fria Street
Project Description	General Plan Amendment from Single Family Residential to Commercial and rezoning from R-1 to C-2 of two contiguous lots at – (5.79 acres +/-).
Applicant / Owner	Stella Rivera
Agent	James w. Siebert & Assoc., Inc.
Pre-App Meeting Date	6/13/13
ENN Meeting Date	8/19/13
ENN Meeting Location	Southside Library – 6599 Jaguar Drive
Application Type	ENN
Land Use Staff	Heather Lamboy
Other Staff	
Attendance	1

Notes/Comments:
There were no comments or concerns raised.

City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet

Project Name: 2791 & 2797 Agua Fria Rezoning **Meeting Date:** 8/19/13

Meeting Place: South Side Library **Meeting Time:** 5:30

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Leroy Romero	2749-B AGUA FRIA	none
☐	2			
☐	3			
☐	4			
☐	5			
☐	6			
☐	7			
☐	8			
☐	9			
☐	10			
☐	11			
☐	12			

For City use: I hereby certify that the ENN meeting for the above-named project took place at the time and place indicated.

Heather Lamboy
Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

8/19/13
Date

This sign-in sheet is public record and shall not be used for commercial purposes.

ENN GUIDELINES

Applicant Information

Project Name: 2791& 2797 Agua Fria Rezoning (Rivera Tracts)

Name:	Siebert	James	W	
	Last	*First*	*M.I.*	
Address:	915 Mercer Street			
	Street Address		*Suite/Unit #*	
	Santa Fe, NM 87505		NM	87505
	City		*State*	*ZIP Code*

Phone: (505) 983-5588 E-mail Address: jim@jwsiebert.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) **EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS** ***For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.***

The surrounding neighborhoods south of the Santa Fe River and on either side of the development request are generally one story in height and since they are commercial buildings they are typically 18 to 24 feet in height. Given the age of many of the buildings that are located between Agua Fria Street and the Santa Fe River the building setbacks vary considerably since many of the buildings predate City zoning regulations. Landscaping and lighting is limited on this property and surrounding properties. There is a trail that is planned on the north side of the Santa Fe River. The County is negotiating for the purchase of open space along the Santa Fe River, immediately north of the subject property. The County has not yet acquired the property at this point in time.

(b) **EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT** ***For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.***

There is a separate tract of land between the northern boundary of this property and the Santa Fe River. This property contains the width of the Santa Fe River from bank to bank. A small portion of the northern area of the property is encumbered by a 100 year flood plain. There are no escarpments or rock outcroppings which pertain to this tract of land. Fire risk is limited to the existing buildings which are currently serviced by City water and City fire hydrants. There are no hazardous materials stored within the subject tracts of land. There are no platted easements located on the property. The County is negotiating for the tract of land to the north that contains the Santa Fe River to purchase this land as open space.

(c) **IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN** ***For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.***

This property is located within the River/Trails Archaeological District. An archaeological survey and report is required for tracts of land 2 acres or greater in size. An archaeological report and survey will be required for this property. There are no known cultural sites or structures located on the property. There are no acequias that serve or have ever served the land as they relate to this property. This tract of land is not located within the Historic Downtown.

(d) **RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN** ***For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.***

The land use pattern for this tract of land is consistent with the land uses to the east and west of the property. The intensity of use increases on the South side of Agua Fria, where the land is zoned I-2, Heavy Industrial. The City General Plan recommends a land use of low density residential, allowing for 1-3 dwellings per acre. This future land use recommendation is inconsistent with the current use not only on this property but the parcels of land to the east and west of this property. The request for C-2, General Commercial zoning, is consistent with the current uses on the property and a reasonable transition from the I-2. Heavy industrial zoning that is located on the South side of Agua Fria. The properties to the east and west of the subject tract are similar in scope and density to the uses located on the Rivera tract. The property is not currently located within the City limits although it is served by City water and City sewer. The City has entered into an amended settlement agreement with the County to annex this area between Agua Fria Road at the end of 2013 or beginning of 2014.

(e) **EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES** ***For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.***

This length of Agua Fria Road that is in the area of this property has been improved with new pavement, access management and sidewalks on both sides of the road. Pedestrian access and safety has been greatly enhanced by these recent improvements to Agua Fria Road. There is a City transportation bus stop with 200 feet of this property. The sidewalks were constructed to satisfy the ADA access requirements at the driveways along Agua Fria Road allowing for wheel chairs to navigate this section of Agua Fria Road improving access for the disabled. With the extension of the trail system along the Santa Fe River there will be the opportunity to bicycle to the City center from this area via a bridge crossing on Siler Road. The traffic generation will be no greater than what has historically occurred on the property.

(f) **IMPACT ON THE ECONOMIC BASE OF SANTA FE** ***For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.***

This property has historically been used for commercial purposes. The uses on the property have offered employment to Santa Fe residents for over 60 years. While the City does not currently collect gross receipts from the businesses on this property it will begin collecting gross receipts as soon as the property is legally annexed to the City.

(g) **EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS** ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.***

The uses on this property consist of both commercial and residential. There is a single family residence on the smaller lot that is occupied by the owner of the property. There are also three rental dwelling units located on the both lots. There is no proposal at this time to convert the housing to commercial uses. The existing rental units will continue to be utilized for residential purposes.

(h) **EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES** ***For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.***

This property is already served by a full complement of City services including water and sewer. There is a City bus route that serves this section of the City that is located within 200 feet of the property. With annexation this tract of land is eligible for City police and fire protection and solid waste collection. No additional public infrastructure is required to serve this property. There are fire hydrants located along Agua Fria Road, two of which are across Agua Fria and one hydrant is located on the same side of the street within 300 feet of the requested rezoning.

(i) **IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** ***For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.***

Water lines are currently available on Agua Fria and are capable of serving an increase in intensity of use, should that occur on the property. The owner's plan is to maintain the current uses on the property and as such the water use on the property will remain the same until such time as redevelopment of the property takes place. Any redevelopment of the property that increases water use will have to comply with the City water conservation measures.

(j) **EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS** ***For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.***

This property has been used for commercial and residential purposes for the last 40-60 years. Community integration is already accomplished by the mix or residential and commercial that occurs on these lots. There is an existing sidewalk on Agua Fria and the completion of the trail system on the north side of the Santa Fe River will allow for a pedestrian and bicycle connection to Santa Fe's downtown.

(k) **EFFECT ON SANTA FE'S URBAN FORM** ***For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.***

This area of Santa Fe has been part of the Santa Fe Urban Boundary since the 1970s. Annexing this area implements the City General Plans that have been adopted over the last 40 years. It does not promote compact urban form since it has been part of the compact urban form for the last 40 years. A variety of residential development is located within a mile of this proposed rezoning.

(l) ADDITIONAL COMMENTS (optional)

February 6, 2014
Planning commission
Case # 2013-101 &102

RIVERA GENERAL PLAN AMENDMENT AND REZONING TO GENERAL OFFICE

EXHIBIT D

Applicant submittal

2791 & 2797 AGUA FRIA ROAD

GENERAL PLAN AMENDMENT

DEVELOPMENT PLAN

&

REZONING REPORT

PREPARED FOR

STELLA RIVERA

PREPARED BY

JAMES W. SIEBERT & ASSOC., INC

SEPTEMBER, 2013

TABLE OF CONTENTS

PROJECT DESCRIPTION AND LOCATION

The subject property is located at 2791 and 2797Agua Fria Road and consists of approximately 4.65 acres. The property is currently zoned R-1 with several existing buildings used for single family, rental and commercial purposes. The prior Club Algeria building was used as a dance hall/night club with an adjoining liquor store. More recently the building has been used for a variety of retail uses including a pond supply. This same structure has been occupied by two different wood working shops for approximately 15 years.

Figure 1 is a vicinity map indicating the location of the subject property relative to the City street system and other known land marks in the area.

OWNERSHIP, LEGAL LOT OF RECORD

The subject property is owned by Stella Rivera. A warranty deed for the property in the name of Ms. Rivera can be found in Appendix A to this report.

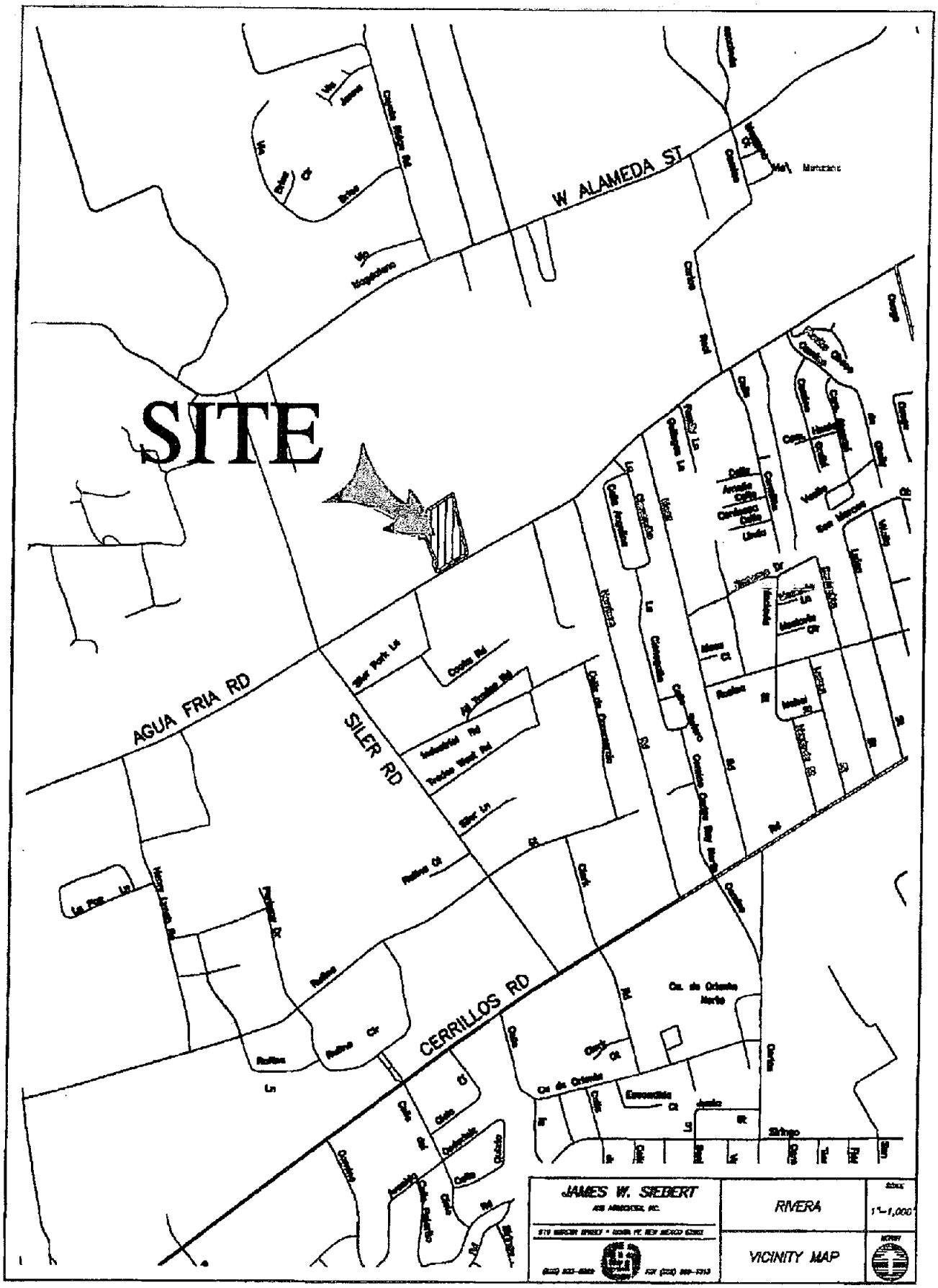
The legal lot of record for this property is created by exception, or defined as a lot surrounded by recorded legal lots of record. The three recorded plats that form the west, north and east boundaries of the subject property are provided in Appendix B. Agua Fria Road serves as the southern boundary for this property.

DEVELOPMENT REQUEST

The applicant is requesting a general plan amendment to amend the existing land use from Residential Low Density to General Commercial and to rezone the subject 4.65 acres from R-1 (one dwelling per acre) to C-2 (General Commercial). Included with this request is a development plan for the property allowing residential uses to be included with the commercial uses if the C-2 zoning for this property is approved.

ENN

An Early Neighborhood Notification (ENN) meeting was held on August 19, 2013 at the Tierra Contenta Library. One couple attended the meeting to find out the process required to rezone their property to C-2 since the historic use has been for commercial purposes and they were interested in rezoning there property which is in close proximity to the requested rezoning. No subsequent comments were received in writing on the requested general plan amendment or rezoning. The sign in sheet for the meeting is provided in Appendix C.



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PRIOR JURISDICTION AND EXISTING CONDITIONS

The property consists of 4.65 acres of land with several buildings located on the property. The size and type of use for these building is provided below.

Building Use	Building Size
Prior Liquor Sales and Bar/Club	10,000 square feet
Wood Working Shops	3,000 square feet
Single family (Estela Rivera residence)	2,650 square feet
Rental Unit west side	2,050 square feet
Rental Units on east side tract (4 units)	5,000 square feet
Landscape firm in multiple portable buildings	220 square feet

Various photos of the buildings on property are included in Figure 2 of the report

ACCESS

Access to the property is directly off Agua Fria. There is an existing driveway that accesses the back of the Club Alegria building and the residential units to the west. There is another private driveway that has been named Jardin Lane that provides access to the four attached rental units, storage shed and vacant land that sits at a lower elevation from the remainder of the property.

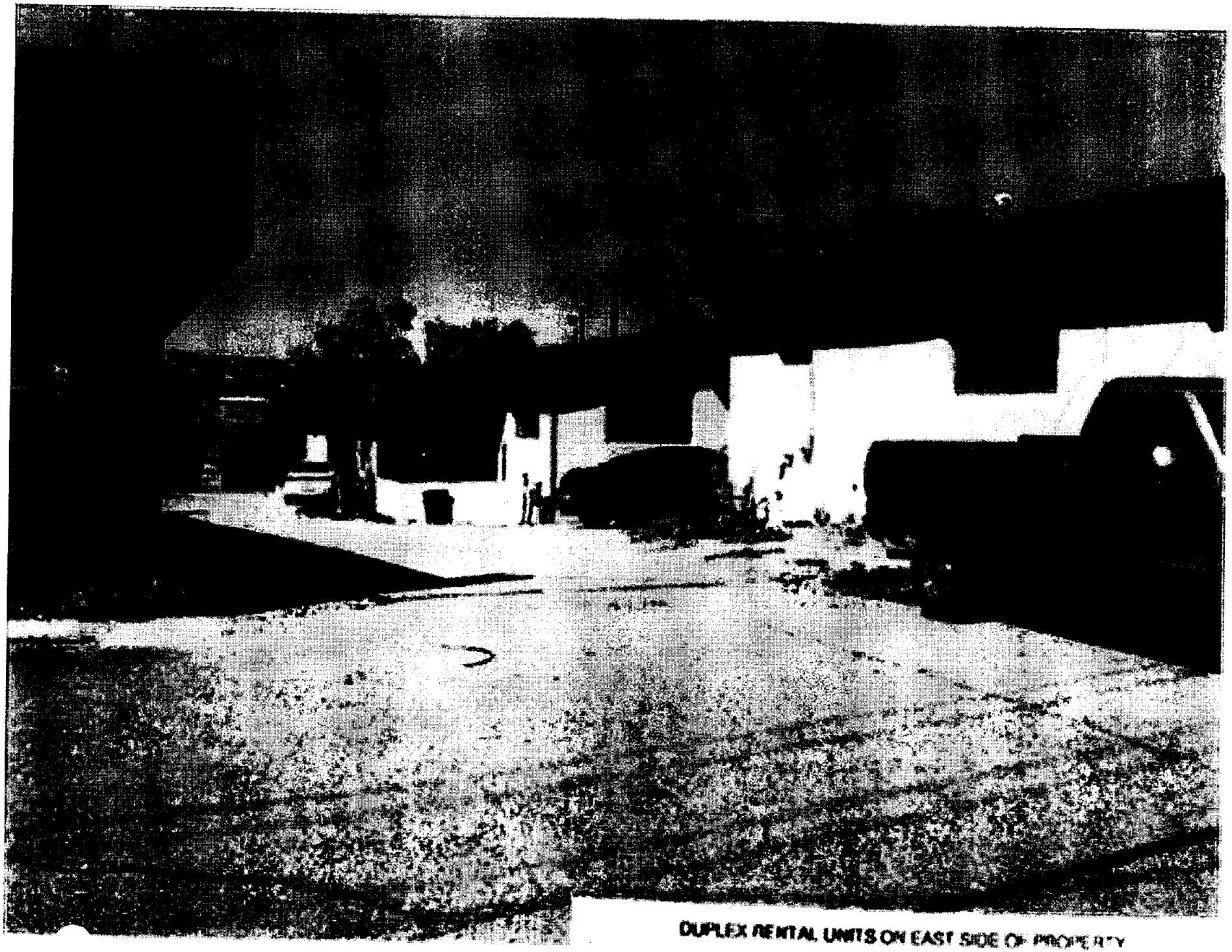
ARCHAEOLOGY

This tract of land is located in the River and Trails district. Per City code an archaeological study is required for parcels more than two acres in size. An archaeology study has been prepared by Steve Townsend and is submitted under a separate cover. There are buildings on the property that are older than 50 years and qualify as having historic potential. There are no alterations of the existing property and no effect to significant cultural resources, therefore cultural resource clearance is recommended by the consulting archaeologist.

STELLA RIVERAS' PROPERTY

PRIOR CLUB ALLEGRA & CURRENT WOODSPOTS

QUINTANA UNIT



DUPLEX RENTAL UNITS ON EAST SIDE OF PROPERTY

ADJOINING LAND USES

The property on the south side of Agua Fria Road is zoned I-2 which is the most intensive zoning district permitted in Santa Fe. A plumbing supply/retail store and materials yard is across Agua Fria from the subject property. Also across Agua Fria are multiple metal buildings that house a variety of generally light industrial and retail businesses. Adjoining the eastern boundary of the property is one single family welling, a barn and other related structures. There is a large wooden building to the rear of this same property located on the eastern boundary that was constructed as a single family residence but is now an abandoned structure.

To the west of the subject property adjacent to Stella Rivera's tract is a single family residence and two mobile homes. At the northwest side of this same tract is the materials yard for Ulibarri Landscape Company. A privately owned vacant tract of land is located on the north side of the subject property. This tract is for the most part located within the flood zone of the Santa Fe River. Santa Fe County has been negotiating the purchase of this tract to continue the restoration and enhancement of the Santa Fe River and to construct a trail along the north bank of the Santa Fe River.

Appendix D is an aerial photograph describing the location of the subject tract and adjoining land uses.

UTILITIES

Water

A 10 inch water line is located in Agua Fria Road. The prior Club Algeria building is served by City water via the 10 inch water line on Agua Fria Road. All the other structures on the property are serviced by a well that is located adjacent to Ms. Rivera's house. The permit for the well issued by the Office of the State Engineer in 1952 is found in Appendix E to this report.

Sewer

All of the buildings are served by existing septic tanks and leach fields. The Club Alegria building and four residential rental units are served by a septic tank and leach field located at the northeast side of the property. Ms. Rivera's residence and adjoining rental unit are served by two separate septic tanks and leach fields.

Dry Utilities

Electric, telephone and gas have been constructed to the property and serve the existing residential and commercial structures. These utilities have been extended underground to the various buildings on the property from Agua Fria Road.

RESPONSE TO GENERAL PLAN AMENDMENT CRITERIA

The Land Development Code lists the criteria for addressing an amendment to the General Plan. Each of these criteria is addressed below.

(1) Criteria for all amendments to the general plan:

(a) Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with 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.

This is a rather unique property where many of the buildings have existed on the lot for over 50 years. This is not a matter of being in the path of growth but having existed within a developed area of the City for a substantial period of time, well beyond the time limits of the current General Plan for the City. This property was part of the extraterritorial jurisdiction. In 2009 the property became the subject of the City's land use regulatory controls, including the rezoning of the property to R-1, Single Family Residential.

(b) Consistency with other parts of the General Plan.

The City General Plan shows this property as residential, low density, 1-3 dwellings per acre. The properties across Agua Fria to the south are zoned I-2, Heavy Industrial zoning and consist of industrial, service and retail businesses. The properties on either side of the subject rezoning consist of a mix of commercial, multi-family, mobile homes, residential rentals and a few scatter single family dwellings. The properties at the northeast corner of the Siler Road and Agua Fria Road intersections are zoned C-2/PUD and extend for a distance of approximately 560 feet along Agua Fria. It is assumed that the properties that are currently zoned C-2/PUD required a general plan amendment that was approved as part of the rezoning process. With the exception of a few scattered single family dwellings, the land to the east is very similar to the land that was previously rezoned C-2/PID at the northeast corner of Siler Road and Agua Fria Road intersection.

(c) Compliance with the extraterritorial zoning ordinances and extraterritorial plan.

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.

(d) 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.

With the exception of the single family residence occupied by Ms. Rivera, none of the other structures within the development request are consistent with the underlying R-1, single family residential zoning that is associated with the current zoning on the property. As non-conforming structures they cannot be modified to allow for other uses or expand the structure beyond its current foot print. In fact, the club/bar has not been operational for some time and as such is no longer a legal, nonconforming use. Because the property is zoned R-1 the liquor license that is located on the property for over 50 years can no longer be used at its historic location, since the use does not conform to the underlying zoning. This inability to make investments in the existing structures can lead to the neglect of these structures which does nothing to "promote health, safety, morals ... or general welfare." Encouraging redevelopment of these structures will maintain their value and discourage blight in this area of the City proposed for annexation in the near future.

(2) Additional Criteria for Amendments to Land Use Policies

a) *The growth and economic projections contained within the plan are erroneous or have changed; or:*

When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and assign a zoning district that best fit those land uses. Under the current zoning regulations residential uses are only allowed in a C-2 zoning district if there is a development plan that accompanies the rezoning request. The City was not in a position to prepare a development plan for this area or other areas with a mix of commercial and residential uses when the property was assigned its current zoning designation.

b) No reasonable locations have been provided for certain land uses for which there is demonstrated need; or

There are few locations this close to the center of the City where such a variety of land uses can take place. The I-2, Heavy Industrial District across Agua Fria does not allow for residential uses and restricts retail and office uses as well. With the rezoning of this property to C-2 the City begins to recognize the diverse land use pattern that has existed along this section of Agua Fria for the last 50 years.

c) 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, and building technology; and

The conditions affecting the subject land are more jurisdictional than a result of market conditions. Historically this area has been under extraterritorial jurisdiction where diverse mixes of land uses are permitted as part of the development review process. Santa Fe County permitted business licenses for changes to uses within buildings as legal, non-conforming structure uses. When the City assumed regulatory control over this area, the assignment of R-1 rezoning made all of the structures, with the exception of the single family residence, non-conforming structures. The application of the C-2 zoning with a development plan will bring all of the structures into conformity.

d) The effect of the proposed change in land use will not have a negative impact on the surrounding property. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent property by a setback, landscaping or other means.

Since the structures are existing there is no impact to the surrounding property, which consists of heavy industrial zoning across Agua Fria to the south, the Ulibarri tract to the west with a landscape business and single family residential to the east. All these uses have co-existed with each other for 30-40 years. At the time this area developed, which was in the 50's and 60's families built their homes and started their businesses on the same lot. This was the land use pattern for the area and pretty much remains the same pattern today.

RESPONSE TO CRITERIA FOR REZONING OF THE PROPERTY

Rezoning Application – Approval Criteria

This section of the report addresses the rezoning criteria set forth in Section14-3.5(C) of the Land Development Code.

(a) One or more of the following conditions exist:

(iii) A different use category is more advantageous to the community as articulated in the general plan or other adopted plans.

The owner of the property states that a liquor license has existed on this property for the Club Alegria for 50 years. Commercial uses have taken place on this property since approximately 1955. The prior Club Alegria building has been used for approximately 10 years as various retail commercial uses, including a pond supply and construction company that also sold various exterior patio goods associated with the pond sales. Other commercial uses such as landscape companies and their associated yards have occupied the property for several years.

The City General Plan shows this property and other properties between Agua Fria and the Santa Fe River as "Low Density Residential". The predominate land use for this area is commercial and higher density rental housing. Since this area was brought into the "Presumptive City Limits" and zoned R-1, single family residential, one dwelling per acre, most of the uses have become non-conforming. The land owners are now limited in the expansion of the existing structures on the property and the issuance of business licenses. If the business ceases to exist for one year or more the property must revert back to a low density single family use which is not consistent with the existing land use pattern.

Given the inconsistency between the zoning and the actual land use it would be more advantageous to recognize the existing land use pattern for the area. It does not make planning sense to create non-conformity out of 70 to 80 percent of the ownership in the vicinity of this request. That non-conformity discourages investment in the property and can lead to blight in the area.

(b) All the rezoning requirements of Chapter 14 have been met.

Currently the existing zoning is R-1, Single Family Residential, one dwelling per acre. Rezoning of the property to C-2 would bring the uses on this property into conformance with the historic uses that have taken place on this property.

(c) The rezoning is consistent with the applicable policies of the general plan, including the future land use map.

The City General Plan shows this tract as "Low Density Residential, 1-3 dwellings/acre", which is inconsistent with the use of the property and the surrounding uses for the area.

It appears that the area was inadequately surveyed when the City General Plan was prepared and when zoning was assigned to this area during the adoption of SpaZZo, or the ordinance that established the zoning legislation for the areas that the City planned to annex in the future. It is therefore, not that the property is inconsistent with the General Plan, especially the future land use map, but that the land use designation established by the City General Plan was incorrect.

(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.

Although there is a limited amount of vacant or developed C-2 land in this area of the City, the land area associated with this request should not be considered an addition to the City's supply of C-2 land, since it has been used for that purpose for 55 years. 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.

(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.

All public utilities are available on Agua Fria, including water and sewer lines, gas and electric lines and cable and telephone lines. The City has completed street improvements and widening of Agua Fria adjacent to the subject property including upgrades to the Agua Fria and Siler Road intersection. Siler Road has recently been completed from Agua Fria to West Alameda providing for alternative points of access to this site.

The closest Fire Station to this site is located on Cerrillos Road near Third Street within a five minute service radius to this property. The County has been negotiating with the Boylan family to purchase the 6± acre tract of land adjacent to the northern boundary of this property. This purchase would allow for the continuation of the Santa Fe River improvements and the construction of a trail on the north side of the Santa Fe River.

RESPONSE TO GENERAL PLAN AMENDMENT CRITERIA

The Land Development Code lists the criteria for addressing an amendment to the General Plan. Each of these criteria is addressed below.

(1) Criteria for all amendments to the general plan:

(a) Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with 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.

This is a rather unique property where many of the buildings have existed on the lot for over 50 years. This is not a matter of being in the path of growth but having existed within a developed area of the City for a substantial period of time, well beyond the time limits of the current General Plan for the City. This property was part of the extraterritorial jurisdiction. In 2009 the property became the subject of the City's land use regulatory controls, including the rezoning of the property to R-1, Single Family Residential.

(b) Consistency with other parts of the General Plan.

The City General Plan shows this property as residential, low density, 1-3 dwellings per acre. The properties across Agua Fria to the south are zoned I-2, Heavy Industrial zoning and consist of industrial, service and retail businesses. The properties on either side of the subject rezoning consist of a mix of commercial, multi-family, mobile homes, residential rentals and a few scatter single family dwellings. The properties at the northeast corner of the Siler Road and Agua Fria Road intersections are zoned C-2/PUD and extend for a distance of approximately 560 feet along Agua Fria. It is assumed that the properties that are currently zoned C-2/PUD required a general plan amendment that was approved as part of the rezoning process. With the exception of a few scattered single family dwellings, the land to the east is very similar to the land that was previously rezoned C-2/PID at the northeast corner of Siler Road and Agua Fria Road intersection.

(c) the amendment does not:

(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or

The uses have existed on this property for 25-30 years. The surrounding uses have a similar time frame.

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

The requested amendment is greater than 2.0 acres in size.

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

The requested commercial zoning designation is generally consistent with the land use patterns found oh surrounding and near-by lots.

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

The justification for the rezoning action is based on the historic use of the property.

(e) compliance with extraterritorial zoning ordinances and extraterritorial plans;

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.

(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.

With the exception of the single family residence occupied by Ms. Rivera, none of the other structures within the development request are consistent with the underlying R-1, single family residential zoning that is associated with the current zoning on the property. As non-conforming structures they cannot be modified to allow for other uses or expand the structure beyond its current foot print. In fact, the club/bar has not been operational for some time and as such is no longer a legal, nonconforming use. Because the property is zoned R-1 the liquor license that is located on the property for over 50 years can no longer be used at its historic location, since the use does not conform to the underlying zoning. This inability to make investments in the existing structures can lead to the neglect of these structures which does nothing to "promote health, safety, morals ... or general welfare." Encouraging redevelopment of these structures will maintain their value and discourage blight in this area of the City proposed for annexation in the near future.

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

The City has a policy of promoting a mix of land uses, this property has historically included a mix of residential, retail and entertainment. The recent changes to the City code now permit residential uses within a C-2 commercial district.

(2) Additional Criteria for Amendments to Land Use Policies

a) *The growth and economic projections contained within the plan are erroneous or have changed; or:*

When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and assign a zoning district that best fit those land uses. Under the current zoning regulations residential uses are only allowed in a C-2 zoning district if there is a development plan that accompanies the rezoning request. The City was not in a position to prepare a development plan for this area or other areas with a mix of commercial and residential uses when the property was assigned its current zoning designation.

b) No reasonable locations have been provided for certain land uses for which there is demonstrated need; or

There are other locations in Santa Fe where general commercial is available. This location has served as a commercial use for over 50 years. The effect of the proposed change in land use will not have a negative impact on the surrounding property. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent property by a setback, landscaping or other means.

c) 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, and building technology; and

This property has historically been subject to either County or Extraterritorial jurisdiction. This property has always been recognized as a legal non–conforming use until the City exerted jurisdictional control over this property, at which time unbeknownst to the land owner the commercial status was eliminated.

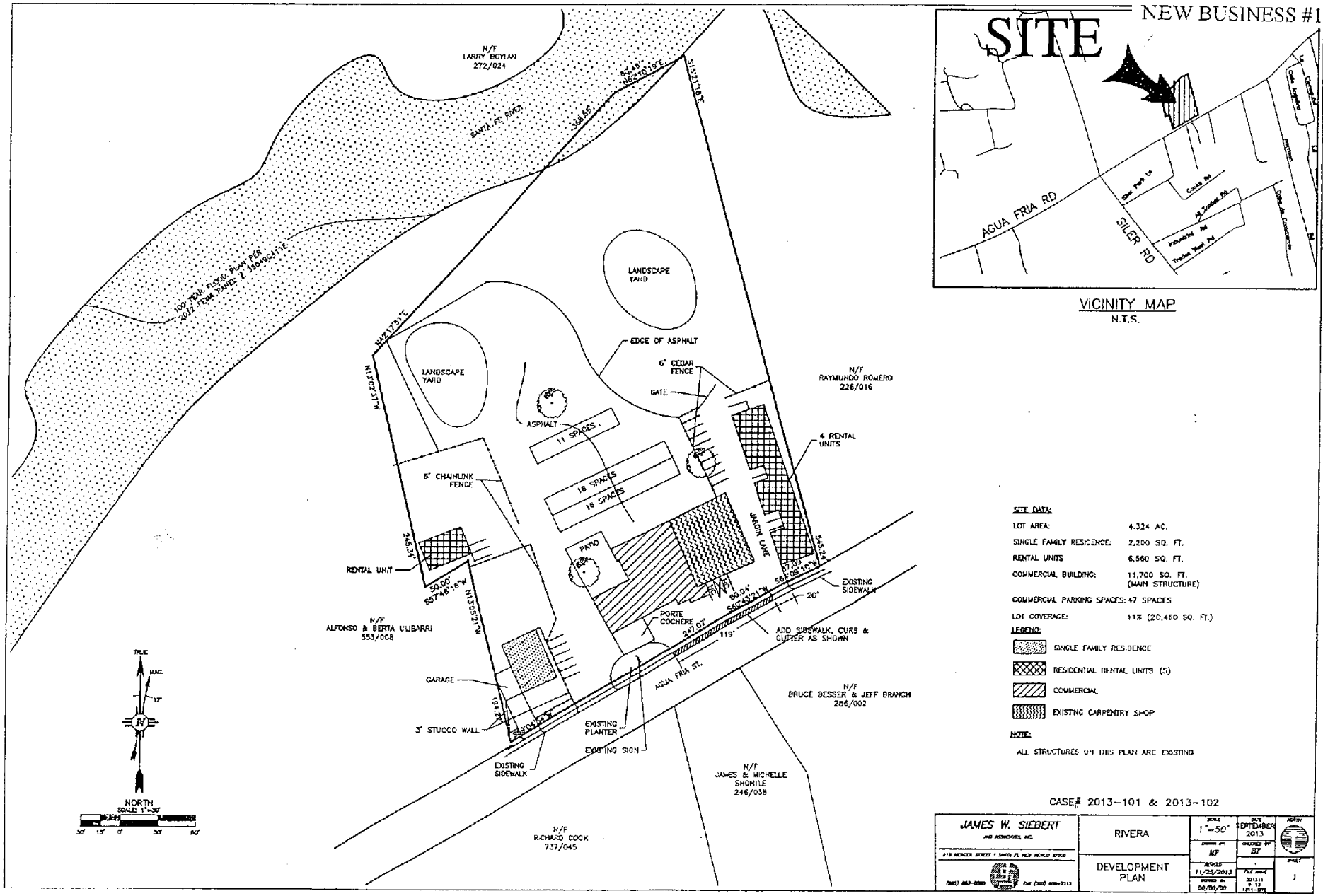
February 6, 2014
Planning commission
Case # 2013-101 &102

RIVERA GENERAL PLAN AMENDMENT AND REZONING TO GENERAL OFFICE

APPLICANT ATTACHMENTS

Plan Attachments

NEW BUSINESS #1&2



VICINITY MAP
N.T.S.

SITE DATA:

LOT AREA:	4.324 AC.
SINGLE FAMILY RESIDENCE:	2,200 SQ. FT.
RENTAL UNITS	6,560 SQ. FT.
COMMERCIAL BUILDING:	11,700 SQ. FT. (MAIN STRUCTURE)
COMMERCIAL PARKING SPACES:	47 SPACES
LOT COVERAGE:	11% (20,460 SQ. FT.)

LEGEND:

- SINGLE FAMILY RESIDENCE
- RESIDENTIAL RENTAL UNITS (5)
- COMMERCIAL
- EXISTING CARPENTRY SHOP

NOTE:

ALL STRUCTURES ON THIS PLAN ARE EXISTING

CASE# 2013-101 & 2013-102

JAMES W. SIEBERT AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE, NEW MEXICO 87505 (505) 983-5588 FAX (505) 989-7313	RIVERA	SCALE 1"=50'	DATE SEPTEMBER 2013
		DRAWN BY MP	CHECKED BY JF
	DEVELOPMENT PLAN	REVISED 11/25/2013	FILE NAME 201311 R-12 1211-SITE
		REVISED 00/00/00	SHEET 1

Santa Fe County

Board of County Commissioners

BUSINESS REGISTRATION

No: 2010-10181

2010

Expires December 31, 2010

COUNTY TREASURER
VICTOR A. MONTOYA
SANTA FE COUNTY NEW MEXICO

CLUB ALEGRIA/LIQUORS
2797 AGUA FRIA
SANTA FE, NM 87507
ALEGRIA CORPORATION - GEORGE RIVERA

Victor A. Montoya

VICTOR A. MONTOYA

Exhibit "3"

SANTA FE COUNTY
PO BOX T
102 GRANT AVE
SANTA FE, NM 87504

(505) 995-2750

DATE: 11/30/12

TO: SOBIEN'S WHOLESALE GROCERY
2823 AGUA FRIA ST
SANTA FE, NM 87507

CUSTOMER NO: 91931/91931 TYPE: BR - Business Registrations

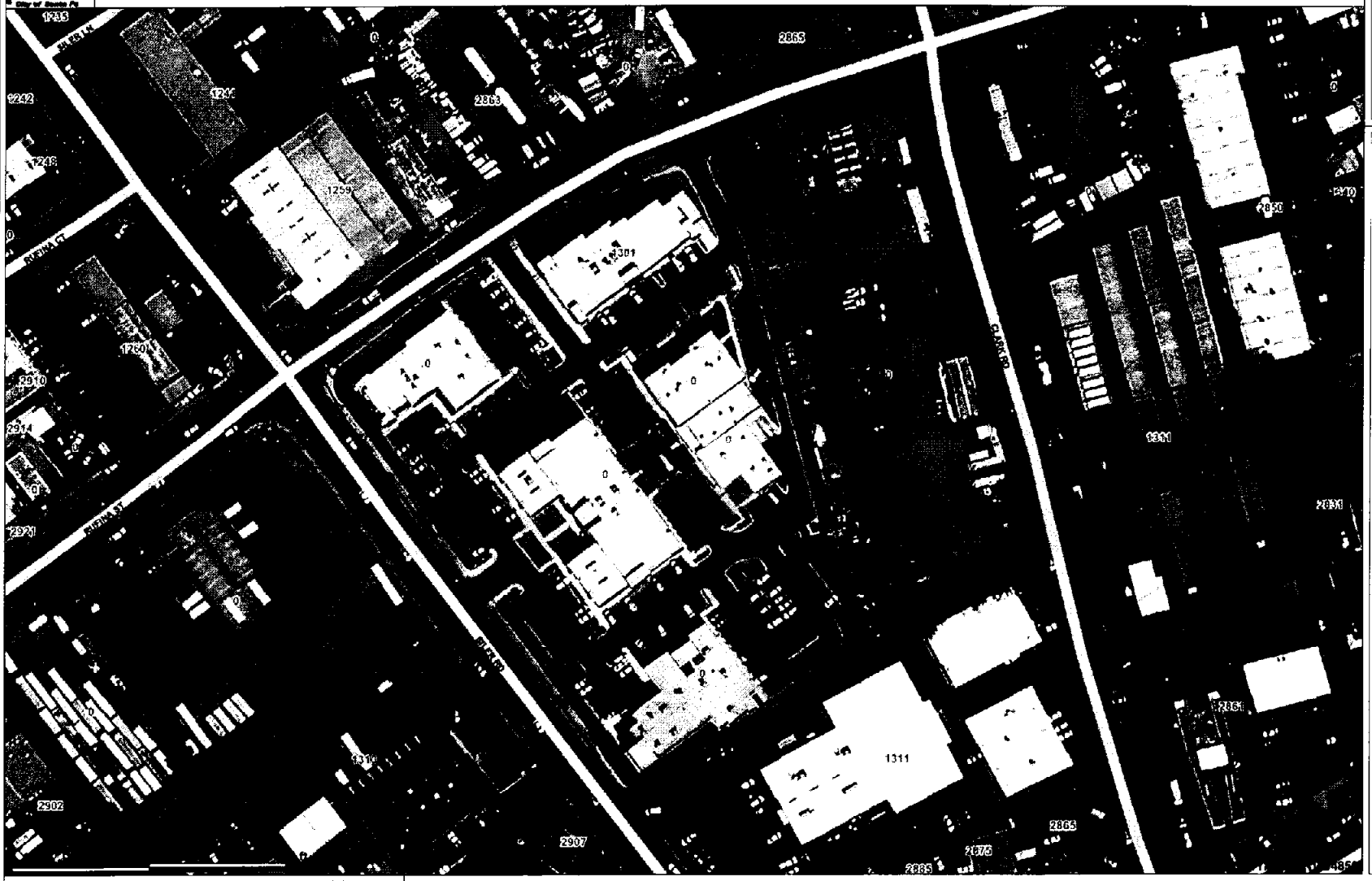
CHARGE	DATE	DESCRIPTION	REF-NUMBER	TRN DATE	TOTAL AMOUNT
	10/31/12	BEGINNING BALANCE			.00
BR213	11/30/12	2013 Business Regist. Yearly Fee	102810	11/30/12	35.00

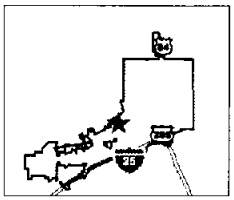
Brand New	1-30 days	OVER 30	OVER 60
35.00			

ENT

Exhibit "4"

Site Aerial

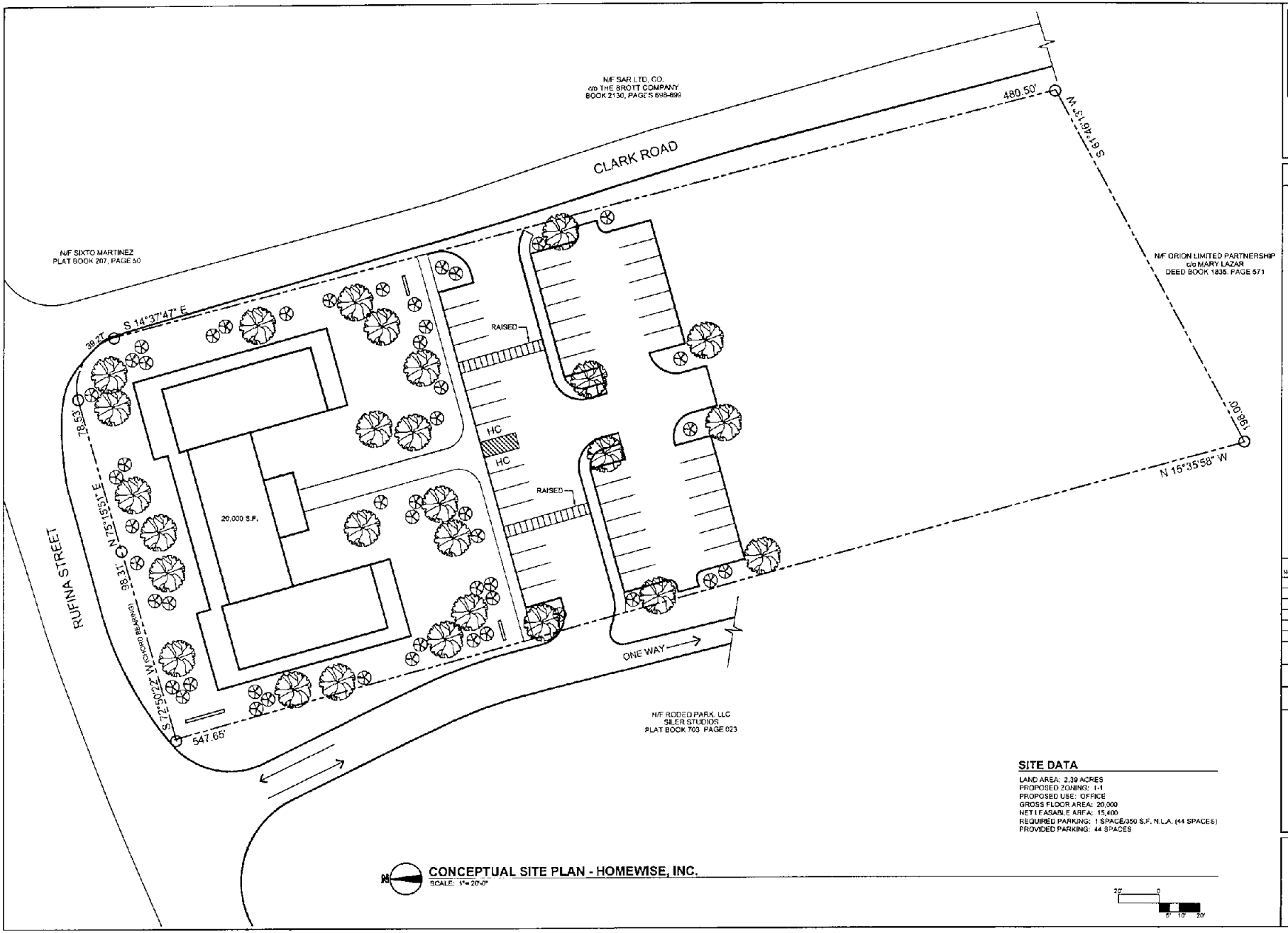




Legend

- City Limits
- Parcels
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

Scale: 1:1,200



SITE DATA

LAND AREA: 2.39 ACRES
PROPOSED ZONING: I-1
PROPOSED USE: OFFICE
GROSS FLOOR AREA: 20,000
NET LEASABLE AREA: 15,400
REQUIRED PARKING: 1 SPACE/350 S.F. N.L.A. (44 SPACES)
PROVIDED PARKING: 44 SPACES

CONCEPTUAL SITE PLAN - HOMEWISE, INC.

SCALE: 1"= 20'-0"

20' 0 5' 10' 20'

1700 A Paseo De Peralta
Santa Fe, NM 87501
(tel.) 505.982.8383
(fax) 505.989.3311
sfarchitect@comcast.net
www.santafearchitects.com

Conceptual Site Plan
Homewise, Inc., 2868 Rufina St.
Santa Fe, New Mexico

REVISIONS:

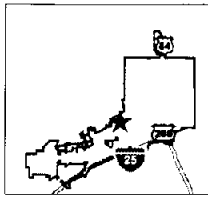
NO.	DATE

DATE: 12-6-2013
DRAWN BY: PR
CHECKED BY: PM

jenkinsgavin
130 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501

SHEET
A-0

Zoning Map



Legend

- City Limits
- Parcels
- Zoning
- RR Rural Residential
- R1, (PUD) Single- Family 1du/ac.
- R2, (ET), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (ET), (PUD), (AC), R5 Single - Family 5-6du/ac
- R7, (R, (PUD), R8 Single - Family 7-8du/ac
- RCS, RCSAC Compound 5du/ac
- RC8, RCSAC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- RE1, (PUD) Multiple - Family 21du/ac
- R20, (PUD),(AC) Multiple - Family 20du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park
- C1, (PUD) Office and Related Commercial
- C2, (PUD) General Commercial
- C4 Limited Office and Retail
- HX Hospital Zone
- BCS Business Capital District
- I1, (PUD) Light Industrial
- I2 General Industrial
- BIP Business Industrial Park
- PRC, PERC Planned Community
- SC1, SC2, SC3 Planned Shopping Center
- MM Mixed Use
- Other Roads and Streets

Scale: 1:2,400

City of Santa Fe, New Mexico

memo

DATE: January 24, 2014 for the February 6, 2014 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department MSO
Tamara Baer, Planning Manager, Current Planning Division TB

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

Case #2013-128. Homewise Rezoning. JenkinsGavin Design & Development, Inc., agent for Homewise, Inc., requests rezoning of 2.39± acres of land from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000± sq. ft. office building. The property is located at 2868 Rufina Street. (Donna Wynant, Case Manager)

RECOMMENDATION

Staff recommends **approval** of the request to rezone property at 2868 Rufina Street from I-2 to I-1 with all staff conditions as outlined in this report.

I. EXECUTIVE SUMMARY

The property at 2868 Rufina Street is 2.39± acres in size and zoned I-2 (General Industrial). The applicant proposes to rezone the property to I-1 (Light Industrial) to accommodate a 20,000± sq. ft. office building since the I-2 no longer allows office as a primary use. The request is in compliance with the General Plan which designates the property for Industrial without any distinction between light or heavy industrial use. The property is unimproved and currently houses temporary structures and vehicles. Trees are located along Rufina Street, Clark Road and along the north lot line. Properties in this area that are generally located west of Clark Road are zoned I-2 (General Industrial) and I-1 (Light Industrial) east of Clark Road.

The applicant identified the various businesses in the surrounding I-1 and I-2 districts. Capitol Plumbing and A-1 Self Storage are located to the east, across Clark Road in the I-1 district. To the north across Rufina is a gravel yard in the I-2 district which was recently subdivided as the Classic Rock Subdivision into five lots. (See Exhibit C-4, Siler/Rufina Area Uses). Three businesses, including Big Jo Hardware, are in the I-1 district to the south.

Exhibit "5"

The proposed building will house Homewise Inc. which has outgrown their office building in the Siler Studios office complex, located immediately to the west at 1301 Siler Road. Though a development plan is not required since the building is less than 30,000 square feet, the applicant has provided a conceptual plan to show their proposed layout. The plan shows their building facing Rufina Street, with a 44 space parking lot to the rear of the building. Access is provided via an entrance from Rufina Street located on the adjacent property that currently gives access to the rear of the Siler Studios office development. This will eliminate an unnecessary curb cut on Rufina Street. (See Exhibit E-3: Letter regarding Access Easement.) Access is also shown onto Clark Road that runs along their east property line. The applicant proposes landscaping near the building and throughout the parking lot although no landscaping is shown for the remainder of the site. All site improvements, including required sidewalks along Rufina and Clark, will be more thoroughly detailed and reviewed at the time of construction permit application.

Early Neighborhood Notification Meeting

An Early Neighborhood Notification meeting was held on December 9, 2013. The conceptual plan for the proposed office development was reviewed and discussed. Of particular interest was the shared entrance/drive into the site off of Rufina, to be shared with an easement along the rear lot line of the Siler Studios office development. Mr. Merritt Brown and Mark Bertrum, owners of the Siler Studios, were in attendance and appeared to be in agreement with the shared use of the drive.

II. CHAPTER 14 REZONING CRITERIA

Section 14-3.5 (C) of the Land Development Code sets forth approval criteria for rezoning as follows:

(C) Approval Criteria:

(a) One or more of the following conditions exist:

(i) there was a mistake in the original zoning;

Applicant response: N/A

Staff response:
No mistake was found. Properties generally located east of Clark Road in this area are zoned I-1 (Light Industrial) and west of Clark Road are zoned I-2 (General Industrial).

(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;

Applicant response:
The surrounding area is evolving. Originally oriented toward heavy industry, it now encompasses a wide spectrum of uses, from the traditional auto repair shops and industrial storage yards to office, studios, and retail stores (see attached Siler/Rufina Area Uses Map). Adjacent to the subject property is Siler Studios, an office development approved under the pre-2012 Land Development Code as a permissible use under I-2 zoning. Continuing this pattern of office use is in keeping with the changes to the surrounding area. Just north on Siler Road is the Creative Arts Plaza, home to small businesses including NetPros Computer Repair Service, Healthy Lifestyles, Janitor Supply, the Church of Christ, and Roadrunner Screen Printers. Across from the Creative Arts Plaza is Back on the Rack, a retail thrift shop, while Rufina Lane houses small galleries in addition to automobile repair shops. Small offices, including a professional accounting business, are also located east of the project at 1274 Rufina Street. Harrison Road, at the east of Rufina, is home to many small studios and offices as part of the C-2 zoning district along the Cerrillos Road corridor. In summary, the vicinity around the subject property comprises a lively mix of uses including office, industrial, retail, and art studios. The requested rezone is in keeping with the character of this continually evolving area of Santa Fe.

Staff response:
As stated by the applicant, uses in the Siler Road area have changed from heavier to lighter industrial and office. While the City recognizes the importance of protecting the limited amount of I-2 zoning in the city, in this case, the property is already bordered on two sides by I-1 (Light Industrial), so that the rezoning would reflect an expansion of the adjacent I-1 district. To the west, the existing Siler Studios, developed under prior regulations that permitted office uses in I-2, is completely built out as office space. To the south, the uses are also fully built out as office and retail. Therefore, the proposed rezoning would consolidate an area of office and retail uses which might otherwise be negatively impacted by the introduction of a heavy industrial use in their immediate proximity.

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

Applicant response:
The project will be advantageous to the community on several levels. It will align with the General Plan by promoting community integration and social balance through mixed land use. It will also serve as a transition between the offices to the west and the industrial uses to the east. Moreover, Homewise is an organization that has benefited the community for decades. The new, larger building will allow Homewise to expand and serve an ever-growing base of local residents in need of affordable housing options.

Staff response:
The subject 2.39 acre site is currently used for construction type vehicles, construction trailers, and other temporary structures. The development as proposed will result in an improved attractive site.

(b) *all the rezoning requirements of Chapter 14 have been met;*

Applicant response:
Yes

Staff response:
The size of the proposed structure is 20,000± and therefore does not require a development plan. The plan is therefore conceptual in nature. The placement of the structure on the site as shown on the conceptual plan with the 44 parking spaces complies with code. A large portion of the site remains vacant and could easily support additional parking if needed. A sidewalk along both street frontages is required.

(c) *The rezoning is consistent with the applicable policies of the general plan, including the future land use map;*

Applicant response:
An office building provides an appropriate transitional use between the surrounding industrial uses and the commercial uses along the Cerrillos Road corridor. The subject property has a Future Land Use designation of Industrial, which encompasses both I-1 and I-2 zoning designations. Since offices are permissible uses in I-1 districts, the rezone is consistent with the Future Land Use designation. Moreover, the adjacent property to the west houses Siler Studios, an office complex that was approved under the previous Land Development Code which allowed office uses in an I-2 zone.

Staff response:
Staff concurs. The property is adjacent to existing office use, and other office and light industrial types of uses. It is located on the southern edge of an area zoned for heavier types of industrial use, rather than in the middle of the I-2 area. The General Plan designation of 'Industrial' does not distinguish between heavy and light industrial uses. The latter has historically included office use.

(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;*

Applicant response:
Per Section 4.4 of the General Plan, the subject property is located within the Urban Area Boundary and is also in Staging Area One, which "encompasses the highest priority for urban growth" (Section 4.5.1) The proposed rezone to I-1 will

allow for a new office building on a currently underused property, which exemplifies the General Plan's intent of establishing a compact urban form and desired infill development.

Staff response:
Recent amendments to Chapter 14 included the elimination of office development as a primary use in the I-2 (General Industrial) in order to reserve such areas for heavier industrial uses. The only other area in Santa Fe that is zoned I-2 (General Industrial) is located just north of Airport Road, west of 599. The subject property has not been developed for heavy industrial use and is now situated between office development to the west and a plumbing supply company and self-storage units to the east. This rezoning request and proposed development will expand the I-1 zoning to the west and south and serve as a good transition to the development further to the east.

(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.*

Applicant response:
There is adequate public infrastructure available adjacent to the site to serve the proposed office building.

Staff response:
Utilities are available in the area to serve the site. Sidewalks along both street frontages, Rufina Street and Clark Road, are required in accordance with Article 14-9.2(E).

III. CONCLUSION

The Land Use Department acknowledges and supports the need for I-2 zoning within the City. The subject property is in an unusual location surrounded by I-1 (Light Industrial) zoning on two sides, and immediately adjacent to an office complex (Siler Studios) that was a permitted use prior to recent code changes that eliminated office as a permitted use in the I-2 district. The Land Use Department can support this proposal that expands the adjacent I-1 district and ties in well with the office and retail development to the west and south, subject to the attached DRT Conditions of Approval.

IV. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Technical Review Division – City Engineer memorandum, Risana Zaxus
2. Technical Review Division – Landscape memorandum, Noah Berke
3. Wastewater Management Division memorandum, Stan Holland
4. Traffic Engineering Division memorandum, Sandra Kassens
5. Fire Marshal, Reynaldo Gonzales
6. Metropolitan Planning Organization email, Keith Wilson
7. Water Division memorandum, Antonio Trujillo
8. Solid Waste Division email, Randall Marco

EXHIBIT C: Maps

1. Aerial Photo
2. Future Land Use
3. Current Zoning
4. Siler/Rufina Area Uses

EXHIBIT D: ENN Materials

1. ENN Meeting Notes
2. ENN Responses to Guidelines

EXHIBIT E: Applicant Materials

1. Letter of Application
2. Conceptual Site Plan
3. Letter regarding Access Easement

EXHIBIT F: Other Material

1. Photographs of site

2868 Rufina Street
Rezone from I-2 (General Industrial) to I-1 (Light Industrial)
Case #2013-128

DRT Conditions of Approval	Department	Staff
• If this project moves forward to application for a building permit, curb, gutter, and sidewalks must be constructed on Rufina Street and Clark Road in accordance with Article 14-9.2(E) of the Land Development Code. If adequate right-of-way is not available, sidewalk shall be located in a public access easement dedicated to the City on an approved Plat. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit.	Tech Review Div/Land Use	RB Zaxus
• Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division. • Wastewater UEC charges shall be paid at the time of building permit application	Wastewater Management Division	Stan Holland
• The developer shall dedicate Right-of-Way or grant a sidewalk easement along Clark Road in accordance with the provisions of Chapter 14 of the Land Use Code. • At the time of development of any portion of the subject property, the developer shall construct sidewalk and curb and gutter along the entire length of the property lines that adjoin Rufina Street and Clark Street.	Traffic Engineering	Sandy Kassens
• Shall comply with IFC requirements. • Fire Department Access shall not be less than 20 feet width. • Fire Department shall have 150 feet distance to any portion of the building on any new construction. • Shall have water supply that meets IFC requirements.	Fire Marshal	Reynaldo Gonzales

EXHIBIT A

2868 Rufina Street
Rezone from I-2 (General Industrial) to I-1 (Light Industrial)
Case #2013-128

I do not have any comments on the requested rezoning for Case #2013-128, Homewise Rezoning. I do have the following comments on the Conceptual Site Plan. • No pedestrian access is shown from the adjoining streets (Rufina or Clark). Pedestrian Walkways connected to adjoining streets should be provided. • Bicycle Parking facilities should be clearly identified on the site plan and meet the requirements outlined in Chapter 14 and guidance provided in the Bicycle Master Plan.	MPO	Keith Wilson
There are no issues with water service for the subject case. A main extension may be required to serve the site. Fire protection requirements are addressed by the Fire Department.	Water Division	Antonio Trujillo

DATE: January 14, 2014

TO: Donna Wynant, Case Manager

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

RE: Case # 2013-128
Homewise Rezoning

I reviewed a one-sheet Conceptual Site Plat and have the following comment to be regarded as a condition of approval:

*If this project moves forward to application for a building permit, curb, gutter, and sidewalks must be constructed on Rufina Street and Clark Road in accordance with Article 14-9.2(E) of the Land Development Code. If adequate right-of-way is not available, sidewalk shall be located in a public access easement dedicated to the City on an approved Plat. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit.

EXHIBIT B-1

City of Santa Fe, New Mexico

memo

DATE: January 27, 2014

TO: Donna Wynant, AICP, Land Use Planner Senior

FROM: Noah Berke, CFM, Planner Technician Senior NCB

SUBJECT: Final Comments for Case #2013-128. Homewise Rezoning

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Below are conditions of approval for the Homewise rezoning request. These comments are based on documentation and plans that were submitted to staff:

At the time of construction permit, the applicant shall show compliance with all applicable sections of the Site and Landscape Design Standards as set forth in Article 14-8.4 of the Land Development Code.

EXHIBIT B-2

City of Santa Fe, New Mexico

memo

DATE:	January 6, 2014
TO:	Donna Wynant, Case Manager
FROM:	Stan Holland, Engineer, Wastewater Division
SUBJECT:	Case #2013-128 – 2868 Rufina Street-Homewise Rezoning

The subject property is accessible to the City sanitary sewer system.

The following shall be conditions of approval:

- Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.
- Wastewater UEC charges shall be paid at the time of building permit application

EXHIBIT B-3

City of Santa Fe, New Mexico

memo

DATE: January 24, 2014

TO: Donna Wynant, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Traffic Engineering Division

SUBJECT: Homewise Rezoning Case # 2013-128

ISSUE:
JenkinsGavin Design & Development, Inc., agent for Homewise, Inc., requests rezoning of 2.39± acres of land from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000 sq. ft. office building. The property is located at 2868 Rufina Street.

RECOMMENDED ACTION:
Review comments are based on submittals received on January 2, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The developer shall dedicate Right-of-Way or grant a sidewalk easement along Clark Road in accordance with the provisions of Chapter 14 of the Land Use Code.
2. At the time of development of any portion of the subject property, the developer shall construct sidewalk and curb and gutter along the entire length of the property lines that adjoin Rufina Street and Clark Street.
3. The traffic generated by the proposed development is not expected to adversely affect the surrounding roadways.

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

EXHIBIT B-4

City of Santa Fe, New Mexico

memo

DATE: **January 9, 2014**

TO: **Donna Wynant , Case Manager**

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

SUBJECT: **Case #2013-317** 313-317 Camino Alire

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 Zoning R-5 to C-1 These requirements must be able to be met with any new construction as per IFC:

1. Shall comply with IFC requirements.

2. Fire Department Access shall not be less than 20 feet width.

3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

4. Shall have water supply that meets IFC requirements.

EXHIBIT B5

WYNANT, DONNA J.

From: WILSON, KEITH P.
Sent: Monday, January 06, 2014 11:02 AM
To: WYNANT, DONNA J.
Cc: MARTINEZ, ERIC B. (ebmartinez@ci.santa-fe.nm.us); BAER, TAMARA (tbaer@ci.santa-fe.nm.us)
Subject: Case #2013-130 and #2013-130

1. Case #2013-130. **313-317 Camino Alire General Plan Amendment.** David Schutz, agent for Desert Academy, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Office Use. The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street. (Donna Wynant, Case Manager)\\file-svr-1\Public$\Land Use\2013-130 & 131 Desert Academy Gen Plan Amend & Rezoning

2. Case #2013-131. **313-317 Camino Alire Rezoning.** David Schutz, agent for Desert Academy, requests rezoning of 1.38± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street. (Donna Wynant, Case Manager)\\file-svr-1\Public$\Land Use\2013-130 & 131 Desert Academy Gen Plan Amend & Rezoning

Dona:

I do not have any comments on the requested General Plan Amendment or Rezoning for Case #2013-130 and #2013-131, 313-317 Camino Alire.

I do have the following comments on the Conceptual Site Plan.

- No pedestrian access is shown from the adjoining street. On-site Pedestrian Walkways should connect to the adjoining sidewalk on Camino Alire.
- The design and location of the Bicycle Parking facilities shown on the Site Development Plan should be reviewed to ensure they meet the requirements outlined in Chapter 14 and guidance provided in the MPO Bicycle Master Plan.

Let me know if you have any questions.

Keith P. Wilson
MPO Senior Planner
Santa Fe Metropolitan Planning Organization
Mailing: P.O. Box 909
Santa Fe, NM 87504-0909
Office: 500 Market St, Suite 200 (Above REI Store)
Santa Fe, NM
Map: http://tinyurl.com/l6kejeq
Directions & Parking: http://www.railyardsantafe.com/north-railyard/
Phone: 505-955-6706
Email: kpwilson@santafenm.gov

Please Visit Our Website at: www.santafempo.org

EXHIBIT B-6

City of Santa Fe

memo

DATE: January 15, 2014

TO: Donna Wynant, Land Use Planner, Land Use Department

FROM: Antonio Trujillo, Water Division Engineer

SUBJECT: Case #2013-128. Homewise Rezoning

There are no issues with water service for the subject case. A main extension may be required to serve the site. Fire protection requirements are addressed by the Fire Department.

EXHIBIT B-7

WYNANT, DONNA J.

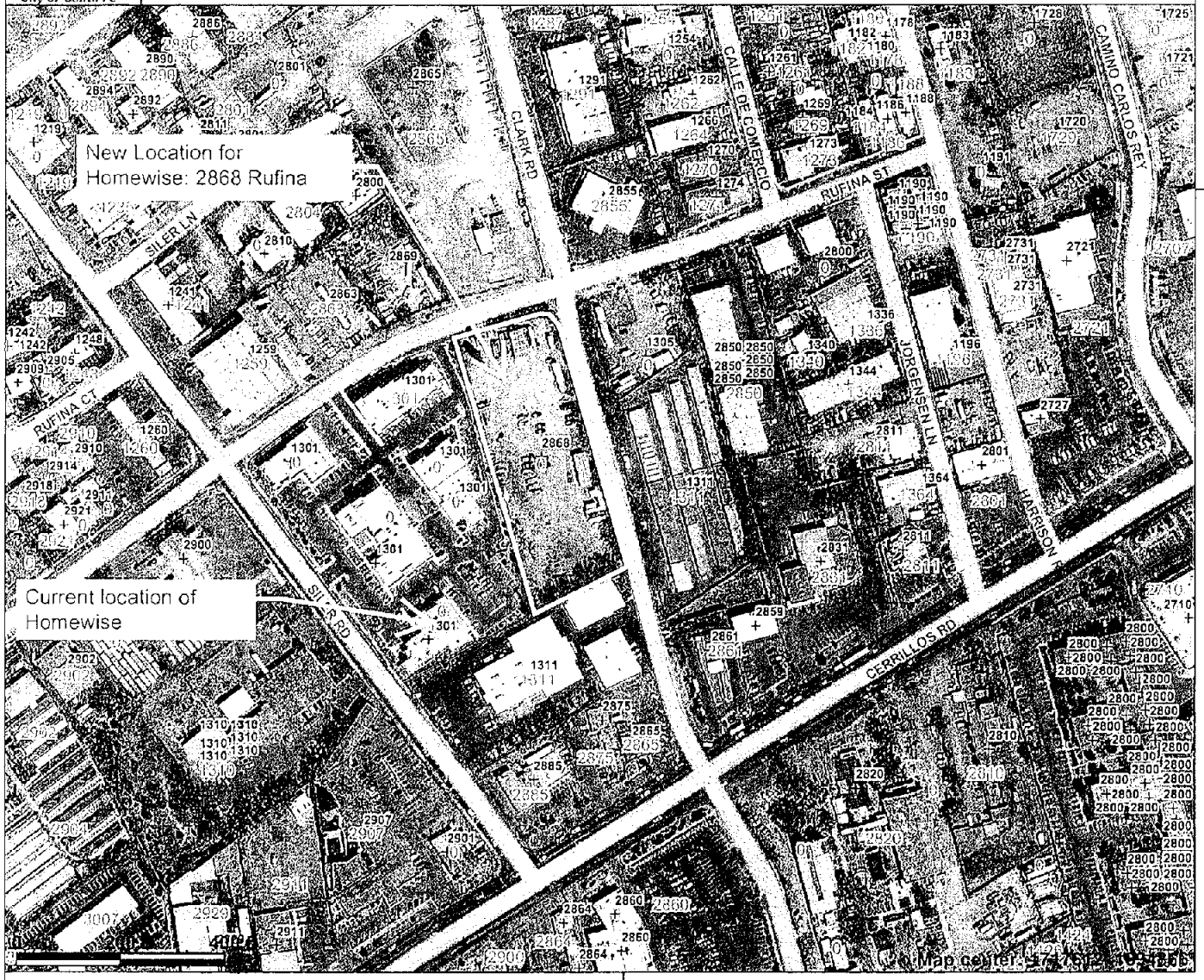
From: MARCO, RANDALL V.
Sent: Friday, January 03, 2014 7:59 AM
To: WYNANT, DONNA J.
Subject: case 2013-128

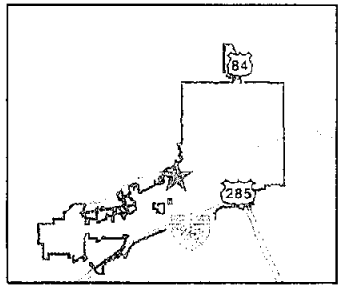
Donna,
Please note no provisions for solid waste or recycling noted on drawings.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

EXHIBIT B

Aerial Photo- 2011





Legend

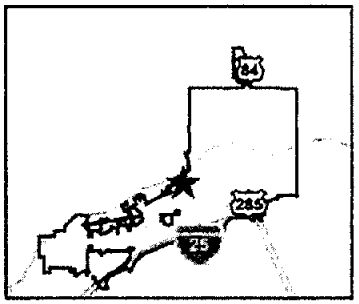
- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

Scale: 1:3,474

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.

EXHIBIT C-1

Future Land Use Map



Legend

- City Limits
- Address Points
- Parcels
- Building Footprint
- Airport Clear Zones
- Santa Fe River

Future Land Use

- Mountain/Corridor (1 dwelling per 10+ acres)
- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-8 dwellings per acre)
- Medium Density (7-12 dwellings per acre)
- High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial

Scale: 1:9,747

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.

EXHIBIT C-2

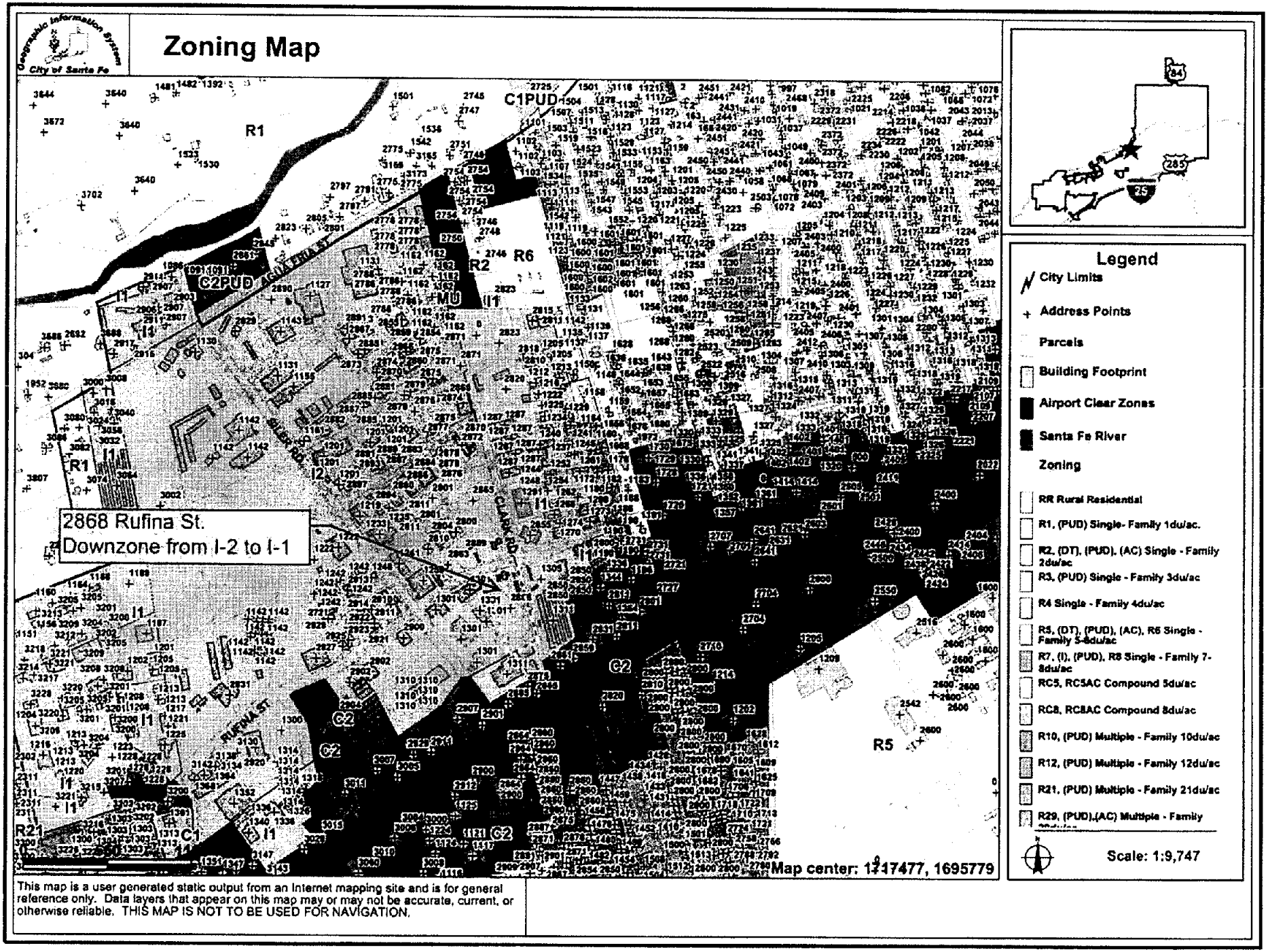
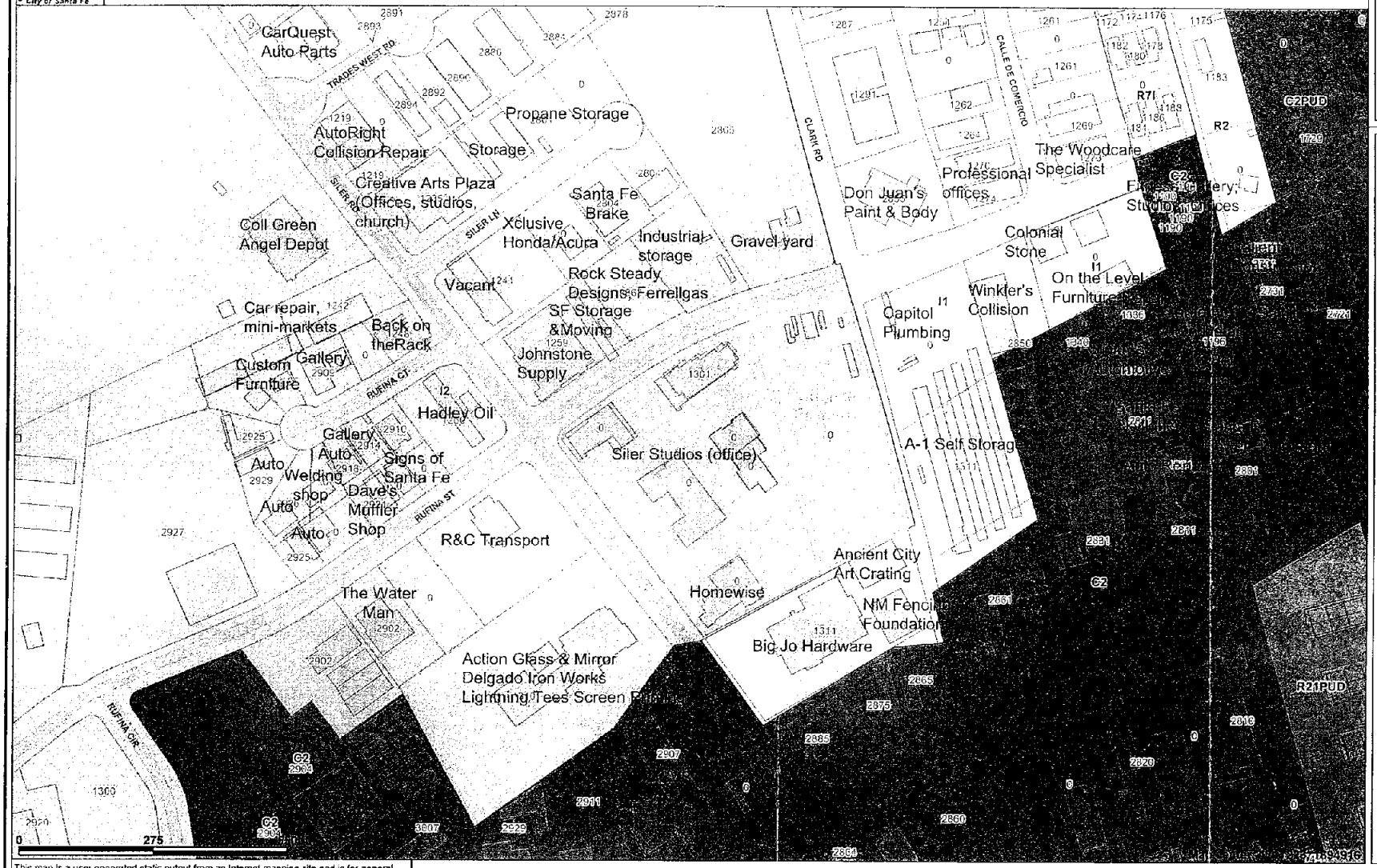
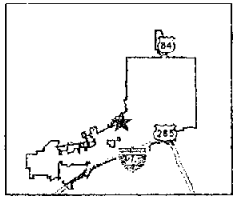

Geographic Information System
City of Santa Fe
Zoning Map
2868 Rufina St.
Downzone from I-2 to I-1
Legend
City Limits
Address Points
Parcels
Building Footprint
Airport Clear Zones
Santa Fe River
Zoning
RR Rural Residential
R1, (PUD) Single- Family 1du/ac.
R2, (DT), (PUD), (AC) Single - Family 2du/ac
R3, (PUD) Single - Family 3du/ac
R4 Single - Family 4du/ac
R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
R7, (I), (PUD), R8 Single - Family 7-8du/ac
RC5, RC5AC Compound 5du/ac
RC8, RC8AC Compound 8du/ac
R10, (PUD) Multiple - Family 10du/ac
R12, (PUD) Multiple - Family 12du/ac
R21, (PUD) Multiple - Family 21du/ac
R29, (PUD),(AC) Multiple - Family
Scale: 1:9,747
Map center: 1217477, 1695779
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.

EXHIBIT 4

Siler/Rufina Area Uses





Legend

- City Limits
- Parcels
- Building Footprint
- Santa Fe River
- Zoning
  - RR Rural Residential
  - R1, (PUD) Single- Family 1du/ac.
  - R2, (DT), (PUD), (AC) Single - Family 2du/ac
  - R3, (PUD) Single - Family 3du/ac
  - R4 Single - Family 4du/ac
  - R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
  - R7, (I), (PUD), R8 Single - Family 7-8du/ac
  - RC5, RC5AC Compound 5du/ac
  - RC8, RC8AC Compound 8du/ac
  - R10, (PUD) Multiple - Family 10du/ac
  - R12, (PUD) Multiple - Family 12du/ac
  - R21, (PUD) Multiple - Family 21du/ac
  - R29, (PUD),(AC) Multiple - Family 29du/ac
  - RAC Residential Arts & Crafts
  - MHP Mobile Home Park
  - C1, (PUD) Office and Related Commercial
  - C2, (PUD) General Commercial
  - C4 Limited Office and Retail
  - HZ Hospital Zone
  - BCD Business Capital District
  - I1, (PUD) Light Industrial
  - I2 General Industrial
  - BIP Business Industrial Park
  - PRC, PRRC Planned Community
  - SC1, SC2, SC3 Planned Shopping Center
  - MU Mixed Use
- Major Roads and Highways

Scale: 1:2,400

EXHIBIT C-4

City of Santa Fe
Land Use Department
Early Neighborhood Notification
Meeting Notes

Project Name	Homewise Rezoning
Project Location	2868 Rufina St
Project Description	Rezone from I-2 to I-1
Applicant / Owner	Homewise
Agent	JenkinsGavin Design & Development
Pre-App Meeting Date	11/14/13
ENN Meeting Date	12/9/13
ENN Meeting Location	Homewise Office
Application Type	Rezoning
Land Use Staff	Donna Wynant
Attendance	2 neighbors in attendance and 5 people representing applicant

Notes/Comments:

Meeting started at 5:30 and was informal since everyone in attendance was already familiar with the request. Three people from JenkinsGavin and two from Homewise were attendance. The SF Brown company who owns the adjacent property, Siler Studios where Homewise is currently located was represented by Merritt Brown and Marc Bertram.

The conceptual plan for the proposed office development, particularly the shared entrance/drive into the site off of Rufina, was discussed. Jennifer Jenkins stated that they anticipate going to Planning Commission on February 6th for public hearing.

Meeting ended at 6:00 pm.

EXHIBIT D-1

City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet

Project Name: Homewise Rezone **Meeting Date:** December 9, 2013

Meeting Place: 1301 Siler Road, Bldg D **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Donna Wynant	City of Santa Fe	dlwynant@santafenm.gov
☑	2	Jennifer Jenkins	JenkinsGavin	jennifer@jenkinsgavin.com
☑	3	Colleen Gavin	"	colleen@jenkinsgavin.com
☑	4	Hillary Welles	"	hillary@jenkinsgavin.com
☑	5	Mike Loftin	Homewise	mloftin@homewise.org
☐	6			
☐	7			
☐	8			
☐	9			
☐	10			
☐	11			
☐	12			

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Donna Wynant
Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

12/9/13
Date

This sign-in sheet is public record and shall not be used for commercial purposes.

Submit by Email | Print Form

Early Neighborhood Notification (ENN) Guidelines

Section 14-3.1(F)(5) SFCC 1987, as Amended

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 1987, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about each criterion, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, architectural style, landscaping, lighting, access to public places, open spaces and trails.(Ord. No. 2008-29 § 3)*

The applicant is requesting to rezone a ±2.39-acre property at 2868 Rufina Street from I-2, General Industrial, to I-1, Light Industrial, to accommodate a proposed ±20,000 square foot office building. The property is currently unimproved and houses temporary structures and vehicles. The proposed office building will be similar in scale and style to the adjacent Siler Studios. Improvements will include landscaping, lighting, and open space that will serve to enhance the experience of the adjacent industrial neighborhoods.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

A Phase I Environmental Assessment is being performed to determine whether any remediation is necessary. Significant landscaped open space areas will be created and all terrain management requirements will be satisfied.

EXHIBIT D-2

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

The subject property is located in the Suburban Archaeological Review District. No known historic, cultural, or archaeological sites exist. Per City Code §14-3.13(B)(3)(a), as the property is less than 10 acres in size an archaeological survey is not required.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The surrounding area comprises a mix of I-1 and I-2 zoning, transitioning to C-2 zoning along the Cerrillos Road corridor. The adjacent properties to the east and south are zoned I-1 with a Future Land Use Designation of Business Park. The adjacent properties to the north and west are zoned I-2 with a Future Land Use designation of Industrial. The property immediately west of the subject parcel, while zoned I-2, contains an office park approved under the previous City Code that allowed I-1 uses in an I-2 zoning district. Therefore, a rezone to I-1 is consistent with surrounding zoning and Future Land Use designations.

(e) EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR TEH DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes; traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The project will be accessed from Rufina Street via an existing driveway in the adjacent parcel to the west. The requisite driveway and roadway improvements will be made per City requirements. Sidewalk improvements will be added along Rufina and Clark Streets as required by City code.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their business es.*

The project will have a positive impact on the economic base of Santa Fe through the employment of Santa Fe residents for the construction phase. Once completed, the Project will provide an expanded work venue for an existing local business, allowing the company to employ more local residents and adding to the City's economic base as well as generating tax revenue.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS *For example: creation, retention or improvement of affordable housing; how the project contributes to serving different ages, incomes and family sizes; the creation or retention of affordable business space. (Ord. No. 2005-30(A) § 4)*

The project will house offices for Homewise, a local a full-service agency promoting affordable home ownership through financial counseling and educational classes designed to help Santa Fe's moderate income residents become homeowners. Thus, although the project itself is not residential, it will serve to increase the availability of affordable housing and housing choices for all Santa Fe residents.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

The project will use existing City public services and will maximize the efficient use of existing infrastructure by connecting to existing City water and sewer lines in Rufina Street. [is the property already set up with utilities?]

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

The Project will be served by City water. Improvements will include water harvesting for passive irrigation purposes and water conserving plumbing fixtures.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

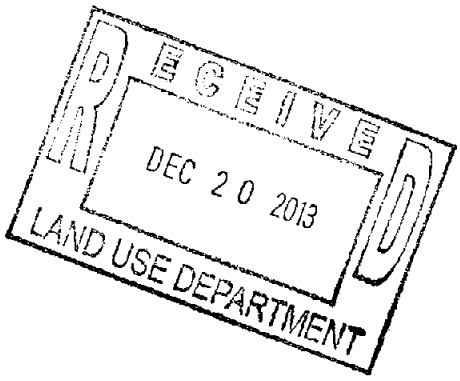
The project will promote community integration and social balance through mixed land use, and will serve as a link between the offices to the west and the industrial uses to the east. Moreover, an office building provides an appropriate transitional use between the surrounding industrial uses and the commercial uses along the Cerrillos Road corridor.

(k) EFFECT UPON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? The project's effect on intra-city travel; and between employmer t and residential centers.*

The project is consistent with the General Plan's vision of promoting a compact urban form through appropriate infill development. Furthermore, it follows the General Plan's theme of providing a mix of land uses in all areas of the city.

ADDITIONAL COMMENTS (Optional)

jenkinsgavin
DESIGN & DEVELOPMENT INC



December 20, 2013

Tamara Baer, Planner Manager
City of Santa Fe Current Planning Division
200 Lincoln Ave.
Santa Fe, NM 87501

RE: Letter of Application
Homewise Rezone

Dear Tamara,

This letter is respectfully submitted on behalf of Homewise Inc. in application to rezone a ±2.39-acre property at 2868 Rufina Street, for consideration by the Planning Commission at their meeting of February 6, 2014. We are requesting a rezone from I-2, General Industrial, to I-1, Light Industrial, to accommodate a proposed ±20,000 s.f. office building.

Project Description

The proposed project will house offices for Homewise, a local a full-service agency promoting affordable home ownership through financial counseling and educational classes designed to help Santa Fe's moderate income residents become homeowners. Homewise has purchased the subject property, which is adjacent to the current Homewise offices, with the intent to construct a larger building to house their growing staff. Relocating in the same vicinity is critical to maintaining their site recognition for clients, as well as remaining central and easily accessible to all Santa Fe residents.

The subject property is currently unimproved and houses only temporary structures and vehicles. The property is located in the Suburban Archaeological Review District. Per City Code §14-3.13(B)(3)(a), as the property is less than 10 acres in size, an archaeological survey is not required.

The proposed office building will be similar in scale and style to the adjacent Siler Studios. Improvements will include landscaping, lighting, and parking areas (see attached Conceptual Site Plan). The intent of the conceptual site layout is that the building will relate to Rufina Street, with parking in the rear. The main access will be from Rufina Street via an existing driveway that currently serves Siler Studios. This proposed shared access driveway will avoid the necessity of an additional curb cut on Rufina Street. Additional access will be provided from Clark Road. The project will connect to existing sewer and water lines.

The surrounding area comprises a mix of I-1 and I-2 zoning, transitioning to C-2 zoning along the Cerrillos Road corridor (see attached Zoning Map). The adjacent properties to the east and south are zoned I-1 with a Future Land Use Designation of Business Park. The adjacent properties to the north and west are zoned I-2 with a Future Land Use designation of Industrial. Immediately west of the subject property is Siler Studios, which contains an office park approved under the previous Land Development Code that allowed I-1 uses in an I-2 zoning district. Therefore, a rezone to I-1 is consistent with surrounding uses, zoning, and Future Land Use designations.

Rezone Criteria

This request is to rezone the subject property from I-2 to I-1. The responses to the approval criteria are outlined below:

(a) One or more of the following conditions exist:

(i) there was a mistake in the original zoning. N/A

(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.

The surrounding area is evolving. Originally oriented toward heavy industry, it now encompasses a wide spectrum of uses, from the traditional auto repair shops and industrial storage yards to offices, studios, and retail stores (see attached Siler/Rufina Area Uses Map). Adjacent to the subject property is Siler Studios, an office development approved under the pre-2012 Land Development Code as a permissible use under I-2 zoning. Continuing this pattern of office use is in keeping with the changes to the surrounding area. Just north on Siler Road is the Creative Arts Plaza, home to small businesses including NetPros Computer Repair Service, Healthy Lifestyles, Janitor Supply, the Church of Christ, and Roadrunner Screen Printers. Across from the Creative Arts Plaza is Back on the Rack, a retail thrift shop, while Rufina Lane houses small galleries in addition to automobile repair shops. Small offices, including a professional accounting business, are also located east of the project at 1274 Rufina Street. Harrison Road, at the east end of Rufina, is home to many small studios and offices as part of the C-2 zoning district along the Cerrillos Road corridor. In summary, the vicinity around the subject property comprises a lively mix of uses including office, industrial, retail, and art studios. The requested rezone is in keeping with the character of this continually evolving area of Santa Fe.

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans.

The project will be advantageous to the community on several levels. It will align with the General Plan by promoting community integration and social balance

through mixed land use. It will also serve as a transition between the offices to the west and the industrial uses to the east. Moreover, Homewise is an organization that has benefited the community for decades. The new, larger building will allow Homewise to expand and serve an ever-growing base of local residents in need of affordable housing options.

(b) all the rezoning requirements of Chapter 14 have been met. Yes.

(c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map.

An office building provides an appropriate transitional use between the surrounding industrial uses and the commercial uses along the Cerrillos Road corridor. The subject property has a Future Land Use designation of Industrial, which encompasses both I-1 and I-2 zoning designations. Since offices are a permissible use in I-1 districts, the rezone is consistent with the Future Land Use designation. Moreover, the adjacent property to the west houses Siler Studios, an office complex that was approved under the previous Land Development Code which allowed office uses in an I-2 zone.

(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.

Per Section 4.4 of the General Plan, the subject property is located within the Urban Area Boundary and is also in Staging Area One, which "*encompasses the highest priority for urban growth*" (Section 4.5.1). The proposed rezone to I-1 will allow for a new office building on a currently underused property, which exemplifies the General Plan's intent of establishing a compact urban form and desired infill development.

(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.

There is adequate public infrastructure available adjacent to the site to serve the proposed office building.

In support of these requests, the following documentation is submitted herewith for your review and consideration:

- Rezone Application
- Letter of Owner Authorization
- Warranty Deed
- Lot of Record
- Zoning Map
- Future Land Use Map
- Siler/Rufina Area Uses Map
- Conceptual Site Plan

- Application fees in the amount of $1.030.00, as follows: Rezone $1,000.00; Poster $30.00

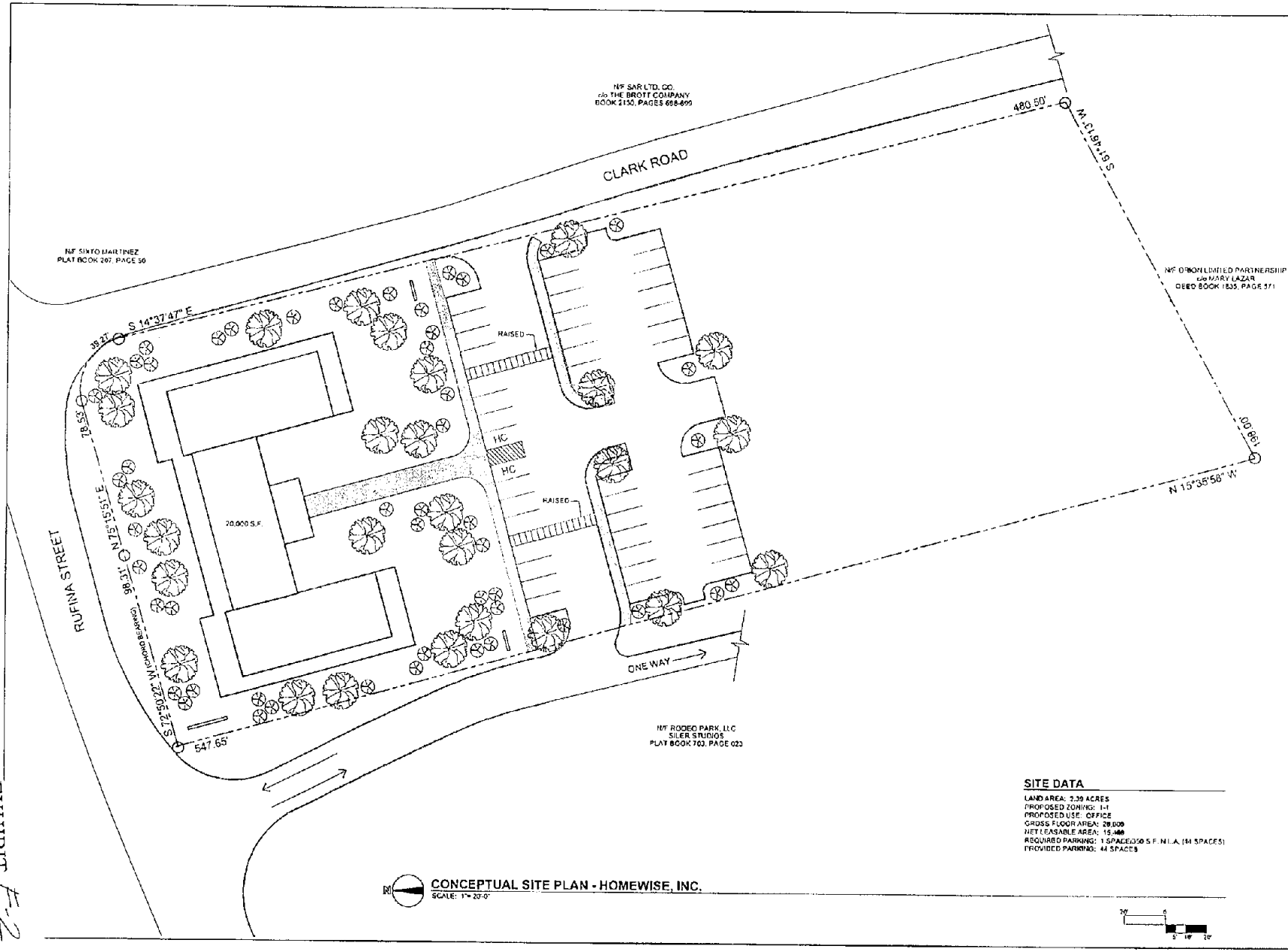
Please let us know if you have any questions or need additional information. Thank you.

Sincerely,

JENKINSGAVIN DESIGN & DEVELOPMENT, INC.

Jennifer Jenkins

Colleen Gavin, AIA



SITE DATA

LAND AREA: 2.39 ACRES
PROPOSED ZONING: I-1
PROPOSED USE: OFFICE
GROSS FLOOR AREA: 20,000
NET LEASABLE AREA: 15,400
REQUIRED PARKING: 1 SPACE/350 S.F. N.L.A. (44 SPACES)
PROVIDED PARKING: 44 SPACES

CONCEPTUAL SITE PLAN - HOMEWISE, INC.
SCALE: 1"= 20'-0"

1700 A Paseo De Peralta
Santa Fe, NM 87501
(tel) 505.982.8163
(fax) 505.995.3311
sfarchitect@comcast.net
www.santafearchitects.com

Conceptual Site Plan
Homewise, Inc., 2868 Rufina St.
Santa Fe, New Mexico

REVISIONS:
NO. DATE

DATE: 12-6-2013
DRAWN BY: PR
CHECKED BY: PM

jenkinsgavin

SHEET
A-0

EXHIBIT E-2

January 27, 2014

Rob Gibbs
Homewise, Inc.
1301 Siler Road, Bldg. D
Santa Fe, NM 87507

RE: 2868 Rufina Street – Access Easement

Dear Rob,

As the Manager of the majority owner of the Siler Studios office park, RodeoPark, L.L.C., I am writing to confirm our willingness to work out a shared access agreement and/or easement with Homewise at our easternmost driveway along Rufina to provide an access point to your neighboring property at 2868 Rufina Street. The details of the agreement and/or easement can be formalized when you proceed with development of your parcel.

Please let me know if you have any questions or need additional information.

Thank you.

Sincerely,

Marc Bertram, Manager
RodeoPark, L.L.C.

sf BROWN

SF Brown Real Estate ▪ SF Brown Ltd. Co. ▪ Beta Development, LLC ▪ RodeoPark, LLC
Post Office Box 5735
Santa Fe, New Mexico 87502

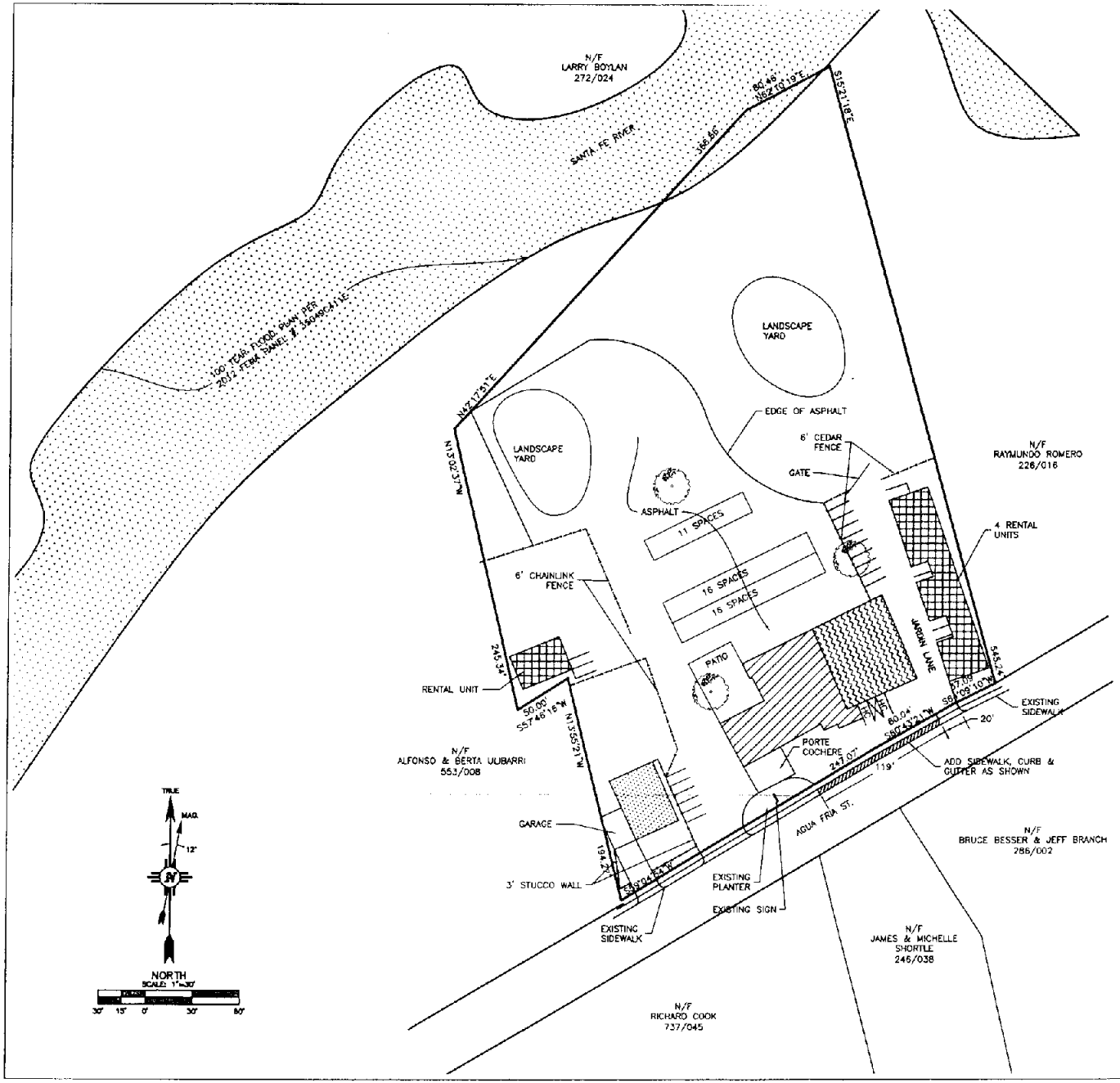
TEL 505 / 473-7800
FAX 505 / 473-7840
WEB sfbrown.com

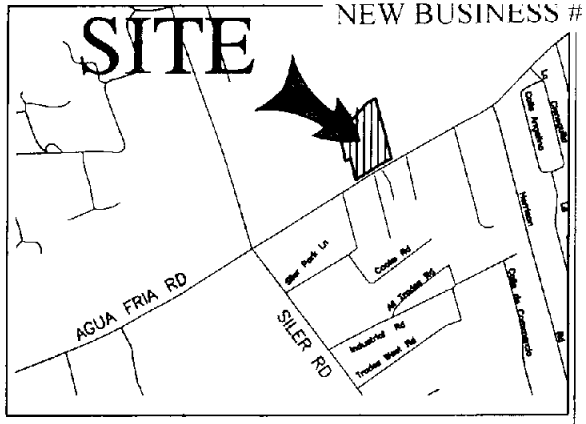
EXHIBIT E-3

Case #2013-128: 2868 Rufina. Homewise Rezoning Case, I-2 to I-1

View of north side of Rufina, looking towards Clark Rd. Existing entrance to be closed.

Case #2013-128: 2868 Rufina. Homewise Rezoning Case, I-2 to I-1
View of Rufina at Clark





VICINITY MAP
N.T.S.

SITE DATA:

LOT AREA:	4.324 AC.
SINGLE FAMILY RESIDENCE:	2,200 SQ. FT.
RENTAL UNITS	6,560 SQ. FT.
COMMERCIAL BUILDING:	11,700 SQ. FT. (MAIN STRUCTURE)
COMMERCIAL PARKING SPACES:	47 SPACES
LOT COVERAGE:	11% (20,460 SQ. FT.)

LEGEND:

- SINGLE FAMILY RESIDENCE
- RESIDENTIAL RENTAL UNITS (5)
- COMMERCIAL
- EXISTING CARPENTRY SHOP

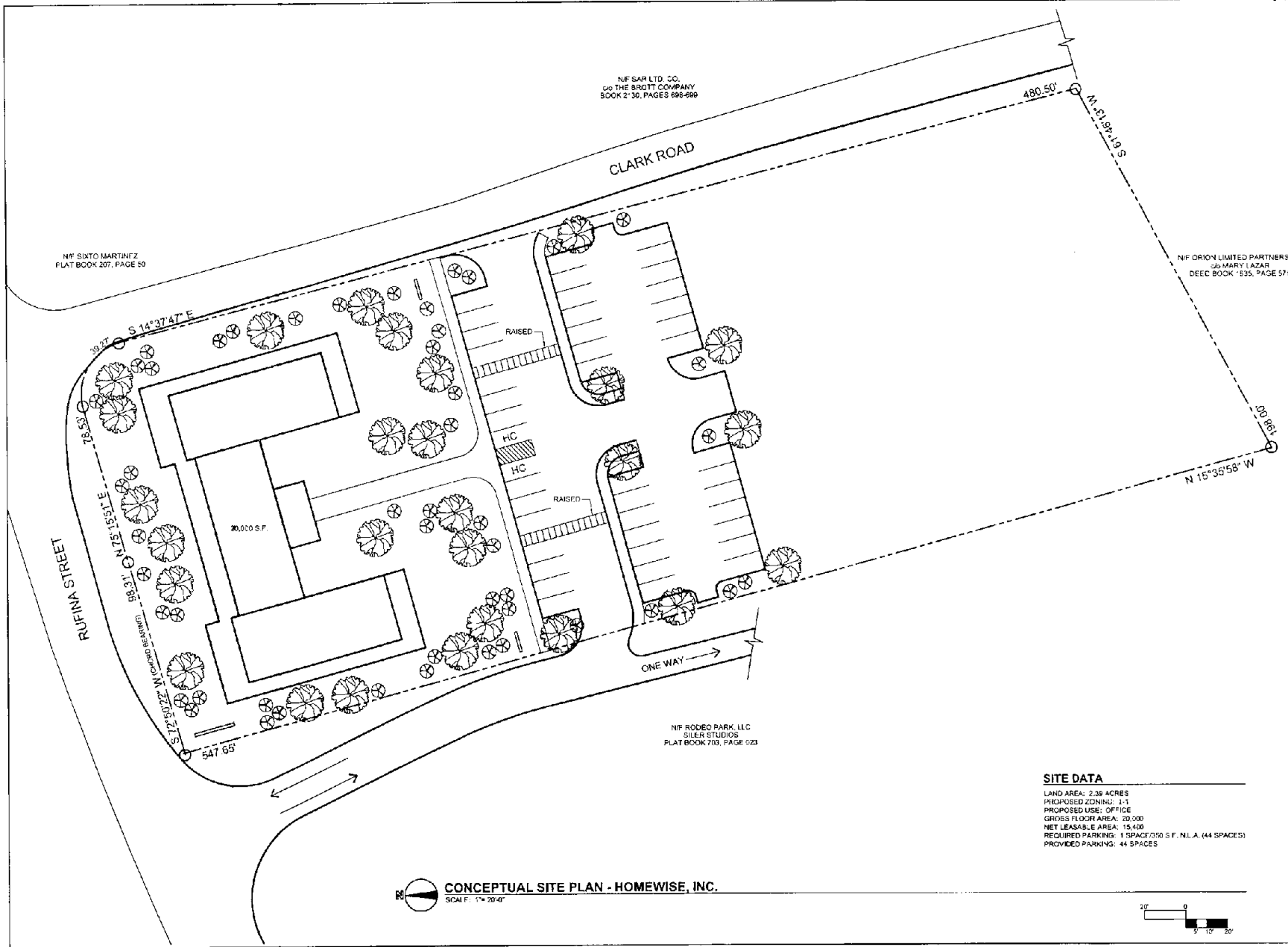
NOTE:

ALL STRUCTURES ON THIS PLAN ARE EXISTING

CASE# 2013-101 & 2013-102

JAMES W. SIEBERT AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE, NEW MEXICO 87505 (505) 983-5588 FAX (505) 989-7313	RIVERA	SCALE: 1"=50'	DATE: SEPTEMBER 2013
		DRAWN BY: MF	CHECKED BY: MF
	DEVELOPMENT PLAN	REVISED: 11/25/2013	FILE NAME: 301331 8-13 1311-BTS
		REVISED BY: 00/00/00	SHEET: 1

EXHIBIT "6"



SITE DATA

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PROPOSED USE: OFFICE
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NET LEASABLE AREA: 15,400
REQUIRED PARKING: 1 SPACE/350 S.F. N.L.A. (44 SPACES)
PROVIDED PARKING: 44 SPACES

CONCEPTUAL SITE PLAN - HOMEWISE, INC.
SCALE: 1" = 20'-0"

20' 0
5' 10' 20'

1700 A Paseo De Peralta
Santa Fe, NM 87501
(tel.) 505.982.8363
(fax) 505.989.7211
sfarchitect@comcast.net
www.santafearchitects.com

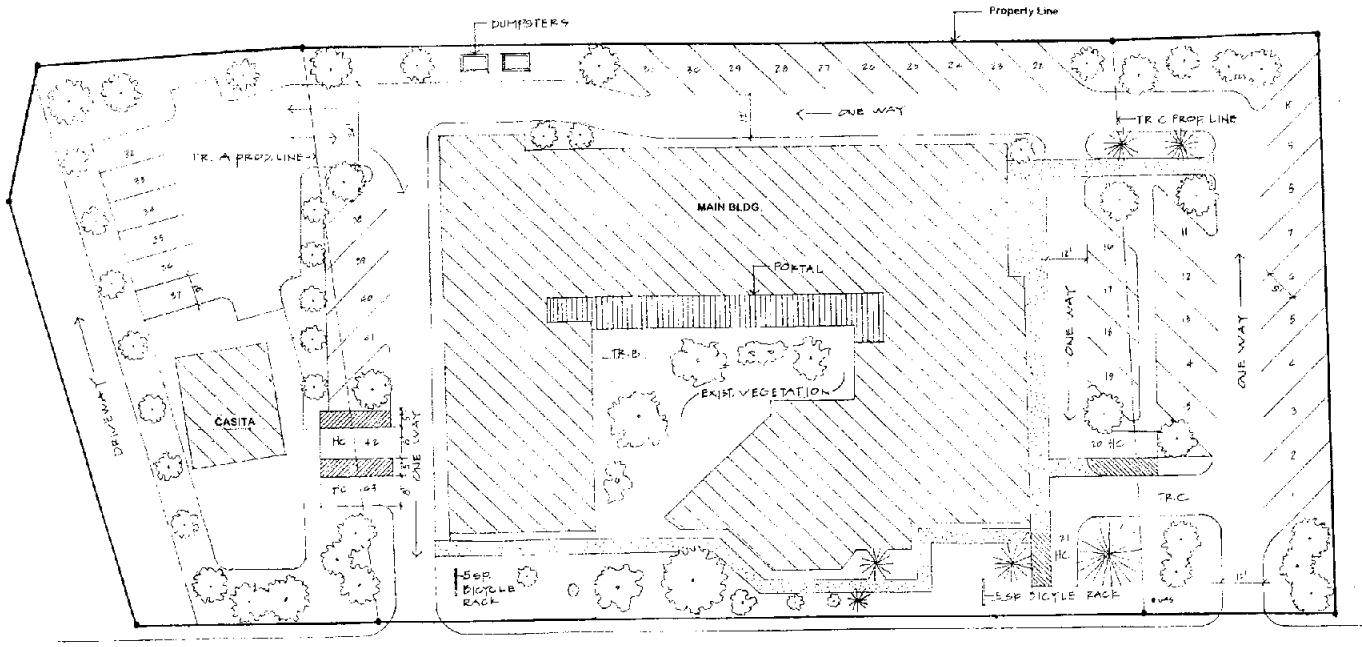
Conceptual Site Plan
Homewise, Inc., 2868 Rufina St.
Santa Fe, New Mexico

REVISIONS:
NO. DATE

DATE: 12-6-2013
DRAWN BY: PR
CHECKED BY: PM

jenkinsgavin
DESIGN & DEVELOPMENT, INC.
230 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501

SHEET: A-0



SITE DATA

Lot Areas

Tract A-	.32 Ac.
Tract B-	.84 Ac.
Tract C-	.22 Ac.
Total-	1.38 Ac.

Building Areas

Main Bldg.-	16,675 gsf
Casita-	858 gsf
Total-	17,533 gsf

Parking

Required- 1/350 nlsf= 40 spaces *
Provided- 43 spaces
Handicapped Spaces: 4 (Exceeds Code)

Open Space

Required- 15% x 1.38 Ac.=.21 Ac.
Provided- .25 Ac.

* For non-medical uses.

NOTES:

1. Tract C to be graded to match grade of Tract B.
2. Fire Protection: Main building is protected by an automatic sprinkler system.

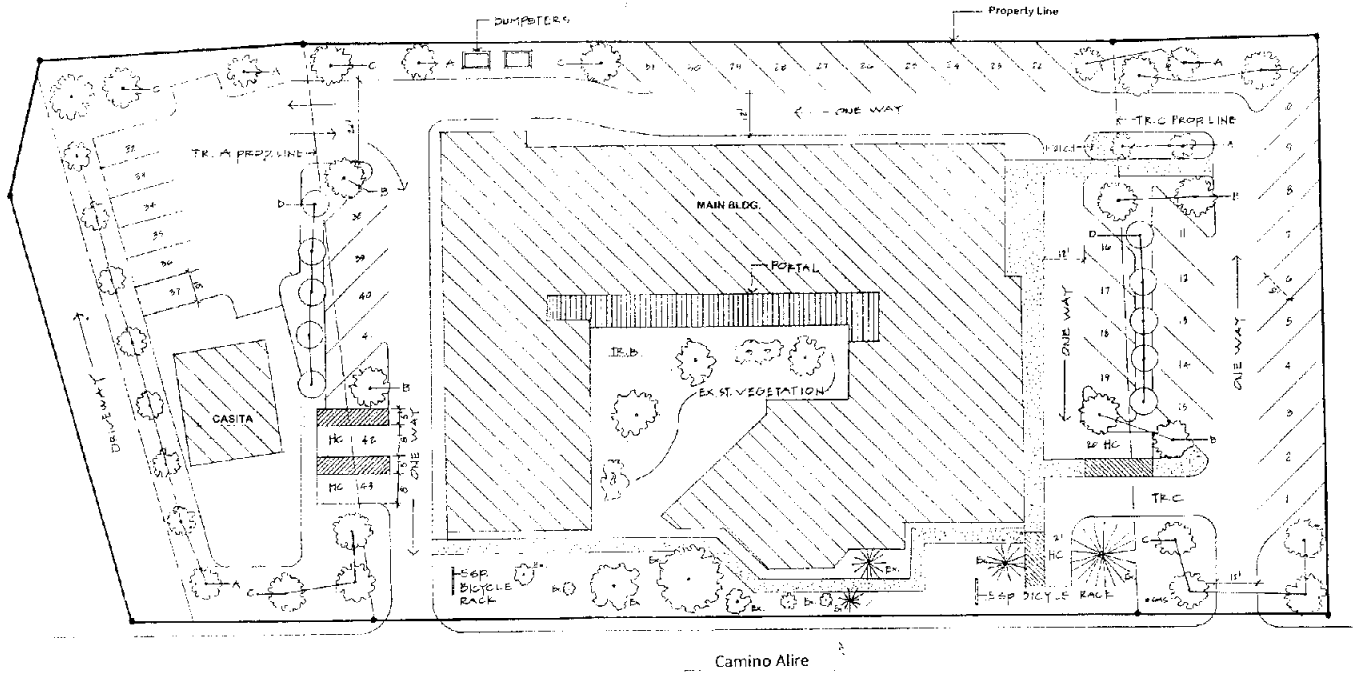
SITE DEVELOPMENT PLAN

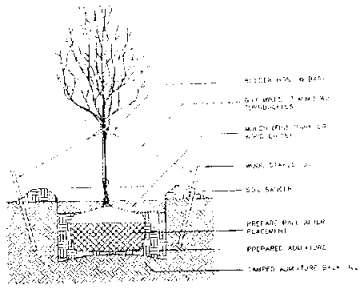
DESERT ACADEMY PROPERTY

NORTH

1/16"=1'-0" @ 24"x36"

SHEET 1 of 2





PLANTING DETAIL N.T.S.

NOTES

MULCH

ALL PLANTING AREAS SHALL BE COVERED WITH A 3" INCH DEPTH OF "SANTA FE" MIX OR EQUAL. PLACE OVER A HEAVY DUTY WEED BARRIER.

IRRIGATION

ALL PLANTINGS SHALL BE MAINTAINED WITH A PERMANENT DRIP IRRIGATION SYSTEM. PROVIDE APPROPRIATE WATER AND BACKFLOW PREVENTION

PLANT LEGEND

SET	QUANTITY	PLANTED SIZE HEIGHT	CAL. PER	COMMON NAME	BOTANICAL NAME
A	6	6'	2"	NEW MEX. PRIVET	FORESTIERA NEOMEXICANA
B		6'	2	ASH	FRAXINUS VAR.
C	4	6	2"	MTN. MAHOGANY	CERCOCARPUS MONTANUS
D	10		5 GAL.	RUSSIAN SAGE	PERNSKIA ATRIPLICIFOLIA
EX.	EXISTING TREE/SHRUB				

LANDSCAPING PLAN

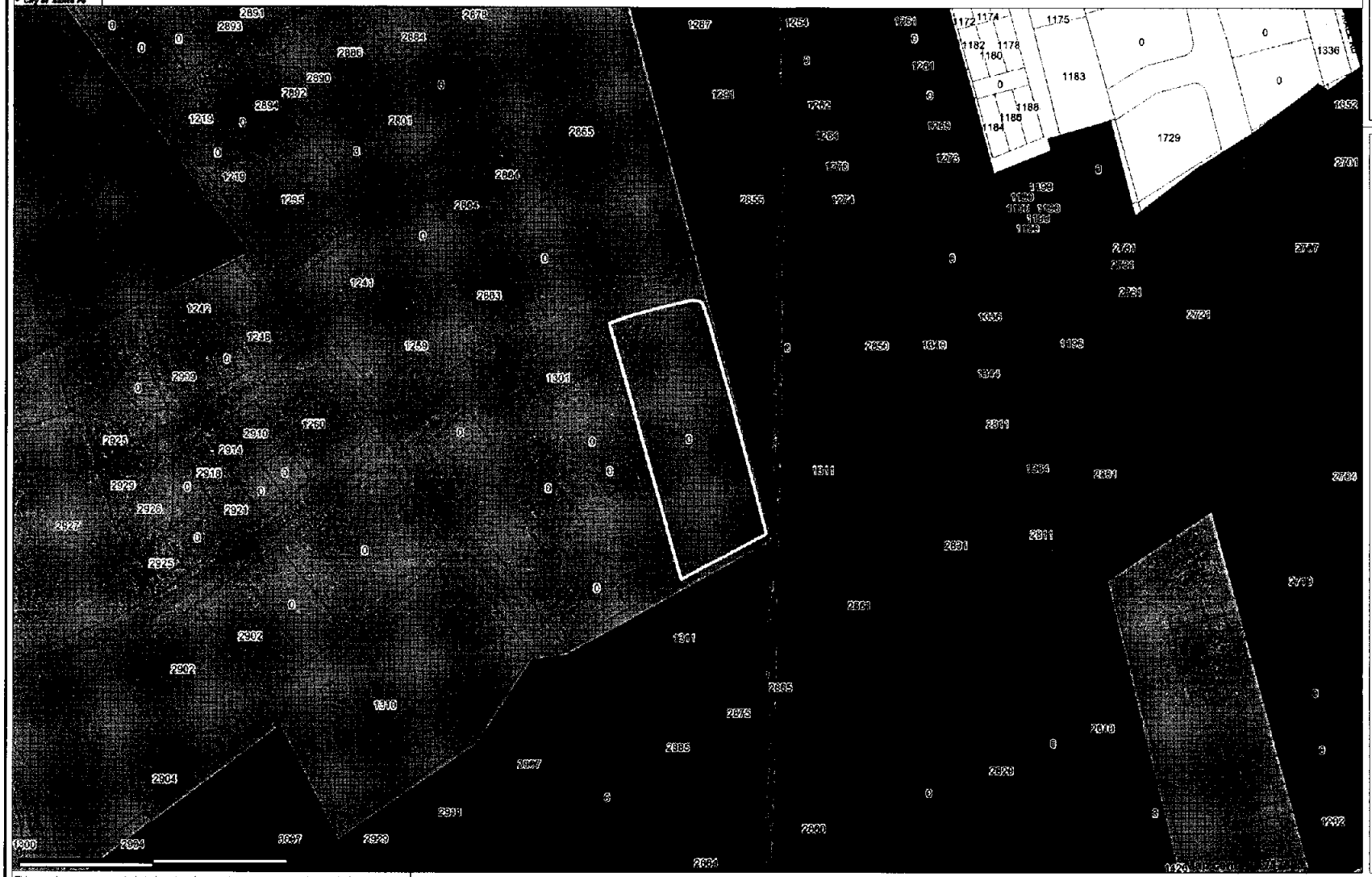
DESERT ACADEMY PROPERTY

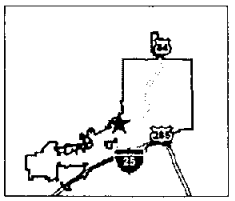
NORTH

1/16" = 1'-0" : 12-16-13

SHEET 2 of 2

Future Land Use Map



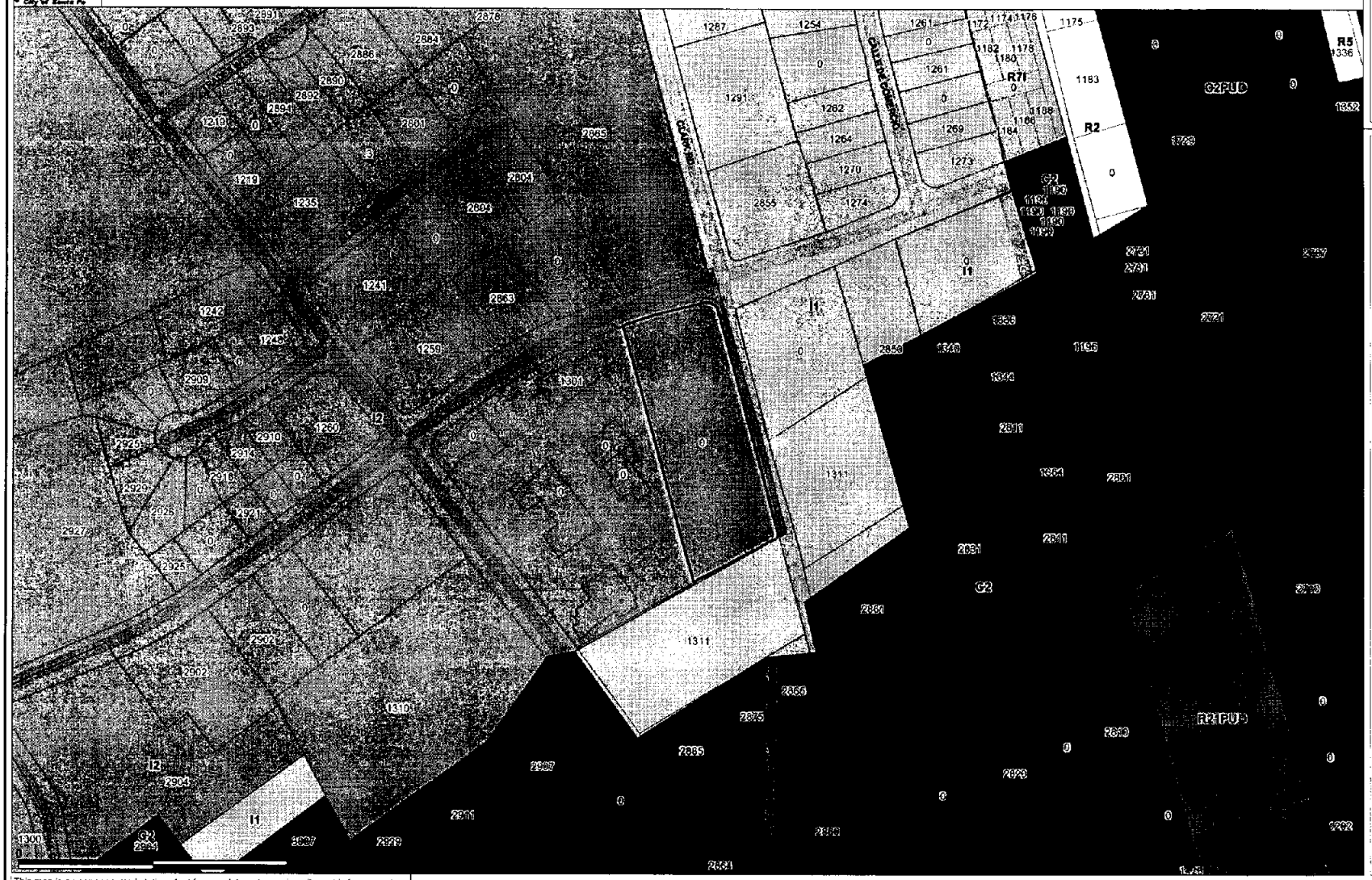


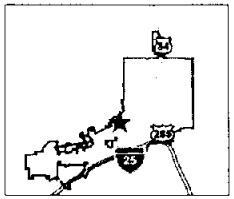
Legend

- City Limits
- Parcels
- Future Land Use
- Mountain/Corridor (1 dwelling per 10+ acres)
- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-8 dwellings per acre)
- Medium Density (7-12 dwellings per acre)
- High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional
- Open Space
- Parks
- Other Roads and Streets

Scale: 1:2,400

Zoning Map



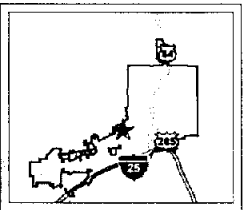


Legend

- City Limits
- Parcels
- Zoning
- RR Rural Residential
- R1, (PUD) Single- Family 1du/ac.
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R5 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RCS, RCSAC Compound 5du/ac
- RC8, RC8AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD),(AC) Multiple - Family 29du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park
- C1, (PUD) Office and Related Commercial
- C2, (PUD) General Commercial
- C4 Limited Office and Retail
- HZ Hospital Zone
- BCD Business Capital District
- I1, (PUD) Light Industrial
- I2 General Industrial
- BIP Business Industrial Park
- PRC, PRRC Planned Community
- SC1, SC2, SC3 Planned Shopping Center
- MU Mixed Use
- Other Roads and Streets

Scale: 1:2,400

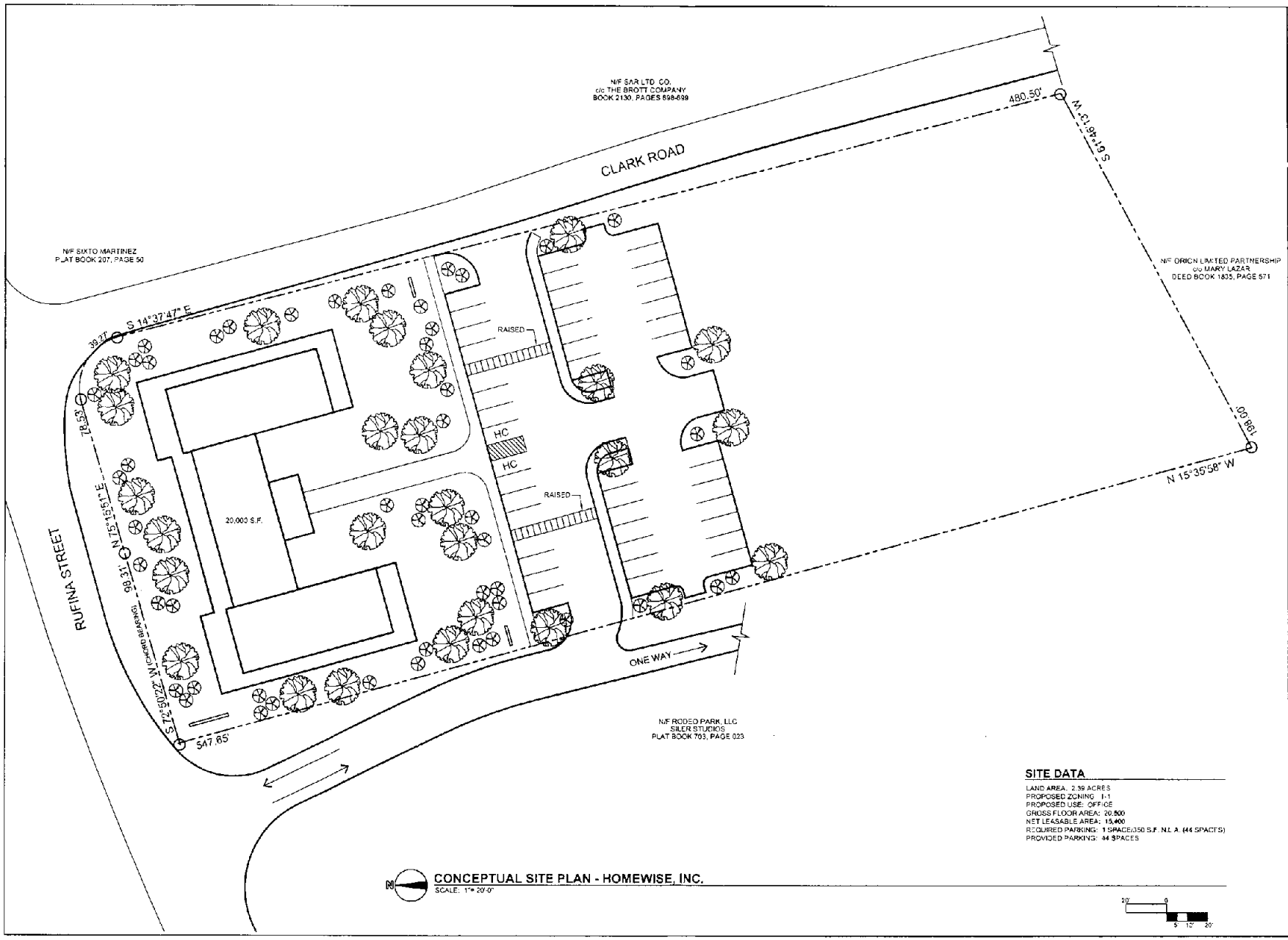
Site Aerial



Legend

- City Limits
- Parcels
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

Scale: 1:1,200



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N

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SCALE: 1"= 20'-0"

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5' 10' 20'

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Homewise, Inc., 2868 Rufina St.
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REVISIONS:

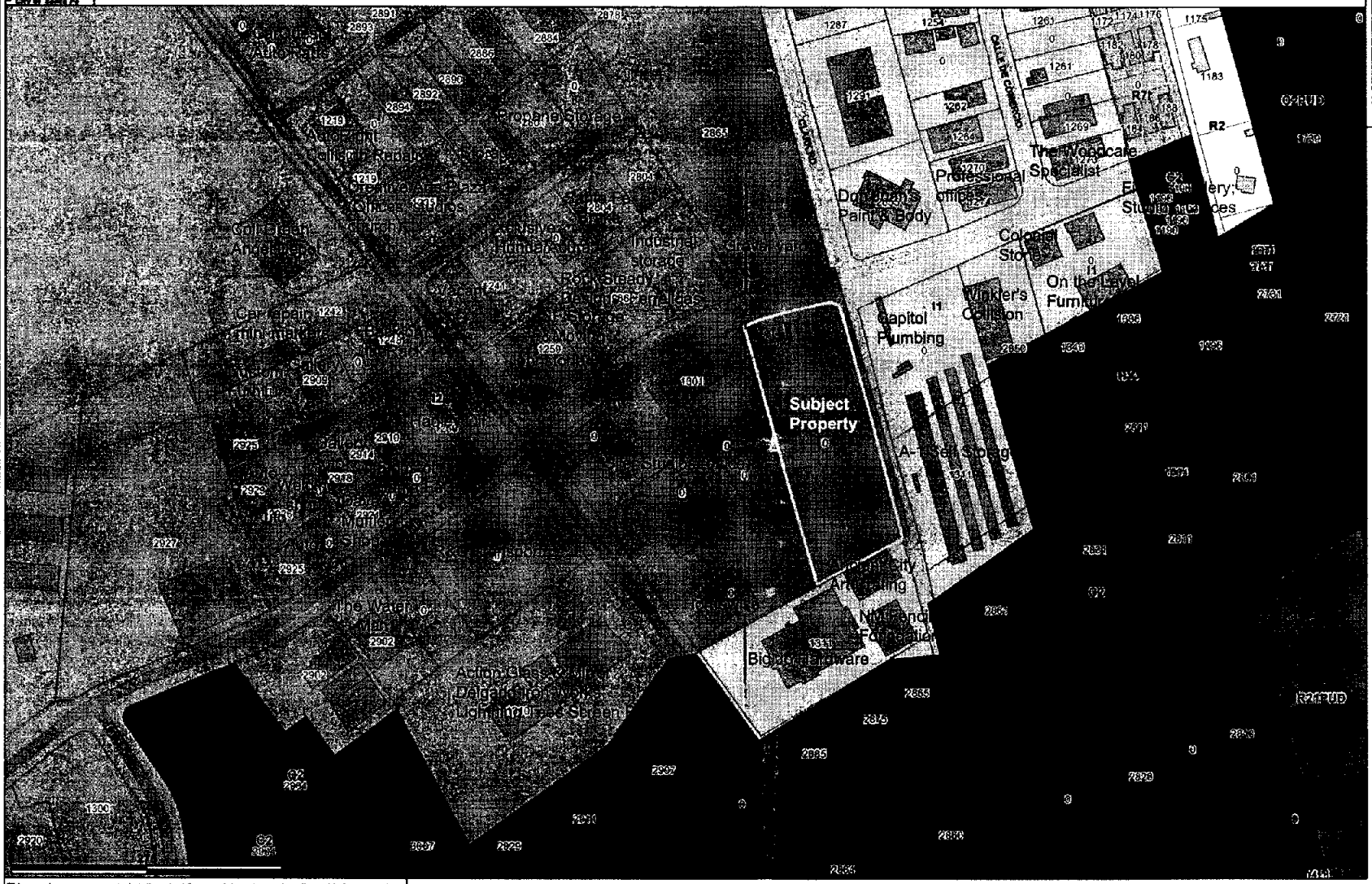
NO.	DATE

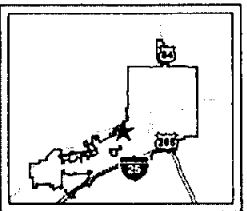
DATE: 12-8-2013
DRAWN BY: PR
CHECKED BY: PM

jenkinsgavin
DESIGN & DEVELOPMENT, INC.
130 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501

SHEET
A-0

Siler/Rufina Area Uses





Legend

- City Limits
- Parcels
- Building Footprint
- Santa Fe River

Zoning

- RR Rural Residential
- R1, (PUD) Single- Family 1du/ac.
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R5 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-9du/ac
- RCS, RCSAC Compound 5du/ac
- RC8, RC8AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R28, (PUD),(AC) Multiple - Family 28du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park
- C1, (PUD) Office and Related Commercial
- C2, (PUD) General Commercial
- C4 Limited Office and Retail
- HZ Hospital Zone
- BCD Business Capital District
- I1, (PUD) Light Industrial
- I2 General Industrial
- BIP Business Industrial Park
- PRC, PRRC Planned Community
- SC1, SC2, SC3 Planned Shopping Center
- MU Mixed Use

Major Roads and Highways

Scale: 1:2,400

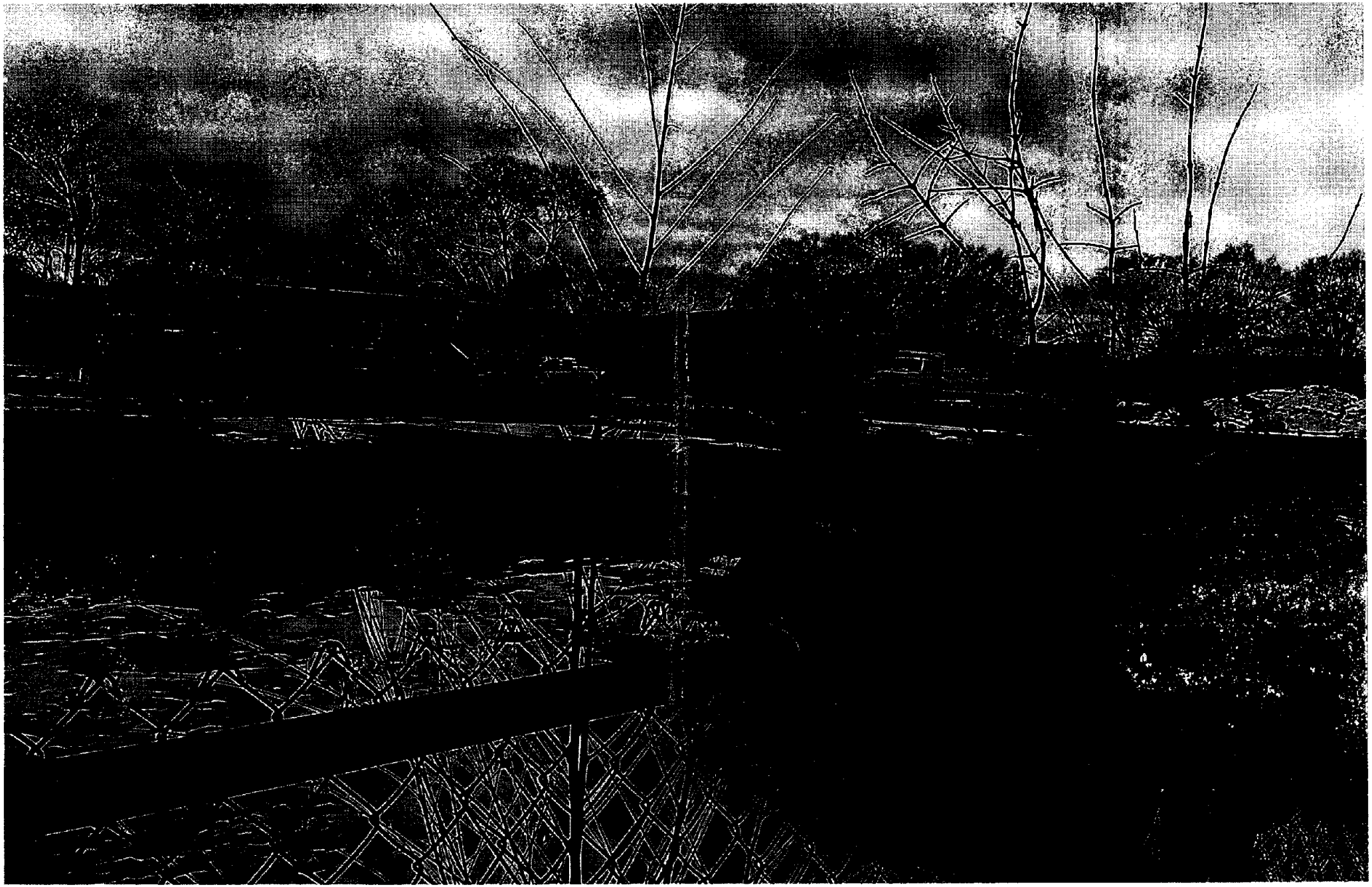


Exhibit "5"

City of Santa Fe, New Mexico

memo

DATE: January 24, 2014 for the February 6, 2014 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department
Tamara Baer, Planning Manager, Current Planning Division

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

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Case #2013-130. 313-317 Camino Alire General Plan Amendment. David Schutz, agent for Desert Academy, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Office Use. The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street. (Donna Wynant, Case Manager)

Case #2013-131. 313-317 Camino Alire Rezoning. David Schutz, agent for Desert Academy, requests rezoning of 1.38± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street. (Donna Wynant, Case Manager)

Cases #2013-130 through #2013-131 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but each is a separate application and shall be reviewed and voted upon separately.

RECOMMENDATION

The Land Use Department recommends **approval** with all staff Conditions of Approval as outlined in this report. No specific development will occur as a result of these applications. The request will proceed to the City Council for final decision on the General Plan Amendment and Rezoning, and then to Building Permit application for approval of any remodeling or new construction under 10,000 square feet.

Exhibit "7"

I. APPLICATION SUMMARY

The subject site is 1.38± acres in size and comprised of 3 lots zoned R-5. The applicant will apply for a lot consolidation if this request is approved. The three properties are:

Tract A:	311 Camino Alire	.32 Acre	includes a Casita	858 sq. ft.
Tract B:	313 Camino Alire	.84 Acre	includes the Main Bldg.	16,675 sq. ft.
Tract C:	317 Camino Alire	.22 Acre	vacant	
Total Size		**1.38 Acre**		

The middle lot containing the main building was originally built as the Piñon Hills Hospital, a psychiatric hospital approved by special exception in 1984. A special exception (Case #SE 2000-04) and several variances (Case #V200-03) were later approved by the Board of Adjustment in 2000 to permit a change of use from the hospital to Desert Academy, a private secondary junior and senior high school for up to 150 students. Their site included the 311 Camino Alire that they used for additional office space and parking. Desert Academy later acquired the third lot, 317 Camino Alire for additional parking and storage space.

Desert Academy vacated the property two years ago and moved to their new campus on Old Santa Fe Trail, outside City limits. They now desire to sell the property. The current R-5 zoning would allow up to 6 residential units on the 1.38 acres and other uses subject to a special use permit. The applicant plans to renovate the building for office use and is therefore requesting the C-1 zoning classification. The property can accommodate office use, subject to meeting the minimum number of parking spaces on site. One space per 300 sq. ft. of net leasable area is required for business offices.

The one-way entrance into the site off Camino Alire, south of the main building, loops around the rear of the property and then out to Camino Alire. Several spaces are also located behind the casita on 311 Camino Alire, which the applicant plans to retain. The recently conducted Traffic Impact Analysis concluded that the roadway network has sufficient capacity to accommodate the proposed office development.

II. GENERAL PLAN AMENDMENT

The subject property's current land use designation is Low Density (3-7 dwelling per acre) as shown on the Future Land Use Map (See Exhibit C-2). The applicant requests the "Office" designation to allow for C-1 zoning and the conversion of the existing building to office space. Section 14-3.2(E)(1) sets out the following General Plan Amendment criteria for approval:

(a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;

Applicant's response:
The surrounding neighborhood is comprised of a mix of uses including commercial, home occupations, institutional and residential. This request, if approved, is consistent with surrounding uses and will not adversely impact adjacent neighbors.

Staff response:
Access and infrastructure have served the site with its previous uses as a hospital and a school. Any conversion of the structure from institutional types of uses to office use must comply with building and fire codes for any change in use and will be more closely evaluated with application for construction permit.

(b) Consistency with other parts of the general plan;

Applicant's response:
This request is consistent with the General Plan in regards to promoting mixed-use neighborhoods and economic diversity. Its geographic location and the availability of existing infrastructure are key factors discussed as requisites for development projects. Re-development and re-use of existing properties is encouraged in the General Plan in relation to infill and urban sprawl.

Staff response:
Staff concurs.

(c) the amendment does not:

(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Applicant's response:
The proposed amendment is an expansion of the boundary of the C-1 use directly adjacent (north) the subject property, and if approved, will exceed two acres.

Staff response:
Staff believes this to not be significantly different or inconsistent from surrounding development and is not at the expense of surrounding landowners or the general public. Approval of an office use would be consistent with the original and all historic uses of the property.

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

Applicant's response:
Not applicable.

Staff response:
This proposal conforms to Section 14-3.2(E)(1)(c).

(e) compliance with extraterritorial zoning ordinances and extraterritorial plans;

Applicant's response:
Not applicable.

Staff response:
Not applicable.

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and

Applicant's response:
This request, if approved, recognizes its previous uses and its continuation contributes to a well-balanced and harmonious mixed use neighborhood that currently exists. The C-1 designation is an efficient transition from institutional (school) to Office and Related Commercial Activity.

Staff response:
The proposed adaptive reuse of the existing 16,675 square foot school building and accompanying 858 square foot casita will support Santa Fe's economic base through providing professional space for small businesses and employment opportunities. The provision of office uses will be an important addition to this neighborhood and surrounding area, providing services and employment opportunities in the vicinity. There are no major changes proposed to the building itself, which is already part of the neighborhood fabric.

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Applicant's response:
This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

Staff response:
Staff concurs. The adaptive reuse of the institutional type building is an environmentally sensitive effort to ensure that the building is utilized to the benefit of the community. A potentially empty, large building is a detriment to the neighborhood and does not positively

impact the local economy. This proposal is consistent with the City's policies promoting infill, redevelopment, and mixed-use.

(1) Additional Criteria for Amendments to Land Use Policies:

In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping, or other means, and a finding must be made that:

(a) the growth and economic projections contained within the general plan are erroneous or have changed;
(b) no reasonable location have been provided for certain land uses for which there is a demonstrated need; or
(c) 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.

Applicant's Response:
The General Plan's Future Land Use Map designated the subject property as Low Density Residential, 3-7 dwellings per acre. The map also designates the property adjacent to the north, currently zoned C-1, as Low Density Residential, 3-7 dwellings per acre. We submit that the City erred, since at the time the General Plan was adopted in 1999 both properties were being used for commercial activities. The General Plan failed to recognize the existing uses that had been established prior to its adoption. This request, if approved, will correct this oversight. As such, the effect of the proposed change in land use as reflected in the Future Land Use map will recognize the current and previous commercial activities on the subject property and that this change will not have a negative impact on the surrounding properties.

Staff Response:
A variety of uses are allowed in residential zoning districts other than residential dwellings and are not regarded as commercial developments. The subject property has been used as two different types of institutional uses by Special Exception and were subject to the review and approval of the City of Santa Fe's Board of Adjustment.

III. REZONING

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following conditions exist:

(i) there was a mistake in the original zoning;

Applicant's response:
Not applicable.

Staff response:
No mistake was made with the original zoning in this case. The previous uses, a psychiatric hospital and a school, were conditional uses allowed in the R-5 District subject to a Special Exception (now referred to as Special Use Permits).

(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;

Applicant's response:
Over the past several years, the neighborhood's character has been altered such that limited commercial uses have been approved over time along the Camino Alire corridor. The adjacent property to the north is zoned C-1 as is the property at the intersection of Agua Fria and Camino Alire (NE quadrant). The property directly across the street is the home of Adobe Realty, presumably operating as a home occupation and Payne's Nursery has been in operation at 304 Camino Alire for over 20 years. We anticipate that this trend will continue as properties fronting Camino Alire become less desirable for residential use and the demand for limited commercial uses continues.

Staff response:
The overall area is primarily designated Low Density, (3-7 du/acre) and zoned R-5 with some R-7 and R-21 north of Alto Street. Various institutional uses such as the schools, senior and community centers are allowed in residential districts. Payne's Nursery is a commercial use that is non-conforming in the R-5 district. Staff does not anticipate any significant change to the established residential use in the immediate area, given the developments mentioned.

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

Applicant's response:
We submit that the proposed zoning classification is advantageous to the community as it contributes to a more vibrant neighborhood of mixed uses of residential activity and employment centers where residents can work close to their home walk to work, shop nearby, etc. These concepts are embraced in the General Plan as policy goals in creating employment opportunities within neighborhoods. Further, the prospect of this property reverting to residential use is unrealistic given the property's previous uses and the associated large main building on the property which is not suited for residential use without extensive upgrades. We believe that the neighborhood is better served by allowing the continuation of limited non-residential uses as opposed to a vacant, deteriorating and unkempt property.

Staff response:
A number of different uses are permitted in the R-5 residential district as principally permitted uses and as conditional uses by Special Use Permit. However, staff agrees that the building is designed more to accommodate office types of uses rather than residential use and the C-1 district would allow for a greater number of uses, beneficial to the surrounding area.

(b) all the rezoning requirements of Chapter 14 have been met;

Applicant's response:
All of the rezoning requirements have been met.

Staff response:
The minimum number of parking spaces will depend on the specific uses proposed for the building. Additional landscaping will be required next to the residential properties at time of construction permit.

(c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;

Applicant's response:
The rezoning is consistent with the applicable policies of the General Plan in regard to promoting mixed use neighborhoods, economic diversity and the availability of existing infrastructure. As an infill project, the property is consistent with the concept of maintaining a compact urban form. Please refer to the General Plan Amendment section of this report, item (2), Additional Criteria for Amendments to the General Plan, which discusses our position regarding the Future Land Use map.

Staff response:
An amendment to the General Plan is requested with this application to change the future land use map designation to Office.

(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;

Applicant's response:
The proposed use of the property is consistent with city policies since this property will, if approved, contribute to the mixed use concepts embraced by the General Plan and its geographic location is ideal for the proposed use.

Staff response:
Though the city currently has a good amount of office space, such space on Camino Alire could serve as an employment center within walking distance of the surrounding neighborhood as well as provide needed services to the area.

(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.

Applicant's response:
The property is currently served by existing public infrastructure and services. All public utilities are available including water, sewer, power, gas and telephone. Parks, shopping, and dining establishments are within walking distance of the property.

Staff response:
Infrastructure and public facilities are available to serve the proposed development of the property.

(D) Additional Applicant Requirements

(1) 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;

(2) 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.

Applicant's response:
The subject property is served by City infrastructure and public facilities and there is no need for additional streets, sidewalks, or curbs, as part of this request.

Staff response:
Infrastructure is available to serve the site and will be more closely evaluated at time of construction permit application.