

City of Santa Fe, New Mexico

Attachment A

Findings of Fact and Conclusions of Law

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

Case #2023-6271
507 and 511 Paseo de Peralta Development Plan
Owner/Applicant's Name – Peralta's Walk LLC

THIS MATTER came before the Planning Commission (Commission) for a public hearing on March 2, 2023, (Hearing) upon the Application (Application) of Bradyn Furry, Agent for Peralta's Walk LLC (Applicant).

The Applicant seeks the Commission's approval of a Development Plan to Bradyn Furry, Agent, for Peralta's Walk, LLC, Owner, requests a development plan approval for a 9-dwelling unit development on two lots totaling 10,447 sq. ft. on 0.563 acres. The 507 Paseo de Peralta property (4,235 sq. ft. on 0.185 acres) is zoned BCD (Business Capitol District) in the Marcy subdistrict. The 511 Paseo de Peralta Property (6,212 sq. ft. on 0.378 acres) is zoned R-21 (Residential 21 dwelling units per acre). Both properties are in the Downtown and Eastside Historic District and the Historic Downtown Archaeological District.

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

FINDINGS OF FACT

1. Under the Santa Fe City Code (SFCC) 1987 Section 14-3.8(B)(3)(b), a development plan is required for proposed development with a "gross floor area of ten thousand square feet or more in a residential district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS, SC or MU district and is within two hundred (200) feet, including public rights of way, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9, RC-5, RC-8, R10, R-12, R-21, R-29, RAC, AC, PRC and MH districts;"
2. Per SFCC §14-7.2(F) Increase in Maximum Density in R-12, R21 and R-29 Districts, adopted by Ord. No. 2013-16 § 41, the portion of the Development Plan zoned R21 at 511 Paseo de Peralta is required to request approval from the Planning Commission for a density above 10 dwelling units per acre as allowed in Table 14-7.2-1 Table of Dimensional Standards for Residential Districts.
3. SFCC 1987 Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC 1987 § 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC 1987 §1 4-3.1(F)(2)(a)(iv)]; and (c) compliance with notice and public hearing requirements [SFCC 1987 § 14-3.1(H)-(I)].
4. A pre-application conference was held on April 14, 2022, in accordance with SFCC 1987 Section 14-3.1(E)(1).
5. Pursuant to SFCC 1987 Section 14-3.1(H), notice of the ENN meeting was properly given.
6. The Applicant conducted a virtual ENN meeting on December 5, 2022. The ENN meeting was attended by a representative of the Applicant, City staff and members of the public.
7. SFCC 1987 Section 14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of the Code (Submittal Requirements).
8. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report).

9. Staff recommended that the Commission approve the Development Plan, subject to certain conditions of approval and technical corrections set forth in the Staff Report and attached exhibits.
10. The information contained in the Staff Report and exhibits is sufficient to establish that the Submittal Requirements have been met.
11. SFCC 1987 Section 14-3.8 establishes certain procedures for development plan approval including, without limitation, a public hearing by the Commission and a decision based on the criteria set out in SFCC 1987 Section 14-3.8(D).
12. At the Hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public prior to making a decision.
13. SFCC 1987 Section 14-3.8(D)(1) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before a development plan may be approved.
14. SFCC 1987 Section 14-7.2(F) sets out factors that shall be considered by the Commission in evaluating the proposed increase in maximum density.
15. At the Hearing, staff read into the record a correction to 'technical correction 41' found in Exhibit A of the staff report. Technical Correction 41 should read, "Provide proof and certification of the structural stability of the concrete block retaining wall and CMA retaining wall along the north and east sides of the property from a structural engineer."
16. Pursuant to SFCC 1987 Section 14-3.8(D)(1)(a), the Commission finds that it is empowered to approve the development plan under SFCC 1987 Sections 14-2.3(C)(1) and 14-3.8(B)(4).
17. Pursuant to SFCC 1987 Section 14-3.8(D)(1)(b), the Commission finds that approving the development plan for the Project, subject to the conditions and technical corrections in the staff report, will not adversely affect the public interest.
18. Pursuant to SFCC 1987 Section 14-3.8(D)(1)(c), the Commission finds that the use and any associated buildings are compatible with and adaptable to buildings, structures, and uses of the abutting property and other properties in the vicinity of the Project. The size and scale of the existing buildings are compatible with surrounding properties. The Development is a compatible infill project. The mix of architecture in the area and proposed building architecture is a range of Pueblo/ Pueblo revival /modern vernacular with similar attributes found throughout the area.
19. Under SFCC 1987 Section 14-3.8(D)(2), the Commission is authorized to specify conditions of approval for a development plan that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.
20. The Commission finds that the conditions and technical corrections set out in the Staff Report and exhibits are well founded and are necessary to accomplish the proper development of the area and to implement the policies of the general plan.
21. The Commission finds that the Applicant shall comply with the following condition that was read into the record by staff, in addition to those set forth in the Technical Corrections listed in Exhibit A: Under condition # 41: Staff requests proof and certification of structural stability of the concrete block retaining wall along the north and east sides of the property.
22. The Commission finds that the Applicant has met the requirement of the Historic Districts Review Board by receiving approval from the Historic Districts Review Board in 2018 under case H-14-034 and with two one-year extensions, and that the approval through the Historic Districts Review Board expires in June of 2023.
23. Under SFCC 1987 Section 14-3.8(A), approving the proposed Development Plan furthers the purpose and intent of providing plans for development, ensuring compliance with Chapter 14, and facilitating the documentation of future compliance with the approved plans.

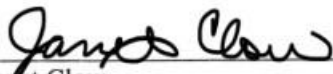
CONCLUSIONS OF LAW

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 Chapter 14 of the SFCC to review and approve the Applicant's proposed Development Plan subject to conditions.
2. The Applicant has complied with the Submittal Requirements.
3. The Applicant is able to comply with the Conditions.
4. Based on the factors contained in SFCC 1987 Section 14-7.2(F), the increase in maximum density shall be approved.
5. The development plan should be approved subject to the conditions recommended by staff because all applicable code requirements and criteria for development plan approval have been met.

WHEREFORE, IT IS ORDERED ON THE 6th DAY OF APRIL 2023 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

The Development Plan for the Project is approved, subject to the conditions of approval and technical corrections set forth in the Staff Report and exhibits. The Development Plan shall expire three years after issuance of this final action unless actual development of the site or off-site improvements has begun and is continued pursuant to SFCC 1987 Subsection 14-3.19(B)(6) or a time extension is granted pursuant to SFCC 1987 Section 14-3.19(C).



Janet Clow
Chairwoman

4/13/23
Date

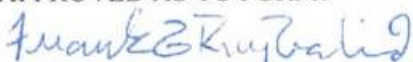
FILED:



Kristine Bustos-Mihelcic XIV
City Clerk

4/13/2023
Date

APPROVED AS TO FORM:



Frank Ruybalid
Assistant City Attorney

Apr 11, 2023
Date