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PLANNING COMMISSION MINUTES  
APRIL 6, 2023**

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**MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION**  
**Thursday, April 6, 2023 - 6:00 pm**

**CALL TO ORDER**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Clow on the above date at approximately 6:15 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, NM.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum for the meeting.

**Members Present**

Chair Janet Clow  
Vice Chair Jessica Lawrence  
Secretary Peter Smith  
Commissioner Pilar Faulkner  
Commissioner Phil Lucero  
Commissioner Gurushabad Mirando (on Zoom)

**Members Absent**

Commissioner Dan Pava  
Two Vacancies

**Others Present:**

Mr. Jason Kluck, Land Use Director  
Ms. Maggie Moore, Planning Manager  
Ms. Patricia Feghali, Assistant City Attorney  
Ms. Melissa D. Byers, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.**

**B. PLEDGE OF ALLEGIANCE**

Commissioner Faulkner led the Pledge of Allegiance.

**C. APPROVAL OF AGENDA**

Director Kluck requested that Items 4 and 5 regarding Villas de las Soleras Unit 3 be heard after Item 7.

Ms. Moore noted that she had changes to the Findings of Fact and Conclusions of Law.

**MOTION:** Commissioner Lawrence moved, seconded by Commissioner Faulkner, to approve the agenda, as amended.

**VOTE:** The motion passed by roll call vote with Commissioners Lawrence, Smith, Faulkner, Lucero and Mirando voting in favor and none voting against.

**D. APPROVAL OF MINUTES**

March 2, 2023

**MOTION:** Commissioner Lucero moved, seconded by Commissioner Smith to approve the minutes of March 2, 2023 as presented.

**VOTE:** The motion passed by roll call vote with Commissioners Smith, Lucero, and Mirando voting in favor, none voting against and Commissioners Lawrence and Faulkner abstaining.

**E. APPROVAL OF FINDINGS/CONCLUSIONS**

1. **Case #2023-6271. 507 and 511 Paseo de Peralta Development Plan.**

Ms. Moore noted some corrections. The corrected version is attached hereto as Exhibit "1".

**MOTION:** Commissioner Smith moved, seconded by Commissioner Lucero to approve the findings of fact and conclusions of law for Case #2023-6271, as amended.

**VOTE:** The motion passed by roll call vote with Commissioners Lawrence, Smith, Faulkner, Lucero and Mirando voting in favor and none voting against. Commissioners Lawrence and Faulkner stated they had reviewed the case materials and the minutes for this case.

2. **Case #2022-4942. 2339 Botolph Road Rezoning**

Ms. Moore noted some corrections. The corrected version is attached hereto as Exhibit "2".

**MOTION:** Commissioner Lucero moved, seconded by Commissioner Faulkner to approve the findings of fact and conclusions of law for Case #2022-4942, as amended.

**VOTE:** The motion passed by roll call vote with Commissioners Lawrence, Smith, Faulkner, Lucero and Mirando voting in favor and none voting against.

Commissioners Lawrence and Faulkner stated they had reviewed the case materials and the minutes for this case.

**F. OLD BUSINESS**

None

**G. NEW BUSINESS**

1. **Chapter 14 Text Amendment. Chapter 14 Authority for HDRB to Approve Exceptions.** An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending various sections to grant authority to the Historic Districts Review Board (HDRB) to grant exceptions to Section 14-5.2, Historic Districts Overlay. (Heather Lamboy)

**Postponed to May 4, 2023.**

2. **Case #2022-6201. Windmill Hill at Las Placitas Compound Preliminary Subdivision Plat.** Liaison Planning, agent for Michael Blum, requests Preliminary Subdivision Plat approval for three single family residential lots on 1.48± acres. The property is located at 623½ Garcia Street, and is zoned R-3 (Residential, three dwelling units per acre). The property is within the Downtown & Eastside Historic District and River & Trails Archeological Review District. (Lani McCulley)
3. **Case #2022-6202. Windmill Hill at Las Placitas Compound Variance.** Liaison Planning, agent for Michael Blum, requests a variance to reduce the minimum street width from 38 feet to the width of existing access easements of 29 feet and 20 feet. The property is located at 623½ Garcia Street, and is zoned R-3 (Residential, three dwelling units per acre). The property is within the Downtown & Eastside Historic District and River & Trails Archeological Review District. (Lani McCulley)

**EXECUTIVE SUMMARY**

- I A 29-foot-wide easement from Garcia Street adjacent to the Las Placitas Compound which runs approximately 218' to the east.
- II A 20-foot-wide easement to the edge of the Spier property comprised of adjacent 15-foot and 5-foot easements which runs approximately 118' northeast, turning into the Alire Compound.
- III A 38-foot-wide-easement that runs north into the Alire Compound and then turns to the east which currently consists of 20' of drivable surface which the applicant has indicated will be widened to 38-foot width. The full length of this north (68') and east (248') easement is approximately 316 ft.
- IV A 15-foot-wide easement to the northwest corner of the subject property, which will be maintained for emergency vehicle access only; and

- V Finally, a 20-foot-wide easement through the Alire Compound at the north property line running south 68 ft. connecting to the proposed 3 lot subdivision.
- VI The applicant is requesting Preliminary Subdivision Plat approval of an approximately 1.48-acre tract into three (3) lots, located at 623 ½ Garcia Street. The subject property is zoned R-3 (Residential, three dwellings per acre) in the Downtown and Eastside Historic District and the River and Trails Archaeological Review District. This application also requests a Variance to the required 38 ft width of access from Garcia Street.

Access to the proposed subdivision is off of Garcia Street via a series of private easements as described below and shown in Exhibit D and Figure 1. The total length of the combined easements from Garcia Street to the property is approximately 720 linear feet and includes:

1. A 29-foot-wide easement from Garcia Street adjacent to the Las Placitas Compound which runs approximately 218' to the east.
2. A 20-foot-wide easement to the edge of the Spier property comprised of adjacent 15-foot and 5-foot easements which runs approximately 118' northeast, turning into the Alire Compound.
3. A 38-foot-wide-easement that runs north into the Alire Compound and then turns to the east which currently consists of 20' of drivable surface which the applicant has indicated will be widened to 38-foot width. The full length of this north (68') and east (248') easement is approximately 316 ft.
4. A 15-foot-wide easement to the northwest corner of the subject property, which will be maintained for emergency vehicle access only; and
5. Finally, a 20-foot-wide easement through the Alire Compound at the north property line running south 68 ft. connecting to the proposed 3 lot subdivision.

The existing collection of access easements do not meet the minimum width standard of 38 feet required for a Lane, per SFCC §14-9.2-1, *Design Criteria for Street Types*. Within the 38 feet ROW, the Lane standard requires 2 - 9-foot auto lanes; curb and gutter; and 2 – 5-foot sidewalks. This standard is required for streets providing access to up to 30 dwelling units. Twenty-one properties currently use the collection of private access easements to access their properties. The proposed subdivision would add 2 additional dwelling units, for a total of 23 dwelling units.

The lot access driveway within the proposed subdivision would access the 20-foot-wide easement through the Alire Compound at the north property line. This access has a 15-foot drivable surface in a 20-foot access and utility easement that does not meet the standard required by the Fire Department for a 20 ft minimum unobstructed Fire Apparatus Access Road.

### **STAFF RECOMMENDATION**

Staff recommends denial of Case #2022-6201 Windmill Hill Subdivision at 623½ Garcia Street preliminary subdivision plat and denial of Case #2022-6202 Windmill Hill Subdivision at 623½ Garcia Street variance to SFCC §14-9.2-1.

However, should the Planning Commission choose to approve the requests, the Planning and Land Use Department would request that the approvals be subject to the conditions of approval in Section II of this report and all technical corrections in Exhibit A of the staff report.

Chair Clow confirmed the narrowest point of the road is about 20 feet and would accommodate the driving lane. She said the problem is that gutters, sidewalk, and curb do not exist at this time. She confirmed the Code has not changed since 2012 when approval was granted.

Commissioner Lucero said He thought there were a lot of instances because of the use of old roads, that emergency vehicles cannot get in or out. He asked if Ms. McCully knew how the city works around using those types of properties.

Ms. McCully said sprinkling systems are required for newer builds not accessible by road and also provide, in this case, on-site turnarounds for the fire trucks.

Chair Clow confirmed that a fire truck could enter the property and turn around.

Ms. Moore clarified the Code in 2012 was amended in the same year and had just changed when this case was processed. The old variant standards and approval criteria were considered a hardship for the applicant.

Commissioner Faulkner pointed out several newer subdivisions have narrow streets with no sidewalks.

Commissioner Smith said staff recommended we turn this down but gave things we could do if we decide to approve this. He asked what the deciding factor was for staff to recommend to not approve but, if approved give a list of conditions that might mitigate the problem.

Ms. Moore said staff reviews the infrastructure that accommodates the development. It was clear the roads and infrastructure that would serve from 0 to 30 dwelling units as this does, would require lane standards from Chapter 14. Part of which is fire access and Fire department participation in the review, accessibility, sidewalks, and landscaping improvements to neighborhoods. Yes, Fire would be able to access this, but there is no accessibility for the residents, or landscaping/trees, etc. Staff feels this did not meet the approval criteria. It is up to the Commission to make the final decision.

Chair Clow pointed out that Criteria #5 mentions *a plat should not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity, unless an exception is approved pursuant to the procedures*. She asked if there are exceptions in this that meet that criteria.

Ms. Moore said none that staff could identify for approval. The nonconformity is expanded by the two additional units.

### **APPLICANT PRESENTATION**

Dolores Vigil, PO Box 1835, Santa Fe, was sworn in on Zoom. She apologized for not being at the meeting in person. She noted Doug McDowell will present the case and the applicant was also present.

Doug McDowell, 1317B Cerro Gordo Road was sworn. He said he has been working on this driveway since 2007 and purchased the property in 2010-11 and developed the Las Vallecitos Compound. That was the first Gold Leed Certified residential project. At that time, they gave 9 feet to increase the access. They were told by staff they would try to get another 9 feet from other projects. This has stayed at 29 feet since. They planted trees and other plants along the roadway making the impact minor. Once approved, the Fire Marshall and others helped them plan what they would need for the future. He approached neighbors about widening but they were not willing because of what it required. They took down six telephone poles and buried the lines when they did the subdivision. In 2011 he purchased additional property to be the final part of the subdivision, but the project was put on the back burner for personal reasons after it was approved in 2012. The road is narrow going into the property. They will improve the 34 foot wide easement that services the homes and develop an emergency access. The road will be upgraded through Garcia and widened to city standard which will bring the road up to grade. He feels that he has improved the neighborhood for all access. This will probably be one of the larger roadway accesses on the historic east side. He agrees with staff in what Code says but feels with the improvements and surface upgrade and widening by 20 feet, the road will be safe and service the neighborhood. They have been sensitive to the neighbor's needs and to the concept of the Ordinance as it is written for the historic eastside.

Commissioner Smith asked the length of the 20 foot bottleneck.

Mr. McDowell replied 118 feet.

### **PUBLIC HEARING**

Frances Maier, 623 Garcia Street was sworn. She said she favors the proposed development strongly. People walk up and down this lane all the time and there is a trail system between homes. Traffic is light and the lack of a sidewalk is not an issue and does not make a difference. She is confident the neighborhood will be made nicer with this plan and urged that the project to be approved.

Helen Rogers, 637 Garcia Street was sworn. Her home is adjacent to Fran Maier's and Windmill Hill and the view easement is in front of her property. She said the plan was always to be three homes on this. They have supported the development and are comfortable that the owner understands, and values, the neighborhood. She is highly supportive of the two additional homes being built.

Chair Clow commented that it was nice to hear neighbor's supporting an increase in development.

Patrick McDowell was sworn in. He said he used to live at 623 ½ Garcia Street and what is being done will add to the neighborhood and be lovely.

There being no further public comment, Chair Clow closed the public comment portion of the hearing.

### **COMMISSION DISCUSSION**

Director Kluck clarified that the secondary fire access mentioned is not required by Fire Code. He noted Geronimo Griego, Fire Marshall, was available on Zoom.

Geronimo Griego said he met with Mr. McDowell on site as well as did a site visit. He said the 20 foot apparatus access is an improvement. A concern was the approach to the existing houses for primary access. Mr. McDowell has proposed that all of the properties have sprinkler systems and from a life safety standpoint, there are no issues with access.

Commissioner Lucero asked to clarify where emergency vehicles would enter and exit.

Fire Marshall Griego said between the two properties. The access to the new development area is considered a turn around. He provided dimensions of the roadway and noted there may be an exhibit showing that.

Director Kluck said there is, on Exhibit E, on page 35 in the packet.

Mr. McDowell pointed out the entries and exits for three different spots.

Commissioner Faulkner said she thought it good they are working on the Code. The Commission will probably have to rule from the bench because there are areas all over the city with no sidewalks. She said we need housing, so we have to start looking at this differently. With density you lose some things but gain housing.

Commissioner Miranda asked for clarification of two points: first, the original improvement was for three residences and was reduced to two. Secondly, the number of houses where the existing road reduces and goes around 633, 627, etc. It was mentioned that section will be improved, but will it be widened?

Mr. McDowell said the road will be widened and improved to city standards from that point in. He noted the only section he could not do at 20 feet was highlighted in red.

Commissioner Miranda asked the number of houses after Tract C.

Mr. McDowell said 12 with the addition of the two new units requested.

Commissioner Mirando agreed this is an interesting area of the Code and that in this case this will increase the nonconformity if approved. He said but there is a strong argument that the nine residences are safer because of adding a small load to the existing situation. This condition exists all over the city and is compelling that this will improve the overall situation from what exists.

Commissioner Smith agreed with Commissioners Mirando and Faulkner. He thanked the staff for pointing out things that need to be changed in the Code.

Commissioner Lawrence referred to Criterion 3, that the variance recommended in the staff report not to be approved and *the intensity of development shall not exceed that allowed on other properties subject to the same provisions in Chapter 14*. She said regarding Criterion 3, this density does not exceed other properties in the vicinity and though adding two more units, is consistent with the tucked back units throughout the neighborhood. In response to Criterion 4, *the variance will be the minimum variance to make use of the land and cites factors including purpose and intent of Chapter 14*, she believed this is the minimum variance and consistent with the purpose of Chapter 14 which supports this type of development in the neighborhood, and in support of what the General Plan supports and the principles behind Chapter 14. In response to Criterion 5, *the variance is not contrary to public interest*, the criterion has been met because it supports more housing of this type in this location. She said given those criteria she believes that all other requests for the preliminary subdivision plat would meet all other criteria.

**MOTION:** In Case #2022-6201 Windmill Hill Subdivision at 623 ½ Garcia Street preliminary subdivision plat, Commissioner Lawrence moved to approve subject to conditions of approval and technical corrections in the staff report. Commissioner Faulkner seconded the motion.

**VOTE:** The motion passed by roll call vote with Commissioners Lawrence, Smith, Faulkner, Lucero and Mirando voting in favor and none voting against.

**MOTION:** In Case #2022-6202 Windmill Hill Subdivision at 623 ½ Garcia Street variance, Commissioner Lawrence moved to approve subject to conditions of approval and technical corrections in the staff report. Commissioner Faulkner seconded the motion.

**VOTE:** The motion passed by roll call vote with Commissioners Lawrence, Smith, Faulkner, Lucero and Mirando voting in favor and none voting against.

**6. Case #2023-6258. The Cluster Housing at Monte Sereno Development Plan.** Al Lilly, Agent, for 21 Club Holdings LLC, Owner, requests development plan approval for a residential development plan to construct

50 dwellings with attached garages ranging in size from 1725 square feet to 3425 square feet for a total square footage of up to 200,050 square feet. The Property is approximately 17.06 acres identified as Tracts C, D and E of the Monte Sereno Master Plan. The project site is zoned PRRC, located West of Highway 285, at 2001 Sangre Vista Dr. and 1001 Tesuque Trail Ln, within the Monte Sereno Development and Suburban Archaeological Review District.(Dan Esquibel, Case Manager)

7. **Case #2023-6260. Monte Sereno Variance to Subsections 14-8.2(D) (1) and (D)(2)(b).** Al Lilly, Agent, for 21 Club Holdings LLC, Owner, requests a variance to Subsections 14-8.2(D)(1) and (D)(2)(b), Terrain and Stormwater Management, for road construction within the project for the Cluster Housing at Monte Sereno Development Plan. The Property is zoned PRRC, located West of Highway 285, North of Tano Road at 2001 Sangre Vista Dr. and 1001 Tesuque Trail Ln, within the Monte Sereno Development and Suburban Archaeological Review District. (Dan Esquibel Case Planner)

### **EXECUTIVE SUMMARY**

21 Club Holdings LLC (Applicant) requests approval of a Development Plan and Variance to construct 50 dwellings with attached garages ranging in size from 1,725 square feet to 3,425 square feet for a total square footage of up to 200,050 square feet on approximately 17.06 acres. The project application also includes a variance to Subsections 14-8.2(D) (1) and (D)(2)(b) for Terrain and Stormwater Management, for road construction within the project (Project).

Monte Sereno is zoned as a Planned Residential Resort Community (PRRC) within the City of Santa Fe.

#### ***14-4.3(J) PRRC Planned Resort-Residential Community District PRRC Planned Resort-Residential Community District***

##### *(1) Purpose*

*The purpose of the planned resort- residential community district is to provide for the comprehensive and coordinated planning of large-scale resort- residential developments that allows for phasing of development that will take place over a long period of time. This district allows and encourages the development of resorts in conjunction with a mixture of residential uses, densities and building types within the range of the economic market the development proposes to serve.*

Monte Sereno was annexed into the City in 1985. The revised Master Plan, Preliminary plat and Preliminary Development Plan were approved by the City on October 21, 1992. On December 8, 2021, the Governing Body approved an amendment to the Monte Sereno Master Plan allowing for modifications to the Hotel Development. The approved plans included single-family subdivision of up to 322-lots and a 250-room hotel to be located on the Property.

The Monte Sereno Annexation and Development Agreement (Development Agreement) states:

- 1) *2.8 Cluster Housing Sites: Those portions of the Property shown on the Approved Plans as the future sites of the Project's 46 cluster Units.*
- 2) *9 Cluster Unit: A single-family residential dwelling unit, either attached or detached, located on the Cluster Housing Sites and clustered with other similar dwelling units.*
- 3) *5.1 Density: "...From time to time, Developer may modify the Project to increase the Cluster Units above the 46 shown on the Approved Plans, provided the number of Residential Lots are reduced accordingly. Developer shall retain the right to 322 lots (276 detached) so that if, by replating to meet the above condition, lots are temporarily deleted, they may be replaced later with lots located elsewhere in the Project."*

As of now, Monte Sereno has developed a total of 212 single-family lots, with an additional 52 lots awaiting approval, bringing the overall count to 264 single-family lots. The applicant seeks approval to build 50 residential units, each with an attached garage, as part of the Cluster Phase. As part of the Monte Sereno Development Agreement this proposal represents a density increase of 4 units for the Cluster Phase, leaving 8 units undeveloped out of the 322 units allowed. The 50 cluster homes will vary in size, ranging from 1,725 to 3,425 square feet, with a maximum combined square footage of 200,050 square feet.

The applicant is also requesting variances to Subsections 14-8.2(D)(1) and (D)(2)(b), Terrain and Stormwater Management, for road construction within the project for the Cluster Housing at Monte Sereno Development Plan. The variances will allow:

- 1) Allow disturbance of 30% sloped land;
- 2) Allow the height of cut and fill slopes in excess of terrain management standards;
- 3) Waiver from the current landscape requirements to permit the installation of native trees and shrubs in place of street trees;
- 4) To exceed the 15 ft. maximum height for cuts and fills; and
- 5) Allow a waiver of the standard road sections and allow for the use of stabilized base coarse (chip seal), as well as the use of a roadside trail in lieu of sidewalks; and to allow for a waiver of the curb and gutter requirements.

The Development Agreement states:

- 1) *4.4 Terrain Management Regulations: Terrain management variances shall be granted in connection with the construction of streets and roads within the Project as more fully discussed in paragraph 5.5.1 of this Agreement.*
- 2) *4.5 Curb, Gutter, and Sidewalks: The City will grant variances from the curb and gutter requirements of the Santa Fe City Code wherever construction of curb and*

*gutter is not needed for surface drainage control. The parties shall mutually agree on stabilized base coarse, asphalt or other pedestrian facilities in lieu of concrete sidewalks.*

- 3) *5.5.1 (b) Where terrain leaves no reasonable alternatives, the construction of the Project road network shall be allowed to exceed terrain management requirements (and variances shall be granted) for encroachment into natural slope, grade, or cut-and-fill in order to facilitate development of a coherent and well-integrated rural roadway network. The City has determined that these variances can be granted within the limits of safe engineering design criteria.*
- 4) *5.5.1(d) The city waives curb and gutter requirements for roadway construction whenever curbs and gutters are not needed for surface drainage control. The parties shall mutually agree upon stabilized base coarse, asphalt, or other pedestrian facilities in lieu of concrete sidewalks.*

The Applicant has complied with Subsections 14-3.1(E) "Pre-Application Conferences", 14-3.1(F) "Early Neighborhood Notification Procedures" and 14-3.1(H) "Notice Requirements".

Staff's analysis finds that the Applicant has addressed the necessary findings per Subsection 14-3.8(D) "Approval Criteria and Conditions" (Development Plans) and Variances to Subsections 14-8.2(D)(1) and (D)(2)(b) per the Development Agreement.

### **STAFF RECOMMENDATION**

The Land Use Department recommends approval with the conditions of approval as outlined in this report. The Applicant agrees with all conditions.

### **APPLICANT PRESENTATION**

Amrit Aristimuno, 171 Sangre de Cristo, Cedarcrest, was sworn in.

Al Lily, PO Box 31939, Santa Fe, NM 87594 was sworn. He noted that this was a combined presentation on the hearing for the development plan and the variances for both cases. He gave the tract and site location and zoning. He presented slides of the development plans and described the units and their locations. Architectural renderings were displayed. He proposed that the development of the cluster housing will have minimal impact on the northeast section on the community of Monte Serrano, however, there will be impact on the resort site and the lot to the north of Village Drive. The goal is to recess the roads and building pads to minimize views and landscape screening. Also, the trail system will be extended and added to the trails between tracts D and E. He described the access entries into the properties that will be private, gated entries. He pointed out improvements that are planned.

He reviewed the applicant's compliance with the Annexation Agreement and in meeting requirements. They agreed with the conditions of approval presented by staff.

Commissioner Smith asked, regardless of whether in the original agreement, how they would address the issues of affordable housing in the development.

Mr. Lily said affordable housing has been met in the Annexation Agreement and was paid for at the time of the building permit application.

Mr. Esquibel noted a minor correction. He said the lots have already been approved and this hearing is just to plat the preapproved lots. A subdivision is not being created at this time.

Chair Clow asked if this development required affordable housing.

Nancy Long, 1800 A, Old Pecos Trail, was sworn. She said the affordable housing requirement has been met for all of Monte Sereno and a fee is not required for the resort. The subdivision lots and cluster housing has a 2% fee which was paid at the time of the building permit.

Commissioner Smith asked if someone could estimate the amount.

Ms. Long said she didn't know a way to do that. There are no prices to base the fee on. She confirmed it will be 2% of the gross.

## **PUBLIC HEARING**

Rick Martinez, 725 Mesilla Road was sworn. He was shocked there are no affordable units in this project and was disgusted they only pay 2 percent. They are building a hotel, but the fee in lieu of was paid. He thought if there were more than 10 homes, they would have to provide something. He said in addition city water is being used for this development and the city should be getting a better return. He thought the developer should do a better job and regardless of the contract being written years ago, it should be renegotiated. He said we are not getting anywhere with affordable units in Santa Fe.

There being no further public comment, Chair Clow closed the public hearing.

## **COMMISSION DISCUSSION**

Commissioner Faulkner said she was confused about the 2% and the number of units. She asked how they know that 2% is adequate to make up for the loss of affordability if they don't know the end gross amount.

Mr. Esquibel explained this is a lawsuit that was settled many years ago and the city is bound by the lawsuit. This is not negotiable and more one of compliance to regulations. The city is stuck with the settlement agreement of the annexation. He said it is the same with the variance criteria subject to the regulations of 1997 when there was a settlement.

**MOTION:** In Case #2023-6258, The Cluster Housing at Monte Sereno Development Plan, Commissioner Lawrence moved to approve, subject to the conditions of approval and technical corrections recommended by staff. Commissioner Lucero seconded the motion.

**VOTE:** The motion passed by roll call vote with Commissioners Lawrence, Smith, Faulkner, Lucero, and Mirando voting in favor and none voting against.

**MOTION:** In Case #2023-6260, Monte Sereno Variance to Subsections 14-8.2(D) (1) and (D)(2)(b), Commissioner Lawrence moved to approve, subject to the conditions of approval and technical corrections recommended by staff. Commissioner Lucero seconded the motion.

**VOTE:** The motion passed by roll call vote with Commissioners Lawrence, Smith, Faulkner, Lucero and Mirando voting in favor and none voting against.

4. **Case #2022-6102. Villas de las Soleras Unit 3 Preliminary Development Plan.** NM Land Solutions, LLC., agent for Pulte Homes, Applicant, requests a Preliminary Development Plan for 40 lots on 6.792 acres. The property is zoned R-6 (Residential, 6 dwelling units per acre) and is within the Suburban Archaeological Review District. (Heather Lamboy, Assistant Director, Land Use Department)
5. **Case #2022-6103. Villas de las Soleras Unit 3 Preliminary Subdivision Plat.** NM Land Solutions, LLC., agent for Pulte Homes, Applicant, requests a Preliminary Subdivision Plat for 40 lots on 6.792 acres. The property is zoned R-6 (Residential, 6 dwelling units per acre) and is within the Suburban Archaeological Review District. (Heather Lamboy, Assistant Director, Land Use Department)

### **EXECUTIVE SUMMARY**

The Applicant seeks to develop a 40-lot single-family home subdivision on Tract 13 of the Las Soleras Master Plan. The applicant submitted a similar plan with 44 units and was heard and denied by the Planning Commission in 2021. Since the Planning Commission had recommended approval of the proposed General Plan Amendment, Master Plan Amendment, and Rezoning, the cases were heard by the Governing Body on September 28, 2022. At that meeting the Governing Body expressed concern with the proposed density given the concerns previously raised by the Planning Commission. The applicant stated that the density would be reduced at that meeting; however, the Governing Body requested information regarding the development plan prior to approving the Master Plan Amendment, General Plan Amendment, and Rezoning cases. As a result, it was decided that the Governing Body would not act on the cases until the Planning Commission reviewed and approved a revised preliminary development plan and preliminary subdivision plat. If these cases are approved by the Planning Commission, staff will return to Governing Body to present the General Plan Amendment, Master Plan Amendment,

and Rezoning with the additional information related to the Development Plan and subdivision plat.

The Master Plan Amendment, General Plan Amendment, and R-10 rezoning are necessary to develop the property at the proposed density. The R-10 zone district provides the opportunity for flexible design as the development plan establishes development standards, which includes allowing for 24' (two-story) attached dwelling units.

### **STAFF RECOMMENDATION**

Staff recommends approval of the preliminary development plan for Case #2022-6102, subject to conditions of approval and technical corrections outlined in this report, and Governing Body approval of all other Applicant requests.

Staff recommends approval of the preliminary subdivision plat for Case #2022-6103, with the conditions of approval and technical corrections listed in this report, and Governing Body approval of all other Applicant requests.

Chair Clow said this came to the Planning Commission in 2021. They denied the preliminary...then City Council heard the general plan amendment and rezoning.

Ms. Lamboy said that was correct.

Chair Clow said the Planning Commission recommended approval of the three and denial of the...the concern was about the size of yards. She asked that staff or the applicant address the changes.

Ms. Lamboy said there is a larger set back now. Technically it will fit within R6.

Chair Clow recalled the Planning Commission in 2021 recommended approval of the General Plan Amendment, the Master Plan Amendment and the Zoning, but denied the Preliminary Development Plan and Preliminary Subdivision Plat. City Council heard the General Plan and Master Plan Amendment and zoning as recommended but said they would not address this until the Planning Commission addressed the Preliminary Development plan and the Preliminary Subdivision Plat.

Ms. Lamboy said that was correct, she misspoke.

Chair Clow said she recalls the concern was the units were crammed together as well as the setbacks, design and size of the yards. She asked the applicant to address how this plan is different than what was previously proposed.

### **APPLICANT PRESENTATION**

Nathan Manzanaras, 915 Mercer St., Santa Fe was sworn. He said the rezoning request was to finalize the design. He said the intent was to provide a townhome product

with a mix of housing types in the overall master plan area. The Council like the attached home product. He compared the original plan with 44 units in smaller yards with the current design that incorporates 40 units, more walkability, and access to the city trail. He noted in the new design, block walls separate the units and a 20 foot increasing distance between units and sidewalks throughout. This was spurred by another of their designs and spurred quality of life amenities. The new trail after discussions with staff and the sidewalks staff agreed they could do a multi modal trail to the edge of their property that aligns with the planned Arroyo Chamiso Trail. This is consistent with the overall trail plan in Las Soleras.

## **PUBLIC HEARING**

There were no public comments, therefore, Chair Clow closed the public hearing.

## **COMMISSION DISCUSSION**

Commissioner Smith thanked the applicant for including eight houses. He asked how they determine "affordable" for those.

Mr. Manzanares said there will be an affordable housing agreement drafted with staff and will be the next step after approval.

Ms. Moore said affordability is based on income and the homes are priced in those income ranges.

Chair Clow pointed out that every project is under the same requirements and rules and what Ms. Ladd has talked about before regarding the 20% requirement is the same for every project.

Commissioner Smith said he appreciated that but reading the packet, there is a scale. He said it would help him to know how that scale is applied.

Chair Clow clarified his question is how much each person is charged. She said everyone's income is different and the cost of the home is different.

Ms. Moore said she recalls the homes are priced at different income ranges which is a percentage of the median income range. She explained everything is based on a person's income and they have to qualify to buy an affordable home. She said after the development approval goes through staff works with the applicant on the agreement which is binding.

Chair Clow thought it would be helpful for the Commission to have a sample agreement.

Commissioner Smith asked if he is at 60% and there are two others at 30% who would get the house?

Chair Clow said she thought there was a formula.

Ms. Moore said looking at other proposals, if there are 10 affordable homes, a certain portion is set aside for the lowest, the medium and highest affordability range.

Ms. Lamboy noted the packet has a draft of the Santa Fe Homes Agreement as Exhibit B. Also, there are some exhibits regarding income ranges and how many homes are available for each level.

Commissioner Smith said it would help him if there was a way to label the reports and they don't have to go through 140 pages.

Commissioner Lawrence asked for more information about connectivity, and more explanation on the sidewalks and how they are set up.

Mr. Manzanares said the original proposal included interior sidewalks but there were not as many access points. Now they have a cross section of what the sidewalks will look like which are 6 foot wide.

Commissioner Lawrence asked if the properties would be surrounded by a wall as people walk through.

Mr. Manzanares said walls are only five feet high but will provide privacy to each homeowner because people will utilize the walkway. They will also provide a greater separation of 20 feet, because of the concern of the prior design. the wall acts as a buffer, increases separation and provides safety.

Commissioner Lawrence appreciated that. Related to the connectivity this is along an open property and some alleys. She asked if they had considered connection so there are no walls in a tiny compound.

Mr. Manzanares said he believed the connectivity would not happen with the perimeter walls. There are trails and walkability to get in to the trail systems.

Commissioner Lawrence said they will connect to the trail system on the northernmost point but is there going to be connection going to the south.

Mr. Manzanares showed the trail and a crossing for those who want to go south.

Ms. Lamboy said she was concerned regarding the recommendations rendered by the Planning Commission from the last time. She read from the minutes, there was discussion about the master plan being amended and if not possible the rest of the projects could not proceed. Regarding the Master plan amendment, Commissioner Sategna had moved to deny because it failed to meet criteria number one. The master plan is consistent with the general plan regarding quality-of-life. In the case of the general

plan , the Planning Commission recommended the Governing Body deny because it fails to meet criteria number two, consistent with other parts of the General Plan based on the quality-of-life . In that case, the rezoning is denied because it fails to meet criteria number three, that the rezoning is consistent with the applicable policies of the general plan including the future land use map with regard to quality-of-life.

Chair Clow asked if the issue of the amendment and development plan and rezoning is not before the Planning Commission because the city council will look at it in relationship to the denials and will ultimately decide that. But before they address that they want the PLC to address the preliminary plan and preliminary subdivision plat.

Ms. Lamboy said that is correct. The two actions tonight is two motions relative to the Subdivision Plat and Development plan. The recommendation of denials will stand before the City Council, and they will vote based on the Commission's action tonight.

**MOTION:** In Case 2022-6102, Villas de las Soleras Unit 3 Preliminary Development Plan, Commissioner Smith moved to approve *subject to the conditions of approval and technical corrections recommended in staff's report*. Commissioner Faulkner seconded the motion.

**VOTE:** The motion passed by roll call vote with Commissioners Lawrence, Smith, Faulkner, Lucero and Mirando voting in favor and none voting against.

**MOTION:** In Case 2022-6103, Villas de las Soleras Unit 3 Preliminary Subdivision Plat, Commissioner Smith moved to approve *subject to the conditions of approval and technical corrections recommended by staff*. Commissioner Faulkner seconded the motion.

**VOTE:** The motion passed by roll call vote with Commissioners Lawrence, Smith, Faulkner, Lucero and Mirando voting in favor and none voting against.

8. **Case #2023-6392. 5407 Beckner Road Preliminary Serial Subdivision.** JenkinsGavin, Agent, for AMFP V Beckner, LLC, Owner, request Preliminary Serial Subdivision approval per SFCC 1987 Section 14-3.7 "Subdivision of Land" to divide Lot 1-A, Phase 2 of the 5201 Beckner Rd. Project (11.18 acres) within the Las Soleras Master Plan for an eight-lot subdivision. The property is zoned C-2 (General Commercial), and within the Suburban Archaeological Review District. (Dan Esquibel, Case Manager) **(POSTPONED TO MAY 4, 2023)**

9. **Case #2023-6491. 5407 Beckner Road Final Serial Subdivision.** JenkinsGavin, Agent, for AMFP V Beckner, LLC, Owner, request Final Serial Subdivision approval per SFCC 1987 Section 14-3.7 "Subdivision of Land" to divide Lot 1-A, Phase 2 of the 5201 Beckner Rd. Project (11.18 acres) within the Las Soleras Master Plan for an eight-lot subdivision. The property is zoned C-2 (General Commercial), and within Suburban

## **H. MATTERS FROM THE STAFF**

Ms. Moore extended an invitation to an open house on Monday evening from 6 pm to 8 p.m. for the Chapter 14 rewrite at the Convention Center in the O'Keeffe room. Consultants will be available to answer questions.

## **I. MATTERS FROM THE COMMISSION**

Commissioner Faulkner said the special committee has had problems meeting quorum and she has called for a teambuilding next Wednesday to try to get momentum back. Committee members who cannot commit the time will have to look at those who can consistently be involved. She said currently they have followed staff lead on Chapter 14 and are also working on the ENN (Early Neighborhood Notification).

Chair Clow asked if that would be addressed in the Code rewrite.

Director Kluck responded to the question. He said the last big Code issue addressed was the cannabis issue. It was nice to have the committee help get an ordinance out in a small amount of time. That is a valuable use of member's time and resources. Over the last 6 months they have discussed having the help with developing a land-use process- "ENN", similar to Albuquerque's. he would like to work with the subcommittee to work on large projects. Once the policy subcommittee is fully formed, they want that to go into the pipeline for the Code update. There is a bucket of things they may want to do prior to the phases being implemented. There will have to be coordination with several departments and divisions of the City. Also, an ordinance on outdoor dining is something everyone wants. He has a list.

Chair Clow said it will be coordinated with the code update. Director Kluck said it will depend on subject matter. He thought it would be at Land Use discretion, but it will have to be coordinated.

Chair Clow asked if there will be a mid-meeting in April.

Commissioner Faulkner said she has repeatedly asked why they don't use the time when we have no cases to do policy things the Commission could be doing.

Chair Clow said she thought staff was overwhelmed, but future training is planned.

Director Kluck said that is accurate and staff is interested in having working sessions in off weeks. Two factors are involved. They are still looking for two replacements on the commission, and occasionally have a challenge getting a quorum. Secondly staff is extremely busy and is still working on securing resources and building the department staff wise. He made the decision to focus the second meetings on old

business only. The intent in the future is not to waste those meetings but will need to work up to that capacity.

Commissioner Faulkner thought if the policy committee could start doing heavy lifting the second meeting would be a good time for the policy committee to present to the full Commission. They could discuss things they would put forward that would not dig into time for cases. She asked if there is anything in the budget they can help with.

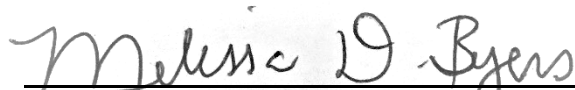
Director Kluck said the proposed budget is set for this year and there will be budget hearings next week.

Ms. Moore said they are trying to hire two senior planners and a planner position. Director Kluck said there is an 18% vacancy rate departmentwide. There are 66 positions with 54 filled currently. Ms. Moore said the number of cases going to Governing Body is high and creates an untenable cycle for the small number of staff.

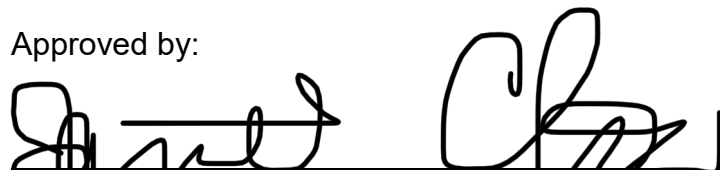
**J. ADJOURNMENT**

Chair Clow adjourned the meeting at approximately 8:35 p.m.

Submitted by:

  
\_\_\_\_\_  
Melissa D. Byers, Stenographer for  
Byers Organizational Support Services

Approved by:

  
\_\_\_\_\_  
Janet Clow, Chair

**Exhibit 1**  
**Planning Commission**  
**April 6, 2023**

**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. 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

\_\_\_\_\_  
Date

FILED:

\_\_\_\_\_  
Kristine Bustos-Mihelcic  
City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank Ruybalid  
Assistant City Attorney

\_\_\_\_\_  
Date

**Exhibit 2**  
**Planning Commission**  
**April 6, 2023**

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

**Case #2022 - 4942**  
**2339 Botolph Road Rezoning**  
**Owner's/Applicant's Name - Shelley Espinoza**

THIS MATTER came before the Planning Commission (Commission) for public hearing on March 2, 2023, (Hearing) upon the application (Application) of Shelley Espinoza (Applicant).

The Applicant requests rezoning from R-1 (Residential - one dwelling unit per acre) to R-2 (Residential - two dwelling units per acre), which would allow for residential very low-density development on approximately 1.41-acres (Project).

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

**FINDINGS OF FACT**

1. SFCC 1987, Section 14-3.5(8) sets out procedures for Rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
2. SFCC 1987, Section 4-1 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, § 14-3.1(F)(2)(a)(iii)]; and (c) compliance with notice and public hearing requirements [SFCC 1987, §14-3.1(H)-(I)].
3. The Applicant attended a pre-application conference on September 23, 2021.
4. Pursuant to SFCC 1987 Section 14-3.1 (H)(I), notice of the ENN meeting was properly given.
5. Pursuant to SFCC 1987 Section 14-3.1(F), the Applicant conducted an ENN meeting. The Applicant conducted the ENN on January 5, 2022. The ENN meeting was conducted virtually via Zoom. The ENN meeting was attended by a representative of the Applicant, City staff and members of the public.
6. On June 2, 2022, the Commission voted to recommend that the Governing Body approve the request for rezoning from R-1 to R-2 for case number 2022-4942, "2339 Botolph Road Rezoning."
7. Subsequent to the June 2, 2022 Commission Hearing, city staff became aware that notice for that meeting was not properly given, and required that the applicant have a new hearing.
8. A new hearing was scheduled for March 2, 2023, and was properly noticed.
9. On March 2, 2023, the Commission held a public hearing on case 2022-4942, during which it received reports from staff, received testimony and evidence from the Applicant, and received verbal testimony offered by any interested members of the public. City staff submitted written public comment to the Commission prior to the hearing. City staff presented to the Commission the analyses and recommendation of Staff in the form of a written report and live presentation. "Staff Report."

10. SFCC 1987, Section 14-3.5(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before making a recommendation to the Governing Body for rezoning.

### CONCLUSIONS OF LAW

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

- The Applicant has the right under the SFCC to propose the rezoning of the Property, because
1. Pursuant to SFCC 1987 Section 14-3.5(A)(1)(d), any person may submit a written request for rezoning, along with all submissions required by SFCC 1987, Chapter 14, and any other information requested by the land use director as reasonably necessary to determine compliance with Chapter 14, "Submission Requirements." By submitting a written request and complying with the information the land use director requested, the Applicant met the applicable Submission Requirements.
  2. Pursuant to SFCC 1987 Section 14-3.1, the Applicant met all procedural requirements regarding the pre-application conference, ENN meeting, and notice of public hearing.
  3. SFCC 1987 Section 14-2.3(C)(7), and 14-3.5(8) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
  4. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(a)(i)-(ii), the Commission concludes:
    - a. Subsections i and ii are not applicable in this case. In regard to Subsection iii, the Commission concluded that the proposed use category of R-2 is more advantageous to the community than R-1 for the following reasons:
      1. The proposed rezoning is consistent with the 1999 General Plan's policy of adding infill housing at a denser rate than already exists while still maintaining the residential character of the neighborhood; and
      2. Allowing the additional housing unit adds to the Municipal housing pool which is more advantageous than one unit on the same amount of land; and
      3. R-2 zoning is more advantageous to the community as whole, as demonstrated in the alignment of the proposal with the General Plan such as General Plan Theme 1.7.1 - Affordable Housing, which calls on the Commission and Governing Body to "actively participate in the creation of affordable housing" by approving development that creates opportunities for housing to serve all income segments in all areas of the city. This theme is supported by the following land use principles:
        1. Mix of Housing Types in All Neighborhoods
        2. Protection and Conservation of Neighborhoods
  5. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(b), the Commission concludes that the Applicant's submittal and the rezoning request meet all rezoning approval criteria required by SFCC 1987, Chapter 14.
  6. Pursuant to SFCC 1987, Section 14-3.5(C)(1)(c), the Commission concludes that the request for rezoning to the proposed density to R-2 aligns with the City's General Plan policies.

- including b) making efficient use of vacant residentially designated land within the city limits b) having higher density on infill sites than on already built surrounding areas.
- Pursuant to SFCC 1987, Section 14-3.5(C)(1), the Commission concludes that the rezoning request is consistent with the city's policies regarding the provision of urban land sufficient to meet the amount, rate, and geographic location of the growth of the city because it will provide housing, to the growing population within the city limits. Additionally, the request will use infill development to avoid sprawl and will adjust the zoning designation to match the City's density policy for this Property.
7. Pursuant to SFCC 1987, Section 14-3.5(C)(1)(e), the Commission concludes that the existing and proposed infrastructure, such as the streets system, sewer and water lines, and the public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.
8. Pursuant to SFCC 1987 Section 14-3.5(C)(2) the Commission concludes that:
9. Pursuant to SFCC 1987 Section 14-3.5(C)(2) the Commission concludes that:
- a. The prevailing use and character of the area is generally residential, and the proposed rezoning would not change that.
  - b. The land proposed for rezoning is allowed because Subsection 14-3.5(C)(2)(b) allows adjusting boundaries between districts for properties of under two acres.
  - c. The change would not benefit one or a few landowners at the expense of the surrounding landowners or the general public. The adjacent land use patterns for the area are consistent with the General Plan Policy. The surrounding land is identified as Very Low Density or 1 to 3 dwelling units per acre. The change in density aligns the Property with the General Plan for the benefit of the City. Additionally, by adding to the city community housing pool, the density increase will result in the benefit of additional housing for the general public. The "subject property is currently served by existing roadways and public water and sewer infrastructure."
10. SFCC 1987, Section 14-3.5(D) is not applicable to this case because the Commission has determined existing infrastructure and public facilities are able to accommodate the Project.

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

Considering the foregoing findings and conclusions, the Commission recommends the Governing Body approve the rezoning as requested from R-1 to R-2, as requested in the Application for Case #2022-4942.

  
\_\_\_\_\_  
Janet Clow  
Chairperson

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

FILED:

\_\_\_\_\_

\_\_\_\_\_

case 112022-4942  
2339 Botolph Rond Rcroning

Kristine Bustos-Mihelcic  
City Clerk

Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Patricia Feghali  
Assistant City Attorney

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