

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2009-8

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4
5 AN ORDINANCE

6 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
7 CHANGING THE CLASSIFICATION FROM RM-2 (MULTI-FAMILY RESIDENTIAL, 29
8 DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL);
9 AND PROVIDING AN EFFECTIVE DATE FOR A CERTAIN PARCEL OF LAND
10 COMPRISING 0.350 ACRES MORE OR LESS LOCATED AT THE NORTHEAST
11 CORNER OF WEST ALAMEDA STREET AND CAMINO DEL CAMPO AND LYING
12 WITHIN TOWNSHIP 17N, RANGE 9E, SECTION 23, NEW MEXICO PRIME
13 MERIDIAN, SANTA FE COUNTY, STATE OF NEW MEXICO (VILLA ALEGRE
14 OFFICE REZONING - CASE # ZA 2008-16).

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

17 **Section 1.** A parcel of land comprising 0.350 acres more or less located within
18 Township 17N, Range 9E, Section 23, New Mexico Prime Meridian, Santa Fe County,
19 State Of New Mexico as more fully described in [EXHIBIT A] attached hereto and
20 incorporated by reference.

21 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance
22 No. 2001-27 is amended to conform to the change of zoning classification for the
23 property set forth in Section 1 of this Ordinance.

24 **Section 3.** The rezoning action with respect to the subject property affected by
25 this Ordinance was recommended for approval by the Planning Commission on

1 November 6, 2008 [EXHIBIT B: Case #ZA-2008-16 Planning Commission Findings of
2 Fact and Conclusions of Law].

3 **Section 4.** The rezoning action with respect to the Property affected by this
4 Ordinance is subject to the time restrictions set forth in Section 14-3.5(D)(1) SFCC 1987
5 (Two-year Review/Rescission).

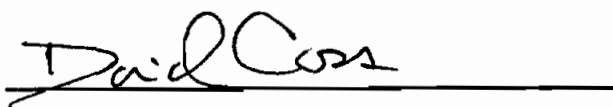
6 **Section 5.** This Ordinance shall be published one time by the title and general
7 summary and shall become effective five days after such publication.

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9 **PASSED, APPROVED AND ADOPTED this 25th day of February, 2009.**

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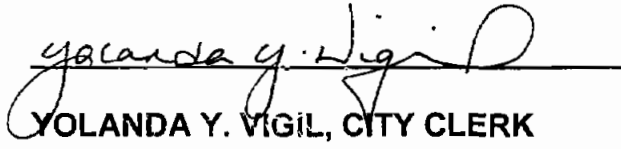
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DAVID COSS, MAYOR

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14 **ATTEST:**

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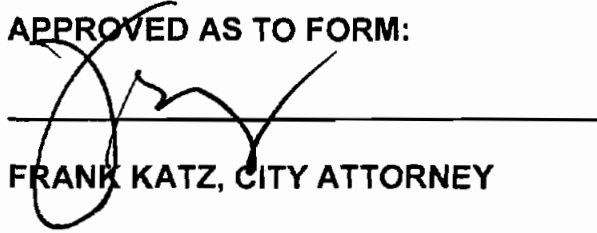


YOLANDA Y. VIGIL, CITY CLERK

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18 **APPROVED AS TO FORM:**

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FRANK KATZ, CITY ATTORNEY

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LEGAL DESCRIPTION

TRACT 3

A CERTAIN PARCEL OF LAND KNOWN AS TRACT 3, BEING SITUATE WITHIN PROJECTED SECTION 23 OF TOWNSHIP 17 NORTH, RANGE 9 EAST, OF THE NEW MEXICO PRINCIPAL MERIDIAN, AND WITHIN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL, BEING A ½" REBAR WITH CAP No. 5300", FROM WHENCE A CITY OF SANTA FE CONTROL MONUMENT "SFC No. 1041" BEARS NORTH 48°30'26" WEST, 1550.43 FEET DISTANT;

THENCE FROM SAID POINT OF BEGINNING SOUTH 20°27'13" WEST, A DISTANCE OF 115.51 FEET, TO A ½" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655", BEING THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL;

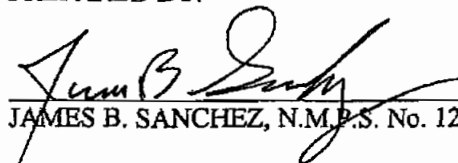
THENCE NORTH 68°23'47" WEST, A DISTANCE OF 131.23 FEET, TO A CHISLED "X" IN CONCRETE, BEING THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL AND A POINT ON THE EASTERLY RIGHT-OF-WAY OF CAMINO DEL CAMPO;

THENCE NORTH 18°19'38" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY OF CAMINO DEL CAMPO A DISTANCE OF 113.33 FEET TO A ½" REBAR WITH CAP STAMPED "NMPLS No. 5300" BEING THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY OF CAMINO DEL CAMPO ON SOUTH 69°23'10" EAST, A DISTANCE OF 135.41 FEET TO THE POINT AND PLACE OF BEGINNING.

THE HEREIN DESCRIBED PARCEL CONTAINS 15,245 SQUARE FEET (0.3500 ACRES) MORE OR LESS, AND IS MORE FULLY SHOWN ON THAT CERTAIN PLAT OF SURVEY ENTITLED "BOUNDARY SURVEY OF TRACT 3", PREPARED BY JAMES B. SANCHEZ, N.M.P.L.S. NUMBER 12655, ON 01-13-09, AND HAVING PROJECT NUMBER 1709P23SFCHT-T3B.

PREPARED BY:


JAMES B. SANCHEZ, N.M.P.S. No. 12655

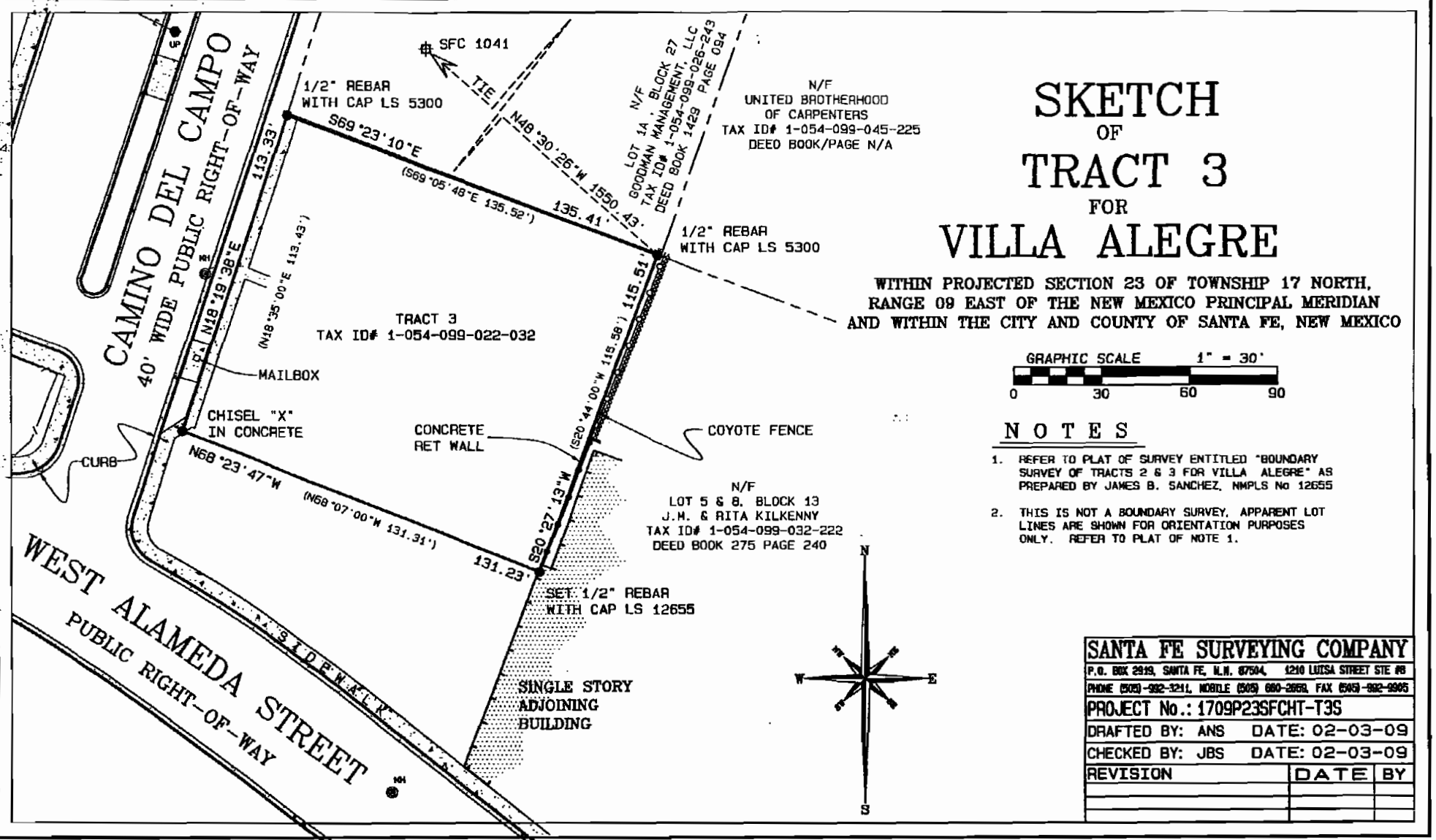
02-03-09
DATE



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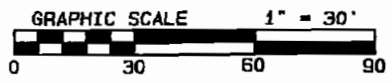
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SKETCH OF TRACT 3 FOR VILLA ALEGRE

WITHIN PROJECTED SECTION 23 OF TOWNSHIP 17 NORTH,
RANGE 09 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN
AND WITHIN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO



NOTES

1. REFER TO PLAT OF SURVEY ENTITLED "BOUNDARY SURVEY OF TRACTS 2 & 3 FOR VILLA ALEGRE" AS PREPARED BY JAMES B. SANCHEZ, NMPLS No 12655
2. THIS IS NOT A BOUNDARY SURVEY, APPARENT LOT LINES ARE SHOWN FOR ORIENTATION PURPOSES ONLY. REFER TO PLAT OF NOTE 1.

SANTA FE SURVEYING COMPANY		
P.O. BOX 2919, SANTA FE, N.M. 87504 1210 LUISA STREET STE #8		
PHONE (505) 932-3211, MOBILE (505) 680-2669, FAX (505) 932-9905		
PROJECT No.: 1709P23SFCHT-T3S		
DRAFTED BY: ANS		DATE: 02-03-09
CHECKED BY: JBS		DATE: 02-03-09
REVISION	DATE	BY

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

Case #ZA-2008-16

Villa Alegre Office Rezoning

Owner's Name – Santa Fe Civic Housing Authority

Applicant's Name – Duty and Germanas Architects

THIS MATTER came before the Planning Commission (Commission) for hearing on November 6, 2008 upon the application (Application) of Duty and Germanas Architects as agent for the Santa Fe Civic Housing Authority (Applicant).

The Applicant seeks to rezone a of a 0.350+/- acre parcel of land located north of West Alameda Street and east of Camino del Campo identified as Tract 2 (the Property) from RM-2 (Multi-family Residential – 29 dwelling units/acre) to C-1 (Office and Related Commercial).

The Property is bounded to the north by property zoned C-1 and occupied by the Santa Fean Magazine offices and to the east by property zoned BCD-ALA (Business Capital District - Alameda) and currently used for a parking lot. The Property itself is currently occupied by Santa Fe Civic Housing Authority multi-family housing which is mostly vacant in anticipation of redevelopment of the Property in conjunction with three other parcels of land located nearby on West Alameda Street west of Camino del Campo. The Applicant proposes to relocate their current office from one of those other parcels to the Property where it will be more compatible with adjacent uses (Project) and to construct housing on that parcel in its place as part of the larger redevelopment.

The Project will consist of a two-story approximately 4,000 square-foot office building with two live/work units on the upper floor. It is anticipated that the Applicant will use at least some of the office space to house its office serving tenants of the new housing constructed on the other parcels, but it may also lease office space to others.

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

FINDINGS OF FACT

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

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3. Code Section 14-3.5(A)(2)(b) requires all proposed rezonings to be reviewed to determine if they are consistent with the Plan; and
4. Code Sections 14-2.3(C)(8)(c) and 14-3.5(B)(4) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them; and
5. Code Sections 14-3.5(B)(1) through (3) set out certain requirements to be followed prior to the Commission's recommendations to the Governing Body on a proposed rezoning, including:
 - (a) A pre-application conference [Section 14-3.5(B)(1)];
 - (b) Compliance with Code Section 14-3.1(F) early neighborhood notification (ENN) requirements [Section 14-3.5(A)(2)];
 - (c) Compliance with Code Section 14-3.1(H) and (I) notice and public hearing requirements [Section 14-3.5(A)(3)]; and
6. A pre-application conference under Section 14-3.1(E)(1) was held on May 28, 2008; and
7. Code Section 14-3.1(F) requires an ENN for proposed rezonings [Section 14-3.1(F)(2)(a)(iii)] and establishes procedures for the ENN, including:
 - (a) At least one ENN meeting [Section 14-3.1(F)(3)(b)(i)];
 - (b) Notice requirements for the ENN meeting [Section 14-3.1(F)(3)(b)]; and
8. An ENN meeting was held on July 31, 2008; and
9. In accordance with the notice requirements of Code Section 14-3.1(F)(3)(a)(i), (ii) and (iii):
 - (a) ENN notification letters (ENN Letters) were sent via first class mail fifteen (15) days prior to the ENN meeting to all property owners and physical addresses in the Neighborhood and to all neighborhood associations registered with the City that were within 200 feet of the Property; and
 - (b) E-mail notification of the ENN meeting was sent to all neighborhood associations registered with the City that were within 200 feet of the Property on the same day that the ENN Letters were mailed;
 - (c) A sign indicating the proposed rezoning, the area affected, and the time, date, and place of the ENN meeting was posted in the public right-of-way, near the intersection of major street, fifteen (15) days prior to the ENN meeting; and
10. The ENN meeting was attended by the Applicant, City staff, and 50-60 other attendees, and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(5), and
11. Commission staff provided the Commission with a report evaluating the factors relevant to the proposed rezoning and recommending approval by the Commission of the proposed rezoning; and
12. Code Sections 14-3.5(A)(2) and(3) and 14-3.5(C) establish the criteria to be applied by the Commission in its review of proposed rezonings; and
13. The Commission has considered the criteria established by Code Sections 14-3.5(A)(2) and (3) and 14-3.5(C), and finds the following facts:
 - (a) Whether the proposed rezoning creates a uniform zoning classification for the entire Property and whether the proposed rezoning is consistent with the General Plan [Section 14-3.5(A)(2) and (3)];

The Commission finds that the proposed rezoning establishes a uniform zoning classification for the entire Property and is consistent with the Plan designation of “Community Commercial” and with the existing residential uses and zoning of adjacent properties;

- (b) The need and justification for the change [Section 14-3.5(C)(1)];
Based upon (i) the information contained in the Staff Report as to the existing uses and zoning of the properties adjacent to the Property on the north and east and to the redevelopment of the Property in conjunction with three other parcels located west of Camino del Campo on West Alameda Street, (ii) the testimony of the Applicant as to the proposed development of the Property in conjunction with those other parcels, and (iii) the fact that the proposed rezoning is consistent with the Plan, the Commission finds that the proposed rezoning is needed and justified;
- (c) The effect of the change, if any, on properties in the area proposed for rezoning and on surrounding properties [Section 14-3.5(C)(2)];
Based upon (i) the information contained in the Staff Report as to the existing uses and zoning of the properties adjacent to the Property on the north and east and to the redevelopment of the Property in conjunction with three other parcels located west of Camino del Campo on West Alameda Street, (ii) the testimony of the Applicant as to the proposed development of the Property, (ii) the testimony of the Applicant as to the proposed development of the Property in conjunction with three other parcels located west of Camino del Campo on West Alameda Street, and (iii) the fact that the proposed rezoning is consistent with the Plan, the Commission finds that the proposed rezoning is compatible with adjacent general commercial uses and integrates the Property with existing adjacent office and related uses and with adjacent C-1 and BCD zoning east of Camino del Campo, as well as permitting the relocation of a nonconforming office use from the redevelopment parcels west of Camino del Campo, permitting those parcels to be developed with housing consistent with the existing residential uses and zoning of that area.
- (d) Whether the area proposed for rezoning and the proposed use for the area is consistent with the City’s policies regarding the amount, rate, and geographic direction of the City’s growth [Section 14-3.5(C)(3)];
The Commission finds that the proposed rezoning is consistent with the policies set out in Chapter 3 of the Plan, including the Plan’s infill and affordable housing policies of the Plan and with the Plan’s recommendations that there be a mix of uses and housing types in all parts of the City.
- (e) The ability of existing infrastructure to support development in the area as rezoned [Section 14-3.5(C)(4)];
Based upon the information contained in the Staff Report, the Commission finds that the proposed rezoning will not have a significant effect on infrastructure.
- (f) If the proposed rezoning creates a need for the expansion of public utilities [Section 14-3.5(C)(5)];
Based upon the information contained in the Staff Report, the Commission finds that the proposed rezoning is unlikely to create a need for the expansion of public utilities.

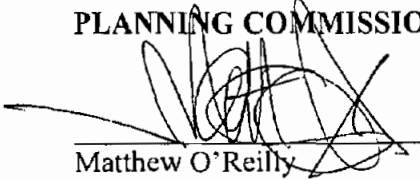
14. The Commission has considered additional criteria established under New Mexico case law and finds that the facts found by the Commission under paragraph 13 above demonstrate a sound basis and justification for the proposed rezoning, that the proposed rezoning is consistent with the City's adopted plans, that the existing zoning is inconsistent with the General Plan, that changed conditions due to the approved redevelopment of the Property in conjunction with three other parcels located west of Camino del Campo on West Alameda Street justify the change, and that the proposed rezoning is advantageous to the community as a whole, in that it rehabilitates dilapidated multi-family housing, relocates office space and housing to more compatible areas, promotes appropriate community infill and creates affordable housing.

CONCLUSIONS OF LAW

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

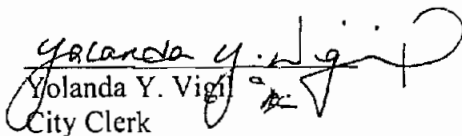
1. The Applicant has the right under the Code to propose the rezoning of the Property; and
2. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review; and
3. The proposed rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements; and
4. The ENN meeting complied with the requirements established under the Code and afforded parties likely to be affected by the proposed rezoning a meaningful opportunity to be heard and to contribute to the proposed rezoning; and
5. The proposed rezoning is necessary and justified under the criteria established by Code Sections 14-3.5(A)(2) and (3) and 14-3.5(C) and at law, and should be approved by the Council.

IT IS SO ORDERED ON THE 4TH OF DECEMBER 2008 BY THE
PLANNING COMMISSION OF THE CITY OF SANTA FE


Matthew O'Reilly
Chair


12/4/08
Date:

FILED:


Yolanda Y. Vigil
City Clerk

12-9-08
Date:

APPROVED AS TO FORM:



Kelley Brennan
Assistant City Attorney

11/29/08
Date: