

City of Santa Fe, New Mexico

memo

DATE: March 9, 2015 for the March 25, 2015 City Council meeting

TO: Mayor Javier M. Gonzales
Members of the City Council

VIA: Brian K. Snyder, P.E., City Manager ^{BKS}
Lisa Martinez, Director, Land Use Department 
Tamara Baer, ASLA, Planning Manager, Current Planning Division 

FROM: Zach Thomas, Senior Planner, Current Planning Division ^{ZT}

Case #2014-104. 2504 and 2505 Siringo Lane Rezoning. Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane. (Zach Thomas, Case Manager)

I. RECOMMENDATION

The Planning Commission recommends **APPROVAL** to the Governing Body without the conditions of approval proposed by staff.

At the request of the applicant, the Planning Commission postponed consideration of the applications prior to the December 4, 2014 hearing for consideration at the January 8, 2015 hearing. The applicants had objected to the requirement to dedicate additional right-of-way and to construct a sidewalk. The Planning Commission recommended, on a 5-1 vote, approval of the Rezoning without the proposed conditions of approval, finding that the unique circumstances surrounding the street warranted a finding that the property meets the standards under SFCC §14-9.2(B)(3) regarding innovative street designs.

II. APPLICATION OVERVIEW

The two parcels (2504 and 2505 Siringo Lane), which are under separate ownership, are part of 23 parcels between 1 to 2 acres in size created in 1959. Since the original subdivision, many of the parcels to the north have been rezoned to higher densities and further subdivided. Adjoining zoning districts include R-1, R-2, R-3, and R-5. The General Plan Future Land Use

Map designates the subject parcels and immediate area as Low Density Residential which anticipates a density between 3-7 units per acre. The 8 parcels along Siringo Lane have remained as originally subdivided at a density of 1 dwelling unit per acre, below the density anticipated by the General Plan. Approval of the rezoning will bring these properties into compliance with the General Plan.

The request to rezone was initiated by Linda Duran, the daughter of Robert H. & Sarah S. Duran, and owners of 2505 Siringo Lane. The purpose of the rezone is to achieve zoning appropriate for a future lot split which will provide Linda Duran a piece of the family property on which she would construct a home. The current R-1 density does not allow the 1 acre parcel to be further subdivided. Development Code requirements stipulate that applicants for properties less than 2 acres may only request rezoning to a zoning district contiguous to the property. As such, the only and lowest possible density to which rezoning may be requested is the adjoining R-3 to the north.

During the pre-application stage, neighboring property owner Daniel Smith (2504 Siringo Lane) joined the application process to also request rezoning his property to R-3. Mr. Smith purchased his property in the 1970s, at which time it contained 4 dwelling units. He subsequently combined 1 of those units into the primary house thereby reducing the degree of non-conformity on the property. The proposed rezone would bring his property into conformance with regard to density.

Unique Circumstances of Siringo Lane

Initially it was understood that Siringo Lane is a privately maintained road. Subsequent to the postponement of the initial Planning Commission hearing and upon further conversations with the applicants, documentation was produced by the applicant that the City had assisted in the development of the road. Specifically, the City paved Siringo Lane with State Highway & Transportation Department funds and installed public sewer within Siringo Lane to serve the existing houses. This might suggest that because Siringo was paved/improved by the City, that it is in fact a public street. However, further research by city staff determined that regardless of previous actions taken by the City to improve Siringo Lane, it is not a public street.

The peculiar nature of Siringo Lane was further established through additional research. As far as can be determined, Siringo Lane was created through a Serial Subdivision and subsequently documented by a composite plat recorded in 1960 titled "Composite Plat showing Lands of Evelyn H. Lischke". This plat created the subject parcels and noted Siringo Lane as a "20 foot road", as opposed to noting it as an access easement or right-of-way as would be the practice today. As such, current ownership or maintenance responsibility of Siringo Lane cannot be determined at this time.

Siringo Lane functions as a private driveway to the 8 lots it serves. While future subdivision of the proposed rezoned lots will incrementally increase traffic, the road cannot be physically extended beyond its current terminus.

An Early Neighborhood Notification meeting was held on October 7, 2014 at the LaFarge Library. Six members of the public attended. No objections were expressed.

III. SUMMARY OF PLANNING COMMISSION ACTION

The Planning Commission took into account the unique circumstances surrounding Siringo Lane in making its recommendation to the Governing Body. Specifically, the Planning Commission adopted findings of fact regarding SFCC §14-9.2(B)(3) *Innovative Street Designs*. The Planning Commission found that due to Siringo Lane's history, an innovative street design designation is applicable and staff's recommended conditions regarding sidewalk construction and ten foot easements are not required.

The Planning Commission recommends that the property be rezoned to the R-3 zoning district without dedicating additional right-of-way or constructing a sidewalk along the property frontage.

ATTACHMENTS:

EXHIBIT 1:

- a) Findings of Fact and Conclusions of Law
- b) Rezoning Bill

EXHIBIT 2: Planning Commission Minutes January 8, 2015

EXHIBIT 3: Planning Commission Staff Report Packet January 8, 2015

City of Santa Fe, New Mexico

City Council

Exhibit 1

Findings of Fact Bill

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

Case #2014-104

2504 & 2505 Siringo Lane Rezoning to R-3

Owner's Name – Daniel Smith and Robert & Sarah Duran

Applicant's Name – Daniel Smith & Linda Duran

THIS MATTER came before the Planning Commission (Commission) for hearing on January 8, 2015 upon the application (Application) for Daniel Smith (Applicant) and Linda Duran as agent Robert & Sarah Duran (Applicant).

Applicants request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
3. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
4. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
5. An ENN meeting was held on the Application on October 17, 2014 at the LaFarge Public Library.
6. Notice of the ENN meeting was properly given.
7. The ENN meeting was attended by the Applicant and City staff; there were seven members of the public in attendance and no concerns were raised.

8. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed rezoning.
9. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
10. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission’s review of proposed rezonings and recommendations to the Governing Body regarding them.
11. Code §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
12. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:

(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 Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*

There was not an error in the original zoning, however, the General Plan Future Land Use Map designates the area as Low Density Residential (3-7 dwelling units per acre). The proposed rezoning will bring the zoning into conformance with the land use designation. Furthermore, several of the surrounding and contiguous properties are zoned at higher densities and have been subdivided into parcels smaller than 1 acre. The small increase in density makes efficient use of existing infrastructure and will allow one of the Applicants to live in close proximity to their daughter for mutual support. Policy 5-1G-1 of the General Plan states one goal is to: “[p]reserve the scale and character of established neighborhoods, while promoting appropriate community infill and affordable housing.”

(b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].*

All the rezoning requirements of Code Chapter 14 have been met.

(c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].*

The existing zoning of the parcels (Residential – 1 unit per acre) is not consistent with the existing land use designation of Low Density Residential (3-7 dwelling units per acre). The proposed rezoning to R-3 (Residential – 3 units per acre) will make the zoning consistent with the future land use designation.

(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 [Code §14-3.5(C)(1)(d)].*

The General Plan Future Land Use designation of Low Density Residential (3-7 units per acre) anticipates a density that is higher than would otherwise be allowed by the current R-1 zoning. The proposed rezoning will bring the zoning of the parcels into conformance with the General Plan Future Land Use designation and thus in line with the growth rate anticipated by the General Plan.

(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 [Section 14-3.5(C)(1)(e)];*

- Infrastructure and public facilities are available to serve the proposed development of the property. Any new development will require connection to the City water and sewer.
13. The Commission has considered the criteria established by Code §§14-3.5(D) and finds, subject to the Conditions, the following facts:
 - (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.*The proposed rezone from R-1 to R-3, while increasing the potential density of the area, will not allow uses otherwise prohibited under current zoning or significantly change the character of the area. The subject parcels are surrounded by properties within the R-1, R-2, R-3 and R-5 zoning districts, all of which permit the development of residential uses at the identified densities consistent with the character of the area. The proposed rezone encompasses an area of 2 acres consistent with the minimum acreage required for rezoning.
 14. Code §14-9.2(B)(3) establishes the criteria to be applied by the Commission in its review of innovative street designs.
 15. Innovative street design in the Code authorizes the consideration of street designs that are not included among the street types and street sections described in Code § 14-9.2.
 16. There were statements made at the public hearing by Staff, the Applicant and the Rancho Siringo Neighborhood Association regarding the unique nature and history of Siringo Lane.
 17. Siringo Lane is a unique street with a particular history, originating as an area of large rancheros, which eventually developed into an infill area, but maintained a strong rural character.
 18. Due to this history, an innovative street design designation is applicable and staff's recommended condition regarding sidewalk construction and ten foot easements is not required.
 19. There were statements made at the public hearing by Staff, the Applicant and the Rancho Siringo Neighborhood Association that public funds have been used and are being used to create public benefits, such as City water and sewer and City staff cleaning the street, for Siringo Lane.
 20. Siringo Lane is not a public street, and ownership of this 20'0" wide corridor is unknown.
 21. No Public Right of Way or Utility Easement, as defined in Code § 14-12, are in place for any portion of Siringo Lane.

CONCLUSIONS OF LAW

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

General

1. The proposed rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The Rezoning

3. The Applicant has the right under the Code to propose the rezoning of the Property.
4. 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.

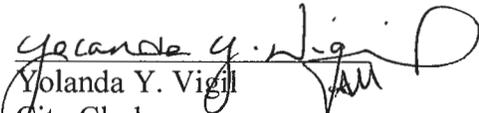
**WHEREFORE, IT IS ORDERED ON THE 19th DAY OF March, 2015 BY
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

- A. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-3.
- B. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it adopt a finding that Siringo Lane has innovative street design.


Michael Harris
Chair

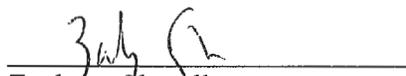
3/19/15
Date:

FILED:


Yolanda Y. Vigil
City Clerk

3/20/15
Date:

APPROVED AS TO FORM:


Zachary Shandler
Assistant City Attorney

3/19/15
Date:

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-7

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10 AN ORDINANCE

11 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
12 CHANGING THE ZONING CLASSIFICATION FOR PROPERTIES COMPRISING AN
13 AREA OF APPROXIMATELY 2.00± ACRES OF LAND LOCATED ON SIRINGO
14 LANE, AND LYING AND BEING SITUATED WITHIN SECTION 3, TOWNSHIP 16
15 NORTH, RANGE 9 EAST, NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY,
16 NEW MEXICO, FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE)
17 TO R-3 (RESIDENTIAL – 3 DWELLING UNITS PER ACRE), AND PROVIDING
18 AN EFFECTIVE DATE. (“2504 AND 2505 SIRINGO LANE REZONING”, CASE
19 #2014-104).

20
21 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

22 Section 1. That certain parcels of land comprising 2.00± acres (the “Property”)
23 located within Section 3, Township 16 North, Range 9 East, New Mexico Prime Meridian, Santa
24 Fe County, State of New Mexico, of which totals approximately 2.00± acres that is located within
25 the municipal boundaries of the City of Santa Fe, is restricted to and classified as R-3 (Residential

1 - 3 dwelling units per acre) as described in the legal descriptions attached hereto [EXHIBIT A1
2 & A2] and incorporated herein by reference.

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

6 **Section 3.** This rezoning action is approved with and subject to such conditions as
7 may be approved by the Governing Body.

8 **Section 4.** This Ordinance shall be published one time by title and general summary
9 and shall become effective five days after publication.

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13 **APPROVED AS TO FORM:**

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16 **KELLEY A. BRENNAN, CITY ATTORNEY**

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1756003

TRACT 1

Lot One (1) in Block Thirteen (13) as shown on plat entitled "LOS CEDROS SUBDIVISION, BLOCK 5 AND PORTIONS OF BLOCKS 3-4-6-13, SANTA FE, N M" which plat was filed for record in the office of the County Clerk of Santa Fe County, New Mexico on March 17, 1965 as Document No. 281,756;

TRACT 2

2504 SIRINIBO LANE

Situated In Santa Fe County, N. M. being that certain tract of land in the SE1/4 of the NW1/4 of Section 3, T 16 N, R 9 E, N. M. P. M. which is designated as Tract "N" comprising one acre, more or less, as shown on that certain plat of survey entitled "Composite Plat Showing Lands of Evelyn H. Lischke in Section 3, T 16 N, R9 E, N.M.P.M., Dec. 1959, Scale 1" = 200' ", which plat was filed in the office of the County Clerk of Santa Fe County, N.M. on Jan. 22, 1960 as Reception No. 238478 and recorded in Plat Bk. 8, p. 114.

WARRANTY DEED (Joint Tenants)

Evelyn H. Lischke, a widow and single person

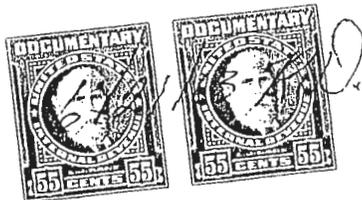
....., for consideration paid, grant...^S

to Robert H. Duran

and Sarah S. Duran, his wife

as joint tenants the following described real estate in Santa Fe County, New Mexico:

That certain tract of land situated in the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 3, T. 16 N., R. 9 E., N.M.P.M., which is designated as Tract "I", comprising one acre, as shown on that certain plat of survey entitled "COMPOSITE PLAT showing lands of EVELYN H. LISCHKE in Sec. 3, T. 16 N. R. 9 E., N.M.P.M." Dec. 1959--Scale 1" = 200'," together with right of ingress and egress over that certain twenty foot private road along the southeasterly boundary of said tract and extending southwesterly to the County Road, all as shown on said map which was made by Jesse L. Gassman, surveyor, and on file in the County Clerk's office, Santa Fe, N. M.



City of Santa Fe, New Mexico

City Council

Exhibit 2

Planning Commission Minutes January 8, 2015

Chair Harris said, "From my point of view, topography probably is the biggest issue. The topography drives.... we're dealing with 30% slopes, we're affecting the 52 foot right of way, affecting the ponds, the spillway. To me the topography is the most significant argument that the applicant has."

MOTION: Commissioner Pava moved, seconded by Commissioner Padilla, with regard to Case #2014-94 Hart Business Park – Phase II Final Subdivision Plat: "That the Commission finds for approval of the Plat with the conditions that appeared in the Staff Report [Exhibit "3"], and in addition the Commission finds in this case a connecting street is not warranted because the 100 foot diameter cul de sac and 20 feet wide emergency stub would be constructed in accordance with the Fire Marshal's comments on the Final Plat, and the Commission further finds that there are compelling arguments that the topography, minimizing soil disturbance and lot configurations and previous development patterns are also relevant in this case."

VOTE: The motion was approved on the following Roll Call vote [6-0]:

For: Commissioner Villarreal, Commissioner Bemis, Commissioner Gutierrez, Commissioner Ortiz, Commissioner Padilla and Commissioner Pava.

Against: None.

2. **CASE #2014-104. 2504 ANDS 2505 SIRINGO LANE REZONING. DANIEL SMITH AND LINDA DURAN FOR ROBERT H. & SARAH S. DURAN, REQUEST REZONING OF TWO 1-ACRE PARCELS FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-3 (RESIDENTIAL – 3 DWELLING UNITS PER ACRE). THE TWO PARCELS ARE CURRENTLY DEVELOPED WITH RESIDENTIAL USES AND ARE LOCATED AT 2504 AND 2505 SIRINGO LANE. (ZACH THOMAS, CASE MANAGER)**

A Memorandum, with attachments, prepared December 29, 2014, for the January 8, 2015 meeting, to the planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

An updated letter from the Rancho Siringo Neighborhood Association, dated January 8, 2015, in support of this application, submitted for the record by Debra Burns, is incorporated herewith to these minutes as Exhibit "6."

A summary of the Applicant's proposed approval of this applicant, entered for the record by Linda Duran, is incorporated herewith to these minutes as Exhibit "7."

Zach Thomas, Case Manager, presented information in this case from the Staff Report which is in the Commission packet. Please see Exhibit "5," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Linda Duran, representing her parents, Robert H. & Sarah S. Duran, owners, was sworn.

Ms. Duran thanked the development team for all their time, hard work and professionalism for the project, and the Planning Commission for hearing this case. She said she submitted a detailed report indicating their position with regard to the conditions of approval proposed by the Land Use Department, saying she assumes you reviewed that report and won't read the report, but will summarize their position.

Ms. Duran read a statement into the record in opposition to the conditions of approval, as follows:

Please keep in mind that we are not specialists in the Land Development Code, we are not developers by trade, or lawyers and that the Duran family has been in Santa Fe [for] generations, and that our family has resided on Siringo Lane for more than 50 years. Having said that, please understand that we have spent numerous hours reviewing the Land Use Development Code, specifically Article 14-9 Infrastructure Design, Improvements and Dedication Standards, in order to understand and present our position here tonight.

So the intent of the rezone for the Duran family was basically to initiate a family transfer lot split, so that I would be able to build an affordable home in Santa Fe close to my parents. So we are all getting up in age and the idea was how wonderful would it be to live next to my parents at this time in our life to be able to support one another, and what an opportunity for me to be able to take advantage of a little piece of heaven, the property that my parents have owned for a very long time, right here in my home town that would actually be affordable. In order for me to be independent of my parents, we felt the best way to go about this dream, would be to rezone and do a family transfer lot split.

Well, to our surprise, we were hit with a curve ball when we discovered that the process of rezoning wasn't as simple or user-friendly as anticipated. So after reading the November 18th Memo, we realized that our intent to read one family after the family transfer lot split was to completely change the character of Siringo Lane, our nice little quaint Siringo Lane. Because we were now being subject to a require that would take a substantial 10 foot easement, and we would then have to tear down an existing 144 foot beautiful adobe wall with four 17 ft. wing walls in order to put 5 foot sidewalks that would serve no public purpose or significant benefits, since there is less than pedestrian use and less than minimal vehicle traffic on Siringo Lane.

So the Land Use Department called Siringo Lane a unique street situation, in which they have determined it is not a public street and it is not a typical private street either. According to the Land Use Department, ownership and maintenance responsibility of Siringo Lane has not been determined. However, it is my belief that my father, Robert Duran, has played a paramount role in making certain that Siringo Lane received funding for pavement, curbs, sidewalks and gutters in 1993.

Siringo Lane once was a dusty, muddy mess, but now it is a very pleasant, functional, paved private driveway which is allowed for the sole purpose of allowing the residents access to 7 lots on Siringo Lane. My father has managed to maintain excellent documentation on the history of Siringo Lane dating back to the 1950's. I would say it has been through my father's efforts, that Siringo Lane is as nice as it is today, and he has documented all of the changes and who has provided the development team with answers to many questions regarding Siringo Lane. By the way, when the roadway was paved in 1993, only curbs were installed and the road was paved. There are not any sidewalks or gutters, even though there was funding provided for them at that time.

Therefore, it is our position that we are opposed to the additional requirements as conditions of approval proposed for this rezone project, which require easement dedication and sidewalk construction at the time of our family transfer lot split, or at the time of the construction of my home. It is our position that imposing these conditions of approval are unnecessary and unreasonable. It is also our position that we do not support the proposed expansion of Siringo Lane from a private driveway or lot access driveway into a private lane as proposed by the Land Use Department.

[STENOGRAPHER'S NOTE: Ms. Duran offered copies of the following, Exhibit "7," to the Commission, and gave a copy for the record to the Stenographer.]

Ms. Duran read the contents of Exhibit "7" into the record as follows:

The Applicants propose to the Planning Commissioners to approve the 2504 and 2505 Siringo Lane Rezone Project as follows:

- 1. Approve Exemption from the Land Use Development Code (Reference: Article 15-9.2(E)(1), (2) (a,b & c) which requires easement dedication and sidewalk construction for this rezone project, at the time of a family transfer, construction permits or prior to issuance of a Certificate of Occupancy for Siringo Lane.*
- 2. Approve Siringo Lane to remain a private driveway or lot access driveway, according to Table 14-9.2-1 Design Criteria for Street Types. Siringo Lane is a 17 ft., paved, dead end street with no through traffic, less than minimum pedestrian and vehicle traffic. There are essentially only 7 lots that have access off Siringo Lane as the lot at the Northeast corner at the dead end has no direct access from Siringo Lane and is essentially Land Locked. The history of Siringo Lane indicates that within the past 55 years, there has been minimal development. There have been only 2 homes built via Family Transfer or inheritances of the land. There are 5 "forever" landowners on the entire street. The sole purpose of Siringo Lane is for the use of the private residents and serves no public purpose.*
- 3. The Applicants would like the Planning Commission/Governing Body to take into reconsideration the "If" and "May" statements (Ref: 14-3.5(D), Additional Requirements (1) and (2) of the Proposal Report for the 2504 and 2505 Siringo Lane Rezone Project and*

future Duran Family Transfer Lot Split and determine that it is not necessary to consider the potential future impact at this time, but rather leave that consideration for the future when and if this potential for growth is created.

Ms. Duran said, "After reviewing the current Memorandum of December 29, 2014, presented for this meeting tonight, it is the Applicants' position that we feel confident that Mr. Zach Thomas has presented enough avenues within the Development Code, which offer the Planning Commission the discretion and flexibility to consider Siringo Lane's unique circumstance in determining that the proposed conditions of approval do not apply, and that it is really up to the Planning Commissioners to allow innovation and exemptions in our unique circumstance. Thank you for your consideration. And we, the Applicants, would appreciate your support and your approval as I have outlined."

Ms. Duran said there are members of the Rancho Siringo Neighborhood Association in attendance this evening that are in support of their position, and thanked them for coming.

Chair Harris asked if Mr. Smith or Mr. Duran would like to speak to the issue as Applicants at this time.

Robert Duran, owners [previously sworn] said he and his wife Sarah are the owners at 2505 Siringo Road. He said, "The reason for the application to the City Land Use Department was simply for a rezoning from R-1 to R-3, and for a future family lot split for my daughter, Linda, to construct an affordable house next door to us. I am also in complete agreement with Linda's letter to the Planning Commission dated 12/29/14, for approval for rezoning the property from R-1 to R-3. Also the Memo to you dated 12/29/14 states by City staff, that Siringo Lane is not a public street, and therefore, it is our position that Siringo Lane should remain designed as a lot access driveway that does require right-of-way easements or sidewalks, according to the design criteria for street types as noted in Table 14-9.2.1. Therefore, I am requesting that this Planning Commission grant an exception to the proposed conditions of approval for rezoning, and at the time of the future request for a building permit, then this, I think would eliminate the negative impacts on Siringo Lane and the existing structures that are already in place. And also, Siringo Lane has no existing street lights and the average width of the driving lane is only 17 feet wide, and it is also a dead end street. And we also have the support of the Rancho Siringo Neighborhood Association. So thank you."

Chair Harris said, "We do have the series of photos in our packet, so thank you."

Daniel Smith [previously sworn], 2504 Siringo Lane, said he has had the property since early 1972, for 43 years. He said, "At the time I bought it, it was a house and 3 apartments, all of them were attached to the house. I converted one of them almost immediately into the master bedroom of the house, and since then there has been the house and two apartments there. Over the last 30 years, there has never been more than 4 occupants in the place. And I joined as an applicant with the Durans for the sole purpose of bringing my property into compliance with zoning. Because, since I have 3 rentals on the property, designation as R-1, it's not in compliance with the Code, and I don't have to fight the battle of

whether or not it's legally non-conforming, and I'd like to have it zoned and also have the right since there is a lot of land there, to further divide the property in the future if so desired."

Mr. Smith continued, "When the City put in City water, City sewer and paved the road and all of that, the [inaudible] said the area was trying [inaudible] for infill. As was mentioned by Zach, the contiguous properties to our lots are zoned R-2, R-3 and R-5, and there is one R-1 on the other side of my lot, but anything else has a higher density. It seems logical to go ahead and be able to do that. We did put in the water and sewer..... they put in a water stub-out on the lot on the north end of my lot... there was a vacant ½ acre lot here. I paid \$2,300 to let them have a water stub-out put up there. If I don't have zoning, that water stub-out [inaudible] so that defeats the purpose of having infill on that lot. It seems like this should be a rather routine matter to go ahead and approve the zoning to R-3, similar to what has happened in the area."

Mr. Smith continued, "The objection really is to having to grant an easement of 10 feet of our property for the purposes of sidewalks and for some type of landscaping. If you look anywhere in the area, there is nowhere that I know of, within ½ mile, I don't know of anyplace there anywhere there is a 10 foot easement that has a 5 foot sidewalk and a 5 foot easement for landscaping. For having two lots, to have to do that, and to have to give up part of their lawn, while the rest of the people of the road don't, and try and put in a sidewalk on this land, just really a total aspect of beautification we would have to tear down existing improvements. So my request is that you approve the rezoning to R-3, and waive the requirement for an easement to the City and building a sidewalk. Thank you."

Speaking to the Request

[All those speaking were sworn en masse]

Debra Burns [previously sworn], said she supports approval with denial of the conditions. She said their neighborhood is mostly single family residences, and the fabric and character is about families, and Mr. Duran has lived there for 50 years and would like to help his child, saying, "That's what we're about." She said, "I understand that without the City being able to prove its position and provide documentation to change it, it really is the onus on state government to do that. These unreasonable conditions are an undue hardship and harm both of the applicants." She distributed a revised letter [Exhibit "6"], from the Rancho Siringo Neighborhood Association dated January 8, 2015, in support of this application, and read the letter into the record. Please see Exhibit "6," for the specifics of this presentation.

Mary Schruben, Rancho Siringo Neighborhood Association [previously sworn] presented information from several color aerial maps on the subject site, using the overhead. [STENOGRAPHER'S NOTE: *The maps were not entered for the record.*] Ms. Schruben talked about the origin of the neighborhood which began with some ranches, and identified the ranch land and homes which exist today. [Unfortunately, the entirety of Ms. Schruben's remarks were for the most part inaudible]. Ms. Schruben said the character of the neighborhood is important to the residents. She said all of 'this' area in the center of the map retains its character. She said the Rancho Siringo Neighborhood Association urges the Planning Commission to remove the conditions requiring the easement and building of the sidewalks, trees

and landscaping which would be inconsistent with the character of the neighborhood, and it is unnecessary because there is no pedestrian use on this road, and it is considered by the neighbors to be a historic and would like it retain the characteristics.

Joe Chesinsky [previously sworn], said he has the oldest house on the street. He said he is overwhelmed by the professionalism of everybody else here. He said, "We just live on a one block long street that is quiet and peaceful, and like the other streets there are no sidewalks. I bought it because it was quiet. I have stress in my life and this place is very quiet and peaceful. He said, "There's no place to go to, you can't have a destination other than where we live on this street. It's a one-block long street. Had I known about the lot split, I probably would have requested that for my lot just to do it and participate in it, but I wasn't privy to the information. It is a wonderful, quiet, peaceful neighborhood, I would love for Mr. and Mr. Duran's daughter to be able to live there and be of assistance to her parents, as her parents were to her when she was growing. I don't know anything else to say, I just wanted to say something, and I thank you. I see it's a very professional analysis and very compassionate, and pastoral also, so thank you all for your time. All of the lots are less than one acre."

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Villarreal thanked the community members for coming out tonight, because she thinks it's important to hear from them as well as to show a historical perspective. She supports the rezoning specifically because it's a continuation of a family legacy and being able to support a family transfer. And she thinks it is a unique area because it does still maintain its rural character. She said, "It is close to where I grew up and I actually commend the staff as well because they are doing their due diligence to follow the Code. I think that's important as well. But this particular area is very different. I've had friends that grew up there..... And when you look at the pictures, they're real strange if you change that with sidewalks, etc."

Commissioner Villarreal continued, "My question and this may be for staff. If the applicants aren't wanting the conditions set forth by staff, what would be the status of the road in terms of future maintenance, and what would that look like. I guess I'm just trying to figure what that would look like in the future."

John Romero, Traffic Engineer, said, "So right now, the action of the Planning Commission wouldn't affect maintenance and/or ownership of that road. My condition in my Memo was more just a reiteration of what Code already says. And the reason I felt it appropriate to bring it up here, is so that everybody knows what that states. Because right now it's 8 lots, which qualifies for a driveway. More than 10 lots, which this could create the potential for, would consider it a lane, and lanes according to Code can be public or private, but lanes require sidewalks. And so if this wasn't brought up now, and you guys just approved the rezoning without mentioning this, when they would come forward for a lot split and/or a building permit, or a renovation of more than 500 sq. ft., Staff administratively would have to require this."

Mr. Romero continued, "So if the Planning Commission did not want this to happen, and/or the Council, I would think the best thing to do would be to attach to the zoning, an innovative street design that says we don't need sidewalks, if that is the wish of the Planning Commission and/or Council. That's why I wanted to bring it up now. Because if it wasn't brought up, it would still be a condition for the [inaudible] Code."

Chair Harris said even though it is represented as landlocked, there are 8 lots on Siringo Lane. He said, "As Ms. Schruben demonstrated, and as we know from other actions, other cases here, there is a consistent pattern of future development. Even the last gentleman who spoke said if he had known, he might throw his hat in the ring as well."

Chair Harris continued, "So I think we have to really acknowledge that there is an ongoing pattern of development in the Rancho Siringo area to create lots either consistent with R-2 or R-3, which is already in there. So that's what I think we have to consider now, instead of in the future, as Ms. Duran made a very good case for that. But I just have to disagree on that one. Based on what I've heard, even tonight, that there is consistent development in the neighborhood. And I also have questions about the nature of the improvements for Siringo Lane."

Chair Harris continued, "And I should say too, I asked Ms. Baer to confirm some of the physical characteristics of Siringo Lane which she and Mr. Thomas did. And maybe, Mr. Thomas if you could step forward, I would like to ask for you to verify what you observed and measured at Siringo Lane. So, for instance from face of curb to face of curb, what kind of dimension did you come up with."

Mr. Thomas said, "I did walk the length of Siringo. We took a standard tape measure, and measured from face of curb, face of curb, and it varies between 17 and 18 feet, maybe hovering closer to 18 feet, sometimes it wavers and goes to around 17.50 feet or so, but I think, generally speaking, I know the Applicants had mentioned a 17 foot road width. Perhaps that's accurate when you add in the small gutter pan that is on the side, perhaps it's 18. Generally, from curb face to curb face it's roughly 18, I think that's fair enough to say."

Chair Harris said, "And the curb and gutter profile is pretty much continuous along Siringo Lane."

Mr. Thomas said, "It is continuous with the exception of the curb cuts."

Chair Harris asked, "Curb cuts, one or two per lot."

Chair Harris said, "What I'm going to be getting to is really kind of emergency situations. Because what we have is just that continuous roadway, call it 18 feet, or if you measure back of curb, a little bit wider, and that's continuous. And there's no other cul-de-sac certainly. We've talked about cul de sacs already this evening, or any other hammerhead. I'm thinking in terms of emergency vehicles. Is that what you found."

Mr. Thomas said, "Well, there's no emergency access hammerheads, no. I guess turnarounds would be the driveways I suppose. There is a small cul de sac if you will at the end and we measured that at roughly 28 feet, roughly, diameter. But, as you saw from the aerials here tonight, as well as in your packet, there's not hammerhead turnarounds incorporated. That wasn't perhaps considered in the 1950's layout."

Chair Harris said, "Thank you Mr. Thomas. And we heard the efforts of Mr. Duran to obtain money from the State, a legitimate process, for those improvements to the roadway. And then I guess, subsequent to that, it was a little unclear exactly the circumstance for water. We know the water's in the street, that's acknowledged in Ms. Duran's statement. Is sewer in the street as well, Mr. Duran, can you verify that."

Mr. Duran said, "There's currently sewer lines, water lines and the gas lines are in place. And the water meter is in case of a fire, a fire hydrant. Those are all in place. And I'd just like to make a comment on the width of the street. I went out today and measured the street at different locations, starting at the dead end of the street and then all the way down to the end of the street where you turn onto Rancho Siringo Road, and I came up with an average width of a little over 17 feet, and in places it might be 18 feet, but most of the street is around 17."

Chair Harris asked the location of the fire hydrant.

Mr. Duran said, "The fire hydrant is located right across from my property, from my driveway."

Chair Harris said, "So internal to Siringo Lane, there is a fire hydrant."

Mr. Duran said, "There's a fire hydrant at the corner of Siringo Lane, the entrance, and there's one right across from my driveway."

Chair Harris said, "So we have City water, City sewer, we have all that in a private road. Is there any easement that was dedicated for these, which is pretty typical, I'm sure you understand."

Mr. Duran said, "It was just designated as a road when they did the initial lot split in 1959, which is when she decided to subdivide the property."

Chair Harris said, "In 2005, what was normally done was to dedicate easements for those public utilities. I think there's an expectation on the part of the residents on Siringo Lane, that if there's a break in the water line which is happening. In Casa Alegre, there's a lot of breaks in those lines there. So, to me, it's a bit of an issue that we've got what's claimed to be, and I think under the current standard is a lot access driveway for 8 lots, current standard, that's the way I would interpret it. We know there's a proposal to rezone that will potentially create new lots, and there's other neighbors who think it's good. In the ENN meeting, others stepped forward but weren't identified by name in the neighborhood, that think it's a good idea. My point is and I understand your position and why you would like to keep it as it is. But to me it's problematic from the point of view of public utilities in that private street that were in place in the 21st Century as well as the emergency aspect."

Chair Harris asked if Fire Marshal Gonzales is available. He said just as you heard Mr. Romero talk about what would happen at the time of a building permit. Let's say the rezoning is approved without the conditions as suggested by Mr. Romero and incorporated into the staff report. He said Mr. Romero said we could acknowledge that as an innovative design now, but there would still be the issue of fire department access. He said under the IFC, the International Fire Code, it requires a minimum 20 foot width, and requires other physical conditions, many of which Mr. Duran meets. He said, "One condition that I think Siringo Lane would have a hard time meeting potentially would be the turnaround. Now there's other issues, the automatic sprinklers for houses, those types of things that would be provided."

Mr. Duran asked the Chair if he is concerned about a fire truck getting in on that road.

Chair Harris said yes.

Mr. Duran said, "That shouldn't be, because they can in there, there's access."

Commissioner Padilla asked Mr. Thomas, "Do we know, or can you tell me, Rancho Siringo Road is paved and are there sidewalks currently."

Mr. Thomas said, "There are, according to the Applicant, sidewalks on Rancho Siringo Road. Now, I do believe that this came from that 1993 public notice that referred to paving and improving 3 streets, one of them being Rancho Siringo Road. That would be our understanding at this point, that it occurred."

Commissioner Padilla said, "Well, maybe we could get some help from the Rancho Siringo Association representative, maybe Ms. Schruben, being familiar with the area also. Cactus Lane it is paved road, and sidewalks on Cactus Lane."

Ms. Baer said, "Yes. Cactus Lane has sidewalks."

Commissioner Padilla said, "So coming off Yucca, we have, and going west on Cactus Lane, all we have is an improved pave road, curb and gutter, no sidewalks there. So if Mr. Thomas could respond, either for the Association, or Ms. Schruben, if you wanted to."

Ms. Schruben said, "There are no sidewalks on Cactus Lane."

Commissioner Padilla asked if there is curb and gutter.

Ms. Schruben said, "Yes, but no drainage and all the drainage is gravity." Ms. Schruben and demonstrated this on the map via the overhead.

Commissioner Padilla asked if there are sidewalks on both sides of the street east.

[Ms. Schruben's response here is inaudible]

Commissioner Padilla asked if there are sidewalks on both sides of Siringo Road.

[Ms. Schruben's response here is inaudible]

Commissioner Padilla said, "Then Rancho Siringo Road is paved, with sidewalks on both sides."

Ms. Schruben said, "Correct."

Commissioner Padilla said Siringo Lane is paved with a curb, which is the improvement on that road.

Ms. Schruben said that is correct and indicated the location on the aerial map using the overhead.

Commissioner Padilla said, "Thank you for the clarification of the curb and gutter and sidewalk. My question then to staff is, right now we're looking at 2504 and 2505 to approve for rezoning of those to R-3. Correct."

Mr. Thomas said that is correct.

Commissioner Padilla asked, "What would prevent, or is there anything to prevent what I'm going to assume residents to the east or west of these two properties from coming in for rezoning, and maybe at some point, also a lot split. Is that possible."

Mr. Thomas said, "Yes, that is possible, in the sense that someone could, in theory come in and submit an application for a rezone."

Commissioner Padilla said, "So it's possible that each lot to the east and west of 2504 and 2505 could come in an request a rezoning also to an R-3. So therefore, what we see right now as 8 lots being serviced by this private street, private driveway is what we're calling it, could ultimately have obviously more than 10, which would require a street constructed to the lane design also requiring sidewalks. Those sidewalks would connect to the Rancho Siringo Road sidewalk pattern."

Mr. Shandler said, "For the record, you said 10, the number is really important. Could we just get a clarification of what the magic tipping point number is Mr. Thomas."

Mr. Thomas said, "As the Code reads, if it is more than 8 lot access driveways it can provide access up to 8, so including 8 lots as we have today. So anything more than 8, as Mr. Romero was saying, requires the additional right of way."

Commissioner Padilla said, "Which, if we were developing it new, it would be considered a lane with sidewalks. Okay."

Mr. Thomas said, "Really quick, I would like to point out Commissioner. You had mentioned properties to the east and west. This one to the west of 2504 is actually already zoned R-2. So that one is zoned R-2 on the corner."

Commissioner Padilla said, "So I think the point that I was wanting to make is, granted, I appreciate the rural nature of the community and so forth, but with lot splits happening, it will create additional traffic. It will create additional development, and therefore, that rural atmosphere could be lost, and I just want to make sure that as we look planning-wise down the road, to consider the connectivity for pedestrian access up and down the Road. I know a statement was made that there is no pedestrian access on that. I'm sure people go out walk. I'm sure people go out and walk their dogs, do their exercise and so forth, so as we look at developing properties, I think we need to keep that in mind for safety and also for overall development ideas that pedestrians access through sidewalks as opposed to walking on the road need to be considered. Just a statement that I would like to make."

Commissioner Pava said, "If I might ask a question of Mr. Thomas. I may have missed it. But if you look at the present zoning and the development patterns on Siringo Lane, how many more units could occur here in the future, given your assessment of this case, and of development patterns in the neighborhood and in Santa Fe. We have now a 17 feet wide rural roadway that serves 8 lots. If we approve this zone change, we may end up with 9 lots, and then.... what do you think?"

Mr. Thomas said, "Kind of a million dollar question I suppose tonight. Staff has contemplated that, Land Use, Traffic Engineering, along with the Applicant. I think what we're looking at here, what's being confirmed by what the Applicant has stated, which is this kind of remnant rural peace in the City, and that's both something that's appreciated and enjoyed by the neighborhood, the property owners in the immediate area. However, it's also, and again this word has been thrown out tonight, an infill opportunity. So, that's a good question. I think the reason R-3 zoning chosen was chosen, as opposed to the R-2 or R-5, for example, was because the Code requirement says that any property under 2 acres can only be rezoned to a zoning district that's adjacent to that."

Mr. Thomas continued, "Linda Duran came in and spoke to staff about it, and that was the property at 2505 Siringo Lane, but the only adjacent zoning district that really worked was R-3. When Mr. Smith kind of joined the application process, he could actually have requested zoning to R-2, so that would have been adjacent to him, but it wouldn't have really solved his problem of already having 3 units on his property and wanting to come into compliance."

Mr. Thomas continued, "So to get back to your question, it really depends, because there is kind of a range of zoning here. There is R-2 all the way up to R-5, and that's a pretty significant difference. So I think in a reasonableness scenario, I think how these properties have been developed, is that you kind of have development on half the property. And so perhaps maybe.... they're requesting R-3 here the reasons I stated. Really what they're wanting to do is one, Mr. Smith do nothing just come into compliance, and then Durans build one house. So it's really to know if the next neighbor will want R-3 or R-2 or R-5. I could see looking at the land development pattern of a few more houses being developed, but probably not 20 or something like that."

Commissioner Pava said, "I appreciate that background information. It's kind of helpful. I would note for the record that there are many parts of Santa Fe that, were they to be developed, they are the most charming, whether they are developed today or against Code, and it's not just good or bad, it's just a fact. So we have this tension between the desirability of traditional neighborhoods, and in this case, a cultural landscape literally, as was evidenced by the historical presentation we got which was very interesting. And we have the Land Code requirements and then something in between, so I guess it's up to us to walk that fine line."

Commissioner Gutierrez said, "On one of these I'm looking at one property that joins Rancho Siringo that is vacant. Is that still the case or is this an old.... so that still needs to be built out."

Mr. Thomas said that is currently vacant.

Commissioner Gutierrez asked if they would access this property through Rancho Siringo or coming down Siringo Lane.

Mr. Thomas said this property would be accessed from Siringo Lane.

Commissioner Gutierrez said then Mr. Smith and the Durans live across the street from one another.

Mr. Thomas said, "That is correct. On the two red highlighted parcels."

Commissioner Gutierrez said, "Mr. Romero what you're asking for is 10 feet from both of them for sidewalks on both sides."

Mr. Romero said, "Actually, Code is asking them for that, it is asking for a 5 foot sidewalk with a 5 foot buffer."

Commissioner Gutierrez said, "Has anyone entertained the idea of putting sidewalk on maybe one side of this road to compromise."

Mr. Romero said, "According to Code it would be an innovative street design that you guys could propose. I guess my thought on it is we have multiple cul de sacs throughout all the City, including the new development with 10-12 houses, so they all have routes with the same amount of vehicular and pedestrian traffic. So, if our justification is that this isn't needed because there's not that many houses, then we should probably justify that for all other cul de sacs that have 10 or less houses on it, which we don't do. I know it's different from the way it was developed in the past, but I think Code has been developed because we have been developing as a society. We went from covered wagons to cars to now we're multi-modal. That's one thing that our General Plan and our City tries to pitch is multi-modalism, and promote biking, walking and all that stuff. I think that's why Code is set up the way it is, putting in a sidewalk when it wasn't that way in the past."

Chair Harris said "I'm assuming we don't have a dedicated right-of-way at Siringo Lane. Nobody said there's an easement in place for the water and sewer and other public improvements. What's the City's view of that. Do we have that situation in many other cases, and do we try to correct it when we have the opportunity in a case such as this."

Mr. Romero said, "As far as the right of way of the road, in my opinion, it's not a party to the properties that these people own. Their property goes up to that road, so it would have to be something else, other than what we could control with their application to get that whole road. If you're looking to get it dedicated to the City, easements created, I don't know if they can, because the plat that I looked at, their property line goes up to that, so it's almost like a common way that we're trying to figure out who owns it. So if we determine if it's someone other than the City, then we've got to approach that other person, whoever that may be."

Chair Harris said, "I'm assuming that..... Mr. Shandler can you answer how this might be approached. Are you familiar with any other circumstances. Because I think it's in the City's interest, in the public interest, to have easements in place to properly maintain those public utilities."

Mr. Shandler said, "As indicated in Mr. Thomas's Memo, we consulted a variety of different staff members, and I believe this was a unique situation from everyone's recollection."

Chair Harris said, "Mr. Romero, and I realize this is outside your specific discipline, but if we have a water line break... we know we don't maintain the street. The Applicant has said the street is not actively maintained, so I'll accept that, and maybe in the past it may have been. Again, if the street is not actively maintained because it's private, what would the City do in the case of a water line break."

Mr. Romero said he knows it's not maintained from the roadway standpoint, but he doesn't know utility-wise. He assumes if someone caused a stink about the City not having rights to access the utility, then the residents on that road would not have that utility and they would be responsible for maintenance and repairs.

Mr. Duran said, "As far as the utilities are concerned, they are maintained by the City, because they go out there and they clean out the sewer lines, and read the meters and clean the streets. So they are maintained by the City. The City truck goes out there occasionally and cleans the streets. The sewer department, they go out there and clean out the sewer lines. The Water Department goes out there and reads the meters, so why are they doing that if it's not maintained by the City."

Commissioner Ortiz said, "It's really confusing here where, it's on the second page of this Memo it says, "It has been determined that regardless of previous actions taken by the City to improve Siringo Lane, it is not a public street. But I see tremendous amounts of actions that says it is a public street. They put in, with public monies, they built this street. And the way I see it, in my opinion, it's a public street."

Mr. Duran said, "But not according to staff."

Commissioner Ortiz said, "Then I go back and I'm trying to think, because I was with the Streets Division, did we ever maintain that street. I don't remember us maintaining that street, but every other street, Cactus Lane, all the other ones that run parallel with it are public streets. And if this was a public street, it would make our case a lot easier-- that says, you really should comply with the Code, because it is a public street. So it's really putting me in a predicament. I've been thinking about all of this. I just don't get this."

Mr. Duran said, "I don't either. It's very confusing. So they refer to it as a lot access driveway. So, according to their Street Design Standards, a lot access driveway doesn't require an easement or sidewalks according to the table."

Commissioner Ortiz said, "I'm still going back to... I have a public notice that says they spent public funds to build this street. And then also, the crazy ironic thing about it all, I look at it, there's a balance of \$23,837. Where did that go. They could build sidewalks with it."

Mr. Duran said, "What happened was, Ike Pino at the time was the City Manager. I talked to Isaac about getting money to pave those streets because they were dirt roads at the time. So Isaac was able to get the funding to pave Rancho Siringo Road, Rancho Siringo Drive and Siringo Lane with State funding."

Commissioner Ortiz said, "And Mr. Duran, that's probably the case, and in that situation, all the other ones are public streets."

Mr. Duran said, "I think the reason why they didn't put sidewalks on Siringo Lane at the time they paved it is because they could not find out the proper designation for Siringo Lane."

Commissioner Ortiz said, "Thank you Mr. Duran. It was just my opinion on that, because I think it's very difficult for this body to make a decision on this, at least for me it is. Because I need to know if it's a public or private road, and it seems like we don't know that at this point in time, but all the actions are that it's a public road. That's all I have."

Mr. Romero said, "My opinion is that Code is a moot point, private or public. A lane can be private or public, but it requires sidewalks. So I don't know if that is truly relevant to whether we can forego Code wise, building the sidewalk."

Commissioner Bemis said she sees the problem being not the land, as much as the sidewalks and curbs. She said, "You do not want sidewalks and curbs. Right. And I don't know why that is such a problem. I mean, why should you have to have sidewalks and curbs. Is the City, do they sweep those sidewalks, clear the snow, no."

Mr. Romero said it is City Code that the adjoining property owners sweep their own sidewalks, even if they are on public City-owned right of way. It still is the adjoining property owner's responsibility to sweep them.

Commissioner Padilla said since there is no survey in the packet, could staff describe the property lines, what would be the south property line and the north property line. Are they in the center of the road, or are they back of curb.

Ms. Baer said, "No. Mr. Chair, Commissioners. If they were in the center of the road then the street would be owned privately as a part of that property. Actually, it's not entirely clear, because the property lines are based on that old plat, but the street is excluded. And on that [inaudible] that Mr. Thomas is showing you, on that plat the street is shown as, I think it's a 20 foot road."

Commissioner Padilla said, "Thank you. So I'm going to assume that the property line in essence that road, is in the right of way. It is the right of way for the land there, public or private, it hasn't been determined. The one thing I'd like to mention and go back to again, is.... it was a great presentation on the overall history of this land, the complete openness, it being open ranch land or grazing land, ranch land, and it continued to be infilled. I think we really need to be aware of the fact that this could continue to develop, it could continue. Granted, right now there's a request for a lot split for 2505 Siringo Lane. Well what's to preclude the adjacent property owners to want to do the same thing. And therefore, I think we need to not lose sight of our responsibilities as the Planning Commission to make sure and think long term about how we develop and develop properties, and therefore, the overall safety and requirements Code-wise as to sidewalks, curb and gutter, road sizes, etc., landscaping and so forth, just as we do in other developments that we receive, whether they are from the ground up from scratch. A great opportunity to create a strong infill community, and it gets developed, it will lose that rural feeling. But as it develops and becomes a little more dense, then we should be able to make sure we have amenities of curb and gutter and sidewalks. Granted, a lot of times, the first one in is the one that bears the biggest brunt of that, and maybe for a while will be the only ones with sidewalks in front of their property when they choose to develop it. But as subsequent properties develop, then there's the connectivity that could be the connectivity all the way down to Rancho Siringo Road, and then off and around. So just a quick statement."

Commissioner Villarreal said, "I had a clarification question. I completely agree about planning for the future, because this is a situation where there will be future development, whether it's a family transfer or not. But I guess I'm confused. Then who takes the burden for paying for the sidewalk cost if we move forward with this. Can you explain that to me, maybe that's a naive question, but I just need to understand that."

Mr. Romero said it would be each respective property owner on a lot by lot basis, so in the end the overall burden is fairly equal. Everyone has to build their own frontage and sidewalk.

Commissioner Villarreal said, "As each property decides to subdivide, they would be required to put in sidewalks."

Mr. Romero said, "Provide under Code, and/or renovation over 500 sq. ft. or new construction. It is now a lane because it has the potential for over 8 units, so with only one house, they would have to do it as well."

Commissioner Villarreal said, "So the way this would look is they would have up to their property, curbs just for their lot, and thereon it would continue the way it looks now. You're saying it's like piecemeal. Correct."

Mr. Romero said, "What's being proposed by staff, the sidewalk would be piecemeal, so there would be patches of sidewalk set back 5 feet from the existing curb."

Chair Harris said, "I did want to say that I think there's a question that is not going to get answered, one way or the other tonight on the fact that we've got public improvements, those public utilities and streets. Well this private street is seemingly being maintained by the City. We have water and sewer that are being maintained by the City, but by all accounts, not in an easement. However we settle on the sidewalks, to me the biggest issue is to kind of clean up the record, getting those easements in place, so that otherwise, to my way of thinking, if the people on Siringo Lane didn't want an easement over the water and sewer, then it's their responsibility to maintain as well as the street. That I think is my view of things."

Chair Harris said, "And I also would like to know what the Fire Department.... I realize that review perhaps won't get triggered until there is some other development plan request, whatever the nature of that may be. I would really be curious as to how the Fire Department would approach it, and try and solve the problem of providing adequate fire protection with the equipment that they have these days. Those, to me, are two big issues that speak to the public interest that go beyond just the Applicants' interest. Beyond that, I've given Commissioner Pava time to craft his motion."

Commissioner Gutierrez said given that this road is 17 feet and they don't know if it is public or private, if they decided to try to give it to the City, what would have to be done for the City to accept it.

Ms. Baer said the issue is that we don't know who actually owns the road. She said, "The best answer we've been able to come up with are the heirs of Riztsky who created the original subdivision and owned all of that land, and who knows who that might be."

Commissioner Gutierrez asked if there is a way to say, "We want you to take this. Would you take it, or would you make them improve it to a 20 foot road or a 26 foot road."

Mr. Romero said, "My opinion, is according to Code in order for it to be dedicated to the City, it has to meet City standards, unless an innovative street design is approved by the Planning Commission. The City standards for that road would be 20 feet, and two foot curb and gutter, right now it's just curbing. So 20 feet of asphalt, the gutter pan and curb that takes up two feet on each side, plus the sidewalk and buffer."

Mr. Duran said, "I'm confused, because I was told in one of the meetings with staff, that if we dedicated easements for sidewalks for the whole street, on both sides of the street, then I would have to knock down my adobe wall, which has been in place, it's right up to the property line. And it's an expensive adobe wall, and I have 17 feet wing walls coming into the driveway. I have iron gates. And I was told if I dedicated easements those structures would have to come down, which is unacceptable to me. And it would also affect the other neighbors who have fences already up to their property line and

driveway. You could come 10 feet into my property, knock down my walls and the shrubbery I already have. That's totally unacceptable to me, and I don't agree with those conditions of approval."

Chair Harris said, "Thank you Mr. Duran, you've made that point. Mr. Smith do you want to make a point in closing."

Mr. Smith said, "I would just like to say that it looks like you're looking at the area as a whole, and not looking just at this request. The request for myself is to be R-3, so I'm in compliance with something that's been there for over 50 years as it. That's all I'm going to do is be in compliance and do nothing else. I'm not willing to give up 10 feet of my property for their easement, so that's sort of a moot question. I mean, if that's the way it is, then we'll withdraw our application, whatever we have to do. And I think the Durans are in the same position."

Mr. Smith continued, "I think the staff has asked that you look at an exception of having that as a requirement at this time. In fact, I don't think there's anything in the Code that says it has to be a requirement at this time, because we're not asking for a lot split at this, time, we're only asking for a rezone, and looking at compliance if there are lots in the future. But if you were to grant the R-3 now, I would be in compliance. I don't have to give up any of my land. The Durans could possibly build a guest house over there and not split their lot. They would be in compliance, and the whole area would still be in compliance. I don't think they should put the burden on our request to make us responsible for the entire area what would happen with development in the future. And I would ask that you look for just the ability to not have us have a requirement for dedicating land and building a sidewalk as part of a request to change our zoning from R-1 to R-3."

Mr. Smith said, "And there are exceptions all over. As I drove up here, my office is over here on the corner of [inaudible] for 30 years and there were parking issues around here. I parked tonight on Sheridan. And you've got a sidewalk over there, the widest of which is less than 3 feet that goes down to less than one foot and in the middle of it has a sign post, and there's parking meters and everything else. And you've got a bus station right across the street. You have more people in one day on that two foot wide sidewalk than we would have in a year, and they're making such a big issue about the need to have sidewalks on Siringo Lane. And it will never be developed to where everybody is going to put in a sidewalk I don't think. I've lived in Santa Fe for over 60 years. I've got 5 kids and 12 grandkids, and it would be nice at some point to do something with that property. But maybe it will never happen, but I'm not looking for development. I'm just looking to be in compliance at this point. And I think you're looking way beyond what our request here is tonight without a sidewalk."

Mr. Romero said, "To Mr. Smith's point about my Division's request to dedicate the easement right now. I had sent an email for the packet which adjusted that requirement. So basically, and this is all verbatim from Code, so this is just a reiteration of Code. The easement, sidewalk will only be required at the time of subdivision, new construction or renovation. So for Mr. Smith's property, if he rezones it and does nothing, he will not have to dedicate an easement until one of those things happen. So that is an amendment to my Staff Memo that I would like to make that the easement only occurs at one of those three triggers, not right now as part of the rezoning."

Chair Harris said and a lot split would be a trigger, and Mr. Romero said a subdivision would be one as well.

Ms. Duran said, "I really agree with Mr. Smith, and I would really like for you to look at the human side of this. I told you, we're not big time developers. I told you that we are a family that has been there for over 50 years, and we intend to keep this within the family, as I'm sure all of the rest of the landowners on that street, because it's been family. We're not planning a sprawling development. And to me, hearing you talk, it sounds like you are planning for this big future development, which I state has not even occurred. In the last 50 years, there's only been two houses put on that street, whether there's 8 lots or not, I really would urge you to look at what we're really applying for here, and not require us to give an easement. I know if it's required, it's not going to happen, and that lane will stay that way for 30, 40, maybe even 50 more years. So we're just totally opposed to it. If you put those restrictions on it and say we have to do that, we're not going to do that. And you'll never get an easement, and we'll never get sidewalks and it will stay like that. And that's why we have the landowners here today to state the same thing. We like it the way it is."

Commissioner Pava said, "If I may, I will present a motion for consideration by the Planning Commission.

MOTION: Mr. Pava said, "In the matter of Case #2014-104, 2504 and 2505 Siringo Lane Rezoning, the Planning Commission recommends to the Governing Body approval of the rezoning from R-1 to R-3. The Planning Commission acknowledges the peculiar nature and history of Siringo Lane. It is a unique street with a peculiar history. The Planning Commission further finds, based upon the Staff Report, statements made at this public hearing by staff, the Applicant and the Rancho Siringo Neighborhood Association, that for the purposes of this rezoning, Siringo Lane should be considered a "public" street, therefore improvements set as conditions of approval for the rezoning by the Traffic Engineer would not be required pursuant to Santa Fe City Code, Section 14-9.2(B)(4)."

DISCUSSION PRIOR TO SECOND

POINT OF CLARIFICATION: Commissioner Villarreal said, "Point of clarification, I don't understand your motion. The second part I understand, based on the evidence, but can you complete the bottom part."

Commissioner Pava said, "I'll repeat that – the rezoning of Siringo Lane should be considered a "public street," because we have the division between private streets and public streets. Public streets are subject to the Code requirement which allows for exemptions, that's what the staff report says. Therefore improvements set as conditions of approval for the rezoning by the Traffic Engineer, would not be required pursuant to and I cite the Code section that is here, Innovative Street Designs."

POINT OF CLARIFICATION: Commissioner Villarreal said, "So you're saying that the improvements, that the sidewalks and easements would not be required. You're saying that this should not be required."

Commissioner Pava said, "That's what I'm referring to when I say the comments, the conditions of the Traffic Engineer, because those are referenced conditions in the staff report, and are in fact the only conditions of approval for this rezoning."

Commissioner Villarreal said, "So you're exempting the required conditions from Traffic."

Commissioner Pava said, "I'm recommending that the Governing Body approve the rezoning from R-1 to R-3, based on the testimony that we took here and all the facts which were presented, which anybody can read in the minutes, and there was a lot of that. And based on the history, based on the peculiar nature that we've learned about the area and so on and so forth. And then I'm trying to make a finding here that we will find it to be a public street for the purposes of this rezoning, that Siringo Lane would be a public street, and therefore would be subject to 14-9.2(B)(4), it's probably (3) and (4) frankly. So my intent is to allow the Governing Body to consider approval of the rezoning without the conditions imposed by the Traffic Engineer in the Staff Report and to move forward with this and give it to the Governing Body. And they may, in fact, decide further that they want to find some use to not require such dedications if and when other changes occur such as family land transfers and whatnot. I'm making the motion specific to the rezoning at this point and not speculating what might happen in the future, because that's not before us today."

CONTINUATION OF DISCUSSION PRIOR TO SECOND

Ms. Baer said, "First of all, the matter of whether the improvements are required or not, does not hinge on whether it is a public or private street. So I believe that the reference that Commissioner Pava had in mind was one we hadn't discussed, and I would like to bring that to your attention. I'm sorry to draw this out, but I think it's important. New development on an existing public street that does not meet the width or other applicable standards and that cannot be improved to meet those standards and may exceed the average daily traffic. On a street like Canyon Road that is already built out, then development can occur without a variance. I don't believe that is the case here, and that's not something that was discussed. It would be difficult to write a finding to that effect because clearly, some of the lots, well at least one of the lots under discussion, could be developed to meet these standards. And the Planning Commission could make a finding that the Durans' lot perhaps couldn't be because there is a wall there. That would need to be discussed. But I'm not sure that's the appropriate method to get to where you're going."

Ms. Baer continued, "So, if I could please suggest two other possibilities. So one is, and I know that there has been discomfort with this, but it's in some ways the only avenue that we have and it's a broad one, and that's the matter of the innovative street design. So, per Code, if the Commission chose to recommend the rezoning and you did not want to require the sidewalk and planter, you could say that this is an innovative street design. I know that's difficult and it's a twist a little bit of the language, and we've struggled with that in previous cases, but it does give you that opening, and that would be one way to do it."

Ms. Baer continued, "And another way would be to make a recommendation to the Governing Body to approve the rezoning and recommend that the Council waive that requirement, because the Council has the authority to do that. So I would say one of those two ways, if that's the direction you're going, would be clearer."

FRIENDLY AMENDMENT: Commissioner Pava said, "I would accept your recommendation on my motion and simply change the B(4) to B(3), and I think that takes care of it. And maybe throw in the words Innovative Street Design there."

SECOND: Commissioner Bemis seconded the Motion.

THE AMENDMENT WAS FRIENDLY TO THE SECOND.

CLARIFICATION: Commissioner Villarreal said, "I would like you to repeat the clarification of what we're voting on, because I think there is some confusion and I don't think people know exactly what they're voting on right now."

Chair Harris asked Commissioner Pava if he heard the request and Commissioner Pava asked her to repeat it.

Commissioner Villarreal said, "My point was, even though it's the third time, if you could state your motion without using certain jargon that doesn't clarify what we're exactly voting on. I think staff gave two recommendations of how to word it, and I understand those, but the way you're wording it, I'm not quite sure if you're wanting to approve the recommendation for rezoning and not require them to build the sidewalks, or you are requiring them to build the sidewalks."

RESTATED MOTION: Commissioner Pava said, "Let me restate the motion based on your request, I'll do my best. Let me start from the beginning. The Planning Commission acknowledges the peculiar nature and history of Siringo Lane. The Commission finds that it is a unique street with a peculiar history. The Planning Commission further finds, based on the Staff Report, statements made at this public hearing by staff, the applicant and the neighborhood organization, that the conditions of approval are not relevant to rezoning, pursuant to Santa Fe City Code, Section 14-9.2(B)(3)."

RESTATEMENT OF THE MOTION BY ASSISTANT CITY ATTORNEY SHANDLER: Mr. Shandler said, "I'll try to take an explanatory stab at this. So it sounds like the motion is approving the rezoning, it is rejecting staff's conditions on grounds that you are finding that this is innovative street design. I'm going to stop there."

DISCUSSION ON THE RESTATED MOTION: Commissioner Padilla said, "I have a question in reference to how we move this forward. We are asking that the conditions not be included. Wouldn't we be recommending to the Governing Body to consider and approve this as an innovative street design. Therefore, allow them to make that decision. Is that not what we're trying to do?"

Shandler said, "I agree with you."

FRIENDLY AMENDMENT: Commissioner Pava said, "So I want to clarify that the very first statement that I made is the Planning Commission is recommending a rezoning to the Governing Body and everything else follows, whatever you need to do to clarify that. And as Commissioner Padilla has said, I would certainly agree with. And simply, I know this is a situation where we're making a recommendation. I just imply want to acknowledge that we didn't avoid the staff recommendations. We've seriously considered everything we've heard today and I want our findings to make sure for the record that that's all recorded. So I find with Commissioner Padilla's suggestions as well." **THE AMENDMENT WAS FRIENDLY TO THE SECOND.**

The Stenographer asked for clarification of the motion by the Assistant City Attorney.

Mr. Shandler said, "I'll try again and then you can say if that's right."

FURTHER CLARIFICATION OF THE RESTATED MOTION, AS AMENDED, BY THE ASSISTANT CITY ATTORNEY: Mr. Shandler said, "I think the preamble that you provided about the peculiar [nature of the street] those will go into the findings. I think the motion is three points to recommend to the Council: the rezoning, recommend to the Council to reject staff's condition, and recommend to the Council to adopt the finding that this is an innovative street design."

Chair Harris asked Ms. Helberg if that addressed her concerns.

Ms. Helberg said it did.

CONTINUATION OF DISCUSSION ON THE CLARIFIED MOTION: Commissioner Padilla said, "Mr. Shandler, then are we saying that the Planning Commission is rejecting the conditions of approval as stated in the packet from Traffic Engineering. Is that what we're stating by that motion."

Mr. Shandler said, "You're recommending to the Governing Body to reject those conditions."

Commissioner Padilla said, "As opposed to then taking them under consideration and making the final decision." Mr. Shandler said, "Correct. That wasn't part of his motion."

FRIENDLY AMENDMENT: Chair Harris said, "If I may, I would like to propose a friendly amendment that addresses the peculiar nature of Siringo Lane. The peculiar nature of Siringo Lane says to me that, over time, there has been public monies invested in the development of Siringo Lane, that would include paving, curb, water and sewer, without the public benefit to the City of having a clearly acknowledged easement in place to be able to serve and maintain those public utilities. That to me, is just a finding. That is the nature of what we have here, and I think that the Governing Body should be aware of it, and perhaps they, in their wisdom can sort out how to address it. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE PLANNING COMMISSION.**

POINT OF CLARIFICATION: Commissioner Villarreal said, "Point of clarification, I thought Mr. Shandler was to clarify that Friendly Amendment so the rest of us can understand it."

CLARIFICATION OF THE FRIENDLY AMENDMENT: Mr. Shandler said, "Mr. Chairman, I understand that part of the motion is a request for a specific finding regarding how this is a public lane but there's been a public benefit and I will present that language to you as part of the Findings for your acceptance or rejection."

Commissioner Villarreal said, "I guess I'm not understanding. It sounds like a condition that your placing. Is it just saying that the Governing Body has to look into this further."

Mr. Shandler said it's just going to be a narrative statement, it's not going to be a condition. It's possible that the Governing Body, once it gets to that point will provide instructions to the City Attorney's Office to take some type of action with the community, but I don't know. But that narrative statement will be there if the Governing Body wants to give the City Attorney's Office some direction."

Commissioner Gutierrez, "What we'll be voting on is sending this to the City Council and letting them have the ultimate say."

Ms. Baer said, "That's what happens in a rezoning, is that the Planning Commission makes a recommendation and the Governing Body makes the final decision. Yes."

Commissioner Padilla asked if the conditions that were part of this case will go forward to the Governing Body also for consideration.

Ms. Baer said, "We will give them the entire staff report, which will include the conditions, and then they will have an opportunity to look at them and the findings will be in the front of the packet. So, yes, they will see what the conditions were."

VOTE: The motion, as amended, was approved on the following Roll Call vote [5-1]:

For: Commissioner Villarreal, Commissioner Bemis, Commissioner Gutierrez, Commissioner Ortiz, and Commissioner Pava.

Against: Commissioner Padilla

Explaining his vote: Mr. Gutierrez said, "Yes. And I would like to say thank you for breaking me in this evening. This is one of the harder ones. I could very easily have flipped a coin on this case, either way. The street I live on and grew up on bears my grandfather's name, so I know where the Durans and Mr. Smith are coming from. However, the street I grew up on has more sidewalks, so when I walk down to visit one of my uncles or to visit my mother that lives in the neighborhood, a car starts coming, and I grab those kids, 7, 8 and 11, and move them to the side as fast as can be. So I just wanted to put that out there. Thank you."

Explaining his vote: Commissioner Ortiz said, "Yes. I'm pleased with Chair Harris's added comments about the maintenance and public monies. Yes."

Explaining his vote: Commissioner Padilla said, "No, and I'd like to thank the Traffic Engineering Division and City staff for their work on this very difficult case."

Explaining her vote: Commissioner Villarreal said, "Yes. I don't understand the Friendly Amendment still, but I still think this needs to move forward to the Governing Body to make the final decision. Thank you."

Break from 8:45 to 8:55 p.m.

City of Santa Fe, New Mexico

City Council

Exhibit 3

**Planning Commission Staff Report Packet
January 8, 2015**

City of Santa Fe, New Mexico

memo

DATE: December 29, 2014 for the January 8, 2015 meeting

TO: Planning Commission

VIA: Lisa Martinez, Director, Land Use Department
Tamara Baer, Planning Manager, Current Planning Division *ZT for TB*

FROM: Zach Thomas, Senior Planner, Current Planning Division *ZT*

Case #2014-104. 2504 and 2505 Siringo Lane Rezoning. Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane. (Zach Thomas, Case Manager)

UPDATE FROM DECEMBER 4th, 2014 PLANNING COMMISSION MEETING

Per the request of the applicants, the above case was postponed for consideration at the January 8, 2015 hearing. The applicants requested postponement to allow additional time to develop an argument against the proposed conditions of approval. Specifically, the applicants object to the requirement to dedicate additional right-of-way and to construct a sidewalk at the time of future subdivision of the property. While the proposed condition is standard practice per requirements of the Development Code, there are unique circumstances with this situation for the Planning Commission to consider.

Status of Siringo Lane

The determination as to whether Siringo Lane is public or private is central to the issue of whether public improvements should be required. Specifically, SFCC §14-9.2(B)(4) states:

New development on an existing public street that does not meet the width or other applicable standards in Table 14-9.2-1 and that cannot be improved to meet those standards may exceed the average daily traffic or dwelling unit access standards in Table 14-9.2-1 without a variance.

The initial position of the City, as stated in the November 18th staff report, was that Siringo Lane is a private street and improvements would be required once the street provided access to more than 8 lots.

During a subsequent conversation with the applicants on December 8th, documentation was produced in the form of a public notice from 1993, verifying that the City paved Siringo Lane with State Highway & Transportation Department funds. This might suggest that because Siringo Lane was paved/improved by the City, that it is in fact a public street and that improvements would not be required per SFCC §14-9.2(B)(4).

Upon discussing the matter amongst city staff (Edward Vigil, Property Manager; Isaac Pino, Public Works Director; Zack Shandler, Assistant City Attorney; Kelley Brennan, City Attorney; John Romero, Traffic Engineering Director; Tamara Baer, Planning Manager and Zach Thomas, Senior Planner), it has been determined that regardless of previous actions taken by the City to improve Siringo Lane, it is not a public street.

While Siringo Lane is not a public street actively maintained by the City, further research determined that it is also not a typical private street as might be created under modern subdivision practices. As far as can be determined, Siringo Lane was created through a Serial Subdivision and subsequently documented by a composite plat recorded in 1960 titled "Composite Plat Showing Lands of Evelyn H. Lischke". The Plat noted Siringo Lane as a 20 foot road, as opposed to noting it as an access easement or right-of-way as would be the practice today. As such, current ownership or maintenance responsibility of Siringo Lane cannot be determined at this time.

The Land Use Department acknowledges the peculiar nature and history of Siringo Lane. When considering the proposed conditions of approval in the context of this unique situation, the Planning Commission may consider SFCC §14-9.2(B)(3):

To better achieve the intent of this Section 14-9.2, a land use board, or, in the case of city street projects, the governing body, may consider and approve innovative street designs that are not included among the street types and street sections shown or described in this Section 14-9.2 that provide adequate pedestrian and bicycle facilities, as well as necessary transit facilities.

The above section of the development code may provide the Commission flexibility in determining the applicability of the proposed conditions of approval.

ATTACHMENTS:

- Public Notice from 1993, letter from Isaac Pino, City Manager, dated May 4, 1992 and letter from J&D Excavation regarding water main installation from 2005.
- Letter from Linda Duran dated December 29th, 2014.
- Staff Report for December 4th, 2014 Planning Commission Meeting.



City of Santa Fe, New Mexico

P.O. Box 909, 200 Lincoln Ave., 87504-0909

Sam Pick, Mayor

Isaac J. Pino, City Manager

Councilors:

Larry A. Delgado, Dist. 1

Debbie Jaramillo, Dist. 1

Steven G. Farber, Dist. 2

Ouida MacGregor, Dist. 2

Councilors:

Frank Montaño, Dist. 3

Art Sanchez, Dist. 3

Peso Chavez, Dist. 4

Phil Griego, Mayor Pro Tem
Dist. 4

PUBLIC NOTICE

The City of Santa Fe is planning to pave Rancho Siringo Road, Rancho Siringo Drive, and Siringo Lane this year. On March 31, 1993, the Santa Fe City Council awarded R.L. Stacy Construction of Santa Fe the contract for the construction of concrete curb and gutter, asphalt paving and (concrete sidewalk.)

Paving construction is scheduled to begin April 26, 1993 and is planned to be completed by August, 1993, weather permitting.

The New Mexico State Highway & Transportation Department is providing funds for this project. There will not be any costs assessed to the property owners. The total construction cost to pave these streets is \$ 232,094.00.

There will be minor inconveniences to the residents particularly during the placing of concrete curb, asphalt surfacing and sidewalk. Each resident will be notified when his or her access driveway will be affected.

We would appreciate your full cooperation with the City and the contractor and move your parked cars which will be in the way of construction.

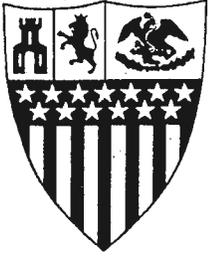
For additional information, please contact Michael Vargas, Project Manager, or Larry Velasquez, Project Engineer, at 984-6631.

300,000.00 = State Funding
 - 232,094.00 = Total Constr. Cost Pavement
 - 44,069.00 = Total Constr. Sewer Siringo Lane

 23,837.00 = Remaining funds.

/stdsk45a/publnote.

City of S.F. ANNEXED Siringo Lane to City on June 9, 1965.



City of Santa Fe, New Mexico

P.O. Box 909, 200 Lincoln Ave., 87504-0909

Sam Pick, Mayor

Isaac J. Pino, City Manager

Councilors:

- Larry A. Delgado, Dist. 1
- Debbie Jaramillo, Dist. 1
- Steven G. Farber, Dist. 2
- Ouida MacGregor, Dist. 2

Councilors:

- Frank Montañño, Dist. 3
- Art Sanchez, Dist. 3
- Peso Chavez, Dist. 4
- Phil Griego, Mayor Pro Tem
Dist. 4

May 4, 1992

The Honorable Eddie Lopez
New Mexico State Senator
953 Camino Oraibi
Santa Fe, New Mexico 87501

Isaac J. Pino
Eddie Lopez

Dear Senator Lopez:

The City of Santa Fe wishes to acknowledge your valuable assistance in obtaining funding for the paving and improvements for various Santa Fe streets during the last legislative session. The \$300,000 you obtained for Rancho Siringo Road, Rancho Siringo Drive, Rancho Siringo Lane and Los Pinos Court will help alleviate a longstanding maintenance problem. The \$100,000 set aside for the paving of Harrison Road and Palomino Street will also address street maintenance and problems with dust and mud. Your efforts on behalf of the City and its citizens are most appreciated. Thanks again.

Sincerely,

Isaac J. Pino
Isaac J. Pino
City Manager

a:18

Project # CIP-893
Capital Improvement Project

200 S. Road Drive
721 827-8053

Isaac J. Pino
Debbie

DFA
Local Government Division - 827-8050



3311 Columbia NE, Albuquerque, New Mexico 87107
Phone 505-881-7651 Fax 505-883-5123

Dear Resident ,

We would like to inform the residents on Rancho Siringo Rd. , Siringo Lane and Rancho Siringo Lane that we will be installing a new water main starting the 13th of June 2005 in association with Sangre de Cristo Water Association . The project will be on Rancho Siringo Drive from Cactus Lane to Rancho Siringo Lane and will also include Siringo Lane .

If you have any questions please call our Project Manager - Joe Corrales @ 505-280-2428 or 1-800-881-7651 or City Inspector - Ron Pena @ 505-412-1273

TALKED to MR. PENNA @
2:30 P.M. ON 7/13/05 ABOUT
INSTALLING two meters in
one meter CAN. Need to
CALL him BACK ON 7/14/05
@ 9:00 A.M.

Thank You ,
J & D Excavation Inc.

To: The Planning Commission
Governing Body/Santa Fe City Council
The Land Use Department
Re: 2504 & 2505 Siringo Lane Rezoning Project from R-1 to R-3.
Case #2014-104
Fr: Land Owners/Applicants
Linda Duran for Robert H. Duran and Sarah S. Duran (Tract I)
Daniel Smith (Tract N)

RECEIVED
12-29-14
ZT

In regards to the memo submitted to the Planning Commission on November 18, 2014 by the Land Use Department. It is the applicant's position that we are in **complete opposition** that the Proposed Rezoning be approved subject to conditions as noted in **Exhibit A; Conditions for Approval** [Ref: Article 14-9.2 (E)(4)]pertaining to **Easements**, [Ref. Article 14-9.2 (E)(1)]pertaining to **Sidewalks**, and [Ref. Article 14-9.2(E)(2)(a,b & c)] pertaining to **Certificate of Occupancy** (building permits). After exhaustive review of the memo submitted to the Planning Commission and of the Land Use Development Codes, the applicant's conclude that the **Proposed Additional Requirements** are **unnecessary** and **unreasonable** for this **Rezone Project**, at the time of future **Family Transfer Lot Splits**, or at the time of obtaining **Construction Permits**.

The intended purpose of this Rezone Project was for a **Family Transfer Lot Split on 2505** and in order to bring **2504 into conformance** with regard to density. According to {Ref: 14-9.5 (B) (1) and (3) **Infrastructure Completion or Agreement to Construct Improvements Required**; indicates that **sidewalks are not required** to be constructed at the time of **recording the plat** or at the **issuance of a construction permit** for any construction for a **Family Transfer** subdivision or a summary procedure lot split. Therefore, the Proposed Additional Requirements and Conditions of Approval (Exhibit A) **failed to indicate** in their report to the Planning Commission that all of the Proposed Conditions of Approval for Rezoning **should not apply** and are **not required** according to the Development Code for this particular 2504 & 2505 Siringo Lane Rezone Project Case #2014-104. In addition, the applicants, the Siringo Lane Residents, and the Members of the Rancho Siringo Neighborhood Association **do not support** the proposed expansion of Siringo Lane from a Private Driveway or Lot Access Driveway into a Private Lane as proposed by the Land Use Department. [Ref: (Attached Petition)]

According to the memo submitted to the Planning Commission, **Section II Rezoning (D) Additional Applicant Requirements: Staff Response** indicates and refers to Siringo Lane as an Existing 20 foot Private Driveway or a Lot Access Driveway providing access to 8 residential lots. However, in reality Siringo Lane is actually a 17-foot Lane providing access to only 7 one acre lots. The lot at the Northwest corner of Siringo Lane at the dead end has **no access** from Siringo Lane and is essentially **Land Locked**. (See Exhibit C) Maps and Pictures. Since staff has designated Siringo Lane as a Private Driveway or Lot Access Driveway; it is the applicant's position that Siringo Lane meets

the street standards criteria as required under **Table 14-9.2-1: Design Criteria for Street Types, Private Driveways or Lot Access Driveways**, and therefore, Siringo Lane *does not require* Dedication of Right of Way Easements for Sidewalk Construction for purposes of Rezoning or for a Family Transfer Lot Split [Ref: Article 14-9.5 (B) (1 & 3)], according to the Land Use Development Code.

In reference to Article 14.9 code [Ref: Article 14-9.2 (A)(4)(b) and (5)] pertaining to **Street Improvement and Design Standards**; It is the applicant's position that Siringo Lane *does meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable*. Siringo Lane is a 17 foot, paved, dead end street with no through traffic, no sidewalks, 5-6 dwelling units and less than minimal vehicle traffic and pedestrian use. The History of Siringo Lane indicates that within the past 55 years there has been minimal development. There have been only 2 homes built via *Family Transfer* or *Inheritance* of the land. Currently, there exists walls and fences on property lines including the Duran's 140 foot Adobe Wall placed and built on Property Lines. The Duran's adobe wall also has four-17 foot Adobe Wing Walls placed on Proposed 10ft. Easement (See Picture). It is our position that *Conformity* to existing streets (Rancho Siringo Road) *is not practicable* and there would be *no public purpose* or *significant benefit* provided to the public or adjacent properties by changing Siringo Lane from a Private Driveway or Lot Access Driveway to a Public Road or Private Lane as proposed by the Land Use Department under Conditions of Approval.

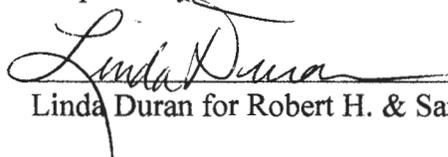
Further, on March 31, 1993, the Santa Fe City Council awarded R. L. Stacy Construction the contract for the construction of concrete curb and gutter, asphalt paving and **concrete sidewalk** on Rancho Siringo Road, Rancho Siringo Drive, and **Siringo Lane**. The Public Notice indicated that there would **not be any costs** assessed to the property owners. Apparently, it was determined that no sidewalks, gutters, or easement dedication was needed at that time, due to the impracticable nature of tearing down expensive adobe walls and other structures built on property lines. It was apparently determined that there would be no public purpose or significant benefit of constructing sidewalks or gutters, even though there was the funds appropriated for them; as there currently exist no sidewalks or gutters on Siringo Lane. Apparently, at that time, it was also determined that Siringo Lane was a private access driveway. Since then, there has only been 1 new home built on Siringo Lane via a *Family Transfer* or *Inheritance*. The new water main was installed in June 2005.

Therefore, it is the applicant's position that we *do not concur* with the *Conditions of Approval regarding Right of Way Dedication for Easements and Sidewalks* at the time of *Rezoning,, Family Transfer Lot Splits, or Construction Permits* and we *do not support expansion* of *Siringo Lane* from a *Private Driveway or Lot Access Driveway into a Private Lane*, which then would require additional Right of Way and Sidewalks on each side of Siringo Lane at the time of future rezoning requests.

Further the applicant's received support from *The Rancho Siringo Neighborhood Association* at the meeting held on Saturday, December 13, 2014. The members in attendance *unanimously support the Siringo Lane Rezoning Project from R-1 to R-3*, however, they are *do not concur* with the *Proposed Conditions of Approval* requiring Easement Dedication and Sidewalk Construction due to the negative impact these conditions would have on the character and history of the neighborhood.

The applicants are appreciative of all the effort that has been put into this Rezone Project, thus far by the Development and Review Team. However, we continue to believe that based on the references to the Land Development Code, many years that the families and land owners have remained on Siringo Lane, and the minimal development that has occurred within the past 55 years; this is *substantial proof* to the **Planning Commission** and/or **Governing Body** that the intentions for this Rezoning Project, the future Duran Family Transfer Lot Split, and Home Construction, are genuine and are intended to keep the property within the family and not for a sprawling development. Therefore the applicant's respectfully request the Planning Commission and/or Governing Body to determine, according to the Development Code, that *Siringo Lane* qualifies for **consideration** and **approval** of an *Innovative Street Design {Ref: Article 14-9.2 (B) (3)}* and that *Siringo Lane* *remain a Private Driveway or Lot Access Driveway*. We further request that the *Proposed Conditions of Approval by the Land Use Department requiring Easement Dedication and Sidewalk Construction* be *denied*. Since the applicants *have met all criteria* applicants strongly urge your consideration in *determining negligible impact* thus finding dedication of Easements and Destruction of existing structures for construction of unnecessary sidewalks *not be required or imposed*, at this time, or at the time of the Duran's Family Transfer Lot Split, or Home Construction {Ref: 14-9.2 (A) (4b) and (5)}. Instead, the applicants would like the Planning Commission and/or Governing Body to take into *reconsideration the "IF" and "May" Statements* [Ref: 14-3.5 (D) Additional Requirements (1) and (2)] of the Proposal Report for the 2504 & 2505 Rezone Project and future Duran Family Transfer Lot Split and determine that it is *not necessary* to consider the *potential future impact*, at this time, but rather leave that consideration for the future when and if this potential for growth is created.

Respectfully,


Linda Duran for Robert H. & Sarah S. Duran


Daniel Smith

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

Conditions of Approval

2504 & 2505 Siringo Lane Rezoning—Conditions of Approval

Planning Commission

Case #2014-104 – 2504 & 2505 Siringo Lane Rezoning

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the proposed Rezoning and provided the following comments which are noted as Conditions of Approval:</p> <p><u>Easements</u></p> <ol style="list-style-type: none"> The applicants shall grant privately-owned easements ten (10) feet in width (5 ft. wide setback and a 5 ft. wide sidewalk) on each side of the existing Siringo Lane easement on an approved plat that grants public access to the sidewalk areas. [Reference: Article 14-9.2(F) (4)] <p><u>Sidewalk Construction</u></p> <ol style="list-style-type: none"> At the time that an applicant of either Tract I (2505 Siringo Lane) or Tract N (2504 Siringo Lane) requests a division of land or approval of a development plan, that applicant shall construct sidewalk on their respective lot within the above mentioned easement and in accordance with applicable standards of Chapter 14 of the City Code [reference: Article 14-9.2 (E) (1)]; and/or An applicant shall construct sidewalk on their respective lot within the above mentioned easement prior to issuance of a certificate of occupancy that would be required for any of the following: <ol style="list-style-type: none"> Construction of a new principal building, All additions over five hundred (500) square feet gross floor area, or Remodeling or renovations over five hundred (500) square feet gross floor area for multiple-family residential and nonresidential permits, [reference: Article 14-9.2(F)(2)(a,b&c)] Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit for additions and remodeling. 	<p>Traffic Engineering</p>	<p>John Romero/ Sandra Kassens</p>

RANCHO SIRINGO NEIGHBORHOOD ASSOCIATION

11/25/14

Planning Commission
City of Santa Fe

RE: Case #2014-104

Dear Chairperson:

The Rancho Siringo Neighborhood Association (RSNA) supports the planned rezoning proposals by Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran.

THE RSNA's support is based on the representation of rezoning of two 1-acre parcels from R-1 to R-3. The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane.

Your consideration of approval is appreciated.

Respectfully submitted,

Rancho Siringo Neighborhood Association

- (3) At least one through *street* that traverses the entire developed area shall be provided for each one thousand (1,000) feet of developed area. (Ord. No. 2012-11 § 26)
- (4) At least two connections to the existing road network points shall be provided for every ten acres of *development*. (Ord. No. 2012-11 § 26)
- (5) Where a trail network exists or is planned, access to the trail network must be provided every five hundred (500) feet, where feasible. (Ord. No. 2012-11 § 26)
- (6) Reserve strips controlling access to *streets* are prohibited unless the *city* controls the reserve strip under conditions approved by the planning commission.
- (7) Traffic calming measures are allowed in new *developments* and specific measures may be required by the planning commission to ensure traffic safety in new neighborhoods.
- (8) ~~Cul-de-sacs and other dead-end *streets*, both public and private, may be constructed only if topography, *lot* configuration, previous *development* patterns or other natural or built features prevent continuation of the *street*.~~

(E) **Sidewalks**

(Ord. No. 2013-16 § 57)

Article 14-9 Infrastructure Design, Improvement, AND Dedication Standards.
14-9.2 (E) (1), (2), (a, b, + c) and (4).

- (1) If a subdivision *plat* or *development* plan approval is required, curb, gutter and sidewalk locations shall be dedicated when the subdivision *plat* or *development* plan is recorded and constructed in accordance with applicable standards as part of the subdivision or *development* plan *infrastructure*.
- (2) If a subdivision *plat* or *development* plan is not required, curbs, gutter and sidewalks shall be constructed in accordance with applicable standards and dedicated to the *city* prior to issuance of a *certificate of occupancy* for:
 - (a) construction of a new *principal building*;
 - (b) all additions over five hundred (500) square feet *gross floor area*;
 - (c) remodeling or renovations over five (500) hundred square feet *gross floor area* for multiple-family residential and nonresidential permits; and
- (3) sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the *permit* for additions and remodeling.
- (4) Sidewalks shall be located in a *city right-of-way* or, if adequate *right-of-way* is not available, sidewalks shall be located in a public access easement dedicated to the *city* on an approved *plat*. The sidewalk shall be consistent with the *street* standards of Subsection 14-9.2(C) and located along each *street* frontage immediately adjacent to the *development*.
- (5) New sidewalks, drive pads and curb ramps required pursuant to Subsection 14-9.2(E)(1) or (2) must comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and with New Mexico department of

2504 and 2505 Siringo Lane Future Land Use



2504 and 2505 Siringo Lane Zoning



PICTURES OF SIRINGO LANE



2500 Siringo Lane Northwest Corner (7-Lots Access from Siringo Lane) **LAND LOCKED**



SIRINGO LANE 17 FOOT, DEAD END, PRIVATE DRIVEWAY, NO THROUGH TRAFFIC

Duran's 140 ft Adobe Wall



Duran's 17 ft. Adobe Wing Walls



City of Santa Fe, New Mexico

memo

DATE: November 18, 2014 for the December 4, 2014 meeting

TO: Planning Commission

VIA: Lisa Martinez, Director, Land Use Department 
Tamara Baer, Planning Manager, Current Planning Division 

FROM: Zach Thomas, Senior Planner, Current Planning Division 

Case #2014-104. 2504 and 2505 Siringo Lane Rezoning. Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane. (Zach Thomas, Case Manager)

RECOMMENDATION

The Land Use Department recommends **APPROVAL** of the Rezoning subject to the conditions as outlined in this report. No specific development is proposed as part of these applications. The request will proceed to the City Council for final decision.

I. APPLICATION SUMMARY

The two parcels, which are under separate ownership, are proposed for rezoning from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The parcels are currently developed with residential uses. 2504 Siringo Lane is developed with three dwelling units and 2505 Siringo Lane contains one single-family dwelling unit. The immediate vicinity around the parcels is designated Low Density Residential (3-7 dwelling units per acre) by the General Plan Future Land Use Map (See **Exhibit C1**), and does not require amendment.

II. DISCUSSION AND ANALYSIS

This application was initiated by Linda Duran, the daughter of Robert H. & Sarah S. Duran, and owners of 2505 Siringo Lane. The purpose of the rezone is to achieve zoning appropriate for a future lot split which will provide Linda Duran a piece of the family property on which

she may construct a home. The current R-1 density does not allow the 1 acre parcel to be further subdivided. Development Code requirements stipulate that applicants for properties less than 2 acres only request rezoning to a zoning district contiguous to the property. As such, the only and lowest possible density to which rezoning may be requested is the adjoining R-3 to the north.

During the pre-application stage, neighboring property owner Daniel Smith (2504 Siringo Lane) joined the application process to also request rezoning his property to R-3. Mr. Smith purchased his property in the 1970s at which time it contained 4 dwelling units. He subsequently combined 1 of those units into the primary house thereby reducing the degree of non-conformity on the property. The proposed rezone would bring his property into conformance with regard to density.

Adjoining zoning districts include R-1, R-2, R-3 and R-5. The original 1959 subdivision that created the parcels, created 23 total parcels between 1 to 2 acres in size. However, most of the parcels are closer to 1 acre in size. Since the original subdivision, many of the parcels to the north of the subject parcels have been rezoned to higher densities and further subdivided. The parcels along Siringo Lane have remained as originally subdivided at a density of 1 dwelling unit per acre.

The General Plan Future Land Use Map designates the subject parcels and surrounding area as Low Density Residential which anticipates a density between 3-7 dwelling units per acres. The requested rezone to R-3 would make the zoning consistent with the General Plan Land Use designation and in line with densities anticipated by the General Plan.

The two parcels are accessed by Siringo Lane, which is a private lane with a 20 foot right-of-way providing access to 8 residential lots. The proposed rezone will allow for an increase in the number of lots accessed from Siringo Lane. While Siringo Lane will remain private, the dedication of additional right-of-way and construction of a 5-foot sidewalk at the time of future development of either of the two parcels is required by the Development Code and proposed as conditions of approval.

An Early Neighborhood Notification meeting was held on October 7, 2014 at the La Farge library. Seven neighbors attended the meeting and unanimously expressed support for the proposed Rezone.

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

Applicant Response: 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. There are other one acre lots in the same subdivision, including adjacent and contiguous lots, which have already been rezoned to R-5 and R-3; setting the precedent for the neighborhood. The surrounding structures are residential, built on site, dwellings.

Staff Response: While there was not an error in the original zoning, the General Plan Future Land Use Map designates the area as Low Density Residential (3-7 dwelling units per acre). The proposed rezoning will bring the zoning into conformance with the land use designation, where it is not currently. Furthermore, several of the surrounding and contiguous properties are zoned at higher densities and have been subdivided into parcels smaller than 1 acre. The small increase in density makes efficient use of existing infrastructure and will allow a family to live in close proximity for mutual support. The following General Plan Policy supports this very effort of minor community infill and affordable housing:

Policy: 5-1G-1: Preserve the scale and character of established neighborhoods, while promoting appropriate community infill and affordable housing.

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

Applicant Response: The rezoning requirements of Chapter 14 have been met.

Staff Response: The proposed rezone complies with all rezoning requirements of Chapter 14.

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

Applicant Response: The rezoning project from R-1 to R-3 is consistent with the applicable policies of the General Plan including the future land use map.

Staff Response: The existing zoning of the parcels (Residential – 1 unit per acre) is not consistent with the existing land use designation of Low Density Residential (3-7 dwelling units per acre). The proposed rezone to R-3 (Residential – 3 units per acre) will make the zoning consistent with the future land use designation. The following General Plan Policy supports the minor proposed increased density of the rezoning:

Policy: 5-1-G-1: Preserve the scale and character of established neighborhoods, while promoting appropriate community infill and affordable housing

(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: The location of the rezoning project is located at 2504 and 2505 Siringo Lane which is a dead end street. The amount of land proposed for rezoning is a total of 2 acres, 1 acre per landowner and 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.

Staff Response: The General Plan Future Land Use designation of Low Density Residential (3-7 units per acre) anticipates a density that is higher than would otherwise be allowed by the current R-1 zoning. The proposed rezoning will bring the zoning of the parcels into conformance with the General Plan Future Land Use designation and thus in line with the growth rate anticipated by the General Plan.

(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 currently exists minimal traffic with off-street parking. The rezoning project is in accordance with the existing City of Santa Fe General Plan which encourages the development of affordable and single-family residential dwellings. All public services and infrastructure are currently in place for this rezoning project on Siringo Lane.

Staff Response: Infrastructure and public facilities are available to serve future development of the property. Any new development will require connection to the City water and sewer. Conditions of approval are proposed to ensure that future development will comply with the requirements of the Development Code related to access and road standards.

(2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:

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

Applicant Response: The Project is to rezone from R-1 to R-3 for future development of a single-family dwelling which will be consistent with the prevailing use and character of the area.

Staff Response: The proposed rezone from R-1 to R-3, while increasing the potential density of the area, will not allow uses otherwise prohibited under current zoning or significantly change the character of the area. The subject parcels are surrounded by properties within the R-1, R-2, R-3 and R-5 zoning districts, all of which permit the development of residential uses at the identified densities consistent with the character of the area.

(b) *affect an area of less than two acres, unless adjusting boundaries between districts;*

Applicant Response: The area to be rezoned is a total of 2 acres consisting of two 1-acre lots. The boundaries will not be adjusted in accordance with the General Plan Policies.

Staff Response: The proposed rezone encompasses an area of 2 acres consistent with the minimum acreage required for rezoning. The requested R-3 zoning serves to adjust the boundary of the adjacent R-3 zoning district.

(c) *benefit one or a few landowners at the expense of the surrounding landowners or general public:*

Applicant Response: There will be no negative impact on surrounding landowners and we will not benefit at the expense of existing surrounding landowners due to the proposed rezoning of acres from R-1 to R-3, in accordance with the General Plan Policies.

Staff Response: The proposed rezone to R-3 is consistent with surrounding zoning districts. The requested zoning district is intended to be an extension of the adjacent R-3 zoning district and will not benefit one or a few landowners at the expense of surrounding property owners. The rezone is consistent with the Low Density Residential Future Land Use designation. Furthermore, the Duran family could add a guesthouse on the property without rezoning. This option was discussed, however, the Durans preferred to allow their daughter to own her own house outright thereby securing her financial independence while still living in close proximity to her parents.

(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 Response: There will be no impacts on the proposed rezoning of the acres from R-1 to R-3 since there is existing infrastructure and public utilities currently in place. The proposed rezoning from R-1 to R-3 will not create a need for additional streets, sidewalks or curbs, as Siringo Lane is a paved street and will not require any additional infrastructure.

Staff Response: Water, and sewer are available in Siringo Lane to adequately serve both parcels and the surrounding subdivision. The two parcels are accessed from an existing private driveway that provides access to a total of 8 lots. Per current requirements of the Development Code, lot access driveways cannot provide access to more than 8 lots. Consistent with the Development Code, a condition is proposed to require dedication of additional right-of-way and construction of sidewalk at the time of further subdivision of the subject properties. The additional right-of-way dedication and sidewalk construction will support the ultimate expansion of the private driveway into a private lane at the time of possible future rezoning and subdivision of surrounding properties.

IV. CONCLUSION

Given the fully developed nature of the area and the minor increase in proposed density the Development Review Team did not have any comments beyond those from Traffic Engineering. Staff supports the proposed Rezone from R-1 to R-3, subject to the proposed conditions of approval.

V. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division memorandum, Sandra Kassens

EXHIBIT C: Maps

1. Future Land Use
2. Current Zoning
3. Aerial Photo

EXHIBIT D: ENN Notes

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

Conditions of Approval

2504 & 2505 Siringo Lane Rezone—Conditions of Approval

Planning Commission

Case #2014-104 – 2504 & 2505 Siringo Lane Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the proposed Rezone and provided the following comments which are noted as Conditions of Approval:</p> <p><u>Easements</u></p> <ol style="list-style-type: none"> The applicants shall grant privately-owned easements ten (10) feet in width (5 ft. wide setback and a 5 ft. wide sidewalk) on each side of the existing Siringo Lane easement on an approved plat that grants public access to the sidewalk areas. [Reference: Article 14-9.2(E) (4)] <p><u>Sidewalk Construction</u></p> <ol style="list-style-type: none"> At the time that an applicant of either Tract I (2505 Siringo Lane) or Tract N (2504 Siringo Lane) requests a division of land or approval of a development plan, that applicant shall construct sidewalk on their respective lot within the above mentioned easement and in accordance with applicable standards of Chapter 14 of the City Code [reference: Article 14-9.2 (E) (1)]; and/or An applicant shall construct sidewalk on their respective lot within the above mentioned easement prior to issuance of a certificate of occupancy that would be required for any of the following: <ol style="list-style-type: none"> Construction of a new principal building, All additions over five hundred (500) square feet gross floor area, or Remodeling or renovations over five hundred (500) square feet gross floor area for multiple-family residential and nonresidential permits, [reference: Article 14-9.2(E)(2)(a,b&c)] Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit for additions and remodeling. 	Traffic Engineering	John Romero/ Sandra Kassens

City of Santa Fe, New Mexico

Planning Commission

Exhibit B

Development Review Team Memoranda

City of Santa Fe, New Mexico

memo

DATE: November 17, 2014

TO: Zach Thomas, Land Use Division

VIA: John J. Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Engineer Assistant

SUBJECT: 2504 and 2505 Siringo Lane Rezone. (Case# 2014-104)

ISSUE:

Daniel Smith, and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane.

BACKGROUND:

The requested rezoning of the two lots mentioned above, on Siringo Lane, currently, a private lot access driveway, would have the potential to increase the number of dwelling units to greater than 8; that would trigger the additional criteria of a 'Lane' road classification as described in Article 14 section 9.2 of the City Code.

RECOMMENDED ACTION:

Review comments are based on submittals received on October 29, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

I. Easements:

- A. The applicants shall grant privately-owned easements ten (10) feet in width (5 ft. wide setback and a 5 ft. wide sidewalk) on each side of the existing Siringo Lane easement on an approved plat that grants public access to the sidewalk areas.
[Reference: Article 14-9.2(E) (4)]

II. Sidewalk Construction:

A. At the time that an applicant of either Tract I (2505 Siringo Lane) or Tract N (2504 Siringo Lane) requests a division of land or approval of a development plan, that applicant shall construct sidewalk on their respective lot within the above mentioned easement and in accordance with applicable standards of Chapter 14 of the City Code [reference: Article 14-9.2 (E) (1)]; and/or

B. An applicant shall construct sidewalk on their respective lot within the above mentioned easement prior to issuance of a certificate of occupancy that would be required for any of the following:

1. Construction of a new principal building,
2. All additions over five hundred (500) square feet gross floor area or
3. Remodeling or renovations over five hundred (500) square feet gross floor area for multiple-family residential and nonresidential permits, [reference: Article 14-9.2(E) (2) (a, b & c)].

C. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit for additions and remodeling.

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

City of Santa Fe, New Mexico

Planning Commission

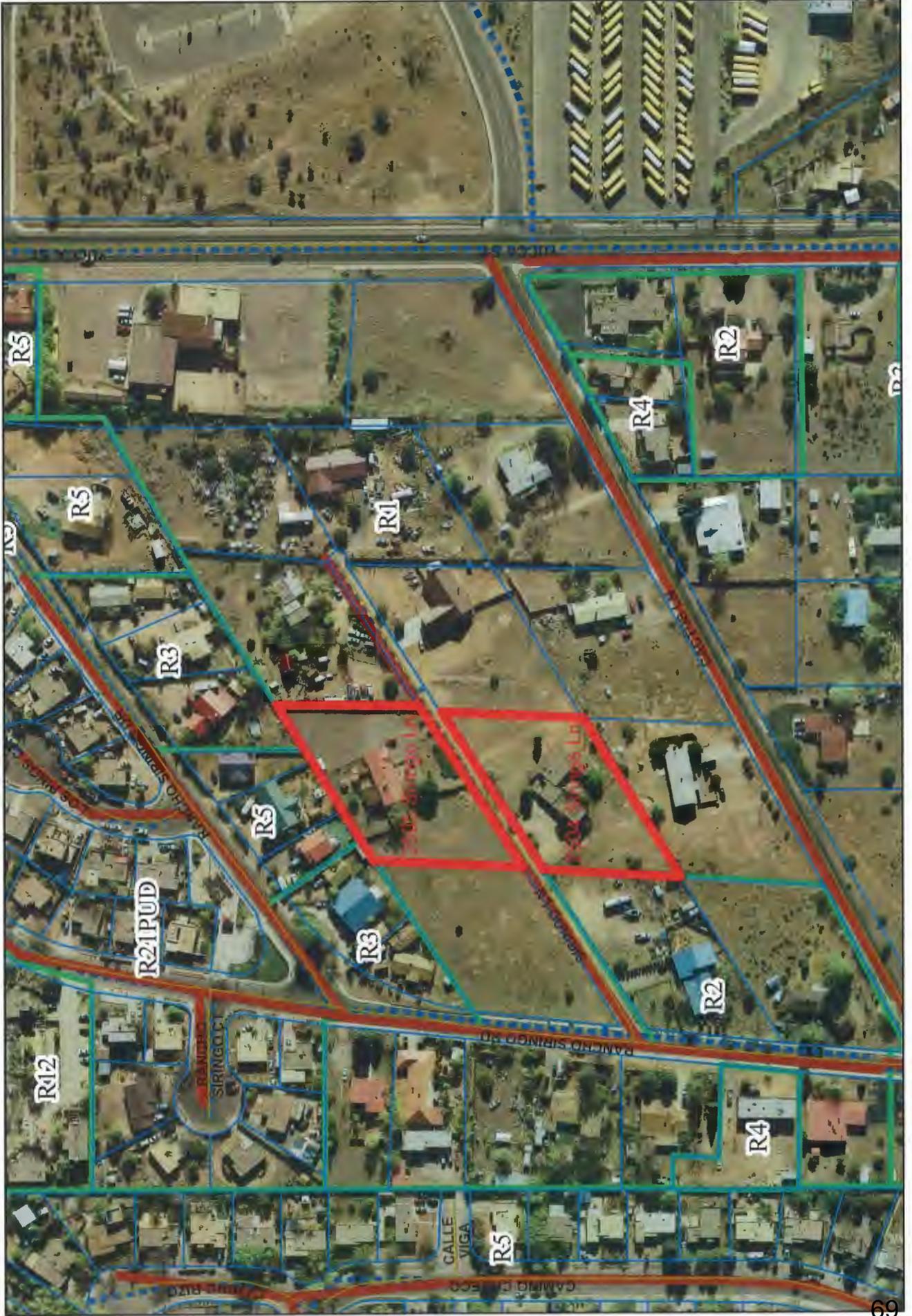
Exhibit C

Maps

2504 and 2505 Siringo Lane Future Land Use



2504 and 2505 Siringo Lane Zoning



2504 and 2505 Siringo Lane Aerial Photo



City of Santa Fe, New Mexico

Planning Commission

Exhibit D

ENN Notes



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

<i>Project Name</i>	2504 and 2505 Siringo Lane
<i>Project Location</i>	2504 and 2505 Siringo Lane
<i>Project Description</i>	Rezone from R-1 to R-3
<i>Applicant / Owner</i>	Linda Duran and Dan Smith
<i>Agent</i>	N/A
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	10/7/14
<i>ENN Meeting Location</i>	La Farge Public Library
<i>Application Type</i>	Rezone
<i>Land Use Staff</i>	Zach Thomas
<i>Attendance</i>	10 neighbors and applicants combined

Notes/Comments:

Meeting started at 5:35. Staff (Mr. Thomas) gave an introduction about the purpose of the ENN meeting the overall entitlement process. Also explained why applicants are requesting R-3 zoning (because that is what is adjacent)

Mr. Smith explained the history of his property and how long he has owned it. He stated that his lot has 1 house and 2 apartments on it and that he wants to rezone to R-3 so that he has a conforming lot.

Ms. Duran explained that her intent in rezoning was to build a house for herself on the property that was not a guest house or accessory dwelling unit. Most likely they will just constructed on house and may split the lot in the future.

A neighbor asked what the rezone would actually mean for the neighborhood. What you be the ultimate impact.

Mr. Thomas explained what the maximum density could be under the requested zoning.

Another question was asked about the road condition and width and if sidewalks would be required.

Neighbors all stated that they supported the rezone and some even stated that they might be interested in rezoning their properties in the future.

There was general discuss among every about the history of the neighborhood.

The meeting adjourned around 6:45.

2504 and 2505 Siringo Lane Zoning



