



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

Javier M. Gonzales, Mayor

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Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

Memorandum

To: Members of the Governing Body

From: Zachary Shandler *ZS*
Assistant City Attorney

Via: Kelley Brennan *KAB*
City Attorney

Re: Case # 2014-96. Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code Section 14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Stewart Kane from the September 15, 2014 Issuance of an Amendment to Building Permit 13-1876. 133 Valley Drive.

Date: October 22, 2014 for the October 29, 2014 Meeting of the Governing Body

The Appeal

On September 29, 2014, Mr. Stewart Kane and Ms. Judith Johnson (Appellant) filed a Verified Appeal Petition (Petition) appealing the September 15, 2014 Issuance of an Amendment to Building Permit 13-1876 (the Decision) by the Land Use Director/Department (Director) to Mr. John Gibbs to construct a new garage/carport (Garage) on property Mr. Gibbs owns at 133 Valley Drive (Property). (Verified Petition with attachments is provided as **Exhibit A**).

The Property

The Property is located at 133 Valley Drive. Appellant lives at 132 Valley Drive across the street from the Property. The Property and Appellant’s residence are within a residential neighborhood located off Bishop’s Lodge Road.

History of the Case

On or about September 24, 2013, Mr. Gibbs received Building Permit 13-1876 to construct an addition for a new stand-alone garage/carport. Sometime during the construction, Mr. Gibbs made the decision to rotate the position of the garage approximately 15 degrees counter clockwise from the approved position. Mr. Gibbs built the garage in the new position. The Garage is now largely completed. Sometime during the summer of 2014, Appellant informed the City of Santa Fe Inspections Division of the change. On or about August 21, 2014, Mr. Gibbs submitted a request for an Amendment to Building Permit 13-1876 to reflect the changed location of the Garage. After a month of review, on September 15, 2014, the Director approved the Amendment to Building Permit 13-1876. On September 29, 2014, Appellant filed a Petition. On or about September 29, 2014, the City of Santa Fe Inspections Division placed a red-tag on the construction pending resolution of this appeal.

Basis of Appeal

Appellant states generally its belief that Mr. Gibbs did not properly follow proper procedure in filing, and the City of Santa Fe did not properly handle, the request for an Amendment to Building Permit 13-1876 in accordance with Chapter 14.

Discussion

Code §14-3.17(A)(2) provides that an appeal can only be filed if:

- (1) the final action appealed from does not comply with Code Chapter 14 or §§3-21-1 through 3-21-14 NMSA¹ (the Statute);
- (2) Code Chapter 14 has not been applied properly; or
- (3) the decision appealed from is not supported by substantial evidence.

As a general rule, Code § 14-3.11(B)(2) states: “Amendments to Applications: Any change from the approve site plans or floor plans shall first be approved by the land use director and shall be submitted in writing and approved prior to commencement of any construction related to the proposed amendment.” The Land Use Department, however, generally practices the doctrine of

¹ Section 3-21-8 B. NMSA 1978 provides in pertinent part: “Any aggrieved person...affected by a decision of an administrative...commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. ...”

“Educate/Seek Compliance” rather than the doctrine of “Punish/Tear Down” when a party is caught out of compliance with building code submittal requirements.

Pursuant to Code §14-3.17(D)(6)(a) the City Attorney’s Office (CAO) has reviewed the Petition and for the reasons set forth below concurs with the determination of the Director that it does not conform to the requirements of Code §14-3.17 in that it does not state a valid basis for appeal under any of the foregoing provisions.

Claim 1. *Chapter 14-8.2(D)(4)(e)(i) requires “evidence” to be submitted with a request for an Amendment to the Building Permit.*

Chapter 14-8-2(D)(4)(e)(1) reads: “When a construction permit for grading is required by this Section 14-8.2, applications for the permit shall show compliance with the following minimum standards: for arroyos, streams or watercourses that carry one hundred (100) cubic feet per second or more of stormwater flow in a one percent chance event, all structures, paved roads, driveways and parking lots shall be set back a minimum of twenty-five (25) feet from the top shoulder of an arroyo plus the depth of the arroyo channel. This setback provision does not apply to stormwater management structures or public access trails. The city engineer may waive this provision, in writing, stating the reasons and basis for such approval, if evidence is provided by a professional engineer demonstrating arroyo bank stability.”

On September 4, 2014, Mr. Gibbs’ engineer, Walker Engineering, submitted a letter to the City of Santa Fe’s Engineer for Land Use. The letter stated: “From my field inspection, I found that the existing ground along the arroyo has not been disturbed by the garage construction.” **Exhibit A**, Attachment 1. The letter provided a narrative description of the area and the field inspection and justification for the conclusion. The submittal of this letter is consistent with Chapter 14 procedural requirements.

Claim 1 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 2. *Chapter 14-3.11(B)(1)(a) requires a new survey to be submitted with a request for an Amendment to the Building Permit.*

Chapter 14-3.11(B)(1)(a) reads: “All applications for construction permits pursuant to this section shall include plans and other documentation as required by the land use director that show compliance with the applicable provisions of Chapter 14 as provided in Section 14-3.1(C) (Form of Application).”

This language does not require the Director to require a new survey to be submitted with a request for an Amendment to the Building Permit. It is not a mandatory requirement for a request for an Amendment to a Building Permit.

Claim 2 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 3. *Chapter 14-11.3(A), (B) required a red tag to have been placed on the project earlier on in the process.*

Chapter 14-11.3(A) reads: “A person may file a written complaint alleging a violation of Chapter 14. The complaint shall state fully the causes and basis of the complaint and shall be filed with the enforcement officer. The enforcement officer shall record the complaint properly, investigate promptly and take action as provided in this chapter.”

Chapter 14-11.3(B) reads: “If, in response to a complaint or upon the enforcement officer's own initiative, the enforcement officer finds that any of the provisions of Chapter 14 have been violated, the enforcement officer shall issue a written notice of violation that: (1) describes the specific violation; (2) orders the action necessary to correct the violation; (3) establishes a specific and reasonable period for the correction of the violation; (4) states that failure to comply with the notice may result in one or more of the sanctions provided in Section 14-11.4 below; and (5) is posted on the *property* in a conspicuous place, delivered in person to the property owner and/or tenant if applicable, or mailed by certified mail, return receipt requested, to the last-known address of the property owner and/or to the tenant, if applicable. (6) The enforcement officer may issue a citation or proceed with any other lawful remedy in addition to or in lieu of a written notice of violation.”

Chapter 14-11.4(A)(1) reads: “If a structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or a structure or property is used in violation of Chapter 14; or if any other violation of this chapter occurs, the governing body, city attorney, enforcement officer or other proper city official may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or to mandate compliance.”

This means the Land Use staff has permissive (not mandatory) options in handling a citizen complaint. It is not a mandatory requirement for a complaint to trigger a red tag of a project.

Claim 3 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 4. *Chapter 14-3.1(C)(1) required Mr. Gibbs to have signed and dated three forms with a request for an Amendment to the Building Permit.*

Chapter 14-3.1(C)(1) reads: “Applications required by Chapter 14 shall be submitted in a form and in such number as required by the land use director.” This language does not require the Director to require 3 certain forms to be submitted with a request for an Amendment to the Building Permit. It is not a mandatory requirement for a request for an Amendment to a Building Permit.²

Claim 4 does not fall within any of the three bases for appeal cited above and should be dismissed.

² At the City Attorney Office’s request, the Land Use Department staff doubled checked and confirmed that Mr. Gibbs signed all necessary forms.

Claim 5. *Chapter 14-8.2(E)(3) required Mr. Gibbs to have submitted a landscaping and revegetation plan with a request for an Amendment to the Building Permit.*

Chapter 14-8.2(E)(3) reads: “Construction permit applications for grading for minor development must provide sufficient information to demonstrate compliance with the standards in Subsection 14-8.2(D) and Subsection 14-8.2(E)(1) and (2), including the following, unless the requirement is waived by the land use director: (c) a brief written description or representative photographs of the type of existing vegetation, such as piñon and juniper trees, annual weeds, grass cover, bare ground and so on, and approximate coverage of existing vegetation at the site, and a plan for vegetation removal at the site.”

The language provides that the Director may waive this requirement. It is not a mandatory requirement for a request for an Amendment to a Building Permit.

Claim 5 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 6. *Chapter 14-3.1(C)(1), (2) required Mr. Gibbs to submit a NM Construction Industries Division form to a request for an Amendment to the Building Permit.*

Chapter 14-3.1(C)(1) reads: “Applications required by Chapter 14 shall be submitted in a form and in such number as required by the land use director.” This language does not require the Director to require certain NM-CID forms to be submitted with a request for an Amendment to the Building Permit. It is not a mandatory requirement for a request for an Amendment to a Building Permit.

Claim 6 does not fall within any of the three bases for appeal cited above and should be dismissed.

Conclusion

The Appellant has not effectively alleged that the Decision does not comply with applicable Code or the Statute; that the Code has been improperly applied; or is not supported by substantial evidence. As a result, the Appellant has failed to state a valid basis for appeal under Code §14-3.17(A)(2).

Option #1: The CAO recommends that the Governing Body vote to dismiss Appellant’s appeal.

Option #2: If the Governing Board does not wish to dismiss the Appeal, the Governing Body will have to set this matter for a de novo hearing (with testimony, exhibits and witnesses) at an upcoming Governing Body meeting.



LUD Use Only

Time Filed: 11:57 AM

Fee paid: \$ 100.00

Receipt attached:

(date stamp)

RECEIVED

SEP 29 2014

LAND USE DEPARTMENT

Case # 2014-96

**VERIFIED APPEAL
PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: KANE STEWART B.

Address: 132 VALLEY DR.

City: SANTA FE, NM 87501

Phone: (505) 983 7654 E-mail Address: stewart.kane@gmail.com

Additional Appellant Names: JUDITH K. JOHNSON

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: N/A

authorize _____ to act as my/our agent to execute this application.

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: The Gibbs Residence - Garage Addition

Applicant or Owner Name: JOHN GIBBS

Location of Subject Site: 133 VALLEY DR., SANTA FE, NM 87501

Case Number: _____ Permit Number (if applicable): Amendment to 13-1876

Final Action Appealed:

Issuance of Building Permit Other Final Determination of LUD Director

Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

14-3.17(B)(3) Injury to our economic and aesthetic interests.

Basis for Appeal: The facts were incorrectly determined Ordinances/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:

Amendment to Building Permit 13-1876, approved September 15, 2014

Check here if you have attached a copy of the final action that is being appealed.

"A"

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

Aesthetic blight – we see more of the long, massive side of the garage due to rotation.
Economic loss - real estate value declined due to more prominent structure and blocking of view of mountains due to rotation.
Garage does not fit in with the characteristics and setbacks of the neighborhood.
Procedures and rights violated by Land Use Director during complaint process.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

See Items 1 thru 6, attached.

Signature and Verification

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Stewart B. Kane Date: 29 SEPT 2014

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

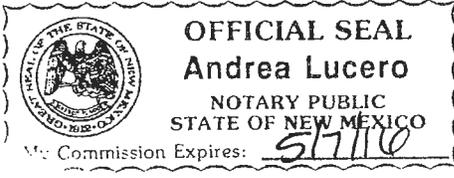
I/We _____, being first duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and that the same are true to my/our own knowledge.

Petitioner/s:

Signature Signature

Print Name Print Name

Subscribed and sworn to before me this 29th day of September, 2014.



Andrea Lucero
NOTARY PUBLIC
My commission expires: 5/1/16

Explain the Basis for Appeal

Item 1: Item 1-Attachment 1 is a letter sent to Ms. RB Zaxus, City Engineer for Land Use, related to Article 14-8.2 (D) (4) (e) (i). This letter does not contain specific information regarding data from soil samples, or data otherwise obtained, and then used in evaluating arroyo bank stability and erosion control in the rear of the garage nearest the Arroyo de Las Piedras. Article 14-8.2 (D) (4) (e) (i) requires “evidence” be submitted. This letter does not include any data and calculations that could be reasonably considered as the required “evidence” used by the engineer to support his professional opinion regarding arroyo bank stability and erosion control.

Item 2: Appellant received a copy of the new Site Plan for the garage but not a copy of the new Survey referenced in the Site Plan. Pursuant to the rotation of the property from the position indicated in the original Site Plan for Building Permit 13-1876, Appellant asserts that the referenced Survey should have been included as part of the application process for the Amendment to Building Permit 13-1876 as per Article 14-3.11 (B) (1) (a) so that the Land Use Director and the appellant could verify the accuracy of the transfer of data from the new Survey to the new Site Plan.

Item 3: Please see Item 3-Attachments 1 through 5. The Appellant asserts that the Inspections and Enforcement Division did not properly process the complaint (as per Article 14-11.3 (A), (B)), and a Stop Work Order (Red Tag) should have been issued pursuant to when the Inspections and Enforcement Division requested a new survey, and subsequent to that an Amendment, to the existing approved Building Permit from the Home Owner/Contractor.

Item 4: Mr. Gibbs did not properly sign and date three City of Santa Fe Building Permit forms that are required to apply for the Amendment to Building Permit 13-1876. Please see the form fields highlighted in yellow on Item 4-Attachments 1 through 3. Appellant asserts that since these forms were not signed and dated as required by Article 14-3.1 (C) (1), Mr. Gibbs did not complete the application process for the Amendment to the Building Permit 13-1876.

Item 5: Due to the rotation of the constructed garage, appellant suffered increased visual blight because a massive side of the constructed garage is now facing our property located across Valley Drive directly opposite the constructed garage. Appellant asserts that Mr. Gibbs did not provide a plan for the general landscaping and revegetation for this newly constructed garage as required by Article 14-8.2 (E) (3).

Item 6: As Home Owner/Contractor for this project, Mr. Gibbs is required to complete and have notarized the State of New Mexico Construction Industries Division “HOMEOWNER’S RESPONSIBILITIES FOR ANY TYPE OF ALTERATION OR CONSTRUCTION MADE TO A RESIDENTIAL BUILDING” form (see Item 6-Attachment 1). Appellant asserts that since this form was not submitted, Mr. Gibbs did not complete the application process for the Amendment to the Building Permit as per Article 14-3.1 (C) (1) and Article 14-3.1 (C) (2).

W•E Walker Engineering

Morey Walker & Associates Engineering, Inc.

905 Camino Sierra Vista
Santa Fe, NM 87505
(505) 820-7990

September 4, 2014

Ms. RB Zaxus, P.E.
City Engineer for Land Use
200 Lincoln Ave
Santa Fe, NM 87504

Ref: 133 Valley Drive
Garage Addition
Permit #13-1876

Dear RB,

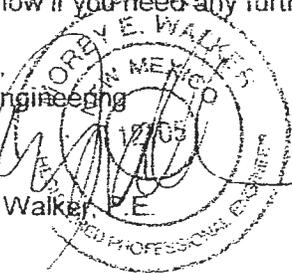
For the referenced permit, due to site constants, the garage was constructed 2.48' feet closer to Arroyo La Piedras than what was original permitted. At my client's request, I personally inspected the property to determine the impact of this construction on the arroyo. From my field inspection, I found that the existing ground along the arroyo has not been disturbed by the garage construction. Substantial amount of branches from an onsite cottonwood that was removed during construction were placed on top of the natural arroyo bank. This tree material will provide additional erosion protection.

With the arroyo bank being stabilized, as noted, and taking into account the minor reduction of the setback, I do not anticipate any impacted on the garage by either erosion or undercutting from the Arroyo La Piedras.

Let me know if you need any further information or have any questions.

Sincerely,
Walker Engineering

Morey E. Walker, P.E.
Principal



Item 3-Attachment 1

From: Stewart Kane
Judith Johnson
132 Valley Drive
Santa Fe, NM 87501
stewart.kane@gmail.com
Phone: (505) 983 7654

To: Bobby Padilla
City of Santa Fe
Land Use Department
Inspections and Enforcement
Building Construction Supervisor

Date: June 28, 2014

Dear Mr. Padilla:

Please recall the conversation you, Director Purdy and I had on Friday afternoon, June 27, 2014, at your office at the Inspections Division regarding Building Permit 13-1876 that includes the construction of a stand-alone garage at 133 Valley Drive.

At that time I informed you that, although I am not a surveyor and have not yet hired a surveyor, after considerable study of the Building Permit diagrams and measurement with my crude tools, I have a considered opinion that the building constructed at that site has been rotated APPROXIMATELY 30 degrees counter clockwise from the approved position of the building in the Building Permit. Mr. Purdy noted to me, when I explained my concerns to him, that at the rear of the property there appears to be a ditch and the contractor may have discovered the footing for the construction was weak at that place on the lot and the building rotation, if indeed they did rotate the building, resolved that problem.

After discussing my concerns with you, I recall you conducted a computer search to see if an amendment to the Building Permit was in the computer files. At that time you told me that you could not find a computer record of any amendment to this Building Permit. You then stated that you possibly could go to the building site on Monday, June 30, to inspect the building and try to determine whether or not considerable rotation of the building may have occurred in the construction process.

I am writing to inform you that I own the property opposite 133 Valley Drive and have an interest in preserving the value of my property from what I perceive is an obstruction to my view-scape of the mountains from this possibly improper and possibly illegal construction. To that end, I will consider hiring, at my expense, a licensed surveyor to determine the exact location of that garage as constructed on the site to assist your eventual decision as to the severity, if any, of a possible violation of the Building Code in this instance.

Also, you mentioned to me that after your inspection, if you suspect the building is indeed rotated or otherwise not constructed as approved, you will notify the owner that he must submit an amendment to the original approved Building Permit that seeks approval for any significant changes that were made during construction. I mentioned to you that I would like the opportunity to protest the approval of any amendments to the approved Building Permit that are submitted by the owner. You assured me that I would have that opportunity.

Finally, although I am not a lawyer, it appears evident to me that some Inspections and Enforcement Division employees have authority to force compliance in certain matters related to the safety of the public. For example I believe Inspectors can red-tag a gas furnace that does not meet safety standards, or for another example can red-tag an electrical installation that is faulty. As the basis for that kind of authority, in law, to your knowledge is there a specific legal framework that protects the public from contractors that, without formal approval or otherwise notification to authorities, knowingly and willfully disregard an approved Building Permit and make substantial construction changes that protect their own interests to the detriment of the public?

Please keep me informed regarding your resolution of this complaint.

CC:

Matthew O'Reilly
Department Director
Land Use Department
msoreilly@santafenm.gov

Yolanda Cortez
Division Director
Building Permits
vicortez@santafenm.gov

Risana Zaxus
Acting Division Director
Technical Review
rbzaxus@santafenm.gov

Michael Purdy
Division Director
Inspections and Enforcement
mdpurdy@santafenm.gov

Item 3-Attachment 2

From: Stewart Kane
Judith Johnson
132 Valley Drive
Santa Fe, NM 87501
stewart.kane@gmail.com
Phone: (505) 983 7654

To: Matthew O'Reilly
City of Santa Fe
Department Director
Land Use Department
200 Lincoln Avenue
Santa Fe, NM 87504

CC: Michael Purdy
City of Santa Fe
Division Director
Inspections and Enforcement
200 Lincoln Avenue
Santa Fe, NM 87504

Yolanda Cortez
City of Santa Fe
Division Director
Building Permits
200 Lincoln Avenue
Santa Fe, NM 87504

Date: July 27, 2014

Dear Mr. O'Reilly:

Please recall the Certified with Return Receipt letter that I mailed to your office on July 14, 2014 pertaining to Building Permit 13-1876. A copy of that letter is included in this correspondence for your convenience. The last sentence of that letter is: "Please keep me informed regarding your resolution of this complaint."

As of the date of this letter I have not received any information whatsoever from anyone in your Department regarding the complaint detailed in that letter. I do not know whether your office has acted on the complaint in any way. Has anyone in your Department investigated the complaint accusation, discovered a violation(s), issued a citation to the property owner, or has the complaint been dismissed?

Please let me know the process by which the complainant is kept informed of the status of the complaint.

Also, I requested and immediately obtained a copy of the Building Permit 13-1876 on Friday, June 27, 2014, at the Land Use Office. Apparently the approved Building Permit was publicly available information.

At this time I request a copy of the following documents:

From the Inspection and Enforcement Division I request a copy of each of the Inspection Tickets that were issued related to Building Permit 13-1876, and a copy of any citation or other correspondence delivered to the property owner, or any other person, relating to my complaint regarding Building Permit 13-1876. If the Inspection Tickets, possible citation, or any other correspondence relating to my complaint is not public information, please inform me thereof. On July 7, 2014, I requested by email information from Mr. Purdy and Mr. Padilla regarding the process to get a copy of the Inspection Tickets for Building Permit 13-1876, but I never received a reply from either of them.

From the Building Permits Division I request a copy of all documents (such as topographical map, drainage plan, re-vegetation and landscaping plan, etc.) that were submitted as part of the application for the approval of Building Permit 13-1876. If there are none of these documents, or if they are not public information, please inform me thereof. At the time I obtained a copy of the Building Permit 13-1876 the clerk told me that the Building Permit was all that was on the computer.

I expect a response (phone, email, or letter) in a reasonable time frame to this letter requesting information from your Department.

Sincerely,

Stewart Kane

Judith Johnson

Item 3-Attachment 3

From: Stewart Kane
Judith Johnson
132 Valley Drive
Santa Fe, NM 87501
stewart.kane@gmail.com
Phone: (505) 983 7654

To: Matthew O'Reilly
City of Santa Fe
Department Director
Land Use Department
200 Lincoln Avenue
Santa Fe, NM 87501

Date: August 8, 2014

At 4:15PM on Tuesday August 5, 2014, we received a phone call from the Division Director, Inspections and Enforcement, Mr. Michael Purdy. At that time Mr. Purdy informed us that there had been a meeting in which a new survey was presented regarding Building Permit 13-1876, which includes the construction of a stand-alone garage at 133 Valley Drive.

Mr. Purdy told me that judging from the new survey that was presented, it appeared to him that the building footprint for the stand-alone garage was rotated 15 degrees counter clockwise from the approved position of the building in Building Permit 13-1876, and that the architect claimed the rotation of the structure was a "de minimus" change made during construction.

I do not have a list of the attendees of the meeting when the new survey was presented. And I do not know what the reaction was from those present for whatever rationale was offered by the Homeowner/Contractor or Architect or whoever explained why the 15 degree rotation of the building stakes was made without prior formal notification to the Land Use Department. What I do know is that if a building footprint was rotated 15 degrees from the position approved in the Building Permit and constructed in that position, many reasonable people, ourselves included, would judge that was not a "de minimus" change to the building construction. Rotating a building 15 degrees from the approved building position is clearly not the same as changing the number of windows or the position of a door.

During that phone conversation, Mr. Purdy also informed me that you notified the architect of the project that if he submits an Amended Building Permit Application, the Land Use Department would consider that Amended Building Permit Application for approval. Mr. Purdy also stated to me that upon approval of the Amended Building Permit Application then that would be the end of the Land Use Department investigation of this construction project which was initiated in response to our complaint dated June 28, 2014.

At this time I would like to be so bold as to offer for your consideration Article 14-3, Ordinance Number 2011-37, Paragraph 3:

“Amendments to Applications

Any change from the approved site plans or floor plans shall first be approved by the land use director and shall be submitted in writing and approved prior to commencement of any construction related to the proposed amendment.”

We believe the proper action for you to take at this juncture is to revoke the existing Building Permit 13-1876, for two reasons.

First, clearly the building constructed is not the building for which plans were detailed in the Building Permit 13-1876. The building for which plans were detailed in Building Permit 13-1876 does not exist. No amendment can be approved to a building that does not exist. Essentially you would be approving a new building, and it would be required in this instance to start at the beginning with a new Application for a Building Permit, not an Amendment.

Second, Mr. Purdy informed me in the phone conversation we had that there is no process in place in the Land Use Department procedures for impacted neighbors or other parties to protest an Amendment to a Building Permit. If a new Building Permit was required, there would be a 15 day window in which those who may be concerned about the construction could examine the new Building Permit for the rotated building for such details as setback of the building from the Arroyo de Las Piedras at the rear of the building, proper engineering approval for the roof and lot water runoff collection in the instance of a 1 percent rain event, height of the parapet, requirement for a topological lot study to determine the slope of drainage of the proposed driveway, and possibly other issues.

Please recall that your Inspections and Enforcement employees should have inspected the slab prior to the walls going up, and that inspection should have included a location check to verify the position of the slab. Why, at this time, although you may have the procedural authority, do you want to compound that error by insisting the process be rushed ahead with the approval of an Amendment rather than the approval of a new Building Permit which would allow the input of neighbors and other interested parties?

Thank you for your consideration of this objection to your previous decision to allow an Amendment to Building Permit 13-1876.

Cc: City Councilor Patti Bushee
City Councilor Signe Lindell
City Manager Brian Snyder
Mike Purdy Director, Inspections and Enforcement Division

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

Javier M. Gonzales, Mayor

Councilors:

Peter N. Ives, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

August 21, 2014

Mr. Stewart Kane
132 Valley Drive
Santa Fe, NM 87501

Re: Building Permit #13-1876, 133 Valley Drive

Dear Mr. Kane,

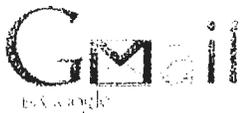
In response to your Request for Public Records, the documentation you have requested does not exist as there was no red tag issued. All communication with property owner was in person or on the phone.

Should you have any questions pertaining to this issue, please feel free to contact me at (505) 955-6560.

Sincerely,



Michael D. Purdy, Division Director
Inspections and Enforcement

Item 3-Attachment 5

Stewart Kane <stewart.kane@gmail.com>

No time limit, no problem, finish the work and then send in the Amendment

2 messages

Stewart Kane <stewart.kane@gmail.com>

Mon, Aug 25, 2014 at 4:44 PM

To: msoreilly@ci.santa-fe.nm.us

Cc: mdpurdy@ci.santa-fe.nm.us

You're right of course, please forgive my assumption regarding a formal written Stop Work Order. As per a letter I received today from Mr. Purdy, there never was a formal written Stop Work Order presented to the property owner or to the architect regarding Building Permit 13-1876. The property owner appears to be legally allowed under the original Building Permit to continue to complete his construction project, which he appears to be doing with the preparation for pouring concrete in his new driveway and a sidewalk on the side of the new garage/storage building, after having completed much of the finish work on the interior of the new garage/storage building, as well as other construction work at a retaining wall. It does not seem logical to us that the property owner should have been and continues to be legally able to work under the old, previously approved, Building Permit since that Building Permit appears to require modifications which are subject to approval by your authority. Unless of course the submission of an Amendment is simply a formality, which of course it is not.

Anyway, as per your previous statements, please promptly inform us when an amendment is approved by the Land Use Department so I can register my complaint with a formal Appeal submission. Then, as per your email, the property owner will be subject to a Stop Work Order so he cannot complete work that will already have been finished!

A more cynical person might believe that the objective of the Land Use Department, as per my lawyer, is just to "get it built and let them complain about it later."

As I write this, the property owner is working with the contractor to pour concrete in his new driveway.

OREILLY, MATTHEW S. <msoreilly@ci.santa-fe.nm.us>

Mon, Aug 25, 2014 at 4:57 PM

To: Stewart Kane <stewart.kane@gmail.com>

Cc: "PURDY, MICHAEL D." <mdpurdy@ci.santa-fe.nm.us>

Mr. Kane,

As I explained previously, if the Building Permit Division approves and issues an Amendment to the Construction Permit I will inform you and you will be afforded the right to appeal that action in accordance with city code. Once an appeal is filed a Stop Work Order will be issued and would stay in place until the appeal is decided.

Matthew O'Reilly

Land Use Department Director

City of Santa Fe

P. O. Box 909

Santa Fe, NM 87504-0909

505-955-6617

msoreilly@santafenm.gov

[Quoted text hidden]

Item 4-Attachment 1 SANTA FE, NEW MEXICO 87504-0909

***** BUILDING PERMIT *****

Application Number	13-00001876	Date	9/15/14
Application pin number	544140		
Property Address	133 VALLEY DR		
Application type description	ADDITION GARAGE/CARPORT RESIDENTIAL		
Subdivision Name			
Property Zoning	RESIDENTIAL 2DU		
Application valuation	15000		

Owner

GIBBS, DIANE & JOHN
133 VALLEY DR
SANTA FE NM
SANTA FE NM 87501
(505) 780-1068

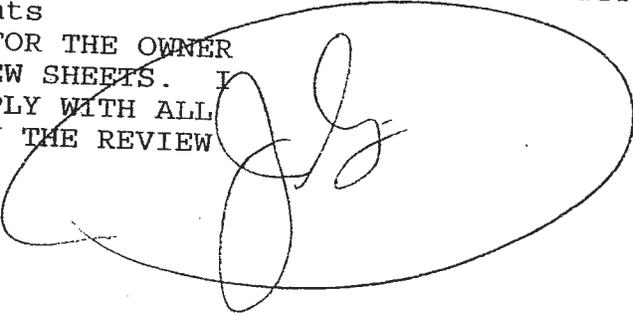
Contractor

HOMEOWNER
SANTA FE NM 87501
(123) 456-7890

Structure Information 000 000 NEW GARAGE CONVERT EXIST GARAGE 2 REC RM
Construction Type TYPE V-B
Occupancy Type RES. OCCUPANCIES/PERM
Flood Zone MIN. FLOODING/OUTSIDE 500

Permit	BUILDING PERMIT RESIDENTIAL		
Additional desc			
Phone Access Code	1106632		
Permit pin number	1106632		
Permit Fee	301.25	Plan Check Fee	125.63
Issue Date	9/24/13	Valuation	15000
Expiration Date	9/24/14		

Special Notes and Comments
I, THE OWNER OR AGENT FOR THE OWNER
HAVE RECEIVED THE REVIEW SHEETS. I
UNDERSTAND I AM TO COMPLY WITH ALL
CONDITIONS INDICATED ON THE REVIEW



For permits issued AFTER 08/01/2009, you MUST use VIPS
for scheduling inspections! Call in by 3:00 PM for a next-
day inspection (based on availability). 955-6110

APPROVED BY John Gibbs DATE 09/15/14
APPLICANT _____ DATE _____

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of its issuance (the "appeal period") pursuant to 14-3.17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

Item 4-Attachment 2 SANTA FE, NEW MEXICO 87504-0909

* * * * * B U I L D I N G P E R M I T * * * * *

Application Number 13-00001876 Page 2
Application pin number 544140 Date 9/15/14

Special Notes and Comments
SHEETS. INITIALS _____

Other Fees ADDITIONAL PLAN REVIEW 120.00

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	301.25	301.25	.00	.00
Plan Check Total	125.63	125.63	.00	.00
Other Fee Total	120.00	120.00	.00	.00
Grand Total	546.88	546.88	.00	.00

For permits issued AFTER 08/01/2009, you MUST use VIPS for scheduling inspections! Call in by 3:00 PM for a next-day inspection (based on availability). 955-6110

APPROVED BY _____ DATE _____
APPLICANT _____ DATE _____

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of its issuance (the "appeal period") pursuant to 14-3.17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

Amended Drawings to Building Permit

Item 4-Attachment 3 Revisions: \$60.00 per hour

Date In 08/21/14

Building Permit # 13-1876

Project Address: 133 Valley Drive

Telephone # John Gibbs
~~# 780-1068~~

WBAO Clearance: _____ Increase of Water No Increase of Water
(Initials/Date)

Front Counter Staff: Date Accepted: 08/21/14 Staff Initials: RAW

Interior Only Exterior Only Interior and Exterior

Accurate Description of Amendment:

Garage Relocated on Lot (Slightly Moved)

The listed project has submitted amended drawing to an existing building permit. An on-site inspection may be necessary to determine if work can continue, or halted until the revisions have been approved by the proper departments.

PLAN REVIEWER USE ONLY

	Date In	Time In	Time Out	Date Out	Action	By
Architectural						
Building						
Electrical						
Escarpment						
Fire						
Gr. & Dr	<u>8/21</u>	<u>200</u>	<u>215</u>	<u>8/21</u>	<u>AP</u>	<u>RBZ</u>
Handicap						
Historical						
Impact						
Landscape						
Plumbing						
Archaeological						
Zoning						

Total Hours: 2

Plan Check Fee: \$ 120.00

Applicant's Signature: _____ Date: _____



New Mexico Regulation and Licensing Department
CONSTRUCTION INDUSTRIES DIVISION

2550 Cerrillos Road • Santa Fe, NM 87505 • (505) 476-4700 • Fax (505) 476-4685
 5200 Oakland Ave. NE • Albuquerque, NM 87113 • (505) 222-9800 • Fax (505) 765-5670
 505 S. Main St., Suite 150 • Las Cruces, NM 88004 • (505) 524-6320 • Fax (505) 524-6319
 www.rld.state.nm.us/cid

**HOMEOWNER'S RESPONSIBILITIES FOR ANY TYPE OF ALTERATION
 OR CONSTRUCTION MADE TO A RESIDENTIAL BUILDING**

A Homeowner's Permit carries serious responsibilities and is not appropriate for everyone. Please read each of the following statements. If you agree with a statement and your answer to it is "yes", then place a check mark in the appropriate box. If you do not answer, "yes" to every statement, you should seriously reconsider applying for a Homeowner's Permit.

After marking each item and signing this form in the presence of a Notary Public, you are required to submit this checklist with your Building Permit application package. This signed checklist will be kept on record with the permit application as proof of your assumption of the risks and liabilities associated with a Homeowner's Permit. Call or visit your State or local office as to other required submittals.

Check the appropriate box:

- I plan to build a single-family home that will be owned and occupied by myself.
- I plan to alter, repair or make improvements to a home owned and occupied by me.
- I plan to build or improve a free-standing storage building 200 sq ft or more located on my residential property

<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand I must apply for my Homeowner's Permit by myself and cannot delegate this task to anyone.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I am familiar with the construction process and know enough about building to be my own homeowner-builder.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I am familiar with the New Mexico Building Code, the Construction Industries Licensing Act, the Construction Industries Division Rules and Regulations, and the building requirements of the jurisdiction in which I plan to build my home or in which my home is located.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I will comply with all applicable building codes and requirements.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I will call for inspections at appropriate times and will make my premises accessible to the inspector.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that a re-inspection and a re-inspection fee will be required if any work does not meet code and/or I call for an inspection when work is not ready and/or the work to be inspected is not accessible to the inspector.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that, by taking out a Homeowner's Permit, I am acting as my own homeowner-builder.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that, as the homeowner-builder, I can hire subcontractor(s) to perform all or any portion of the work.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that before I hire any subcontractor, I must verify with the Construction Industries Division that he is duly licensed in New Mexico to perform the type of work for which I intend to hire him.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that, as the homeowner-builder, I may physically do the work myself and/or hire employees.
<input type="checkbox"/> Yes <input type="checkbox"/> No	If I hire anyone (besides a licensed subcontractor) to assist me in building, altering or repairing, I understand that person will be my employee and under my direction.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I will pay hourly wages to my employee(s) and will offer no other form of compensation.
<input type="checkbox"/> Yes <input type="checkbox"/> No	If I hire any employee(s), I understand I must have, or must secure, my own State and federal employer tax numbers.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I will make my State and federal employer tax numbers available to the Construction Industries Division upon request.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I will withhold all required State and federal taxes, Social Security, etc. from the wages I pay to my employee(s).
<input type="checkbox"/> Yes <input type="checkbox"/> No	I will make my payroll records available to my inspector upon his request.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that I must carry Workers' Compensation insurance if I employ a total of three or more persons (not including subcontractors)
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that if I have less than three employees, I may carry Workers' Compensation insurance but am not required to do so.

Construction Industries Division
**HOMEOWNER'S RESPONSIBILITIES FOR ANY TYPE OF ALTERATION OR
 CONSTRUCTION MADE TO A RESIDENTIAL BUILDING**

<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that if I do not carry Workers' Compensation insurance, I may be financially responsible if any of my employees are injured while working on my premises. This financial liability will include employee(s) for whom I was not required to carry Workers' Compensation insurance.
<input type="checkbox"/> Yes <input type="checkbox"/> No	If I hire a subcontractor and he does not carry Workers' Compensation, I understand I may be financially responsible if any of his workers are injured while working on my premises.
<input type="checkbox"/> Yes <input type="checkbox"/> No	If I hire a "construction manager" or "superintendent" or "foreman" to oversee my work, I understand such person will be my employee, and I will pay him hourly wages and no other form of compensation.
<input type="checkbox"/> Yes <input type="checkbox"/> No	If I hire a "construction manager" or "superintendent" or "foreman" to oversee my work, I understand that, as the homeowner-builder, I am still the responsible party for compliance with all building codes and construction requirements and for the quality and completion of all contracting work performed under my Homeowner's Permit by my subcontractor(s), employee(s), and me.
<input type="checkbox"/> Yes <input type="checkbox"/> No	If I hire a GB-2 or GB-98 licensed contractor to supervise my work, I must void my Homeowner's Permit. The licensed contractor must permit the project under his own license.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that if I do not want to be responsible for the quality and completion of all work on my home and for compliance with all building codes and construction requirements, I should not obtain a Homeowner's Permit. Rather, I should hire a licensed general contractor to take over those responsibilities.
<input type="checkbox"/> Yes <input type="checkbox"/> No	If I am building my own home and during the process of building, I decide not to own and/or occupy the home when it is completed, I understand I am no longer eligible for a Homeowner's Permit. At that time, I will immediately cancel my Homeowner's Permit and hire a licensed general contractor to complete the work.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand my Homeowner's Permit is only for general construction building. Any electrical, mechanical or plumbing work must be permitted separately.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand electrical and/or a properly licensed contractor must perform plumbing work unless I have demonstrated my ability to do such work by passing a homeowner's examination administered by the electrical or plumbing inspector for the jurisdiction in which I am building my home. This includes: (1) Having my submitted plans approved and (2) obtaining all required permits and calling for all required inspections.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that, under no circumstances, can I perform HVAC or natural gas work under my Homeowner's Permit, and I must hire an appropriately licensed subcontractor who will obtain his own permit for performing such work.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that if I hire a subcontractor to do the electrical and/or plumbing work, that subcontractor must obtain his own permit for his portion of the work.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that if I do not cure any cited code violation within ninety (90) days, the Construction Industries Commission may assess a penalty of up to Two Hundred Dollars (\$200.00) against me.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that if I fail to call for a final inspection, the Construction Industries Commission may assess a penalty of up to Five Hundred Dollars (\$500.00) against me.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that I must call for and pass all required inspections, including a final Inspection, in order to obtain a Certificate of Occupancy.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand the law requires I may not occupy my home (or addition to my home) until a Certificate of Occupancy has been issued; by my general construction inspector.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that if I disregard the law and occupy my home (or addition) prior to final inspection, no Certificate of Occupancy will be issued to me after final inspection or at any time in the future.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that I may have difficulty in closing on a construction loan, refinancing my home or selling my home in the future if I do not follow all laws and procedures and obtain a Certificate of Occupancy.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand the Certificate of Occupancy will clearly state my home (or addition) was built under a Homeowner's Permit.
<input type="checkbox"/> Yes <input type="checkbox"/> No	I understand that I will have limited remedies available to me through the Construction Industries Division and/or the Construction Industries Commission because I have assumed the responsibilities for this project that would have normally been assumed by a licensed general contractor.

Construction Industries Division
**HOMEOWNER'S RESPONSIBILITIES FOR ANY TYPE OF ALTERATION OR
CONSTRUCTION MADE TO A RESIDENTIAL BUILDING**

I _____ certify that I have read the above statements and understand the requirements and responsibilities that accompany a Homeowner's Permit, and I agree to be bound by all applicable codes, law, rules, regulations, requirements and responsibilities. I understand I cannot perform any electrical, mechanical or plumbing work under this permit, If I hire a licensed contractor to do any portion of this project; the contractor will apply for his own permit for this portion of the work. I understand I am required to substantiate my construction knowledge to the satisfaction of the Division.

X _____

Homeowner Signature (must be signed before a notary witness)

NOTARY

Sworn to before me this _____ of

_____, 20_____

Notary witness signature

My Commission Expires: _____

NOTE: This signed copy is to be attached to the Homeowner's Permit application. A photocopy is to be given to the homeowner named above.

* * * * * B U I L D I N G P E R M I T * * * * *

Application Number 13-00001876 Date 9/15/14
Application pin number 544140
Property Address 133 VALLEY DR
Application type description ADDITION GARAGE/CARPORT RESIDENTIAL
Subdivision Name
Property Zoning RESIDENTIAL 2DU
Application valuation 15000

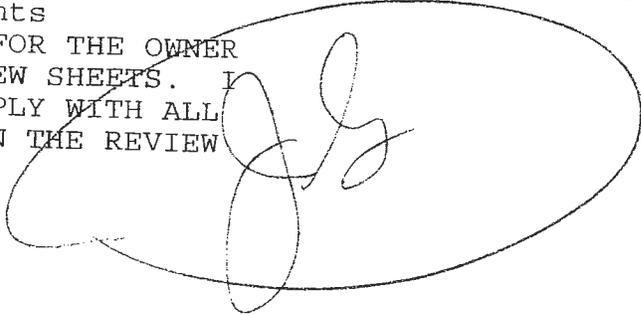
Owner Contractor

GIBBS, DIANE & JOHN HOMEOWNER
133 VALLEY DR
SANTA FE NM SANTA FE NM 87501
SANTA FE (123) 456-7890
(505) 780-1068 NM 87501

Structure Information 000 000 NEW GARAGE CONVERT EXIST GARAGE 2 REC RM
Construction Type TYPE V-B
Occupancy Type RES. OCCUPANCIES/PERM
Flood Zone MIN. FLOODING/OUTSIDE 500

Permit BUILDING PERMIT RESIDENTIAL
Additional desc
Phone Access Code 1106632
Permit pin number 1106632
Permit Fee 301.25 Plan Check Fee 125.63
Issue Date 9/24/13 Valuation 15000
Expiration Date 9/24/14

Special Notes and Comments
I, THE OWNER OR AGENT FOR THE OWNER
HAVE RECEIVED THE REVIEW SHEETS. I
UNDERSTAND I AM TO COMPLY WITH ALL
CONDITIONS INDICATED ON THE REVIEW



For permits issued AFTER 08/01/2009, you MUST use VIPS
for scheduling inspections! Call in by 3:00 PM for a next-
day inspection (based on availability). 955-6110

APPROVED BY John Gibb DATE 09/15/14
APPLICANT _____ DATE _____

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of its issuance (the "appeal period") pursuant to 14-3-17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

* * * * * B U I L D I N G P E R M I T * * * * *

Application Number 13-00001876 Page 2
Application pin number 544140 Date 9/15/14

Special Notes and Comments
SHEETS. INITIALS _____

Other Fees ADDITIONAL PLAN REVIEW 120.00

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	301.25	301.25	.00	.00
Plan Check Total	125.63	125.63	.00	.00
Other Fee Total	120.00	120.00	.00	.00
Grand Total	546.88	546.88	.00	.00

For permits issued AFTER 08/01/2009, you MUST use VIPS for scheduling inspections! Call in by 3:00 PM for a next-day inspection (based on availability). 955-6110

APPROVED BY _____ DATE _____
APPLICANT _____ DATE _____

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of its issuance (the "appeal period") pursuant to 14-3.17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

* * * * * B U I L D I N G P E R M I T * * * * *

Application Number 13-00001876 Page 3
Property Address 133 VALLEY DR Date 9/15/14
Application description ADDITION GARAGE/CARPORT RESIDENTIAL
Subdivision Name
Property Zoning RESIDENTIAL 2DU

Permit BUILDING PERMIT RESIDENTIAL

Additional desc
Phone Access Code 1106632
Permit pin number 1106632

Required Inspections

Seq	Phone Insp#	Insp Code	Description	Initials	Date
10	103	F007	FOUNDATION		/ /
10	110	S001	SLAB, ON GRADE		/ /
10	412	EL12	ELECTRICAL, GROUND REBAR		/ /
10	104	SLAB	SLAB		/ /
10	402	EL02	ELECTRICAL, ROUGH		/ /
10	201	M001	MECHANICAL, ROUGH		/ /
10	106	FR01	FRAME		/ /
10	107	LAIN	LATH AND INSULATION		/ /
10	599	G002	GRADING & DRAINAGE, FINAL		/ /
10	299	M003	MECHANICAL, FINAL		/ /
10	499	EL04	ELECTRICAL, FINAL		/ /
1000	199	C001	BUILDING, FINAL		/ /

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of its issuance (the "appeal period") pursuant to 14-3.17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein

Amended Drawings to Building Permit

Revisions: \$60.00 per hour

Date In: 05/21/14

Building Permit # B-1576

Project Address: 133 Valley Drive

John Gibbs
Telephone # # 780-1068

WBAO Clearance: _____ Increase of Water No Increase of Water
(Initials/Date)

Front Counter Staff: _____ Date Accepted: 05/21/14 Staff Initials: RAV

Interior Only Exterior Only Interior and Exterior

Accurate Description of Amendment:

Garage Relocated on Lot (Slightly Moved)

The listed project has submitted amended drawing to an existing building permit. An on-site inspection may be necessary to determine if work can continue, or halted until the revisions have been approved by the proper departments.

PLAN REVIEWER USE ONLY

Category	Date In	Time In	Time Out	Date Out	Action	By
Architectural						
Building						
Electrical						
Escarpment						
Fire						
Gr. & Dr	<u>5/21</u>	<u>2:00</u>	<u>2:15</u>	<u>5/21</u>	<u>AP</u>	<u>RAV</u>
Handicap						
Historical						
Impact						
Landscape						
Plumbing						
Archaeological						
Zoning						

Total Hours: 2

Plan Check Fee: \$ 120.00

Applicant's Signature: _____ Date: _____

W•E Walker Engineering

Morey Walker & Associates Engineering, Inc.

905 Camino Sierra Vista
Santa Fe, NM 87505
(505) 820-7990

September 4, 2014

Ms RB Zaxus, P.E.
City Engineer for Land Use
200 Lincoln Ave
Santa Fe, NM 87504

Ref. 133 Valley Drive
Garage Addition
Permit #13-1876

Dear RB,

For the referenced permit, due to site constants, the garage was constructed 2.48' feet closer to Arroyo La Piedras than what was original permitted. At my client's request, I personally inspected the property to determine the impact of this construction on the arroyo. From my field inspection, I found that the existing ground along the arroyo has not been disturbed by the garage construction. Substantial amount of branches from an onsite cottonwood that was removed during construction were placed on top of the natural arroyo bank. This tree material will provide additional erosion protection.

With the arroyo bank being stabilized, as noted, and taking into account the minor reduction of the setback, I do not anticipate any impacted on the garage by either erosion or undercutting from the Arroyo La Piedras.

Let me know if you need any further information or have any questions.

Sincerely,
Walker Engineering

Morey E. Walker, P.E.
Principal

