

City of Santa Fe, New Mexico

memo

DATE: February 22, 2016 for the March 3, 2016 Planning Commission Meeting

TO: Planning Commission

VIA: Lisa D. Martinez, Director, Land Use Department
Greg Smith, Director, Current Planning Division

FROM: Katherine Mortimer, Land Use Planner Supervisor, Land Use Department

2051 CERROS ALTOS TERRAIN MANAGEMENT VARIANCE

Case #2016-06. 1503 Cerros Altos Terrain Management Variance. Sommer, Karnes and Associates, LLP, agent for Julie Silverstein Trust and the Kim M. Colweck Trust, requests a variance to the Terrain Management Regulations (Subsection 14-8.2(D)(3)(b)) to construct a single family residence. The applicant is requesting a variance to have more than one-half of the building footprint in natural slopes of greater than 20%. The property contains both Foothills and Ridgetop Subdistricts of the Escarpment Overlay Zone. The property is 4.337 acres and is zoned R-1 (Residential – 1 unit per acre). (Katherine Mortimer, Case Manager)

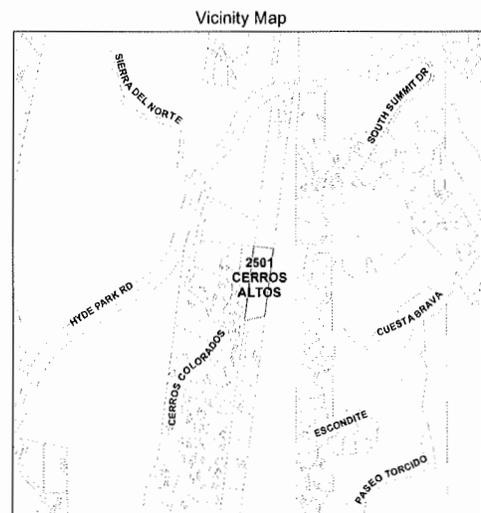
RECOMMENDATION

If the Commission determines that the extent of grading and size of house proposed by the applicant constitute the minimum variance that will permit reasonable use of the property, the requested variance can be supported and the Commission may **APPROVE WITH CONDITIONS**. Appropriate conditions are provided in Exhibit A of this report.

If the Commission approves this variance, an application for building permit must be submitted that incorporates all approved conditions of approval and is consistent with the building and features included in the application for variance before construction can proceed.

I. APPLICATION SUMMARY

The applicant is proposing to construct a house on Lot 6 of the Cerros Altos Subdivision (Case #S2004-10), which was approved and recorded in 2004. The applicant is requesting a variance to terrain management (grading) regulations that require half of house's footprint to be located on land that is flatter than a 20% slope (50-50



Rule”). The applicant maintains that reasonable use of the property requires approval of a variance to either terrain management or escarpment overlay district regulations, or both.

The proposed house would have a floor area of 4,356 square feet, and the footprint – the area covered by the house, portals, etc. – would be 6,318 square feet. A development plan sheet recorded with the 2004 subdivision shows a buildable site of 5,853 square feet on the 4.337-acre lot. It also includes a 50 foot building setback and a 30-foot road setback on the west side of the property.

II. EXECUTIVE SUMMARY

Location of the proposed home, including its proposed size and configuration, anywhere on the lot would require either a variance to the “50-50 rule,” or a variance to the prohibition on development within the Ridgetop Subdistrict of the Escarpment Overlay District. The proposed site requires a variance to the 50-50 Rule but does not have significant visual impacts, consistent with the goals of the Escarpment Overlay Zoning District. An alternate site, further up the hill where the slopes are slightly less steep, would reduce the amount of the terrain management variance but would result in more severe visual impacts and would require additional grading of the site. A third site, much further down the hill but on the top of a ridge that comes into the site from the east, would eliminate the need for a terrain management variance but would locate the home entirely within the Ridgetop Subdistrict requiring a variance from the prohibition to developing in that Subdistrict. It would also have greater visual impacts in that location.

As background, the building site noted on the 2004 development plan was not intended to indicate the only buildable area. Such sites are provided when creating a new lot to demonstrate that the lot being created is a buildable lot. In this case, a house of the size and configuration currently proposed could not be built on this site without a variance from either the 50-50 Rule or from the prohibition of building in the Ridgetop Subdistrict of the Escarpment Overlay District. The proposed house would be one of the larger homes in the subdivision and immediate neighborhood, but it would represent the smallest percentage of footprint compared to the size of the site.

A smaller house size or more-compact footprint would likely avoid the need for a variance. However, the size of the footprint of the proposed home is similar to those of other homes in the same subdivision and in the surrounding neighborhood, which supports a determination that the proposed home is a reasonable use of the site. With the Conditions of Approval (Exhibit A), the impacts of the requested variance would be addressed and the site would be less visible than from either of the other two potential sites identified.

Staff recommends approval of the variance with the inclusion of the Conditions of Approval provided in Appendix A of this report and with the inclusion of the mitigating features included in the proposal.

III. VARIANCE PROCEDURES

The variance process balances reasonable use of the applicant’s property against compliance with the letter and intent of adopted regulations. Subsection 14-3.16(C) lists six approval criteria

must be met in order to approve a variance request. Those criteria set up a two-stage review process.

In the first stage of review, the Commission must determine that special circumstances apply to the property that make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14. Special circumstances may include physical characteristics that distinguish the property from others in the vicinity, such as unusual topography. Special circumstances may also include conflicting regulations that prevent development of the property without a variance to one or more of the regulations.

If the Commission determines that there are special circumstances that make it infeasible to develop the property, the second stage involves a determination of the minimum variance that would be needed to permit reasonable use of the property.

Section 14-8.2(D)(3)(b), states that: “At least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent.” (The 50-50 Rule). The proposal siting would result in 75 % of the building footprint being located on slopes that are 20% or greater with the remainder on slopes that are less than 20%.

The proposed house consists of 3,469 SF of heated area, an 856 SF garage and 1,933 SF of portals. Of the total 6,318 SF footprint, 24.5% (1,549 SF) is located on slopes of less than 20% and 75.5% (4,770 SF) is located on slopes greater than 20%. None of the proposed footprint is located on slopes greater than 30%.

IV. TERRAIN AND STORMWATER MANAGEMENT

The purpose of the terrain and stormwater management regulations is “to protect, maintain and enhance the health, safety and general welfare of the citizens and natural environment of Santa Fe.” The following considerations shall be used during the design and planning process for all proposed developments (Subsection 14-8.2(A) Purpose):

- (1) ensure sound and orderly development of the natural terrain;
- (2) protect life and property from the dangers of flooding and the hazard of improper cuts and fills;
- (3) minimize erosion and sedimentation;
- (4) minimize destruction of the natural landscape;
- (5) protect the scenic character of Santa Fe from the visual blight of indiscriminate cuts and fills and vegetation removal resulting from extensive grading and utility scars;
- (6) treat stormwater runoff as a valuable natural resource in Santa Fe, a community that is prone to drought, by encouraging water collection and infiltration on site;
- (7) control the adverse impacts associated with accelerated stormwater runoff on natural drainage ways and all structures due to increased development and impervious surfaces;

- (8) minimize erosion and degradation of arroyo channels and improve the condition of the channels where possible;
- (9) respect, protect, maintain and restore natural drainageways, wetlands, bosques, floodplains, steep slopes, riparian vegetation and wildlife habitat areas;
- (10) prevent stormwater runoff from entering or damaging acequias or other irrigation facilities;
- (11) integrate stormwater management measures into the landscape and site planning process as set forth in Section 14-8.4 (Landscape and Site Design);
- (12) provide aesthetically pleasing solutions to stormwater management and erosion control measures by integrating measures into the overall landscape and site design; and
- (13) promote improved water quality through compliance with the EPA NPDES MS4 permit and Construction General Permit (CGP).

V. ESCARPMENT OVERLAY ZONE

The subject property is located entirely within the Escarpment Overlay Zone. Development of the proposed home on the site would require a variance from either the terrain management or the escarpment overlay zone regulations, or a reduction in the building footprint. Therefore, to understand the tradeoff in impacts from granting one or the other of the variances, it is useful to understand the intent of the Escarpment Overlay district per Subsection 14-5.6(A)(3):

- (a) Preservation of the city's aesthetic beauty and natural environment is essential to protect the general welfare of the people of the city, to promote tourism and the economic welfare of the city, and to protect the cultural and historic setting of the city;
- (b) Development is highly visible on or about the ridgetop areas of the foothills for great distances and detracts from the overall beauty of the natural environment and adversely impacts the aesthetics of the mountain and foothill vistas as seen from the city;
- (c) Land within the escarpment overlay district is environmentally sensitive due to the presence of steep slopes, erosion problems, drainage problems and other environmental attributes;
- (d) The interest and welfare of the people of the city is to prohibit development on ridgetop areas of the foothills to the extent possible as allowed by law; and
- (e) The interest and welfare of the people of the city is to restrict development in the escarpment overlay district to preserve the aesthetic beauty and natural environment of the ridgetop areas of the foothills and to protect the mountain views and scenic vistas from the city to the extent possible.

There is one area on the lot with slopes under 20% that would be large enough to accommodate the proposed home without needing a variance to the 50-50 Rule. However, that area is located in the Ridgetop Subdistrict of the Escarpment Overlay Zone. Because Subsection 14-5.6(D)(1) prohibits development in the Ridgetop Subdistrict, development on that location would require a variance to that prohibition.

The Escarpment Regulations direct that “*Structures* shall be sited as far from the *viewline* as possible . . .” (SFCC §14-5.6(D)). The viewline is defined as “. . . either the boundary between

the ridgetop subdistrict and foothill subdistrict or the delineated portion of the boundary of the ridge top subdistrict if there is no contiguous foothill Subdistrict. . .”

VI. APPROVAL CRITERIA

Criteria in Subsections 14-3.16(C)(1) through (5) are required to grant a variance:

- (1) One or more of the following special circumstances applies:
 - (a) Unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

***Applicant Response:** The Property on a sloping site, most of which are greater than 20 percent. The Property is entirely within the Ridgetop and Foothill subdistricts of the Escarpment Overlay zone. As addressed below, construction of a single family dwelling on the Property would require either approval of the requested variance to the 50-50 Rule or approval of a variance to allow development within the Ridgetop Subdistrict.*

The City has approved two different plans showing building areas, both of which are within the Foothills Subdistrict, which is where the proposed building footprint is located.

In 2003, the City approved a lot line adjustment plat of a larger area that includes the Property (the “LLA”). The LLA identified the buildable area within the portion of the Property within the Foothills Subdistrict, which is where a portion of the structure is proposed and which requires approval of the requested variance.

In conjunction with approval of the Cerros Altos Subdivision, which includes the Property, the City approved a Development Plan (the “Development Plan”), which identifies an “approximate building site” consisting of 5,853 SF located within the Foothills Subdistrict in generally the same location as the proposed structure (see Sheet A-1), as well as a driveway, which was roughed in approximately 10 years ago in conjunction with extension of utilities in to the Property (the “Driveway”).

The City’s prior approvals, designation of Escarpment Overlay subdistricts on the entire Property and the natural slopes on the Property all constitute unusual physical characteristics that distinguish the Property from others in the vicinity. There are no other properties in the vicinity that required or would require approval of either a variance to the 50-50 Rule or to the prohibition on development within the Ridgetop Subdistrict. None of the foregoing conditions was created by the applicant, who purchased the Property in reliance on the prior City approvals.

***Staff Analysis:** As noted, the subject property is entirely within the Escarpment Overlay Zone and is generally a steep site. The locations where slopes flatten correspond, all or in part, with the Ridgetop Subdistrict. The building site shown on the development*

plan contains most of the area on the site that has slopes of less than 20% and is not within the Ridgetop Subdistrict. The building site designated on the Development Plan would allow for construction of a smaller or more compactly designed footprint of the size proposed without requiring a variance, however, the proposed building design could not.

- (b) The parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

Applicant Response: *Not applicable.*

Staff Analysis *The parcel is a legally conforming lot.*

- (c) There is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7(B):
“In the case of a conflict within Chapter 14, or between Chapter 14 and any other ordinance, resolution or regulation, the more restrictive limitation or requirement shall prevail, unless an exception is specifically stated, and the provision shall govern that requires:

- (1) the greater width or size of yards, courts or other open spaces;
- (2) the lower height of structure or lesser number of stories;
- (3) the greater percentage of lot or land to be left unoccupied; or

- (4) other higher standards.

Applicant Response: *There is a conflict in applicable regulations. If the dwelling is located within the Foothills Subdistrict (where the Buildable Sites are located), then a variance to the 50-50 Rule is necessary. If the dwelling is located in the southerly portion of the site, it could be sited in an area that does not require a variance to the 50-50 Rule. However, such a site would require construction to occur within the Ridgetop Subdistrict, which is prohibited:*

“For all lots subdivided or resubdivided after February 26, 1992, development in the ridgetop subdistrict of the escarpment overlay district, other than driveway access and utilities, is prohibited.” (§14-5.6.D.1)

As between the two restrictions, neither is “more restrictive” pursuant to the criteria set forth in section 14-7.7.B.

“(B) In the case of a conflict within Chapter 14, or between Chapter 14 and any other ordinance, resolution or regulation, the more restrictive limitation or requirement shall prevail, unless an exception is specifically stated, and the provision shall govern that requires:

- (1) the greater width or size of yards, courts or other open spaces;*
- (2) the lower height of structure or lesser number of stories;*
- (3) the greater percentage of lot or land to be left unoccupied; or*
- (4) other higher standards.”*

As between the 50-50 Rule and the prohibition on development within the Ridgetop Subdistrict, neither would affect the size of yards or open space, lower height of structure, greater percentage of land left unoccupied or other higher standards.

It is noted that the Code provides a flat prohibition on development within the Ridgetop Subdistrict, whereas the terrain management regulations provide standards to ensure that adverse impacts relating to development on slopes is minimized and does not contain a flat prohibition regarding development on slopes of greater than 20%.

With respect to the Property, the 50-50 Rule allows for up to 2,176 SF of the 4,352 SF building footprint to be on slopes of great than 20%. The application proposed development of 3,256 SF on slopes of greater than 20%.

Given the strict prohibition on development in the Ridgetop Subdistrict versus the allowance of up to 50% of the building footprint to be located on slopes greater than 20% and standards for minimization of erosion and runoff, the prohibition on development in the Ridgetop Subdistrict is more restrictive.

Consistent with the foregoing, the City has approved two plans indicating that the dwelling should be located within the Foothills Subdistrict in the northerly portion of the Property, which the application proposes. As such, the City has already determined that compliance with the Ridgetop Subdivision development prohibition is a higher priority than the requested variance that is necessitated by the City's approval of the buildable area within the Property.

Staff Analysis: *Staff concurs that a house of the size and configuration proposed on this site would require a variance to either the terrain management regulations ("50-50 Rule") or to the escarpment overlay zone regulation. A more-compact house of the same size or a smaller house could avoid the need for a variance but would then not meet the design preferences of the property owners. Neither set of regulations establishes specific upper limits on the floor area or building footprint.*

The applicant has provided photo renderings comparing the proposed location to an alternate location, as viewed from the two public roadways where the site is visible. (See Exhibit D) The alternate location would shift the footprint onto a flatter part of the site – avoiding the "50-50" variance – but would encroach into the Ridgeline Subdistrict. The renderings show that the home would not visually break the plane of the ridgeline as seen from public roads if located on the proposed location (Foothills). At the Ridgetop Subdistrict location, the home would visually extend above the ridgeline when viewed from Hyde Park Road. The proposed siting of the building is located away from the viewline as directed by SFCC §14-5.6(D).

The applicant proposes to reduce the amount of grading on the site by limiting the width of the access driveway and by building retaining walls along the driveway. The narrower driveway also requires installing a water tank and providing fire sprinklers in the home. Those steps would somewhat mitigate the visual impact of construction on either site.

(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

Applicant Response: *Not applicable.*

Staff Analysis: *Staff concurs.*

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

Applicant Response: *Given the natural slopes present on the Property and the designated Ridgetop and Foothills Subdistricts, which cover the entire Property, development of the Property for its permitted use as a single family dwelling would require approval of either the requested variance to the 50-50 Rule or approval of a variance to the prohibition on development within the Ridgetop Subdistrict. The application is fundamentally consistent with the buildable areas designated on the LLA and Development Plan and would avoid the need for a variance to allow development within the Ridgetop Subdistrict, which the Code flatly prohibits.*

Staff Analysis: *Staff concurs that it would not be possible to develop a home of the proposed size and configuration without obtaining a variance to Chapter 14.*

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

Applicant Response: *By approving the LLA, the Cerros Altos subdivision and the Development Plan, the City authorized construction of a single-family dwelling on the Property. The balance of the Cerros Altos subdivision and the area in the vicinity have also been approved and substantially developed for single family homes. The type of development is identical to other properties in the vicinity.*

According to information provided by City staff, the footprints of the other homes in the Cerros Altos subdivision range from 4,660 SF to 6,800 SF and houses on properties bordering the Property to the west are up to 6,470 SF in size. The proposed building footprint is less than buildings that the City has approved in the immediate vicinity of the Property and the variance request is therefore consistent with this provision.

Staff Analysis: *Approval of the lot line adjustment in 2004 by the city did not authorize construction of a house. Approval of the initial subdivision and the subsequent lot split were based on determinations that there appeared to be a location where a house could be built that would comply with regulations in effect at the time, but did not approve nor require any subsequent application to locate the building on the area identified as “building site” on the subdivision plan.*

The proposed house would be one of the larger homes in the subdivision and immediate neighborhood, but it would represent the smallest percentage of footprint compared to the size of the site. The footprints of houses on other lots in the same subdivision range from 4,660 to 6,800 square feet and in the neighborhood immediately to the west range

from 2,700 to 6,470. The proposed footprint is 6,318 square feet. However, the size of the lot is larger than any other lot in the subdivision and immediate neighborhood. As a ratio of building footprint to lot size, the proposed home would be the smallest in the subdivision and immediate neighbors. The percentage of lot area occupied by the building footprint for existing homes in the same subdivision or immediate neighborhood ranges from 5% to 26%, while the proposed footprint would be 3% of the lot size.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

Applicant Response: As addressed above, approval of either the requested variance or a variance to the prohibition on development within the Ridgetop Subdistrict would be necessary for development of the Property for its approved use as a single family dwelling. There is no other location on the Property where the house could be constructed without approval of a variance.

It is possible that a smaller house could be constructed in a different area of the Property (farther up the hill to the north, away from Cerros Altos) that would not require issuance of a variance. However, the 15% limitation on driveway slope would likely render such an alternate site infeasible. The proposed driveway is at the 15% limit and has been approved by the Fire Department. A building site at a higher elevation would likely require a driveway slope of greater than 15% or substantially more grading to achieve the required slope. Furthermore, the applicant is not prepared to construct a smaller house of a different design and it is our understanding that it has not been the City's practice to impose size restrictions on homes that are already smaller than existing homes in the vicinity.

Staff Analysis: Moving the building northward would reduce the percentage of slopes over 20% within the building footprint, from 79% to 56%. The average slope of the land under the proposed footprint is 23% compared to 21% if the house was moved northward. The buildable area shown on the development plan includes some slopes less than 20% grade and some between 20% and 30% grade. While the buildable area on the 2004 development plan is 5853 square feet, it is awkwardly configured such that a building of the size and configuration of the one proposed would not be able to be located so as to avoid the need for a terrain management variance entirely.

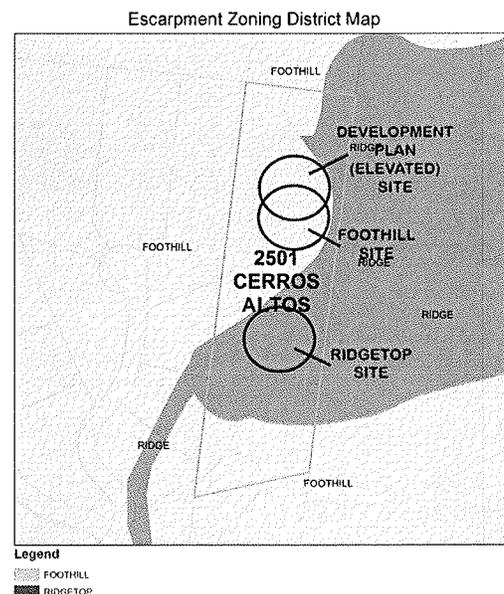


Exhibit D includes photo renderings of the proposed home if it were moved northward to reduce the percentage of the footprint located on slopes less than 20%. These demonstrate that development on this site would result in public views of the building where the home would visually extend higher than the plane of the ridgeline, which is contrary to the intent of the Escarpment Overlay District.

If the building were moved northwards into the portion of the buildable area with slopes under 20% it would reduce the amount of the building footprint on slopes greater than 20% even if it wouldn't achieve a 50-50 ratio as required by the terrain management regulations. However, it would increase the overall amount of grading on the site and would increase the height of the top of the building and, as noted earlier and demonstrated in Exhibit D, would result in greater visual impacts conflicting with the intent of the Escarpment Overlay Zone.

Therefore, while moving the building to the north would technically reduce the amount of variance requested, it may be less in keeping with the full range of intent of the code when considering the escarpment overlay purpose and intent.

The project includes retaining walls, a water tank and required fire sprinklers in the house which mitigate the impacts from building on steep slopes and the associated potential for runoff and fire access constraints. Since these impacts can be mitigated and since visual impacts associated with the Escarpment district impacts cannot be, the requested variance would be the least impactful variance needed to construct the proposed home.

- (b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

Applicant Response: *The requested variance is consistent with the buildable areas shown on the LLA and the Development Plan. By issuing those approvals, the City determined that development of a dwelling in this area is consistent with the purpose and intent of Chapter 14 and applicable policies of the General Plan. Placement of the dwelling within the Ridgetop Subdistrict would violate the prohibition on development in that area and would be inconsistent with the LLA and the Development Plan.*

Staff Analysis: *As noted above, it would not be possible to build a home of the size and configuration proposed without obtaining a variance of some kind. A home with the same square footage might be feasible without the need for either variance, but would require a more compact design than the applicant proposes.*

Staff evaluation finds that the proposed variance request, including the mitigating characteristics of the proposal and the conditions of approval listed in Appendix A, is consistent with the purpose and intent of Chapter 14. In this case it is a balance of two different variances that would need to be granted to approve construction of a home that is similar in size to other homes in the same subdivision and neighborhood. Since the terrain management impacts are proposed to be mitigated by retaining walls, a water tank and by providing fire sprinklers in the home, there would be no remaining

terrain management impacts. The photo renderings show that were an escarpment variance be granted, the home would not meet the intent of the Escarpment Overlay Zone.

- (5) The variance is not contrary to the public interest.

Applicant Response: *The City approved the Escarpment Overlay district in order to promote the economic, cultural, and general welfare of the people of the City, including preservation of the historic ridgetop and foothills area environment as a visual asset for the benefit of the community. (Code §14-5.6.A) The Code prohibits development in the Ridgetop Subdistrict, which occupied the lower portion of the Property, closest to Cerros Altos.*

By approving the LLA and the Development Plan for Cerros Altos, the City approved buildable area within the Foothills Subdistrict in the same general area where the dwelling is proposed to be located, which would require approval of the requested variance to the 50-50 Rule. In doing so, the City has already determined that locating the dwelling in the area proposed is not contrary to the public interest. Placing the dwelling within the Ridgetop Subdistrict would be contrary to the purposes of the Escarpment Overlay district and would also be inconsistent with the LLA and Development Plan.

Staff Analysis: *Staff also believes that the variance is not contrary to the public interest. The development will include several measures which mitigate potential impacts from building on steep slopes. If the home were built on either of the other potential sites identified it would have greater visual impacts. Therefore, the proposed site, with mitigating features, is the site with the greatest protection of the public interest for the proposed home.*

- (6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

Applicant Response: *Not applicable.*

Staff Analysis: *Staff concurs.*

IV. EXHIBITS

Exhibit A – Conditions of Approval

Exhibit B – Development Review Team Comments

1. Terrain Management Memorandum, RB Zaxus
2. Technical Review Division Memorandum, Somie Ahmed
3. Fire Department Review Memorandum, Reynaldo Gonzalez
4. Wastewater Division Memorandum, Stan Holland
5. Water Department Memorandum, Dee Beingessner
6. Traffic Engineering Email, Sandra Kassens

7. Metropolitan Planning Organization Email, Keith Wilson

Exhibit C – Maps

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

Exhibit D- Photo Renderings

1. Photo rendering of building on foothills building site from Cerros Colorados
2. Photo rendering of building on ridgetop building site from Cerros Colorados
3. Photo rendering of building on development plan building site from Cerros Colorados
4. Photo rendering of building on foothills building site from Hyde Park Road
5. Photo rendering of building on ridgetop building site from Hyde Park Road
6. Photo rendering of building on development plan building site from Hyde Park Road

Exhibit E – Comments Received

1. Baylor Trapnell

Exhibit F- Applicant Submittals

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

**Preliminary Subdivision Plat Conditions
of Approval**

Exhibit A
Conditions of Approval
2051 Cerros Altos Terrain Management Variance
Case #2016-6

	DRT Conditions of Approval	Department	Staff
1	Driveway and associated turnouts must be located outside of the 30 foot road setback that runs along the western boundary of the site.	Case Planner	Katherine Mortimer
2	The single family residence shall be required to connect to the City's existing public sewer line within Cerros Altos through a private sewer service line extension from the residence to the public sewer line.	Wastewater Management Division	Stan Holland
3	<p>1. All Fire Department access shall be no greater than a 10% grade throughout. <i>Variance has been granted with the installation of automatic sprinkler systems to new and existing construction</i></p> <p>2. Fire Department Access shall not be less than 20 feet width and must be maintained in all weather and to bear the weight of a fire apparatus. <i>A variance will be granted for the 20 feet width access with the installation of automatic sprinkler systems to new and existing construction. The applicant must also provide an access road to the property that will bear the weight of a fire apparatus and provide a legal binding document on maintenance of the private section of the road.</i></p> <p>3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turnaround that meets the IFC requirements shall be provided. <i>Variance has been granted with the installation of automatic sprinkler systems to new and existing construction. The location of the turnout is flexible to meet other city requirement, in conjunction with an emergency turnaround.</i></p> <p>4. Fire Department shall have 150 feet distance to any portion of the building on</p>	Fire Marshal	Reynaldo Gonzales

Exhibit A
Conditions of Approval
2051 Cerros Altos Terrain Management Variance
Case #2016-6

	any new construction. 5. Shall have water supply that meets fire flow requirements as per IFC		
4	<p>1. Chimneys may exceed the max height by not more than 3' above the immediately adjacent roof as per Article 14-5.6 (F)(5)(c) "Architectural & Site Standards."</p> <p>2. Height of water tank/cistern being proposed must meet the height requirements of Article 14-5.6(F)(5) "Architectural & Site Standards" in the foothills subdistrict.</p> <p>3. Building color, exterior lighting & exterior glazing shall comply with Article 14-5.6(F) "Architectural & Site Standards."</p> <p>4. Landscaping shall comply with Article 14-5.6(G) "Landscaping".</p>	Escarpment + Landscaping	Somie Ahmed
5	If the project proceeds to the permit phase, additional review will be required	Terrain Management	RB Zaxus
6	The property at 2051 Cerros Altos has access to a water main for service.	Water Division	Dee Beingessner
7	The single family residence shall be required to connect to the City's existing public sewer line within Cerros Altos through a private sewer service line extension from the residence to the public sewer line.	Wastewater Division	Stan Holland
8	No Comments	Traffic Engineering	Sandra Kassens
9	No Comments	Metropolitan Planning Organization	Keith Wilson

City of Santa Fe, New Mexico

Planning Commission

Exhibit B

Development Review Team Memoranda

City of Santa Fe, New Mexico

memo

DATE: February 8, 2016

TO: Katherine Mortimer, Case Manager

FROM: Risana B "RB" Zaxus, PE
City Engineer

RE: Case # 2016-06
Cerros Altos terrain management variance

I have reviewed the proposed residence placement, and I support the variance, as the proposed location is not in the ridgetop and has less overall impact than alternatives. If the project proceeds to the permit phase, additional review will be required and comments will be provided.

EXHIBIT B1

City of Santa Fe, New Mexico

memo

DATE: February 2, 2016
TO: Katherine Mortimer, Planner Supervisor
FROM: Somie Ahmed, Planner Technician Senior
SUBJECT: Comments for Case #2016-06, 2051 Cerros Altos Terrain Management Variance

Below are staff's final comments for 2051 Cerros Altos Terrain Management Variance.
These comments are based on documentation and plans dated January 29th, 2016:

1. Chimneys may exceed the max height by not more than 3' above the immediately adjacent roof as per Article 14-5.6 (F)(5)(c) "Architectural & Site Standards."
2. Height of water tank/cistern being proposed must meet the height requirements of Article 14-5.6(F)(5) "Architectural & Site Standards" in the foothills subdistrict.
3. Building color, exterior lighting & exterior glazing shall comply with Article 14-5.6(F) "Architectural & Site Standards."
4. Landscaping shall comply with Article 14-5.6(G) "Landscaping."

EXHIBIT B2

City of Santa Fe, New Mexico

memo

DATE: January 24, 2016

TO: Noah Berke , Case Manager

FROM: Reynaldo Gonzales, Fire Marshal 

SUBJECT: Case #2016-06 2051 Cerros Altos Terrain Mangement

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to any new construction or remodel shall comply with the current code adopted by the governing body.

1. All Fire Department access shall be no greater than a 10% grade throughout. *Variance has been granted with the installation of automatic sprinkler systems to new and existing construction*
2. Fire Department Access shall not be less than 20 feet width and must be maintained in all weather and to bear the weight of a fire apparatus. *A variance will be granted for the 20 feet width access with the installation of automatic sprinkler systems to new and existing construction. The applicant must also provide an access road to the property that will bear the weight of a fire apparatus and provide a legal binding document on maintenance of the private section of the road.*
3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. *Variance has been granted with the installation of automatic sprinkler systems to new and existing construction. The location of the turnout is flexible to meet other city requirement, in conjunction with an emergency turn-around.*
4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
5. Shall have water supply that meets fire flow requirements as per IFC

EXHIBIT B3

City of Santa Fe



New Mexico

MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: January 26, 2016

To: Noah Berke, Case Manager

From: Stan Holland, P.E.
Wastewater Management Division

Subject: Case 2016-06 2051 Cerros Altos Terrain Management Variance

The subject property is accessible to the City public sewer system.

The following shall be required:

1. The single family residence shall be required to connect to the City's existing public sewer line within Cerros Altos through a private sewer service line extension from the residence to the public sewer line.

EXHIBIT B4

City of Santa Fe
memo

DATE: January 27, 2016
TO: Noah Berke, Case Manager, Land Use Department
FROM: Dee Beingessner, Water Division Engineer *DB*
SUBJECT: Case # 2016-06 2051 Cerros Altos Terrain Management

The property at 2051 Cerros Altos has access to a water main for service. The Water Division does not have any other comments on this case.

Fire protection requirements are addressed by the Fire Department.

EXHIBIT B5

MORTIMER, KATHERINE E.

From: BERKE, NOAH L.
Sent: Wednesday, January 27, 2016 1:29 PM
To: MORTIMER, KATHERINE E.
Subject: FW: 2051 Cerros Altos terrain Management variance

Categories: Red Category

Noah Berke, CFM

Planner Senior
City of Santa Fe
Land Use Department
200 Lincoln Ave.
Santa Fe, NM 87504
Work: (505) 955-6647
Cell: (505) 490-5930
Fax: (505) 955-6829

From: KASSENS, SANDRA M.
Sent: Wednesday, January 27, 2016 1:15 PM
To: BERKE, NOAH L.
Cc: ROMERO, JOHN J; WILSON, KEITH P.
Subject: 2051 Cerros Altos terrain Management variance

Noah,

I have no comments for the terrain management variance at 2051 Cerros Altos, case #2016-006. I have passed the paper copies to Keith Wilson so he can look at trail connectivity.

Give me a call if you have any questions.

Sandra Kassens

Engineer Assistant
Engineering Division
Public Works Department
City of Santa Fe
505-955-6697

EXHIBIT B6

MORTIMER, KATHERINE E.

From: BERKE, NOAH L.
Sent: Thursday, January 28, 2016 11:52 AM
To: MORTIMER, KATHERINE E.
Subject: FW: 2051 Cerros Altos terrain Management variance

Noah Berke, CFM

Planner Senior
City of Santa Fe
Land Use Department
200 Lincoln Ave.
Santa Fe, NM 87504
Work: (505) 955-6647
Cell: (505) 490-5930
Fax: (505) 955-6829

From: WILSON, KEITH P.
Sent: Thursday, January 28, 2016 11:20 AM
To: KASSENS, SANDRA M.; BERKE, NOAH L.
Cc: ROMERO, JOHN J
Subject: RE: 2051 Cerros Altos terrain Management variance

Hi Noah:

I have no comments for the Terrain Management Variance at 2051 Cerros Altos, Case #2016-006.

You may want to consult with Tim Rogers, Santa Fe Conservation Trust (tim@sfct.org or 505-989-7019) on any potential impacts or opportunities for planned connectivity related to the Dale Ball Recreational Trail System.

Keith P. Wilson
MPO Senior Planner
Santa Fe Metropolitan Planning Organization

Mailing: P.O. Box 909
Santa Fe, NM 87504-0909
Office: 500 Market St, Suite 200 (Above REI Store)
Santa Fe, NM
Map: <http://tinyurl.com/l6kejeg>
Directions & Parking: <http://www.railyardsantafe.com/north-railyard/>
Phone: 505-955-6706
Email: kpwilson@santafenm.gov
santafempe@santafenm.gov

Please Visit Our Website at: www.santafempe.org



Find Us on Facebook

City of Santa Fe, New Mexico

Planning Commission

Exhibit C

Maps

Future Land Use Map

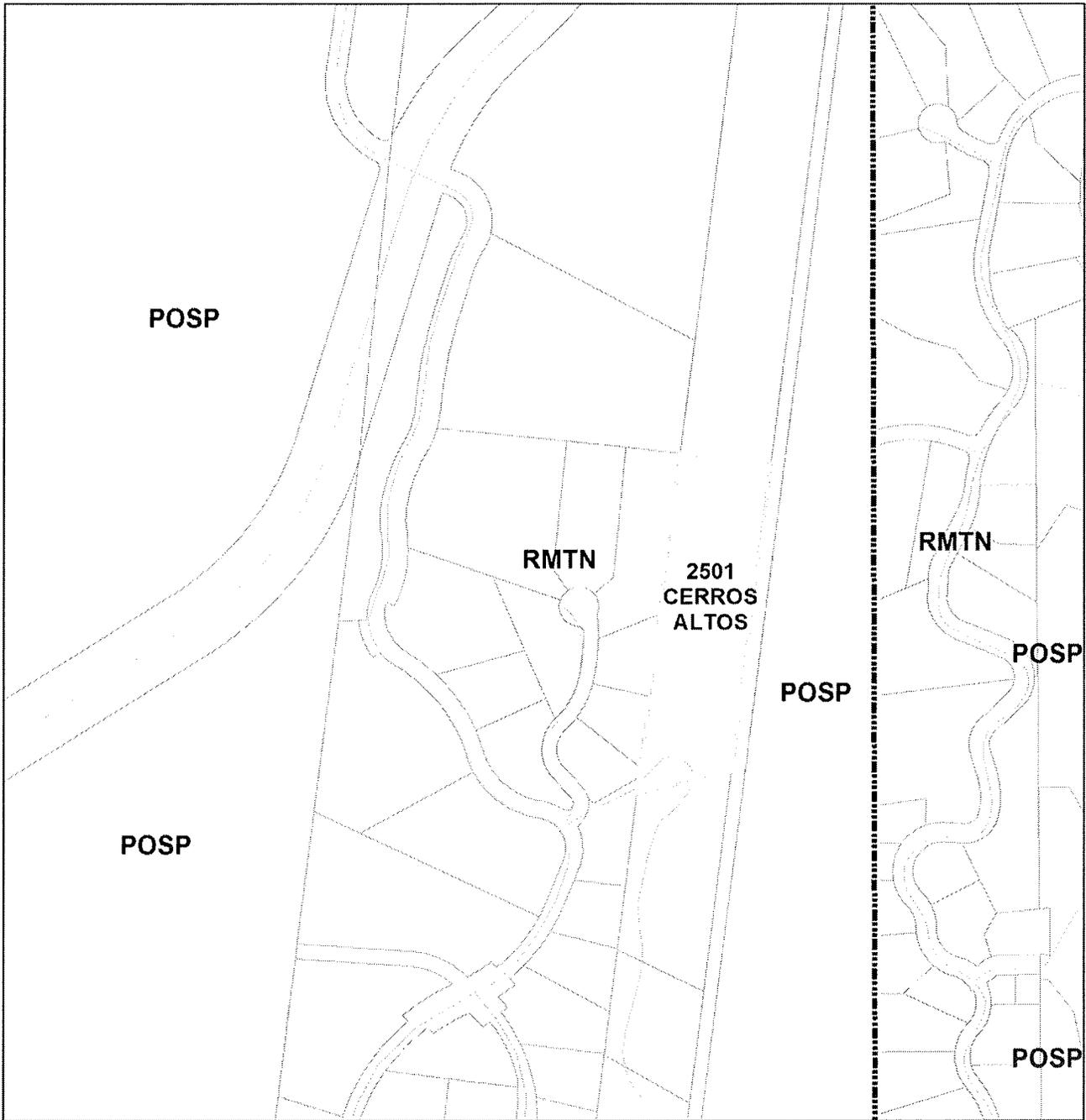


EXHIBIT C1

Zoning Map

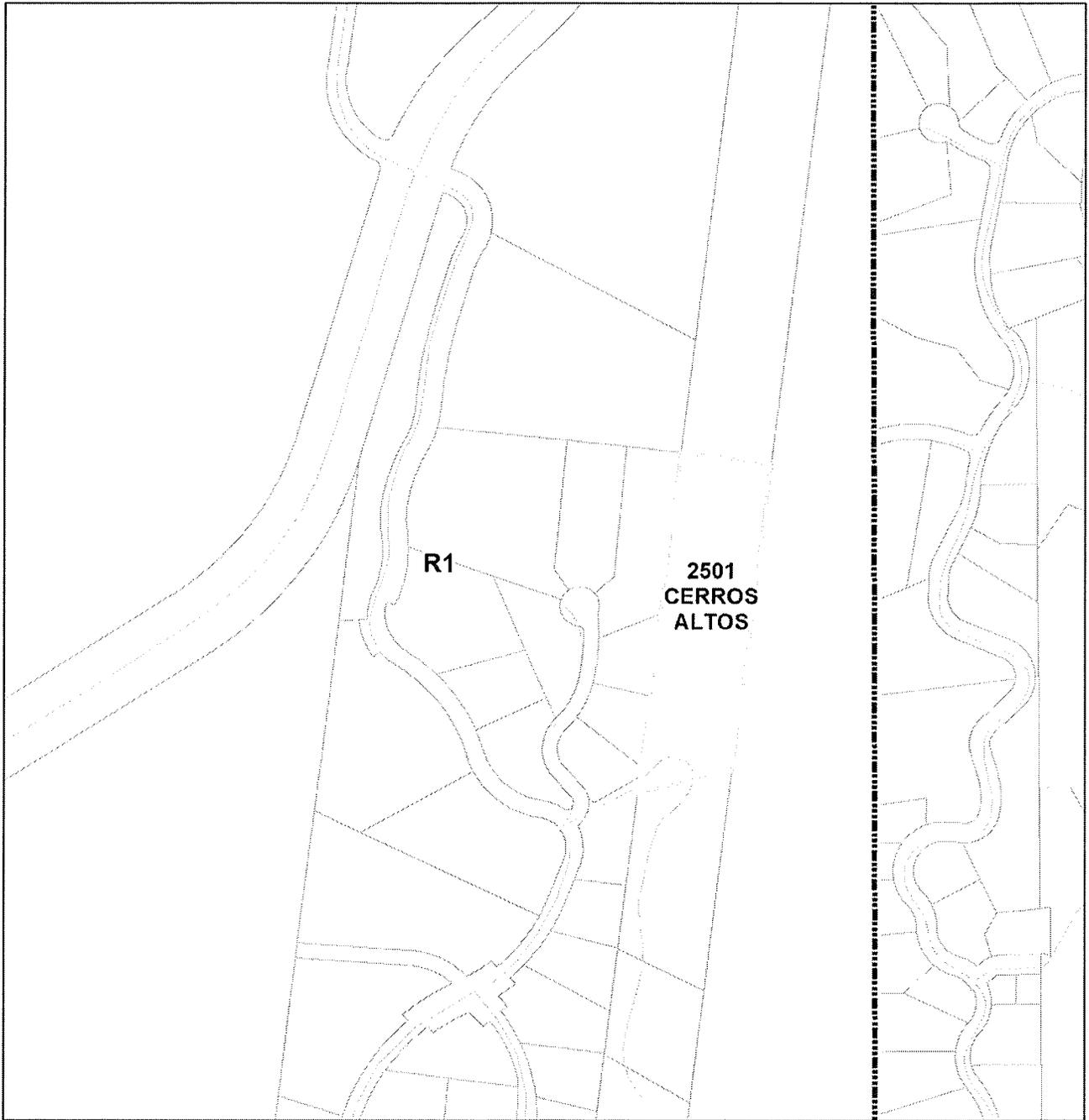


EXHIBIT C2



Aerial Photo



EXHIBIT C3

City of Santa Fe, New Mexico

Planning Commission

Exhibit D
Photo Renderings

PHOTO RENDERING: PROPOSED BUILDING ON FOOTHILLS BUILDING SITE AS SEEN FROM CERROS COLORADOS

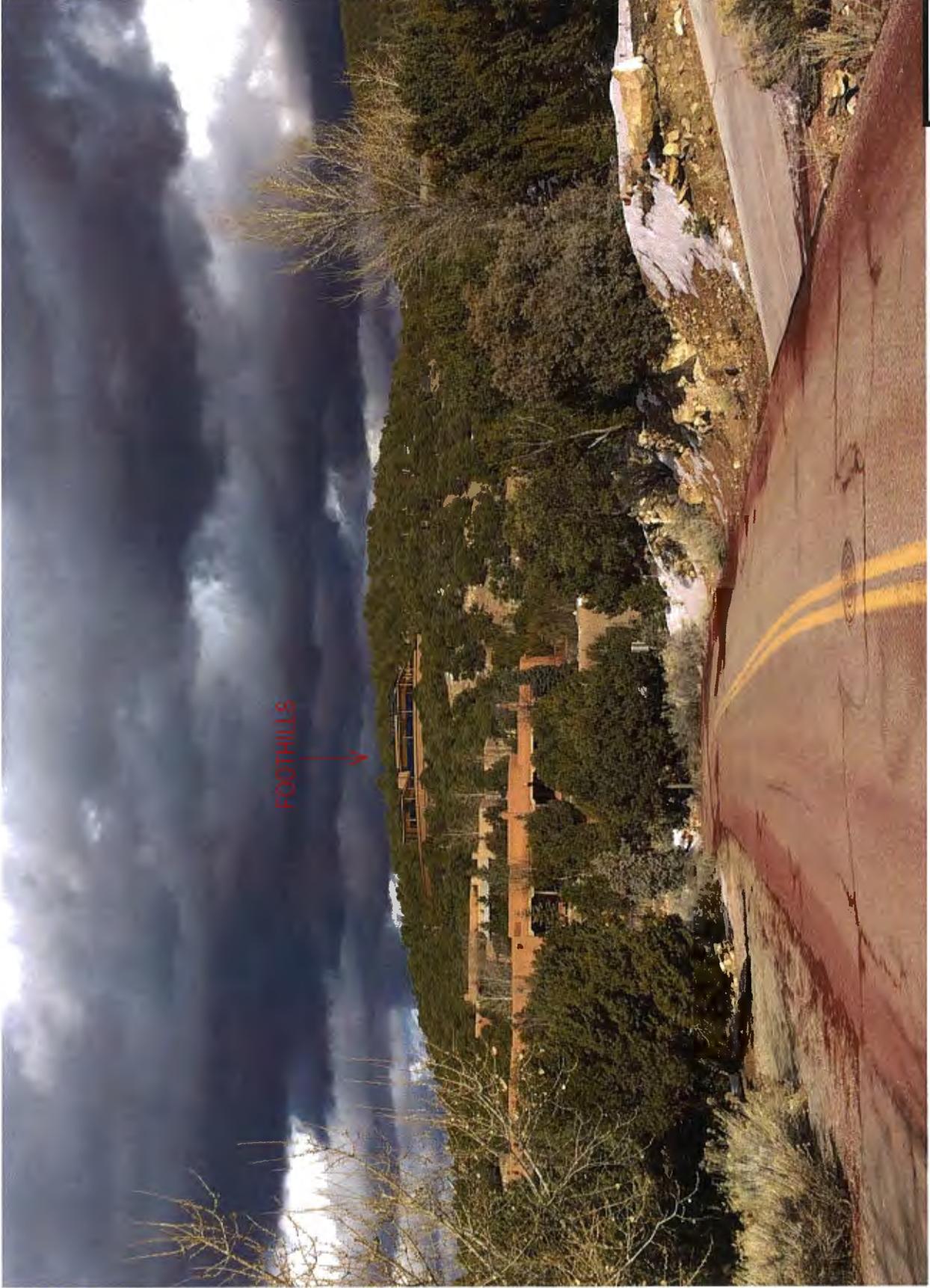


EXHIBIT D1

PHOTO RENDERING: PROPOSED BUILDING ON RIDGETOP BUILDING SITE AS SEEN FROM CERROS COLORADOS

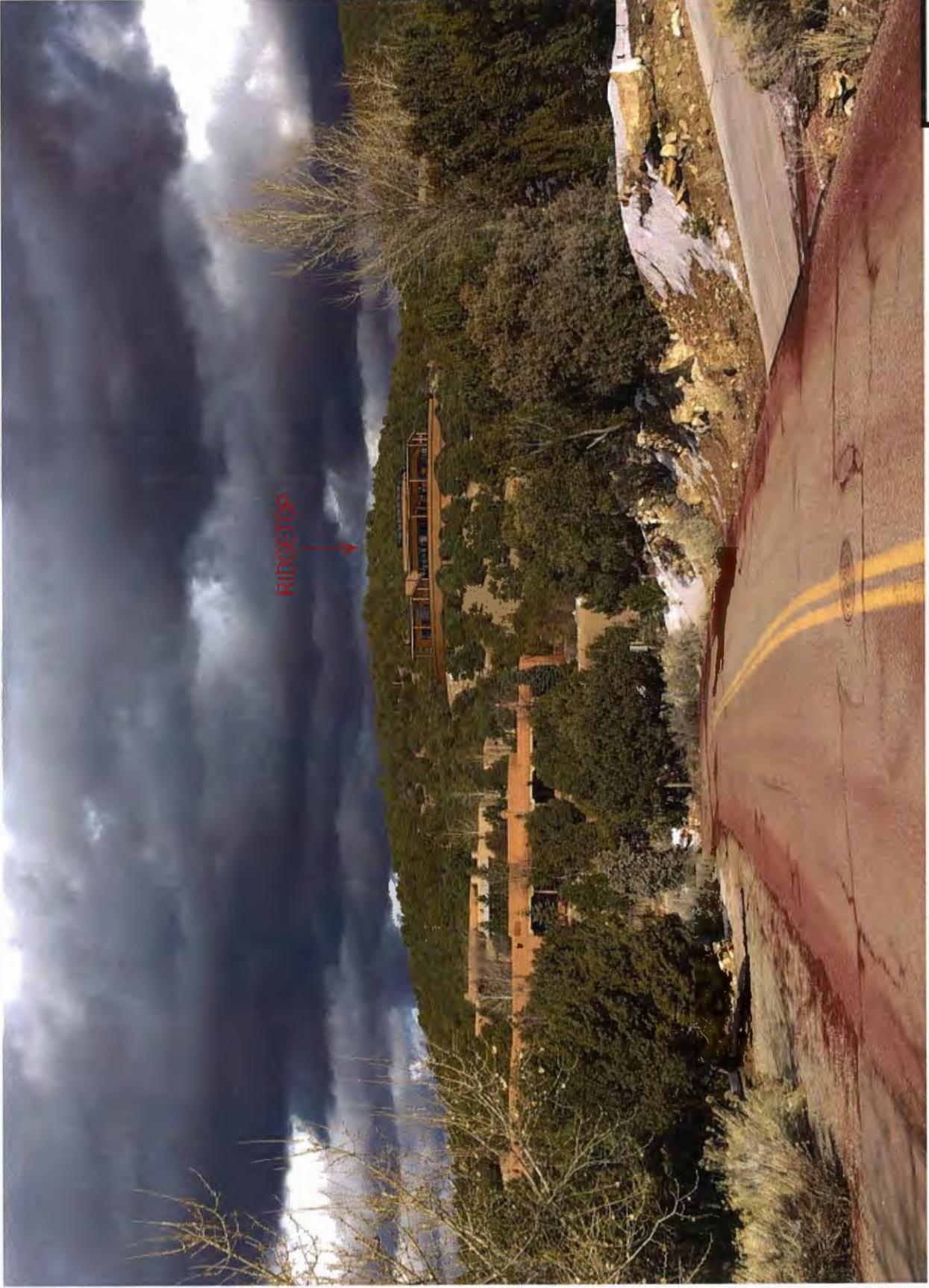


EXHIBIT D2

PHOTO RENDERING: PROPOSED BUILDING ON DEVELOPMENT PLAN BUILDING SITE AS SEEN FROM CERROS COLORADOS

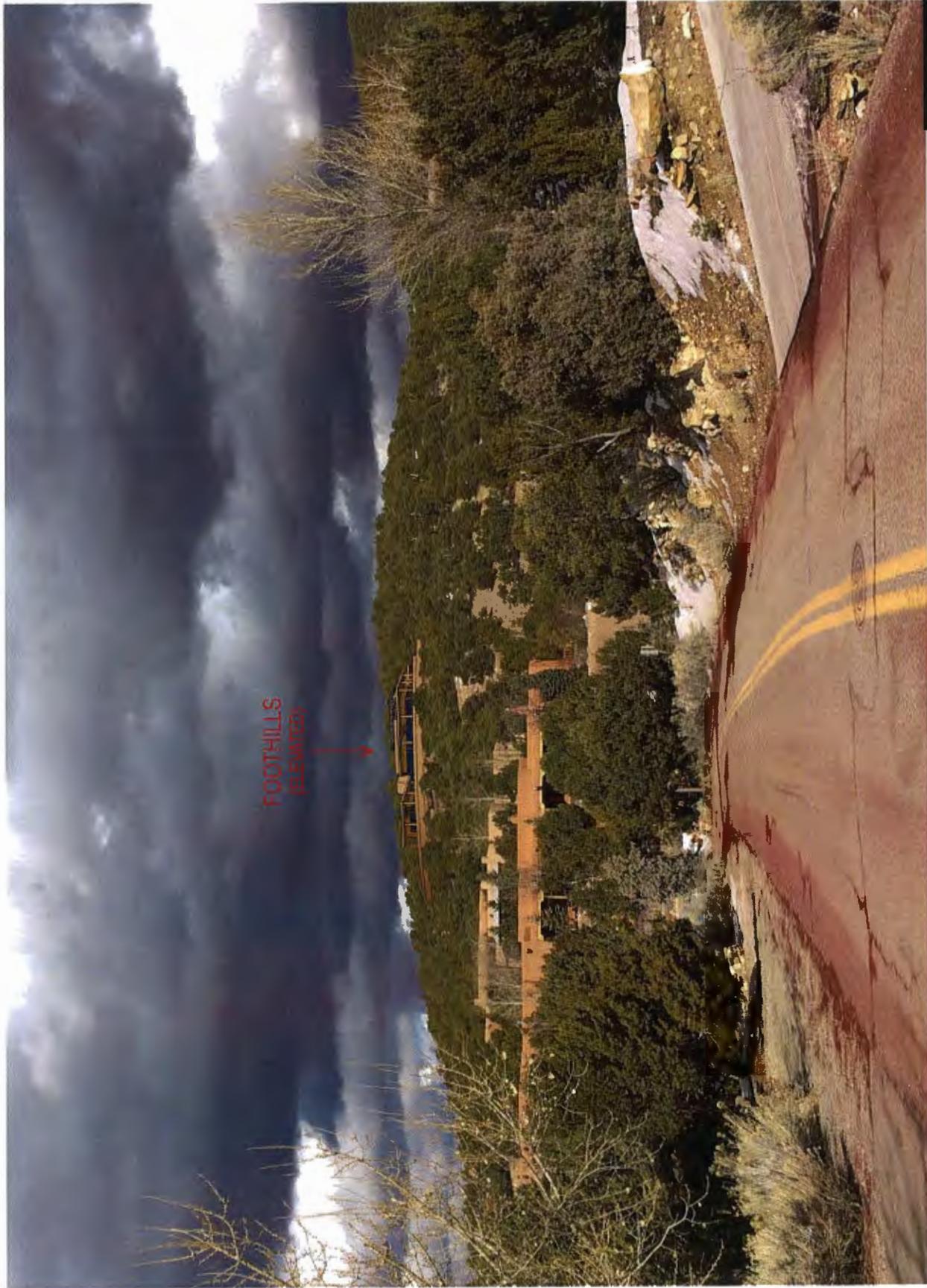


EXHIBIT D3

PHOTO RENDERING: PROPOSED BUILDING ON FOOTHILLS BUILDING SITE AS SEEN FROM HYDE PARK ROAD

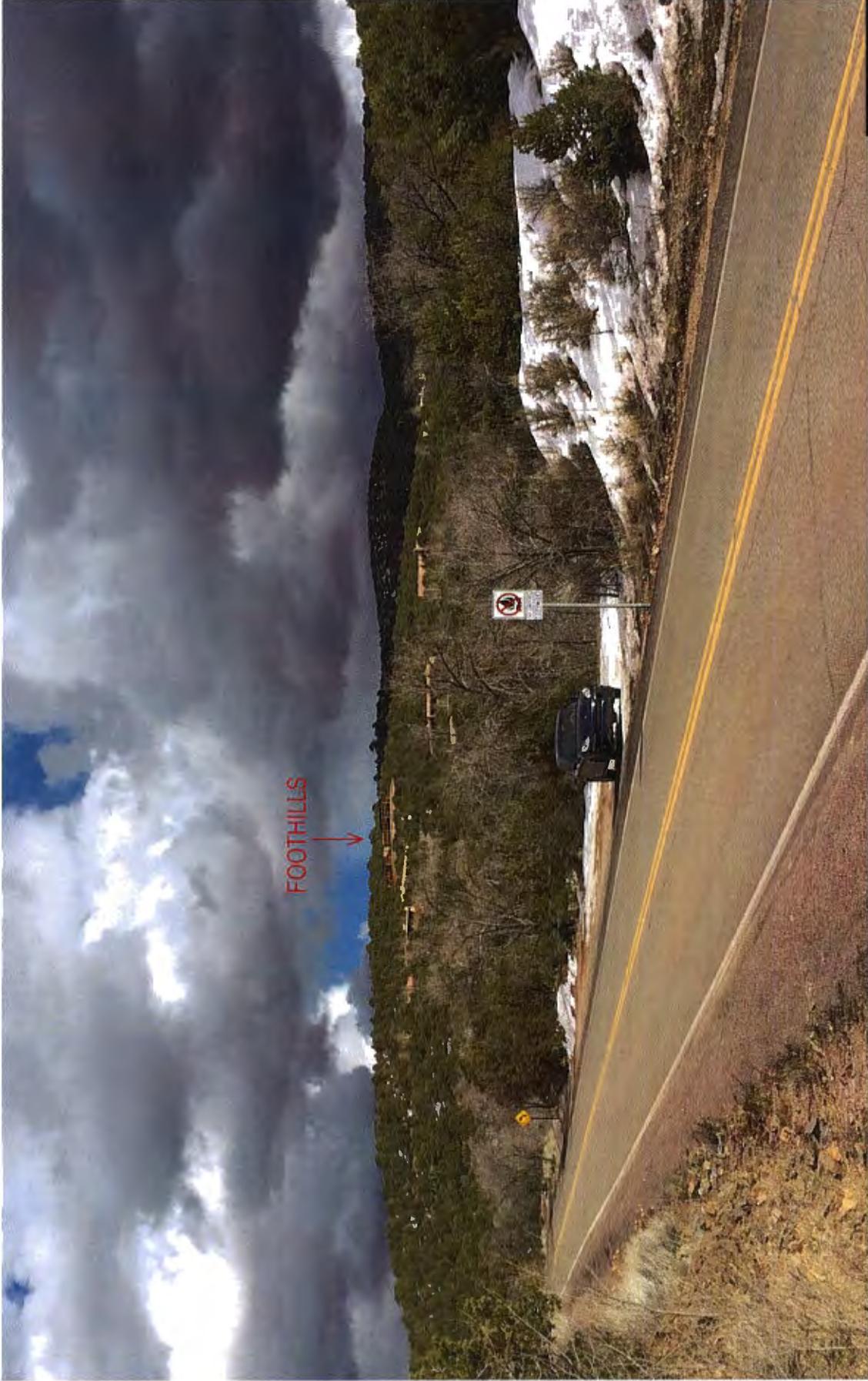


EXHIBIT D4

PHOTO RENDERING: PROPOSED BUILDING ON RIDGETOP BUILDING SITE AS SEEN FROM HYDE PARK ROAD

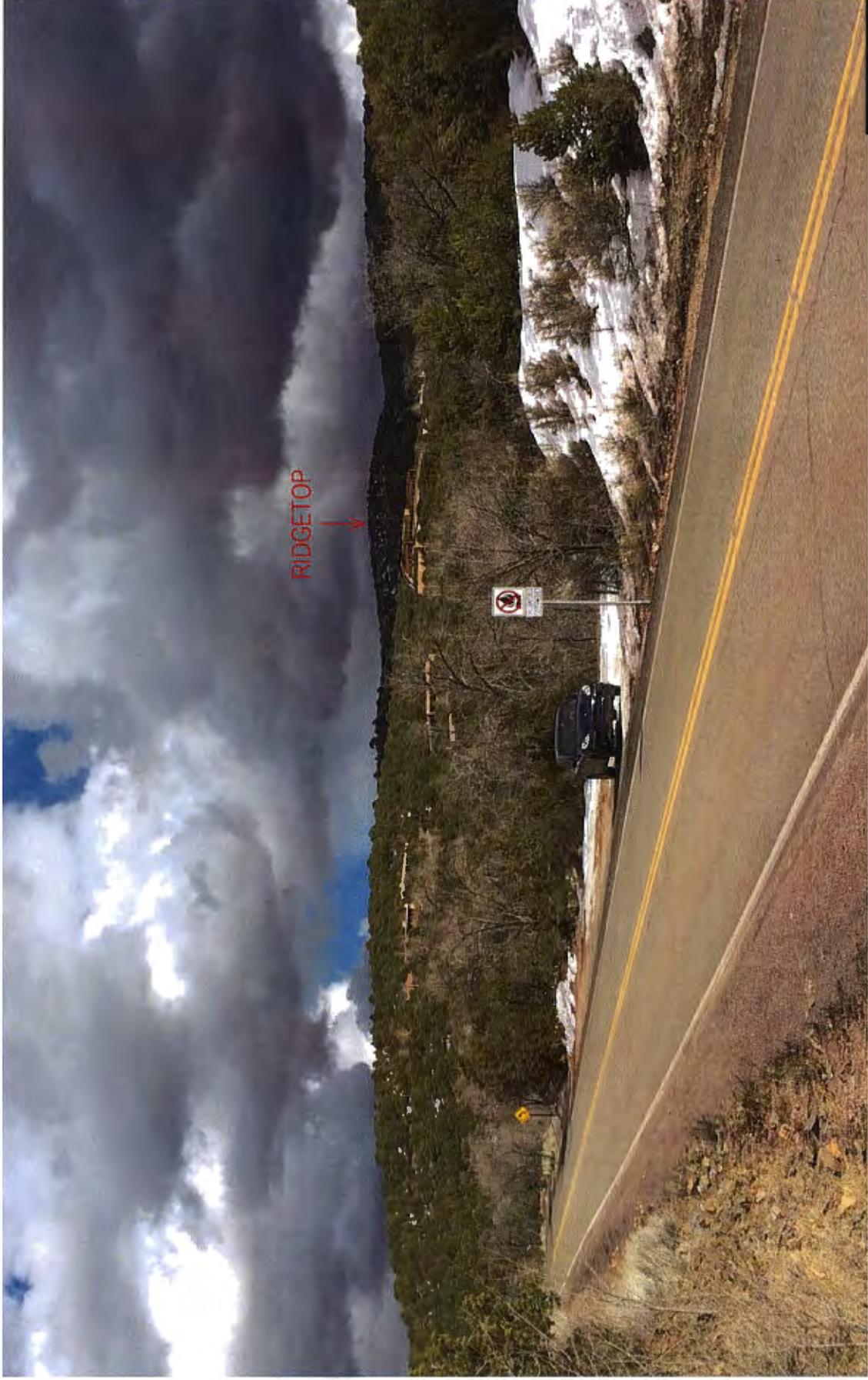


EXHIBIT D5

PHOTO RENDERING: PROPOSED BUILDING ON RIDGETOP BUILDING SITE AS SEEN FROM HYDE PARK ROAD

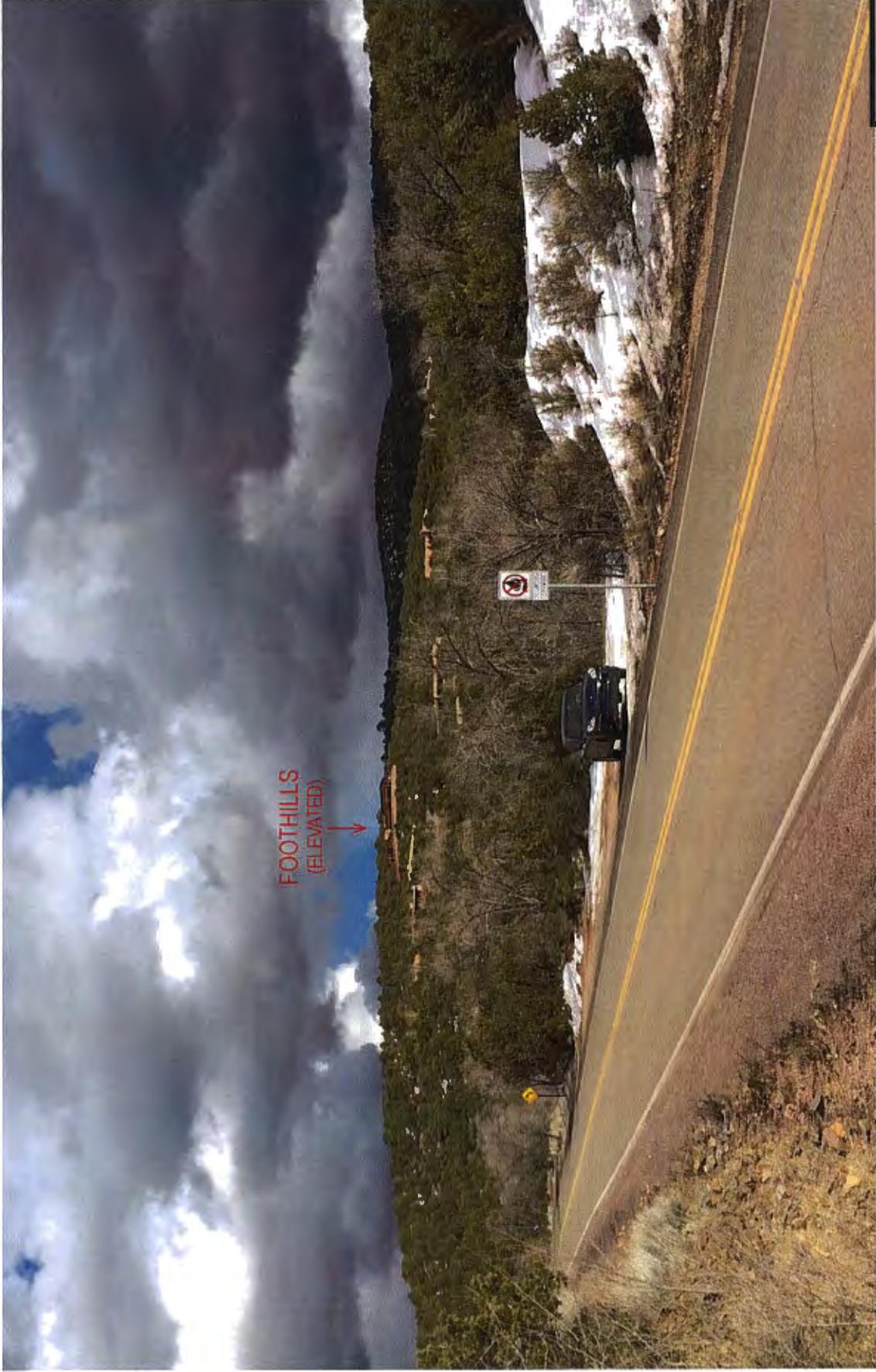


EXHIBIT D6

City of Santa Fe, New Mexico

Planning Commission

Exhibit E
Comments Received

MORTIMER, KATHERINE E.

From: BAYLOR TRAPNELL <baylortrapnell@yahoo.com>
Sent: Tuesday, February 23, 2016 1:09 PM
To: MORTIMER, KATHERINE E.
Subject: VARIANCE REQUEST-COLWECK/SILVERSTEIN PROP>< LOT 6, CERROS ALTOS
SUBDIVISION

Greetings Katherine Mortimer, My name is Baylor Trapnell. I own Lot 16 in Cerros Colorados (2101 Senda de Daniel) and Lot 5 in Los Cerros Altos (2055 Cerros Altos) both of which adjoin Lot 6, Cerros Altos on the south & east. Cerros Altos Rd. passes across my Lot 16, Cerros Colorados in an easement.

I have received notice of the VARIANCE REQUEST. I wish you, The Land Use Department, and the City Planning Commission to know that I have NO OBJECTION to the requested variance.

Yours Sincerely,

Baylor H. Trapnell, B.Arch., M.A.

EXHIBIT E1

City of Santa Fe, New Mexico

Planning Commission

Exhibit F
Applicant Submittals

SOMMER, KARNES & ASSOCIATES, LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

200 West Marcy Street, Suite 139
Santa Fe, New Mexico 87501

Telephone:(505) 989.3800
Facsimile:(505)982.1745

Karl H. Sommer, Attorney at Law
khs@sommer-assoc.com
Joseph M. Karnes, Attorney at Law
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal
mld@sommer-assoc.com

James R. Hawley, Attorney at Law
jrh@sommer-assoc.com
Of Counsel
Licensed in New Mexico and California

January 15, 2016

Noah Berke, Senior Planner
City of Santa Fe Land Use Department
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Cerros Altos Subdivision, Lot 6 (the "Property")

Dear Noah:

On behalf of Property owner, the Julie Silverstein Trust and the Kim M. Colweck Trust (collectively the "Property Owner"), this application requests to Code section 14-8.2.D.3.b to allow for a single family residential dwelling to be developed on the Property, with a building footprint having more than half of its area on slopes of twenty percent or greater (the "Variance").

The 2.534 acre Property is part of the Cerros Altos Subdivision, which the City approved in 2003 and which was replatted in 2007. The Property is located south of Hyde Park Road off of Cerros Colorados and Cerros Altos.

The entirety of the Property is located within the Ridgetop and Foothills Subdistricts of the Escarpment Overlay. Much of the slopes on the Property are greater than 20 percent. In 2003, the City approved a lot line adjustment plat involving a larger area that includes the Property (the "LLA"). The LLA identified the buildable area within the portion of the Property within the Foothills Subdistrict, which is where the structure is proposed and which requires approval of the requested variance.

In 2003, in conjunction with approval of the Cerros Altos Subdivision, which includes the Property, the City approved a Development Plan (the "Development Plan"), which identifies an "approximate building site" consisting of 5,853 SF located within the Foothills Subdistrict in the same location as the proposed structure as well as a driveway, which was roughed in approximately 10 years ago in conjunction with extension of utilities in to the Property (the "Driveway").

The requested variance is consistent with the LLA and the Development Plan and would avoid the need for a variance to allow development within the Ridgetop Subdistrict. The variance would also minimize site disturbance by relying on the Driveway, which was installed in the area designated on the Development Plan.

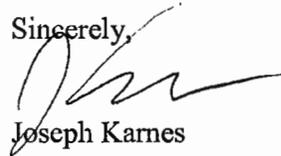
EXHIBIT F

SOMMER, KARNES & ASSOCIATES, LLP

Noah Berke
January 15, 2016
Page 2 of 2

Thank you for your consideration of this request. If you have questions or need additional information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "JK", is written over the word "Sincerely,".

Joseph Karnes