

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

Case #2015-39

1964 Cerros Colorados Terrain Management Variance

Applicant's Name – Laura Romani

THIS MATTER came before the Planning Commission (Commission) for hearing on June 4, 2015 upon the application (Application) of Laura Romani (Applicant). The Applicant seeks the Commission's approval for a variance from City of Santa Fe (City) Land Development Code (Code) Section 14-8.2(D)(3)(b) having more than one half of the building footprint on slopes exceeding 20% percent. The property is 1.70 acres and is zoned R-1 (Residential- One Dwelling Unit per Acre).

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and one member of the public interested in the matter.
2. SFCC §14-2.3(C)(5)(a) authorizes the Commission to review and grant or deny requests for variances from the Ordinance in compliance with SFCC §14-3.16.
3. SFCC §14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the variance based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
4. Pursuant to SFCC §14-3.1(F)(2)(a)(vii) an Early Neighborhood Notification (ENN) meeting is not required for variances requesting construction of an individual single-family dwelling and appurtenant accessory structures.
5. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the Commission approve the variances, subject to certain conditions (the Conditions) set out in such report.
6. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §14-3.16(C) that: (1a) existing topography does not contain sufficient area with a minimal slope to the meet the terrain management regulations; (1b) special circumstances exist, in that the lot was inadvertently created as a legal nonconforming lot; (2) the special circumstances make it infeasible to develop the Property in compliance with the Ordinance and §14-8.2 based on terrain constraints, the proposed location for construction is the most optimal site for their development, which proposes the least disturbance to the property and natural terrain; (3) the intensity of

development will not exceed that which is allowed on other properties in the vicinity that are subject to the Ordinance, in that the Property is permitted to be developed under applicable SFCC requirements with one primary dwelling unit, which is consistent with the Application and with development on other lots in the Subdivision; (4) the variances are the minimum variances that will make possible the reasonable use of the Property, in that without the variances the Property could not be developed for the residential use; and (5) the variances are not contrary to the public interest, in that the proposed residence will be located on the Property and designed to comply with all other applicable requirements of the Ordinance and SFCC §14-8.2 so as to minimize visual impact in accordance with the Ordinance's purpose and intent and to minimize the disturbance of slopes in having more than one half of the building footprint on slopes exceeding 20% percent.

7. Based upon the analysis contained in the Staff Report and the evidence presented at the public hearing, approving the Application will not adversely affect the public interest as it will permit the development of the Property for the residential use for which it was created and minimize visual impact and disturbance of slopes in having more than one half of the building footprint on slopes exceeding 20% percent in accordance with the stated purposes and intent of the Ordinance and §14-8.2.
8. SFCC §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.

#### CONCLUSIONS OF LAW

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

1. The Commission has the power and authority at law and under the SFCC to review and approve with conditions the Applicant's requests for the variances.
2. The Applicant has met the criteria for a variance to SFCC §14-8.2(D)(3)(b) set forth in SFCC §14-3.16(C).

**WHEREFORE, IT IS ORDERED ON THE 2nd OF JULY 2015 BY THE  
PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That the variances to SFCC §14-8.2 (D)(3)(b) are approved as applied for, subject to the Conditions.

**[Signatures to Follow on Next Page]**

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\_\_\_\_\_  
Michael Harris  
Chair

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

FILED:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

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