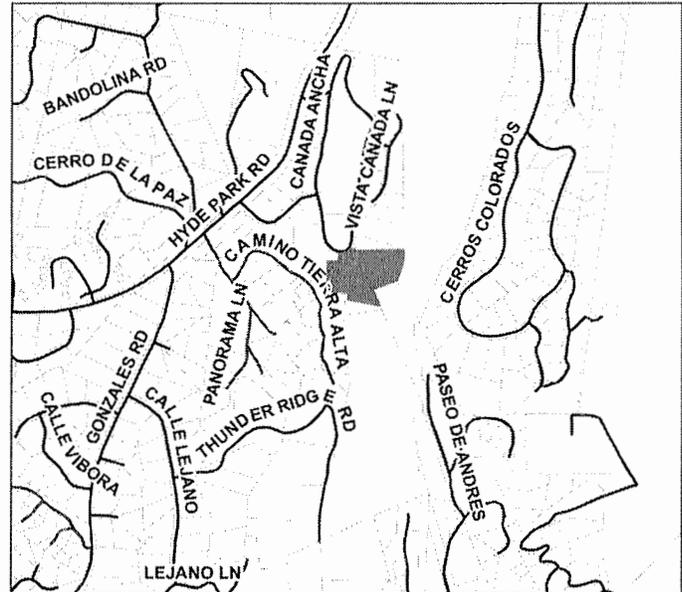




# Land Use Department Planning Commission Staff Report

Site Location Map

Case No:	2016-90
Hearing Date:	September 22, 2016
Applicant:	Ruben Loya
Request:	Variance to 14-5.6(D)(1)
Location:	730 Canada Ancha
Prepared by:	Katherine Mortimer
Zoning:	R-2
Overlay:	Escarpment
Proposal:	Variance to allow construction of a portion of a trellis within the Ridgetop Overlay District



**Case #2016-90. 730 Canada Ancha Escarpment Variance.** Ruben Loya, agent for Pottery House LLC, requests approval of a variance to allow a portion of a trellis to be constructed within the Ridgetop Subdistrict of the Escarpment Overlay District. The 6.25 acre property is zoned R-1 (Residential – 1 unit per acre). (Katherine Mortimer, Case Manager)

## I. EXECUTIVE SUMMARY

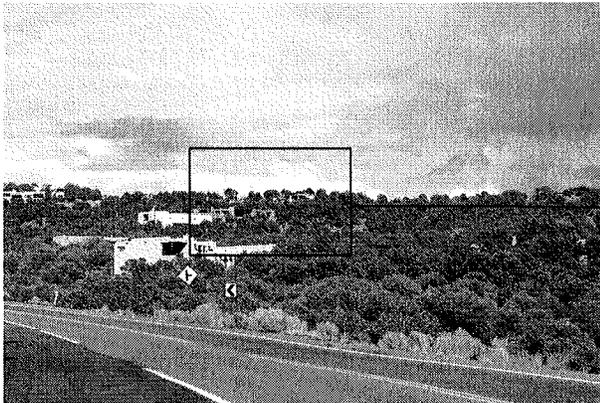
- The application meets the approval criteria to variances in the Escarpment Overlay District.
- The trellis would reduce cooling demand from west-facing windows during the summer
- Two proposed trellis includes three sections, two of which are located in the Foothills Subdistrict and one within the Ridgetop Subdistrict of the Escarpment Overlay District
- The proposed trellis cannot be seen by neighboring properties
- Views from streets are limited to a section of Hyde Park Road which is screened by existing vegetation and the two sections of the trellis that are not in the Ridgetop Subdistrict.
- The house was designed by Frank Lloyd Wright and was originally proposed for a different site. The design was subsequently used on this property, but was not built by Wright. The house is not subject to Historic District or other preservation regulations.

## II. RECOMMENDATION

Should the Commission determine the proposed trellis segment meets the variance criteria outlined in sections V and VI of this report, the Commission may **APPROVE** the request. No conditions of approval are recommended by staff.

### III. BACKGROUND

The lot was created in 2005 when it was subdivided from a larger lot. There is an existing main house and a guest house both of which are located within the Escarpment Overlay Zone. The proposed trellis will shade the main house, which is currently being renovated. Most of the main house is located within the Ridgetop Subdistrict of the Escarpment Overlay Zone, and is legally nonconforming with regard to Subsection 14-5.6(D)(1) "Location of Structures; Buildable Site", which prohibits any construction within the Ridgetop Subdistrict. Most of the proposed trellis would be outside of the Foothills Subdistrict which allows new construction, but a segment of about 150 square feet would encroach into the Ridgetop Subdistrict. The location of the trellis is dictated by the orientation and window locations of the existing building.



View from Hyde Park Road



Zoomed-in View from Hyde Park Road



View of Proposed Trellis Hyde Park Road

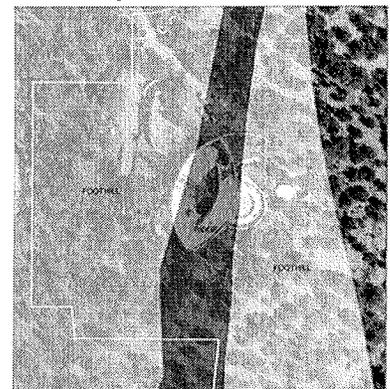


Zoomed-in View of Proposed Trellis from Hyde Park Road

### IV. ESCARPMENT OVERLAY ZONING DISTRICT

Land within the Escarpment Overlay District is considered to have significant visual impact to the City, and the intent of the district is to preserve the City's aesthetic beauty and the natural environment. [Subsections 14-5.6(A)(1) and (A)(2)] Within the overlay district, the Ridgetop Subdistrict is considered more visible than the Foothills Subdistrict. In addition to placement restrictions, buildings within the Escarpment Overlay District are subject to height, color, exterior lighting, and landscaping restrictions intended to reduce potential visual impacts as set forth in Section 14-5.6. Should the variance be granted, the trellis would be required to comply with those requirements.

#### Escarpment Subdistricts



**V. GENERAL VARIANCE APPROVAL CRITERIA ( )**

The variance process balances reasonable use of the applicant’s property against compliance with the letter and intent of adopted regulations. The property must be consistent with at least one of the circumstances listed in Criteria 1a through 1d, and must be consistent with all of the criteria in Criteria 2 through 5.

The following criteria are required by Subsections 14-3.16(C)(1)-(5) to grant a variance:

<b>Criterion 1: One or more of the following special circumstances applies:</b>	
(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; OR	<b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b>
(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; OR	<b>N/A</b>
(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; OR	<b>N/A</b>
(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).	<b>N/A</b>
<p><b>Evaluation:</b> The parcel was created via a lot split in 2005. Most of the existing house is located in the Ridgetop Subdistrict. As noted above, that makes the house legally nonconforming under current regulations, which prohibit new structures or additions within the Ridgetop Subdistrict. The existence of the nonconforming structure constitutes an “unusual physical characteristic.”</p> <p>The home was designed by Frank Lloyd Wright for a different site but never built there. The design was then used to build the same plan on this site. The applicant is restoring the home to its original design. Without the proposed trellis, heat gain from the west-facing windows limits use of the living room during summer afternoons. The trellis is designed not to touch the existing structure, but uses similar design characteristics to create a consistent aesthetic without directly impacting the original design. An attached shade structure would interfere with the integrity of the original design.</p>	

<b>Criterion 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.</b>	<b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b>
<p><b>Evaluation:</b> The angle of the sun during late afternoon dictates the location of the proposed trellis that is partly within the Ridgetop, although interior shades or air conditioning could be used to offset heat gain.</p>	

<b>Criterion 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.</b>	<b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b>
<p><b>Evaluation:</b> Chapter 14 defines intensity as “The extent of development per unit of area; or the level of use as determined by the number of employees and customers and degree of impact on</p>	

surrounding properties such as noise and traffic.” The granting of this variance to construct a trellis will not increase the intensity of development.

<b>Criterion 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:</b>	<b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b>
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**Evaluation:** To determine reasonable use of a property we look to other properties in the neighborhood. Many of the residences in the neighborhood have trellises, portals or other shade structures on the south and/or west sides. If a roof were proposed over the existing patio, it would be entirely within the Ridgetop Subdistrict. The proposed trellis minimizes the amount of construction within the Ridgetop Subdistrict over a roofed alternative.

<b>Criterion 4a: Has the property or could it be used without variances for a different category or lesser intensity of use?</b>	<b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b>
--	---

**Evaluation:** The property is residentially zoned and fully developed, and therefore cannot be used for a different category or lesser intensity of use. Moreover, development of any kind on the subject property is prohibited per SFCC §14-5.6(D)(1). Therefore, the property cannot be used without variances for a different category or lesser intensity of use.

<b>Criterion 4b: The variance is consistent 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.</b>	<b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b>
--	---

**Evaluation:** While the trellis would be contrary to the prohibition of building in the Ridgetop Subdistrict of the Escarpment Overlay Zoning District, it would not be contrary to the purpose and intent of the Subdistrict regarding the visual impact of development, because the proposed trellis would be minimally visible from Roads. It would only be partially visible from Hyde Park Road. For this same reason it would not impact mountain views or scenic vistas from the City. It would have no impact on environmentally sensitive areas nor cause erosion or drainage problems. Neither would it be contrary to purpose or intent of any other Section of Chapter 14.

<b>Criterion 5: The variance is not contrary to the public interest.</b>	<b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b>
--	---

**Evaluation:** The proposed trellis would not be contrary to the public interest. The public interest in relation to Section 14-5.6 “Escarpment Overlay District” includes protecting, maintaining and enhancing the health safety and general welfare of the citizens. It also includes protecting the visual impact of development and the natural environment of Santa Fe. The proposed trellis section that would be in the Ridgetop Subdistrict would only be minimally visible from a short stretch of Hyde Park Road and that view would be shielded by the two of the proposed trellis sections located in the Foothills Subdistrict and would be filtered by existing vegetation. Staff does not believe that the proposed request for a variance to the Escarpment Overlay District violates the purpose and intent of the regulations as set forth in Section 14-5.6.

**VI. ESCARPMENT-SPECIFIC VARIANCE APPROVAL CRITERIA**

In addition to the general variance criteria, the Commission must determine that two special Escarpment Overlay District criteria are met [Subsection 14-5.6(K)]:

<p>(1) Where the planning commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations.</p> <p>(2) In granting variances or modifications, the planning commission may require such conditions as will, in its judgment, assure substantially the objectives of the standards or requirements so varied or modified.</p>	<p><b>Criteria Met:</b> (Yes/No/N/A)</p> <p style="text-align: center;"><b>YES</b></p>
<p><b>Evaluation:</b> The intent of the Escarpment Overlay District lists preservation of Santa Fe's aesthetic beauty, mountain views and scenic vistas. The section of the proposed trellis that would be in the Ridgetop Subdistrict would be only partially visible from Hyde Park Road. That section would be shielded by the two sections that would be constructed within the Foothills Subdistrict as well as existing vegetation. Therefore the proposed trellis section would not be counter to the protection of those views.</p>	

**VII. ATTACHMENTS:**

EXHIBIT A: Technical Corrections

EXHIBIT B: City Staff Memoranda

1. Fire Department Memorandum, Rey Gonzales
2. Escarpment and Landscape Memorandum, Somie Ahmed
3. Terrain Management Memorandum, RB Zaxus
4. Wastewater Memorandum, Stand Holland
5. Traffic Memorandum, Sandy Kassens

EXHIBIT C: Maps and Photos

1. General Plan Land Use Designation Map
2. Zoning Map
3. Aerial Photo

EXHIBIT D: Applicant Submittals

\* Maps and other exhibits are reproduced and archived separately from this staff report. File copies are available for review at the Land Use Department office at 200 Lincoln Avenue, West Wing.

**APPROVED AS TO FORM:**

Title	Name	Initials
Land Use Current Planning Division Director	Greg Smith	
Land Use Department Director	Lisa Martinez	
Land Use Department Case Manager	Katherine Mortimer	

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit A**  
**Technical Corrections**

**Appendix A**  
**TECHNICAL CORRECTIONS**

The following are the staff-recommended technical corrections for this project:

#	Condition of approval	Dept/Division	To be completed by:
1	Shall have the water supply infrastructure in place.	Fire Department	Prior to construction

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit B**

**City Staff Memoranda**

# Development Review Team

## Comment Form

Date: September 11, 2016  
Staff person: Reynaldo Gonzales  
Dept/Div: Fire  
Case: 2016-90 730 Canada Ancha Escarpment Variance  
Case Mgr: Katherine Mortimer



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1 None

Technical Corrections\*:

Must be completed by:

1 Shall have the water supply infrastructure in place.

Prior to  
construction.

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

Explanation of Conditions or Corrections (if needed):

**EXHIBIT B1**

# Development Review Team

## Comment Form

Date: August 18, 2016  
Staff person: Somie Ahmed  
Dept/Div: Land Use Department / Technical Review Division  
Case: 2016-90 – 730 Canada Ancha Escarpment Variance  
Case Mgr: Katherine Mortimer



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1	
2	
3	
4	

Technical Corrections\*:

Must be completed by:

1	
2	
3	
4	

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. Heights must comply with Article 14-5.6(F)
2. Color & material must comply with Article 14-5.6(F)

Explanation of Conditions or Corrections (if needed):

**EXHIBIT B2**

# Development Review Team

## Comment Form

Date: September 19, 2016  
From: Risana "RB" Zaxus, City Engineer  
Dept/Div: Land Use, Technical Review Division  
Case: Case # 2016-90, 730 Canada Ancha Escarpment Variance  
Case Mgr: Katherine Mortimer

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Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

1 none	
2	
3	
4	

Technical Corrections\*:

Must be completed by:

1 none	
2	
3	
4	

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. Meet all applicable terrain management requirements at time of building permit.

Explanation of Conditions or Corrections (if needed):

**EXHIBIT C3**

# Development Review Team

## Comment Form

Date: September 19, 2016  
Staff person: Stan Holland, Engineer  
Dept/Div: Public Utilities/Wastewater Division  
Case: Case #2016-90. 730 Canada Ancha Escarpment Variance  
Case Mgr: Katherine Mortimer



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**The subject property is accessible to the City public sewer system. Accessible is defined as within 200 feet of a public sewer line.**

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:

Must be completed by:

1. None	
---------	--

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

**EXHIBIT B4**

**MORTIMER, KATHERINE E.**

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**From:** KASSENS, SANDRA M.  
**Sent:** Tuesday, August 30, 2016 8:24 AM  
**To:** MORTIMER, KATHERINE E.  
**Cc:** ROMERO, JOHN J  
**Subject:** Comments on Escarpment Cases

Katherine,  
The Engineering Division has no comments on the following Escarpment Variance requests:

<u>Case #</u>	<u>Title</u>
2016-90	730 Canada Ancha Escarpment Variance
2016-95	155 Brownell-Howland Escarpment Variance
2016-97	165 Brownell-Howland Escarpment Variance
2016-96	2051 Cerros Altos Escarpment Variance

Sandy

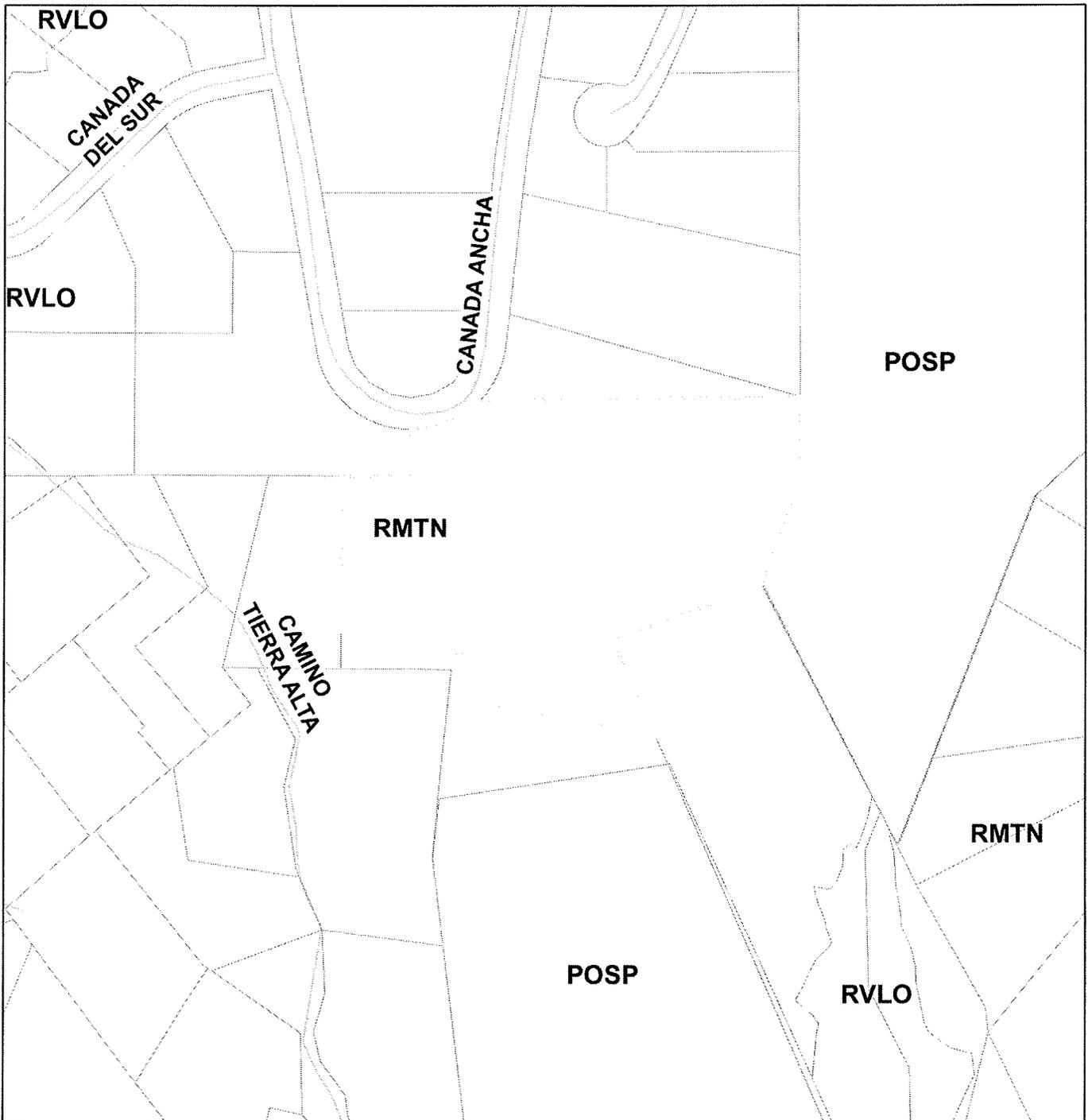
*Sandra Kassens*  
Engineer Assistant  
Engineering Division  
Public Works Department  
*City of Santa Fe*  
505-955-6697

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit C**  
**Maps and Photos**

# 730 Canada Ancha Furture Land Use Map

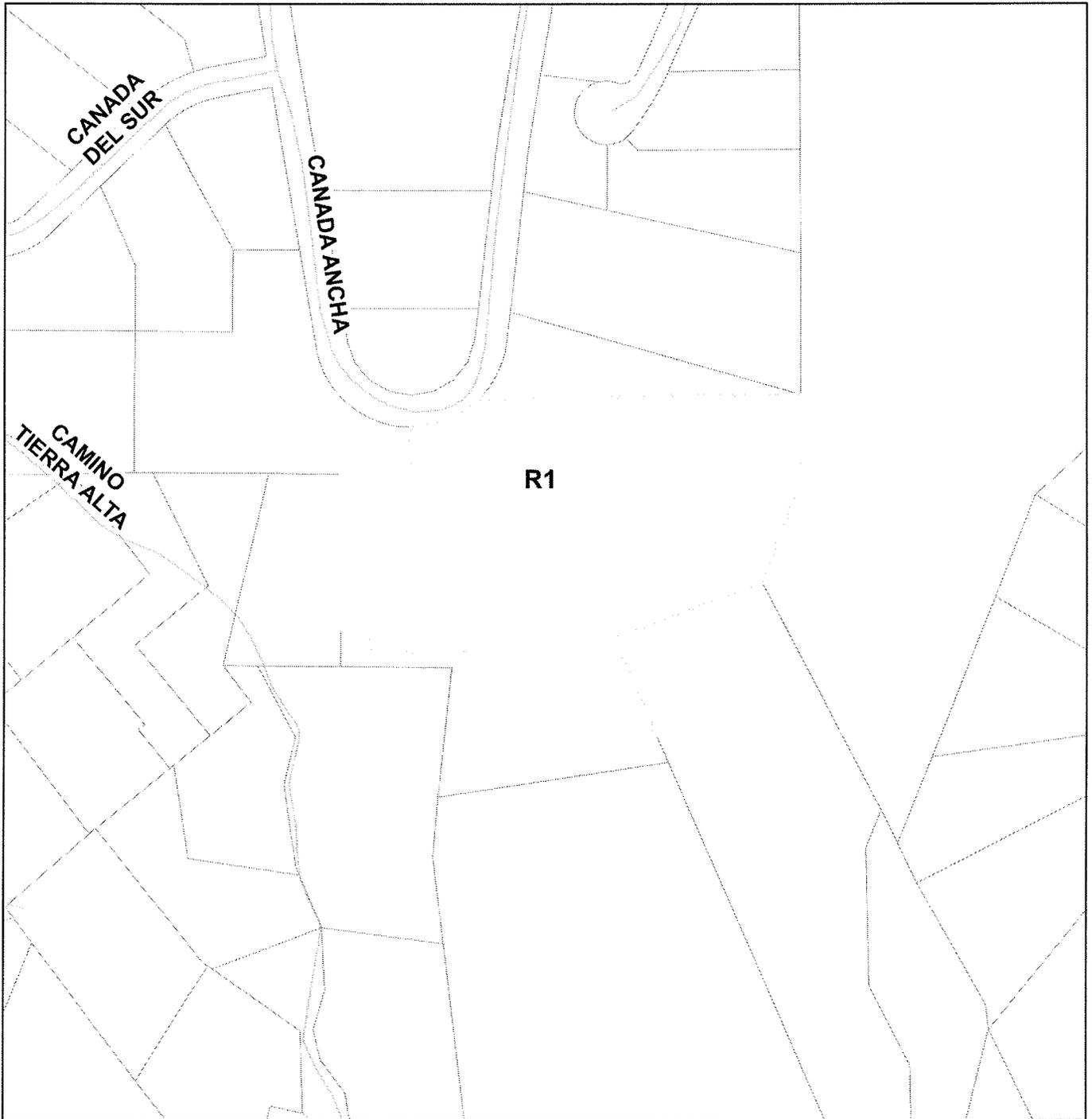


## Legend

-  Mountain
-  Very Low Density
-  Open Space

**EXHIBIT C1**

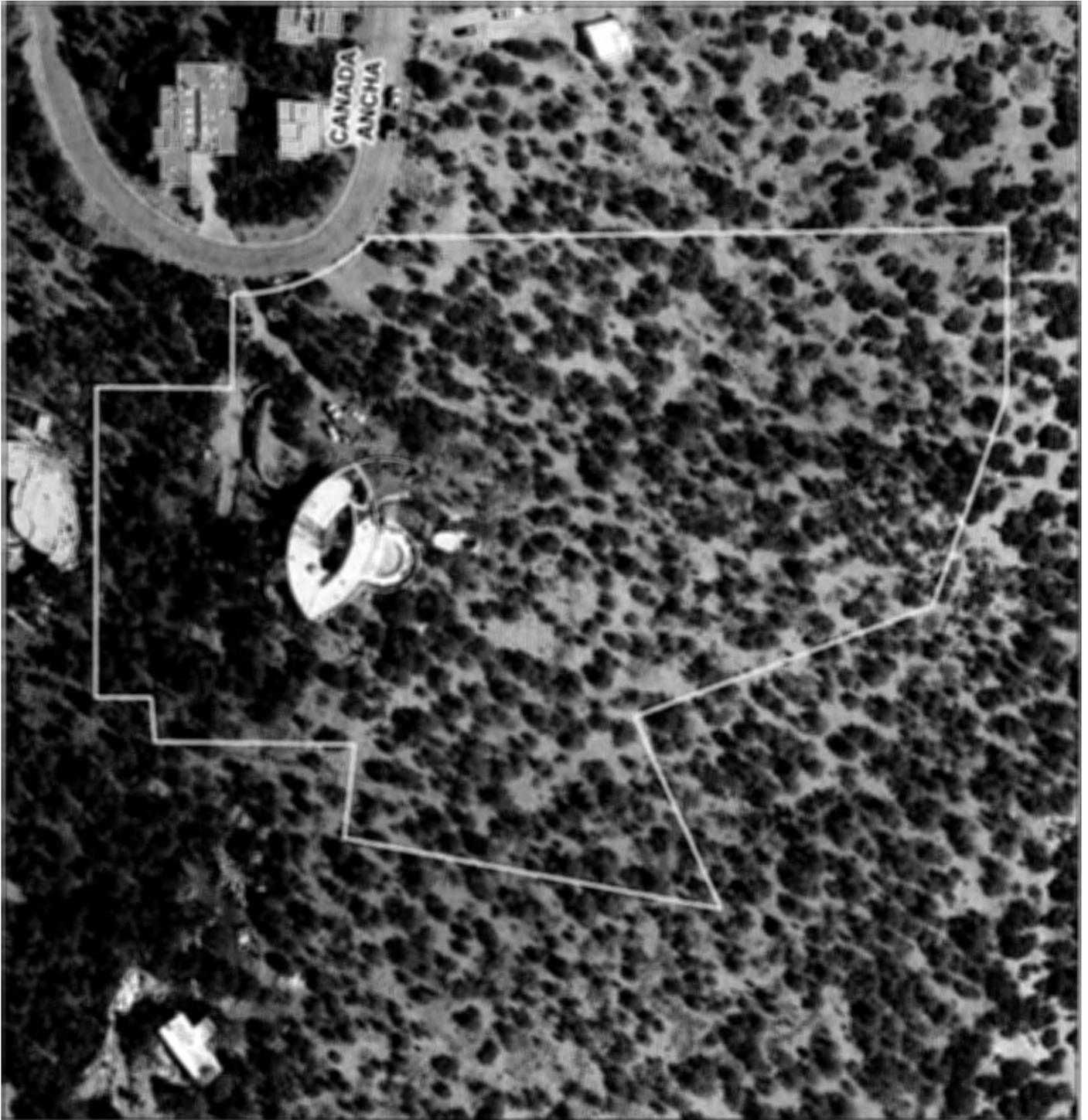
# 730 Canada Ancha Furture Land Use Map



**EXHIBIT C2**



# 730 Canada Ancha Aerial Photo



**EXHIBIT C3**

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit D**  
**Applicant Submittals**