

City of Santa Fe, New Mexico

memo

DATE: April 22, 2015 for the May 7, 2015 meeting

TO: Planning Commission

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

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division 

Case #2015-30. Tune Up Café, 536 Cortez St., General Plan Amendment. Liaison Planning Services, Inc., agent for JC Rivera, LLC, requests approval of a General Plan Future Land Use map amendment to change the designation of .13± acres of land from Low Density Residential (3-7 dwelling units per acre) to Community Commercial. The property is located at 536 Cortez. (Donna Wynant, Case Manager)

Case #2015-31. Tune Up Café, 536 Cortez St., Rezoning. Liaison Planning Services, Inc., agent for JC Rivera, LLC, requests rezoning approval of .13± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-2 (General Commercial). The property is located at 536 Cortez St. (Donna Wynant, Case Manager)

Cases #2015-30 and #2015-31 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but each is a separate application and shall be reviewed and voted upon separately.

RECOMMENDATION

The Commission should direct the applicant to revise the application to propose C-2-PUD (Planned Unit Development), which would ensure that future development would not adversely affect surrounding land uses.

Staff concurs with the applicant's contention that the plan amendment and rezoning of the property at 536 Cortez St. would meet the applicable criteria for approval, if development is limited to construction of a parking lot expansion for the existing restaurant at 1115 Hickox St. as stated in the application materials. Unrestricted development of the property under C-2 zoning would not meet the approval criteria for the requested General Plan amendment and rezoning.

If the Commission determines to recommend **approval**, the rezoning case should be subject to Conditions of Approval as outlined in this report. Commission recommendations to approve or deny General Plan Amendment and Rezoning cases proceed to the City Council for final decision.

I. APPLICATION OVERVIEW

The applicant acquired the property at 526 Cortez north of and adjacent to his Tune-Up Café at 1115 Hickox. The applicant is proposing to minimize on street parking by his business by providing an 8 space parking lot on the subject property. The request is to change the zoning from R-5 (Residential, 5 dwelling units per acre) to C-2 (General Commercial) to be consistent with the zoning of the Tune-Up Café property. The General Plan must first be amended from Low Density Residential (3-7 dwelling units per acre) to Community Commercial to allow the rezoning as requested. Also, since parking is not allowed as a primary use, the 526 property must be consolidated with the adjacent Tune-Up Café property as a condition of approval of the zoning request.

The application requests that review by the city focus primarily on the property at 536 Cortez Street. However, the application materials indicate that the property was purchased by the applicant to accommodate the existing Tune-Up Café with a new parking lot, not for any future expansion of the business and not for a separate commercial entity. The applicant has submitted a schematic plan for the parking lot expansion, but the application does not involve formal approval of the plan. If the rezoning is approved, subsequent approval of the plan would involve administrative approvals by staff, and could also involve approval of landscape-buffer and other variances by the Board of Adjustment. The application could have been structured to include formal approval of the parking lot, by proposing rezoning to C-2-PUD (Planned Unit Development) for both parcels. A C-2-PUD application would also have provided more flexibility in dealing with variances or other exceptions to normal development standards.

II. PROPERTY DESCRIPTION AND BACKGROUND

A. **Existing Conditions at 536 Cortez Street.** The subject property is a 5,923+/- square foot lot located north of the applicant's Tune-Up Café at 1115 Hickox. The application materials indicate that the mobile home on the lot will be removed for the development of a parking lot for the restaurant. Properties to the north, west and east are residential and zoned R-5. (See Exhibit C-2: Zoning & Aerial Map). The property to the south is the Tune-Up Café zoned C-2. Further south, across Hickox are other commercial properties zoned C-2 that stretch three blocks from Alicia Street to Kathryn Avenue. The Tune-Up Café is the only commercially zoned property on the north side of Hickox in this area.

B. **Intended Future Development at 536 Cortez Street.** The proposed parking lot would provide 8 additional spaces. The schematic plan indicates that the lot would comply with most applicable standards. It would be accessed off of Hickox through the existing parking lot, and would exit as a "right turn only" onto Cortez Street (see Exhibit E-2: Proposed Site Plan). Existing (significant) trees would be preserved and utilized as a buffer along the north, west

and Cortez Street property lines. The new parking lot would be screened with the existing 4' wall along Cortez and a new 6' tall masonry wall along the north and west lot line. The existing dumpster and recycling bins located at 1115 Hickox would be relocated to the subject property as shown on the site plan and a 15' landscape buffer is proposed adjacent to the west lot line as required since it abuts residential property (Subsection 14-8.4(J)(3)).

The schematic plan proposes a reduced landscape buffer (5' rather than 15') along the north lot line adjacent that residential property. The applicant has requested approval by staff of a smaller but more intensified, landscape buffer per section 14-8.4(C) Landscape and Site Design "Alternate Means of Compliance." Approval by staff could not occur until after the rezoning is approved, and would require more-detailed landscaping and parking lot plans than have been submitted. If staff does not approve the reduced buffer, the plans would have to be modified to provide the full 15-foot buffer, or the applicant would need approval of a variance by the Board of Adjustment.

C. C-2 Zoning at 1115 Hickox St. The property currently occupied by the café was apparently rezoned from residential to C-2 in 1962, as part of a city-wide update to the zoning map. Several other parcels across Hickox St. were also rezoned to C-2 at the same time, apparently to accommodate pre-existing commercial uses. The property at 1115 Hickox has apparently been operated as a restaurant or other commercial use since prior to 1962.

D. Existing Conditions at 1115 Hickox St. The Tune Up Cafe is currently classified as a conforming permitted use in the category of "Restaurant – full service, with or without incidental alcohol service." That category prohibits "Amplified live entertainment or amplified music for dancing" after 10 p.m. Modification of the existing operation to include entertainment after 10 p.m., or to include outdoor entertainment, would require approval of a special use permit by the Board of Adjustment.

The existing configuration of the building is the result of approval by staff of a building permit in 2011, which increased inside seating capacity from 23 to 40 and also approved an outdoor seating capacity of 19. Table 14-8.6-1 provides two different parking requirements that can be applied to restaurants, and staff apparently approved the restaurant expansion using the lower rate – one space per 200 square feet of net leasable area, rather than one space per 50 square feet of serving area. The parking calculation approved by staff for the permit determined that the 7 spaces provided in the existing parking lot located west of the restaurant building met the minimum code requirements. The existing parking lot was treated as legally nonconforming ("grandfathered in") with regard to the 15-foot buffer requirement, because enforcing the buffer requirement would have eliminated required parking spaces (Subsection 14-8.4(I)(7) Landscape and Site Design – Parking Lots – Compliance).

Although the city receives complaints from nearby residents that overflow parking causes problems on the narrow residential streets near the restaurant, the number of on-site parking spaces complies with minimum code requirements as applied to the 2008 building permit. If the rezoning approved and the 8 additional parking spaces are constructed, the resulting total of 15 parking spaces would exceed the minimum number of spaces required under the lower rate, but would still not meet the requirement under the higher rate.

The 2008 building permit also approved expansion of food preparation and storage areas, but did not address an earlier storage addition which was done without permits near the north property line, in violation of setback and buffer requirements. The applicant recently applied for an after-the-fact building permit for the addition, but approval of the proposed rezoning and lot consolidation would be needed to correct the violations. If the rezoning and consolidation are not approved, the earlier storage addition would require approval of a variance by the Board of Adjustment, or it would have to be demolished. City staff has issued a letter directing the applicant to correct the violation.

Staff and neighbors have identified concerns with existing parking spaces located on the east side of the property, at the Cortez St. frontage. Cars using those spaces frequently block the public sidewalk, and have to back into the street when exiting the spaces. Neighbors who attended the ENN meeting cited these spaces as a significant hazard. These substandard spaces were not counted as required spaces when the 2008 building permit was approved, and the City's traffic engineering staff is recommending that they be eliminated as a condition of the rezoning application. The city may have the authority to abate the spaces or to cite vehicles that block the sidewalk, independently of the rezoning case.

At or about the same time that the 2008 building permit was issued, city staff determined that some of the improvements associated with the outdoor seating area encroached into the city's right-of-way along the Hickox frontage. City staff worked with the applicant to obtain approval from the Governing Body for an agreement to eliminate the encroachment problem by trading land at the corner of Hickox and Cortez. The applicant has not followed up with surveys and deeds that are required to implement the agreement, and enforcement action is still pending.

In addition to other encroachment issues, the outdoor seating area is covered by a freestanding shade structure that appears to encroach into the right-of-way, and which was erected without a permit. Since the awning extends into the required setback area, approval of a variance by the Board of Adjustment would also be required if it is to remain.

E. **Future Development Potential at 536 Cortez St. and 1115 Hickox St.** As noted above, the applicant has chosen not to file a PUD application that would approve development of either or both lots in accordance with a specific development plan, and that would require approval of any amendments to that plan to be approved by the Planning Commission and/or the Governing Body. Since the City Attorney has determined that the Governing Body does not have authority to restrict the types of uses allowed as a condition of approval for a rezoning case, it is not clear that the city would be able to ensure that development of the property at 536 Cortez St. would occur in accordance with the applicant's stated intention to build a parking lot.

Possible alternative scenarios for development of the combined lots that would not involve public hearings include:

- Limited restaurant expansion
- Demolition of the existing building and construction of a retail or office building built above the parking area

- Construction of apartments or residential condominium units with less than 10,000 square feet of total floor area

Setback and buffer requirements would provide practical limits on the potential for development of the property at 536 Cortez as an independent C-2 parcel. Development of apartments or residential condominium units with less than 10,000 square feet would be feasible.

III. GENERAL PLAN AMENDMENT

14-3.2 (E) Approval Criteria

(1) Criteria for All Amendments to the General Plan

The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:

- (a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;*

Applicant Response:

The proposed use of the subject property will provide parking for an existing restaurant that currently provides employment and a service to the neighborhood and Santa Fe residents. The property will be accessed off of Hickox and will not utilize additional infrastructure aside from egress onto Cortez Street.

Staff Response:

Development of the property in conjunction with the existing small restaurant at 1115 Hickox St. will not have a significant impact on city-wide growth trends or economic development, nor would there be a significant impact on surrounding land uses or infrastructure. If rezoning leads to intensification of commercial use or additional non-residential traffic and parking on Cortez St., that result would not be consistent with applicable policies.

- (b) consistency with other parts of the general plan;*

Applicant Response:

General plan policy states that "there shall be a mix of uses and housing types in all parts of the City". Along this area of Hickox the zones are mixed C-2 and residential and has historically accommodated both uses. The proposed use of the subject property will be consistent with this policy and will increase opportunities for service to the neighborhood and Santa Fe residents.

Staff Response:

The General Plan has several policies that address neighborhood preservation, encroachment of commercial into residential, infill development, mixed use neighborhoods, etc. (See Exhibit F-1: General Plan Policies). One of the many goals in the General Plan, includes:

5-2-G-5 *Protect neighborhoods from encroachment by non-neighborhood oriented commercial uses and related environmental impacts. ...*

(c) *the amendment does not:*

(i) *allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or*

Applicant Response:

The area to the north, east and west of the subject property is primarily residential. The properties to the south all along Hickox are zoned for community commercial uses. The intent of this request is to provide additional parking for an existing commercial use, which is neither different nor inconsistent with the prevailing use and character in the area.

Staff Response:

Development of an expanded parking lot for the adjacent restaurant can be considered consistent with the prevailing use and character in the neighborhood. Any significant expansion of the type or intensity of non-residential use would not be consistent.

(ii) *affect an area of less than two acres, except when adjusting boundaries between districts; or*

Applicant Response:

The amendment does affect an area of less than two acres. The legal lot was created in 1930 prior to the development and intent of the General Plan.

Staff Response:

The property requested to be rezoned to C-2 is .13± acres in size and therefore less than 2 acres, but would be an adjustment and extension of the C-2 to the south.

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

Applicant Response:

Upon approval, the subject property will be consolidated with the adjacent property to the south that has always been utilized as commercial. The existing historical use will be maintained and expansion of this use would be consistent with the nature of the longstanding use as seen from Hickox and Cortez Street.

Staff Response:

To the extent that rezoning of the property is subject to conditions that limit significant expansion or intensification of commercial use, the rezoning would not harm surrounding landowners or the general public.

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

Applicant Response:

The justification for the rezoning is consistent with the surrounding uses and promotes mixed uses as declared in the general plan.

Staff Response:

This proposal conforms to Section 14-3.2(E)(1)(c) as outlined above.

(e) compliance with extraterritorial zoning ordinances and extraterritorial plans;

Applicant Response:

Not applicable.

Staff Response:

Not applicable.

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and

Applicant Response:

Use of the subject property for expansion of an historically/existing commercial use, will continually provide centrally located employment and service to the neighborhood. Will maintain and promote the mixed use character of the neighborhood.

Staff Response:

To the extent that rezoning of the property is subject to conditions that limit significant expansion or intensification of commercial use, the rezoning would promote the health and safety and support economic development.

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Applicant Response:

By allowing the continuation of the historic use of the property to the south and proposed use of the subject property, the General Plan Amendment will expand the City's employment base and promote infill developments that are consistent with land use policies, ordinances, regulations and plans.

Staff Response:

The proposal to reclassify the property as Community Commercial in order to rezone the property for parking is substantially consistent with applicable provisions of the development code.

(2) Additional Criteria for Amendments to Land Use Policies

In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping or other means, and a finding must be made that:

(a) the growth and economic projections contained within the general plan are erroneous or have changed;

Applicant Response:

The neighborhood has developed over the years and the need for additional off street parking is apparent. The subject property currently has a mobile home on it that can easily be removed to accommodate parking for the property to the south. The proposed parking lot will only be utilized by the restaurant and all applicable design standards will be adhered to.

Staff Response:

No amendment to land use policies is proposed that would affect consistency with growth and economic projections in the general plan.

(b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or

Applicant Response:

It makes sense to allow for additional parking for the commercial property to the south by providing off street parking that is directly adjacent to and can be accessed through the restaurant parking lot.

Staff Response:

No amendment to land use policies is proposed that would affect provision of reasonable locations of restaurant uses.

(c) conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market or building technology.

Staff Response:

No amendment to land use policies is proposed that is affected by changed conditions..

IV. REZONING

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following conditions exist:

(i) there was a mistake in the original zoning;

(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning;

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

Applicant response:

The neighborhood has increased in density and the need for off street parking is apparent. The proposed use would allow for additional parking and relieves some of the on street parking which justifies the change for zoning.

Staff response:

The approval criteria in (a)(1) and (a)(2) are not applicable. There has not been a mistake in the original zoning – the property at 536 Cortez property has been zoned R-5 since 1953, and no significant change has occurred in the surrounding residential area since C-2 zoning was approved in 1962 for the restaurant and lots on the other side of Hickox.

However, approval can be supported to the extent that the C-2 rezoning “is more advantageous to the community” as provided in adopted plans (approval criterion (a)(3)). To a large extent, consistency with those policies depends on the type and intensity of development that occurs as a result of the rezoning, as discussed in the general plan consistency sections of this report.

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

Applicant response:

The rezoning requirements of Chapter 14 are addressed herein and the application is consistent with those requirements.

Staff response:

There are no specific additional requirements for C-2 rezoning. As noted in the recommendation section of this report, and as discussed in various other sections, amending the rezoning application to include Planned Unit Development requirements would ensure that various approval criteria can be met, and would ensure that future development would comply with applicable development criteria.

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

Applicant response:

Prior to the approval of the rezoning request, the future land use map will need to be amended which will result in consistency of the rezoning request with the general plan.

Staff response:

Staff concurs with the applicant’s response.

- (d) *the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;*

Applicant response:

The rezoning request will provide infill development and promotes mixed land uses that provide an adequate balance of service retail and employment opportunities.

Staff response:

Although Santa Fe currently has a good amount of commercially zoned land, the rezoning of the subject site on this section of Hickox could accommodate an already established use. This rezoning would not have a significant impact on city-wide availability of land available for C-2 uses.

- (e) *the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.*

Applicant response:

The proposed rezoning will not increase the sewer, water lines, and public facilities. There will be less impact on public streets by providing off street parking.

Staff response:

Existing infrastructure can accommodate the impacts of likely future development on the property, assuming that there is little or no intensification of commercial traffic, and that access to Cortez St. is properly controlled.

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

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

Applicant response:

(No response from applicant.)

Staff response:

To the extent that intensification of commercial use is limited, the proposed rezoning of the subject property will not significantly change the character of the surrounding area.

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

Applicant response:

(No response from applicant.)

Staff response:

The proposed C-2 boundary will be adjusted from the south to include the subject property.

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

Applicant response:

(No response from applicant.)

Staff response:

To the extent that rezoning of the property is subject to conditions that limit significant expansion or intensification of commercial use, the rezoning would not harm surrounding landowners or the general public.

(D) Additional Applicant Requirements

- (1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*

Applicant response:

The application is to rezone the property in order to provide additional parking for the restaurant to the south. No additional infrastructure is proposed aside from landscaping that meets city regulations.

Staff response:

Preliminary analysis by city staff indicates that the likely future development will be accommodated by the existing infrastructure and public facilities. A detailed assessments of impacts on infrastructure will be done at the time of permits for the parking lot and any permits pending for the Tune-Up Café.

- (2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer*

to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Applicant response:

The proposed parking lot design is to enter from the property to the south, “right turn exit only” onto Cortez Street and to utilize the existing curb cut. All improvements will meet city ordinances regulations and policies.

Staff response:

Impacts on infrastructure will be assessed in detail at the time of any future development proposals. As noted above, removal of substandard parking spaces that obstruct the Cortez St. sidewalk will be required.

V. EARLY NEIGHBORHOOD NOTIFICATION MEETING

An early neighborhood notification meeting was held on 11/24/14 to discuss the proposed general plan amendment and rezoning with neighbors. The neighbors expressed concerns that restaurant operations in recent years have increased problems with traffic volumes and safety, with parking of employee and customer cars on Cortez St., and with noise from late-evening operations. Some neighbors expressed support for the parking lot expansion, and some preferred that there be no access from the parking lot to Cortez St. (See Exhibit E-2: ENN Notes)

VI. CONCLUSION

Staff concurs with the applicant’s contention that the plan amendment and rezoning of the property at 536 Cortez St. would meet the applicable criteria for approval, but only if development is limited to construction of a parking lot expansion for the restaurant at 1115 Hickox as stated in the application materials. Unrestricted development of the property under C-2 zoning would not meet the approval criteria for the requested General Plan amendment and rezoning. Revision of the application to propose C-2-PUD (Planned Unit Development), would be the only clear method to ensure that future development would not adversely affect surrounding land uses.

Staff supports the proposed rezone subject to the attached DRT Conditions of Approval. Those conditions include provisions for:

- Consolidation of the lots at 536 Cortez and 1115 Hickox
- Removing dangerous “back-out” parking spaces that block the sidewalk on Cortez St.
- Adjustment of the Hickox St. right-of-way to eliminate encroachments, as previously approved by the Governing Body.
- Correction of setback violations from non-permitted structures at the north and south property lines at 1115 Hickox St.

VII. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division memorandum, Sandra Kassens
2. Technical Review Division – City Engineer memorandum, Risana Zaxus
3. Solid Waste- email, Eric Lucero
4. Wastewater Management Division email, Stan Holland

EXHIBIT C: Maps

1. Aerial Photograph
2. Future Land Use
3. Current Zoning & Aerial
4. Photographs of site

EXHIBIT D: ENN Materials

1. ENN Responses to Guidelines
2. ENN Meeting Notes

EXHIBIT E: Applicant Materials

1. Letter of Application
2. Additional Information from Applicant
3. Applicant Letter regarding Alternate Means of Compliance
4. Site Development Plan

EXHIBIT F: Other Material

1. General Plan policies supporting commercial infill
2. List of permitted uses in C-2 (General Commercial)

536 Cortez
General Plan Amendment (Case #2015-30)
Rezoning (Case #2015-31)

DRT Conditions of Approval	Department	Staff
<p>1. The Developer shall eliminate the four (4) perpendicular parking spaces on Cortez Street; abandon the existing curb cut; and restore the sidewalk to a typical sidewalk section and install vertical curb and gutter.</p> <p style="padding-left: 40px;">a. On street parallel parking of one to two vehicles will be permitted along this new curb provided that sight distance requirements are met.</p> <p style="padding-left: 40px;">i. This sight distance triangle shall be based on the American Association of State Highway and Transportation Officials (AASHTO) standards per City code regarding commercial use of property that accesses a public street.</p> <p>2. The Developer shall work with the City of Santa Fe Parking Division to establish a loading zone on Hickox Street in front of the Tune Up Café; this loading zone shall be marked with appropriate signage.</p> <p>3. The Developer shall install a “do not enter” sign on Cortez Street at the exit of the one way portion of the parking lot.</p>	<p>Traffic Engineering/Public Works</p>	<p>John Romero (per Sandra Kassens)</p>
<p>1. A lot consolidation must be recorded after rezoning.</p> <p>2. At the time of building permit, all terrain management requirements of the Land Development Code must be met.</p> <p>3. At the time of Building permit, all sidewalks and curb cuts must meet City requirements for construction and ADA accessibility.</p>	<p>Land Use Engineer</p>	<p>RB Zaxus</p>

536 Cortez
General Plan Amendment (Case #2015-30)
Rezoning (Case #2015-31)

<ol style="list-style-type: none"> 1. Lot consolidation to be <u>filed within 30 days after rezoning approval.</u> 2. The Tune-Up Café shall not operate with entertainment after 10 pm. Any move to do so would require approval of a use permit to convert from a restaurant to a nightclub per Chapter 14. 3. Obtain building permit for the walk-in freezer and storage area along the north property line that was built I several years ago without a permit. 4. Screen the dumpster where shown on the site plan, per 14-8.4(J)(4) 5. Resolve issues with front patio as it encroaches into Hickox ROW 6. Resolve issue with Tune-Up Café sign at the corner of Hickox and Cortez 7. Provide lighting plan to ensure all lighting be directed away from surrounding residential properties. 8. Landscape plan details – work with adjacent property owner to resolve issue with opening in wall where his house abuts the property line. 	<p>Land Use Senior Planner/Case Manager</p>	<p>Donna Wynant</p>
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City of Santa Fe, New Mexico

memo

DATE: April 14, 2015

TO: Donna Wynant, Land Use Division

VIA: John J. Romero, Traffic Engineering Division Director *J*

FROM: Sandra Kassens, Engineer Assistant *SK*

SUBJECT: Tune Up Café 536 Cortez St., General Plan Amendment and Rezoning. (Case# 2015-30 and 2015-31)

ISSUE:

Liaison Planning Services Inc., agent for JC Rivera, LLC, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.13± acres of land from Low Density Residential (3-7 dwelling units per acre) to Community Commercial. The applicant also requests rezoning approval of 0.13± acres of land from R-5 (Residential 5 dwelling units per acre) to C-2 (General Commercial). The property is located at 536 Cortez Street.

RECOMMENDED ACTION:

Review comments are based on submittals received on April 1, 2015. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittals unless otherwise noted:

1. The Developer shall eliminate the four (4) perpendicular parking spaces on Cortez Street; abandon the existing curb cut; and restore the sidewalk to a typical sidewalk section and install vertical curb and gutter.
 - a. On street parallel parking of one to two vehicles will be permitted along this new curb provided that sight distance requirements are met.
 - i. This sight distance triangle shall be based on the American Association of State Highway and Transportation Officials (AASHTO) standards per City code regarding commercial use of property that accesses a public street.
2. The Developer shall work with the City of Santa Fe Parking Division to establish a loading zone on Hickox Street in front of the Tune Up Café; this loading zone shall be marked with appropriate signage.
3. The Developer shall install a "do not enter" sign on Cortez Street at the exit of the one way portion of the parking lot.

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

Thank you.

WYNANT, DONNA J.

From: ZAXUS, RISANA B.
Sent: Thursday, April 16, 2015 11:41 AM
To: WYNANT, DONNA J.
Subject: Cases # 2015-30 and # 2015-31, Tune Up Cafe GPA and Rezoning

Ms. Wynant,

I have the following review comments on the cases noted above, which are to be considered conditions of approval:

*A lot consolidation must be recorded after rezoning

*At the time of building permit, all terrain management requirements of the Land Development Code must be met

*At the time of building permit, all sidewalks and curb cuts must meet City requirements for construction and ADA accessibility

Please note that Mr. Berke will be providing comments on Landscaping.

Sincerely,

Risana B "RB" Zaxus, PE
City Engineer

WYNANT, DONNA J.

From: LUCERO, ERIC J.
Sent: Wednesday, April 15, 2015 3:02 PM
To: WYNANT, DONNA J.
Subject: DRT Final Comments Due Today

Donna,

No comments at this time for the following cases:

2015-30
2015-31

Thanks,

Eric J Lucero
City of Santa Fe
Environmental Services
Operations Manager
505-955-2205 office
505-670-6562 cell
ejlucero@santafenm.gov

WYNANT, DONNA J.

From: HOLLAND, TOWNSEND S.
Sent: Tuesday, April 07, 2015 10:27 AM
To: WYNANT, DONNA J.
Subject: DRT 2015-30 & 31 Tune Up Cafe 536 Cortez Street General Plan Amendment and Rezoning

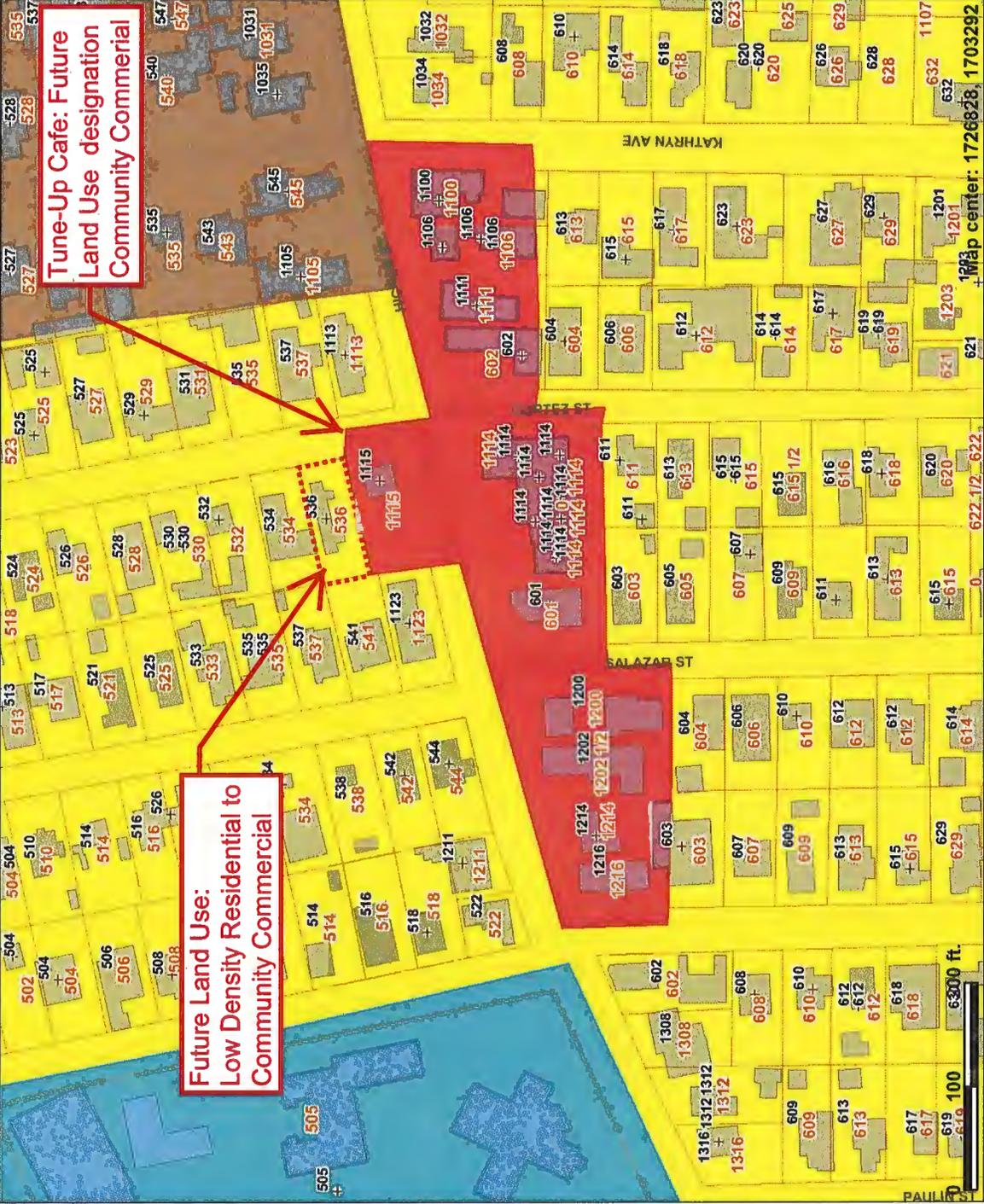
Donna

The Wastewater Division has no objection or comments to address regarding the request by Tune Up Café @ 536 Cortez Street for a General Plan Amendment and Rezoning request.

Please call with any questions

Stan Holland, P.E.
Wastewater Division
73 Paseo Real
Santa Fe, New Mexico 87507
505-955-4637
tsholland@santafenm.gov

Future Land Use



Tune-Up Cafe: Future Land Use designation Community Commercial

Future Land Use: Low Density Residential to Community Commercial

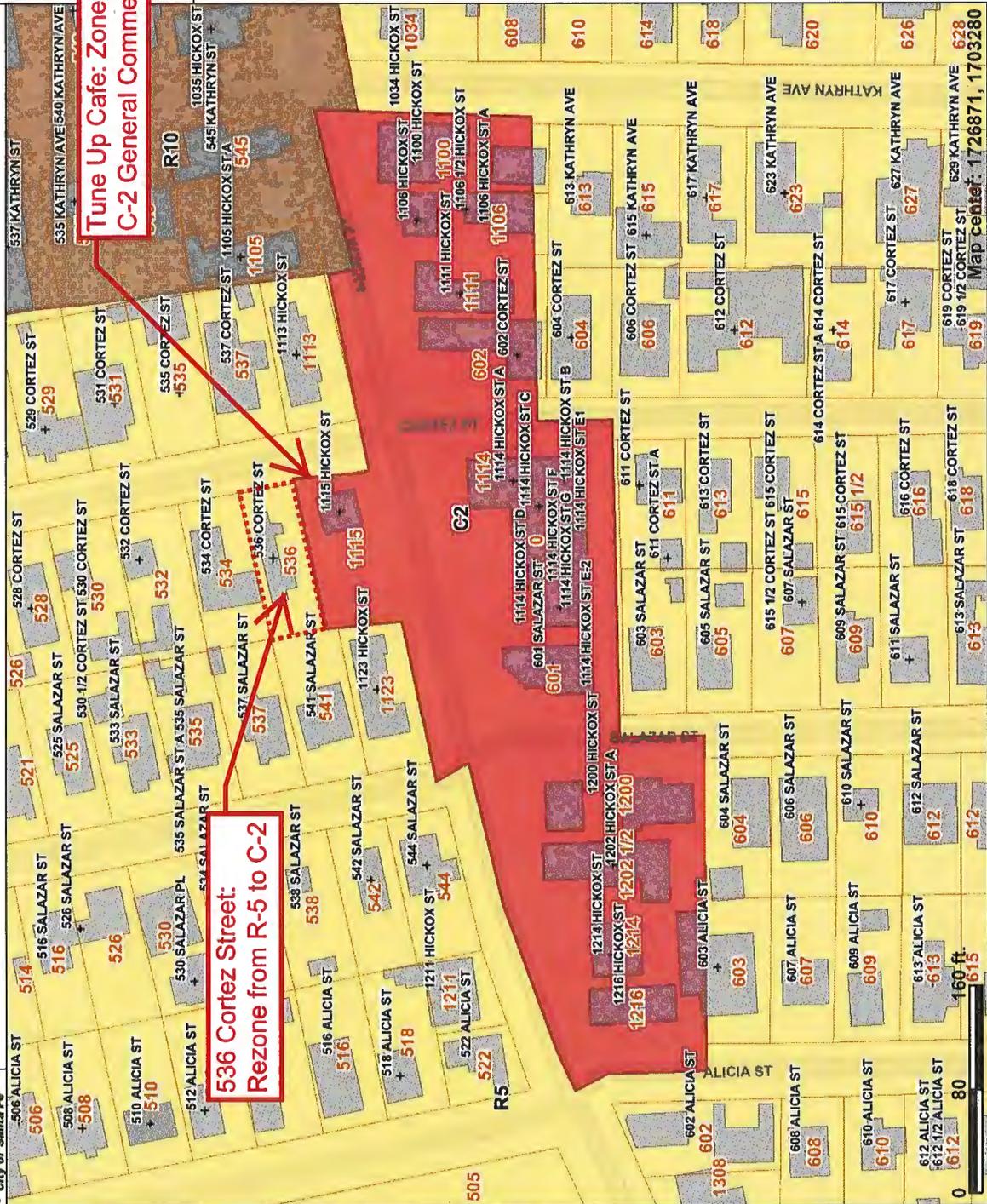
Legend

- City Limits
- Address Points
- Parcels
- Building Footprint
- Santa Fe River
- Future Land Use
 - Mountain/Corridor (1 dwelling per 10+ acres)
 - Very Low Density (1-3 dwellings per acre)
 - Low Density (3-7 dwellings per acre)
 - Moderate Density (7-9 dwellings per acre)
 - Medium Density (7-12 dwellings per acre)
 - High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional

Scale: 1:1,773

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Zoning Map



Legend

- City Limits
- + Full Address Labels
- Parcels
- Building Footprint
- Zoning

RR Rural Residential	R1, (PUD) Single - Family 1d/ulac	R2, (DT), (PUD), (AC) Single - Family 2du/ulac	R3, (PUD) Single - Family 3du/ulac	R4 Single - Family 4du/ulac	R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ulac	R7, (I), (PUD), R8 Single - Family 7-8du/ulac	RC5, RC5AC Compound 5du/ulac	RC8, RC8AC Compound 8du/ulac	R10, (PUD) Multiple - Family 10du/ulac	R12, (PUD) Multiple - Family 12du/ulac	R21, (PUD) Multiple - Family 21du/ulac	R29, (PUD),(AC) Multiple - Family 29du/ulac	RAC Residential - Arts & Crafts	MHP Mobile Home Park
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Scale: 1:1,418

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



View of Hickox Street, looking west from Cortez Street. (Tune-Up Café on the right).



View of the existing parking lot next to the Tune-Up Café.



View of Cortez Street, looking north from Hickox Street. Tune-Up Café on the left.



View of 536 Cortez. Applicant owns this property and requests a rezoning from R-5 to C-2 General Commercial. Mobile home to be demolished for an 8 space parking lot and property to be consolidated with restaurant property at 1115 Hickox Street.



ENN GUIDELINES

Applicant Information

Project Name: 536 Cortez Street

Name: JC Rivera LLC

Address: 1115 Hickox

<i>Last</i>	<i>First</i>	<i>M.I.</i>
<i>Street Address</i>	<i>Suite/Unit #</i>	
<u>Santa Fe</u>	<u>NM</u>	<u>87505</u>
<i>City</i>	<i>State</i>	<i>ZIP Code</i>

Phone: (505) 983-7760 E-mail Address: c/o liaisonplanning@gmail.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.*

The property is located on Cortez Street, north of the Tune-up Cafe', zoned R-5 and is approximately 5,923 square feet with a mobile home on it. The applicant would like to re-zone the property so that it may be used for additional parking for the Tune-up Cafe'. As shown on the attached site plan the parking area will be accessed through Hickox Street and will be designed to meet all City development standards.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

The proposed development will protect the physical environment by meeting all City code regulations for density, parking, setbacks, trash generation and landscaping.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

The property will not impact any prehistoric, historic, archeological, or cultural sites and structures including acequias and is located outside of the historic downtown.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The property is zoned R-5. The proposed re-zone meets the Land Development Code governing the property and densities and use within the City General Plan.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The applicant proposes to provide adequate ingress and egress to meet the minimum requirements for development. The proposed parking area will maintain adequate parking and landscape standards and will provide access to Hickox. No pedestrian trails are identified.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

The applicant proposes to develop the property as a parking lot to be utilized by the Tune-up Cafe'. Which in turn will bring in more customers and relieve the neighborhood of on street parking.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

Not Applicable

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

The proposed parking lot will not utilize additional infrastructure but will maximize the efficient use of the existing traffic patterns by providing additional off street parking for the restaurant.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

Not Applicable

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

The property is currently zoned R-5 with a mobile home on site. The applicant is proposing to remove the mobile home and develop it as a parking lot for the Tune-up Cafe'. In order to do this, the property will need to be rezoned to C-2. The proposed project will clearly improve the site and will be designed to take into consideration the surroundings by meeting all development standards for C-2 zoning abutting residential.

(k) EFFECT ON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

The General Plan states that future land use must take into consideration the protection and conservation of existing neighborhoods with individual identities. The property is adjacent to and will be utilized by a restaurant that has been serving the neighborhood for over 50 years and has always been commercial. The addition of the proposed parking lot will be integrated into the development of the restaurant by providing additional parking for its customers and will be developed to City standards that require buffering through setbacks and landscaping measures.

(l) ADDITIONAL COMMENTS (optional)



**City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet**

Project Name: 536 Cortez Reasoning **Meeting Date:** 11/29/14
Meeting Place: DE VAREZAS COMMUNITY ROOM **Meeting Time:** 5:30

Applicant or Representative Check Box below

	Name	Address	Email
<input checked="" type="checkbox"/>	Duzyes Vigil	P.O. Box 1835	liaisonplanning@gmail.com
<input type="checkbox"/>	Earl Rosner	541 SALAZAR	
<input type="checkbox"/>	Kevin M. Lancaster	537 Cortez St.	Kevin537@hotmail.com
<input type="checkbox"/>	Penny Spring	537 Cortez St.	Pennyspring@yahoo.com
<input type="checkbox"/>	Albert Martinez	City of Santa Fe	AA Martinez@SantaFe.NM.gov
<input type="checkbox"/>	Matt Kelly	534 Cortez	makelly@hotmail.com
<input type="checkbox"/>	Ray Anuncia	604 Cortez St	Anuncia_Raymond@Comcast.com
<input type="checkbox"/>	Dolores Gomez	511 Cortez St	
<input type="checkbox"/>	Pek F Gomez	511 Cortez St	
<input type="checkbox"/>	John F White	1d11 Hickox St	White.John.fletcher@gmail.com
<input type="checkbox"/>	Victoria Romero	528 Cortez St	
<input type="checkbox"/>	Jennifer Johnson	506 Cortez St.	gndded@mac.com

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Dana Wint 11/27/14
 Printed Name of City Staff in Attendance Signature of City Staff in Attendance Date

This sign-in sheet is public record and shall not be used for commercial purposes.



City of Santa Fe Early Neighborhood Notification Meeting Sign-In Sheet

Project Name: 520 Cortez - Renovation Meeting Date: 11/24/14
 Meeting Place: De Vaneys Community Room Meeting Time: 5:30

Applicant or Representative Check Box below		Name	Address	Email
<input type="checkbox"/>	<input type="checkbox"/>	<u>Art Bronzakis</u>	<u>524 Cortez St</u>	<u>Art@bronzakis.com</u>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Joyce Garcia</u>	<u>513 Cortez St</u>	<u>jmgarcia@dahlplumbing.com</u>
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Donna Noyant Printed Name of City Staff in Attendance 11/24/14 Date
[Signature] Signature of City Staff in Attendance

Greg Smith Printed Name of City Staff in Attendance
[Signature] Signature of City Staff in Attendance

This sign-in sheet is public record and shall not be used for commercial purposes.



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

Project Name	536 Cortez Rezoning (for Tune-Up Café)
Project Location	536 Cortez
Project Description	GPA from Low Density Residential to Community Commercial
Applicant / Owner	JC Rivera LLC
Agent	Liaison Planning Services, Inc.
Pre-App Meeting Date	9/18/14
ENN Meeting Date	11/24/14
ENN Meeting Location	DeVargus Mall, Community Room
Application Type	GPA and Rezone
Land Use Staff	Donna Wynant and Greg Smith
Attendance	11 neighbors, applicant's agent, Land Use staff, and Albert Martinez with the City's Parking Division

Notes/Comments:

Meeting started at 5:35. Staff (Mr. Wynant) gave an introduction about the purpose of the ENN meeting and the overall entitlement process. The intent is to gather input early in the process before anything formal is submitted to the City.

The applicant's agent, Dolores Vigil, gave an introduction of the project and the importance of providing additional parking for the Tune-Up Café. She said the applicant bought the property at 536 Cortez for parking. They will remove the trailer for a parking lot and no trees will be removed. She pointed out the location on an aerial photograph and explained the various things have to take into consideration in designing the parking lot.

Ms Vigil asked people to identify themselves as they gave their comments and questions and identify where they live.

Comment: Parking along the side of Tune-Up Café – problem for southwest clearance. Delivery trucks park on yellow bump outs. Should only be for compact cars, not big vehicles.

Comment: Parking along Cortez is a problem- need a bump out. Ms Vigil pointed out where the loading area is on Cortez. Must address parking along yellow curb. Why is loading zone marked green.

VR: Employee all-day parking; district needed; not a problem for “Dave’s”. All curb spaces used last weekend.

Albert Martinez responded tried to get the loading before 8:00 am.

The Tune-Up Café has been attracting more people because of liquor. It’s busy on the weekend.

Albert Martinez- parking on residential street – discussed process involved in doing permit parking.

Raymond Arranda, owns business at the southwest corner of Cortez and Hickox. Parking proposal should help the problem a lot and lives next door. Said it wasn’t a night club and that they close at 10:00 pm. Better if 536 Cortez trailer/home is removed.

Jennifer Johnson: Regarding parking – what is the number of spaces required. Could the restaurant expand. More parking required. What is the number of spaces being provided.

John White: 1211 Hickox: Cars have been hit and knocked down the street. People pull out of restaurant and can’t see down the street.

Should be a 4 way stop at the intersection. Other people felt strongly that should be a 4 way stop.

Man said the parking spaces should be maxed out and not the landscaping.

No line of site coming out from Cortez onto Hickox. Doesn’t want opening exiting onto Cortez and said she would oppose the proposal if it exited onto Cortez.

Ms. Vigil said that the City may want traffic to exit onto Cortez.

Man pointed out that it’s a business and it keeps the community going.

Would rezoning increase property taxes? Ms. Vigil replied no it wouldn’t.

Man asked if angled parking could ^{be} done instead with the entrance from Cortez and exit onto Hickox.

Greg Smith pointed out that many things are beyond the scope of a rezoning. Plan would be developed after rezoning approved. Turning movements would have to be evaluated.

Penny: Traffic should be studied first before zoning goes forward.

City Council can do conditions of approval. ^{prior to zoning} ~~Can say before rezoning~~ approved. Planning Commission to review plan.

Someone asked if the property could be developed as some other commercial development.

Man stated that he's only in support if the traffic congestion and other issues are dealt with.

Matt Kelly who lives next door (534 Cortez) said his south wall is on the property line and he is opposed to the rezoning of his wall and that he would like the 5' wide strip along his property as some kind of easement.

Earl Russel: said that the dead trees on the property need to be removed.

Albert Martinez said he's concerned with safety, getting in and out of the property. One response is to possibly do ~~parking permitting~~ ^{permit parking}.

Woman said there have been accidents.

Joyce Garcia said we have lots of children walking and riding bikes- concerned with safety.

Penny- Cars park in a way to allow for garbage truck pickup.

Truck deliveries come down Cortez.

Albert Martinez said that a ^{per} delivery truck is located ^{near} along Hickox.

Meeting adjourned at 6:35.

**GENERAL PLAN
AMENDMENT/
REZONING
REPORT FOR
536 CORTEZ STREET**

Applicant:
JC Rivera LLC
1115 Hickox
Santa Fe NM

Consultant:
Liaison Planning Services Inc.
(505) 920-6839
liaisonplanning@gmail.com

March 30, 2015

EXHIBIT E-1

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Appendix A –	General Plan Amendment Application
Appendix B –	Rezoning Application
Appendix C –	Warranty Deed
Appendix D –	Existing Zoning
Appendix E –	Legal Lot of Record
Appendix F –	Surveyor's Correspondence
Appendix G –	Site Plan

1. Introduction and General Description:

The subject property is a 5,923+/- square foot residential lot located north of 1115 Hickox on the west side of Cortez Street (Please See Exhibit 1). The applicant is requesting a General Plan Amendment to Community Commercial and Rezoning from residential low density (R5) to commercial (C2) less than 2 acres. The applicant requests the proposed zoning to allow additional off street parking for the Tune-up Cafe'.

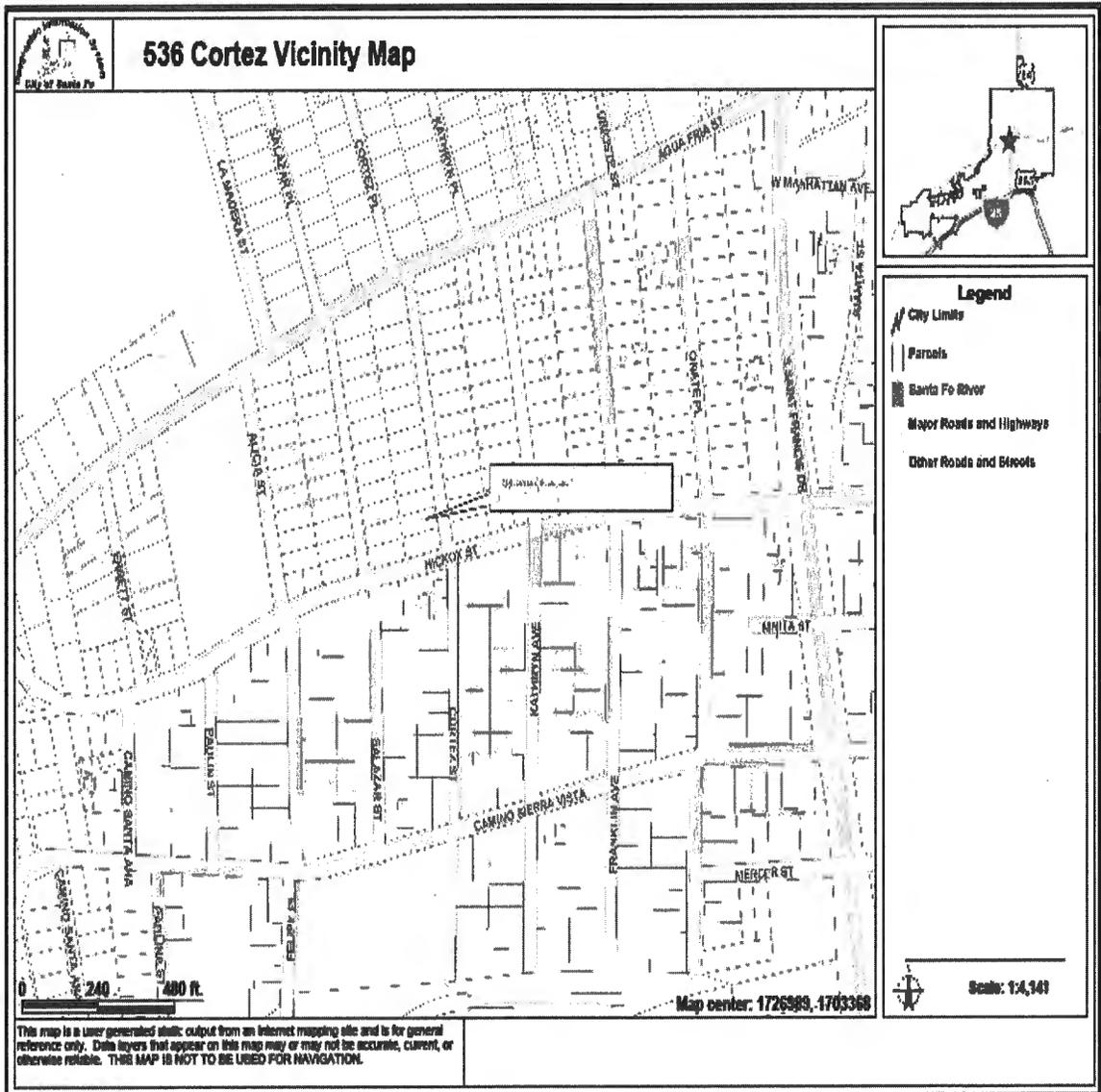


EXHIBIT 1

2. Existing Structures and Uses:

The subject property is currently zoned R5 with a mobile home that is being rented by the applicant. The property is bounded by residential to the north, east and west. The Tune-up Cafe is located to the south.

Appendix D illustrates the existing zoning that surrounds the property.

3. Application/ Request and Property Description:

The applicant has acquired the subject property to minimize on street parking by providing additional parking for the Tune-up Cafe'. The legal lot of record is described as Lot 12, Block 2 of Agua Fria Addition No. 1, as shown on plat filed in the Office of the County Clerk, Santa Fe County, New Mexico on May 14, 1930 in Plat Book 3, Page 377 (Please See Appendix E and F). No encroachments have been identified at this time as attested by a licensed surveyor.

As shown on Appendix G (site plan), eight (8) additional parking spaces are proposed that meet all requirements for such development. The parking will be accessed off of Hickox through the existing parking lot (currently utilized by the Tune-up Cafe') and will exit as a "**right turn only**" onto Cortez Street. All existing (significant) trees will be preserved and utilized as a buffer along the northern, western and Cortez Street property lines. A 4' existing wall along Cortez will be maintained and a 6' masonry wall is proposed along the northern edge of the property that will meet Land Development Code requirements. Additional landscaping will be provided as required. The existing dumpster and recycling bins located at 1115 Hickox will be relocated to the subject property as shown on the enclosed site plan. An existing 6' masonry wall is located along the western property line with ~~and~~ a 15' landscape buffer is proposed as required.

In addition to the initial GPA and Rezoning, the applicant is requesting from the Land Use Director, approval to allow alternative means of compliance with the requirements of section 14-8.4 (C) Compliance and Enforcement, for the proposed 5' landscape buffer along the northern property line as follows:

The subject property is narrow and was created by subdivision plat approval in 1930. Currently, there is a single wide mobile home on the lot. In order to meet development and re-zoning criteria for the proposed parking area, the applicant is requesting alternative means of compliance. If the proposed rezoning is approved, the applicant will consolidate the subject property with the adjacent property to the south and remove the mobile home to develop the lot as additional parking for the Tune-up Cafe'. The Tune-up Cafe' is set back at least 50' from the adjacent residence to the north. The proposed parking lot design and lot consolidation would better achieve the intention of the 15' buffer code requirement by maximizing the goal of the relationship between residential and commercial improvements. A 5' heavily landscaped setback will be maintained. Due

to the location of the Tune-up Cafe', the requirements for landscaping and 6' solid wall, the proposed alternative design minimizes the view of the existing restaurant from adjacent residences. It also provides more natural light, landscaping and off street parking.

4. General Plan Amendment Criteria Statement:

The applicant provides the following responses to the City Code criteria for approval of General Plan Amendments.

(a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;

The proposed use of the subject property will provide parking for an existing restaurant that currently provides employment and a service to the neighborhood and Santa Fe residents. The property will be accessed off of Hickox and will not utilize additional infrastructure aside from egress onto Cortez Street.

(b) consistency with other parts of the general plan;

General plan policy states that "there shall be a mix of uses and housing types in all parts of the City". Along this area of Hickox the zones are mixed C-2 and residential and has historically accommodated both uses. The proposed use of the subject property will be consistent with this policy and will increase opportunities for service to the neighborhood and Santa Fe residents.

(c) the amendment does not:

(i) allows uses or change that is significantly different or inconsistent with the prevailing use and character in the area; or

The area to the north, east and west of the subject property is primarily residential. The properties to the south all along Hickox are zoned for community commercial uses. The intent of this request is to provide additional parking for an existing commercial use, which is not different nor inconsistent with the prevailing use and character in the area.

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

The amendment does affect an area of less than two acres. The legal lot was created in 1930 prior to the development and intent of the General Plan.

(iii) benefit one or few land owners at the expense of the surrounding landowners or general public;

Upon approval, the subject property will be consolidated with the adjacent property to the south that has always been utilized as commercial. The existing historical use will be maintained and expansion of this use would be consistent with the nature of the longstanding use as seen from Hickox and the primary local street.

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

The justification for the rezoning is consistent with the surrounding uses and promotes mixed uses as declared in the general plan.

(e) compliance with the extraterritorial zoning ordinances and extraterritorial plans;

Not Applicable

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity, or the general welfare, as well as efficiency and economy in the process of development; and

Use of the subject property for expansion of an historically/existing commercial use, will continually provide centrally located employment and service to the neighborhood. Will maintain and promote the mixed use character of the neighborhood.

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans;

By allowing the continuation of the historic use of the property to the south and proposed use of the subject property, the General Plan Amendment will expand the City's employment base and promote infill developments that are consistent with land use policies, ordinances, regulations and plans.

5. Rezoning Criteria Statement:

The applicant provides the following responses to the City Code criteria for approval of the rezoning request.

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following exist:

(i) there was a mistake in the original rezoning;

(ii) there has been a change in the surrounding area , altering the character of the neighborhood to such an extent as to justify changing the zoning ; or

The neighborhood has increased in density and the need for off street parking is apparent. The proposed use would allow for additional parking and relieves some of the on street parking which justifies the change for zoning.

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

(b) all rezoning requirement of Chapter 14 have been met;

The rezoning requirements of Chapter 14 are addressed herein and the application is consistent with those requirements.

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

Prior to the approval of the rezoning request , the future land use map will need to be amended which will result in consistency of the rezoning request with the general plan.

(d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city; and

The rezoning request will provide infill development and promotes mixed land uses that provide an adequate balance of service retail and employment opportunities.

(e) the existing and proposed infrastructure, such as the street system, sewer and water lines and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

The proposed rezoning will not increase the sewer, water lines, public facilities. There will be less impact on public streets by providing off street parking.

APPENDIX A



GENERAL PLAN AMENDMENT APPLICATION

Parcel Information

Project Name: 536 CORTEZ STREET
Address: 536 CORTEZ STREET Property Size: 59231 acres
Current Use of Land: RESIDENTIAL Proposed Use of Land: COMMERCIAL
Does an annexation application accompany this application? YES NO Does a rezoning application accompany this application? YES NO
Early Neighborhood Notice (ENN) meeting date: _____
Preapplication Conference Date: 9/18/14
Uniform Parcel Code Number(s): 11/24/18

Property Owner Information

Company Name: JC RIVERA, LLC
Name: RIVERA CHAROLETTE & JESUS
Last First M.I.
Address: 1115 HICKOX
Street Address Suite/Unit #
SANTA FE NM 87505
City State ZIP Code
Phone: 805 1 670-3408 E-mail Address: _____

Applicant/Agent Information (if different from owner)

Company Name: WALSON PLANNING SERVICES INC.
Name: VIGIL DOLORES E.
Last First M.I.
Address: PO BOX 1835
Street Address Suite/Unit #
SANTA FE NM 87509
City State ZIP Code
Phone: (505) 920-6839 E-mail Address: walsonplanning@gmail.com
Correspondence Directed to: Owner Applicant Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 536 Cortez St.
I/We authorize DOLORES E. VIGIL WALSON PLANNING SERVICES INC. to act as my/our agent to execute this application.
Signed: [Signature] Date: 9/24/2014
Signed: _____ Date: _____

Submittal Checklist (Requirements found in Section 14-3.8 SFCC 2001)

Twelve (12) 24"x36" plan sets are required. Please include the following:

<input type="checkbox"/> Letter of Application (intent, location, acreage)	<input type="checkbox"/> Statement addressing approval criteria	<input type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Development Plan (as defined by Section 14-3.8 SFCC 2001)	<input type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications
<input type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 2001)	<input type="checkbox"/> Traffic Impact Analysis (if required)	<input type="checkbox"/> Proof of Compliance with Conditions of Annexation Approval (if applicable)	<input type="checkbox"/> Sewer and Water Plan (including profiles and details)	<input type="checkbox"/> Phasing Plan (if applicable)
<input type="checkbox"/> Archaeological Clearance (if applicable)				

General Plan Amendment Approval Criteria

All proposed amendments to the General Plan shall be reviewed for compliance with the following criteria:

- (a) Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure;
- (b) Consistency with other parts of the General Plan;
- (c) Provision for a determination of land utilization within an area larger than a single property and of general applicability. Generally the area should be at least a section of the City and should be larger than a single block or its equivalent;
- (d) Compliance with the extraterritorial zoning ordinances and extraterritorial plan;
- (e) Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development.

In addition to complying with the general criteria set forth above, amendments to the land use policies section of the General Plan shall be made only if evidence is shown for the following:

- (a) The growth and economic projections contained within the plan are erroneous or have changed; or
- (b) No reasonable locations have been provided for certain land uses for which there is a demonstrated need; or
- (c) Conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market, and building technology; and
- (d) The effect of the proposed change in land use will not have a negative impact on the surrounding property. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent property by a setback, landscaping or other means.

Signature

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 of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and annexation requirements.

Signature: _____

Date: _____

3/30/15

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.

APPENDIX B



(date stamp)

REZONING APPLICATION 14-3.5

Parcel Information

Project Name: 536 CORTIZ STREET REZONING Property Size: 5,923 sq ft
 Address: 536 CORTIZ STREET
 Current Zoning: R5 Proposed Zoning: C2
 Does a Development Plan application accompany this application? YES NO
 Preapplication Conference Date: 9/18/14 UPC Code Number: _____
 Early Neighborhood Notice (ENN) meeting date: 11/24/14

Property Owner Information

Name: JC RIVERA LLC RIVERA CHARLOTTE & JESUS
First Last
 Address: 1115 Hickox
Street Address Suite/Unit # 87505
SUNN PENN
City State ZIP Code
 Phone: 505 670-3428 E-mail Address: _____

Applicant/Agent Information (if different from owner)

Company Name: LIAISON PLANNING SERVICES INC c/o DOLORES E. VIGIL
 Name: DOLORES E. VIGIL
First Last
 Address: PO Box 1835
Street Address Suite/Unit # _____
SANTA FE NM 87504
City State ZIP Code
 Phone: (505) 920-6839 E-mail Address: liaisonplanning@gmail.com
 Correspondence Directed to: Owner Applicant Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 536 Cortez Place
 I/We authorize Dolores E. Vigil / Liaison Planning Services Inc. to act as my/our agent to execute this application.
 Signed: [Signature] Date: 9/24/2014
 Signed: _____ Date: _____

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, we will contact you regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Please contact the Land Use Department staff at (505) 955-6585 with any questions.

Submittal Checklist (Requirements found in Section 14-3.5 SFCC 1987)

Six (6) 24"x36" or 11"x17" scalable plan sets and 1 CD with a PDF copy are required. Submittal requirements may vary based on the individual application and the requested zoning district. The City reserves the right to request additional information at any time during the review process. See Section 14-4 and 14-5 SFCC 1987 for rezoning regulations related to specific zones. Please include the following and check box to indicate submittal:

<input type="checkbox"/> Letter of Application (intent, location, acreage)	<input type="checkbox"/> Narrative addressing approval criteria*	<input type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Development Plan (see Section 14-3.8 SFCC 1987) <input type="checkbox"/> No Development Plan	<input type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications
<input type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 1987)	<input type="checkbox"/> Traffic Impact Analysis (if required)	<input type="checkbox"/> Archaeological Clearance (if applicable)	<input type="checkbox"/> Sewer and Water Plan (including profiles and details), letter of availability (if applicable)	<input type="checkbox"/> Phasing Plan (if applicable)

***Rezoning Approval Criteria, Sections 14-3.5(C) and (D) SFCC 1987**

(C) Approval Criteria

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

- (a) one or more of the following conditions exist:
 - (i) there was a mistake in the original zoning;
 - (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or
 - (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;
- (b) all the rezoning requirements of Chapter 14 have been met;
- (c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;
- (d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city; and
- (e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

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

- (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
- (b) affect an area of less than two acres, unless adjusting boundaries between districts; or
- (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

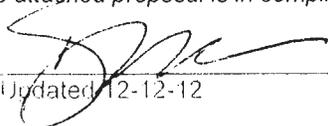
(D) Additional Applicant Requirements

- (1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;
- (2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Signature

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 1987. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning requirements.

Signature: _____



Date: _____

3/30/15

APPENDIX C

WARRANTY DEED

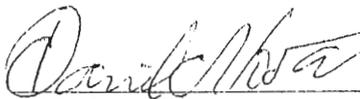
OSCAR D. NOVA and TERESA NOVA, Husband and Wife, for consideration paid, grant to JC RIVERA LLC, A NEW MEXICO LIMITED LIABILITY COMPANY whose address is 536 Cortez Street, Santa Fe, NM the following described real estate in Santa Fe County, New Mexico:

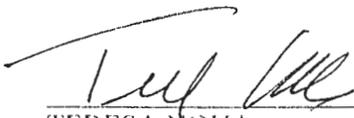
Lot 12, Block 2, of Agna Fria Addition No. 1, as shown on plat filed in the office of the County Clerk, Santa Fe County, New Mexico on May 14, 1930, in Plat book 3 at page 377.

SUBJECT TO: Restrictions, Reservations and Easements of record.

with warranty covenants.

Witness our hands this 5 day of September, 2014.


OSCAR D. NOVA


TERESA NOVA

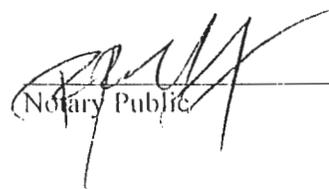
ACKNOWLEDGMENT FOR NATURAL PERSONS

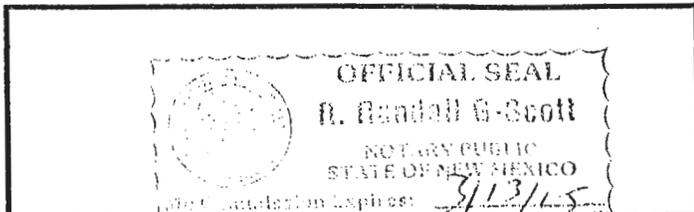
STATE OF NEW MEXICO

COUNTY OF SANTA FE

This instrument was acknowledged before me on 5 day of September, 2014, by OSCAR D. NOVA and TERESA NOVA.

My Commission Expires: 3/13/15

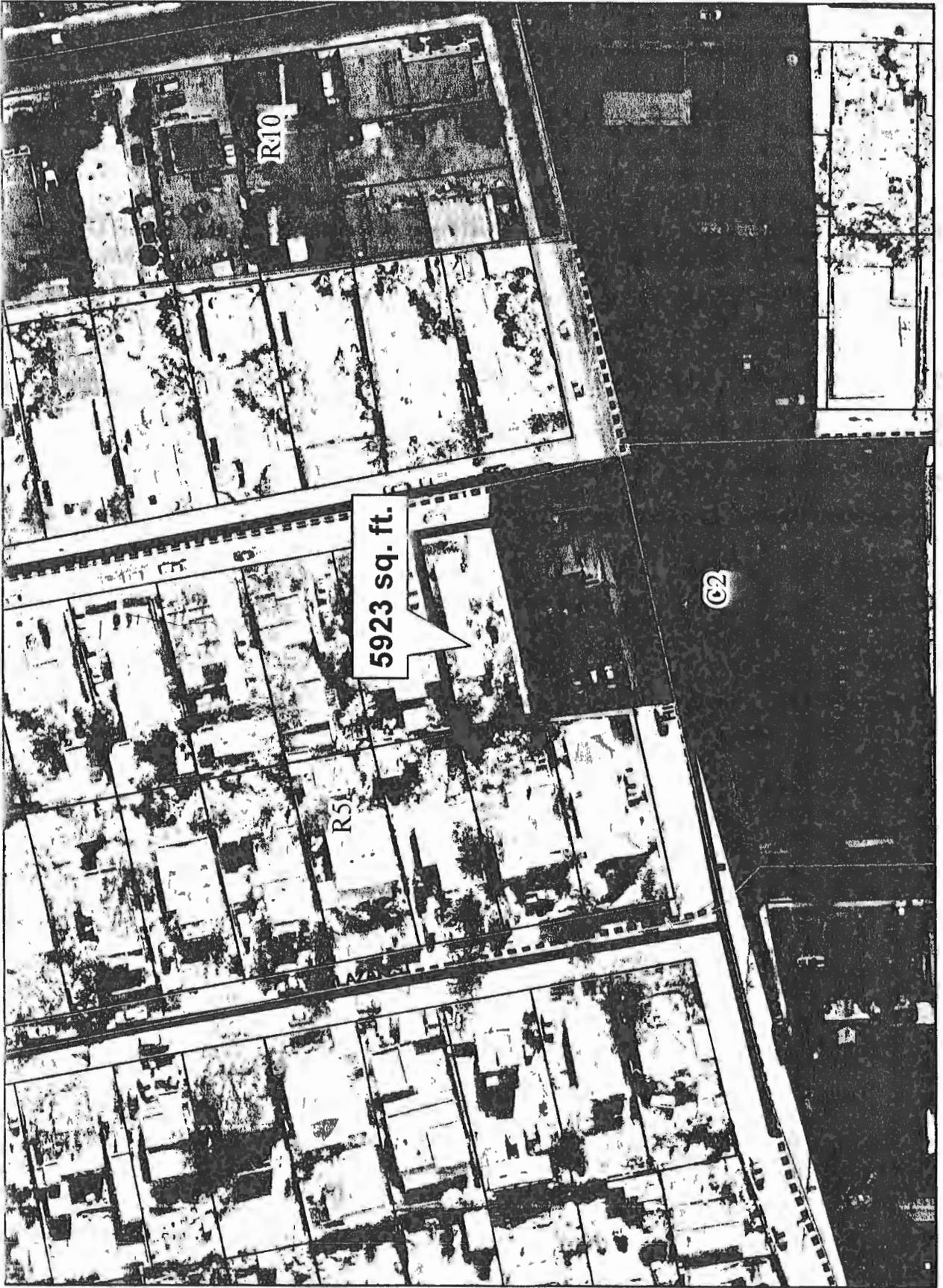

Notary Public



536 Cortez Place (Potential Rezone to J-2 and GPA to Community Commercial)

Future Land Use: Low Density

Zoning: R-5



APPENDIX E

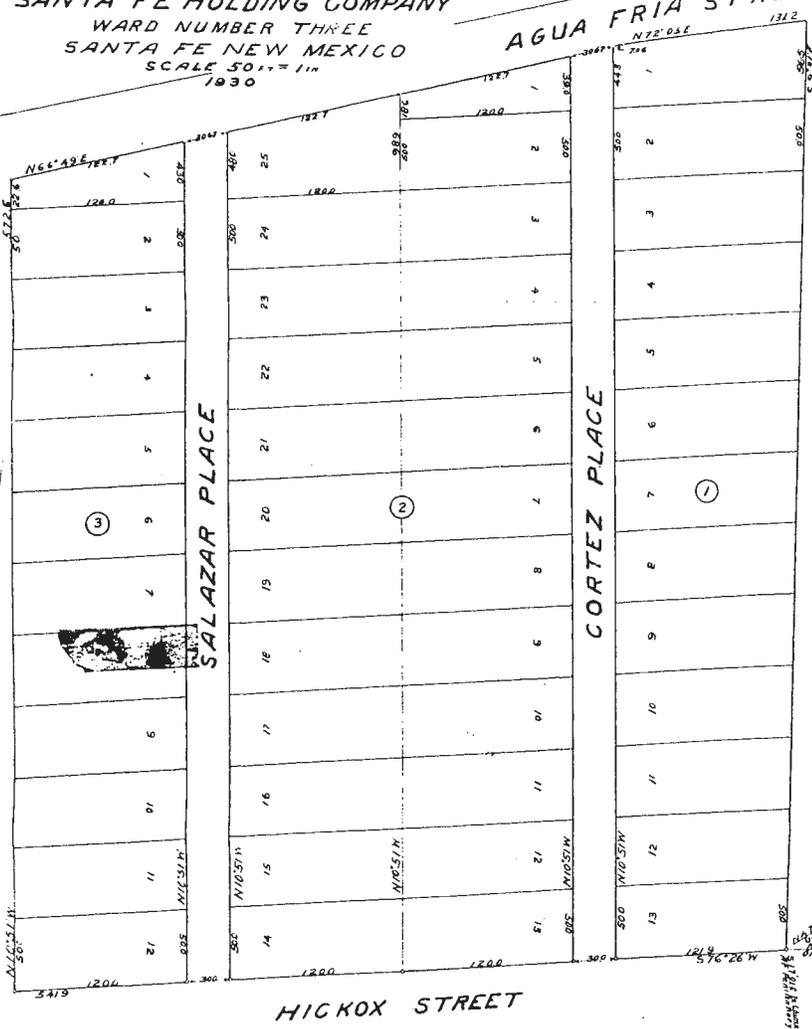
5-14-30

Accepted by resolution of the Council of the City of Santa Fe, New Mexico, on the 14th day of May AD 1930.

Attest: *[Signature]*
City Clerk

**AGUA FRIA ADDITION
NUMBER ONE BY THE
SANTA FE HOLDING COMPANY
WARD NUMBER THREE
SANTA FE NEW MEXICO
SCALE 50' = 1" 1930**

AGUA FRIA STREET



DEDICATION
State of New Mexico
County of Santa Fe

Know all men by these presents, that the undersigned, The Santa Fe Holding Company (No Stockholder's Liability) a corporation has made a subdivision according to this plat of the following described lands with AGUA FRIA ADDITION NUMBER ONE being Tracts A2 and A3 as represented upon a plat whose file is "PLAT OF MOUNTAIN TRACTS LOCATED IN PRECINCT 4 SANTA FE N.M. MADE FOR SANTA FE HOLDING CO. November 3 1926", a copy of which said plat is filed in the office of the County Clerk of Santa Fe County, and being between AGUA FRIA and HICKOX Streets, and being more particularly described as follows: beginning at a point on the North side of Hickox Street, from which the flag on the Capitol bears N78°28'E and the tall chimney of the Penitentiary bears S17°01'E, thence S76°26'W 541.9 feet thence N10°51'W 372.6 feet, thence N66°49'E 436.5 thence N72°05'E 1312 feet, thence S83°31'W 636.5 feet to the place of beginning.

The said plat has been on file with on this map or plat and has been made and is made with the free consent and in accordance with the desire of the said The Santa Fe Holding Company (No Stockholder's Liability) a Corporation and has been named by its President AGUA FRIA ADDITION NUMBER ONE.

In witness whereof, the said holder, The Santa Fe Holding Company (No Stockholder's Liability) a corporation has caused its name to be signed by its President and attested by its Secretary this 14th day of May AD 1930.

Santa Fe Holding Company
(No Stockholder's Liability)
By *Nathan B. Stern*
President
Attest: *[Signature]*
Secretary

State of New Mexico
County of Santa Fe

On this 14th day of May AD 1930, before me personally appeared Nathan B. Stern, who being first duly sworn did say that he is the President of the Santa Fe Holding Company (No Stockholder's Liability) a corporation that the seal affixed to the instrument hereon is the seal of the said Corporation, and that the instrument hereon was executed on behalf of said corporation by authority of its Board of Directors, and the said Nathan B. Stern acknowledged that he executed the same as the free act and deed of the said Corporation.

In witness whereof I have hereunto signed my name and filed my official seal the day and year in this certificate subscribed.

My commission expires 10-10-1930

CERTIFICATE
I hereby certify that this plat and the fieldnotes thereon are a true and correct copy of a survey made in the field under my direction on the 6th and 7th days of May AD 1930.

Walter H. Linsley
Licensed Surveyor

Santa Fe Holding Company Tract 23-D Santa Fe Holding Company Tract 25 Santa Fe Holding Company Tract 24-A

387

377
OK 3

APPENDIX F



Michael V. Trujillo

N.M.P.S. No. 12130

Lot 12, Block 2 of Agua Fria Addition No. 1, as shown on plat filed in the Office of the County Clerk, Santa Fe County, New Mexico on May 14, 1930, in Plat Book 3, Page 377.

Telephone 424-1395 ■ Mobile 690-4542

JAMMER101@AOL.COM

1202 A Parkway Drive ■ Santa Fe ■ New Mexico ■ 87507

APPENDIX G

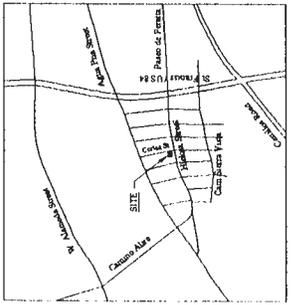
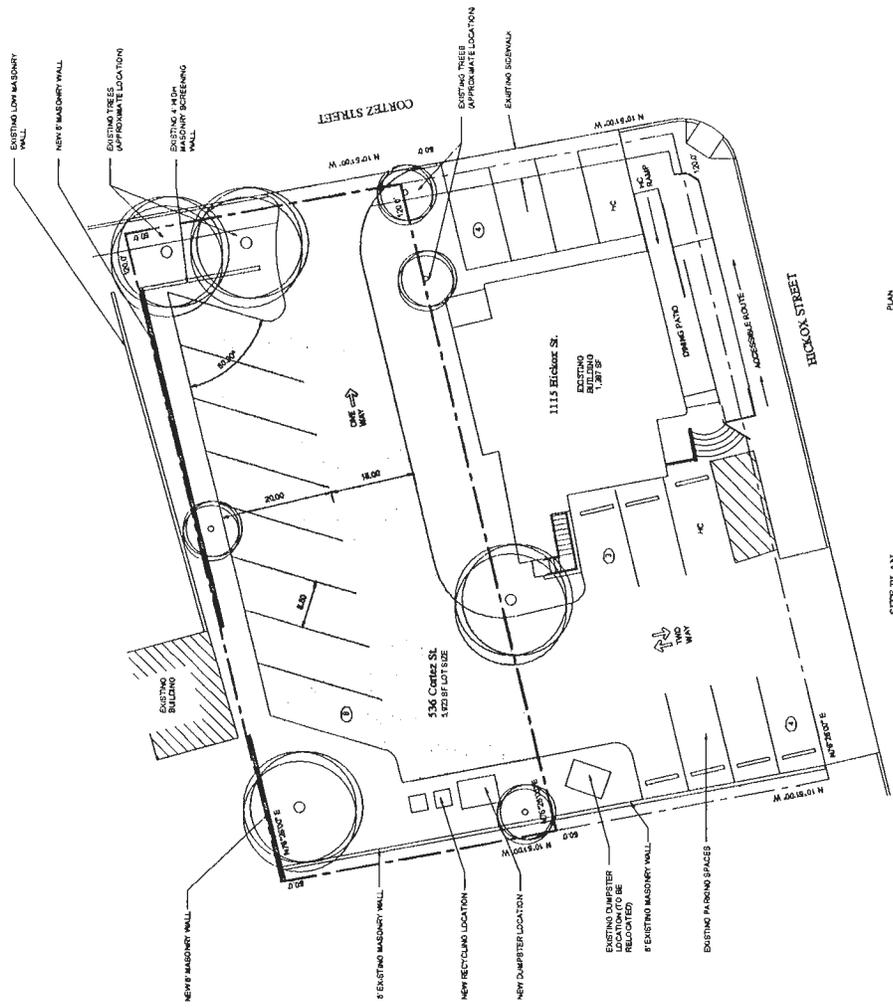
Liaison Planning Services Inc.
 Liaison Planning Services Inc.
 P.O. Box 1835
 Santa Fe, NM 87504
 (505) 970-6839
 liaisonplanning@gmail.com



**Site Plan for
 536 Cortez Street
 Santa Fe, New Mexico**

Not For
 Development Purposes

March 30, 2015



VICINITY MAP

LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 liaisonplanning@gmail.com

March 30, 2015

Donna Wynant, AICP Land Use Senior Planner
City of Santa Fe Land Use Department
P.O. Box 909
Santa Fe, NM 87504-0909

Re: General Plan Amendment and Rezoning *Additional Information*
536 Cortez Street Santa Fe, NM

Dear Ms. Wynant,

As requested, I am providing you with additional information for the above referenced on behalf of JC Rivera LLC.

Rezoning

(D) Additional Applicant Requirements

- (1.) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;

The application is to rezone the property in order to provide additional parking for the restaurant to the south. No additional infrastructure is proposed aside from landscaping that meets city regulations.

- (2.) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the

developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

The proposed parking lot design is to enter from the property to the south, "right turn exit only" onto Cortez Street and to utilize the existing curb cut. All improvements will meet city ordinances regulations and policies.

General Plan Amendment

(2) Additional Criteria Amendments to Land Use Policies

In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in the land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by setback, landscaping, or other means and a finding must be made that:

- (a) The growth and economic projections contained within the general plan are erroneous or have changed;
The neighborhood has developed over the years and the need for additional off street parking is apparent. The subject property currently has a mobile home on it that can easily be removed to accommodate parking for the property to the south. The proposed parking lot will only be utilized by the restaurant and all applicable design standards will be adhered to.
- (b) No reasonable locations have been provided for certain land uses for which there is a demonstrated need; or
It makes sense to allow for additional parking for the commercial property to the south by providing off street parking that is directly adjacent to and can be accessed through the restaurant parking lot.
- (c) Conditions affecting the location or land area requirements of the proposed land use changed, for example, the cost of the land space requirements, consumer acceptance, market or building technology.

Please contact me if you have any questions or require additional information. I request that this item be heard by the Planning Commission on May 7, 2015.

Sincerely,



Dolores I. Vigil

LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 liaisonplanning@gmail.com

April 10, 2015

Lisa Martinez, Land Use Director
City of Santa Fe Land Use Department
P.O. Box 909
Santa Fe, NM 87504-0909

Re: Alternate Means of Compliance
536 Cortez Street Santa Fe, NM

Dear Ms. Martinez,

On behalf of JC Rivera LLC, please accept this letter as a formal request for an approval to allow alternate means of compliance as required per section 14-8.4 (C) for the required 15' landscape buffer located at the above referenced address (see proposed site plan). The applicant is in the process of requesting an approval for a General Plan Amendment to Community Commercial and Rezoning from residential low density (R5) to commercial (C2) less than 2 acres. The applicant requests the proposed zoning to allow additional off street parking for the Tune-up Cafe'.

Compliance and Enforcement per 14.8.4 (C)

(4) The *land use director* shall have discretion to allow alternate means of compliance with the requirements of this section when the proposed alternate means satisfy the intent, and are equivalent to or exceed the requirements of, this Section 14-8.4 and when:

(a) site conditions, including the configuration of the *lot*, topography or existing vegetation, make full compliance impossible or impractical;

The subject property is narrow and not wide enough to provide the 15' buffer, parking and drive aisle. The lot was created by subdivision plat approval in 1930. Currently, there is a single wide mobile home on the lot. In order to meet development and re-zoning and development criteria for the proposed parking area, the applicant is requesting alternative means of compliance (see Exhibit A).

EXHIBIT E-3

(b) the proposed alternate means of compliance are appropriate to the design intent, especially in response to *landscape* or site design consistent with the surrounding area or with the historic character of Santa Fe; and

If the proposed rezoning is approved, the applicant will remove the mobile home to develop the lot as additional parking for the Tune-up Cafe'. The Tune-up Cafe' is set back at least 50' from the adjacent residence to the north. The proposed parking lot design would better achieve the intention of the 15' buffer code requirement by maximizing the goal of the relationship between residential and commercial improvements.

(c) the proposed alternate means of compliance promote good storm water management, water conservation and *water harvesting* equal to or greater than the original requirement.

A 5' heavily landscaped setback will be maintained and serviced by an automatic drip system. Due to the location of the Tune-up Cafe', the requirements for landscaping and 6' solid wall, the proposed alternative design minimizes the view of the existing restaurant from adjacent residences. It also provides more natural light, and landscaping. The site will be designed to provide the landscaping with water run-off. The neighborhood will benefit from additional off street parking. The neighbors have commented that on street parking is creating congestion. Granting this alternative compliance will allow the Tune-up Cafe' to address this issue and reduce impact on surrounding streets.

Please contact me if you have any questions or require additional information.

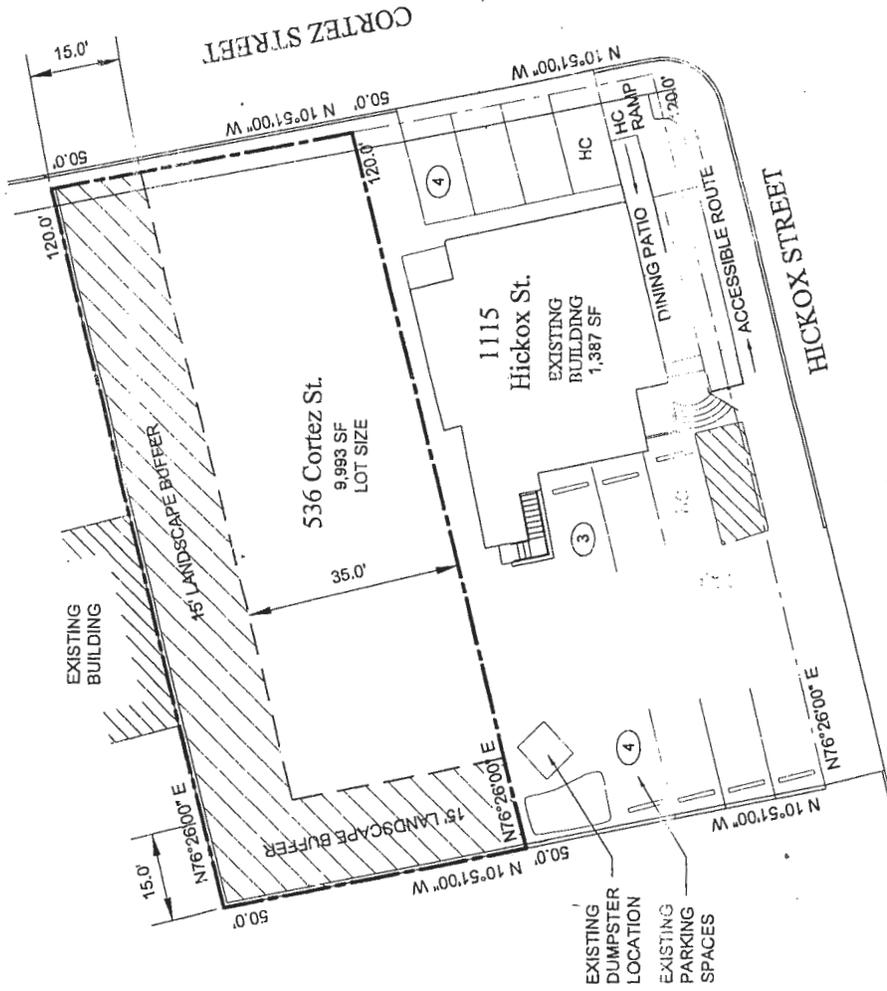
Sincerely,



Dolores I. Vigil

Attachments: Proposed Site Plan
Exhibit A

Dolores I. Vigil
 Liaison Planning Services Inc.
 P.O. Box 1835
 Santa Fe NM 87504
 (505) 920-6839
 liaisonplanning@gmail.com



PROVIDE TOTAL AREA (WHICHEVER IS MORE RESTRICTIVE):
 15' BUFFER AREA ALONG ADJACENT RESIDENTIAL AREAS = 2,325 SF
 20% OF LOT SIZE = 5,993 X 0.2 = 1,197 SF

**OPEN SPACE
 REQUIREMENTS**

PLAN
 NORTH

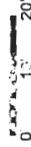
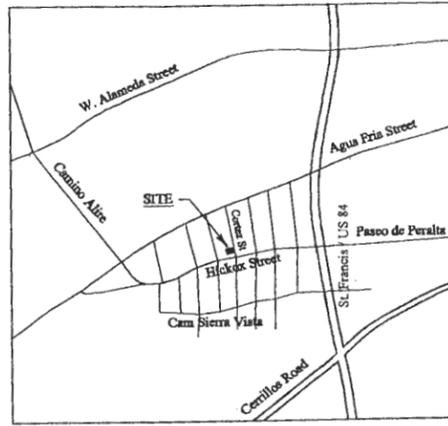
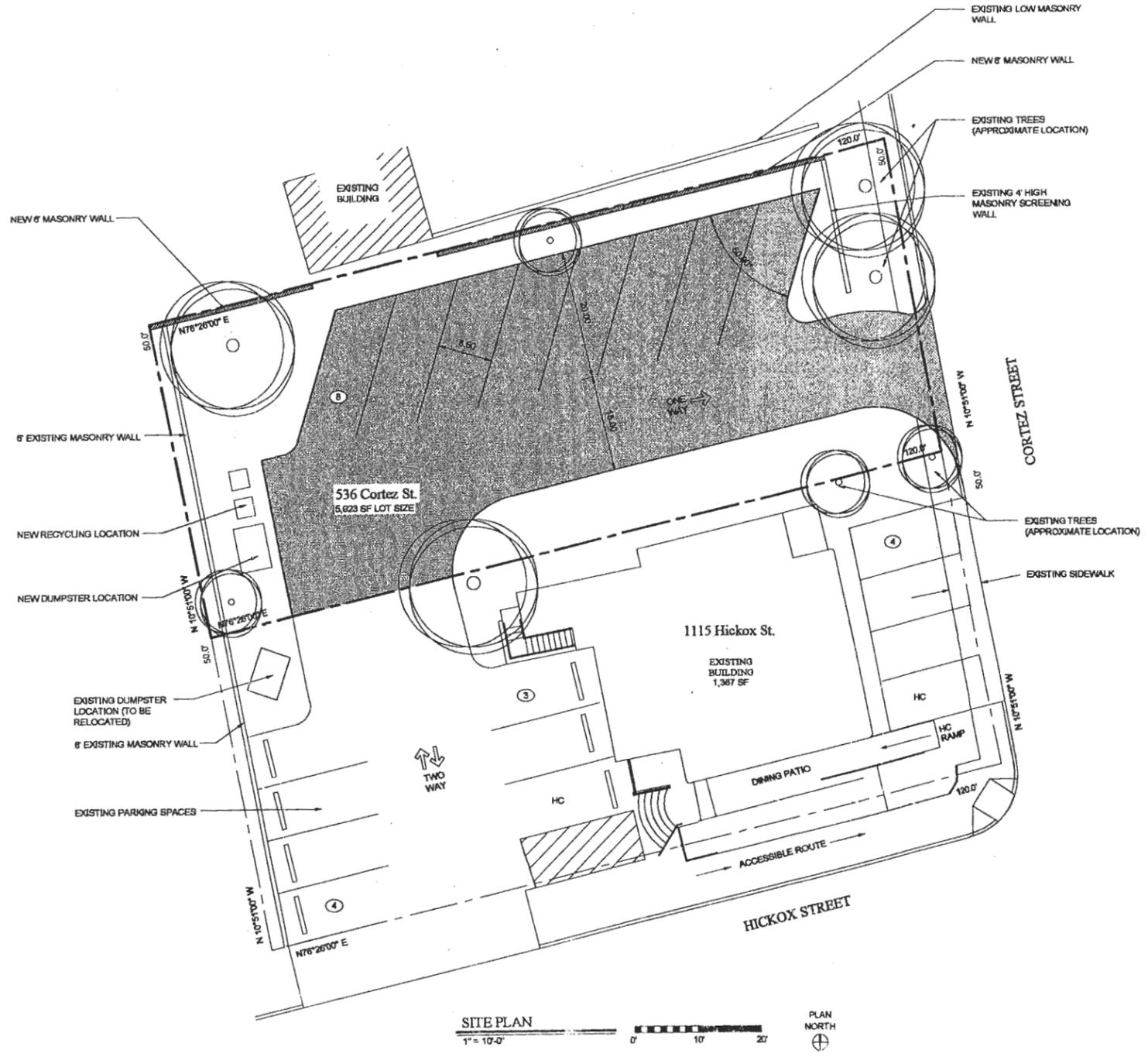


Exhibit 'A'
 Not for Development Purposes
 536 Cortez Street
 Santa Fe NM
 11/2/14

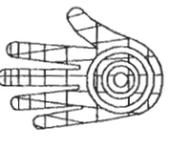


VICINITY MAP NORTH



SITE PLAN
1" = 10'-0" PLAN NORTH

Dolores I. Vigil
Liaison Planning Services Inc.
P.O. Box 1835
Santa Fe NM 87504
(505) 920-6839
liaisonplanning@gmail.com



Liaison Planning Services INC.

Site Plan for
536 Cortez Street
Santa Fe, New Mexico

Not For
Development Purposes

March 30, 2015

EXHIBIT **E-4**

1.7 GENERAL PLAN THEMES

1.7.4 ECONOMIC DIVERSITY

Develop and implement a comprehensive strategy to increase job opportunities, diversify the economy, and promote arts and small businesses.

The General Plan includes policies to promote economic development and the arts; a strategy is outlined in the Community Economic Development Plan, a separate document maintained by the city. Themes of the strategy include regionalism, sustainability, quality of life, equity of education, economic opportunities, and diversification. The General Plan locates sites for arts and new businesses in a variety of settings.

1.7.9 URBAN FORM

Promote a compact urban form and encourage sensitive/compatible infill development.

Promotion of a compact urban form has been a major criteria in selecting new growth areas. Growth and reintensification areas have been selected to minimize distances between different parts of the city, and between job centers and residential areas. Incentives are provided to promote infill development.

1.7.12 MIXED USE

Provide a mix of land uses in all areas of the city.

The General Plan provides a mix of compatible uses that fulfill everyday retail and service needs in existing and new neighborhoods. This urban structure affirms Santa Fe 's traditional development pattern.

5-2 DOWNTOWN AND COMMERCIAL DEVELOPMENT

- 5-2-G-4 Provide for uses to meet everyday needs within neighborhoods in the form of pedestrian-oriented neighborhood centers.
- 5-2-G-5 Protect neighborhoods from encroachment by non-neighborhood oriented commercial uses and related environmental impacts. Provide design standards and economic location criteria for big-box retail.
- 5-2-G-6 Ease transitions between commercial and surrounding areas.

For additional policies related to affordable and economic development, see Sections 10.1 and 10.2 and Institutional Framework Section 11.

- 3-G-1 There shall be consistency between the General Plan and the city's land use development laws (see Section 11 policies).
- 3-G-2 There shall be a mix of uses and housing types in all parts of the city.
Mixed use should not just be encouraged, but in certain areas, such as the mixed-use districts(neighborhood centers) and redevelopment areas, it is specifically recommended in the General Plan.
- 3-G-3 There shall be infill development at densities that support the construction of affordable housing and a designated mix of land uses that provide an adequate balance of service retail and employment opportunities to address residential growth throughout the Urban Area, including the Railyard property.

C-2 General Commercial District

The C-2 general commercial district includes areas along *streets* carrying large volumes of traffic where commercial uses are appropriate. Regulations are designed to guide future additions or changes so as to discourage extension of existing and formation of future strip *commercial development*, to preserve the carrying capacity of the *streets* and to provide for *off-street parking* and loading.

Permitted Uses

1. Adult day care
2. Antique stores
3. Art supply stores
4. Arts & crafts schools
5. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
6. Assembly & manufacturing (light)
7. Automobile service & repair including filling & repair stations
8. Automobile tire recapping & retreading
9. Banks & credit unions with drive-through ☼
10. Banks & credit unions without drive through
11. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
12. Bar, cocktail lounge, nightclub, no outdoor entertainment
13. Barber shops & beauty salons
14. Bed & breakfast and inns
15. Bookshops
16. Cabinet shops (custom)
17. Clubs & lodges (private) ☼
18. Colleges & universities (non-residential)
19. Commercial parking lots & garages
20. Commercial recreational uses & structures (theaters, bowling alleys, pool-rooms, driving ranges, etc)
21. Correctional group residential care facility ☼
22. Dance studios
23. Daycare; preschool; for infants & children (small – 6 or fewer)
24. Daycare; preschool; for infants & children (large – 6 or more)
25. Department & discount stores
26. Dwelling; multiple family (see section 14-6.2(A)(7) for additional regulations)
27. Dwelling; single family (see section 14-6.2(A)(7) for additional regulations)
28. Electrical distribution facilities
29. Electrical substation
30. Electrical switching station
31. Electrical transmission lines
32. Exercise, spas, gym facilities
33. Flea markets
34. Florist shops
35. Funeral homes or mortuaries
36. Furniture stores

37. Grocery stores (neighborhood)
38. Hotels, motels, residential suite hotels
39. Human service establishments ☀
40. Kennels ☀
41. Laboratories; research experimental & testing
42. Laundromats (neighborhood)
43. Lodging facilities; conference & extended stay
44. Manufactured homes (see section 14-6.2(A)(7) for additional regulations)
45. Medical & dental offices & clinics
46. Museums
47. Neighborhood & community centers (including youth & senior centers)
48. Non-profit theaters for production of live shows
49. Nursing; extended care convalescent, recovery care facilities
50. Office equipment sales & service; retail sales of office supplies
51. Office; business & professional (no medical, dental or financial services)
52. Personal care facilities for the elderly
53. Personal service establishments (including cleaning, laundry, appliance repair & similar services)
54. Pharmacies or apothecary shops
55. Photographers studios
56. Police stations
57. Police substations (6 or fewer staff)
58. Public parks, playgrounds, playfields
59. Religious assembly (all)
60. Religious, educational & charitable institutions (no school or assembly uses) ☀
61. Rental; short term
62. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☀
63. Restaurant with drive-through, drive-up ☀
64. Restaurant; fast service, take out, no drive through or drive-up
65. Restaurant; full service, with or without incidental alcohol service
66. Retail establishments not listed elsewhere
67. Schools; Elementary & secondary (public & private) ☀
68. Sign shops
69. Tailoring & dressmaking shops
70. Time share vacation projects
71. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
72. Veterinary establishments, pet grooming ☀
73. Vocational or trade schools (non-industrial)
74. Wholesale & distributing operations (under 3,000 square feet of storage)

☀ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

Special Use Permit

The following uses may be conditionally permitted in C-2 districts pursuant to a Special Use Permit:

1. Boarding, dormitory, monastery
2. Cemeteries, mausoleums & columbaria
3. Colleges & universities (residential)
4. Continuing care community
5. Group residential care facility
6. Group residential care facility (limited)
7. Hospitals
8. Mini storage units
9. Sheltered care facilities
10. Storage; individual storage areas within a completely enclosed building
11. Transit transfer facilities

Accessory Uses

The following accessory uses are permitted in C-2 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use

Dimensional Standards

Minimum district size None.

14-7.5(D)(8)(c) C-2 District Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.

Maximum height: 45

Minimum setbacks:

Non-residential uses: Street 5; side 0, rear 10

Where rear yard abuts a residential neighborhood no less than 25 feet rear yard setback shall be provided or 20% of the depth of the lot, whichever is less. A 15 foot buffer is required for non-residential uses adjacent to residential uses.

Max lot cover: 60

Nonresidential and Mixed Use Open Space Standards

The minimum dimension for *nonresidential open space* shall be ten (10) feet and cover a minimum of three hundred (300) square feet, unless the area is a component of interior parking *landscape* and meets the requirements for *open space* credits for *water harvesting* described in this Subsection 14-7.5(D)(6).

The percentage of *required open space* shall be calculated on the basis of total *lot* area, and shall be no less than twenty-five percent unless the conditions described in Subsection 14-7.5(D)(6) are met; then the *required open space* may be reduced by a maximum of ten percent of the total *lot* size. More restrictive requirements for individual zoning districts shall apply.

Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.

Residential Open Space

C-2 District

Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.