



# Agenda

CITY CLERK'S OFFICE

DATE 12/23/14 TIME 1:47pm

SERVED BY *Geraldine Quintero*

RECEIVED BY *Shirley Martinez*

## AMENDED

### PLANNING COMMISSION

Thursday, January 8, 2015 - 6:00pm

City Council Chambers

City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF CONSENT AGENDA
- E. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: *November 6, 2014 (POSTPONED FROM DECEMBER 4, 2014)*

*December 4, 2014*

*December 18, 2014*

#### FINDINGS/CONCLUSIONS:

Case #2014-106. Villas de Sophia Final Development Plan and Final Subdivision Plat.

### F. CONSENT

- 1. Case #2014-115. Corazon Santo Development Plan Time Extension. Report of the Land Use Director's approval of a one-year administrative time extension for a Development Plan submitted with the MU Zoning of 2.41 +/- acres located south and west of the intersection of Agua Fria and Harrison Road. The Development Plan is for mixed use development for up to 24 residential units and up to 24,000 sq. ft. of commercial space. The time extension would extend approval to November 20, 2015. Rob Gibbs, agent for Homewise, Inc. (Donna Wynant, Case Manager)

### G. OLD BUSINESS

- 1. Case #2014-94. Hart Business Park- Phase II Final Subdivision Plat. James W. Siebert and Associates, agent for CCSF 599 LLC, request Final Subdivision Plat approval for 6 lots on 12.03± acres. The property is zoned I-1 (Light Industrial) and is located at 4501 Hart Rd. (Donna Wynant, Case Manager) (**POSTPONED FROM NOVEMBER 6, 2014 AND DECEMBER 4, 2014**)

### H. NEW BUSINESS

- 1. Case #2014-104. 2504 and 2505 Siringo Lane Rezoning. Daniel Smith, and Linda Duran for Robert H. & Sarah S. Duran, request Rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane. (Zach Thomas, Case Manager) (**POSTPONED FROM DECEMBER 4, 2014**)



# Agenda

CITY CLERK'S OFFICE

12/19/14

TIME 11:11am

*Geraldine Duran*  
*Shirley Haden*

**PLANNING COMMISSION**  
**Thursday, January 8, 2015 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. ROLL CALL**
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**MINUTES: December 4, 2014**  
**December 18, 2014**

**FINDINGS/CONCLUSIONS:**

**Case #2014-106. Villas de Sophia Final Development Plan and Final Subdivision Plat.**

**F. CONSENT**

1. **Case #2014-115. Corazon Santo Development Plan Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a Development Plan submitted with the MU Zoning of 2.41 +/- acres located south and west of the intersection of Agua Fria and Harrison Road. The Development Plan is for mixed use development for up to 24 residential units and up to 24,000 sq. ft. of commercial space. The time extension would extend approval to November 20, 2015. Rob Gibbs, agent for Homewise, Inc. (Donna Wynant, Case Manager)

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2. **Case #2014-107. 1503 Summit Ridge Variances.** Kyle and Rebecca Lamb, Owners, request Variances to Terrain Management Regulations (14-8.2 (D)(2)(b) and (D)(3)(b)) to construct a single family residence on slopes exceeding 30% and having more than one half of the building footprint on slopes exceeding twenty percent. The property is zoned R-1 (Residential – One Dwelling Unit per Acre) and is located entirely within the Escarpment Overlay District. (Dan Esquibel, Case Manager)
3. **Case #2014-111. Hands of America Lot Split.** Monica Montoya, agent for Leonel Capparelli, requests Lot Split approval to divide 3.0± acres of land into two lots, each 1.50 acres, in order to rezone one of the lots to C-1 (Office and Related Commercial). The property is zoned R-1 (Residential, 1 dwelling unit per acre) and is located at 401 Rodeo Road. (Donna Wynant, Case Manager)
4. **Case #2014-109. Hands of America General Plan Amendment.** Monica Montoya, agent for Leonel Capparelli, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.50± acres of land from Rural/Mountain/Corridor (1 dwelling unit per 1 acre) to Office. The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)
5. **Case #2014-110. Hands of America Rezoning.** Monica Montoya, agent for Leonel Capparelli, requests Rezoning approval of 1.50± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial). The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

**I. STAFF COMMUNICATIONS****J. MATTERS FROM THE COMMISSION****K. ADJOURNMENT****NOTES:**

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.  
**\*Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**

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SUMMARY INDEX  
CITY OF SANTA FE  
PLANNING COMMISSION  
January 8, 2015

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CASE #2014-94. HART BUSINESS PARK – PHASE II FINAL SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR CCSF 599, LLC, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR 6 LOTS ON 12.03± ACRES . THE PROPERTY IS ZONED I-1 (LIGHT INDUSTRIAL) AND IS LOCATED AT 4501 HART ROAD	Approved [amended]	4-10

**ITEM****ACTION****PAGE****NEW BUSINESS**

**CASE #2014-104.** 2504 ANDS 2505 SIRINGO LANE REZONING. DANIEL SMITH AND LINDA DURAN FOR ROBERT H. & SARAH S. DURAN, REQUEST REZONING OF TWO 1-ACRE PARCELS FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-3 (RESIDENTIAL – 3 DWELLING UNITS PER ACRE). THE TWO PARCELS ARE CURRENTLY DEVELOPED WITH RESIDENTIAL USES AND ARE LOCATED AT 2504 AND 2505 SIRINGO LANE

Approved [amended]

10-31

**CASE #2014-107.** 1503 SUMMIT RIDGE VARIANCES. KYLE AND REBECCA LAMB, OWNERS, REQUEST VARIANCES TO TERRAIN MANAGEMENT REGULATIONS (14-8.2(D)(2)(b) AND (D)(3)(b), TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON SLOPES EXCEEDING 30% AND HAVING MORE THAN ONE HALF OF THE BUILDING FOOTPRINT ON SLOPES EXCEEDING TWENTY PERCENT. THE PROPERTY IS ZONED 4-1 (RESIDENTIAL – ONE DWELLING UNIT PER ACRE), AND IS LOCATED ENTIRELY WITHIN THE ESCARPMENT OVERLAY DISTRICT

Approved

32-36

**CASE #2014-111.** HANDS OF AMERICA LOT SPLIT. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS LOT SPLIT APPROVAL TO DIVIDE 3.0± ACRES OF LAND INTO TWO LOTS, EACH 1.50 ACRES, IN ORDER TO REZONE ONE OF THE LOTS TO C-1 (OFFICE AND RELATED COMMERCIAL) THE PROPERTY IS ZONED R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) AND IS LOCATED AT 401 RODEO ROAD

Approved w/conditions

37-45

**CASE #2014-109.** HANDS OF AMERICA GENERAL PLAN AMENDMENT. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.50± ACRES OF LAND FROM RURAL/MOUNTAIN/ CORRIDOR (1 DWELLING UNIT PER 1 ACRE) TO OFFICE. THE PROPERTY IS LOCATED AT 401 RODEO ROAD

Approved w/conditions

37-45

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
<b>CASE #2014-110. HANDS OF AMERICA REZONING. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS REZONING APPROVAL OF 1.50± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED AT 401 RODEO ROAD</b>	<b>Approved w/conditions</b>	<b>37-45</b>
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<b>ADJOURNMENT</b>		<b>47</b>

**MINUTES OF THE MEETING  
OF THE  
PLANNING COMMISSION  
January 8, 2015**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Michael Harris, at approximately 6:00 p.m., on Thursday, January 8, 2015, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

Commissioner Michael Harris, Chair  
Commissioner Renee Villarreal, Vice-Chair  
Commissioner Dan Pava, Secretary  
Commissioner Lisa Bemis  
Commissioner Brian Patrick Gutierrez  
Commissioner Lawrence Ortiz  
Commissioner John Padilla  
[Vacancy]

**MEMBERS EXCUSED:**

Commissioner Angela Schackel-Bordegary

**OTHERS PRESENT:**

Lisa Martinez, Director, Land Use Department  
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison  
Zachary Shandler, Assistant City Attorney  
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA**

Ms. Baer said the minutes of the December 18, 2014 meeting were not received in time to go out in the packet, so that item will be removed from the agenda and postponed to the next meeting of the Commission on February 19, 2015.

**MOTION:** Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve the Agenda as amended.

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-1].

#### **D. APPROVAL OF CONSENT AGENDA**

Commissioner Villarreal asked to remove Item F(1) for discussion.

**MOTION:** Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve the Consent Agenda as amended.

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-1].

#### **CONSENT AGENDA DISCUSSION**

1. **CASE #2014-115. CORAZON SANTO DEVELOPMENT PLAN TIME EXTENSION. REPORT OF THE LAND USE DIRECTOR'S APPROVAL OF A ONE-YEAR ADMINISTRATIVE TIME EXTENSION FOR A DEVELOPMENT PLAN SUBMITTED WITH THE MU ZONING OF 2.41± ACRES LOCATED SOUTH AND WEST OF THE INTERSECTION OF AGUA FRIA AND HARRISON ROAD. THE DEVELOPMENT PLAN IS FOR MIXED USE DEVELOPMENT FOR UP TO 24 RESIDENTIAL UNITS AND UP TO 24,000 SQ. FT. OF COMMERCIAL SPACE. THE TIME EXTENSION WOULD EXTEND APPROVAL TO NOVEMBER 20, 2015. ROB GIBBS, AGENT FOR HOMEWISE, INC.**

A Memorandum dated December 17, 2014 for the January 8, 2015 meeting, with attachments, to the Planning Commission from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "1."

Commissioner Villarreal asked if anyone is here from Homewise to answer any questions, noting this is a development that has been approved and we are here tonight to approve the time extension.

Ms. Baer said there is no one here, noting she just received an email from its representative, asking if it was approved at the afternoon session.

Commissioner Villarreal asked if there is anyone from that development in attendance that can answer questions, and Ms. Baer said no.

Commissioner Villarreal said, "For the record, the only thing I was questioning, is I guess I was wanting to understand more about why Homewise decided to purchase the development from the bank, and maybe some of their reasoning behind it. And I don't know if anyone else has any questions about it. That was my concern. It was a Development Plan that I never voted for, but I was curious as to their future plans, and if anything is going to change in the development, and what they see foresee for that particular development, and I guess tonight we can't hear about it."

Ms. Baer said, "I would just say we have not had that discussion with Homewise."

Commissioner Villarreal asked if any Commissioners have questions about this development.

Commissioner Padilla asked, "One question for staff. This is the first of an allowable two extensions."

Ms. Baer said that is correct.

Commissioner Villarreal said she has no further questions.

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Pava, to approve Case #2014-115, Corazon Santo Development Plan Time Extension, to extend approval to November 20, 2015.

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, and Pava voting in favor of the motion and Commissioner Villarreal voting against [5-1].

## **E. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

1. **MINUTES – NOVEMBER 6, 2014  
DECEMBER 4, 2014  
DECEMBER 18, 2014 Postponed to 02/19/15**

The following correction was made to the minutes of November 6, 2014:

Page 12, Paragraph 4, line 2, correct as follows: "...way ~~as~~ has not been presented ~~by to~~ the..."

Ms. Baer said, "For clarification, you might want to ask Mr. Romero who is here tonight, if that was presented to him or not.

John Romero, Director, Traffic Engineering Division, said, "I can't speak on behalf of what was spoken, but at that time, it had not been presented to me."

**MOTION:** Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve the minutes of the meeting of November 6, 2014, as amended.

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava, and Villarreal voting in favor of the motion and no one voting against [6-0].

The follow corrections were made to the minutes of December 4, 2014:

Page 11, Paragraph 2, correct as follows: "...~~Councilor~~Commissioner Ortiz said..."

**MOTION:** Commissioner Villarreal moved, seconded by Commissioner Ortiz, to approve the minutes of the meeting of December 4, 2014, as amended

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava, and Villarreal voting in favor of the motion and no one voting against [6-0].

## **2. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

A copy of the Findings of Fact and Conclusions of Law in Case #2014-106, Villas de Sophia Final Development Plan and Final Subdivision Plat, is incorporated herewith to these minutes as Exhibit "2."

Chair Harris complimented Mr. Shandler, saying the Findings and Conclusion were clearly stated.

**MOTION:** Commissioner Pava moved, seconded by Commissioner Padilla, to approve the Findings of Fact and Conclusions of Law in Case #2014-106, Villas de Sophia Final Development Plan and Final Subdivision Plat, as presented by staff.

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava, and Villarreal voting in favor of the motion and no one voting against [6-0].

## **E. CONSENT CALENDAR**

1. *[Removed for discussion by Commissioner Villarreal]*

## **F. OLD BUSINESS**

1. **CASE #2014-94. HART BUSINESS PARK – PHASE II FINAL SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR CCSF 599, LLC, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR 6 LOTS ON 12.03± ACRES . THE PROPERTY IS ZONED I-1 (LIGHT INDUSTRIAL) AND IS LOCATED AT 4501 HART ROAD. (DONNA WYNANT, CASE MANAGER)**

A Memorandum, with attachments, prepared December 19, 2014, for the January 8, 2015 meeting, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "3."

A copy of *Hart Business Park – Engineers Estimate - Access Road, Table 2*, dated January 8, 2015, entered for the record by James W. Siebert, is incorporated herewith to these minutes as Exhibit "4."

Tamara Baer presented information regarding this matter from the Staff Report which is in the Commission packet. Please see Exhibit "2," for specifics of this presentation.

Ms. Baer said the recent amendment to the Code in 2012 states that, "Cul de sacs and other dead end streets can only be constructed if the topography, the lot configuration, previous development patterns or other natural or built features prevent continuation of the Road." Ms. Baer said it is staff recommendation that that condition remain in place, and with that condition, staff does continue to recommend approval of the subdivision. She noted the conflicting provision predates this Code provision and states, "Each street shall terminate in a cul de sac or other approved turnaround, except where the Planning Commission or Summary Committee requires a street to be stubbed-out at a property boundary in anticipation of a future extension." She said the later Code provides that the road needs to continue unless there is a compelling reason for it not to continue.

## **Public Hearing**

### **Presentation by the Applicant**

**James W. Siebert, James W. Siebert & Associates, 915 Mercer, Agent for the Owner was sworn.** Mr. Siebert said, "The way we left off is that we went through all issues of the subdivision itself, and the only outstanding issue is whether the road from the end of the cul de sac would have to be extended back to Hart Road. In the Ordinance it says there are three criteria for asking for a waiver of the standard that the cul de sacs are not permitted. And those three criteria are topography, like configuration and previous development patterns. And what I would like to do with the exhibits is to just walk you through each of those criteria and show you how we believe that we've satisfied that criteria for not extending the cul de sac."

Mr. Siebert said the project engineer, Mike Gomez, is here to answer any technical questions regarding engineering.

Mr. Siebert presented information regarding this matter using enlarged drawings, maps and aerial maps. Mr. Siebert said, "This is Aviation Drive, 'this' is Hart Road. Hart Road has actually been constructed to 'this' point. The cul de sac in question is 'this' cul de sac 'here,' with the single rated lots along the cul de sac. The area in yellow is an off-site sewer line. In order to get gravity flow sewer to be in the cul de sac, we had to bring a sewer line kind of cross country to the end of the cul de sac. So we think 'here' drains down to 'this' point and then comes out to a sewer line that is existing 'here' at Hart Road."



Mr. Siebert continued, "This is a slope map of the subdivision. Actually the same slope map that was submitted in the original annexation and rezoning. There, in red, is 30% or more slopes. The area in gray is 20-30% slopes. Once again, this [inaudible] the cul de sac and the alignment would kind of go 'this' direction 'here,' back to Hart Road."

Mr. Siebert continued, "And what this is, Santa Fe Engineering has prepared a grading plan of what this road would look like if it were constructed as a 52 foot roadway. We are, by the way, proposing to use this. The existing 20 foot roadway is a base course, has an emergency access from the end of the cul de sac. 'These' lines 'here' represent, well in this case, it's full slopes on either side of the roadway, in addition to the roadway itself."

Mr. Siebert continued, "And then this is a plan that Santa Fe Engineering has prepared. 'This' is the existing roadway and existing slopes. There are slopes out there currently from the 20 foot easement. So 'this' is the right-of-way it's assumed within that connector road. "

Mr. Siebert continued, "So once again, we have the cross section with a 20 foot road 'here,' and then down below, what it is, it indicates if you take the 52 foot road section, what's the additional slopes that's created by that. And where you see the yellow is the additional slopes that results from the 52 foot versus the 20 foot wide roadway."

Mr. Siebert continued, "And then 'this,' the area in the green 'here' is the existing slopes from the current 20 foot roadway and the red area is the slopes that are created by the 52 foot right-of-way. So you can see there's a pretty substantial difference. One thing that happens is that these are still water retention ponds, in two cases you have a standpipe, and even the standpipe would have to be set further back and some of the ponds would be filled in as the result of the 52 foot roadway."

Mr. Siebert continued, "These speak to lot configuration. And what it demonstrates is when we develop the park, 'there' in green are the main drainages. And what we did is we simply put the lot lines down in the drainages. The area in the middle was fully flat. So the idea was you have the building sites which were best suited. You put the lot lines down the drainages and we protect those as open space areas and in two particular cases as logical places for stormwater ponding. 'This' by the way, is the FedEx Building. It was originally intended to have Coca-Cola. The recession hit about that time, so Coca-Cola has yet to evolve."

Mr. Siebert continued, "And 'this' goes to previous development patterns. 'This' is the plan that was originally presented with the annexation master plan, and the master plan was in 2006. The Ordinance that was adopted that says no more cul de sacs was actually, it was my understanding, adopted in 2011, 5 years later. What actually happened is 'this,' because of FedEx, the road got extended to 'this' point 'here.' But this cul de sac has always been part of the plan since 2006. So we've developed consistently with the prior approved development plans."

Mr. Siebert continued, "And 'this' is a description of the impact created by the roadway. And what happens, in addition to the topography, in addition to the previous development pattern, what you have is it cuts off 'these' ends of the tracts, 'this' one not so much, and you end up with about 22.7 acres that

basically become useless. 'Here' you have 1.53 acres. I guess the question is, once you do this, it's my understanding you create a lot 'here' which becomes useless and you create a lot 'here.' And that was certainly not the intent to keep these as integrated tracts and that dates back to 2006."

Mr. Siebert continued, "And a broader perspective as well. We all think the recession is over, but from a real estate standpoint, that's really not the case. Some of these projects that used to be lucrative financially are not marginally viable. I'll give you one particular example. I worked on a Business Park off Airport Road. Before 2008, the lots sold from \$110,000 to \$130,000. The most recent sales for those same lots is between \$60,000 and \$70,000. There's just simply not the margin that existed previously."

Mr. Siebert continued, "You might have seen me, I've been pushing back against some of these conditions, conditions that had pretty substantial costs and would make it very difficult to market the properties. If we were to accept this condition, for every possible purchaser, we would have to provide a disclosure that they would be responsible for building the road through their section of their property. In my opinion, given the market today, that probably would kill the ability to market those two lots. So I ask you, with that, we ask for your consideration in this particular matter."

### **Speaking to the Request**

There was no one speaking to the request.

### **The Public Testimony Portion of the Public Hearing Was Closed**

Commissioner Pava said there was a reference to the IFC, the Fire Code, and he assumes that is the 2009 IFC, and Ms. Baer said that is correct. He asked, when this was annexed, zoned and master planned and approved in 2006, did the IFC require the 100 foot diameter cul de sac, or was there a different diameter.

Ms. Baer referred the question to Fire Marshal Rey Gonzales.

Rey Gonzales, Fire Marshal, said it was the same at that time.

Commissioner Pava said the cul de sac shown in the Master Plan drawings doesn't appear to be quite that diameter.

Fire Marshal Gonzales said that is correct.

Commissioner Pava said, "If I could repeat it. When this Master Plan was accepted by the City originally, and we approved the zoning and all, the cul de sac showed as 80 feet. And what's changed here is we've adopted the 2009 IFC which specifies 100, but then, in 2006 the requirement was *[inaudible]*, but the City did adopt the 80 feet, not as a plat *per se* but in the master plan. Is that correct."

Ms. Baer said that is correct.

Commissioner Ortiz asked Mr. Gomez to explain the impact of building this road, and to try to be as specific with quantities and costs, how we can understand the total impact.

**Mike Gomez, Consulting Engineer, [previously sworn]**, said they prepared an Engineer's estimate for building this segment of roadway, and used averaging of prices that the City typically uses in bonding estimates. He said the total cost is about \$397,000 to go ahead and build this road [Exhibit "4"]. He said, "The Specific items are like in A as in Borrow, it's going to take 6,100 C.Y. of Borrow material. We have all the quantities for like, Asphalt is 2,125 S.Y., that's one of the big cost items on there, and it goes down to include everything like *[inaudible]* putting signing, striping and taxes and contingencies and everything. That's what gets us to almost \$400,000. The big impact is on the slopes. Once we go ahead and add these slopes out, the footprint of the roadway is much larger and we actually impact, I think it's like, 1,300 ft. of 30% slopes in the widening of the roadway. But I do have every item here listed. If you want me to, I can go ahead and read all the quantities or I can hand it to you and you can look at it."

Commissioner Ortiz thanked him for the information, commenting that is a good summary for him to get a grasp on the cost. He said, "I am fine with it."

Chair Harris said the original design was 80 feet, but in one of the exhibits, it seems to show, it says R 50 feet. He asked if he is still proposing an 80 foot diameter road, or an approximate 96.

Mr. Gomez said they are proposing 100 feet, and it was 100 feet in the original plan, and Mr. Siebert would know that. He said, "Our plan complies with the Code."

Chair Harris said then your plan does comply and you will be delivering a 100 foot diameter cul de sac, and Mr. Gomez said that is correct. Chair Harris said the minutes from previous meetings do talk about an 80 foot diameter cul de sac.

Chair Harris said the Fire Marshal's 6<sup>th</sup> bullet says, "Shall provide emergency access throughway or meet 96 foot diameter cul de sac required by IFC for dead end roadway."

Mr. Gomez said, "Right, and then we have an emergency access which is a 20 foot wide gravel surface roadway there which is acceptable by the Fire Department. Their trucks can drive on that gravel surface without getting stuck in the mud or anything like that."

Chair Harris said, "I just want to confirm what I just read out loud is that, really is a 96 foot diameter cul de sac."

Fire Marshal Gonzales said, "That is correct or a through way, and the Code requires that it be maintained and have suitable surfaces so our apparatuses can pass through."

Chair Harris said, "For future reference, because in our definitions, I looked up emergency access roadway, and didn't find it. So, typically you would require a 20 foot minimum width for this roadway."

Fire Marshal Gonzales said, "Depending on the access, it's 26 feet for commercial, and for residential it can be 20 feet."

Chair Harris asked, "Are you saying that you need 26 feet."

Fire Marshal Gonzales said, "No. At this point, I would only need 20, yes."

Chair Harris said, "An all weather road."

Fire Marshal Gonzales said, "We would need something in writing, a contractor saying it will be maintained in inclement weather."

Chair Harris said, "Is 10% a maximum grade for this emergency roadway, and what would this roadway deliver."

Mr. Gomez said it would only go up to 9%, but they wanted 10%.

Chair Harris said, "At this point, I would like to provide my point of view. And I did talk to Ms. Baer earlier, because I had noticed the language that she references and read to us. So there is some contradictory information and requirements in the Code. And, given that, I am probably less concerned with what came first and what came afterward. There are two statements in there. I would favor the statement that would allow the cul-de-sac. I don't see any real advantage, quite frankly, to this proposed 52 feet right-of-way either, for the general public, just because of the lay of the land and the nature of the subdivision, the traffic pattern. The distances are short. I don't see any real advantage to the general public or to the people working there. We've heard the proposed cul de sac would meet the standards required by the Fire Department. And I appreciate the further analysis that was provided by Santa Fe Engineering that shows the consequences of widening that roadway. It is significant, and I think your drawings demonstrate that, Mr. Gomez and I do appreciate that."

Chair Harris continued, "So my own point of view would be that if they can meet the Fire Department standards for this cul de sac, that I would be in favor of it. I would want to make sure, because we had this discussion last time about the punch list, I would want to make sure that all punch list items were completed, really I would think, recorded in the Final Subdivision Plat. That seemed to have gone on longer than was necessary. And I assume that all the other conditions that are listed... I was surprised to see that the initial proposal from the applicant was to not set the water meters at the time of development. But we know there is a condition there, as typically done, the water meters will be set, UEC will be paid, and so I would want to make sure that we continue with that standard operating procedure. With that, I have nothing else to add on this case. Commissioners. Mr. Shandler."

Mr. Shandler said, "Mr. Chairman, for purposes of findings, if that's the direction the body wants to go, it looks like you would make a finding that you don't need a future street, which deals with one part. But then the cul de sac may be constructed only if... so which of those things, topography, lot configuration, previous development patterns, other features are the one that persuade you. You gave me a couple of reasons, but I wasn't sure which place they fit into."

Chair Harris said, "From my point of view, topography probably is the biggest issue. The topography drives.... we're dealing with 30% slopes, we're affecting the 52 foot right of way, affecting the ponds, the spillway. To me the topography is the most significant argument that the applicant has."

**MOTION:** Commissioner Pava moved, seconded by Commissioner Padilla, with regard to Case #2014-94 Hart Business Park – Phase II Final Subdivision Plat: "That the Commission finds for approval of the Plat with the conditions that appeared in the Staff Report [Exhibit "3"], and in addition the Commission finds in this case a connecting street is not warranted because the 100 foot diameter cul de sac and 20 feet wide emergency stub would be constructed in accordance with the Fire Marshal's comments on the Final Plat, and the Commission further finds that there are compelling arguments that the topography, minimizing soil disturbance and lot configurations and previous development patterns are also relevant in this case."

**VOTE:** The motion was approved on the following Roll Call vote [6-0]:

**For:** Commissioner Villarreal, Commissioner Bemis, Commissioner Gutierrez, Commissioner Ortiz, Commissioner Padilla and Commissioner Pava.

**Against:** None.

2. **CASE #2014-104. 2504 ANDS 2505 SIRINGO LANE REZONING. DANIEL SMITH AND LINDA DURAN FOR ROBERT H. & SARAH S. DURAN, REQUEST REZONING OF TWO 1-ACRE PARCELS FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-3 (RESIDENTIAL – 3 DWELLING UNITS PER ACRE). THE TWO PARCELS ARE CURRENTLY DEVELOPED WITH RESIDENTIAL USES AND ARE LOCATED AT 2504 AND 2505 SIRINGO LANE. (ZACH THOMAS, CASE MANAGER)**

A Memorandum, with attachments, prepared December 29, 2014, for the January 8, 2015 meeting, to the planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

An updated letter from the Rancho Siringo Neighborhood Association, dated January 8, 2015, in support of this application, submitted for the record by Debra Burns, is incorporated herewith to these minutes as Exhibit "6."

A summary of the Applicant's proposed approval of this applicant, entered for the record by Linda Duran, is incorporated herewith to these minutes as Exhibit "7."

Zach Thomas, Case Manager, presented information in this case from the Staff Report which is in the Commission packet. Please see Exhibit "5," for specifics of this presentation.

## **Public Hearing**

### **Presentation by the Applicant**

**Linda Duran, representing her parents, Robert H. & Sarah S. Duran, owners, was sworn.**

Ms. Duran thanked the development team for all their time, hard work and professionalism for the project, and the Planning Commission for hearing this case. She said she submitted a detailed report indicating their position with regard to the conditions of approval proposed by the Land Use Department, saying she assumes you reviewed that report and won't read the report, but will summarize their position.

Ms. Duran read a statement into the record in opposition to the conditions of approval, as follows:

*Please keep in mind that we are not specialists in the Land Development Code, we are not developers by trade, or lawyers and that the Duran family has been in Santa Fe [for] generations, and that our family has resided on Siringo Lane for more than 50 years. Having said that, please understand that we have spent numerous hours reviewing the Land Use Development Code, specifically Article 14-9 Infrastructure Design, Improvements and Dedication Standards, in order to understand and present our position here tonight.*

*So the intent of the rezone for the Duran family was basically to initiate a family transfer lot split, so that I would be able to build an affordable home in Santa Fe close to my parents. So we are all getting up in age and the idea was how wonderful would it be to live next to my parents at this time in our life to be able to support one another, and what an opportunity for me to be able to take advantage of a little piece of heaven, the property that my parents have owned for a very long time, right here in my home town that would actually be affordable. In order for me to be independent of my parents, we felt the best way to go about this dream, would be to rezone and do a family transfer lot split.*

*Well, to our surprise, we were hit with a curve ball when we discovered that the process of rezoning wasn't as simple or user-friendly as anticipated. So after reading the November 18<sup>th</sup> Memo, we realized that our intent to read one family after the family transfer lot split was to completely change the character of Siringo Lane, our nice little quaint Siringo Lane. Because we were now being subject to a require that would take a substantial 10 foot easement, and we would then have to tear down an existing 144 foot beautiful adobe wall with four 17 ft. wing walls in order to put 5 foot sidewalks that would serve no public purpose or significant benefits, since there is less than pedestrian use and less than minimal vehicle traffic on Siringo Lane.*

*So the Land Use Department called Siringo Lane a unique street situation, in which they have determined it is not a public street and it is not a typical private street either. According to the Land Use Department, ownership and maintenance responsibility of Siringo Lane has not been determined. However, it is my belief that my father, Robert Duran, has played a paramount role in making certain that Siringo Lane received funding for pavement, curbs, sidewalks and gutters in 1993.*

*Siringo Lane once was a dusty, muddy mess, but now it is a very pleasant, functional, paved private driveway which is allowed for the sole purpose of allowing the residents access to 7 lots on Siringo Lane. My father has managed to maintain excellent documentation on the history of Siringo Lane dating back to the 1950's. I would say it has been through my father's efforts, that Siringo Lane is as nice as it is today, and he has documented all of the changes and who has provided the development team with answers to many questions regarding Siringo Lane. By the way, when the roadway was paved in 1993, only curbs were installed and the road was paved. There are not any sidewalks or gutters, even though there was funding provided for them at that time.*

*Therefore, it is our position that we are opposed to the additional requirements as conditions of approval proposed for this rezone project, which require easement dedication and sidewalk construction at the time of our family transfer lot split, or at the time of the construction of my home. It is our position that imposing these conditions of approval are unnecessary and unreasonable. It is also our position that we do not support the proposed expansion of Siringo Lane from a private driveway or lot access driveway into a private lane as proposed by the Land Use Department.*

*[STENOGRAPHER'S NOTE: Ms. Duran offered copies of the following, Exhibit "7," to the Commission, and gave a copy for the record to the Stenographer.]*

Ms. Duran read the contents of Exhibit "7" into the record as follows:

*The Applicants propose to the Planning Commissioners to approve the 2504 and 2505 Siringo Lane Rezone Project as follows:*

- 1. Approve Exemption from the Land Use Development Code (Reference: Article 15-9.2(E)(1), (2) (a,b & c) which requires easement dedication and sidewalk construction for this rezone project, at the time of a family transfer, construction permits or prior to issuance of a Certificate of Occupancy for Siringo Lane.*
- 2. Approve Siringo Lane to remain a private driveway or lot access driveway, according to Table 14-9.2-1 Design Criteria for Street Types. Siringo Lane is a 17 ft., paved, dead end street with no through traffic, less than minimum pedestrian and vehicle traffic. There are essentially only 7 lots that have access off Siringo Lane as the lot at the Northeast corner at the dead end has no direct access from Siringo Lane and is essentially Land Locked. The history of Siringo Lane indicates that within the past 55 years, there has been minimal development. There have been only 2 homes built via Family Transfer or inheritances of the land. There are 5 "forever" landowners on the entire street. The sole purpose of Siringo Lane is for the use of the private residents and serves no public purpose.*
- 3. The Applicants would like the Planning Commission/Governing Body to take into reconsideration the "If" and "May" statements (Ref: 14-3.5(D), Additional Requirements (1) and (2) of the Proposal Report for the 2504 and 2505 Siringo Lane Rezone Project and*

*future Duran Family Transfer Lot Split and determine that it is not necessary to consider the potential future impact at this time, but rather leave that consideration for the future when and if this potential for growth is created.*

Ms. Duran said, "After reviewing the current Memorandum of December 29, 2014, presented for this meeting tonight, it is the Applicants' position that we feel confident that Mr. Zach Thomas has presented enough avenues within the Development Code, which offer the Planning Commission the discretion and flexibility to consider Siringo Lane's unique circumstance in determining that the proposed conditions of approval do not apply, and that it is really up to the Planning Commissioners to allow innovation and exemptions in our unique circumstance. Thank you for your consideration. And we, the Applicants, would appreciate your support and your approval as I have outlined."

Ms. Duran said there are members of the Rancho Siringo Neighborhood Association in attendance this evening that are in support of their position, and thanked them for coming.

Chair Harris asked if Mr. Smith or Mr. Duran would like to speak to the issue as Applicants at this time.

**Robert Duran, owners [previously sworn]** said he and his wife Sarah are the owners at 2505 Siringo Road. He said, "The reason for the application to the City Land Use Department was simply for a rezoning from R-1 to R-3, and for a future family lot split for my daughter, Linda, to construct an affordable house next door to us. I am also in complete agreement with Linda's letter to the Planning Commission dated 12/29/14, for approval for rezoning the property from R-1 to R-3. Also the Memo to you dated 12/29/14 states by City staff, that Siringo Lane is not a public street, and therefore, it is our position that Siringo Lane should remain designed as a lot access driveway that does require right-of-way easements or sidewalks, according to the design criteria for street types as noted in Table 14-9.2.1. Therefore, I am requesting that this Planning Commission grant an exception to the proposed conditions of approval for rezoning, and at the time of the future request for a building permit, then this, I think would eliminate the negative impacts on Siringo Lane and the existing structures that are already in place. And also, Siringo Lane has no existing street lights and the average width of the driving lane is only 17 feet wide, and it is also a dead end street. And we also have the support of the Rancho Siringo Neighborhood Association. So thank you."

Chair Harris said, "We do have the series of photos in our packet, so thank you."

**Daniel Smith [previously sworn], 2504 Siringo Lane**, said he has had the property since early 1972, for 43 years. He said, "At the time I bought it, it was a house and 3 apartments, all of them were attached to the house. I converted one of them almost immediately into the master bedroom of the house, and since then there has been the house and two apartments there. Over the last 30 years, there has never been more than 4 occupants in the place. And I joined as an applicant with the Durans for the sole purpose of bringing my property into compliance with zoning. Because, since I have 3 rentals on the property, designation as R-1, it's not in compliance with the Code, and I don't have to fight the battle of



whether or not it's legally non-conforming, and I'd like to have it zoned and also have the right since there is a lot of land there, to further divide the property in the future if so desired."

Mr. Smith continued, "When the City put in City water, City sewer and paved the road and all of that, the [inaudible] said the area was trying [inaudible] for infill. As was mentioned by Zach, the contiguous properties to our lots are zoned R-2, R-3 and R-5, and there is one R-1 on the other side of my lot, but anything else has a higher density. It seems logical to go ahead and be able to do that. We did put in the water and sewer..... they put in a water stub-out on the lot on the north end of my lot... there was a vacant ½ acre lot here. I paid \$2,300 to let them have a water stub-out put up there. If I don't have zoning, that water stub-out [inaudible] so that defeats the purpose of having infill on that lot. It seems like this should be a rather routine matter to go ahead and approve the zoning to R-3, similar to what has happened in the area."

Mr. Smith continued, "The objection really is to having to grant an easement of 10 feet of our property for the purposes of sidewalks and for some type of landscaping. If you look anywhere in the area, there is nowhere that I know of, within ½ mile, I don't know of anyplace there anywhere there is a 10 foot easement that has a 5 foot sidewalk and a 5 foot easement for landscaping. For having two lots, to have to do that, and to have to give up part of their lawn, while the rest of the people of the road don't, and try and put in a sidewalk on this land, just really a total aspect of beautification we would have to tear down existing improvements. So my request is that you approve the rezoning to R-3, and waive the requirement for an easement to the City and building a sidewalk. Thank you."

### Speaking to the Request

*[All those speaking were sworn en masse]*

**Debra Burns [previously sworn]**, said she supports approval with denial of the conditions. She said their neighborhood is mostly single family residences, and the fabric and character is about families, and Mr. Duran has lived there for 50 years and would like to help his child, saying, "That's what we're about." She said, "I understand that without the City being able to prove its position and provide documentation to change it, it really is the onus on state government to do that. These unreasonable conditions are an undue hardship and harm both of the applicants." She distributed a revised letter [Exhibit "6"], from the Rancho Siringo Neighborhood Association dated January 8, 2015, in support of this application, and read the letter into the record. Please see Exhibit "6," for the specifics of this presentation.

**Mary Schruben, Rancho Siringo Neighborhood Association [previously sworn]** presented information from several color aerial maps on the subject site, using the overhead. [STENOGRAPHER'S NOTE: The maps were not entered for the record.] Ms. Schruben talked about the origin of the neighborhood which began with some ranches, and identified the ranch land and homes which exist today. [Unfortunately, the entirety of Ms. Schruben's remarks were for the most part inaudible]. Ms. Schruben said the character of the neighborhood is important to the residents. She said all of 'this' area in the center of the map retains its character. She said the Rancho Siringo Neighborhood Association urges the Planning Commission to remove the conditions requiring the easement and building of the sidewalks, trees

and landscaping which would be inconsistent with the character of the neighborhood, and it is unnecessary because there is no pedestrian use on this road, and it is considered by the neighbors to be a historic and would like it retain the characteristics.

**Joe Chesinsky [previously sworn]**, said he has the oldest house on the street. He said he is overwhelmed by the professionalism of everybody else here. He said, "We just live on a one block long street that is quiet and peaceful, and like the other streets there are no sidewalks. I bought it because it was quiet. I have stress in my life and this place is very quiet and peaceful. He said, "There's no place to go to, you can't have a destination other than where we live on this street. It's a one-block long street. Had I known about the lot split, I probably would have requested that for my lot just to do it and participate in it, but I wasn't privy to the information. It is a wonderful, quiet, peaceful neighborhood, I would love for Mr. and Mr. Duran's daughter to be able to live there and be of assistance to her parents, as her parents were to her when she was growing. I don't know anything else to say, I just wanted to say something, and I thank you. I see it's a very professional analysis and very compassionate, and pastoral also, so thank you all for your time. All of the lots are less than one acre."

#### **The Public Testimony Portion of the Public Hearing Was Closed**

Commissioner Villarreal thanked the community members for coming out tonight, because she thinks it's important to hear from them as well as to show a historical perspective. She supports the rezoning specifically because it's a continuation of a family legacy and being able to support a family transfer. And she thinks it is a unique area because it does still maintain its rural character. She said, "It is close to where I grew up and I actually commend the staff as well because they are doing their due diligence to follow the Code. I think that's important as well. But this particular area is very different. I've had friends that grew up there..... And when you look at the pictures, they're real strange if you change that with sidewalks, etc."

Commissioner Villarreal continued, "My question and this may be for staff. If the applicants aren't wanting the conditions set forth by staff, what would be the status of the road in terms of future maintenance, and what would that look like. I guess I'm just trying to figure what that would look like in the future."

**John Romero, Traffic Engineer**, said, "So right now, the action of the Planning Commission wouldn't affect maintenance and/or ownership of that road. My condition in my Memo was more just a reiteration of what Code already says. And the reason I felt it appropriate to bring it up here, is so that everybody knows what that states. Because right now it's 8 lots, which qualifies for a driveway. More than 10 lots, which this could create the potential for, would consider it a lane, and lanes according to Code can be public or private, but lanes require sidewalks. And so if this wasn't brought up now, and you guys just approved the rezoning without mentioning this, when they would come forward for a lot split and/or a building permit, or a renovation of more than 500 sq. ft., Staff administratively would have to require this.

Mr. Romero continued, "So if the Planning Commission did not want this to happen, and/or the Council, I would think the best thing to do would be to attach to the zoning, an innovative street design that says we don't need sidewalks, if that is the wish of the Planning Commission and/or Council. That's why I wanted to bring it up now. Because if it wasn't brought up, it would still be a condition for the [inaudible] Code."

Chair Harris said even though it is represented as landlocked, there are 8 lots on Siringo Lane. He said, "As Ms. Schruben demonstrated, and as we know from other actions, other cases here, there is a consistent pattern of future development. Even the last gentleman who spoke said if he had known, he might throw his hat in the ring as well."

Chair Harris continued, "So I think we have to really acknowledge that there is an ongoing pattern of development in the Rancho Siringo area to create lots either consistent with R-2 or R-3, which is already in there. So that's what I think we have to consider now, instead of in the future, as Ms. Duran made a very good case for that. But I just have to disagree on that one. Based on what I've heard, even tonight, that there is consistent development in the neighborhood. And I also have questions about the nature of the improvements for Siringo Lane."

Chair Harris continued, "And I should say too, I asked Ms. Baer to confirm some of the physical characteristics of Siringo Lane which she and Mr. Thomas did. And maybe, Mr. Thomas if you could step forward, I would like to ask for you to verify what you observed and measured at Siringo Lane. So, for instance from face of curb to face of curb, what kind of dimension did you come up with."

Mr. Thomas said, "I did walk the length of Siringo. We took a standard tape measure, and measured from face of curb, face of curb, and it varies between 17 and 18 feet, maybe hovering closer to 18 feet, sometimes it wavers and goes to around 17.50 feet or so, but I think, generally speaking, I know the Applicants had mentioned a 17 foot road width. Perhaps that's accurate when you add in the small gutter pan that is on the side, perhaps it's 18. Generally, from curb face to curb face it's roughly 18, I think that's fair enough to say."

Chair Harris said, "And the curb and gutter profile is pretty much continuous along Siringo Lane."

Mr. Thomas said, "It is continuous with the exception of the curb cuts."

Chair Harris asked, "Curb cuts, one or two per lot."

Chair Harris said, "What I'm going to be getting to is really kind of emergency situations. Because what we have is just that continuous roadway, call it 18 feet, or if you measure back of curb, a little bit wider, and that's continuous. And there's no other cul-de-sac certainly. We've talked about cul de sacs already this evening, or any other hammerhead. I'm thinking in terms of emergency vehicles. Is that what you found."

Mr. Thomas said, "Well, there's no emergency access hammerheads, no. I guess turnrounds would be the driveways I suppose. There is a small cul de sac if you will at the end and we measured that at roughly 28 feet, roughly, diameter. But, as you saw from the aerials here tonight, as well as in your packet, there's not hammerhead turnarounds incorporated. That wasn't perhaps considered in the 1950's layout."

Chair Harris said, "Thank you Mr. Thomas. And we heard the efforts of Mr. Duran to obtain money from the State, a legitimate process, for those improvements to the roadway. And then I guess, subsequent to that, it was a little unclear exactly the circumstance for water. We know the water's in the street, that's acknowledged in Ms. Duran's statement. Is sewer in the street as well, Mr. Duran, can you verify that."

Mr. Duran said, "There's currently sewer lines, water lines and the gas lines are in place. And the water meter is in case of a fire, a fire hydrant. Those are all in place. And I'd just like to make a comment on the width of the street. I went out today and measured the street at different locations, starting at the dead end of the street and then all the way down to the end of the street where you turn onto Rancho Siringo Road, and I came up with an average width of a little over 17 feet, and in places it might be 18 feet, but most of the street is around 17."

Chair Harris asked the location of the fire hydrant.

Mr. Duran said, "The fire hydrant is located right across from my property, from my driveway."

Chair Harris said, "So internal to Siringo Lane, there is a fire hydrant."

Mr. Duran said, "There's a fire hydrant at the corner of Siringo Lane, the entrance, and there's one right across from my driveway."

Chair Harris said, "So we have City water, City sewer, we have all that in a private road. Is there any easement that was dedicated for these, which is pretty typical, I'm sure you understand."

Mr. Duran said, "It was just designated as a road when they did the initial lot split in 1959, which is when she decided to subdivide the property."

Chair Harris said, "In 2005, what was normally done was to dedicate easements for those public utilities. I think there's an expectation on the part of the residents on Siringo Lane, that if there's a break in the water line which is happening. In Casa Alegre, there's a lot of breaks in those lines there. So, to me, it's a bit of an issue that we've got what's claimed to be, and I think under the current standard is a lot access driveway for 8 lots, current standard, that's the way I would interpret it. We know there's a proposal to rezone that will potentially create new lots, and there's other neighbors who think it's good. In the ENN meeting, others stepped forward but weren't identified by name in the neighborhood, that think it's a good idea. My point is and I understand your position and why you would like to keep it as it is. But to me it's problematic from the point of view of public utilities in that private street that were in place in the 21<sup>st</sup> Century as well as the emergency aspect."

Chair Harris asked if Fire Marshal Gonzales is available. He said just as you heard Mr. Romero talk about what would happen at the time of a building permit. Let's say the rezoning is approved without the conditions as suggested by Mr. Romero and incorporated into the staff report. He said Mr. Romero said we could acknowledge that as an innovative design now, but there would still be the issue of fire department access. He said under the IFC, the International Fire Code, it requires a minimum 20 foot width, and requires other physical conditions, many of which Mr. Duran meets. He said, "One condition that I think Siringo Lane would have a hard time meeting potentially would be the turnaround. Now there's other issues, the automatic sprinklers for houses, those types of things that would be provided."

Mr. Duran asked the Chair if he is concerned about a fire truck getting in on that road.

Chair Harris said yes.

Mr. Duran said, "That shouldn't be, because they can in there, there's access."

Commissioner Padilla asked Mr. Thomas, "Do we know, or can you tell me, Rancho Siringo Road is paved and are there sidewalks currently."

Mr. Thomas said, "There are, according to the Applicant, sidewalks on Rancho Siringo Road. Now, I do believe that this came from that 1993 public notice that referred to paving and improving 3 streets, one of them being Rancho Siringo Road. That would be our understanding at this point, that it occurred."

Commissioner Padilla said, "Well, maybe we could get some help from the Rancho Siringo Association representative, maybe Ms. Schruben, being familiar with the area also. Cactus Lane it is paved road, and sidewalks on Cactus Lane."

Ms. Baer said, "Yes. Cactus Lane has sidewalks."

Commissioner Padilla said, "So coming off Yucca, we have, and going west on Cactus Lane, all we have is an improved pave road, curb and gutter, no sidewalks there. So if Mr. Thomas could respond, either for the Association, or Ms. Schruben, if you wanted to."

Ms. Schruben said, "There are no sidewalks on Cactus Lane."

Commissioner Padilla asked if there is curb and gutter.

Ms. Schruben said, "Yes, but no drainage and all the drainage is gravity." Ms. Schruben and demonstrated this on the map via the overhead.

Commissioner Padilla asked if there are sidewalks on both sides of the street east.

*[Ms. Schruben's response here is inaudible]*

Commissioner Padilla asked if there are sidewalks on both sides of Siringo Road.

*[Ms. Schruben's response here is inaudible]*

Commissioner Padilla said, "Then Rancho Siringo Road is paved, with sidewalks on both sides."

Ms. Schruben said, "Correct."

Commissioner Padilla said Siringo Lane is paved with a curb, which is the improvement on that road.

Ms. Schruben said that is correct and indicated the location on the aerial map using the overhead.

Commissioner Padilla said, "Thank you for the clarification of the curb and gutter and sidewalk. My question then to staff is, right now we're looking at 2504 and 2505 to approve for rezoning of those to R-3. Correct."

Mr. Thomas said that is correct.

Commissioner Padilla asked, "What would prevent, or is there anything to prevent what I'm going to assume residents to the east or west of these two properties from coming in for rezoning, and maybe at some point, also a lot split. Is that possible."

Mr. Thomas said, "Yes, that is possible, in the sense that someone could, in theory come in and submit an application for a rezone."

Commissioner Padilla said, "So it's possible that each lot to the east and west of 2504 and 2505 could come in an request a rezoning also to an R-3. So therefore, what we see right now as 8 lots being serviced by this private street, private driveway is what we're calling it, could ultimately have obviously more than 10, which would require a street constructed to the lane design also requiring sidewalks. Those sidewalks would connect to the Rancho Siringo Road sidewalk pattern."

Mr. Shandler said, "For the record, you said 10, the number is really important. Could we just get a clarification of what the magic tipping point number is Mr. Thomas."

Mr. Thomas said, "As the Code reads, if it is more than 8 lot access driveways it can provide access up to 8, so including 8 lots as we have today. So anything more than 8, as Mr. Romero was saying, requires the additional right of way."

Commissioner Padilla said, "Which, if we were developing it new, it would be considered a lane with sidewalks. Okay."

Mr. Thomas said, "Really quick, I would like to point out Commissioner. You had mentioned properties to the east and west. This one to the west of 2504 is actually already zoned R-2. So that one is zoned R-2 on the corner."

Commissioner Padilla said, "So I think the point that I was wanting to make is, granted, I appreciate the rural nature of the community and so forth, but with lot splits happening, it will create additional traffic. It will create additional development, and therefore, that rural atmosphere could be lost, and I just want to make sure that as we look planning-wise down the road, to consider the connectivity for pedestrian access up and down the Road. I know a statement was made that there is no pedestrian access on that. I'm sure people go out walk. I'm sure people go out and walk their dogs, do their exercise and so forth, so as we look at developing properties, I think we need to keep that in mind for safety and also for overall development ideas that pedestrians access through sidewalks as opposed to walking on the road need to be considered. Just a statement that I would like to make."

Commissioner Pava said, "If I might ask a question of Mr. Thomas. I may have missed it. But if you look at the present zoning and the development patterns on Siringo Lane, how many more units could occur here in the future, given your assessment of this case, and of development patterns in the neighborhood and in Santa Fe. We have now a 17 feet wide rural roadway that serves 8 lots. If we approve this zone change, we may end up with 9 lots, and then.... what do you think."

Mr. Thomas said, "Kind of a million dollar question I suppose tonight. Staff has contemplated that, Land Use, Traffic Engineering, along with the Applicant. I think what we're looking at here, what's being confirmed by what the Applicant has stated, which is this kind of remnant rural peace in the City, and that's both something that's appreciated and enjoyed by the neighborhood, the property owners in the immediate area. However, it's also, and again this word has been thrown out tonight, an infill opportunity. So, that's a good question. I think the reason R-3 zoning chosen was chosen, as opposed to the R-2 or R-5, for example, was because the Code requirement says that any property under 2 acres can only be rezoned to a zoning district that's adjacent to that."

Mr. Thomas continued, "Linda Duran came in and spoke to staff about it, and that was the property at 2505 Siringo Lane, but the only adjacent zoning district that really worked was R-3. When Mr. Smith kind of joined the application process, he could actually have requested zoning to R-2, so that would have been adjacent to him, but it wouldn't have really solved his problem of already having 3 units on his property and wanting to come into compliance."

Mr. Thomas continued, "So to get back to your question, it really depends, because there is kind of a range of zoning here. There is R-2 all the way up to R-5, and that's a pretty significant difference. So I think in a reasonableness scenario, I think how these properties have been developed, is that you kind of have development on half the property. And so perhaps maybe.... they're requesting R-3 here the reasons I stated. Really what they're wanting to do is one, Mr. Smith do nothing just come into compliance, and then Durans build one house. So it's really to know if the next neighbor will want R-3 or R-2 or R-5. I could see looking at the land development pattern of a few more houses being developed, but probably not 20 or something like that."

Commissioner Pava said, "I appreciate that background information. It's kind of helpful. I would note for the record that there are many parts of Santa Fe that, were they to be developed, they are the most charming, whether they are developed today or against Code, and it's not just good or bad, it's just a fact. So we have this tension between the desirability of traditional neighborhoods, and in this case, a cultural landscape literally, as was evidenced by the historical presentation we got which was very interesting. And we have the Land Code requirements and then something in between, so I guess it's up to us to walk that fine line."

Commissioner Gutierrez said, "On one of these I'm looking at one property that joins Rancho Siringo that is vacant. Is that still the case or is this an old.... so that still needs to be built out."

Mr. Thomas said that is currently vacant.

Commissioner Gutierrez asked if they would access this property through Rancho Siringo or coming down Siringo Lane.

Mr. Thomas said this property would be accessed from Siringo Lane.

Commissioner Gutierrez said then Mr. Smith and the Durans live across the street from one another.

Mr. Thomas said, "That is correct. On the two red highlighted parcels."

Commissioner Gutierrez said, "Mr. Romero what you're asking for is 10 feet from both of them for sidewalks on both sides."

Mr. Romero said, "Actually, Code is asking them for that, it is asking for a 5 foot sidewalk with a 5 foot buffer."

Commissioner Gutierrez said, "Has anyone entertained the idea of putting sidewalk on maybe one side of this road to compromise."

Mr. Romero said, "According to Code it would be an innovative street design that you guys could propose. I guess my thought on it is we have multiple cul de sacs throughout all the City, including the new development with 10-12 houses, so they all have routes with the same amount of vehicular and pedestrian traffic. So, if our justification is that this isn't needed because there's not that many houses, then we should probably justify that for all other cul de sacs that have 10 or less houses on it, which we don't do. I know it's different from the way it was developed in the past, but I think Code has been developed because we have been developing as a society. We went from covered wagons to cars to now we're multi-modal. That's one thing that our General Plan and our City tries to pitch is multi-modalism, and promote biking, walking and all that stuff. I think that's why Code is set up the way it is, putting in a sidewalk when it wasn't that way in the past."



Chair Harris said "I'm assuming we don't have a dedicated right-of-way at Siringo Lane. Nobody said there's an easement in place for the water and sewer and other public improvements. What's the City's view of that. Do we have that situation in many other cases, and do we try to correct it when we have the opportunity in a case such as this."

Mr. Romero said, "As far as the right of way of the road, in my opinion, it's not a party to the properties that these people own. Their property goes up to that road, so it would have to be something else, other than what we could control with their application to get that whole road. If you're looking to get it dedicated to the City, easements created, I don't know if they can, because the plat that I looked at, their property line goes up to that, so it's almost like a common way that we're trying to figure out who owns it. So if we determine if it's someone other than the City, then we've got to approach that other person, whoever that may be."

Chair Harris said, "I'm assuming that..... Mr. Shandler can you answer how this might be approached. Are you familiar with any other circumstances. Because I think it's in the City's interest, in the public interest, to have easements in place to properly maintain those public utilities."

Mr. Shandler said, "As indicated in Mr. Thomas's Memo, we consulted a variety of different staff members, and I believe this was a unique situation from everyone's recollection."

Chair Harris said, "Mr. Romero, and I realize this is outside your specific discipline, but if we have a water line break... we know we don't maintain the street. The Applicant has said the street is not actively maintained, so I'll accept that, and maybe in the past it may have been. Again, if the street is not actively maintained because it's private, what would the City do in the case of a water line break."

Mr. Romero said he knows it's not maintained from the roadway standpoint, but he doesn't know utility-wise. He assumes if someone caused a stink about the City not having rights to access the utility, then the residents on that road would not have that utility and they would be responsible for maintenance and repairs.

Mr. Duran said, "As far as the utilities are concerned, they are maintained by the City, because they go out there and they clean out the sewer lines, and read the meters and clean the streets. So they are maintained by the City. The City truck goes out there occasionally and cleans the streets. The sewer department, they go out there and clean out the sewer lines. The Water Department goes out there and reads the meters, so why are they doing that if it's not maintained by the City."

Commissioner Ortiz said, "It's really confusing here where, it's on the second page of this Memo it says, "It has been determined that regardless of previous actions taken by the City to improve Siringo Lane, it is not a public street. But I see tremendous amounts of actions that says it is a public street. They put in, with public monies, they built this street. And the way I see it, in my opinion, it's a public street."

Mr. Duran said, "But not according to staff."

Commissioner Ortiz said, "Then I go back and I'm trying to think, because I was with the Streets Division, did we ever maintain that street. I don't remember us maintaining that street, but every other street, Cactus Lane, all the other ones that run parallel with it are public streets. And if this was a public street, it would make our case a lot easier— that says, you really should comply with the Code, because it is a public street. So it's really putting me in a predicament. I've been thinking about all of this. I just don't get this."

Mr. Duran said, "I don't either. It's very confusing. So they refer to it as a lot access driveway. So, according to their Street Design Standards, a lot access driveway doesn't require an easement or sidewalks according to the table."

Commissioner Ortiz said, "I'm still going back to... I have a public notice that says they spent public funds to build this street. And then also, the crazy ironic thing about it all, I look at it, there's a balance of \$23,837. Where did that go. They could build sidewalks with it."

Mr. Duran said, "What happened was, Ike Pino at the time was the City Manager. I talked to Isaac about getting money to pave those streets because they were dirt roads at the time. So Isaac was able to get the funding to pave Rancho Siringo Road, Rancho Siringo Drive and Siringo Lane with State funding."

Commissioner Ortiz said, "And Mr. Duran, that's probably the case, and in that situation, all the other ones are public streets."

Mr. Duran said, "I think the reason why they didn't put sidewalks on Siringo Lane at the time they paved it is because they could not find out the proper designation for Siringo Lane."

Commissioner Ortiz said, "Thank you Mr. Duran. It was just my opinion on that, because I think it's very difficult for this body to make a decision on this, at least for me it is. Because I need to know if it's a public or private road, and it seems like we don't know that at this point in time, but all the actions are that it's a public road. That's all I have."

Mr. Romero said, "My opinion is that Code is a moot point, private or public. A lane can be private or public, but it requires sidewalks. So I don't know if that is truly relevant to whether we can forego Code wise, building the sidewalk."

Commissioner Bemis said she sees the problem being not the land, as much as the sidewalks and curbs. She said, "You do not want sidewalks and curbs. Right. And I don't know why that is such a problem. I mean, why should you have to have sidewalks and curbs. Is the City, do they sweep those sidewalks, clear the snow, no."

Mr. Romero said it is City Code that the adjoining property owners sweep their own sidewalks, even if they are on public City-owned right of way. It still is the adjoining property owner's responsibility to sweep them.

Commissioner Padilla said since there is no survey in the packet, could staff describe the property lines, what would be the south property line and the north property line. Are they in the center of the road, or are they back of curb.

Ms. Baer said, "No. Mr. Chair, Commissioners. If they were in the center of the road then the street would be owned privately as a part of that property. Actually, it's not entirely clear, because the property lines are based on that old plat, but the street is excluded. And on that *[inaudible]* that Mr. Thomas is showing you, on that plat the street is shown as, I think it's a 20 foot road."

Commissioner Padilla said, "Thank you. So I'm going to assume that the property line in essence that road, is in the right of way. It is the right of way for the land there, public or private, it hasn't been determined. The one thing I'd like to mention and go back to again, is.... it was a great presentation on the overall history of this land, the complete openness, it being open ranch land or grazing land, ranch land, and it continued to be infilled. I think we really need to be aware of the fact that this could continue to develop, it could continue. Granted, right now there's a request for a lot split for 2505 Siringo Lane. Well what's to preclude the adjacent property owners to want to do the same thing. And therefore, I think we need to not lose sight of our responsibilities as the Planning Commission to make sure and think long term about how we develop and develop properties, and therefore, the overall safety and requirements Code-wise as to sidewalks, curb and gutter, road sizes, etc., landscaping and so forth, just as we do in other developments that we receive, whether they are from the ground up from scratch. A great opportunity to create a strong infill community, and it gets developed, it will lose that rural feeling. But as it develops and becomes a little more dense, then we should be able to make sure we have amenities of curb and gutter and sidewalks. Granted, a lot of times, the first one in is the one that bears the biggest brunt of that, and maybe for a while will be the only ones with sidewalks in front of their property when they choose to develop it. But as subsequent properties develop, then there's the connectivity that could be the connectivity all the way down to Rancho Siringo Road, and then off and around. So just a quick statement."

Commissioner Villarreal said, "I had a clarification question. I completely agree about planning for the future, because this is a situation where there will be future development, whether it's a family transfer or not. But I guess I'm confused. Then who takes the burden for paying for the sidewalk cost if we move forward with this. Can you explain that to me, maybe that's a naive question, but I just need to understand that."

Mr. Romero said it would be each respective property owner on a lot by lot basis, so in the end the overall burden is fairly equal. Everyone has to build their own frontage and sidewalk.

Commissioner Villarreal said, "As each property decides to subdivide, they would be required to put in sidewalks."

Mr. Romero said, "Provide under Code, and/or renovation over 500 sq. ft. or new construction. It is now a lane because it has the potential for over 8 units, so with only one house, they would have to do it as well."

Commissioner Villarreal said, "So the way this would look is they would have up to their property, curbs just for their lot, and thereon it would continue the way it looks now. You're saying it's like piecemeal. Correct."

Mr. Romero said, "What's being proposed by staff, the sidewalk would be piecemeal, so there would be patches of sidewalk set back 5 feet from the existing curb."

Chair Harris said, "I did want to say that I think there's a question that is not going to get answered, one way or the other tonight on the fact that we've got public improvements, those public utilities and streets. Well this private street is seemingly being maintained by the City. We have water and sewer that are being maintained by the City, but by all accounts, not in an easement. However we settle on the sidewalks, to me the biggest issue is to kind of clean up the record, getting those easements in place, so that otherwise, to my way of thinking, if the people on Siringo Lane didn't want an easement over the water and sewer, then it's their responsibility to maintain as well as the street. That I think is my view of things."

Chair Harris said, "And I also would like to know what the Fire Department..... I realize that review perhaps won't get triggered until there is some other development plan request, whatever the nature of that may be. I would really be curious as to how the Fire Department would approach it, and try and solve the problem of providing adequate fire protection with the equipment that they have these days. Those, to me, are two big issues that speak to the public interest that go beyond just the Applicants' interest. Beyond that, I've given Commissioner Pava time to craft his motion."

Commissioner Gutierrez said given that this road is 17 feet and they don't know if it is public or private, if they decided to try to give it to the City, what would have to be done for the City to accept it.

Ms. Baer said the issue is that we don't know who actually owns the road. She said, "The best answer we've been able to come up with are the heirs of Riztsky who created the original subdivision and owned all of that land, and who knows who that might be."

Commissioner Gutierrez asked if there is a way to say, "We want you to take this. Would you take it, or would you make them improve it to a 20 foot road or a 26 foot road."

Mr. Romero said, "My opinion, is according to Code in order for it to be dedicated to the City, it has to meet City standards, unless an innovative street design is approved by the Planning Commission. The City standards for that road would be 20 feet, and two foot curb and gutter, right now it's just curbing. So 20 feet of asphalt, the gutter pan and curb that takes up two feet on each side, plus the sidewalk and buffer."

Mr. Duran said, "I'm confused, because I was told in one of the meetings with staff, that if we dedicated easements for sidewalks for the whole street, on both sides of the street, then I would have to knock down my adobe wall, which has been in place, it's right up to the property line. And it's an expensive adobe wall, and I have 17 foot wing walls coming into the driveway. I have iron gates. And I was told if I dedicated easements those structures would have to come down, which is unacceptable to me. And it would also affect the other neighbors who have fences already up to their property line and

driveway. You could come 10 feet into my property, knock down my walls and the shrubbery I already have. That's totally unacceptable to me, and I don't agree with those conditions of approval."

Chair Harris said, "Thank you Mr. Duran, you've made that point. Mr. Smith do you want to make a point in closing."

Mr. Smith said, "I would just like to say that it looks like you're looking at the area as a whole, and not looking just at this request. The request for myself is to be R-3, so I'm in compliance with something that's been there for over 50 years as it. That's all I'm going to do is be in compliance and do nothing else. I'm not willing to give up 10 feet of my property for their easement, so that's sort of a moot question. I mean, if that's the way it is, then we'll withdraw our application, whatever we have to do. And I think the Durans are in the same position."

Mr. Smith continued, "I think the staff has asked that you look at an exception of having that as a requirement at this time. In fact, I don't think there's anything in the Code that says it has to be a requirement at this time, because we're not asking for a lot split at this, time, we're only asking for a rezone, and looking at compliance if there are lots in the future. But if you were to grant the R-3 now, I would be in compliance. I don't have to give up any of my land. The Durans could possibly build a guest house over there and not split their lot. They would be in compliance, and the whole area would still be in compliance. I don't think they should put the burden on our request to make us responsible for the entire area what would happen with development in the future. And I would ask that you look for just the ability to not have us have a requirement for dedicating land and building a sidewalk as part of a request to change our zoning from R-1 to R-3."

Mr. Smith said, "And there are exceptions all over. As I drove up here, my office is over here on the corner of *[inaudible]* for 30 years and there were parking issues around here. I parked tonight on Sheridan. And you've got a sidewalk over there, the widest of which is less than 3 feet that goes down to less than one foot and in the middle of it has a sign post, and there's parking meters and everything else. And you've got a bus station right across the street. You have more people in one day on that two foot wide sidewalk than we would have in a year, and they're making such a big issue about the need to have sidewalks on Siringo Lane. And it will never be developed to where everybody is going to put in a sidewalk I don't think. I've lived in Santa Fe for over 60 years. I've got 5 kids and 12 grandkids, and it would be nice at some point to do something with that property. But maybe it will never happen, but I'm not looking for development. I'm just looking to be in compliance at this point. And I think you're looking way beyond what our request here is tonight without a sidewalk."

Mr. Romero said, "To Mr. Smith's point about my Division's request to dedicate the easement right now. I had sent an email for the packet which adjusted that requirement. So basically, and this is all verbatim from Code, so this is just a reiteration of Code. The easement, sidewalk will only be required at the time of subdivision, new construction or renovation. So for Mr. Smith's property, if he rezones it and does nothing, he will not have to dedicate an easement until one of those things happen. So that is an amendment to my Staff Memo that I would like to make that the easement only occurs at one of those three triggers, not right now as part of the rezoning."

Chair Harris said and a lot split would be a trigger, and Mr. Romero said a subdivision would be one as well.

Ms. Duran said, "I really agree with Mr. Smith, and I would really like for you to look at the human side of this. I told you, we're not big time developers. I told you that we are a family that has been there for over 50 years, and we intend to keep this within the family, as I'm sure all of the rest of the landowners on that street, because it's been family. We're not planning a sprawling development. And to me, hearing you talk, it sounds like you are planning for this big future development, which I state has not even occurred. In the last 50 years, there's only been two houses put on that street, whether there's 8 lots or not, I really would urge you to look at what we're really applying for here, and not require us to give an easement. I know if it's required, it's not going to happen, and that lane will stay that way for 30, 40, maybe even 50 more years. So we're just totally opposed to it. If you put those restrictions on it and say we have to do that, we're not going to do that. And you'll never get an easement, and we'll never get sidewalks and it will stay like that. And that's why we have the landowners here today to state the same thing. We like it the way it is."

Commissioner Pava said, "If I may, I will present a motion for consideration by the Planning Commission.

**MOTION:** Mr. Pava said, "In the matter of Case #2014-104, 2504 and 2505 Siringo Lane Rezoning, the Planning Commission recommends to the Governing Body approval of the rezoning from R-1 to R-3. The Planning Commission acknowledges the peculiar nature and history of Siringo Lane. It is a unique street with a peculiar history. The Planning Commission further finds, based upon the Staff Report, statements made at this public hearing by staff, the Applicant and the Rancho Siringo Neighborhood Association, that for the purposes of this rezoning, Siringo Lane should be considered a "public" street, therefore improvements set as conditions of approval for the rezoning by the Traffic Engineer would not be required pursuant to Santa Fe City Code, Section 14-9.2(B)(4)."

## **DISCUSSION PRIOR TO SECOND**

**POINT OF CLARIFICATION:** Commissioner Villarreal said, "Point of clarification, I don't understand your motion. The second part I understand, based on the evidence, but can you complete the bottom part."

Commissioner Pava said, "I'll repeat that – the rezoning of Siringo Lane should be considered a "public street," because we have the division between private streets and public streets. Public streets are subject to the Code requirement which allows for exemptions, that's what the staff report says. Therefore improvements set as conditions of approval for the rezoning by the Traffic Engineer, would not be required pursuant to and I cite the Code section that is here, Innovative Street Designs."

**POINT OF CLARIFICATION:** Commissioner Villarreal said, "So you're saying that the improvements, that the sidewalks and easements would not be required. You're saying that this should not be required."

Commissioner Pava said, "That's what I'm referring to when I say the comments, the conditions of the Traffic Engineer, because those are referenced conditions in the staff report, and are in fact the only conditions of approval for this rezoning."

Commissioner Villarreal said, "So you're exempting the required conditions from Traffic."

Commissioner Pava said, "I'm recommending that the Governing Body approve the rezoning from R-1 to R-3, based on the testimony that we took here and all the facts which were presented, which anybody can read in the minutes, and there was a lot of that. And based on the history, based on the peculiar nature that we've learned about the area and so on and so forth. And then I'm trying to make a finding here that we will find it to be a public street for the purposes of this rezoning, that Siringo Lane would be a public street, and therefore would be subject to 14-9.2(B)(4), it's probably (3) and (4) frankly. So my intent is to allow the Governing Body to consider approval of the rezoning without the conditions imposed by the Traffic Engineer in the Staff Report and to move forward with this and give it to the Governing Body. And they may, in fact, decide further that they want to find some use to not require such dedications if and when other changes occur such as family land transfers and whatnot. I'm making the motion specific to the rezoning at this point and not speculating what might happen in the future, because that's not before us today."

#### **CONTINUATION OF DISCUSSION PRIOR TO SECOND**

Ms. Baer said, "First of all, the matter of whether the improvements are required or not, does not hinge on whether it is a public or private street. So I believe that the reference that Commissioner Pava had in mind was one we hadn't discussed, and I would like to bring that to your attention. I'm sorry to draw this out, but I think it's important. New development on an existing public street that does not meet the width or other applicable standards and that cannot be improved to meet those standards and may exceed the average daily traffic. On a street like Canyon Road that is already built out, then development can occur without a variance. I don't believe that is the case here, and that's not something that was discussed. It would be difficult to write a finding to that effect because clearly, some of the lots, well at least one of the lots under discussion, could be developed to meet these standards. And the Planning Commission could make a finding that the Durans' lot perhaps couldn't be because there is a wall there. That would need to be discussed. But I'm not sure that's the appropriate method to get to where you're going."

Ms. Baer continued, "So, if I could please suggest two other possibilities. So one is, and I know that there has been discomfort with this, but it's in some ways the only avenue that we have and it's a broad one, and that's the matter of the innovative street design. So, per Code, if the Commission chose to recommend the rezoning and you did not want to require the sidewalk and planter, you could say that this is an innovative street design. I know that's difficult and it's a twist a little bit of the language, and we've struggled with that in previous cases, but it does give you that opening, and that would be one way to do it."

Ms. Baer continued, "And another way would be to make a recommendation to the Governing Body to approve the rezoning and recommend that the Council waive that requirement, because the Council has the authority to do that. So I would say one of those two ways, if that's the direction you're going, would be clearer."

**FRIENDLY AMENDMENT:** Commissioner Pava said, "I would accept your recommendation on my motion and simply change the B(4) to B(3), and I think that takes care of it. And maybe throw in the words Innovative Street Design there."

**SECOND:** Commissioner Bemis seconded the Motion.

**THE AMENDMENT WAS FRIENDLY TO THE SECOND.**

**CLARIFICATION:** Commissioner Villarreal said, "I would like you to repeat the clarification of what we're voting on, because I think there is some confusion and I don't think people know exactly what they're voting on right now."

Chair Harris asked Commissioner Pava if he heard the request and Commissioner Pava asked her to repeat it.

Commissioner Villarreal said, "My point was, even though it's the third time, if you could state your motion without using certain jargon that doesn't clarify what we're exactly voting on. I think staff gave two recommendations of how to word it, and I understand those, but the way you're wording it, I'm not quite sure if you're wanting to approve the recommendation for rezoning and not require them to build the sidewalks, or you are requiring them to build the sidewalks."

**RESTATED MOTION:** Commissioner Pava said, "Let me restate the motion based on your request, I'll do my best. Let me start from the beginning. The Planning Commission acknowledges the peculiar nature and history of Siringo Lane. The Commission finds that it is a unique street with a peculiar history. The Planning Commission further finds, based on the Staff Report, statements made at this public hearing by staff, the applicant and the neighborhood organization, that the conditions of approval are not relevant to rezoning, pursuant to Santa Fe City Code, Section 14-9.2(B)(3)."

**RESTATEMENT OF THE MOTION BY ASSISTANT CITY ATTORNEY SHANDLER:** Mr. Shandler said, "I'll try to take an explanatory stab at this. So it sounds like the motion is approving the rezoning, it is rejecting staff's conditions on grounds that you are finding that this is innovative street design. I'm going to stop there."

**DISCUSSION ON THE RESTATED MOTION:** Commissioner Padilla said, "I have a question in reference to how we move this forward. We are asking that the conditions not be included. Wouldn't we be recommending to the Governing Body to consider and approve this as an innovative street design. Therefore, allow them to make that decision. Is that not what we're trying to do?"

Shandler said, "I agree with you."

**FRIENDLY AMENDMENT:** Commissioner Pava said, "So I want to clarify that the very first statement that I made is the Planning Commission is recommending a rezoning to the Governing Body and everything else follows, whatever you need to do to clarify that. And as Commissioner Padilla has said, I would certainly agree with. And simply, I know this is a situation where we're making a recommendation. I just imply want to acknowledge that we didn't avoid the staff recommendations. We've seriously considered everything we've heard today and I want our findings to make sure for the record that that's all recorded. So I find with Commissioner Padilla's suggestions as well." **THE AMENDMENT WAS FRIENDLY TO THE SECOND.**



The Stenographer asked for clarification of the motion by the Assistant City Attorney.

Mr. Shandler said, "I'll try again and then you can say if that's right."

**FURTHER CLARIFICATION OF THE RESTATED MOTION, AS AMENDED, BY THE ASSISTANT CITY ATTORNEY:** Mr. Shandler said, "I think the preamble that you provided about the peculiar [nature of the street] those will go into the findings. I think the motion is three points to recommend to the Council: the rezoning, recommend to the Council to reject staff's condition, and recommend to the Council to adopt the finding that this is an innovative street design."

Chair Harris asked Ms. Helberg if that addressed her concerns.

Ms. Helberg said it did.

**CONTINUATION OF DISCUSSION ON THE CLARIFIED MOTION:** Commissioner Padilla said, "Mr. Shandler, then are we saying that the Planning Commission is rejecting the conditions of approval as stated in the packet from Traffic Engineering. Is that what we're stating by that motion."

Mr. Shandler said, "You're recommending to the Governing Body to reject those conditions."

Commissioner Padilla said, "As opposed to then taking them under consideration and making the final decision." Mr. Shandler said, "Correct. That wasn't part of his motion."

**FRIENDLY AMENDMENT:** Chair Harris said, "If I may, I would like to propose a friendly amendment that addresses the peculiar nature of Siringo Lane. The peculiar nature of Siringo Lane says to me that, over time, there has been public monies invested in the development of Siringo Lane, that would include paving, curb, water and sewer, without the public benefit to the City of having a clearly acknowledged easement in place to be able to serve and maintain those public utilities. That to me, is just a finding. That is the nature of what we have here, and I think that the Governing Body should be aware of it, and perhaps they, in their wisdom can sort out how to address it. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE PLANNING COMMISSION.**

**POINT OF CLARIFICATION:** Commissioner Villarreal said, "Point of clarification, I thought Mr. Shandler was to clarify that Friendly Amendment so the rest of us can understand it."

**CLARIFICATION OF THE FRIENDLY AMENDMENT:** Mr. Shandler said, "Mr. Chairman, I understand that part of the motion is a request for a specific finding regarding how this is a public lane but there's been a public benefit and I will present that language to you as part of the Findings for your acceptance or rejection."

Commissioner Villarreal said, "I guess I'm not understanding. It sounds like a condition that your placing. Is it just saying that the Governing Body has to look into this further."

Mr. Shandler said it's just going to be a narrative statement, it's not going to be a condition. It's possible that the Governing Body, once it gets to that point will provide instructions to the City Attorney's Office to take some type of action with the community, but I don't know. But that narrative statement will be there if the Governing Body wants to give the City Attorney's Office some direction."

Commissioner Gutierrez, "What we'll be voting on is sending this to the City Council and letting them have the ultimate say."

Ms. Baer said, "That's what happens in a rezoning, is that the Planning Commission makes a recommendation and the Governing Body makes the final decision. Yes."

Commissioner Padilla asked if the conditions that were part of this case will go forward to the Governing Body also for consideration.

Ms. Baer said, "We will give them the entire staff report, which will include the conditions, and then they will have an opportunity to look at them and the findings will be in the front of the packet. So, yes, they will see what the conditions were."

**VOTE:** The motion, as amended, was approved on the following Roll Call vote [5-1]:

**For:** Commissioner Villarreal, Commissioner Bemis , Commissioner Gutierrez, Commissioner Ortiz, and Commissioner Pava.

**Against:** Commissioner Padilla

**Explaining his vote:** Mr. Gutierrez said, "Yes. And I would like to say thank you for breaking me in this evening. This is one of the harder ones. I could very easily have flipped a coin on this case, either way. The street I live on and grew up on bears my grandfather's name, so I know where the Durans and Mr. Smith are coming from. However, the street I grew up on has more sidewalks, so when I walk down to visit one of my uncles or to visit my mother that lives in the neighborhood, a car starts coming, and I grab those kids, 7, 8 and 11, and move them to the side as fast as can be. So I just wanted to put that out there. Thank you."

**Explaining his vote:** Commissioner Ortiz said, "Yes. I'm pleased with Chair Harris's added comments about the maintenance and public monies. Yes."

**Explaining his vote:** Commissioner Padilla said, "No, and I'd like to thank the Traffic Engineering Division and City staff for their work on this very difficult case."

**Explaining her vote:** Commissioner Villarreal said, "Yes. I don't understand the Friendly Amendment still, but I still think this needs to move forward to the Governing Body to make the final decision. Thank you."

*Break from 8:45 to 8:55 p.m.*

2. **CASE #2014-107. 1503 SUMMIT RIDGE VARIANCES. KYLE AND REBECCA LAMB, OWNERS, REQUEST VARIANCES TO TERRAIN MANAGEMENT REGULATIONS (14-8.2(D)(2)(b) AND (D)(3)(b), TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON SLOPES EXCEEDING 30% AND HAVING MORE THAN ONE HALF OF THE BUILDING FOOTPRINT ON SLOPES EXCEEDING TWENTY PERCENT. THE PROPERTY IS ZONED 4-1 (RESIDENTIAL – ONE DWELLING UNIT PER ACRE), AND IS LOCATED ENTIRELY WITHIN THE ESCARPMENT OVERLAY DISTRICT (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum, with attachments, prepared December 19, 2014, for the January 8, 2015 meeting, is incorporated herewith to these minutes as Exhibit "8."

Daniel Esquibel, Case Manager, presented information regarding this case from the Staff Report. Please see Exhibit "8," for specifics of this presentation. Mr. Esquibel said on one of the pages there is a reference to an Escarpment Overlay variance, but that is an error.

Mr. Esquibel said, "The Land Use Department recommends approval subject to the following condition: The variance is limit to the extent to the grading shown on the plans submitted with this application."

Mr. Esquibel noted that Noah Berke, a member of the Technical Review Division that reviewed for the Escarpment and Terrain Management Regulations, is in attendance this evening to answer any questions the Commission might have.

### **Public Hearing**

#### **Presentation by the Applicant**

**Kyle Lamb, owner was sworn.** Mr. Lamb said, "I would like to emphasize my family's gratitude for all the assistance we received from both the City of Santa Fe, and the willingness of the Commission to hear our case today. As Dan said, we are actually requesting a variance to Terrain Management Regulations, 14-8.2(D)(2)(b) and (D)(3)(b), specifically to develop on the *[inaudible]* 30% and also have more than half of the building footprint on slopes exceeding 20%.. This is for Lot 13 of Santa Fe Summit Phase 2. We have gone over the lots and we have selected the proposed construction site that we believe will have the least impact to natural vegetation and also to the visibility from neighboring lots. Thank you."

#### **Speaking to the Request**

**Mark Livingston, Santa Fe Summit, full time resident, was sworn.** Mr. Livingston said, "I'm a full time resident in Santa Fe Summit where the building site is proposed and I wanted to give my perspective on this. When we bought in Santa Fe and bought into Summit, and the Summit is a tough place to build. It's rocky, sloped, there's a lot of lots that are not buildable. That's one of the attractive things to us is that it wasn't going to be the density of like a Las Campanas. There were going to be nice homes, but they wouldn't look like Colorado with houses glutted all over the mountain sides and in

canyons, because there were restrictions to them. So I'm assuming the rules and guidelines were created for a reason on controlling the building and where you build it."

Mr. Livingston continued, "I met Kyle at a homeowners meeting, and I hope he and Rebecca can join our neighborhood, because we haven't had a single person build a house since I've been living there in the last four years. But my concern is, if we give exceptions, when do the exceptions stop. And there's many other lots that are going to have this same issue. And if we start allow building on these lots with excess slopes, if you approve one, you have to keep on approving the others. And the reasons we moved here, and I think a lot of my neighbors, will be violated. I have not seen the plans, so I don't know if a corner of the house sticks out, or if it isn't that noticeable. But my fear is if we give a bunch of exceptions, everyone is going to be coming here for all those other lots that are up there and asking for the same thing. So, that's really kind of my point and issue, is with giving the exceptions to the building guidelines."

Mr. Livingston continued, "I just went through a remodel myself. I had to submit plans that took a lot of approval. Actually half of the Summit is in the City and half in the County, if I'm not mistaken. I live in the County end. Kyle's lot is on the City end. But we had to go through a lot of approvals as well because of the slope of our lots and whether it was disturbed or undisturbed. And I had to comply with the guidelines when I built, so that's all I have."

#### **The Public Testimony Portion of the Public Hearing Was Closed**

Commissioner Padilla said, "Question for Mr. Esquibel. The Staff Report on page 2, top of the report states that "No variance to the escarpment regulation is required with this lot. Correct."

Mr. Esquibel said, "That's correct."

Commissioner Padilla asked Mr. Esquibel to clarify.

Mr. Esquibel said, "What the variance is for, since the lot was created prior to 1992, the entire slope is either 30% or 20%. Under Chapter 14, rather than the Terrain Management Regulations, you cannot build on 30% slopes, nor can you build more than 50% of your structure on slopes that are 20% or greater. In the areas that we went to and we reviewed, that can't happen, no matter where he places the house, that can't happen. The location where the Applicant did site the house is, in our view, probably the best site on that lot. And I put some pictures in there, although they don't do the justice that a site visit actually does. I think I might have the color ones if you would like to take a look at them that might give you a little bit more idea of what you're looking at, than the black and whites."

Chair Harris and the members of the Commission asked to see the original color photographs which are in black and white in the packet, and Mr. Esquibel provided them to the Commission.

Commissioner Padilla said in the packet there are two slope analyses, and he presumes two sites were "walked extensively by staff, and what we have in our packet that we are considering tonight, is the one that has the least disturbance to those 20% and 30% slopes."

Mr. Esquibel said Noah Berke can better answer the technical requirements for the escarpment than he can.

**Noah Berke, Senior Planner, Current Planning Division**, said, "So, for this case, we looked at the only two possible sites on the lot. We actually went to the lot itself. It is extremely hilly, and it has very steep terrains. So given the best argument for this case or the best analysis for this case, we looked at two sites. Both sites were analyzed at two foot contours and then analyzed further at five foot contours in areas that showed 30% slopes at the two foot contours. When we looked at both sites, if you look at the Staff Report I submitted to Dan, I analyzed Site 1 and Site 2. It pretty much breaks it down to, as the project as proposed by the Applicant, and the house and the layout, if you took it to both sites which are the least sloped areas on this whole lot, how much of the percentage of the slope would be in zero to 20, 20 to 29, and 30% or greater natural slopes. It appeared that the site that was the best fit is all in the ridgetop. However, in this case on visual analysis, this is not a variance for escarpment, because it was a pre-1992 lot, so therefore it is buildable in the ridgetop area. And as the Code reads, if that's the best place for it, then that's where we should put it. It has the least amount of disturbance on natural vegetation and it had the least amount of sloped, steep slopes in that regard. And it is the least visible from public rights of way."

Mr. Berke continued, "The other site we looked at would be more visible, it's more sloped, it has more 30% slopes, so, we basically had to pick from one of two sites. And then everywhere on the lot was almost unbuildable, because everything else was 30% or greater slopes."

Chair Harris said he realizes this predates ridgetop., but one thing we've looked at in the past is the tree line, how this roofline would relate to surrounding terrain. He asked, "Do you have a sense of how this house... the plans are here, it's a single-story house, actually I take that back, it looks like it's 15 feet perhaps to top of chimney, it looks like that may be the highest constructed point of the house, 15 feet from grade."

Mr. Berke said, "Right. So in the Escarpment Overlay in the Ridgetop, you are allowed a 14 foot height from natural or finished grade, whichever is more restrictive. So we looked at that. We analyzed this almost like it was a building permit, so it would have to come into complete compliance with the Escarpment Overlay at the time the Planning Commission hears these variances. You also are allowed for up to three feet for a chimney, and that would be where it is allowed to break in this case. And that's the only point where 14 feet is allowed to be broken."

Chair Harris said that's what he sees here as well.

Mr. Berke said, "Right. And then, if it breaks the treeline, would you be asking if you were to look at it from a public right of way, or if you were to look at it from the street it's on, Summit Ridge."

Chair Harris asked him to start with the public right of way.

Mr. Berke said, "Okay. So from the public right of way, it would go with the slope of the land, so in this case, the public right of way is going to be Hyde Park, Road, because that's the only visible point. And it's almost not visible from there, so it would go with the hill. So if you were looking at it, is the top of the ridge because it's the ridgetop, so it would be visible, but it would have the least visual impact versus the other site that we looked at."

Chair Harris said then Site 1 would have the least visible impact from the public right of way, and it's not internal to the subdivision.

Mr. Berke said, "Well, it's just a little bit lower than the street, so it would also... yes. And in that site, there's not a lot of vegetation right now. What there was from the infrastructure when the roadways were built, I'm not sure. We looked at natural and disturbed, and this seemed to be more natural, but it's very cleared already, so it's not going to disturb any natural vegetation, maybe one or two trees."

Chair Harris asked what the grade will be on the driveway.

Mr. Berke said, "The grade would have to meet regulations, so we looked at that as well. So the grade would have to be 10% or less to meet fire regulation and also our Land Development Code, which is actually 15%, and where we would go is with Fire's regulation at 10%."

Commissioner Villarreal said, "I just have a quick clarification. There was a staff response comment, I think this is probably for, I don't know who yet, but it says that terrain management variances were approved for several other lots. She asked how many other lots were approved for variances and how many lots are still vacant."

Mr. Esquibel asked where she found that in the Staff Report.

Commissioner Villarreal said it is at the top of page 3 of 4, and says, "No variances were granted to this lot as part of the subdivision approval, although terrain management variances were approved for several other lots." She said she is curious as to how many lots have variances and how many lots are vacant at this point.

Mr. Esquibel said he is unsure about the number of lots that are vacant. He said, "I do know that entire subdivision is really hilly, and if there are any vacant lots that are coming in, the odds are that you will be seeing some more of those. I'm not sure of any buildable site on any other lot, since we really didn't go out to take a look at them."

Commissioner Villarreal said the Staff Report indicates other variances were approved, and asked if he knows how many.

Mr. Esquibel said, "When we did the site visits, we identified right off the bat, these slopes of the subdivision, and that was meant to identify that there have already been houses that have already built within that subdivision, and they are set on slopes that are, in our opinion, at least 20-30% steep. It's really hard to say when they were built. I don't know, did this come in from the County, this portion, or was it always part of the City. I'm not quite sure."

Commissioner Villarreal said, "I was just curious, because we talk about setting precedent..... and this will continue. I just think it's ironic that sometimes we have development like this. This subdivision probably should never have been developed in the first place, but here we are, it's kind of a moot point. I see where you're going and I appreciate the staff analysis, because that shows us what is possible. That's all I have for now. Thank you."

Commissioner Padilla said, "Follow-up question for Mr. Berke. In the recommendation, it says the variance is limited to the extent to the grading shown on the plan submitted with this application. What is in place for staff to confirm that the disturbed area is truly the limited area that has been shown for grading on this plan. What is the procedure in place now."

Mr. Berke said, "The procedure is that we would look at this, if this were approved as it stands now. We would compare it when it came in for building permit to show that the grading boundaries were delineated the same way as they were when it was brought before Planning Commission, and that would be the way that we could ensure. And because there would be retaining walls, in this case we would require an interim grading inspection and we would verify at that point that there was no grading over what was delineated in the permit and what was approved by the Planning Commission."

**MOTION:** Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve Case #2014-107, 1503 Summit Ridge Variances, the variance to Terrain Management Regulations, with staff condition of approval.

**DISCUSSION:** Chair Harris asked if we really have conditions of approval. He said it is a good report and a good analysis and recommends approval, but there's really no conditions.

Ms. Baer said, "The only condition was actually on the first page, and because there was only the one it's not pulled up separately, and the condition is that the grading as approved on this application is what the actual grading will be limited to when it comes in for a building permit.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [67-0].

2. **CASE #2014-111. HANDS OF AMERICA LOT SPLIT. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS LOT SPLIT APPROVAL TO DIVIDE 3.0± ACRES OF LAND INTO TWO LOTS, EACH 1.50 ACRES, IN ORDER TO REZONE ONE OF THE LOTS TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS ZONED R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) AND IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT, CASE MANAGER)**

*Items H(3), H(4) and H(5) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.*

A Memorandum, with attachments, prepared December 18, 2014, for the January 8, 2015 meeting, is incorporated herewith to these minutes as Exhibit "9."

Copies of the General Plan Amendment Application and various Plats regarding this case are on file in, and can be obtained from, the Land Use Department.

Responding to the Chair, Ms. Baer said the items will be voted upon in the order that they appear on the Agenda.

Tamara Baer presented information in this matter from the Staff Report which is in the Commission packet. Please see Exhibit "9," for specifics of this presentation.

Ms. Baer noted Risana Zaxus, Acting Director, Technical Review Division, agreed to amend her condition of approval, which pertains to the timing of when the sidewalks would take place. Ms. Zaxus agreed that the way we typically do this is the way it should be handled in this case as well. And that is, "At the time of any further construction, as Mr. Romero explained earlier when the sidewalk requirement kicks in.... so if there is a building permit application for either lot, we would require that the sidewalk be constructed with that application, and staff would ask for this particular amendment to the condition to be approved by the Planning Commission." She noted the condition originally proved that the sidewalk would be constructed within one year of recordation of the lot split, and this change would eliminate the time constraint. She said staff would like for the easement for the sidewalk and the planter to be put in place at this time with recordation of the lot split.

## **Public Hearing**

### **Presentation by the Applicant**

**Monica Montoya, 76 Gregory Lane, Agent for Leonel Capparelli, owner, was sworn.** Ms. Montoya, said, "I would just like to acknowledge and say thank you to staff for their unending assistance in this application and in other cases."

Ms. Montoya said, "Basically, the purpose of the application is to bring a situation of the status of the property into conformance with City regulations. This application would not be here before the City had it not been for the annexation of his property. Mr. Capparelli, as Tamara discussed, has been at this site



for more than 25 years as a furniture restoration business. He basically takes antique furniture, restores it and sells it. This process occurs on the site and he proposes to retain that use in perpetuity. Once he was annexed into the City limits, as Tamara explained, he became non-conforming. And that was because, at the time the property was annexed into the City limits it received the residential zoning. It is quite possible that if a study had been done, the property may have received a C-1 zoning. We don't have a problem with that, but we do need to state that it has been problematic for Mr. Capparelli to operate his business on the property over the years."

Ms. Montoya continued, "And so as Tamara mentioned, he has always operated legally in the County of Santa Fe. He received all of his construction permits for a 3,700 sq. ft. building on the south side of the property, which is the property we are proposing for the General Plan to be amended and for the rezoning to be approved. He has permits for a 3,700 sq. ft. building to house the furniture part, the office and the display of his work in the building. And because of economic conditions at the time, and because of the circumstances at the time, he was not able to complete the building. But he has been working on it. If you've driven by the property over the past few months, you will see the construction of the building has come quite a long ways. And you can also see in the packets that the building will be quite beautiful when it is completed. I heard Mr. Capparelli say earlier this evening that he's making some significant changes within the next few weeks for that particular building."

Ms. Montoya said, "He's operated legally, he's gotten all his correct permits, he's kept them up to date over the years, so he has operated legally. We're asking that the Planning Commission please consider that he is in this circumstance because of conditions or circumstances that were out of his control. He wants to be a good citizen of Santa Fe, but have legal zoning to assist in his business operation."

Using the drawings in the packet, via the overhead, Ms. Montoya demonstrated the subject site, and surrounding sites. Ms. Montoya said, "You all have this in your packet, but I thought I would clarify because the question came up to staff. 'This' is Mr. Capparelli's entire 3 acres of land, East Rodeo Road along the bottom of the page, the property line that we're proposing bisects the property basically in half. It is the south portion that is closest to East Rodeo Road that is the subject of the General Plan Amendment and the Rezoning, that would be C-1."

Ms. Montoya continued, "And just to kind of help put things in perspective from the Zoning standpoint. So as you can see, this is the City Zoning Map and I brought it just to show Mr. Capparelli's 1½ acres, the C-1 portion. As you can see on your map here, the property directly across the street from Mr. Capparelli's is also C-1 as are properties to the east, west and to the north. So there already has been a pattern of C-1 zoning established in the area. And what we're asking the Commission to consider is that the C-1 would be an extension of the already precedent for C-1 zoning in the area."

Ms. Montoya continued, "And 'this' is attempting to show the Commission the existing uses that Tamara discussed earlier that are in the area of Mr. Capparelli's property. 'This' right here is Hands of America, which is Mr. Capparelli's property. It's not showing up very well, but 'this' is also commercial. It's an electrical service and there is a gentleman that runs his electrical business out of there. Across the street is the Church of Jesus Christ, to the east of it is the Sierra Vista Retirement Home which is an assisted living facility. To the west of it is the former site of the Ark Veterinary Hospital. It is for sale at the

present time so there will be a C-1 use occupying that property at some point legally. And then to the west of that is another senior care. To the north of that is Memorial Gardens and it's a cemetery and they're presently expanding that property for a building for services, if I'm not mistaken. And just to the west side of Mr. Capparelli there was, at one point, a [inaudible] company. I'm not sure if they're still operating out of that property, but I believe that they are. So the real intent of this is just to show that there already has been a precedent for C-1 uses in the are."

Ms. Montoya continued, "So with that, my last comment would be, I would ask the Commission to consider that Mr. Capparelli is in the circumstance of being in a grandfathered position outside of his control, and I'm hoping and asking the Commission to consider that and his Rezoning and General Plan Amendment is an appropriate use for this property and you would grant his application to bring him into conformance with City Code. I stand for questions."

### **Speaking to the Request**

*All those speaking were sworn en masse*

**Elena Benson, representing the ACSYL Neighborhood Association [previously sworn]**, said this is one of the oldest and largest associations and this property falls within their jurisdiction area. She said, "We would like to support Leo, and we're okay with the lot split and the C-1. Our concern is that we put some amendments, and we've talked to Monica and Chris, and they are in agreement. And we've also talked with Leo and he's in agreement with restrictions on it to keep the C-1 in a low impact for the area in there. But other than that, the Association is supportive of this Lot split and Leo has shown to be a good neighbor for the neighbors around him, and I'm sure he'll continue to be a good neighbor. But again, our concern is a C-1 allows some high impact businesses, and we would like to have a restriction so the neighborhood aspect of that area does stay neighborly. Thank you."

**Gina Federici, 333 Rodeo Road [previously sworn]**. Ms. Federici said, "And on 'that' map we are the property just due east of the electrical services. We purchased the property some 22 years ago when we were in the County. Leonel is a great neighbor. He's a hard working business person and I simply stand in support of his request."

**Buck Rackley, 333 Rodeo Road [previously sworn]** said, "I support Leonel very much. Thank you."

**Christopher Graeser, Attorney, 316 E. Marcy [not sworn because he is a member of the bar]**. Mr. Graeser said, "I just wanted to address Ms. Benson's and ACSYL's concerns. We certainly understand the concerns.... and we don't want to see a McDonald's or a Conoco Station or a Walgreens or something like that going in. And obviously, there's not an intention to do that. I suspect we might even be able to address ACSYL's concerns if we sit with them and City staff and show what could actually go in there,

given the restrictions and the size of the lot to the extent we can. We are entirely happy to sit down with them and discuss some sort of agreement for limitation or something like that and we certainly commit to doing that before the City Council hearing on this."

### **The Public Testimony Portion of the Public Hearing Was Closed**

Commissioner Padilla asked, "In reference to the lot split, are there any conditions, am I overlooking anything. Are there any conditions that come with the lot split in the staff report."

Ms. Baer said, "When we have an assembly of cases like this, we very often will combine the conditions, and I think that's what happened in this case. Since you serve on the Summary Committee, you will know which of these do pertain at the time of lot split. All of these conditions would apply, and I would ask your indulgence in letting us sort out which ones apply at which time. Did you want me to address that right now."

Commissioner Padilla said, "No. That's fine. I just wanted to make sure that as we move forward with approvals that any of the conditions that are in the Lot Split, and I see the Water Division and so forth, there are some that are there. So, these are applicable to all 3 cases that we are reviewing this evening."

Ms. Baer said, "They're applicable in the sense that it's the same property. Anything that needs to be noted on the plat will be noted on the plat. So, for example, the condition that at the time of development, we will look to see if water and sewer are available, and if they are, then their connection will have to be made. There is another condition from Traffic, I believe, that they wanted the access widened at Rodeo Road. That would also appear on the plat. The City sewer and City water connection to those is mandatory when the property is developed. And those services are available. So all of this would actually apply to the lot split."

Ms. Baer continued, "In addition, the condition that I discussed from Ms. Zaxus, the City Engineer for Land Use, we would have them plat the easement and then there would be an agreement to construct the sidewalk now, or a financial guarantee at the time of construction."

Commissioner Padilla said, "Just a quick follow-up in reference to the easement that is along the east property line. That is to access Lot 2, the northern lot, so the existing asphalt driveway and so forth, that gets revised to go into that access easement, or does it stay where it is."

Ms. Baer said, "Not necessarily. There is no plan at this time for further development of Lot 2. If and when there becomes such a plan, an application is made, that is the access there will be provided, or there will be a request to reconfigure the access. What this does is ensure there is sufficient access for vehicles as well as utilities."

Chair Harris said, "I'd like to confirm a couple of things on the restrictions. Maybe this is for you, Mr. Graeser. Did I hear you say that the Applicant is certainly willing to discuss restrictions to the allowed uses for C-1."

Mr. Graeser said, "I think that's on the table. I suspect that we should be able to get at, or pretty close to an agreement that Mr. Capparelli can live with and that ACSYL can live with. And it is a fairly significantly long use list. And I think some of them have been kind of uneasy along the lines of pharmacies and things like that, take-out restaurants that could be small and innocuous, or could be a Walgreen's or a McDonald's. And I think that was the concern that was expressed to me.

Chair Harris said, "Did I also hear you say that it would be the Applicant's intention to resolve the restrictions prior to going to the Governing Body for the rezoning."

Mr. Graeser said, "Absolutely, we'll try our best to do that, Mr. Chairman."

Chair Harris asked if there have been any discussions so far.

Mr. Graeser said they haven't gotten that far, but they've had a couple of discussions at different times, different ones of us, "and I think we understand each other. We just haven't sat down and looked at details."

Chair Harris asked Ms. Benson which neighborhood association she represents.

Ms. Benson said ACSYL, which is an acronym for Arroyo Chamisa-Sol y Lomas.

Chair Harris said the acronym is new to him.

Ms. Benson said ACSYL covers from St. Francis over to Old Pecos Trail and a little beyond, including Quail Run, the Homewise Division, DeVargas Heights North and South, and then from the Hospital down Rodeo, 1,400 homes.

Chair Harris said, "So, you heard Mr. Graeser's response on restrictions. Can you give this Commission your point of view on the discussions that have occurred to date and what your thinking is on that."

Ms. Benson said, "The discussions that have occurred to date have been with Leo, Monica and I think with Chris. And it's all been amiable. It's understandable that our concern is about high impact. The other C-1's are not high impact. And the types he explained pretty much nail the top two as far as C-1. C-1 allows a restaurant, a fast food restaurant. A pharmacy, such as a Walgreen's I think would be disruptive to the area. And there's some other ones. So, for example, you can put in, I believe a kennel, which can get pretty smelly to the houses around it. And so, that's been the concern of, not the immediate neighbors, but of the Association in that as C-1 encroaches down Rodeo, it has the possibility of going all the way to Old Pecos Trail, maybe not this year, but in 10 or 15 years, as the C-1 just creeps down. So the neighbors, again, not immediate, but in the Association near there are concerned about the C-1 creep that would include high impact businesses."

Chair Harris said, "I accept the high impact argument, I would question the creep on C-1 down Rodeo Road. I use that road a lot. But that's all conjecture, and I think the focus will have to be on this particular property."

Ms. Benson said, "I think we're addressing fears and unknowns. And what we're asking for, we've discussed, and Leonel is comfortable with, and we're not requesting restrictions such that his property wouldn't be re-sellable. It sounds like he's living at the property, so we believe he's going to do well. Now there are a number of properties next to him, the other neighbors we've spoken to who are immediate also live there. But, as I say, I prefer not to use 'hit by a bus,' but if some of those, when the lottery moved to Tahiti, we don't know what the next owners are going to want to do. So that's been a major concern. And if you want to use the word fear, I think it's also applicable in this situation."

Ms. Benson continued, "So what the Association is doing is trying to support Leo, and to settle the concerns so that when he goes to the City Council, he doesn't run into a lot of opposition, because we think he's going to do well. A gallery fits into the area."

Chair Harris said, "Ms. Montoya, maybe I could ask you, because I do live in the general neighborhood, I pass this way, and I appreciate your statement on the pace of construction. I'm glad to see it's picked up, and I would hope that it is more than just a temporary pick-up. Do you know how many renewals to a CID permit can be obtained. I'd like to see that building finished, is what I'm saying. It's been there a long time in its current state."

Ms. Montoya said Mr. Capparelli can answer that question with regard to the construction. She said she doesn't know the answer to the question about the State Construction Industry's permits and how many times it can be renewed. She noted Lisa Martinez, Planning Director is here and might know.

Lisa Martinez, Director, Land Use Department, said, "Generally CID building permits are good for a year. During that time period there have to be inspections performed, and if an entire year goes by without an inspection being done, it becomes void. So they would have to renew it at some point in time, but the maximum time period they can go without a single inspection is essentially twelve months."

Chair Harris asked if there is a limitation on the number of renewals.

Ms. Martinez said, "I don't think there are. I don't remember there being any limitations, but then I don't remember a whole lot of permits that went on over the course of several years, very few of them."

**Leonel Capparelli, owner/Applicant, was sworn.** Mr. Capparelli said, "I am at the property at 401 Rodeo Road. I've been in Santa Fe for 30 years. I've been a cabinet maker, doing things like those symbols behind you for the last 30 years. I've worked for the museums here. I've worked for hotels. I worked directly with many of the signs. I'm one of those craftsmen who is being pushed away by the economy. And I'm trying to survive and support my family in that location. I've been there for 25 years, and conducting business in the same way that I'm doing right now."

Mr. Capparelli continued, "I applied for the permit for the County, and the County gave many requirements. You were talking about conditions. I am supposed to provide fire sprinklers and doing 100% of water catchment from the roof, I improved my septic tank, I improved my water well. I'm widening the driveway to make more room for City fire trucks. I am doing everything I was asked to do."

Mr. Capparelli continued, "I started the construction in 2007 and the economy went into the tank. Everybody suffered, and the City was allowing people to renew their permits every two years, instead of every year because of the economy situation. So the permits have been extended, not only to me, but to many people in the last 7-8 years. And I'm not the only one in this condition. I've been to the CID many times and they have told me, you are in the same place as a lot of people, so this isn't new."

Mr. Capparelli continued, "First of all, when I bought the property, I bought it at the top of the market, under the impression I was buying a commercial property. Then the City annexed me. We went to many annexation meetings, with my neighbors that are here. And the Mayor of Santa Fe promised us that nothing was going to change, that we were going to be fine. The next time they went to the back room, they come out and say, hey, you know what, you are R-1. Across the street is C-1, but you are R-1. And then our taxes went up and insurance went up. We get no service in that section of the property. I had a situation 20 years ago when I called the Fire Department or the Police Department, I got people broken into my property, and they are pointing fingers. Who should come. The County, the City, I don't know. You know, it's not my responsibility."

Mr. Capparelli continued, "So I want all of these to get out of the way. I was in this position because the City got me into this situation. I'm going to do it to keep working, keep my family safe and give a future to my daughters. I don't think it's completely fair for you all to tell me, in the future 50 years from now, you can know how it will be. I don't see that this is totally agreeable with that. I don't want to have the government there. I made that made that building, I have no need to expand any more in there, so I'm not going to build a gas station or put a *[inaudible]* in. I don't want to tell my daughters either, you know what, you got this property but you have some conditions. You can only do this, but not that. That I don't think is fair neither."

Mr. Capparelli continued, "So I complied with everything I was asked for. I'm working in good faith and the building is going to be completed in the next 2-3 months. I had a fire in February, I lost over 3,500 sq. ft. of shop. I wanted to rebuild my shop because I had insurance, but I'm not in compliance to rebuild my shop because I've been grandfathered-in, and that shell was too close to the property next to me. So, the insurance and I come up with, okay, let's finish that building and then we'll be okay. Well, I'm finishing the building, but if I don't have a Certificate of Occupancy, it doesn't do me any good. And I cannot have that unless I have a rezoning. So I'm asking you to please consider the situation that I've been put in, and my family is in, so we can just keep working. And actually, keeping a division Santa Fe going, because I know many craftsmen left here, and because of the economy situation, there are not that many left. And that's the problem."

Chair Harris thanked Mr. Capparelli for his statement. He said, "Clearly your neighbors and others want to support you. I think there is a fair amount of support, certainly at the staff level and even within the Commission, we'll find out soon. But again we want not only you to be able to move forward, not only in your family life, but in your business life. But I just wanted some assurance and I think I received that. And it's really outside of our purview, but I would like to know that the project is moving forward, and the building that is very visible, and I hope serves you well, will be complete."

Mr. Capparelli said he is going to complete it. He said this is a green building, built with recyclable material, and they are recycling all the water. He said he has preserved the history, and that is what that building is about. *[Inaudible here, because Mr. Capparelli was speaking from the audience and was not speaking into the microphone.]*

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Villarreal, to approve Case #2014-111, Hands of America Lot Split, with all staff conditions as outlined in the Staff Report [Exhibit "9"], and with the amended condition as proposed by Risana "R.B." Zaxus, Acting Director, Technical Review Division.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

4. **CASE #2014-109. HANDS OF AMERICA GENERAL PLAN AMENDMENT. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.50± ACRES OF LAND FROM RURAL/MOUNTAIN/CORRIDOR (1 DWELLING UNIT PER 1 ACRE) TO OFFICE. THE PROPERTY IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT, CASE MANAGER)**

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Villarreal, to approve Case #2014-109, Hands of America General Plan Amendment, with all staff conditions as outlined in the Staff Report [Exhibit "9"].

**DISCUSSION:** Commissioner Padilla asked if this is a recommendation to the Governing Body for approval, and Ms. Baer said yes.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

5. **CASE #2014-110. HANDS OF AMERICA REZONING. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS REZONING APPROVAL OF 1.50± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT, CASE MANAGER)**

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Villarreal, to approve Case #2014-110, Hands of America Rezoning, with all staff conditions as outlined in the Staff Report [Exhibit "9"].

**DISCUSSION:** Commissioner Padilla asked if this is a recommendation to the Governing Body for approval, and Ms. Baer said yes.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

**FRIENDLY AMENDMENT:** Commissioner Padilla would like to amend the motion to say it is a recommendation to the Governing Body for approval. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

**VOTE:** The motion, as amended, was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

Mr. Capparelli thanked the Planning Commission for the approvals.

#### **H. STAFF COMMUNICATIONS**

Ms. Baer said at the last meeting she asked which Commissioners needed a new copy of Chapter 14. She said she will provide new copies from scratch to all the Commissioners, other than Commissioner Gutierrez who has the latest version, by the middle of next week and they can either deliver them or hold them for pickup..

Land Use Director Lisa Martinez introduced Noah Berke the newest member of the Current Planning Division, and said he has been working with the Technical Review Division for about 7 years. He has recently been promoted to a Senior Planner position, specifically for neighborhoods.

Chair Harris congratulated and welcomed Mr. Berke.

#### **I. MATTERS FROM THE COMMISSION**

Commissioner Ortiz said the Summary Committee meeting went well today, noting they have been having one case per meeting. He said today, it was a lot split on Seville Road..

Commissioner Pava said he didn't attend the Long Range Committee, noting it was chaired by Commissioner Bemis.



Commissioner Bemis said Commissioner Schackel-Bordegary attended and was a great addition. She said, "We all feel that we should have a little more of the Long Range Planning people to attend the meetings to give us their wisdom. I think it's very important, so we'll try to work that in somehow. Thank you."

Ms. Baer said the next meeting of the Planning Commission will be on February 19, 2014..

Chair Harris asked what's on that agenda.

Ms. Baer said we have the Final Subdivision Plat for Ross's Peak, a rezoning related to a possible 450 apartment units on Agua Fria which is called the Blue Buffalo Rezoning and General Plan Amendment, but not the development plan. If the rezoning is approved from C-1 PUD and R-1 to R-29 which is the request. She said if approved, the Commission will be seeing the Development Plan for the 450 apartment units. She said we have a small 4-lot subdivision on Delgado, and a number of applications from Pulte from Las Soleras, and she is unsure if those will stay on the agenda or not. She said the agenda hasn't been published, and they're not completely sure. They currently are in the phase of asking for additional submittals, and if they can provide those with sufficient information to review those projects, then the Commission will be seeing several applications related to the Pulte project. There will be master plan amendments to be recommended to Council, general plan amendments, future land use map amendments and rezonings, also recommended to Council. She said all those projects anticipate approximately 300 units in Las Soleras.

*[Chair Harris's remarks here are inaudible because his microphone was not turned on]*

Commissioner Padilla said then the Summary Committee will meet on February 5<sup>th</sup>, but it can be moved if it is a problem, noting the agendas haven't been published. He said he will be out of town on February 5<sup>th</sup> and asked if that will be an issue.

Ms. Baer said there still will be a quorum of the Committee. After discussion, it was decided to move the next meeting of the Summary Committee to February 19, 2015.

Chair Harris said then we will go back to the usual schedule on the first Thursday in March, and Ms. Baer said this is correct, although that may not be sufficient time to get minutes and Findings, so we'll keep that in mind.

Chair Harris asked if the Commissioners feel we need to continue with a discussion on the General Plan, which is being worked on. He heard during the neighborhood forum that there is a target date for the end of 2015.

Commissioner Pava said, "I think with advance notice, those staff people would be happy to make a presentation. Given what I've just heard about the load for the next meeting, we maybe want to do that later in the year in the Spring March/April time frame when we have a bit more time together, or hold a study session as we've done in the recent past. He said, "But yes, I think it's a good idea."

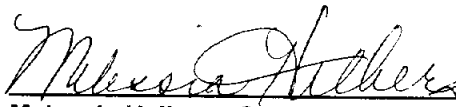
Chair Harris said it is his preference to have that discussion/update in a study session, and potentially the first open date to do that would be the third Thursday in March, and asked if that is sufficient time to do a study session.

Ms. Baer said it is and they can introduce the idea to the Long Range Planning staff.

**J. ADJOURNMENT**

There was no further business to come before the Commission, and the meeting was adjourned at approximately 10:15 p.m.

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


  
\_\_\_\_\_  
Melessia Helberg, Stenographer



# City of Santa Fe, New Mexico

# memo

**DATE:** December 17, 2014 for the January 8, 2015 meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Tamara Baer, Planning Manager, Current Planning Division 

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

**Case #2014-115. Corazon Santo Development Plan Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a Development Plan submitted with the MU Zoning of 2.41 +/- acres located south and west of the intersection of Agua Fria and Harrison Road. The Development Plan is for mixed use development for up to 24 residential units and up to 24,000 sq. ft. of commercial space. The time extension would extend approval to November 20, 2015. Rob Gibbs, agent for Homewise, Inc. (Donna Wynant, Case Manager)

## I. RECOMMENDATION

The Land Use Director has **APPROVED** the applicant's request for a one-year time extension. This approval is being reported to the Planning Commission in accordance with SFCC Section 14-3.19(C)(2)(b):

*(b) Administrative time extensions approved by the land use director, pursuant to this Subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The land use director shall identify the action taken and place it on a consent agenda for the planning commission. The land use director shall provide the planning commission with the applicant's written application and the land use director's written proposal. The planning commission may accept, reject or modify the proposal.*

## II. APPLICATION OVERVIEW

The Corazon Santo Development Plan for the MU Zoning was approved by the City Council per their approval of the Findings of Fact and Conclusions of Law on 11/30/11. The expiration date of the approval was 11/30/14.

The approval consisted of a Development Plan for the north lot of the Corazon Santo development on 2.41 +/- acres located south and west of the intersection of Agua Fria and Harrison Road. The property is zoned MU (Residential, 6 dwelling units per acre).

*Exhibit "1"*

The agent for the owner of the property is requesting the one-year extension of the development approvals as the applicant is in need of additional time to work on the conditions of approval, which includes providing a letter of credit necessary for recordation of the Development Plan.

As stated in the approval criteria, the administrative extension may not approve revisions to the development approvals or amendments to the conditions of approval. If any amendment, or change to the conditions of approval were requested, those requests would need to be considered by the Planning Commission through the full public hearing process, including the requirement of an Early Neighborhood Notification (ENN) meeting.

### **III. APPROVAL CRITERIA**

#### *Section 14-3.19(C) SFCC 1987 Time Extensions*

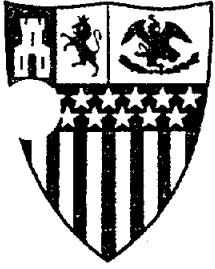
##### *(2) Administrative Extensions*

*(a) The land use director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the land use director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.*

*(b) Administration time extensions approved by the land use director, pursuant to this Subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The land use director shall identify the action taken and place it on a consent agenda for the planning commission. The land use director shall provide the planning commission with the applicant's written application and the land use director's written proposal. The planning commission may accept, reject or modify the proposal.*

### **IV. ATTACHMENTS:**

EXHIBIT A: Land Use Director Letter of Approval of One-Year Time Extension  
EXHIBIT B: Letter of Application dated November 18, 2014  
EXHIBIT C: Development Plan for the MU District



# City of Santa Fe, New Mexico

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

[www.santafenm.gov](http://www.santafenm.gov)

*Javier M. Gonzales, Mayor*

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Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

December 18, 2014

Rob Gibbs  
Director of Real Estate Development  
Homewise, Inc.  
1301 Siler Road, Building D  
Santa Fe, New Mexico 87507

**RE: Request for Time Extension of Development Plan Approval(s) per §14-3.19(C) SFCC 198  
for the Corazon Development Plan for the MU Zoning**

Dear Mr. Gibbs,

I have reviewed your request as the new owner of the Corazon Santo property that you submitted on November 18, 2014 for a 1-year time extension of the approval of the Development Plan required by the MU Zoning:

**Case #2010-174. Corazon Santo Rezoning to MU.** Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 2.41± acres of land from R-2 (Residential, 2 dwelling units per acre) to MU (Mixed Use). The application includes a development plan for mixed use for up to 24 residential units and up to 24,000 sq. ft. of commercial space. The property is located south and west of the intersection of Agua Fria and Harrison Road.

I have determined that no substantive changes have occurred to the regulations or policies that apply to the previous approvals, to the proposed development, or to the circumstances that apply to the site and vicinity, since the City Council granted approval on November 30, 2011. Therefore, in accordance with SFCC 1987 Section 14-3.19, a one-year time extension is approved for the Development Plan as required by the MU Zoning, subject to the original conditions of approval as approved by the City Council of the City of Santa Fe on November 30, 2011.

The time extension will allow development activities to commence prior to the extended deadline, as provided in SFCC Section 14-3.19. The approvals will expire if you do not proceed with development of the property or file for another time extension prior to November 30, 2015. SFCC Section 14-3.19 requires that the grant of this time extension be reported to the Planning Commission by placement on the Commission's consent Agenda. The Planning Commission may accept, reject or modify this approval.

Feel free to contact me at 505-955-6617 if you have questions regarding this matter.

Sincerely,

Lisa Martinez.  
Land Use Department Director



**homewise**

*your partner in homeownership*

11/18/2014

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

Hand Delivered and Email: [lmartinez@santafenm.gov](mailto:lmartinez@santafenm.gov); [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov);  
[tbaer@santafenm.gov](mailto:tbaer@santafenm.gov)

Ref: Homewise Inc. Corazon Santo Development Plan MU Zoning  
Case #2010-173, #2010-174, #2010-175, #2010-176, #2012-06

Dear Ms. Martinez:

On behalf of Homewise Inc. owner of the above mentioned development, I am requesting an administrative approval for an extension of one year for the Development Plan submitted with MU Zoning as referenced above. The current 3 year approval expires on 11/30/2014. The request is provided under the provisions of the City Code, section 14-3.19 (C).

Homewise purchased this property from Los Alamos National Bank earlier this year from the banks REO holdings. We are currently working with Santa Fe Engineering on updating the engineers cost estimate to complete our financial projections. Currently our plan is to record the plat and begin development late 2015.

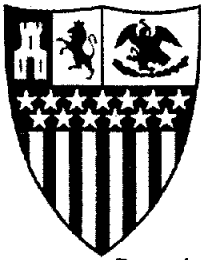
Thank you for your attention to this request.

Please contact me if you have any questions.

Sincerely,  
Homewise Inc.

Robert Gibbs  
Director of Real Estate Development

Cc: file  
Attachment: City of Santa Fe letter dated 12/1/2013



# City of Santa Fe, New Mexico

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

[www.santafen.gov](http://www.santafen.gov)

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Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

December 18, 2013

James W. Siebert & Associates, Inc.  
915 Mercer Street  
Santa Fe, New Mexico 87505

**Case #2010-173. Corazon Santo General Plan Amendment.** Monica Montoya, agent for Anasazi MVJV LLC, requests approval of a General Plan Future Land Use map amendment to change the designation of 2.41± acres of land from Residential Low Density (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager).

**Case #2010-174. Corazon Santo Rezoning to MU.** Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 2.41± acres of land from R-2 (Residential, 2 dwelling units per acre) to MU (Mixed Use). The application includes a development plan for mixed use for up to 24 residential units and up to 24,000 sq. ft. of commercial space. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) The Development Plan for the MU Zoning expires 11/30/14.

**Case #2010-175. Corazon Santo Rezoning to R-6.** Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 6.28± acres of land from R-2 (Residential, 2 dwelling units per acre) to R-6 (Residential, 6 dwelling units per acre). The application includes a Development Plan for 40 residential lots. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)

**Case #2010-176. Corazon Santo Preliminary Subdivision Plat.** Monica Montoya, agent for Anasazi MVJV LLC, requests Preliminary Subdivision Plat approval for 40 lots on 6.28 +/- acres located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)

**Case #2012-06. Corazon Santo Final Subdivision Plat.** Monica Montoya, agent for Anasazi MVJV, LLC, requests Final Subdivision Plat approval for 40 lots on 6.28± acres located south and west of the intersection of Agua Fria and Harrison Road. The property is zoned R-6 (Residential, 6 dwelling units per acre). (Donna Wynant, Case Manager) The Final Subdivision Plat expires on 4/5/15.

Dear Mr. Siebert

The General Plan Amendment and the two Rezoning cases (to MU and R-6) as listed above were approved by City Council 11/30/11 and don't have an expiration date. The Development Plan submitted with the MU Zoning expires 3 years after it was approved on 11/30/11 which will be on 11/30/14.

The Final Subdivision was approved by the Planning Commission on 3/1/12 with Findings of Fact/Conclusions of Law approved on 4/5/12. The Final Subdivision Plat will therefore expire on 4/5/15 which is three years after the Findings of Fact were approved.

Extensions beyond the times stated or amendments of development approvals to the cases above are possible according to §14-3.19 regarding "Expiration, Extension and Amendment of Development Approvals." Please do not hesitate to call me if you have any other questions regarding this matter.

Donna J. Wynant, AICP  
Land Use Senior Planner  
City of Santa Fe Land Use Department  
200 Lincoln Ave., Box 909  
Santa Fe, NM 87504-0909  
(505) 955-6325  
(505) 955-6829 (fax)  
[djwynant@santafenm.gov](mailto:djwynant@santafenm.gov)





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

Case #2014-106

Villas de Sophia Final Development Plan  
Villas de Sophia Final Subdivision Plat

Owner/Applicant's Name – Ted Chagaris

Agent's Name – Monica Montoya

THIS MATTER came before the Planning Commission (Commission) for hearing on December 4, 2014 upon the application (Application) of Monica Montoya, as agent for Ted Chagaris (Applicant).

The Applicant requests a Final Development Plan and Final Subdivision Plat to create 6 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, 7 dwelling units per acre, Planned Unit Development) and is located at 1840 Siringo Road, which is south of the intersection of Calle Contento and Siringo Road.

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

FINDINGS OF FACT

Development Plan

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. The Commission has the authority under Code §14-2.3(C)(1) to review and decide applications for development plan approval.
3. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN), notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an ENN meeting [§14-3.1(F)(2)(a)( iv)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. An ENN meeting was held on the Application on January 16, 2014 at the Genoveva Chavez Center;

*Exhibit "2"*

7. Notice of the ENN meeting was properly given.
8. The ENN meeting was attended by representatives of the Applicant, City staff and approximately 8 interested others and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
9. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the development plan and recommending approval by the Commission.
10. A Planned Unit Development (“PUD”) is a zoning overlay and one was adopted for this property as part of the re-zoning in 2007.
11. A development plan was required as a condition of the re-zoning of the property.
12. The Applicant submitted a Development Plan, which was approved at that time.
13. The Applicant has submitted an Amended Development Plan.
14. The Commission has authority under Code § 14-3.8(C)(4) to review amendments to development plans.
15. Code § 14-3.8(C) and § 14-3.19(D) requires applicants for Amended Development Plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the “Submittal Requirements”).
16. The Applicant has complied with the Submittal Requirements.
17. The purpose of the Planned Unit Development is to allow variations to development standards through review of the development plan.
18. The Commission has considered the criteria established by Code §14-5.7(E) and finds the following facts: (1) *the development, design and landscaping standards permitted in the PUD may vary from the standards of the underlying district, provided that findings of fact are made that such variation:*

(a) *Meets the PUD purpose and intent set forth in Subsection 14-5.7(A) by creating a united development that is superior to what would be otherwise be attainable; (b) is appropriate in relation to the overall development [§14-5.7(E)(1)(b)]; and (c) minimizes the impact on surrounding properties [§14-5.7(E)(1)].*

The development standards to which changes are proposed are the following: (a) sheds and portals may encroach into yard setbacks; (b) landscape requirements pertaining to yard walls facing the street may be implemented within the right of way between the sidewalk and the property line. The variations to the development standards are needed because without which it would be difficult to achieve the approved R-7 density on this site. The proposal is a modest infill development that will create additional moderate income housing in a centrally located part of the City. Landscaping development in the right of way adjoining Siringo Road will further enhance the roadway, both for motorists and pedestrians, and promote walkability.

19. The Commission has considered the criteria established by Code §14-5.7(E) and finds the following facts:
  - (2) *The density of population and intensity of land use allowed by the underlying zoning district shall be the overall density and intensity in the PUD. As long as the overall PUD density and intensity remained unchanged, the density and intensity of different local sites within the PUD may vary. [§14-5.7(E)(2)].*

The proposal consists of six single family homes, each 1,762 square feet with two car attached garages. The property is 1.00± acre in size (43,553 square feet) and is zoned R-7/PUD (Residential, 7 dwelling units per acre/Planned Unit Development), which is consistent with its General Plan designation of Residential- Low Density (3 to 7 dwellings per acre).

20. The Commission has considered the criteria established by Code §14-5.7(E) and finds the following facts:

*(3) Examples of the development, design and landscaping standards variable in the PUD include lot size, housing type, housing configuration, yards/setbacks, height, lot coverage, distance between buildings, terrain management and mountainous and difficult terrain. Where no variation of a development, design or landscaping standard has been approved, the development, design or landscaping standard at issue shall be the same as in the underlying district. [§14-5.7(E)(3)].*

The layout as shown in the Amended Development Plan meets minimum setback requirements, except for portals that extend into the 15 foot rear yard and zero lot line between units, also as allowed. The layout as shown in the Amended Development Plan meets landscape requirements, except landscape requirements pertaining to yard walls facing the street may be implemented within the right of way between the sidewalk and the property line.

21. Code § 14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of area and to implement the policies of the general plan. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

### The Final Subdivision

22. The Commission heard reports from staff and received testimony and evidence from the Applicant; there were no members of the public in attendance to speak.

23. Pursuant to Santa Fe City Code (Code) §14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats and development plans.

24. Pursuant to Code §14-3.7(A)(1)(b) subdivisions of land must be approved by the Commission.

25. Code §14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [Code §14-3.7(B)(4)] and criteria for the Commission's approval [Code §14-3.7(C)] (collectively, the Applicable Requirements).

26. Code §14-9 sets out infrastructure design, improvement, and dedication standards and requirements.

27. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code §14-3.1(F) for subdivision plats.

28. Code §14-3.1(F)(2)(a)(v) requires an ENN for subdivision plats, except for final subdivision plats for which ENN procedures were followed at the preliminary plat review stage.

29. An ENN meeting was held on the Application on January 16, 2014 at the Genoveva Chavez Center in accordance with the notice requirement of Code § 14-3.1(F)(3)(a); therefore no ENN is required for final subdivision plat approval in this case.
30. The preliminary subdivision plat was approved by the Commission on October 2, 2014.
31. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
32. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.
33. Code § 14-9.2(C)(6)(c) provides that streets along the boundaries of subdivisions are not permitted unless the Planning Commission determines that “an interim width or level of improvements provides safe and adequate service as part of an enforceable plan for the phased completion of the improvements.” The finding for interim improvements can be supported for this subdivision because:
  - a. The Fire Marshal and the Traffic Engineer have recommended approval of the proposed 36-foot width and improvements.
  - b. Development of the adjoining vacant property to the west will provide an opportunity for the city to require dedication of additional right-of-way and upgrades for the improvements.
  - c. It is not clear how many units will ultimately be served by the road. If alternative access routes are provided for development on surrounding properties, it is possible that the city will choose not to require actual dedication of Via Sophia.
  - d. The City Council and Planning Commission approved a narrower interim roadway when the Planned Unit Development rezoning and development plan were approved by Ordinance 2007-41.
34. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.
35. The Applicant shall provide increased landscaping in the parking and driving area to avoid a “motor court” appearance.

#### CONCLUSIONS OF LAW

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

#### **WHEREFORE, IT IS ORDERED ON THE 8th OF JANUARY 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

1. The proposed development plan was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

3. The Commission has the authority under the Code to approve the final subdivision plat and development plan for the Property.
4. The Applicable Requirements have been met.
5. The Commission has the power and authority under the Code to review and approve the Applicant's development plan.
6. The Applicable Requirements have been met.

**WHEREFORE, IT IS ORDERED ON THE DAY OF \_\_\_\_ JANUARY, 2015 BY  
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the development plan and the final subdivision plat for the Property is approved, subject to the Conditions.

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

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

FILED:

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

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

APPROVED AS TO FORM:

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

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

# City of Santa Fe, New Mexico

# memo

**DATE:** Prepared December 19, 2014 for the January 8, 2015 meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Tamara Baer, Planning Manager, Current Planning Division

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

**Case #2014-94. Hart Business Park- Phase II Final Subdivision Plat.** James W. Siebert and Associates, agent for SFCC 599 LLC, requests Final Subdivision Plat approval for 6 lots on 12.03± acres. The property is zoned I-1 (Light Industrial) and is located at 4501 Hart Rd. (Donna Wynant, Case Manager)

## EXECUTIVE SUMMARY

At the November 6, 2014 meeting, Jim Siebert, requested a postponement of the Final Subdivision Plat to allow for another ENN meeting to request a variance from the public street standards for the stub out street from the Hart Court cul-de-sac to the west property line of the subdivision.

Based on further review, staff determined that the project as proposed would not need a variance Provided that the applicant could demonstrate the need for the cul-de-sac.

### 14-9.2(D)(8).

*"Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street."*

The applicant states in his attached letter (Exhibit E) that topography, lot configuration and previous development patterns make it infeasible to construct the stub out to public street standards.

The Planning Commission needs to make a specific finding to determine if the project warrants the cul-de-sac with a 20' wide emergency stub out drive rather than a 52 foot wide street to the west property line to eventually connect to Hart Road as Lots 9 and 10 are developed.

The approximate location and width of the 52 foot wide right-of-way is shown on Exhibit A as it would extend to the west property line of Lot 11 and to Hart Road.

*Exhibit "3"*

## CONCLUSION:

The Land Use Department does not believe the applicant has demonstrated that "topography, lot configuration or previous development patterns or other natural or built features prevent continuation of the street."

## ATTACHMENTS:

- EXHIBIT A: Approximate location of 52' wide right-of-way as shown on applicant's topo map.
- EXHIBIT B: Photos of emergency road west of Hart Court cul-de-sac.
- EXHIBIT C: DRT Conditions of Approval – for Preliminary Subdivision Plat and Final Subdivision Plat.
- EXHIBIT D: Follow-up comments from DRT.
- EXHIBIT E: PC Minutes, November 6, 2014 for Case #2014-94, Hart Business Park- Phase II Final Subdivision Plat.
- EXHIBIT F: 12/4/14 Letter from James W. Siebert & Associates, Inc.

# Hart Business Park: Phase II Final Subdivision Plat

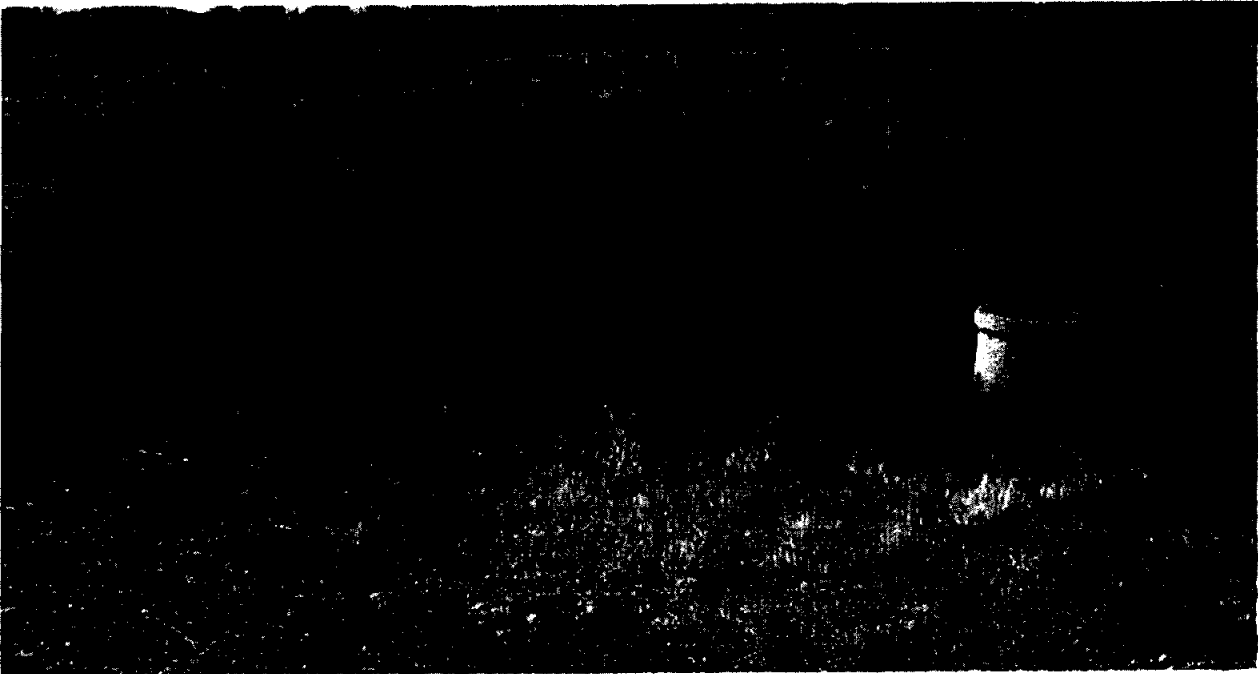




**Hart Business Park:  
Phase II Final Subdivision Plat**

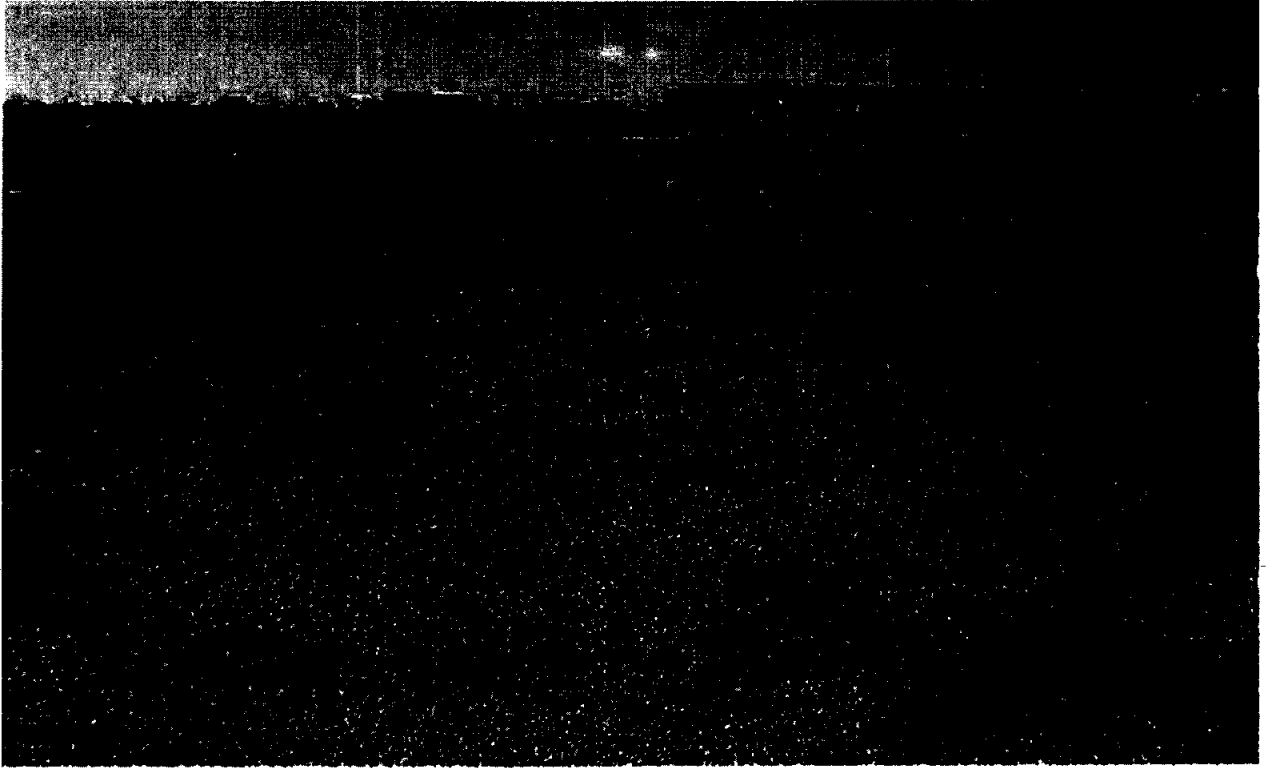


Existing emergency road from cul-de-sac looking west toward south side of where stub out road would extend to property line.



Existing emergency road from cul-de-sac looking west toward south side of where stub out road would extend to property line.

**Hart Business Park:  
Phase II Final Subdivision Plat**



**View from cul-de-sac towards emergency road.**

# Hart Business Park Subdivision Phase II

Preliminary Subdivision Plat (Case #2014-70)

Final Subdivision Plat (Case #2014-94)

DRT Conditions of Approval	Department	Staff
<p><b>Preliminary Subdivision Plat:</b></p> <ul style="list-style-type: none"> <li>The preferred street tree location is in the 5 foot planting strip between back of curb and sidewalk. Revise to accommodate this preferred location if at all possible.</li> <li>Street trees must be irrigated and shall be maintained by either the adjacent property owner(s) or by the business owners association. Place a note on the Plat to this effect.</li> <li>There are a few unfinished items from Phase I that must be completed prior to recording of the Phase II Plat. A list has been submitted to the applicant and work on these items is in process.</li> </ul> <p><b>FINAL SUBDIVISION PLAT:</b></p> <ul style="list-style-type: none"> <li>Regarding the street design with sidewalk, provide on south side of Hart Court only: Place a note on the plat that states: <i>"in the event that Lot 10 accesses Hart Court, a sidewalk will be required by the developer along their frontage."</i></li> </ul>	Tech Review Div/Land Use	Risana Zaxus
<p><b>Preliminary Subdivision Plat:</b></p> <ul style="list-style-type: none"> <li>The Developer shall revise the design of Hart Court roadway so that the grade of the road is less than or equal to 2% for at least 60' beyond the edge of the traveled way on Hart Road.</li> <li>The Developer shall provide design and placement information for the proposed business identification sign, which is planned near the entrance of the subdivision, to the Public Works Department, Traffic Engineering Division prior to installing.</li> </ul> <p><b>FINAL SUBDIVISION PLAT:</b></p> <ul style="list-style-type: none"> <li>The Developer shall revise the plat to include a 52' wide ROW from the cul-de-sac on Hart Court aligned with the existing 20' wide emergency access/sewer easement and extending to the intersection of this existing easement and the northern boundary of Lot 11.</li> <li>The Developer shall provide a design for this stub-out road segment within the ROW described above.</li> </ul>	Traffic Engineering/Public Works	Sandra Kassens for John Romero

EXHIBIT



## Hart Business Park Subdivision Phase II

Preliminary Subdivision Plat (Case #2014-70)

Final Subdivision Plat (Case #2014-94)

<ul style="list-style-type: none"> <li>○ This design shall consist of plan and profile drawings that include curb and gutter, sidewalk, and ADA details.</li> <li>○ Provide cross-sections at relevant drainage locations such as the 30" corrugated metal pipe that crosses the proposed roadway at the northern terminus of this stub-out road.</li> <li>• The Developer shall at the time of development of Lot 11, build this stub-out road.</li> </ul>		
<p><b>Preliminary Subdivision Plat:</b></p> <ul style="list-style-type: none"> <li>• There existing gravel/base course sewer access road shall be restored between the existing sewer tie in manhole and new sewer manhole 4.</li> </ul> <p><b><u>FINAL SUBDIVISION PLAT:</u></b></p> <ul style="list-style-type: none"> <li>• There is a conflict with the proposed public water and sewer line crossing upstream from the proposed sewer manhole 4. Due to the approximate 4 foot deep sewer line the water line will need to pass under the sewer line. There shall be a minimum of 18 inch vertical separation between the water and sewer lines. The sewer pipe between the exiting tie in manhole and new manhole 4 shall be pressure class pipe and there shall be a lean fill encasement of the sewer line for a minimum of 5 feet to either side of the water line crossing. The detail for this crossing shall be added to the plan set.</li> <li>• The existing gravel/base course sewer access road shall be restored between the existing sewer tie in manhole and new sewer manhole 4</li> </ul>	Wastewater Management/Public Works	Stan Holland
<p><b>Preliminary Subdivision Plat:</b></p> <ul style="list-style-type: none"> <li>• Shall Comply with International Fire Code (IFC) 2009 Edition.</li> <li>• Fire Department Access shall not be less than 20 feet width, may require engineered structure to meet the weight of the fire department apparatus over drainage easement.</li> <li>• Fire Department shall have 150 feet distance to any portion of the building on any new construction.</li> <li>• Shall have water supply that meets fire flow requirements as per IFC, shall meet the IFC distance requirements to the nearest hydrant.</li> <li>• All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width</li> </ul>	Fire Marshal	Reynaldo Gonzales

# Hart Business Park Subdivision Phase II

Preliminary Subdivision Plat (Case #2014-70)

Final Subdivision Plat (Case #2014-94)

<p><b><u>FINAL SUBDIVISION PLAT:</u></b></p> <ul style="list-style-type: none"> <li>• Shall Comply with International Fire Code (IFC) 2009 Edition.</li> <li>• Fire Department Access shall not be less than 20 feet width, may require engineered structure to meet the weight of the fire department apparatus over drainage easement.</li> <li>• Fire Department shall have 150 feet distance to any portion of the building on any new construction.</li> <li>• Shall have water supply that meets fire flow requirements as per IFC, shall meet the IFC distance requirements to the nearest hydrant.</li> <li>• All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.</li> <li>• Shall provide emergency access thru-way or meet 96' diameter cul-de-sac required by IFC for dead end roadway.</li> </ul>			<p><b><u>Preliminary Subdivision Plat:</u></b></p> <ul style="list-style-type: none"> <li>• The proposed development will require a main extension with individual metered service connections for each lot. The water plan for this phase must be approved by the Water Division prior to issuance of an Agreement to construct and Dedicated for the water main extension.</li> <li>• Fire Service requirements will have to be determined by the Fire Department prior to development.</li> </ul> <p><b><u>FINAL SUBDIVISION PLAT:</u></b></p> <ul style="list-style-type: none"> <li>• The proposed development will require a main extension with individual metered service connections for each lot. The water plan for this phase must be approved by the Water Division prior to issuance of an Agreement to Construct and Dedicate for the water main extension. The proposed water plan does not contain individual metered service connections for each lot.</li> <li>• Although the general layout appears acceptable, the developer has not included service connections and water meter cans to each property. There is a note stating "Water services are to be constructed by the individual lot owner when development begins on their property." The service connections and water meter cans must be installed when the water line is installed. The Utility Expansion Charges must also be paid at the time the Agreement to</li> </ul>	<p>Water Division</p> <p>Dee Beingssner</p>
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## Hart Business Park Subdivision Phase II

Preliminary Subdivision Plat (Case #2014-70)

Final Subdivision Plat (Case #2014-94)

<ul style="list-style-type: none"> <li>Construct and Dedicate the water main is issued.</li> <li>The water main may not be able to meet the 18" required vertical separation from the top of the sewer to the bottom of the water main. Also the water main will have to cross under the sewer in at least one location. Some design compensation for the construction of the sewer must be approved prior to construction to ensure that the sewer does not leak and contaminate the water main. Ductile iron pipe will be required for the crossing of the water main under the sewer.</li> <li>Fire Service requirements are addressed by the Fire Department.</li> </ul>		
<p><b>Preliminary Subdivision Plat:</b></p> <ul style="list-style-type: none"> <li>Provide Lighting and Photometric Plan.</li> <li>Cul-de-Sac not allowed per 14-9.2(D)(8) as a dead end street. Provide a stub out to access emergency access road.</li> <li>Make revisions in plant list on Landscape Plan per red line comments.</li> </ul> <p><b>FINAL SUBDIVISION PLAT:</b></p> <ul style="list-style-type: none"> <li>Addressing of properties shall be done prior to recordation of the plat. Planning Commission approves the street name of "Hart Court."</li> </ul>	Case Manager, Land Use Department	Donna Wynant

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Fire Marshal, Reynaldo Gonzales' comment below:

**FINAL SUBDIVISION PLAT:**

- Shall Comply with International Fire Code (IFC) 2009 Edition.
- Fire Department Access shall not be less than 20 feet width, may require engineered structure to meet the weight of the fire department apparatus over drainage easement.
- Fire Department shall have 150 feet distance to any portion of the building on any new construction.
- Shall have water supply that meets fire flow requirements as per IFC, shall meet the IFC distance requirements to the nearest hydrant.
- All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.
- Shall provide emergency access thru way or meet 96' diameter cul-de-sac required by IFC for dead end roadway.

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Traffic Engineer, John Romero's email below:

**From:** ROMERO, JOHN J  
**Sent:** Thursday, December 11, 2014 3:09 PM  
**To:** WYNANT, DONNA J.  
**Cc:** BAER, TAMARA  
**Subject:** RE: Hart Business Park

I don't see a design of the road connection. My point is that if Jim wants to claim that it is unfeasible from a topography perspective, he should provide a design of the extension to demonstrate its impact on the existing topography.

Ms. Baer said that is correct, "or they would be referenced, they wouldn't necessarily be recorded with it, they would be referenced."

**MOTION:** Commissioner Pava moved, seconded by Commissioner Padilla, to approve Case #2014-101, 2 Family Lane Certificate of Compliance, subject to all conditions of approval as recommended by staff in the Staff Report [Exhibit "2"].

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, Padilla, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [7-0].



2. **CASE #2014-94. HART BUSINESS PARK – PHASE II FINAL SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR SFGG CCSF 599, LLC, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR 6 LOTS ON 12.03± ACRES. THE PROPERTY IS ZONED I-1 (LIGHT INDUSTRIAL) AND IS LOCATED AT 4501 HART ROAD. (DONNA WYNANT, CASE MANAGER)**

A Memorandum, with attachments, prepared October 22, 2014, for the November 6, 2014 meeting, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "4."

**Recommendation:** Staff recommends approval of the Final Subdivision Plat subject to the conditions of approval as outlined in the attached Table, Exhibit A-1, to the Staff Report [Exhibit "4"].

A copy of the Hart Business Park Master Utility Plan which was submitted in 2008 for the entire subdivision, presented for the record by Jim Siebert, is incorporated herewith to these minutes as Exhibit "5."

A copy of the relevant portion of Section 14-9.2(C) Street Design Engineering Standards, presented for the record by Jim Siebert, is incorporated herewith to these minutes as Exhibit "6."

The *Hart Business Park Lot 11, Final Plat*, with attachments, is on file in, and copies can be obtained from, the Land Use Department.

Donna Wynant presented information in this case. Please see Exhibit "4," for specifics of this presentation. Ms. Wynant said, "I think in the report there are a couple of mistakes, or at least and I'll point that out as well as in the Traffic Engineer's comments. The 10 foot wide planter should read west side of the street."



## Public Hearing

### Presentation by the Applicant

**James W. Siebert, 915 Mercer, Agent for the owner was sworn.** Mr. Siebert presented information using enlarged maps and drawings which are contained in the Commission packet. Mr. Siebert said, "Let me start with the issue of the sidewalk. This is what they would call a single loaded subdivision. The road comes down and then all the lots are facing off one side. There's no lots on the other side of the road. There is significant drainage that comes down through 'here' and into a pond. Then some of the drainage that comes through 'here' also goes down into the pond, really three different locations, 'this' tract and then it falls off rather steeply from the roadway. So really, 'this' tract is never going to be divided. 'This' is a very large tract that sits 'here.' We're agreed to putting a condition on the plat, should this ever develop, which I don't see how it's possible, that they would be obligated to put in a sidewalk on 'this' side here."

Mr. Siebert continued, "I would like discussion on one matter in the conditions. And I'll spend just a little bit of time explaining why that is an issue. And it's under the Traffic Conditions, and it's the very top one, the first page, at the very top and it talks about a stub-out. And let me explain what the situation is on the stub-out is. One of these drawings is not in the packet. I can leave it with you, Recorder, if you want, the one I'm going to show right now. So what the situation is, this is Hart Road. This is being constructed. This is the subdivision we're looking at in the cul-de-sac 'here.' And what Traffic has requested is a stub-out from the end of the cul-de-sac to the end of the property line. What happens is that there is a 20 foot easement and existing roadway that also serves as access to the sewer. And that will also become the emergency access, and also kind of a nice walking path between the two."

Mr. Siebert continued, "The problem here that arises, and we did the preliminary plat, we didn't have the same level of engineering and grading that we had with the first plat. This actually shows a sidewalk which is grade 2 additional planning, which we've agreed to and a 20 foot access here. What happens is you can see easily with this section, is that the grading basically *[inaudible]* to the bottom of the slope. If we build a 52 foot section, which would be 'this' section right here, you can see what happens. We would have to considerably steepen-up that particular slope area. It's hard to stabilize. We feel that a 52 foot stub-out at this location really isn't necessary. So we would ask for your consideration where we could build this as a 20 foot base course road, a 5 foot sidewalk and planting on that in lieu of a 52 foot wide roadway that really goes to nowhere."

Mr. Siebert continued, "And with that, I will answer any questions you have."

### Speaking to the Request

There was no one speaking to the request.

### The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Schackel-Bordegary asked staff what is the purpose of the 52 foot stub-out.

Ms. Baer said, "Our Code requires that roads be connected unless there is some reason that they can't be. If you see the yellow line on the drawing that is on the floor now, there is already a road there which the Fire Marshal has said can be used for emergency access. And if the lots on either side of that yellow line are developed, it seems reasonable that road would developed, and there would be a loop and Hart Court would then connect back up to Hart Drive. So there's another condition that actually enters into this discussion and that's the one from the Fire Marshal. The Fire Marshal has said the cul de sac as shown is too small for his fire trucks to turn around in. He said the alternate to making it significantly larger, and specifically, it's Condition No. 6 from the Fire Marshal [which says], shall provide an emergency access through-way, which would run through this stub-out, or a 96 foot diameter cul de sac at the end of that, or Hart Court. So, both the Traffic Engineer and the Fire Marshal are suggesting that stub-out would then be a further continuation of Hart Court in the future. And that's also what Chapter 14 requires, that unless there is some reason that a road can't continue, that is shall be stubbed-out to continue in the future, as opposed to providing a dead end."

Commissioner Pava said, "That was a good follow-up question and we're probably going to want to discuss that a whole lot more. I was going to ask about sewer and water line and where they cross, where that's actually located. I was having a little problem with that, but I could wait on that if.... this seems to be the big issue right here. If it's for continuity, I'll just hold off on that question."

Commissioner Padilla said, "The request from the applicant for us to consider the exclusion of the 50 foot right of way as has been presented by the Traffic Engineer, seems a little late in the game for us to be considering now, especially without the Traffic Engineer present at this meeting. So I'm concerned with that, and it would almost be an issue that if that is the direction the Applicant would like to go, I would say it would almost require that we postpone this for that to be reviewed. For the Applicant to be able to discuss that with the Traffic Engineer to make sure that is allowable. The requirement from the Fire Department of the 96 versus the 80 foot diameter base course drive that's there, I would assume that's not improved yet, that Hart Court has not been developed yet. So going to a 96 foot diameter, as opposed to the 80 foot, would be an approach that the Applicant may want to look at to be able to ask the Traffic Engineering for the 20 foot wide easement, as opposed to the 50 foot they're calling for. Because then it allows the fire truck to be able to turn into Hart Court and come back, in essence to have continuity of travel for them in an emergency condition. Just a comment that I wanted to make, so no action yet on it, but wanted to make that comment."

Commissioner Ortiz said, "I'm looking at the Grading and Drainage Plan, it's actually for you Mr. Siebert. I know you propose some things with that stub-out, but I see the restrictions on that cul-de-sac. You really can't make that cul-de-sac any larger because you have a steep drop-off which would be the south end. But if you redesign that cul-de-sac to angle in a little bit, maybe you could accomplish that. So, like Mr. Padilla said, there's some things we're trying to consider at this point, but it's kind of late. And I don't know what kind of discussion you've had with our Traffic Engineer on this particular aspect."

Mr. Siebert handed out two exhibits. He said, "Let me say first, that I have actually talked to Sandra Kassens about this. We'd be happy to table this and have somebody from Traffic show up next time. We have no problem with that whatsoever. The two exhibits I'm going to hand out [Exhibits "5" and "6"... the first exhibit shows the Plan that was submitted in 2008 for the entire subdivision. You will not that we basically have maintained the same concept. The purpose of this is just to say back in 2008, the concept was always that we would have a cul-de-sac along #599. And the reason is that there are two major crossings that take place. We would just as soon to not have to loop the road back for those crossings. So we have always maintained the design that was originally approved back in 2004. So that the idea that there would be a continuation of this roadway frankly doesn't make sense. If you look at lot 2 and lot 3, they are very big lots. Their access is off Hart Road. There is no reason for them to go back to the south end of the lot to come back to Hart Road. It was never designed that way. It was never anticipated that way."

Mr. Siebert continued, "The other exhibit is out of the Code, and it's Section 14-9.2(C)(6)(a) which says:

*Following are construction engineering standards. Each street shall terminate in a cul-de-sac or other approved turnaround, except where the Planning Commission or Summary Committee requires a street to be stubbed out at a property boundary in anticipation of future extension.*

So that you have charges. Do you think there will be a future extension on that stub-out, and there is my opinion there is never going to be a future extension."

Mr. Siebert continued, "We would be happy to table this and have Fire come to the meeting and have someone from Traffic come to the meeting."

Chair Harris said before we consider that, I would like to add one thing. Because when I read this Condition No. 6 from the Fire Marshal where it says, 'Shall provide emergency access through-way,' in everything we've seen in the preliminary subdivision plat as well as this, I had thought the 20-foot easement was in fact the emergency access through-way. Or meet the 90-foot diameter. Unless I'm misinterpreting it, I thought this condition would be met with the 20-foot access easement that runs to Hart Road."

Ms. Baer said, "We had this discussion with the preliminary plat, and at that time, it was made clear that one of the conditions of approval was that road stub-out to the property line, at the full right of way width. And they agreed to it at preliminary. So this is news to us, we didn't hear about this until this afternoon. So when we had this discussion with the Fire Marshal, it was our understanding, based on the preliminary plat that it would not pay that 20 foot right of way, but in fact it would be the full.... and there may be some confusion on that point, but that was certainly our understanding."

Chair said, "I think we need to review the record. I just don't remember exactly what was approved. I'm surprised. Maybe, Mr. Siebert, this is something you've worked on, was that a condition that was placed on the preliminary plat."

Mr. Siebert said, "We have had discussions, face to face discussions with Fire, and they're perfectly acceptable to the 20 foot wide base course roadway, providing it can support the weight of a 75,000 pound vehicle, which talking to our engineer, it can't. And it's always been part of our proposal to use that as the emergency access road."

Chair Harris said, "Okay, and you've said that. But again, my question is, do you recall, was there a condition of approval placed on the preliminary subdivision plat that really spoke to this stub-out."

Mr. Siebert said, "There was a condition that spoke to the stub-out, but the way it was worded, I didn't fully understand it. The other thing that came out is that once we did the engineering design and found out what the impact was, in terms of the grading, it became a condition we would have to reconsider in any case."

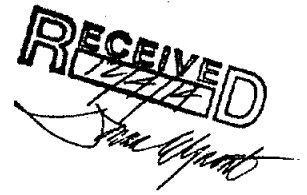
Chair Harris said, "If I understand things correctly, just a point of clarification, rather than tabling, if we choose to delay, it would be a postponement, and we have to identify the meeting at which the case would be re-heard."

Ms. Baer said that is correct, or if you postpone it would be a date certain, presumably the next meeting, or whatever date you choose.

**MOTION:** Commissioner Pava moved, seconded by Commissioner Padilla, to postpone Case #20-14-94 Final Subdivision Plat for the Hart Business Park Subdivision Phase 2, to the Planning Commission meeting of December 4, 2014.

**DISCUSSION:** Chair Harris said, "I would like to say the obvious thing, which is that there be discussion between the Applicant and staff, but I would want to make sure we have a representative from the Fire Marshal's Office as well as from Traffic to speak directly. And I would also like to see all conditions that were placed, just a summary of the conditions that were placed on the Preliminary Subdivision Plat. I don't need to see them now, I saw that, but for the December 4<sup>th</sup> meeting. Thank you."

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, Padilla, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [7-0].



**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

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**915 MERCER STREET \* SANTA FE, NEW MEXICO 87505**

**(505) 983-5588 \* FAX (505) 989-7313**

**jim@jwsiebert.com**

December 4, 2014

Donna Wynant  
Current Planning Division Manager  
P.O. Box 909  
Santa Fe, NM 87504

Re: Case #2014-70 Hart Business Park, Phase 2

Dear Ms. Wynant:

This letter responds to the reasons that my client is requesting a consideration by the Planning Commission of a waiver of the requirement that cul-de-sacs and dead-end streets are no longer permitted in the design of subdivisions or development plans. More specifically the pertinent section of the City Code reads: "Cul-de-sacs and other dead-end streets, both public and private may be constructed only if the topography, lot configuration, previous development patterns or other natural or built features prevent the continuation of the street".

I have underlined the exceptions and the reason they apply to the Hart Business Park. Each of these exceptions is addressed below:

**Topography**

With regard to topography I have attached as Exhibit 1 the slope map for the Hart Business Park presented as part of the application for the larger subdivision in 2008. It is clear from the slope map that the design of the cul-de-sac on lot 11 was intentional to avoid the steeper slopes to the west of the cul-de-sac. The cul-de-sac was not a haphazard design decision but was a reflection of the topography within the Park and the desire to avoid crossing steep slopes with a roadway

EXHIBIT F

that was not required at the time of the initial subdivision approval. As can be seen on Exhibit 1 lot 11 is situated on a long flat ridge that is isolated by a major drainage located just outside the western boundary of the lot, which topographically defined the design for lot 11.

### **Lot Configuration**

In 2006 when the annexation, annexation master plan and zoning were approved by the City Council there was a conscious decision to separate Lot 11 from the remainder of the Hart Business Park for terrain considerations and as part of a marketing strategy. The marketing consideration at the time was to create larger lots since there were no business parks in Santa Fe that had the ability to provide a location for businesses needing larger acreages (see Exhibit 2, Hart Business Park Master Plan). The desire on the part of FedEx Ground to locate in the Hart Business Park (which it did) seemed to corroborate that marketing strategy at the time.

A connection from the end of what is now called Hart Court to Hart Road was not contemplated since that would have been contrary to the design purpose of the Park to allow for larger businesses to locate in the Park.

The larger lots in the Hart Business Park are largely defined by the drainages with the property lines consistent with the major drainages (see Exhibit 3). These drainages then served as logical locations for storm water detention ponds since they are located at the lowest point on the lot.

The extension of the Hart Court cul-de-sac to Hart Road would cut through Lots 9 and 10 as shown on Exhibit 4. This would create a defacto lot on either side of the roadway with Lot 9 pretty much cut in half and Lot 10 left with a useless parcel on the south side of this projected roadway. On lot 10 this action would nullify the original concept behind the design of the Park creating a less useable lot for businesses requiring larger acreages.

### **Previous Development Patterns**

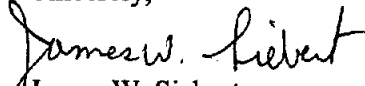
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In 2011 the City Council approved various amendments to the Land Development Code including the provision that cul-de-sacs are prohibited with certain exceptions. The provision eliminating cul-de-sacs which was adopted 5 years after the rezoning and master plan approval and 3 years after the final plat approval, retroactively having a significant negative impact on the previously approved development pattern for the Hart Business Park.

Hart BP  
Donna Wynant  
December 4, 2014  
Page 3 of 3

While financial cost is not considered as one of the exceptions to the cul-de-sac provision the cost to extend the road and put in water and dry utilities would be on the order of \$400,000 which seems excessive to comply with a standard that became effective in 2011.

Sincerely,

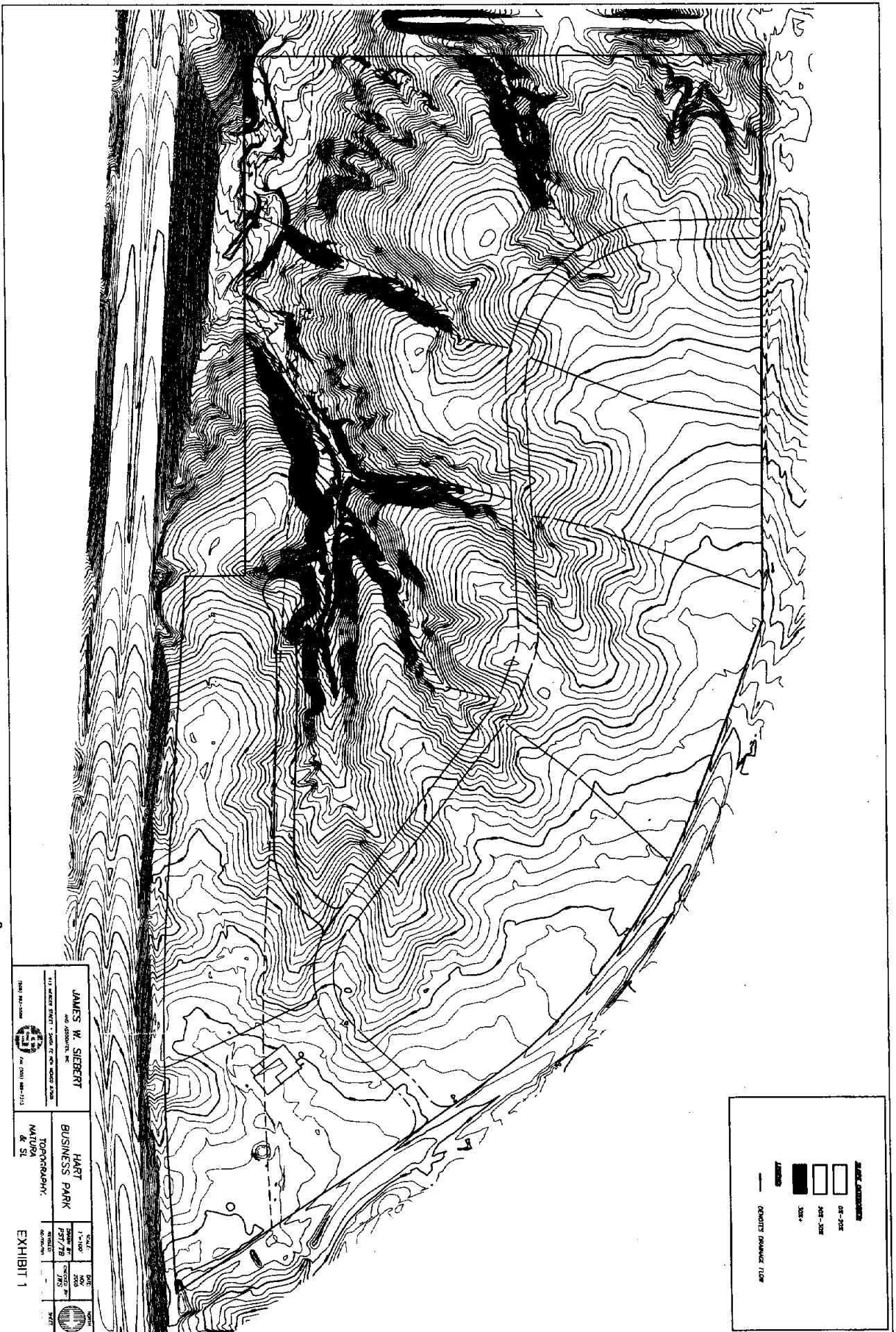
  
James W. Siebert

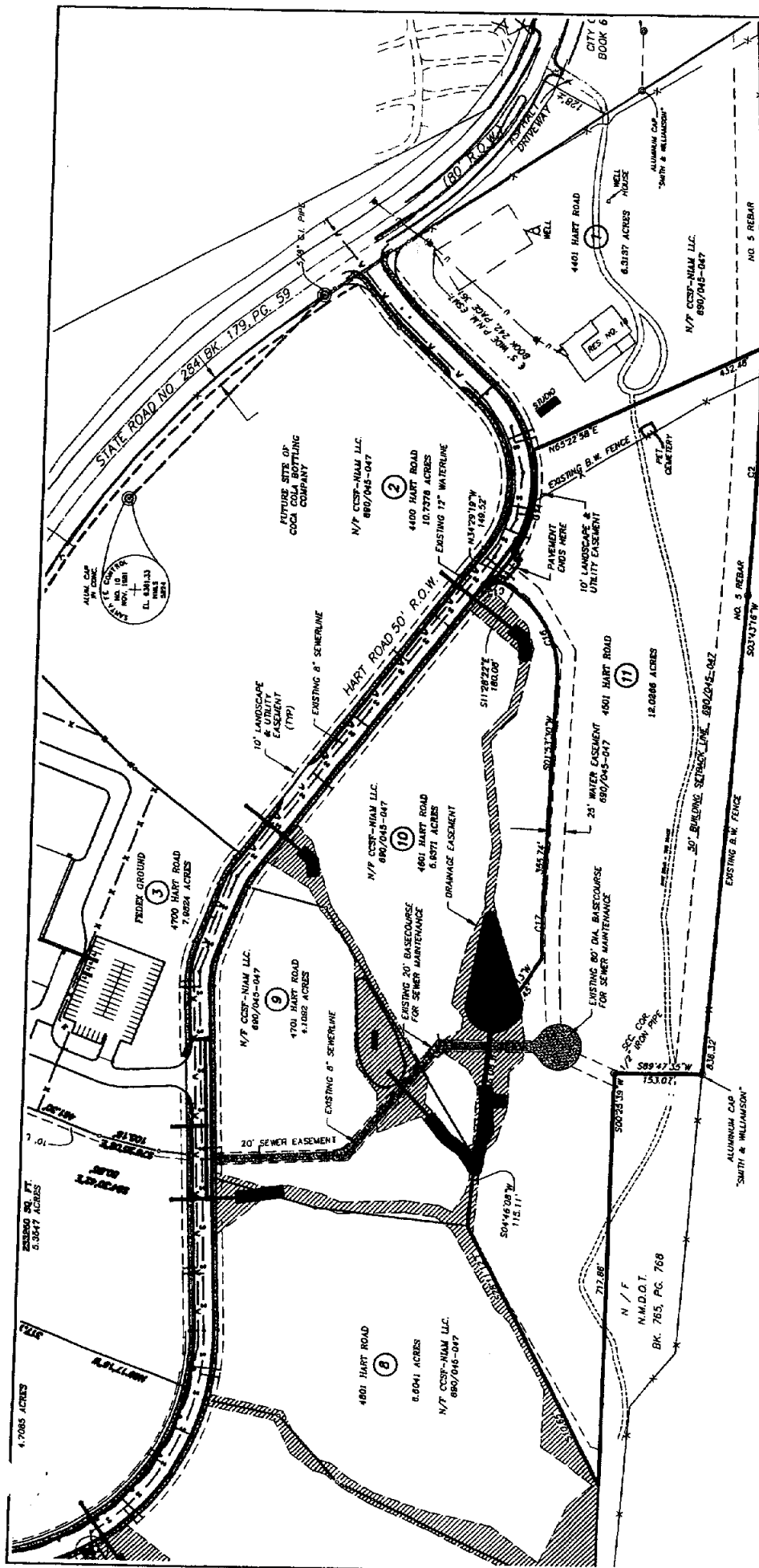
Xc: John Rice  
Barry Kiess







\* Original is available in the Clerk's office.








CITY OF SANTA FE RELIEF ROUTE  
(STATE ROAD 509)  
PROJ. NO. DE-(F)-0107(802)  
BX. 665, PG. 373  
(300' R.O.W.)

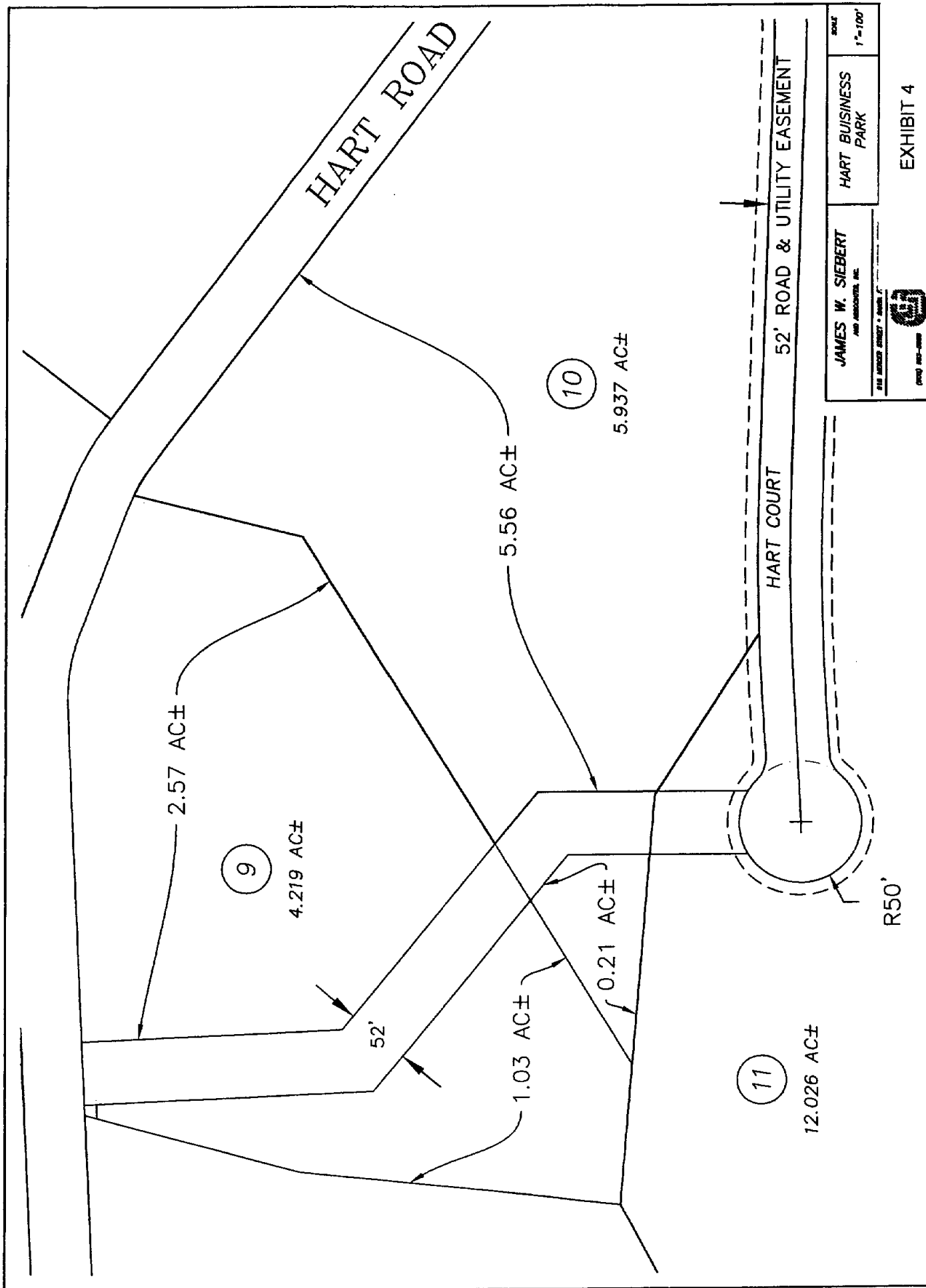
**LEGEND:**

	<b>EROSION CONTROL RIG-RAP</b>
	<b>DEDICATED DRAINAGE EASEMENT</b>

INFORMATION DERIVED FROM PLAT RECORDED IN  
BOOK 690, PAGES 045-047

[illegible]

JAMES W. SIEBERT AND ASSOCIATES, INC. 	HART BUSINESS PARK, LOT 11		SIZE 1"=80' 10' 0"	DATE MAY 20, 1984	NORTH 
	EXISTING CONDITIONS		SCALE 1"=80' 10' 0"	DATE MAY 20, 1984	NORTH 



<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. <small>214 JAMES STREET • SUITE 100          (910) 342-2000</small>	<b>HART BUSINESS PARK</b> <small>SCALE          1"=100'</small>
--	--



**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

---

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December 4, 2014

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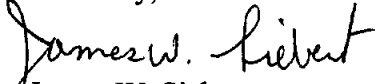
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Hart BP  
Donna Wynant  
December 4, 2014  
Page 3 of 3

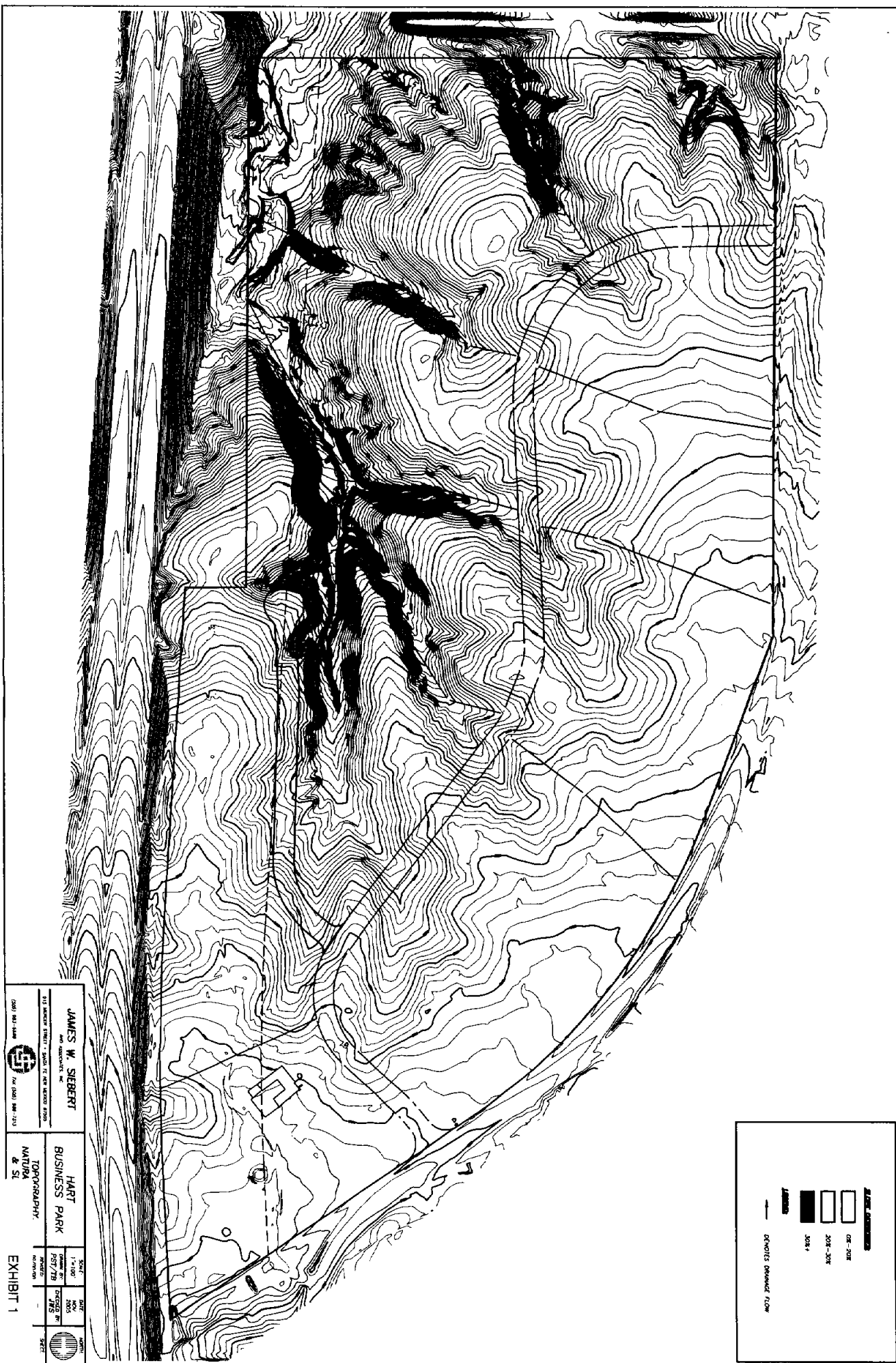
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James W. Siebert

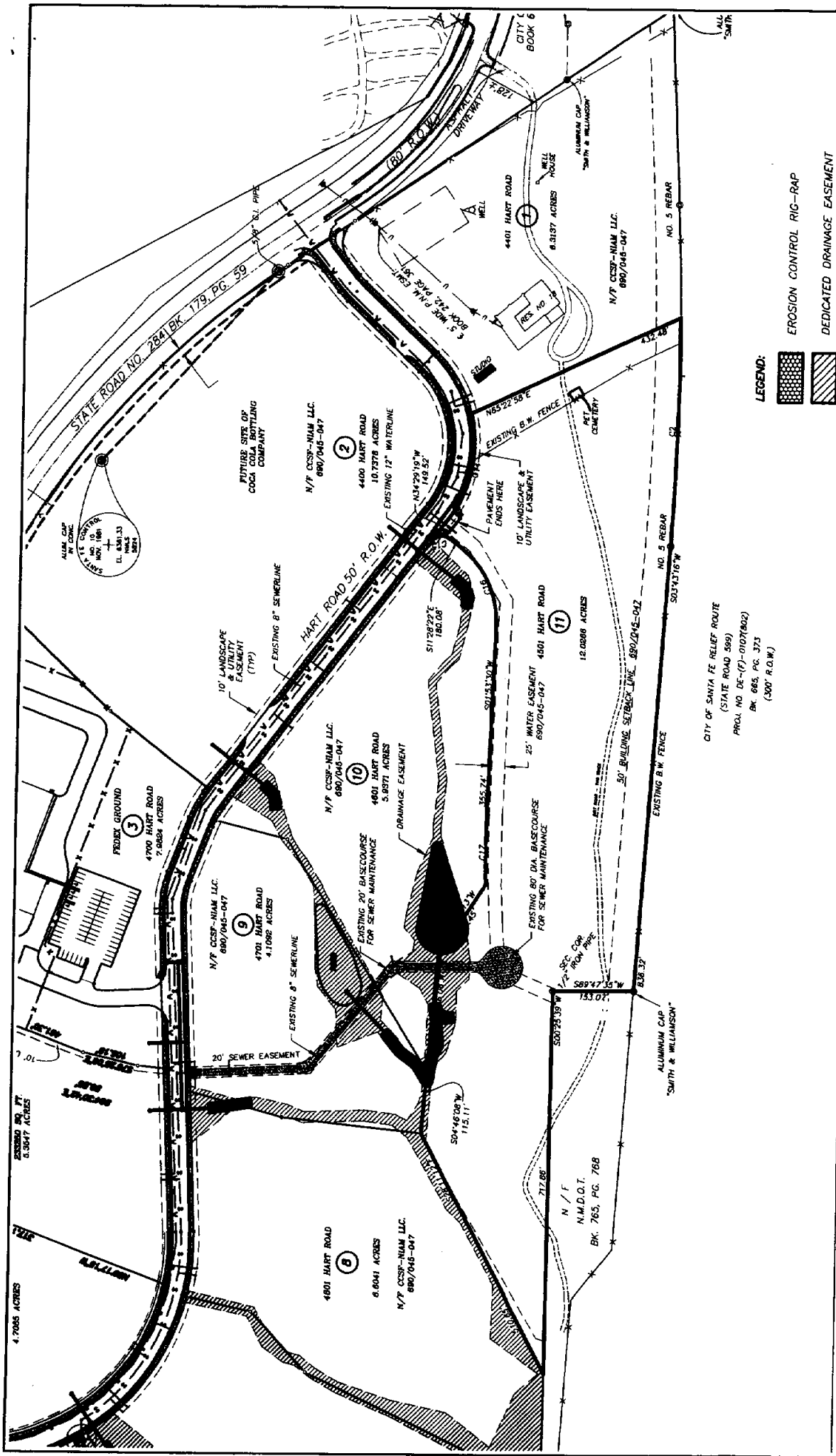
Xc: John Rice  
Barry Kiess

\* Original  
is available  
in the  
Clerk's office









**LEGEND:**

EROSION CONTROL RIG-RAP

DEDICATED DRAINAGE EASEMENT

INFORMATION DERIVED FROM PLAT RECORDED IN  
BOOK 690, PAGES 045-047

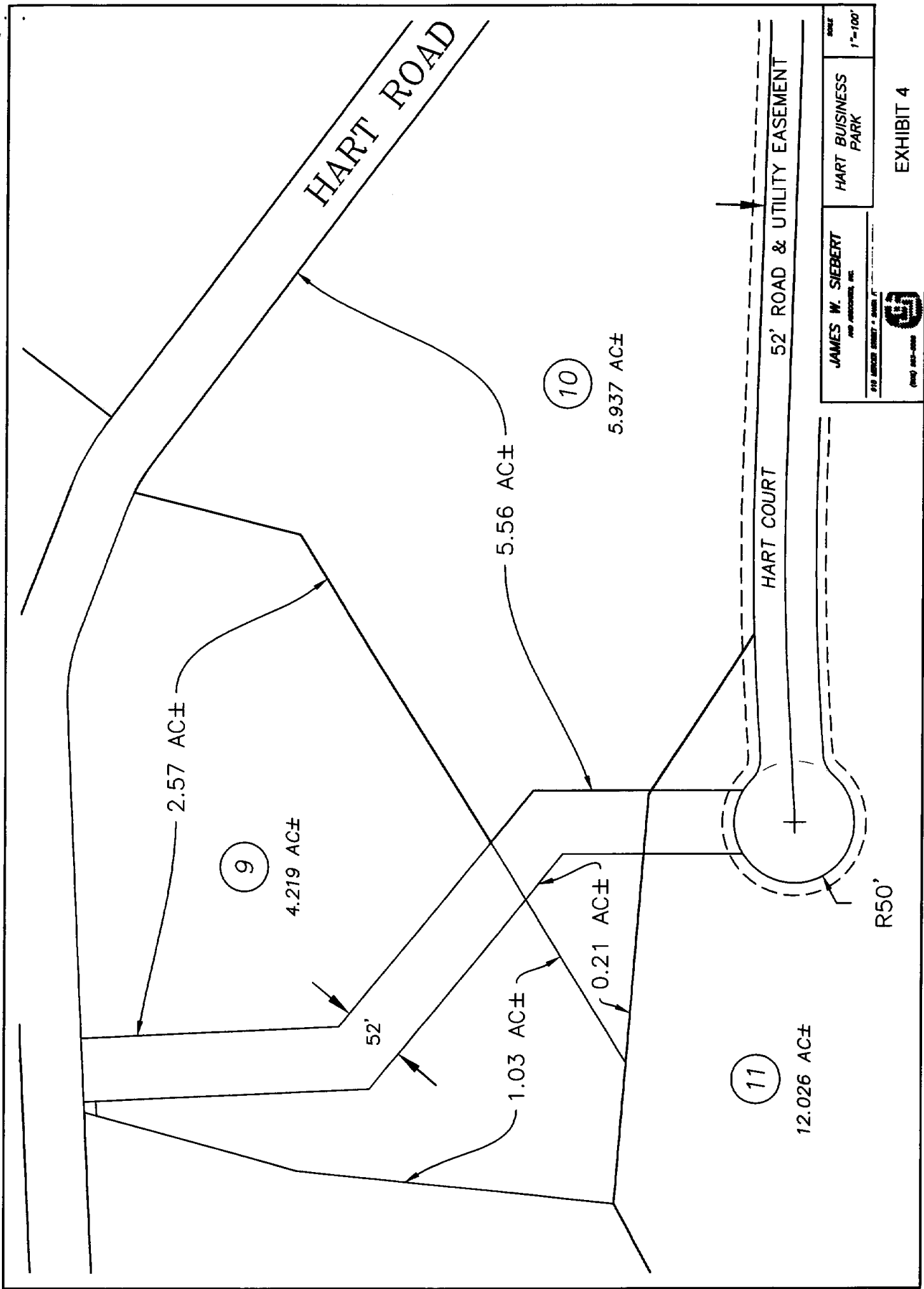
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C2	111.47	111.47	N 111.47° E	111.47
C3	111.47	111.47	N 111.47° E	111.47
C4	111.47	111.47	N 111.47° E	111.47
C5	111.47	111.47	N 111.47° E	111.47
C6	111.47	111.47	N 111.47° E	111.47
C7	111.47	111.47	N 111.47° E	111.47

JAMES W. SEBERT  
AND ASSOCIATES, INC.

HART BUSINESS  
PARK, LOT 11

EXISTING  
CONDITIONS

DATE	BY	SCALE	BOOK	PAGE
05/02/00	JWS	1"=80'	690	445
05/02/00	JWS	1"=80'	690	446
05/02/00	JWS	1"=80'	690	447
05/02/00	JWS	1"=80'	690	448
05/02/00	JWS	1"=80'	690	449
05/02/00	JWS	1"=80'	690	450
05/02/00	JWS	1"=80'	690	451
05/02/00	JWS	1"=80'	690	452
05/02/00	JWS	1"=80'	690	453
05/02/00	JWS	1"=80'	690	454
05/02/00	JWS	1"=80'	690	455
05/02/00	JWS	1"=80'	690	456
05/02/00	JWS	1"=80'	690	457
05/02/00	JWS	1"=80'	690	458
05/02/00	JWS	1"=80'	690	459
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05/02/00	JWS	1"=80'	690	465
05/02/00	JWS	1"=80'	690	466
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05/02/00	JWS	1"=80'	690	471
05/02/00	JWS	1"=80'	690	472
05/02/00	JWS	1"=80'	690	473
05/02/00	JWS	1"=80'	690	474
05/02/00	JWS	1"=80'	690	475
05/02/00	JWS	1"=80'	690	476
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05/02/00	JWS	1"=80'	690	498
05/02/00	JWS	1"=80'	690	499
05/02/00	JWS	1"=80'	690	500



<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 919 LINDSEY STREET • SUITE 17 (919) 462-0000		<b>HART BUSINESS PARK</b>	<b>SCALE</b> 1"=100'
<b>EXHIBIT 4</b>			

HART BUSINESS PARK  
ENGINEERS ESTIMATE - ACCESS ROAD

TABLE 2  
1/8/2015

ITEM NO.	DESCRIPTION	UNIT	APPROX. QUANTITY	UNIT PRICE	EST. PRICE
1	EXCAVATION	C.Y.	705	6	\$4,230.00
2	BORROW	C.Y.	6,100	10	\$61,000.00
3	SUBGRADE PREPARATION - 12"	S.Y.	2,125	\$3.00	\$6,375.00
4	BASECOURSE - 6"	S.Y.	2,125	\$8.00	\$17,000.00
5	HMA SP-IV	S.Y.	2,125	\$24.00	\$51,000.00
6	SIDEWALK 4"	S.Y.	380	\$40.00	\$15,200.00
7	CURB AND GUTTER (2' STD, complete w/ bedding)	L.F.	1,350	\$18.00	\$24,300.00
8	5' VALLEY GUTTER (complete w/ bedding & returns)	S.Y.	100	\$45.00	\$4,500.00
9	JOINT UTILITY TRENCH	L.F.	700	\$6.00	\$4,200.00
10	TYPE I DROP INLET	EA.	2	\$4,500.00	\$9,000.00
11	24" CMP	L.F.	50	\$45.00	\$2,250.00
11	30" CMP	L.F.	30	\$60.00	\$1,800.00
11	24" END SECTION	EA.	2	\$375.00	\$750.00
11	36" END SECTION	L.F.	1	\$475.00	\$475.00
12	WIRE ENCLOSED RIP RAP EROSION CONTROL BLANKETS	C.Y.	5.0	\$190.00	\$950.00
13	8" WATER LINE (with restraints and fittings)	L.F.	700	\$26.00	\$18,200.00
14	6" WATER LINE (with restraints and fittings)	L.F.	50	\$23.00	\$1,150.00
15	8" WATER VALVE AND BOX	EA.	2	\$1,500.00	\$3,000.00
16	6" WATER VALVE AND BOX	EA.	1	\$1,200.00	\$1,200.00
17	FIRE HYDRANT	EA.	1	\$2,800.00	\$2,800.00
18	LANDSCAPE (complete)	S.Y.	1,140	\$15.00	\$17,100.00
19	NEW PANEL SIGNS (compl. in-place, incl. pole, hardware, etc)	EA	4	\$500.00	\$2,000.00
20	STRIPE, 4" PAINT	L.F.	2,700	\$0.75	\$2,025.00
21	STRIPE, 3M 60 MIL (intersection grade)	L.F.	30	\$12.00	\$360.00
				SUBTOTAL	\$250,865.00
22	LOT SURVEY (SETTING FINAL PINS & MONUMENTS, INCL. GROSS RECEIPTS TAX)	EA.	6	\$500.00	\$3,000.00
23	STREET LIGHTS (INCLUDING LUMINARE)	EA.	1	\$3,200.00	\$3,200.00
24	METER PEDESTAL (LIGHTING)	EA.	1	\$2,250.00	\$2,250.00
25	ELECTRIC	L.F.	700	\$8.00	\$5,600.00
26	GAS	L.F.	700	\$15.00	\$10,500.00
27	CONSTRUCTION TESTING @ 2%	L.S.	1	\$5,017.30	\$5,017.30
28	CONSTRUCTION STAKING @ 4%	L.S.	1	\$10,034.60	\$10,034.60
29	CONSTRUCTION INSPECTION @ 2%	L.S.	1	\$5,017.30	\$5,017.30
30	CONSTRUCTION MANAGEMENT @ 3%	L.S.	1	\$7,525.95	\$7,525.95
31	PROJECT CLOSEOUT W/ WASTEWATER MGMT DIVISION & SANGRE DE CRISTO	L.S.	1	\$3,500.00	\$3,500.00
				OTHER COSTS	\$55,645.15
				SUBTOTAL	\$306,510.15
				CONTINGENCIES @ 20%	\$61,302.03
				SUBTOTAL	\$367,812.18
				NMGR @ 8.1875%	\$ 30,114.62
				TOTAL	\$397,926.80

1. THE COSTS AND PRICING POLICIES OF THE VARIOUS UTILITIES ARE SUBJECT TO CHANGE BECAUSE SANTA FE ENGINEERING CONSULTANTS CANNOT CONTROL UTILITY COMPANY DESIGNS, POLICIES, AND FEE STRUCTURES, WHICH ARE OFTEN SUBJECT TO SUDDEN CHANGES, SFEC ASSUMES NO LIABILITY FOR THE UTILITY COSTS PRESENTED.
2. THIS ESTIMATE DOES NOT INCLUDE LEGAL, ADVERTISING, TITLE WORK, OR IMPACT FEES IF APPLICABLE, DRIVEWAYS, WATER FOR CONSTRUCTION, PERMITS OR DUMP FEES.
3. THIS ESTIMATE DOES NOT INCLUDE SANGRE DE CRISTO WATER COMPANY FEES OR UECS.
4. THIS ESTIMATE IS AN ESTIMATE ONLY AND NOT A GUARANTEED MAXIMUM PRICE. QUANTITIES MAY DEViate TO MEET FIELD CONDITIONS. UNIT PRICES ARE BASED UPON BIDS RECEIVED IN THE SANTA FE AREA.
5. ALL EXCAVATIONS ARE ASSUMED TO BE UNCLASSIFIED. EXCAVATIONS AND BORROW DOES NOT INCLUDE SHRINK.

*Exhibit "L"*

# City of Santa Fe, New Mexico

# memo

**DATE:** December 29, 2014 for the January 8, 2015 meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Tamara Baer, Planning Manager, Current Planning Division *ZT for TB*

**FROM:** Zach Thomas, Senior Planner, Current Planning Division *ZT*

---

**Case #2014-104. 2504 and 2505 Siringo Lane Rezoning.** Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane. (Zach Thomas, Case Manager)

## **UPDATE FROM DECEMBER 4<sup>th</sup>, 2014 PLANNING COMMISSION MEETING**

Per the request of the applicants, the above case was postponed for consideration at the January 8, 2015 hearing. The applicants requested postponement to allow additional time to develop an argument against the proposed conditions of approval. Specifically, the applicants object to the requirement to dedicate additional right-of-way and to construct a sidewalk at the time of future subdivision of the property. While the proposed condition is standard practice per requirements of the Development Code, there are unique circumstances with this situation for the Planning Commission to consider.

### **Status of Siringo Lane**

The determination as to whether Siringo Lane is public or private is central to the issue of whether public improvements should be required. Specifically, SFCC §14-9.2(B)(4) states:

*New development on an existing public street that does not meet the width or other applicable standards in Table 14-9.2-1 and that cannot be improved to meet those standards may exceed the average daily traffic or dwelling unit access standards in Table 14-9.2-1 without a variance.*

The initial position of the City, as stated in the November 18<sup>th</sup> staff report, was that Siringo Lane is a private street and improvements would be required once the street provided access to more than 8 lots.

*Exhibit "5"*

During a subsequent conversation with the applicants on December 8<sup>th</sup>, documentation was produced in the form of a public notice from 1993, verifying that the City paved Siringo Lane with State Highway & Transportation Department funds. This might suggest that because Siringo Lane was paved/improved by the City, that it is in fact a public street and that improvements would not be required per SFCC §14-9.2(B)(4).

Upon discussing the matter amongst city staff (Edward Vigil, Property Manager; Isaac Pino, Public Works Director; Zack Shandler, Assistant City Attorney; Kelley Brennan, City Attorney; John Romero, Traffic Engineering Director; Tamara Baer, Planning Manager and Zach Thomas, Senior Planner), it has been determined that regardless of previous actions taken by the City to improve Siringo Lane, it is not a public street.

While Siringo Lane is not a public street actively maintained by the City, further research determined that it is also not a typical private street as might be created under modern subdivision practices. As far as can be determined, Siringo Lane was created through a Serial Subdivision and subsequently documented by a composite plat recorded in 1960 titled "Composite Plat Showing Lands of Evelyn H. Lischke". The Plat noted Siringo Lane as a 20 foot road, as opposed to noting it as an access easement or right-of-way as would be the practice today. As such, current ownership or maintenance responsibility of Siringo Lane cannot be determined at this time.

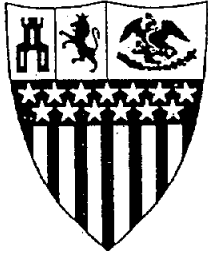
The Land Use Department acknowledges the peculiar nature and history of Siringo Lane. When considering the proposed conditions of approval in the context of this unique situation, the Planning Commission may consider SFCC §14-9.2(B)(3):

*To better achieve the intent of this Section 14-9.2, a land use board, or, in the case of city street projects, the governing body, may consider and approve innovative street designs that are not included among the street types and street sections shown or described in this Section 14-9.2 that provide adequate pedestrian and bicycle facilities, as well as necessary transit facilities.*

The above section of the development code may provide the Commission flexibility in determining the applicability of the proposed conditions of approval.

#### **ATTACHMENTS:**

- Public Notice from 1993, letter from Isaac Pino, City Manager, dated May 4, 1992 and letter from J&D Excavation regarding water main installation from 2005.
- Letter from Linda Duran dated December 29<sup>th</sup>, 2014.
- Staff Report for December 4<sup>th</sup>, 2014 Planning Commission Meeting.



# City of Santa Fe, New Mexico

P.O. Box 909, 200 Lincoln Ave., 87504-0909

Sam Pick, Mayor

Isaac J. Pino, City Manager

Councilors:

Larry A. Delgado, Dist. 1  
Debbie Jaramillo, Dist. 1  
Steven G. Farber, Dist. 2  
Ouida MacGregor, Dist. 2

Councilors:

Frank Montano, Dist. 3  
Art Sanchez, Dist. 3  
Peso Chavez, Dist. 4  
Phil Griego, Mayor Pro Tem  
Dist. 4

## PUBLIC NOTICE

The City of Santa Fe is planning to pave Rancho Siringo Road, Rancho Siringo Drive, and Siringo Lane this year. On March 31, 1993, the Santa Fe City Council awarded R.L. Stacy Construction of Santa Fe the contract for the construction of concrete curb and gutter, asphalt paving and (concrete sidewalk,)

Paving construction is scheduled to begin April 26, 1993 and is planned to be completed by August, 1993, weather permitting.

The New Mexico State Highway & Transportation Department is providing funds for this project. There will not be any costs assessed to the property owners. The total construction cost to pave these streets is \$ 232,024.32.

There will be minor inconveniences to the residents particularly during the placing of concrete curb, asphalt surfacing and sidewalk. Each resident will be notified when his or her access driveway will be affected.

We would appreciate your full cooperation with the City and the contractor and move your parked cars which will be in the way of construction.

For additional information, please contact Michael Vargas, Project Manager, or Larry Velasquez, Project Engineer, at 984-6631.

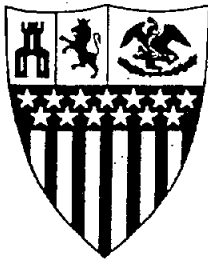
300,000.00 = State Funding  
- 232,094.00 = Total Constr. Cost Pavement  
- 44,069.00 = Total Constr. Sewer Siringo Lane  

---

23,837.00 = Remaining funds.

/stdsk45a/publnote.

City of S.F. ANNEXED Siringo LANE to City ON JUNE 9, 1965.



# City of Santa Fe, New Mexico

P.O. Box 909, 200 Lincoln Ave., 87504-0909

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Ouida MacGregor, Dist. 2

Councilors:

Frank Montañño, Dist. 3

Art Sanchez, Dist. 3

Peso Chavez, Dist. 4

Phil Griego, Mayor Pro Tem  
Dist. 4

May 4, 1992

**The Honorable Eddie Lopez**  
**New Mexico State Senator**  
**953 Camino Oraibi**  
**Santa Fe, New Mexico 87501**

**Dear Senator Lopez:**

**The City of Santa Fe wishes to acknowledge your valuable assistance in obtaining funding for the paving and improvements for various Santa Fe streets during the last legislative session. The \$300,000 you obtained for Rancho Siringo Road, Rancho Siringo Drive, Rancho Siringo Lane and Los Pinos Court will help alleviate a longstanding maintenance problem. The \$100,000 set aside for the paving of Harrison Road and Palomino Street will also address street maintenance and problems with dust and mud. Your efforts on behalf of the City and its citizens are most appreciated. Thanks again.**

**Sincerely,**

*Isaac J. Pino*  
**Isaac J. Pino**  
**City Manager**

a:18

**Project # CIP-893**

**Capital Improvement Project**

**DFA**  
**Local Government Division - 827-8050**

*Isaac J. Pino*  
*Debbie Jaramillo*

*Isaac J. Pino*  
*Debbie Jaramillo*

*Isaac J. Pino*  
*Debbie Jaramillo*

*Isaac J. Pino*  
*Debbie Jaramillo*



3311 Columbia NE, Albuquerque, New Mexico 87107  
Phone 505-881-7651 Fax 505-883-5123

Dear Resident,

We would like to inform the residents on Rancho Siringo Rd., Siringo Lane and Rancho Siringo Lane that we will be installing a new water main starting the 13<sup>th</sup> of June 2005 in association with Sangre de Cristo Water Association. The project will be on Rancho Siringo Drive from Cactus Lane to Rancho Siringo Lane and will also include Siringo Lane.

If you have any questions please call our Project Manager - Joe Corrales @ 505-280-2428 or 1-800-881-7651 or City Inspector - Ron Pena @ 505-412-1273

TALKED to MR. PENNA @  
2:30 P.M. ON 7/13/05 ABOUT  
INSTALLING two meters IN  
one meter CAN. Need to  
CALL him BACK ON 7/14/05  
@ 9:00 A.M.

Thank You,  
J & D Excavation Inc.



To: The Planning Commission  
Governing Body/Santa Fe City Council  
The Land Use Department  
Re: 2504 & 2505 Siringo Lane Rezoning Project from R-1 to R-3.  
Case #2014-104  
Fr: Land Owners/Applicants  
Linda Duran for Robert H. Duran and Sarah S. Duran (Tract I)  
Daniel Smith (Tract N)

RECEIVED

12-29-14  
27

In regards to the memo submitted to the Planning Commission on November 18, 2014 by the Land Use Department. It is the applicant's position that we are in **complete opposition** that the Proposed Rezoning be approved subject to conditions as noted in **Exhibit A; Conditions for Approval** [Ref: Article 14-9.2 (E)(4)]pertaining to **Easements**, [Ref. Article 14-9.2 (E)(1)]pertaining to **Sidewalks**, and [Ref. Article 14-9.2(E)(2)(a,b & c)] pertaining to **Certificate of Occupancy** (building permits). After exhaustive review of the memo submitted to the Planning Commission and of the Land Use Development Codes, the applicant's conclude that the **Proposed Additional Requirements** are **unnecessary** and **unreasonable** for this **Rezone Project**, at the time of future **Family Transfer Lot Splits**, or at the time of obtaining **Construction Permits**.

The intended purpose of this Rezone Project was for a **Family Transfer Lot Split on 2505** and in order to bring **2504 into conformance** with regard to density. According to {Ref: 14-9.5 (B) (1) and (3) **Infrastructure Completion or Agreement to Construct Improvements Required**; indicates that **sidewalks are not required** to be constructed at the time of **recording the plat** or at the **issuance of a construction permit** for any construction for a **Family Transfer** subdivision or a summary procedure lot split. Therefore, the Proposed Additional Requirements and Conditions of Approval (Exhibit A) **failed to indicate** in their report to the Planning Commission that all of the Proposed Conditions of Approval for Rezoning **should not apply** and are **not required** according to the Development Code for this particular 2504 & 2505 Siringo Lane Rezone Project Case #2014-104. In addition, the applicants, the Siringo Lane Residents, and the Members of the Rancho Siringo Neighborhood Association **do not support** the proposed expansion of Siringo Lane from a Private Driveway or Lot Access Driveway into a Private Lane as proposed by the Land Use Department. [Ref: (Attached Petition)]

According to the memo submitted to the Planning Commission, **Section II Rezoning (D) Additional Applicant Requirements: Staff Response** indicates and refers to Siringo Lane as an Existing 20 foot Private Driveway or a Lot Access Driveway providing access to 8 residential lots. However, in reality Siringo Lane is actually a 17-foot Lane providing access to only 7 one acre lots. The lot at the Northwest corner of Siringo Lane at the dead end has **no access** from Siringo Lane and is essentially **Land Locked**. (See Exhibit C) Maps and Pictures. Since staff has designated Siringo Lane as a Private Driveway or Lot Access Driveway; it is the applicant's position that Siringo Lane meets

the street standards criteria as required under **Table 14-9.2-1: Design Criteria for Street Types, Private Driveways or Lot Access Driveways**, and therefore, Siringo Lane *does not require* Dedication of Right of Way Easements for Sidewalk Construction for purposes of Rezoning or for a Family Transfer Lot Split [Ref: Article 14-9.5 (B) (1 & 3)], according to the Land Use Development Code.

In reference to Article 14.9 code [Ref: Article 14-9.2 (A)(4)(b) and (5)] pertaining to **Street Improvement and Design Standards**; It is the applicant's position that Siringo Lane *does meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable*. Siringo Lane is a 17 foot, paved, dead end street with no through traffic, no sidewalks, 5-6 dwelling units and less than minimal vehicle traffic and pedestrian use. The History of Siringo Lane indicates that within the past 55 years there has been minimal development. There have been only 2 homes built via *Family Transfer* or *Inheritance* of the land. Currently, there exists walls and fences on property lines including the Duran's 140 foot Adobe Wall placed and built on Property Lines. The Duran's adobe wall also has four-17 foot Adobe Wing Walls placed on Proposed 10ft. Easement (See Picture). It is our position that *Conformity* to existing streets (Rancho Siringo Road) *is not practicable* and there would be *no public purpose* or *significant benefit* provided to the public or adjacent properties by changing Siringo Lane from a Private Driveway or Lot Access Driveway to a Public Road or Private Lane as proposed by the Land Use Department under Conditions of Approval.

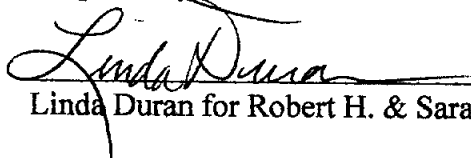
Further, on March 31, 1993, the Santa Fe City Council awarded R. L. Stacy Construction the contract for the construction of concrete curb and gutter, asphalt paving and **concrete sidewalk** on Rancho Siringo Road, Rancho Siringo Drive, and *Siringo Lane*. The Public Notice indicated that there would **not be any costs** assessed to the property owners. Apparently, it was determined that no sidewalks, gutters, or easement dedication was needed at that time, due to the impracticable nature of tearing down expensive adobe walls and other structures built on property lines. It was apparently determined that there would be no public purpose or significant benefit of constructing sidewalks or gutters, even though there was the funds appropriated for them; as there currently exist no sidewalks or gutters on Siringo Lane. Apparently, at that time, it was also determined that Siringo Lane was a private access driveway. Since then, there has only been 1 new home built on Siringo Lane via a *Family Transfer* or *Inheritance*. The new water main was installed in June 2005.

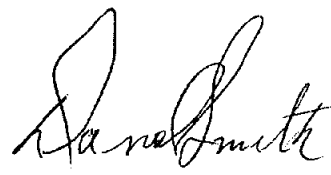
Therefore, it is the applicant's position that we *do not concur* with the *Conditions of Approval regarding Right of Way Dedication for Easements and Sidewalks* at the time of *Rezoning,, Family Transfer Lot Splits, or Construction Permits* and we *do not support expansion* of *Siringo Lane* from a *Private Driveway or Lot Access Driveway into a Private Lane*, which then would require additional Right of Way and Sidewalks on each side of Siringo Lane at the time of future rezoning requests.

Further the applicant's received support from *The Rancho Siringo Neighborhood Association* at the meeting held on Saturday, December 13, 2014. The members in attendance *unanimously support the Siringo Lane Rezoning Project from R-1 to R-3*, however, they are do not concur with the *Proposed Conditions of Approval* requiring Easement Dedication and Sidewalk Construction due to the negative impact these conditions would have on the character and history of the neighborhood.

The applicants are appreciative of all the effort that has been put into this Rezone Project, thus far by the Development and Review Team. However, we continue to believe that based on the references to the Land Development Code, many years that the families and land owners have remained on Siringo Lane, and the minimal development that has occurred within the past 55 years; this is *substantial proof* to the **Planning Commission** and/or **Governing Body** that the intentions for this Rezoning Project, the future Duran Family Transfer Lot Split, and Home Construction, are genuine and are intended to keep the property within the family and not for a sprawling development. Therefore the applicant's respectfully request the Planning Commission and/or Governing Body to determine, according to the Development Code, that *Siringo Lane* qualifies for **consideration and approval** of an *Innovative Street Design {Ref: Article 14-9.2 (B) (3)}* and that *Siringo Lane remain a Private Driveway or Lot Access Driveway*. We further request that the *Proposed Conditions of Approval by the Land Use Department requiring Easement Dedication and Sidewalk Construction be denied*. Since the applicants *have met all criteria* applicants strongly urge your consideration in determining negligible impact thus finding dedication of Easements and Destruction of existing structures for construction of unnecessary sidewalks not be required or imposed, at this time, or at the time of the Duran's Family Transfer Lot Split, or Home Construction {Ref: 14-9.2 (A) (4b) and (5)}. Instead, the applicants would like the Planning Commission and/or Governing Body to take into reconsideration the "IF" and "May" Statements [Ref: 14-3.5 (D) Additional Requirements (1) and (2)] of the Proposal Report for the 2504 & 2505 Rezone Project and future Duran Family Transfer Lot Split and determine that it is not necessary to consider the *potential future impact*, at this time, but rather leave that consideration for the future when and if this potential for growth is created.

Respectfully,

  
Linda Duran for Robert H. & Sarah S. Duran

  
Daniel Smith

**City of Santa Fe, New Mexico**

**Planning Commission**

**Exhibit A**

**Conditions of Approval**

# 2504 & 2505 Siringo Lane Rezoning-Conditions of Approval

## Planning Commission

Case #2014-104 – 2504 & 2505 Siringo Lane Rezoning

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the proposed Rezoning and provided the following comments which are noted as Conditions of Approval:</p> <p><u>Easements</u></p> <ol style="list-style-type: none"> <li>1. The applicants shall grant privately-owned easements ten (10) feet in width (5 ft. wide setback and a 5 ft. wide sidewalk) on each side of the existing Siringo Lane easement on an approved plat that grants public access to the sidewalk areas. [Reference: Article 14-9.2(F) (4)]</li> </ol> <p><u>Sidewalk Construction</u></p> <ol style="list-style-type: none"> <li>2. At the time that an applicant of either Tract I (2505 Siringo Lane) or Tract N (2504 Siringo Lane) requests a division of land or approval of a development plan, that applicant shall construct sidewalk on their respective lot within the above mentioned easement and in accordance with applicable standards of Chapter 14 of the City Code [reference: Article 14-9.2 (E) (1)]; and/or</li> <li>3. An applicant shall construct sidewalk on their respective lot within the above mentioned easement prior to issuance of a certificate of occupancy that would be required for any of the following:               <ol style="list-style-type: none"> <li>a) Construction of a new principal building,</li> <li>b) All additions over five hundred (500) square feet gross floor area, or</li> <li>c) Remodeling or renovations over five hundred (500) square feet gross floor area for multiple-family residential and nonresidential permits, [reference: Article 14-9.2(F)(2)(a,b&amp;c)]</li> </ol> </li> <li>4. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit for additions and remodeling.</li> </ol>	Traffic Engineering	John Romero/ Sandra Kassens

## RANCHO SIRINGO NEIGHBORHOOD ASSOCIATION

11/25/14

Planning Commission  
City of Santa Fe

RE: Case #2014-104

Dear Chairperson:

The Rancho Siringo Neighborhood Association (RSNA) supports the planned rezoning proposals by Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran.

THE RSNA's support is based on the representation of rezoning of two 1-acre parcels from R-1 to R-3. The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane.

Your consideration of approval is appreciated.

Respectfully submitted,

Rancho Siringo Neighborhood Association

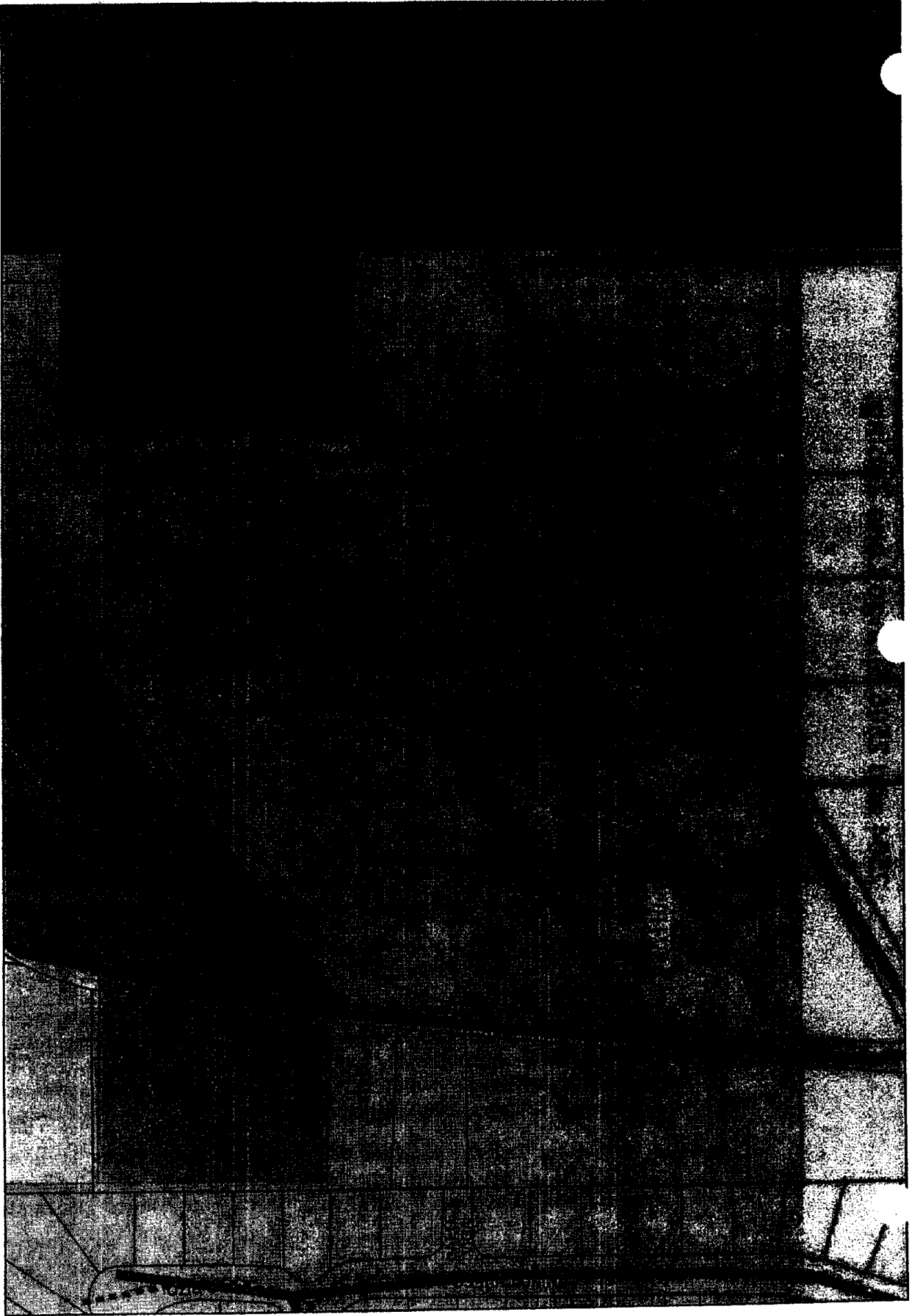
Petition AGAINST ENFORCEMENT of the Land Development Code 14-9.2 (E) (1), (2) (a, b & c) and (4) (Ord. No. 2013-16 S 57 by the City of Santa Fe requiring Dedication of 10 ft. Easements for a 5 ft. Buffer Zone and an additional 5 ft. for Sidewalk Construction (at Land Owner's expense). The enforcement of these codes will impact the Land Owners of Siringo Lane, Santa Fe, NM 87505, at the time of future requests to the City of Santa Fe for Lot Splits, Construction Permits, or Remodeling Permits.

[illegible]

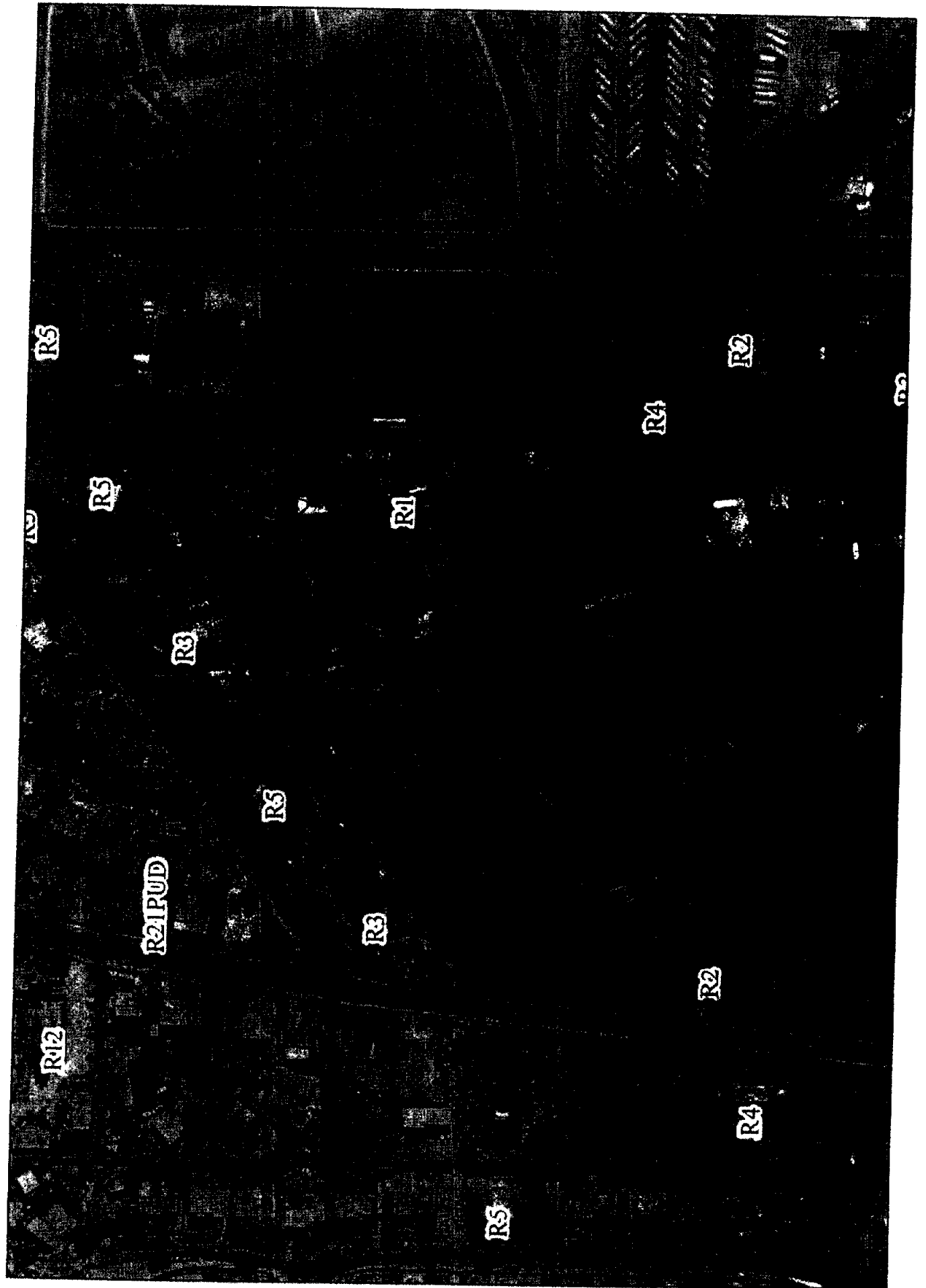
- (3) At least one through *street* that traverses the entire developed area shall be provided for each one thousand (1,000) feet of developed area. (Ord. No. 2012-11 § 26)
  - (4) At least two connections to the existing road network points shall be provided for every ten acres of *development*. (Ord. No. 2012-11 § 26)
  - (5) Where a trail network exists or is planned, access to the trail network must be provided every five hundred (500) feet, where feasible. (Ord. No. 2012-11 § 26)
  - (6) Reserve strips controlling access to *streets* are prohibited unless the *city* controls the reserve strip under conditions approved by the planning commission.
  - (7) Traffic calming measures are allowed in new *developments* and specific measures may be required by the planning commission to ensure traffic safety in new neighborhoods.
  - ~~(8) Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street.~~
- (E) **Sidewalks** *Article 14-9 Infrastructure Design, Improvement, AND Dedication Standards.*  
(Ord. No. 2013-16 § 57) *14-9.2 (E)(1), (2), (a, b, + c) and (4).*
- (1) If a subdivision *plat* or *development* plan approval is required, curb, gutter and sidewalk locations shall be dedicated when the subdivision *plat* or *development* plan is recorded and constructed in accordance with applicable standards as part of the subdivision or *development* plan *infrastructure*.
  - (2) If a subdivision *plat* or *development* plan is not required, curbs, gutter and sidewalks shall be constructed in accordance with applicable standards and dedicated to the *city* prior to issuance of a *certificate of occupancy* for:
    - (a) construction of a new *principal building*;
    - (b) all additions over five hundred (500) square feet *gross floor area*;
    - (c) remodeling or renovations over five (500) hundred square feet *gross floor area* for multiple-family residential and nonresidential permits; and
  - (3) sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the *permit* for additions and remodeling.
  - (4) Sidewalks shall be located in a *city right-of-way* or, if adequate *right-of-way* is not available, sidewalks shall be located in a public access easement dedicated to the *city* on an approved *plat*. The sidewalk shall be consistent with the *street* standards of Subsection 14-9.2(C) and located along each *street* frontage immediately adjacent to the *development*.
  - (5) New sidewalks, drive pads and curb ramps required pursuant to Subsection 14-9.2(E)(1) or (2) must comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and with New Mexico department of



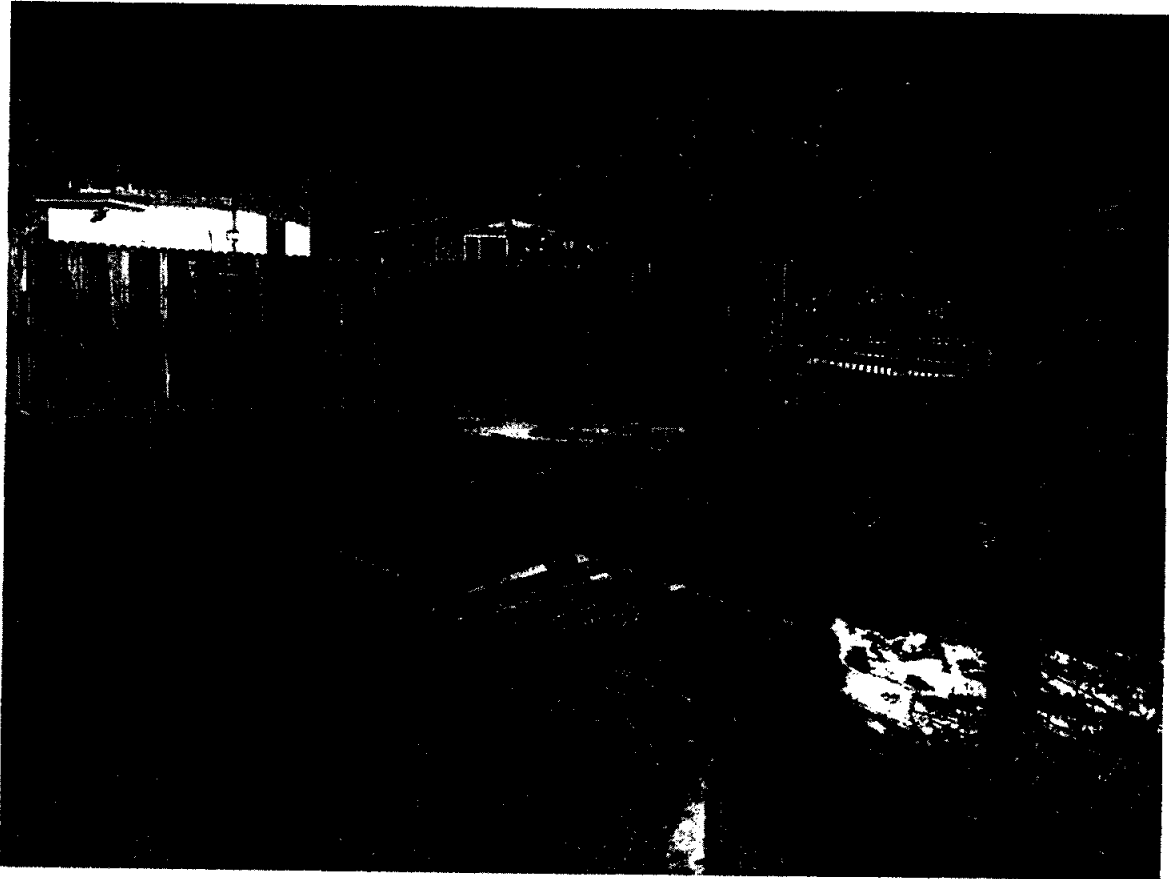
## 2504 and 2505 Siringo Lane Future Land Use



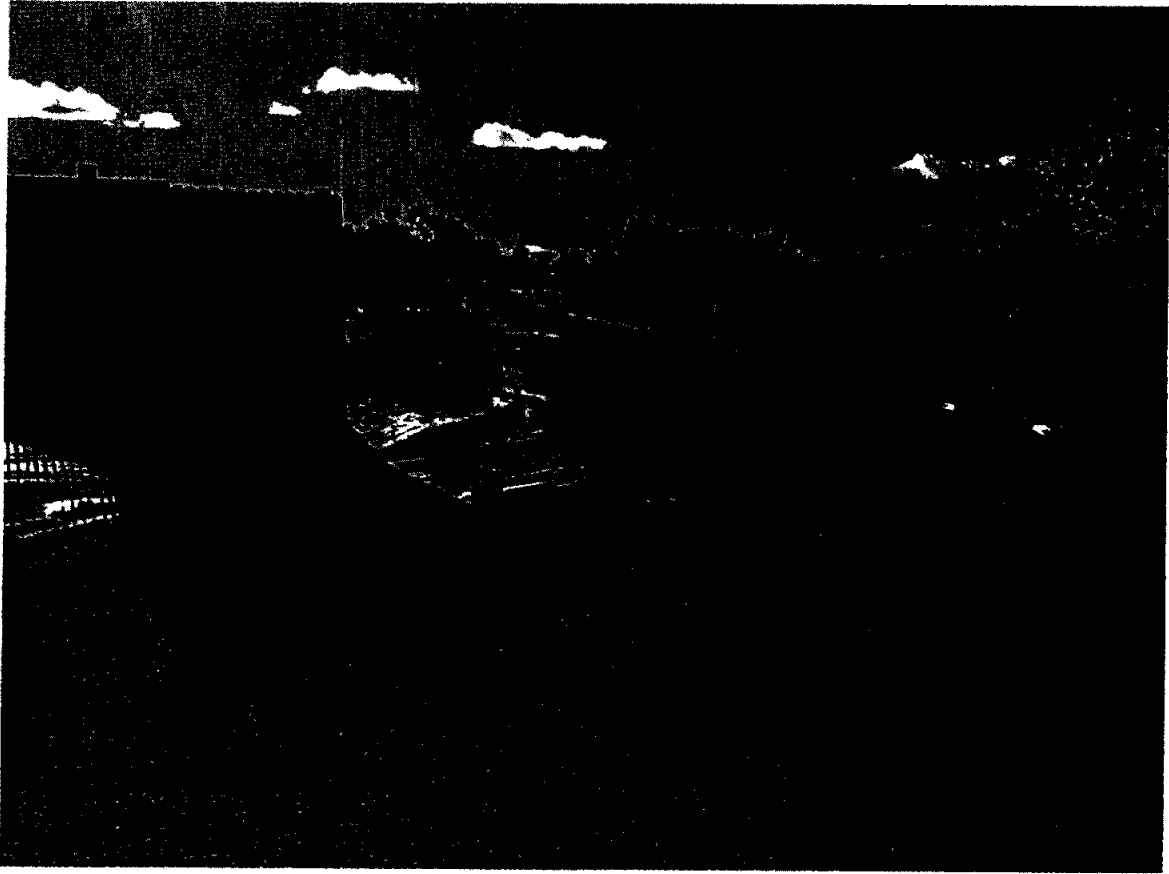
2504 and 2505 S. Chicago Lane Zoning



## PICTURES OF SIRINGO LANE

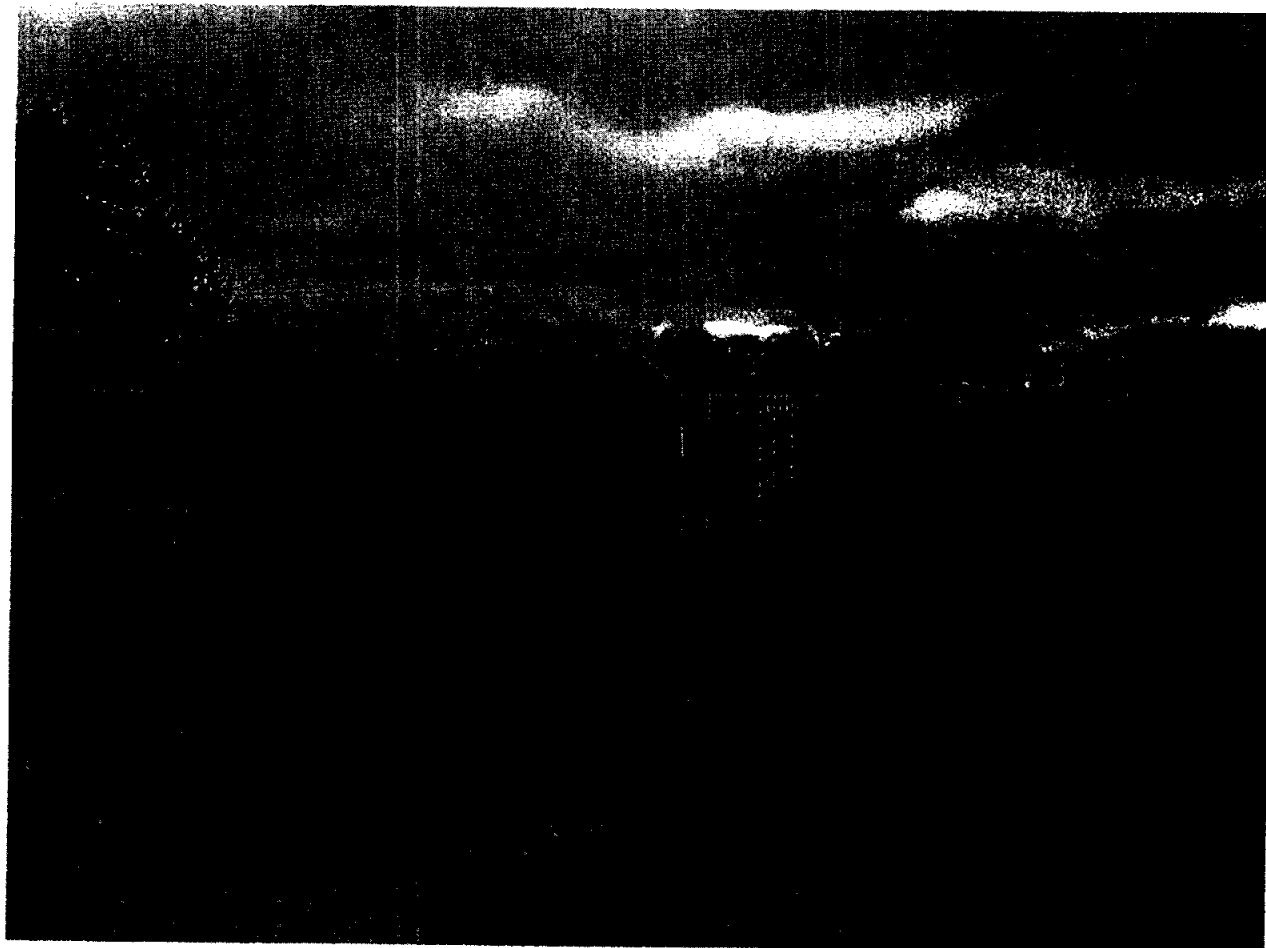


2500 Siringo Lane Northwest Corner (7-Lots Access from Siringo Lane)LAND LOCKED



SIRINGO LANE 17 FOOT, DEAD END, PRIVATE DRIVEWAY, NO THROUGH TRAFFIC

## Duran's 140 ft Adobe Wall



## Duran's 17 ft. Adobe Wing Walls

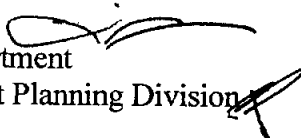



# City of Santa Fe, New Mexico

# memo

**DATE:** November 18, 2014 for the December 4, 2014 meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Tamara Baer, Planning Manager, Current Planning Division 

**FROM:** Zach Thomas, Senior Planner, Current Planning Division 

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**Case #2014-104. 2504 and 2505 Siringo Lane Rezoning.** Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane. (Zach Thomas, Case Manager)

## RECOMMENDATION

The Land Use Department recommends **APPROVAL** of the Rezoning subject to the conditions as outlined in this report. No specific development is proposed as part of these applications. The request will proceed to the City Council for final decision.

## I. APPLICATION SUMMARY

The two parcels, which are under separate ownership, are proposed for rezoning from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The parcels are currently developed with residential uses. 2504 Siringo Lane is developed with three dwelling units and 2505 Siringo Lane contains one single-family dwelling unit. The immediate vicinity around the parcels is designated Low Density Residential (3-7 dwelling units per acre) by the General Plan Future Land Use Map (See **Exhibit C1**), and does not require amendment.

## II. DISCUSSION AND ANALYSIS

This application was initiated by Linda Duran, the daughter of Robert H. & Sarah S. Duran, and owners of 2505 Siringo Lane. The purpose of the rezone is to achieve zoning appropriate for a future lot split which will provide Linda Duran a piece of the family property on which

she may construct a home. The current R-1 density does not allow the 1 acre parcel to be further subdivided. Development Code requirements stipulate that applicants for properties less than 2 acres only request rezoning to a zoning district contiguous to the property. As such, the only and lowest possible density to which rezoning may be requested is the adjoining R-3 to the north.

During the pre-application stage, neighboring property owner Daniel Smith (2504 Siringo Lane) joined the application process to also request rezoning his property to R-3. Mr. Smith purchased his property in the 1970s at which time it contained 4 dwelling units. He subsequently combined 1 of those units into the primary house thereby reducing the degree of non-conformity on the property. The proposed rezone would bring his property into conformance with regard to density.

Adjoining zoning districts include R-1, R-2, R-3 and R-5. The original 1959 subdivision that created the parcels, created 23 total parcels between 1 to 2 acres in size. However, most of the parcels are closer to 1 acre in size. Since the original subdivision, many of the parcels to the north of the subject parcels have been rezoned to higher densities and further subdivided. The parcels along Siringo Lane have remained as originally subdivided at a density of 1 dwelling unit per acre.

The General Plan Future Land Use Map designates the subject parcels and surrounding area as Low Density Residential which anticipates a density between 3-7 dwelling units per acres. The requested rezone to R-3 would make the zoning consistent with the General Plan Land Use designation and in line with densities anticipated by the General Plan.

The two parcels are accessed by Siringo Lane, which is a private lane with a 20 foot right-of-way providing access to 8 residential lots. The proposed rezone will allow for an increase in the number of lots accessed from Siringo Lane. While Siringo Lane will remain private, the dedication of additional right-of-way and construction of a 5-foot sidewalk at the time of future development of either of the two parcels is required by the Development Code and proposed as conditions of approval.

An Early Neighborhood Notification meeting was held on October 7, 2014 at the La Farge library. Seven neighbors attended the meeting and unanimously expressed support for the proposed Rezone.

## **II. 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) *a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;*

**Applicant Response:** 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. There are other one acre lots in the same subdivision, including adjacent and contiguous lots, which have already been rezoned to R-5 and R-3; setting the precedent for the neighborhood. The surrounding structures are residential, built on site, dwellings.

**Staff Response:** While there was not an error in the original zoning, the General Plan Future Land Use Map designates the area as Low Density Residential (3-7 dwelling units per acre). The proposed rezoning will bring the zoning into conformance with the land use designation, where it is not currently. Furthermore, several of the surrounding and contiguous properties are zoned at higher densities and have been subdivided into parcels smaller than 1 acre. The small increase in density makes efficient use of existing infrastructure and will allow a family to live in close proximity for mutual support. The following General Plan Policy supports this very effort of minor community infill and affordable housing:

*Policy: 5-1G-1: Preserve the scale and character of established neighborhoods, while promoting appropriate community infill and affordable housing.*

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

**Applicant Response:** The rezoning requirements of Chapter 14 have been met.

**Staff Response:** The proposed rezone complies with all rezoning requirements of Chapter 14.

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

**Applicant Response:** The rezoning project from R-1 to R-3 is consistent with the applicable policies of the General Plan including the future land use map.

**Staff Response:** The existing zoning of the parcels (Residential – 1 unit per acre) is not consistent with the existing land use designation of Low Density Residential (3-7 dwelling units per acre). The proposed rezone to R-3 (Residential – 3 units per acre) will make the zoning consistent with the future land use designation. The following General Plan Policy supports the minor proposed increased density of the rezoning:

*Policy: 5-1-G-1: Preserve the scale and character of established neighborhoods, while promoting appropriate community infill and affordable housing*

*(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 location of the rezoning project is located at 2504 and 2505 Siringo Lane which is a dead end street. The amount of land proposed for rezoning is a total of 2 acres, 1 acre per landowner and 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.

**Staff Response:** The General Plan Future Land Use designation of Low Density Residential (3-7 units per acre) anticipates a density that is higher than would otherwise be allowed by the current R-1 zoning. The proposed rezoning will bring the zoning of the parcels into conformance with the General Plan Future Land Use designation and thus in line with the growth rate anticipated by the General Plan.

*(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:** There currently exists minimal traffic with off-street parking. The rezoning project is in accordance with the existing City of Santa Fe General Plan which encourages the development of affordable and single-family residential dwellings. All public services and infrastructure are currently in place for this rezoning project on Siringo Lane.

**Staff Response:** Infrastructure and public facilities are available to serve future development of the property. Any new development will require connection to the City water and sewer. Conditions of approval are proposed to ensure that future development will comply with the requirements of the Development Code related to access and road standards.

*(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 uses and character in the area;*

**Applicant Response:** The Project is to rezone from R-1 to R-3 for future development of a single-family dwelling which will be consistent with the prevailing use and character of the area.

**Staff Response:** The proposed rezone from R-1 to R-3, while increasing the potential density of the area, will not allow uses otherwise prohibited under current zoning or significantly change the character of the area. The subject parcels are surrounded by properties within the R-1, R-2, R-3 and R-5 zoning districts, all of which permit the development of residential uses at the identified densities consistent with the character of the area.

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

**Applicant Response:** The area to be rezoned is a total of 2 acres consisting of two 1-acre lots. The boundaries will not be adjusted in accordance with the General Plan Policies.

**Staff Response:** The proposed rezone encompasses an area of 2 acres consistent with the minimum acreage required for rezoning. The requested R-3 zoning serves to adjust the boundary of the adjacent R-3 zoning district.

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

**Applicant Response:** There will be no negative impact on surrounding landowners and we will not benefit at the expense of existing surrounding landowners due to the proposed rezoning of acres from R-1 to R-3, in accordance with the General Plan Policies.

**Staff Response:** The proposed rezone to R-3 is consistent with surrounding zoning districts. The requested zoning district is intended to be an extension of the adjacent R-3 zoning district and will not benefit one or a few landowners at the expense of surrounding property owners. The rezone is consistent with the Low Density Residential Future Land Use designation. Furthermore, the Duran family could add a guesthouse on the property without rezoning. This option was discussed, however, the Durans preferred to allow their daughter to own her own house outright thereby securing her financial independence while still living in close proximity to her parents.

(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.*

**Applicant Response:** There will be no impacts on the proposed rezoning of the acres from R-1 to R-3 since there is existing infrastructure and public utilities currently in place. The proposed rezoning from R-1 to R-3 will not create a need for additional streets, sidewalks or curbs, as Siringo Lane is a paved street and will not require any additional infrastructure.

**Staff Response:** Water, and sewer are available in Siringo Lane to adequately serve both parcels and the surrounding subdivision. The two parcels are accessed from an existing private driveway that provides access to a total of 8 lots. Per current requirements of the Development Code, lot access driveways cannot provide access to more than 8 lots. Consistent with the Development Code, a condition is proposed to require dedication of additional right-of-way and construction of sidewalk at the time of further subdivision of the subject properties. The additional right-of-way dedication and sidewalk construction will support the ultimate expansion of the private driveway into a private lane at the time of possible future rezoning and subdivision of surrounding properties.

#### **IV. CONCLUSION**

Given the fully developed nature of the area and the minor increase in proposed density the Development Review Team did not have any comments beyond those from Traffic Engineering. Staff supports the proposed Rezone from R-1 to R-3, subject to the proposed conditions of approval.

#### **V. ATTACHMENTS:**

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division memorandum, Sandra Kassens

EXHIBIT C: Maps

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

EXHIBIT D: ENN Notes

# **City of Santa Fe, New Mexico**

## **Planning Commission**

### **Exhibit A**

#### **Conditions of Approval**

# 2504 & 2505 Siringo Lane Rezone - Conditions of Approval

Planning Commission

Case #2014-104 - 2504 & 2505 Siringo Lane Rezone

Findings	Department	Staff
<p>The Traffic Engineer conducted a review of the proposed Rezone and provided the following comments which are noted as Conditions of Approval:</p> <p><u>Easements</u></p> <ol style="list-style-type: none"> <li>1. The applicants shall grant privately-owned easements ten (10) feet in width (5 ft. wide setback and a 5 ft. wide sidewalk) on each side of the existing Siringo Lane easement on an approved plat that grants public access to the sidewalk areas. [Reference: Article 14-9.2(E) (4)]</li> </ol> <p><u>Sidewalk Construction</u></p> <ol style="list-style-type: none"> <li>2. At the time that an applicant of either Tract I (2505 Siringo Lane) or Tract N (2504 Siringo Lane) requests a division of land or approval of a development plan, that applicant shall construct sidewalk on their respective lot within the above mentioned easement and in accordance with applicable standards of Chapter 14 of the City Code [reference: Article 14-9.2 (E) (1)]; and/or</li> <li>3. An applicant shall construct sidewalk on their respective lot within the above mentioned easement prior to issuance of a certificate of occupancy that would be required for any of the following:               <ol style="list-style-type: none"> <li>a) Construction of a new principal building,</li> <li>b) All additions over five hundred (500) square feet gross floor area, or</li> <li>c) Remodeling or renovations over five hundred (500) square feet gross floor area for multiple-family residential and nonresidential permits, [reference: Article 14-9.2(E)(2)(a,b&amp;c)</li> </ol> </li> <li>4. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit for additions and remodeling.</li> </ol>	Traffic Engineering	John Romero/ Sandra Kassens

# **City of Santa Fe, New Mexico**

## **Planning Commission**

### **Exhibit B**

**Development Review Team Memoranda**

# City of Santa Fe, New Mexico

# memo

**DATE:** November 17, 2014

**TO:** Zach Thomas, Land Use Division

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

**FROM:** Sandra Kassens, Engineer Assistant

**SUBJECT:** 2504 and 2505 Siringo Lane Rezone. (Case# 2014-104)

---

## **ISSUE:**

Daniel Smith, and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane.

## **BACKGROUND:**

The requested rezoning of the two lots mentioned above, on Siringo Lane, currently, a private lot access driveway, would have the potential to increase the number of dwelling units to greater than 8; that would trigger the additional criteria of a 'Lane' road classification as described in Article 14 section 9.2 of the City Code.

## **RECOMMENDED ACTION:**

Review comments are based on submittals received on October 29, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

### **I. Easements:**

- A. The applicants shall grant privately-owned easements ten (10) feet in width (5 ft. wide setback and a 5 ft. wide sidewalk) on each side of the existing Siringo Lane easement on an approved plat that grants public access to the sidewalk areas.  
[Reference: Article 14-9.2(E) (4)]



II. Sidewalk Construction:

A. At the time that an applicant of either Tract I (2505 Siringo Lane) or Tract N (2504 Siringo Lane) requests a division of land or approval of a development plan, that applicant shall construct sidewalk on their respective lot within the above mentioned easement and in accordance with applicable standards of Chapter 14 of the City Code [reference: Article 14-9.2 (E) (1)]; and/or

B. An applicant shall construct sidewalk on their respective lot within the above mentioned easement prior to issuance of a certificate of occupancy that would be required for any of the following:

1. Construction of a new principal building,
2. All additions over five hundred (500) square feet gross floor area or
3. Remodeling or renovations over five hundred (500) square feet gross floor area for multiple-family residential and nonresidential permits, [reference: Article 14-9.2(E) (2) (a, b & c)].

C. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit for additions and remodeling.

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

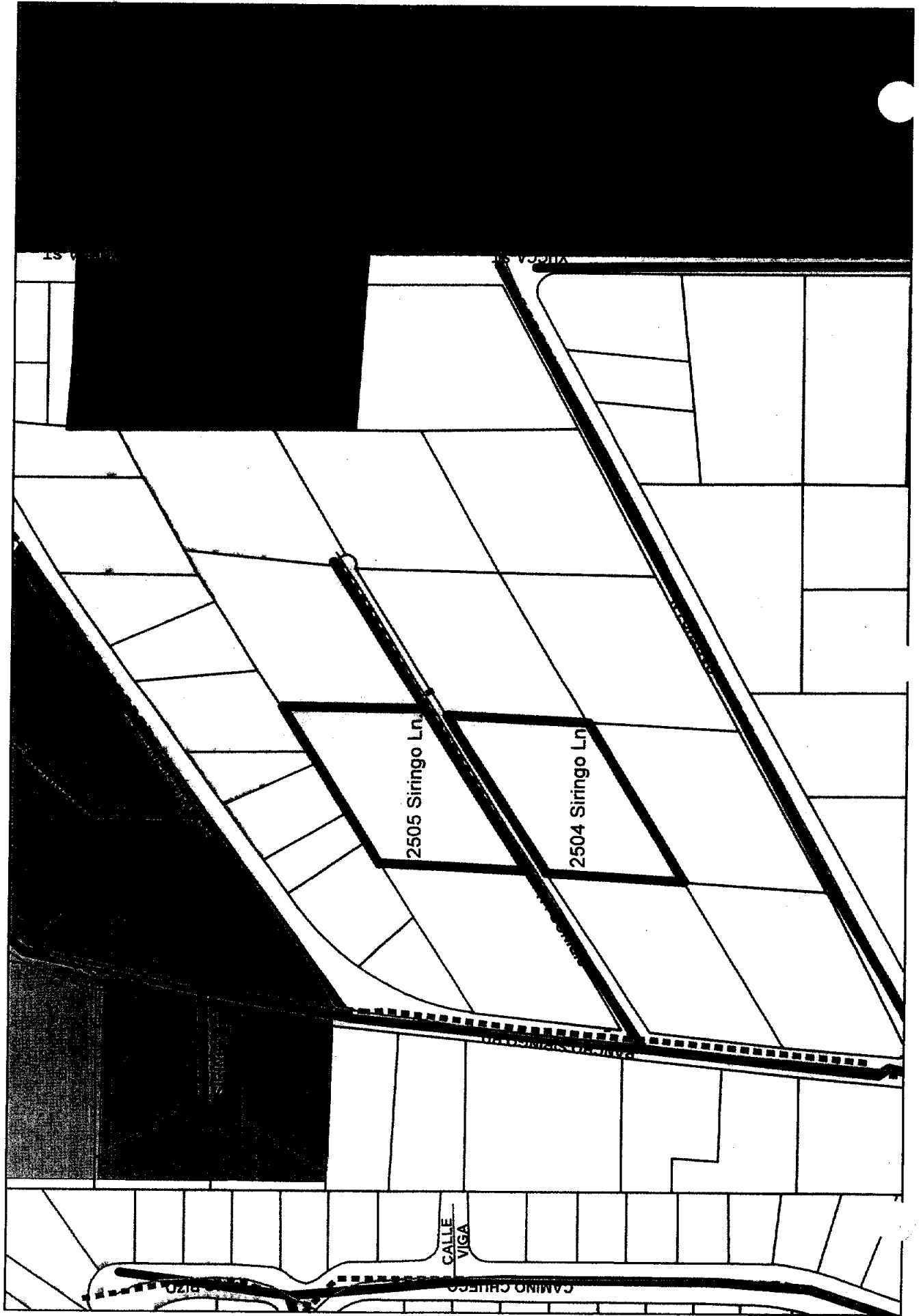
**City of Santa Fe, New Mexico**

**Planning Commission**

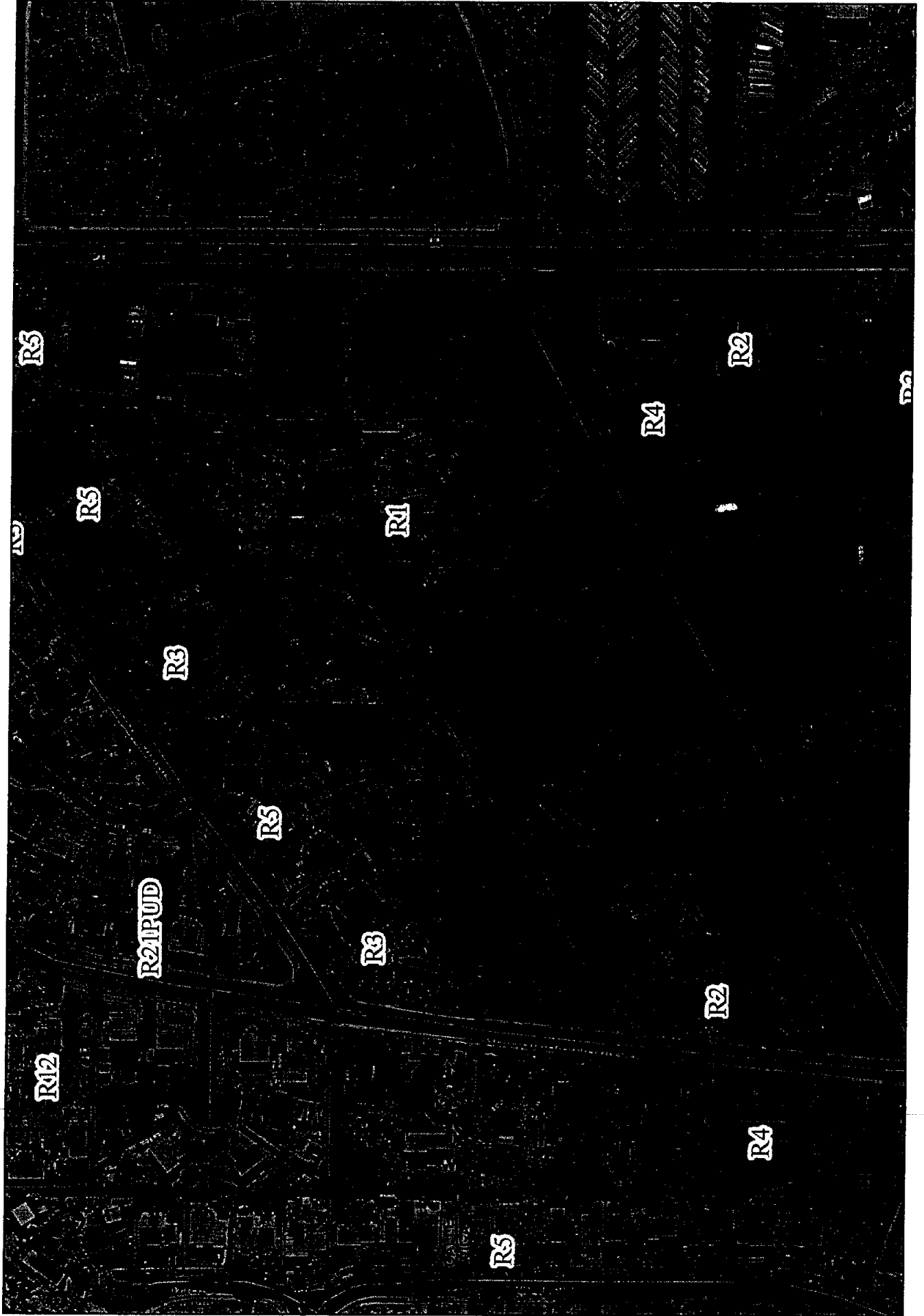
**Exhibit C**

**Maps**

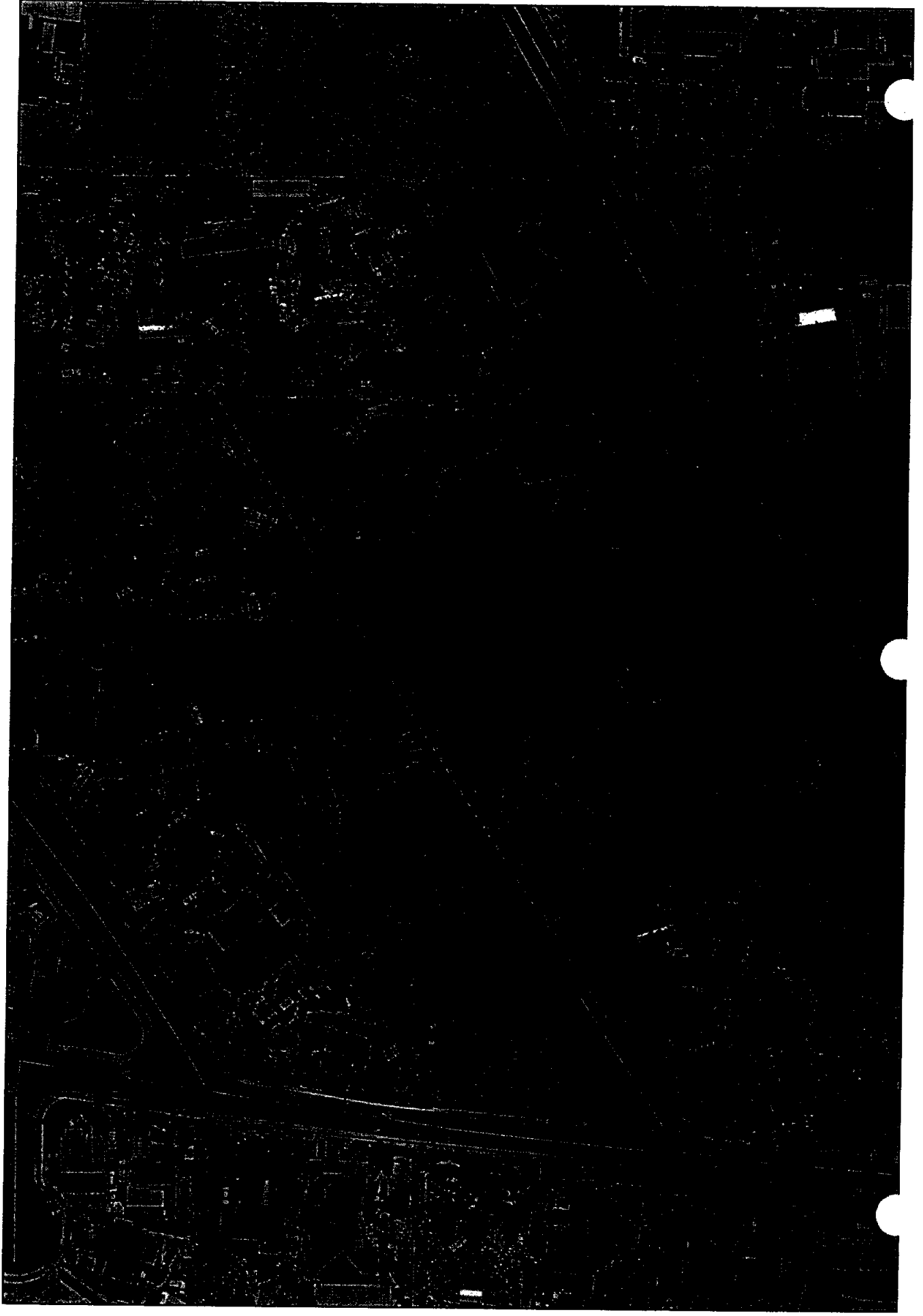
# 2504 and 2505 Siringo Lane Future Land Use



# 2504 and 2505 Siringo Lane Zoning



**2504 and 2505 Siringo Lane Aerial Photo**



# **City of Santa Fe, New Mexico**

## **Planning Commission**

### **Exhibit D**

**ENN Notes**



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

<i>Project Name</i>	2504 and 2505 Siringo Lane
<i>Project Location</i>	2504 and 2505 Siringo Lane
<i>Project Description</i>	Rezone from R-1 to R-3
<i>Applicant / Owner</i>	Linda Duran and Dan Smith
<i>Agent</i>	N/A
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	10/7/14
<i>ENN Meeting Location</i>	La Farge Public Library
<i>Application Type</i>	Rezone
<i>Land Use Staff</i>	Zach Thomas
<i>Attendance</i>	10 neighbors and applicants combined

### Notes/Comments:

Meeting started at 5:35. Staff (Mr. Thomas) gave an introduction about the purpose of the ENN meeting the overall entitlement process. Also explained why applicants are requesting R-3 zoning (because that is what is adjacent)

Mr. Smith explained the history of his property and how long he has owned it. He stated that his lot has 1 house and 2 apartments on it and that he wants to rezone to R-3 so that he has a conforming lot.

Ms. Duran explained that her intent in rezoning was to build a house for herself on the property that was not a guest house or accessory dwelling unit. Most likely they will just constructed on house and may split the lot in the future.

A neighbor asked what the rezone would actually mean for the neighborhood. What you be the ultimate impact.

Mr. Thomas explained what the maximum density could be under the requested zoning.

Another question was asked about the road condition and width and if sidewalks would be required.

Neighbors all stated that they supported the rezone and some even stated that they might be interested in rezoning their properties in the future.

There was general discuss among every about the history of the neighborhood.

The meeting adjourned around 6:45.



# RANCHO SIRINGO NEIGHBORHOOD ASSOCIATION

January 8, 2015

The Planning Commission  
Governing Body/Santa Fe City Council  
City of Santa Fe

RE: Case #2014-104  
2504 & 2505 Siringo Lane Rezoning from R-1 to R-3

Dear Commissioners:

The Rancho Siringo Neighborhood Association (RSNA) supports the planned rezoning proposals by Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran and urges Approval of the rezone, but requests Denial of the Proposed Conditions of Approval requiring Easement Dedication and Sidewalk Construction. The Proposed Conditions impose requirements that negatively impact the neighborhood.

Your consideration of approval with denial of conditions is appreciated.

Respectfully submitted,

Rancho Siringo Neighborhood Association

*Exhibit "C"*

The applicant's **PROPOSE** to the Planning Commissioners to **APPROVE** the 2504 and 2505 Siringo Lane Rezone Project as follows:

1. Approve **EXEMPTION** from the Land Use Development Code (Reference: Article 14-9.2 (E) (1), (2), (a,b &c) which requires Easement Dedication and Side walk construction for this rezone project, at the time of a Family Transfer, Construction Permits or prior to issuance of a Certificate of Occupancy for Siringo Lane.
2. Approve Siringo Lane to **REMAIN a Private Driveway** or Lot Access Driveway according to Table 14-9.2-1 Design Criteria for Street Types. Siringo Lane is a 17 ft., paved, dead end street with no through traffic, less than minimum pedestrian and vehicle traffic. There are essentially only 7 lots that have access off Siringo Lane as the lot at the Northwest corner at the dead end has no direct access from Siringo Lane and is essentially Land Locked. The History of Siringo Lane indicates that within the past 55 years there has been minimal development. There have been only 2 homes built via Family Transfer or Inheritance of the land. There are 5 "forever" landowners on the entire street. The sole purpose of Siringo Lane is for the use of the private residents and serves no public purpose.
3. The Applicants would like the Planning Commission/Governing Body to take into **RECONSIDER** the "IF" and "May" Statements {(Ref: 14-3.5 (D) Additional Requirements (1) and (2)} of the Proposal Report for the 2504 & 2505 Siringo Lane Rezone Project and future Duran Family Transfer Lot Split and determine that it is not necessary to consider the **potential future impact**, at this time, but rather leave that consideration for the future when and if this potential for growth is created.

*Exhibit "7"*

# City of Santa Fe, New Mexico

# memo

**DATE:** December 19, 2014 for the January 8, 2015 Planning Commission Meeting

**TO:** Planning Commission

**VIA:** Lisa D. Martinez, Director, Land Use Department  
Tamara Baer, Planner Manager, Current Planning Division /GTS

**FROM:** Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

## 1503 SUMMIT RIDGE VARIANCE

Case #2014-107. 1503 Summit Ridge Variances. Kyle and Rebecca Lamb, Owners, request Variances to Terrain Management Regulations (14-8.2 (D)(2)(b) and (D)(3)(b)) to construct a single family residence on slopes exceeding 30% and having more than one half of the building footprint on slopes exceeding twenty percent. The property is zoned R-1 (Residential – One Dwelling Unit per Acre) and is located entirely within the Escarpment Overlay District. (Dan Esquibel, Case Manager)

## RECOMMENDATION

The Land Use Department recommends approval (refer to findings on Page 2 of this report) subject to the following condition.

The variance is limited to the extent to the grading shown on the plans submitted with this application.

## I. APPLICATION SUMMARY

The applicant is proposing to construct a dwelling unit on Lot 13 consisting of 3.54+ acres in the Santa Fe Summit Phase 2 Subdivision. Santa Fe Summit Subdivision was approved by the City in October 1989 which included Phase 2. Phase 2 though officially approved in 1989 was filed in the Office of the county clerk in March 1995. There is no further information as to why Phase 2 was filed approximately 5 years later.

### *14-5.6(D)(3)(d) Location of Structures; Buildable Site*

*For a lot subdivided or resubdivided on or before February 26, 1992, without a buildable site outside the ridgetop subdistrict, the alternate siting may be approved if such siting of the structure will decrease the visual impact of the structure beyond that which would exist if the structure were to be sited as far from the viewline as possible.*

Approximately 14% of Lot 13 falls within the Ridgetop Subdistrict the balance is within the Foothills Subdistrict.

*Exhibit "B"*

No variance to the Escarpment regulations is required as this Lot was created prior to February 26, 1992. The submittals identify that the property contains natural slopes of 0-20%, 20-29.99% and 230% of greater. The area proposed for construction contains 20% and 30% plus slopes.

The applicant is proposing to construct a 4,657 square foot dwelling with 945 square feet of patio and porch area. Chapter 14 prohibits development on slopes exceeding 30% and having more than one half of the building footprint on slopes exceeding twenty percent, thus triggering a variance to Terrain Management Regulations 14-8.2 (D)(2)(b) and (D)(3)(b).

## II. APPROVAL CRITERIA

Santa Fe City Code 1987 14-3.16(C)(1) through (5) are required to grant a variance for construction of a dwelling in the Ridgetop (reference Exhibit B for Applicant's response to the variance criteria):

(1) One or more of the following special circumstances applies:

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

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

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

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

### *Applicant Response (to (a) above):*

*Lot 13 of Santa Fe Summit Phase 2 as approved by the City of Santa Fe on September 12th of 1995, as a lot listed in the incorporation of phase 2 of of Santa Fe Summit approved by the Santa Fe planning commission October 10th 1989 does not encompass a location that would allow for the construction of a single family dwelling without a variance to the terrain management rules as set forth in Chapter 14. Lot 13 does not contain sufficient area with a minimal slope to meet the terrain management regulations, and a variance is requested in order to accommodate the building of a single family dwelling as was intended for the lot when approved as a R1 lot within the city of Santa Fe. The location within the lot that affords the least impact to terrain management rules has been selected as the build site, but requires a variance to both the regulation to build 50% of the home within areas of less than 20% slope, as well as a variance to the regulation that requires no building within an area with greater than 30% slope. The build site as selected will allow the home to be built into the hillside such that the home is sunken into the exiting grade in order to blend into the terrain. The location ensures the roof line of the home does not interfere with the hillside on which the home will be constructed.*

**Staff Response:**

*The applicant submittals demonstrate circumstances related to existing topography attesting that "Lot 13 does not contain sufficient area with a minimal slope to meet the terrain management regulations". While Santa Fe Summit's topography largely consists of steep slopes, staff's analyses of the application together with a field inspection to the site concur with the applicant's response.*

*Unique topographic circumstances exist on lot 13 preventing compliance and further, provide qualifying factors to the criteria specific to 14-3.16(C)(1)(a) above.*

*No variances were granted to this lot as part of the subdivision approval, although terrain management variances were approved for several other lots.*

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

**Applicant Response:**

*There is not a sufficient area within the lot that meets the regulations for terrain management that would allow for the construction of a single family dwelling and that also meets the size requirements for the neighborhood.*

**Staff Response:**

*Current standards require a minimum building site of 2000 square feet for new lots. Chapter 14 does not enforce neighborhood covenants. It should be noted that the average size home in the subdivision is about 4000 square feet. Staff has determined based on the circumstances (terrain constraints) of the lot, that the proposed location for construction is the most optimal site for their development which proposes the least disturbance to the property and natural terrain which provide qualifying factors to the criteria specific to 14-3.16(C)(2) above.*

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

**Applicant Response:**

*Other homes within the neighborhood have been constructed on steep slopes. The proposed home site is following the same concept of sinking the home into the hillside in order to ensure the home blends with the natural landscape to the best extent feasible.*

**Staff Response:**

*There is no intensification to the underlying zoning. The applicant is applying for a single family residence specific to the approvals granted to the subdivision. Therefore, the intensity of development will not exceed the intensity of development that is allowed on all lots within the subdivision which provides qualifying factors to the criteria specific to 14-3.16(C)(3) above.*

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

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

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

***Applicant Response:***

*There is not sufficient area available within the lot to build a single family dwelling without a variance. As such attempts have been made to ensure the home blends with the natural landscape to the maximum extent possible to ensure the home has a reduced visual impact to the neighboring terrain.*

***Staff Response:***

*The variance request is to construct a single family residence on slopes exceeding 30% and having more than one half of the building footprint on slopes exceeding twenty percent (reference DRT Comments on Exhibit A. No development could occur on this lot without a variance which provides qualifying factors to the criteria specific to 14-3.16(C)(4)(a) and (b) above. The extent of the variance is proportional to the extent of the grading.*

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

***Applicant Response:***

*The construction of a single family home as the lot was established is not contrary to public interest. Construction of the home at a lower level than the terrain around the home ensures the visual impact of the home on the hillside is reduced. The use of earth tone colors will be utilized in the construction of the home in order to further minimize the visual impact of the home. Native landscaping with trees will further screen the home to reduce visual impact from neighboring hillsides.*

***Staff Response:***

*Staff concurs.*

### **III. CONCLUSION**

Without a variance to Terrain Management Regulations (14-8.2 (D)(2)(b) and (D)(3)(b)) no development can occur on lot 13 of Santa Fe Summit Phase 2. The proposed siting on the lot is the best location based on terrain constraints. The applicant proposal further minimizes the visual impact of the home to the extent possible. The Land Use Department does not find that the proposed request for variance violates the purpose and intent of the regulations. Staff's finding concludes that the applicant's submittals are in line with the criteria for approval of a variance.

Should the Planning Commission find in favor of the proposed variance, the Land Use Department offers the conditions outlined on the first page of this report as additional safeguards for the proposed development request.

### **IV. EXHIBITS**

Exhibit A - DRT response

Exhibit B- Applicant's Data

Exhibit C- Site photos

Packet Attachments

January 8, 2014  
Planning Commission  
Case # 2014-107  
**1503 SUMMIT RIDGE VARIANCE**

# **EXHIBIT A**

DRT Response
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# City of Santa Fe, New Mexico

# memo

DATE: December 16, 2014  
TO: Daniel Esquibel, Land Use Planner Senior  
FROM: Noah Berke, CFM, Planner Technician Senior  
SUBJECT: Final Comments for Case #2014-107, 1503 Summit Ridge Variance Request.

---

The comments provided are for an analysis for two Terrain Management Variance requests for a proposed single family dwelling unit development at 1503 Summit Ridge Road. The plan set that was reviewed is dated December 1, 2014.

## **Background:**

Two locations were examined for the proposed variances; both locations are considered to be the least sloped areas on the lot. The proposed location where the applicant wishes to build on the lot will be referred to as "site 1" and is located on the southeast portion of the lot. A second location was examined and is located on the northern portion of the lot, this location will be referred to as "site 2".

The property lies in both the foothills and ridgetop sub-districts of the Escarpment Overlay District. Since this lot was created prior to February 26, 1992, a variance to build in the ridgetop subdistrict is not required. Site 1 is located completely in the ridgetop and site 2 is located in the foothills.

Staff requested that the applicant obtain topographic survey and slope analysis that was done through a New Mexico Licensed Surveyor. The surveys and slope analyses were conducted for both site 1 and site 2. The topographic surveys and slope analyses were done at 2 foot contours. The slope analyses showed areas with natural slopes of 0-20%, 20-29.99%, and 30% or greater. In areas that showed natural slopes of 30% or greater, the analysis could be done at 5 foot contours as allowed by the Land Use Development Code. The applicant was then asked to overlay the proposed layout on top of the slope analysis.



Staff analyzed the slope analysis and was then able to determine that the following two variances would be needed if the applicant wished to build his proposed project at 1503 Summit Ridge:

SFCC 14-8.2 (2)(b) which states:

*Natural slopes thirty percent or greater shall remain undisturbed, except for arroyo crossings and for no more than three isolated occurrences of sloped areas where each individual disturbance shall not exceed one thousand (1,000) square feet, as approved by the city engineer. The city engineer may waive this provision, in writing, stating the reasons and basis for such approval, if evidence is provided by the applicant showing that strict enforcement of this provision would prohibit access to the lot or placement of utilities. This provision applies solely to the construction of roads, driveways and utility placement and is not intended to allow development on natural slopes exceeding thirty percent. The other provisions of the escarpment overlay district ordinance and the terrain and stormwater management regulations shall remain in effect.*

SFCC 14-8.2(3)(b) which states:

*At least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent.*

**Analysis:**

Upon analysis of the plans provided it appears that site 1, which is the preferential site for the applicant and the one which the applicant wishes to obtain variances, is the least visible and will disturb the least amount of natural slope of 30% or greater. Both of the sites would require variances to the mentioned sections of the code in order to be buildable as the applicant proposed. The analysis then came down to which, of the two possible sites, would disturb the least amount of steep slopes. The following is a table that compares the two possible sites:

<b>Natural Slopes</b>	<b>Site 1</b>	<b>Site 2</b>
0-20 %	10.5% (490.8 sq ft)	6% (277 sq ft)
20-29%	60.5% (2817.6 sq ft)	46.6% (2171.3 sq ft.)
30% or Greater	29% (1349.5 sq ft)	47.4% (2208.5 sq ft)

**Recommendation:**

Staff recommends approval of the variances requested, SFCC 14-8.2(2)(b) and 14-8.2(3)(b) for the location known as site 1. Staff feels that of the two locations examined, this proposed location will only be buildable if variances are granted. Staff further feels that, as proposed in the plan set provided, the applicant has made the greatest effort possible to examine possible sites for development at 1503 Summit Ridge. The rest of the lot is natural slopes of 30 % or greater and therefore the only possible site for the proposed project is site 1. Site 1 would have the least visual effect on public right of ways, disturb the least amount of natural steep slopes, is located closest to existing utilities, and would disturb the least amount of natural vegetation.

# City of Santa Fe, New Mexico

## memo

**DATE:**11/03/14

**TO:** Dan Esquibel, Case Manager

**FROM:** Deputy Fire Marshal Jaome Blay

**SUBJECT:** Case # 2014-107 1503 Summit Ridge Variances

**VIA:** Fire Marshal Rey Gonzales

The following requirements shall be addressed prior to approval by the Planning Commission:

Shall comply with the International Fire Code (IFC) 2009 Edition.

Shall provide an approved fire protection water supply in accordance with 2009 IFC Section 507.

Shall provide fire apparatus access road/s in accordance with 2009 IFC Section 503.

**Attachments:** (0)

*City of Santa Fe*  
**memo**

**DATE:** November 3, 2014  
**TO:** Dan Esquibel, Land Use Planner, Land Use Department  
**FROM:** Dee Beingessner, Water Division Engineer *DB*  
**SUBJECT:** Case # 2014-107 1201 Summit Ridge

---

There are no issues with water service for the subject case. Water is available in the street in front of this property. Fire protection requirements are addressed by the Fire Department.

January 8, 2014  
Planning Commission  
Case # 2014-107  
**1503 SUMMIT RIDGE VARIANCE**

# **EXHIBIT B**

Applicant's Data
------------------

(C) Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid,

Lot 13 of Santa Fe Summit Phase 2 as approved by the City of Santa Fe on September 12<sup>th</sup> of 1995, as a lot listed in the incorporation of phase 2 of of Santa Fe Summit approved by the Santa Fe planning commission October 10<sup>th</sup> 1989 does not encompass a location that would allow for the construction of a single family dwelling without a variance to the terrain management rules as set forth in Chapter 14. Lot 13 does not contain sufficient area with a minimal slope to meet the terrain management regulations, and a variance is requested in order to accommodate the building of a single family dwelling as was intended for the lot when approved as a R1 lot within the city of Santa Fe. The location within the lot that affords the least impact to terrain management rules has been selected as the build site, but requires a variance to both the regulation to build 50% of the home within areas of less than 20% slope, as well as a variance to the regulation that requires no building within an area with greater than 30% slope. The build site as selected will allow the home to be built into the hillside such that the home is sunken into the existing grade in order to blend into the terrain. The location ensures the roof line of the home does not interfere with the hillside on which the home will be constructed.

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

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

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

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

There is not a sufficient area within the lot that meets the regulations for terrain management that would allow for the construction of a single family dwelling and that also meets the size requirements for the neighborhood.

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14. Other homes within the neighborhood have been constructed on steep slopes. The proposed home site is following the same concept of sinking the home into the hillside in order to ensure the home blends with the natural landscape to the best extent feasible.

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

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

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

There is not sufficient area available within the lot to build a single family dwelling without a variance. As such attempts have been made to ensure the home blends with the natural landscape to the maximum extent possible to ensure the home has a reduced visual impact to the neighboring terrain.

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

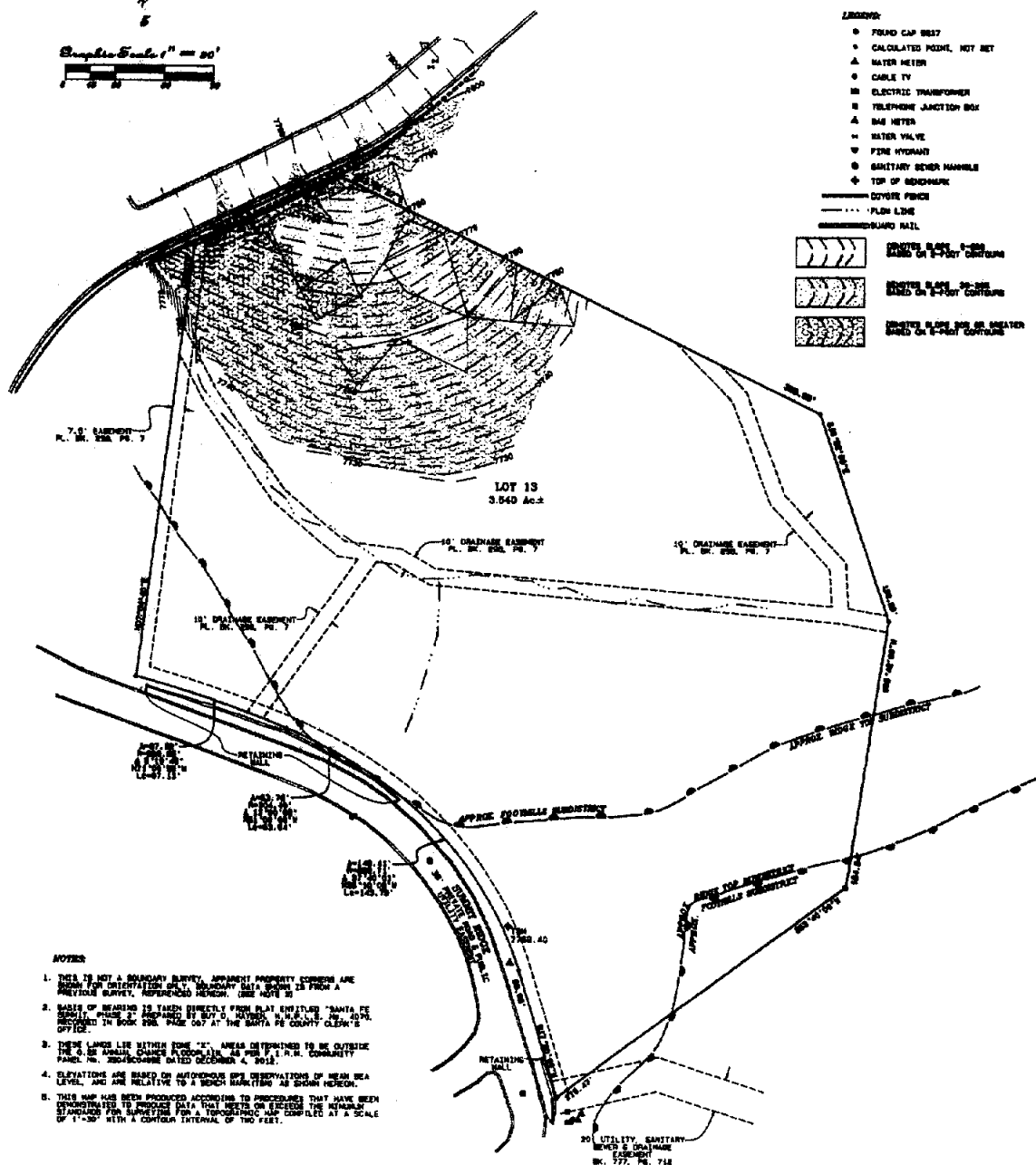
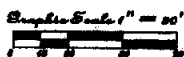
The construction of a single family home as the lot was established is not contrary to public interest. Construction of the home at a lower level than the terrain around the home ensures the visual impact of the home on the hillside is reduced. The use of earth tone colors will be utilized in the construction of the home in order to further minimize the visual impact of the home. Native landscaping with trees will further screen the home to reduce visual impact from neighboring hillsides.

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

14

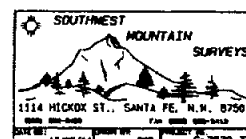
Note: If application is being made for Development in Special Flood Hazard Areas, then justification must be provided with the above criteria and the criteria found in Section 14-3.10 E SFCC 1987.

LYING AND BEING SITUATED WITHIN  
PROJECTED SECTION 8, T. 17 N., R. 10 E., N.M.P.M.,  
CITY OF SANTA FE, NEW MEXICO



I HEREBY CERTIFY THAT THE TOPOGRAPHY AND SOIL ANALYSIS AS SHOWN HEREIN IS AN ACCURATE REPRESENTATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON DECEMBER 9, 2014. THIS IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. AND MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR LAND SURVEYING PRACTICING IN THE STATE OF NEW MEXICO AND NATIONAL MAPS ASSOCIATION STANDARDS.

12/10/14



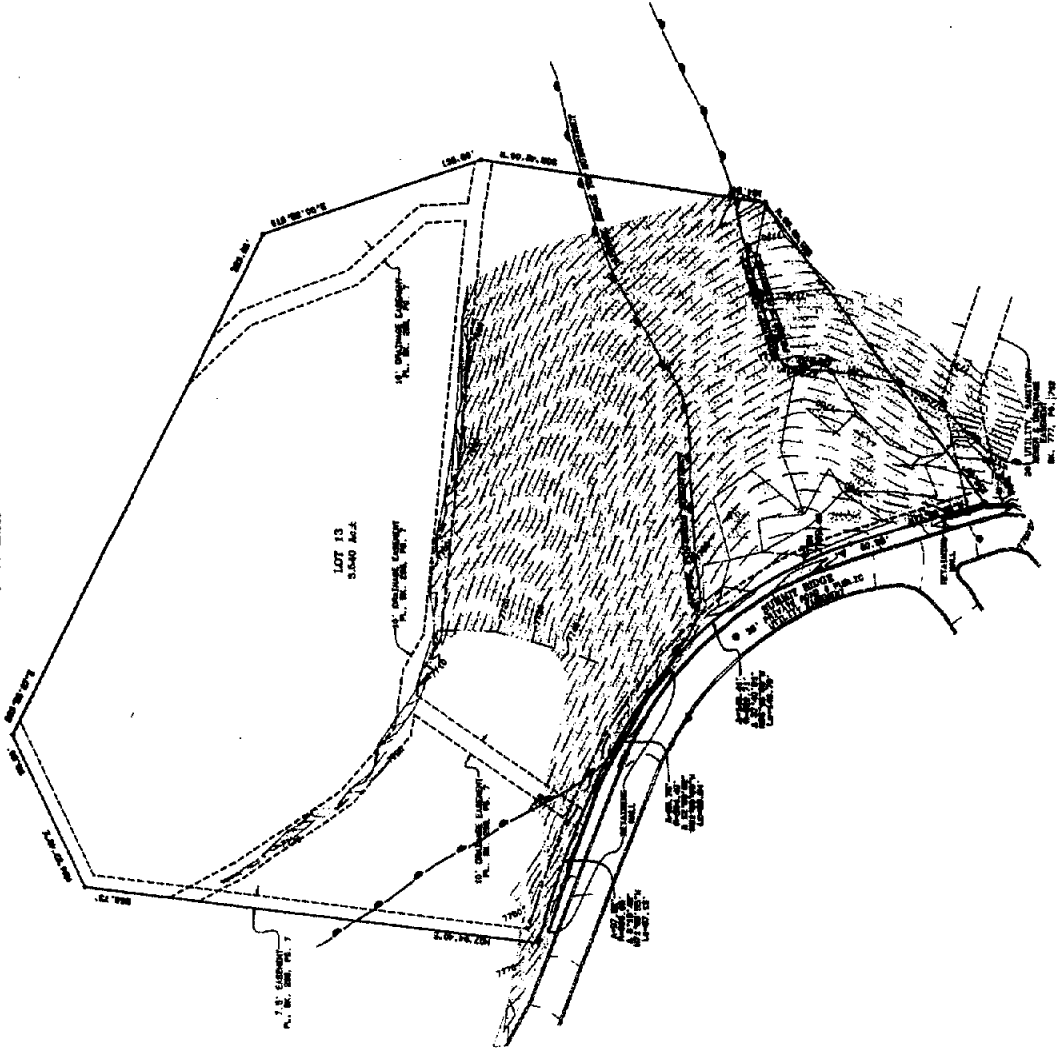
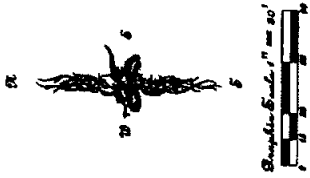


# TOPOGRAPHIC SURVEY OF LOT 13, SANTA FE SUMMIT, PHASE 2

UNDER THE SUPERVISION OF THE  
CITY OF SANTA FE, NEW MEXICO

- LEGEND:**
- FOUND CUP 5837
  - CALCULATED POINT, NOT SET
  - ▲ WATER METER
  - CABLE TV
  - ELECTRIC TRANSFORMER
  - TELEPHONE JUNCTION BOX
  - ▲ GAS METER
  - ▲ WATER VALVE
  - ▲ FINE HYDRANT
  - ▲ SANITARY SEWER MANHOLE
  - ▲ TOP OF BENCHMARK
  - COTYLINE FENCE
  - PLAIN LINE

- CHANGES IN ELEVATION  
BASED ON T-POST CONTAINS
- CHANGES IN ELEVATION  
BASED ON T-POST CONTAINS
- CHANGES IN ELEVATION  
BASED ON T-POST CONTAINS
- CHANGES IN ELEVATION  
BASED ON T-POST CONTAINS



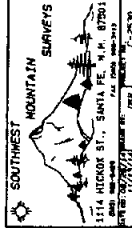
- NOTES:**
1. THIS SURVEY WAS MADE BY THE SURVEYOR, AND THE RESULTS ARE BASED ON THE DATA OBTAINED FROM THE PREVIOUS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE PREVIOUS SURVEY.
  2. THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE LOT AND HAS FOUND THAT THE LOT IS IN ACCORDANCE WITH THE PLAT OF THE LOT.
  3. THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE LOT AND HAS FOUND THAT THE LOT IS IN ACCORDANCE WITH THE PLAT OF THE LOT.
  4. THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE LOT AND HAS FOUND THAT THE LOT IS IN ACCORDANCE WITH THE PLAT OF THE LOT.
  5. THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE LOT AND HAS FOUND THAT THE LOT IS IN ACCORDANCE WITH THE PLAT OF THE LOT.

**SURVEYOR'S CERTIFICATE**

I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey, as the same appears in my records, and that the same is in accordance with the laws and regulations of the State of New Mexico.

\_\_\_\_\_  
Surveyor

4/15/14



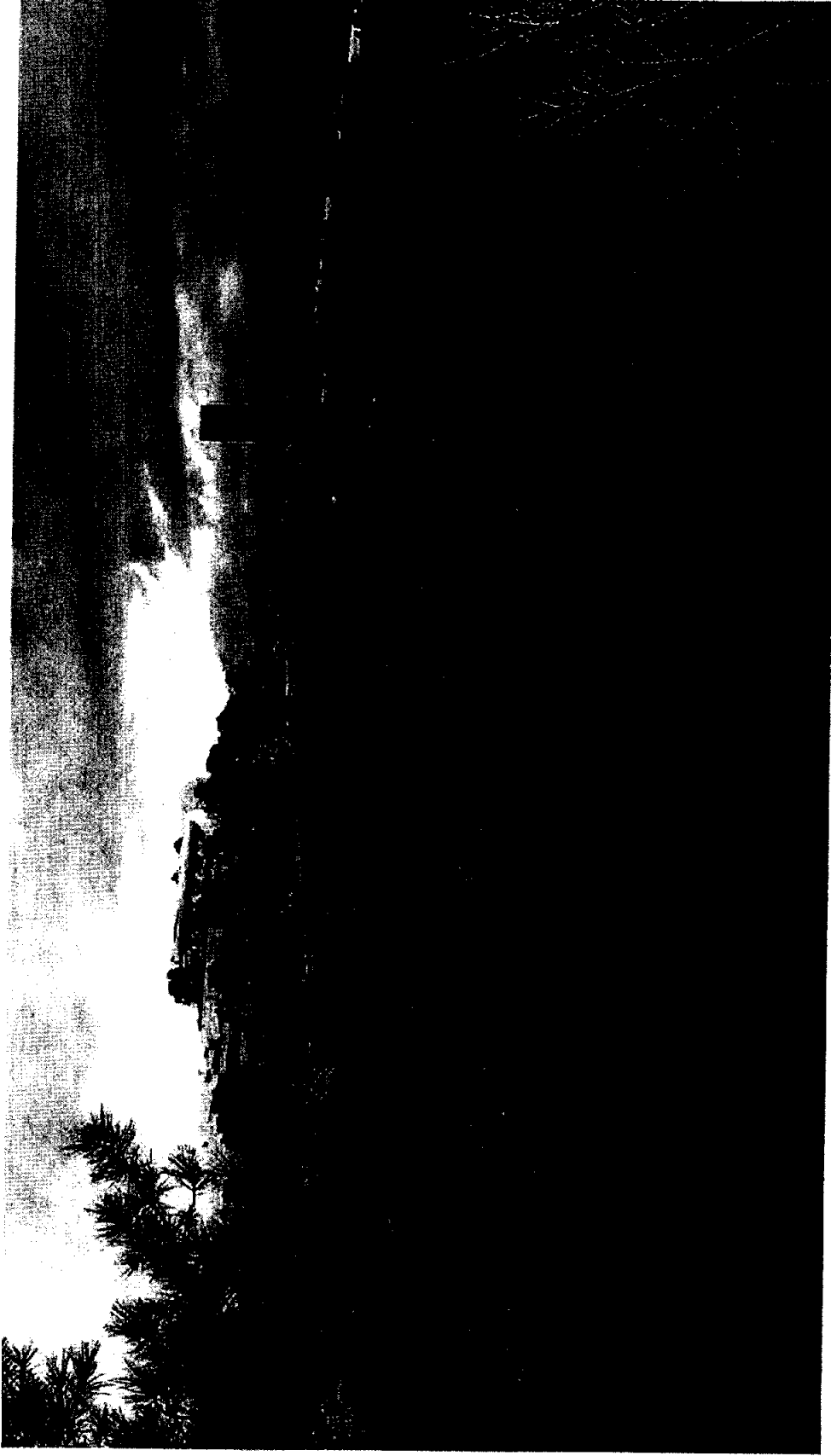
January 8, 2014  
Planning Commission  
Case # 2014-107  
**1503 SUMMIT RIDGE VARIANCE**

# **EXHIBIT C**

Site photos
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**Proposed location**



## **Alternative Location**

# City of Santa Fe, New Mexico

## memo

**DATE:** December 18, 2014 for the January 8, 2015 meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Tamara Baer, Planning Manager, Current Planning Division

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

**Case #2014-111. Hands of America Lot Split.** Monica Montoya, agent for Leonel Capparelli, requests Lot Split approval to divide 3.0± acres of land into two lots, each 1.50 acres in order to rezone one of the lots to C-1 (Office and Related Commercial). The property is zoned R-1 (Residential, 1 dwelling unit per acre) and is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

**Case #2014-109. Hands of America General Plan Amendment.** Monica Montoya, agent for Leonel Capparelli, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.50± acres of land from Rural/Mountain/Corridor (1 dwelling unit per 1 acre) to Office. The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

**Case #2014-110. Hands of America Rezoning.** Monica Montoya, agent for Leonel Capparelli, requests Rezoning approval of 1.50± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial). The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

*Cases #2014-109, #2014-110 and #2014-111 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 Land Use Department recommends **approval** of all three cases with staff Conditions of Approval as outlined in this report. No specific development will occur as a result of these applications. The General Amendment and Rezoning cases will proceed to the City Council for final decision.

*Exhibit "9"*

## **I. APPLICATION OVERVIEW**

Leonel Capparelli has owned the subject property and operated his Hands of America furniture restoration business at 401 Rodeo Road for the past 25 years. According to an unverified report from the County, prior to Mr. Capparelli's ownership, the property had also been used as a furniture restoration business, and before that, was the location of a gas station. According to the same report the gas tanks were removed in the 1940s and 1950s, by the previous owner.

Mr. Capparelli obtained a building permit in 2007 for an office/gallery while in the County, prior to the City's annexation of this area in 2009. The State of New Mexico Construction Industries Division (CID) issued the permit for 3,768 square feet of retail space and site improvements consisting of landscaping along Rodeo Road and parking for the retail building on the south end of the property nearest to Rodeo Road per an approved site development plan. (See Exhibit E-3) The State has inspected and approved footings and electrical installations as well as issued permit renewals regularly with the most recent renewal issued in January of 2014. Mr. Capparelli has maintained his business license while in the County and with the City since annexation.

The City annexed the property as part of the first phase of annexation with a zoning designation R-1 (Residential, 1 du/acre). The property includes his three unit home where he lives in one of the units. The furniture making and restoration business is primarily conducted in one structure on the north half of the property, which included two storage sheds. One storage shed was lost to fire in February 2014. The office/gallery building designed to showcase his furniture, is located closest to Rodeo Road and is currently under construction.

Mr. Capparelli has kept all permits up to date and his business license for Hands of America intact to maintain non-conforming status of the overall three acre property. Although Mr. Capparelli is able to complete his office/gallery under the permit obtained through the State CID, he requests to rezone the southern half of the property to C-1 (Office and Related Commercial) to give the proposed use and structure on the proposed south lot conforming status.

He proposes to subdivide his property into 2 parcels in order to rezone the southern lot thereby bringing it into compliance with zoning. To do so first requires the split, then an amendment to the General Plan to change the future land use designation of the southern lot to Office Use and to rezone it to C-1 (Office and Related Commercial). Rezoning of the southern half of the property would qualify as an extension of the C-1 zoning across Rodeo Road. The applicant plans to continue the use of the metal shop and the shed on the proposed north lot for his furniture restoration business as an existing non-conforming use.

## **II. LOT SPLIT**

The purpose of the lot split is to divide the property into two lots, each 1.50± acres in size, to then zone the resulting south lot (Lot 1) to C-1 to bring the existing uses into conformance with zoning. Lot 1 is currently developed with a three unit residential structure and a 3,768 sq. ft. building to house the applicant's office and furniture gallery, which is under construction. Lot

2, will remain residentially zoned, but will continue its use as a workshop in connection with the Hands of America furniture restoration business as a legally nonconforming use. As such, it may not be intensified or enlarged. Although the applicant has not indicated any interest in developing the north half residentially, the R-1 Zoning would allow the property owner to develop a house on the 1.50± acre lot.

The overall property has a water well and septic tank and is not currently connected to city utilities. At the time of any new construction on either of the two lots other than the building currently under construction on the front lot, the owner will be required to connect to city sewer and city water, if available. The rear lot, Lot 2, includes a small office that has a bathroom serviced with the well and septic field on Lot 1. An easement shall be shown and labeled on the plat for the well and septic field shared between lots. Connection to city water and sewer, if available, for either lot at the time of building permit application for any new development shall be noted on the plat.

The property is accessed directly from Rodeo Road by a private drive along the east property line which will be redesigned to accommodate additional spaces near the office/gallery on Lot 1. The existing driveway currently extends to a metal shop which is shown at the property line between Lot 1 and Lot 2. The Fire Marshal requires a 20 foot wide easement to access Lot 2 with a turnaround to be constructed at the time of permit application for any new development on that lot.

### **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 ‘Office’ designation is consistent with growth projections for the area of the subject property. Adjacent properties across the street from the subject property are projected as non-residential uses. The proposed Office designation is appropriate for Hands of America which has operated at this location for 25 years, before the general plan update in 1999. The general plan’s vision for this stretch of Rodeo Road includes a combination of non-residential and residential uses with varying densities. Existing designations in close proximity are also “Office”. The proposed designation is a continuation of existing projected uses. The proposal is also consistent with economic diversity themes of the general plan which is to promote

economic development. All infrastructure is in place and no anticipated modifications are proposed with this application. The intent of this application is to bring existing uses into conformance with existing adopted plans.”

**Staff Response:**

The subject three acre property lies in the middle of four properties on the north side of Rodeo Road designated Rural/Mountain/Corridor (1 du/acre), a lower density than adjacent residential areas that are designated at 1-3 du/ac and 3-7 du/acre. The large church across the street is designated as Public/Institutional and other properties on the south side of Rodeo Road are designated Office, including Sierra Vista (assisted living), a vacant building (previously the ARK veterinary hospital) and Montecito, a continuum of care community with condominium units and assisted living. A new chapel is currently under construction further to the west at the Rivera Cemetery. These surrounding properties were developed well after the “nonconforming” businesses were established on the north side of Rodeo Road. All four of the properties have direct access to Rodeo Road and rely on water wells and septic. Connection to city water and sewer will be required as these properties develop in the future, assuming the infrastructure is available at that time.

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

**Applicant Response:**

“Hands of America is consistent with other parts of the general plan including compliance with anticipated probable future growth projections for this portion of Rodeo Road which over the years has developed partially into non-residential uses. By virtue of existing designations, Hands of America is an acceptable land use to guide the growth and land development of East Rodeo Road for both the current period and the long term.”

**Staff Response:**

Staff concurs with applicant response.

*(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:**

“No change of use is proposed with the amendment. We only seek a designation which appropriately recognizes the long term use of the subject property. The proposed amendment does not change the non-residential character of East Rodeo Road but rather assigns the correct designation to a historic non-residential pattern already established in the area. Uses in the area include predominantly non-residential uses combined with residential use.”



**Staff Response:**

The use is not significantly different or inconsistent from surrounding development and is not at the expense of surrounding landowners or the general public. The property is directly across from a mix of uses that are permitted in C-1. Approval of an office/gallery use would be consistent with the historic use of the property.”

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

**Applicant Response:**

“See below.”

**Staff Response:**

The property requested to be rezoned to C-1 is less than 2 acres (1.5 acres), but would be an adjustment and extension of the C-1 to the south.

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

**Applicant Response:**

“The designation of Office respects the historic established character of East Rodeo Road and intends to bring conformance to established uses in the area. No negative impacts are anticipated to surrounding landowners or the general public.”

**Staff Response:**

The development plan was approved in the County, and the applicant has renewed the construction permit throughout the years. The permit is subject to several conditions to ensure the property does not negatively impact surrounding properties.

- (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 amendment will promote the general welfare by bringing a historical use into conformance with appropriate City growth policies.”

**Staff Response:**

This proposal conforms to Section 14-3.2(E)(1)(c) and is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

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

**Applicant Response:**

"N/A"

**Staff Response:**

N/A

*(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:**

"Hands of America contributes to the harmonious character established for the area and maintains respect of Santa Fe's unique personality and sense of place. Its theme speaks to the very fabric of the community; restoring New Mexican history for the present and future, while maintaining qualities established by the general plan including health, safety, morals, order and general welfare. It's a small business with big impacts on history."

**Staff Response:**

The proposed use of the 3,768 square foot building will support Santa Fe's economic base by providing space for an office and a gallery and employment opportunities. The completion of the office/gallery building will be an important addition and improvement to this section of Rodeo Road and surrounding area. The C-1 designation is an effective transition from the mix of uses on the south side of Rodeo Road to the residential uses to the north.

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

**Applicant Response:**

"Hands of America operates as a legal use with appropriate permits from the State, County and City meeting the requirements of City ordinances. The use is legally con-conforming created by events out of Mr. Capparelli's control. This status and has proven to be problematic to the

completion of the building at the south end of the site. The proposal seeks only to remedy this through the assignment of appropriate classification to match the historic use.”

**Staff Response:**

A potentially empty, large building is a detriment to the area and does not positively impact the local economy. The requested rezoning would ensure that the applicant’s development previously approved in the County will be a conforming use if zoned C-1. A nonconforming status could prevent him from rebuilding if it should be destroyed by fire or other catastrophe. This proposal is consistent with the City’s policies promoting infill, redevelopment, and mixed-use neighborhoods.

***(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 proposed amendment will bring conformance and an appropriate designation to a use which has operated at the site for over 20 years. It is conceivable that a study of the area during the 1999 update may have warranted the proposed classification.”

**Staff Response:**

The 2009 Annexation and General Plan designation did not take into account the historic use of this property.

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

**Applicant Response:**

“The proposed amendment will provide a designation which is appropriate for the historic use of the property.”

**Staff Response:**

The existing land use was approved in the County, and per the terms of the Subdivision, Planning and Zoning Ordinance (SPPAZO) the City accepted and honored those approvals.

*(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.*

**Applicant Response:**

“The character of East Rodeo Road has existed for many years. The proposed amendment will bring the general plan up to date with the historic use and character of the area.”

**Staff Response:**

Staff concurs with the applicant’s response.

**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;*

**Applicant response:**

“We propose that there was a mistake in the original zoning. Through no-party’s fault, the subject property was annexed without the benefit of careful consideration of the historic use of 25 years, previous state and county permitting, and appropriate zoning designation. The result was the assignment of R1 zoning for a non-residential use. R1 does not permit non-residential use but because the use pre-existed the annexation, was allowed to continue with very restrictive requirements which do not apply to other non-residential uses in the city. We seek only to remedy the situation which was created through events out of Mr. Capparelli’s control. Hands of America has operated as a non-residential use for 25 years and a C1 designation would bring the historic use into conformance with appropriate zoning.”

**Staff response:**

The property was designated at the least intense zoning R-1 without consideration of historic use or prior County permits.

*(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;*

**Applicant response:**

“The non-residential character of East Rodeo Road including that of the subject has existed for many years. We seek only to assign the appropriate zoning classification of C1 to a pre-existing use in an area with a history of non-residential use.”

**Staff response:**

The neighborhood has not experienced significant changes since annexation. Rather, the rezoning would reflect the actual and historic use and character of the property.

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

**Applicant response:**

“The proposed zone is more appropriate to the character of East Rodeo in this area. The C1 zone will have many positive effects including creation of a transition between existing non-residential uses and residential uses to the north. We ask the Commission to consider that C1 zoning is an appropriate designation based on development patterns immediately adjacent to and within the vicinity of the subject. The busy nature of Rodeo Road has made single family residential use (R1 zone) unlikely. Rodeo Road has become a major east/west connection with increasing traffic. It is our belief that the nature of C1 zoning at this location will create opportunities for an integrated community with surrounding uses.”

**Staff response:**

A number of different uses are permitted in the C-1 (Office and Related Commercial) as principally permitted uses. These include: (Table 14-6.1-1) “arts and crafts studios, galleries and shops, gift shops for the sale of arts and crafts.”

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

**Applicant response:**

“We propose that rezoning requirements of Chapter 14 have been satisfactorily demonstrated through our application.”

**Staff response:**

Six parking spaces are shown on the Site Development Plan (See Exhibit E-3) and sufficient parking is available to accommodate the three unit residence behind the office/gallery building. Additional landscaping may be required next to the residential properties at the time of any future construction.

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

**Applicant response:**

“We propose that the general plan recognizes that managing growth is a process which occurs over time. Character changes over time as traffic increases, population and density increases, quality of life changes to name a few. We ask the Commission to consider that East Rodeo does not fit the character of the general plan designation and must be updated. We ask the Commission to consider that the zoning designation of C1 is consistent with these policies.”

**Staff response:**

An amendment to the General Plan is requested with this application to change the zoning to C-1.

- (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:**

“We propose that the general plan recognizes that managing growth is a process which occurs over time. Characters change over time as traffic increases, population and density increases, quality of life changes to name a few. We ask the Commission to consider that East Rodeo does not fit the character of the general plan designation and must be updated. We ask the Commission to consider that the zoning designation of C1 is consistent with these policies.”

**Staff response:**

Although the city currently has a good amount of office space, such space on this section of Rodeo Road could accommodate an already established use as it was annexed in to the city. Additionally, the C-1 district serves as a buffer to residential districts.

- (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:**

“There will be no changes to existing infrastructure including East Rodeo Road construction, sewer, water or public facilities. The use will operate as it has for many years with the only difference being the appropriate zoning category.”

**Staff response:**

A water well and septic tank will continue to service the site with appropriate easements until such time as any new construction is proposed for Lot 1 or Lot 2 when connection to public water and sewer will be required if it is available. Currently, City water is available in Rodeo Road and City wastewater is available to the north of the property.

(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:**

“We propose that the C1 zone fits the historic non-residential character of East Rodeo Road in the vicinity of the subject property which in addition to non-residential uses is a high traffic commuter route from St. Francis Drive to Old Pecos Trail.”

**Staff response:**

The proposed rezoning of the south half 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:**

“The proposed C1 boundary will be adjusted from the south to include the subject property.”

**Staff response:**

Staff concurs with the applicant’s response.

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

**Applicant response:**

“The proposed change will not adversely affect surrounding landowners or the general public. Rather, it will bring an already non-residential use into conformance with zoning laws.”

**Staff response:**

The proposed change to rezone the southern half of the three acre parcel will not adversely affect surrounding landowners.

**(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:**

“Existing infrastructure will be used with no changes proposed.”

**Staff response:**

Impacts on infrastructure will be assessed at the time of any future development proposals.

*(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:**

“E. Rodeo Road is sufficient to support the C-1 classification.”

**Staff response:**

Some infrastructure is available to serve the site and will be more closely evaluated at time of any new construction permit application. Infrastructure is available to serve the site and will be more closely evaluated at time of any new construction permit application.

**V. EARLY NEIGHBORHOOD NOTIFICATION MEETING**

An early neighborhood notification meeting was held on July 23, 2014 to discuss the proposed general plan amendment and rezoning with neighbors and representatives of a neighborhood association. Thirteen persons signed in representing 7 properties within 300’ of the subject



property. Three persons represented Arroyo Chamiso/Sol y Lomas Neighborhood Association. Discussions focused primarily on the proposal. (See Exhibit D-1, ENN Notes)

## **VI. CONCLUSION**

Staff supports the proposed lot split, general plan amendment and rezone subject to the attached DRT Conditions of Approval. The property has operated as a home and business for over 25 years and was annexed into the City at the lowest zoning category of R-1. The rezoning will bring already approved development into compliance with City zoning.

## **VII. ATTACHMENTS:**

### **EXHIBIT A: Conditions of Approval**

### **EXHIBIT B: Development Review Team Memoranda**

1. Traffic Engineering Division email, Sandra Kassens
2. Water Division memorandum, Dee Beingessner
3. Fire Marshal, Reynaldo Gonzales
4. Wastewater Management Division memorandum, Stan Holland
5. Technical Review Division – City Engineer memorandum, Risana Zaxus

### **EXHIBIT C: Maps**

1. Future Land Use
2. Current Zoning & Aerial
3. Utilities and Floodplain Map
4. Close Up Aerial

### **EXHIBIT D: ENN Materials**

1. ENN Responses to Guidelines
2. ENN Meeting Notes

### **EXHIBIT E: Applicant Materials**

1. Letter of Application (see applicant's package)
2. Lot Split Plat
3. Site Development Plan

### **EXHIBIT F: Other Material**

1. Photographs of site
2. List of permitted uses in C-1 (Office and Related Commercial)

**Hands of America, 401 Rodeo Road**  
Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111))

DRT Conditions of Approval	Department	Staff
<p>1. The Developer shall make the following changes to the plat: The applicant shall modify the easement where it terminates at the southern boundary of Lot 1 so that it is coincident with the existing driveway/access to Rodeo Road, use a reverse-curve or a gentle taper to accomplish this rather than an abrupt change of direction. Access easement to be reviewed and approved by the Public Works Dept.</p>	Traffic Engineering/Public Works	Sandra Kassens for John Romero
<p>1. There is no existing water service for the subject property. If they will request water service, there is a main available on Rodeo Road. 2. Fire service requirements will have to be determined by the Fire Department prior to development.</p>	Water Division	Dee Beingessner
<p>1. Fire Department will accept previous conditions and approvals set forth by other agencies. 2. Lot 2 does not meet fire code requirements for the driveway meeting 150 feet distance and would require a turn-around or automatic sprinklers system. Should any new construction or remodel take place it must conform to the current fire code. 3. Lot 2 does not meet the fire code requirements for water supply distance. Should any new construction or remodeling take place it must conform to the current fire code.</p> <p><b>Prior to any new construction or remodel these conditions would apply:</b></p> <p>1. Shall Comply with International Fire Code (IFC) 2009 Edition. 2. Fire Department Access shall not be less than 20 feet width. 3. Fire Department shall have 150 feet distance to any portion of the building on any new construction. 4. Shall have water supply that meets fire flow requirements as per IFC. 5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.</p>	Fire Marshal	Reynaldo Gonzales

EXHIBIT **A**

# **Hands of America, 401 Rodeo Road**

Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111))

<p>The subject properties are accessible to the City sanitary sewer system.</p> <p>Additional Comments:</p> <ol style="list-style-type: none"> <li>1. There is an existing public sewer line north of the property. A continuous sewer service easement through Lot 1 and Lot 2 for the benefit of both lots shall be added to the proposed lot split plat.</li> </ol> <p>The following note shall be added to the plat:</p> <ol style="list-style-type: none"> <li>1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</li> </ol>	<p>Wastewater Division</p>	<p>Stan Holland</p>
<p>The following review comments are to be considered conditions of approval for the Case #2014-111, Lot Split:</p> <ol style="list-style-type: none"> <li>1. Sidewalk must be constructed along the Rodeo Road frontage in accordance with Article 14-9.2(E) of the Land Development Code. Construction must either be completed, inspected, and approved prior to recordation of the Lot Split, or a financial guarantee must be provided for the full cost of sidewalk construction, along with an Agreement to Construct the sidewalk within one year of recordation of the Lot Split.</li> <li>2. Add lot addresses (contact Marisa Struck 955-6661).</li> </ol>	<p>Technical Review Division</p>	<p>RB Zaxus</p>

# City of Santa Fe, New Mexico

## memo

**DATE:** December 17, 2014

**TO:** Donna Wynant, Land Use Division

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

**FROM:** Sandra Kassens, Engineer Assistant *SK*

**SUBJECT:** Hands of America General Plan Amendment. (Case# 2014-109)  
Hands of America Rezoning to C-1. (Case # 2014-110)  
Hands of America Lot Split. (Case # 2014-111)

**ISSUE:**

Monica Montoya, agent for Leonel Capparelli, Requests:

1. Approval of a General Plan Future Land Use map amendment to change the designation of 1.49± acres of land from RMTM (Mountain Density Residential, up to 1 dwelling unit per 10 acres) to Office designation; and
2. approval of 1.49± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial); and
3. Lot Split approval of 3.0± acres of land. The property is located at 401 Rodeo Road.

**RECOMMENDED ACTION:**

Review comments are based on submittals received on November 26, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

The Traffic Engineering Division will allow only one access onto Rodeo Road for this lot split.

1. The Developer shall make the following changes to the plat:
  - a. The applicant shall modify the easement where it terminates at the southern boundary of Lot 1 so that it is coincident with the existing driveway/access to Rodeo Road, use a reverse-curve or a gentle taper to accomplish this rather than an abrupt change of direction. Access easement to be reviewed and approved by the Public Works Dept.

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

Thank you.

*City of Santa Fe*  
**memo**

**DATE:** November 26, 2014  
**TO:** Donna Wynant, Land Use Senior Planner, Land Use Department  
**FROM:** Dee Beingessner, Water Division Engineer *DB*  
**SUBJECT:** Case # 2014-111 Hands of America Lot Split

---

There is no existing water service for the subject property. If they will request water service, there is a main available on Rodeo Road.

Fire service requirements will have to be determined by the Fire Department prior to development.

# City of Santa Fe, New Mexico

## memo

**DATE:** December 8, 2014  
**TO:** Case Manager: Donna Wynant  
**FROM:** Reynaldo D Gonzales, Fire Marshal *RDG*  
**SUBJECT:** Case #2014-109,110,111 Hands of America

---

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Fire Department will accept previous conditions and approvals set forth by other agencies.
2. Lot 2 does not meet fire code requirements for the driveway meeting 150 feet distance and would require a turn-around or automatic sprinklers system. Should any new construction or remodel take place it must conform to the current fire code.
3. Lot 2 does not meet the fire code requirements for water supply distance. Should any new construction or remodeled take place it must conform to the current fire code.

**Prior to any new construction or remodel these conditions would apply**

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Fire Department Access shall not be less than 20 feet width.
3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
4. Shall have water supply that meets fire flow requirements as per IFC.
5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width

EXHIBIT *B-7*

# City of Santa Fe, New Mexico

# memo

**DATE:** December 2, 2014  
**TO:** Donna Wynant, Case Manager  
**FROM:** Stan Holland, Engineer, Wastewater Division  
**SUBJECT:** Case #2014-109-111 401 Rodeo Road hands of America General Plan Amendment, Rezoning and Lot Split

---

**The subject properties are accessible to the City sanitary sewer system.**

**Additional Comments:**

1. There is an existing public sewer line north of the property. A continuous sewer service easement through Lot1 and Lot 2 for the benefit of both lots shall be added to the proposed lot split plat.

**The following note shall be added to the plat:**

1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.

# City of Santa Fe, New Mexico

## memo

DATE: December 17, 2014  
TO: Donna Wynant, Case Manager  
FROM: Risana B "RB" Zaxus, PE, City Engineer for Land Use Department  
SUBJECT: Case # 2014-111, Hands of America Lot Split

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The following review comments are to be considered conditions of approval:

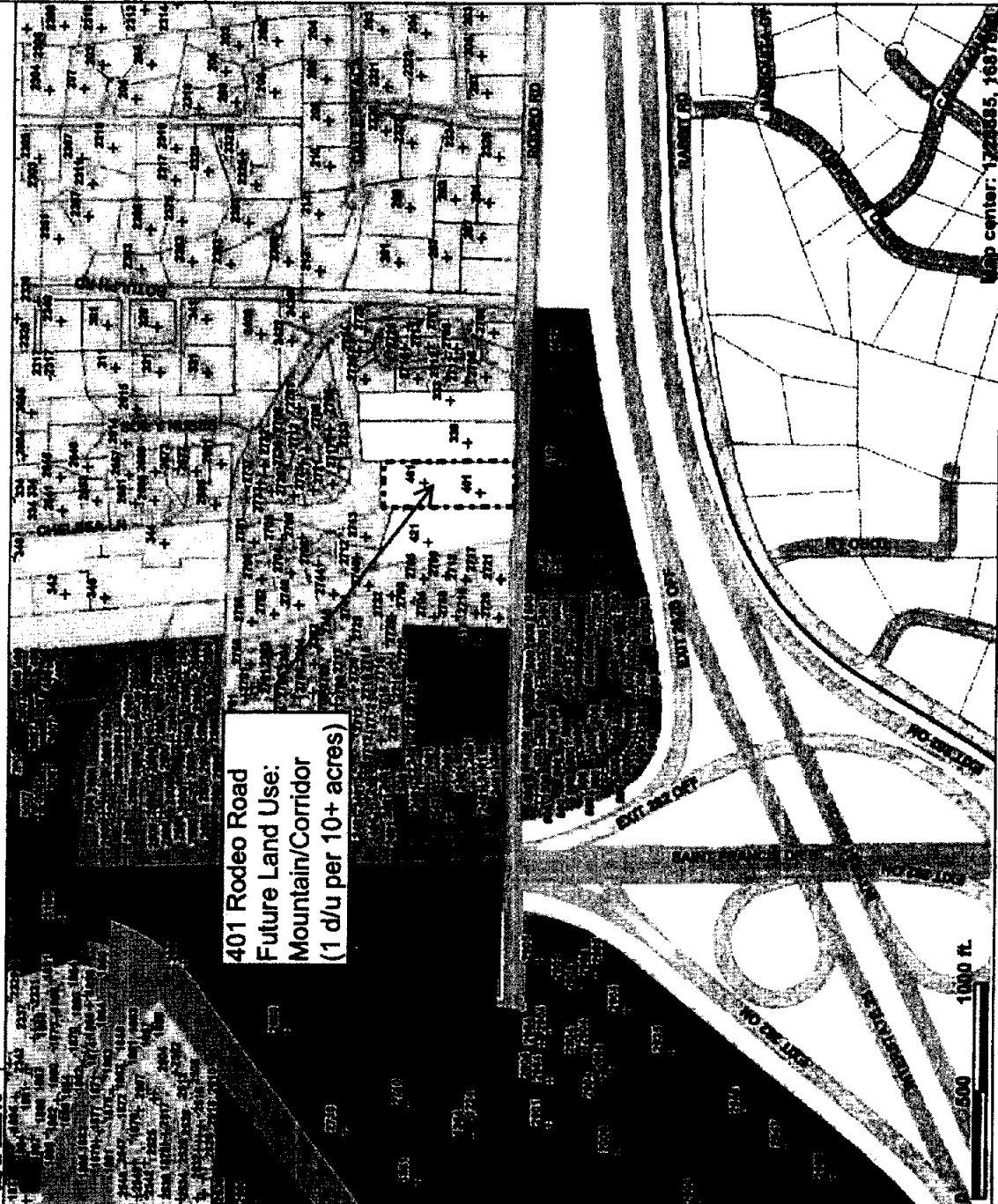
Sidewalk must be constructed along the Rodeo Road frontage in accordance with Article 14-9.2(E) of the Land Development Code. Construction must either be completed, inspected, and approved prior to recordation of the Lot Split, or a financial guarantee must be provided for the full cost of sidewalk construction, along with an Agreement to Construct the sidewalk within one year of recordation of the Lot Split.

Add lot addresses (contact Marisa Struck 955-6661).

(With regard to cases # 2014-109 and # 2014-110, the Hands of America General Plan Amendment and Rezoning, I have no review comments.)



# 401 Rodeo Road - Future Land Use Map

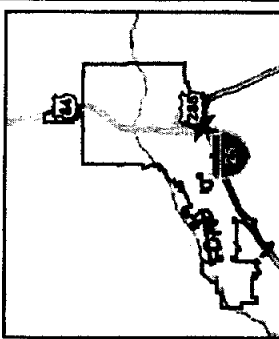
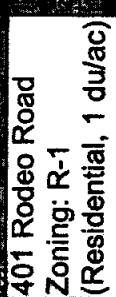


401 Rodeo Road  
Future Land Use:  
Mountain/Corridor  
(1 d/u per 10+ acres)

Legend	
	City Limits
	Address Points
	Parcel
	Airport Clear Zones
	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 (7-13 dwellings per acre)
	High Density (13-26 dwellings per acre)
	Regional Commercial
	Community Commercial
	Neighborhood Center
	Transitional Mixed Use
	Business Park
	Office
	Industrial
	Public/Institutional

Scale: 1:8,500

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.



**✓ City Limits**

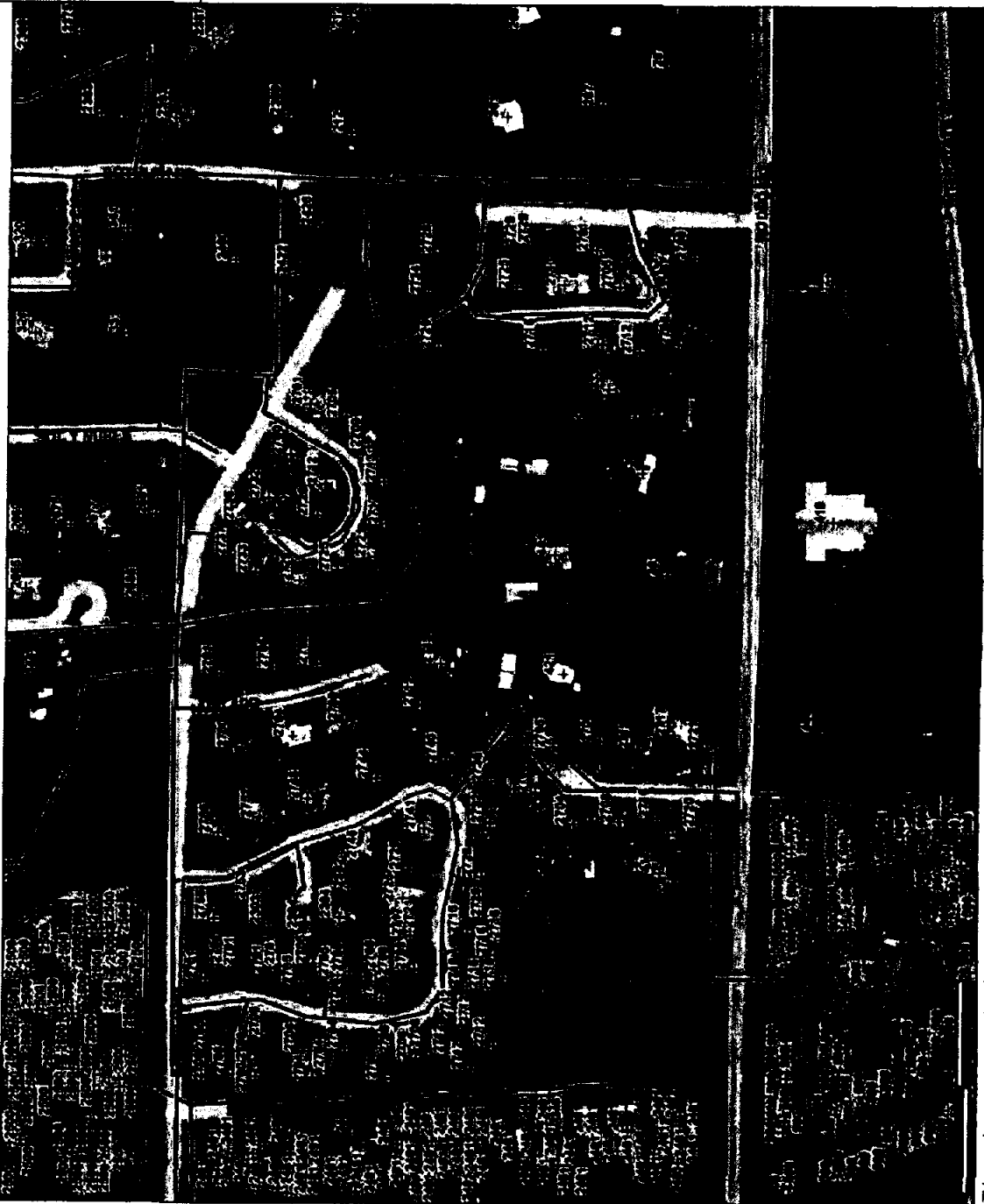
- [illegible]



**Scale: 1:4,225**

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.

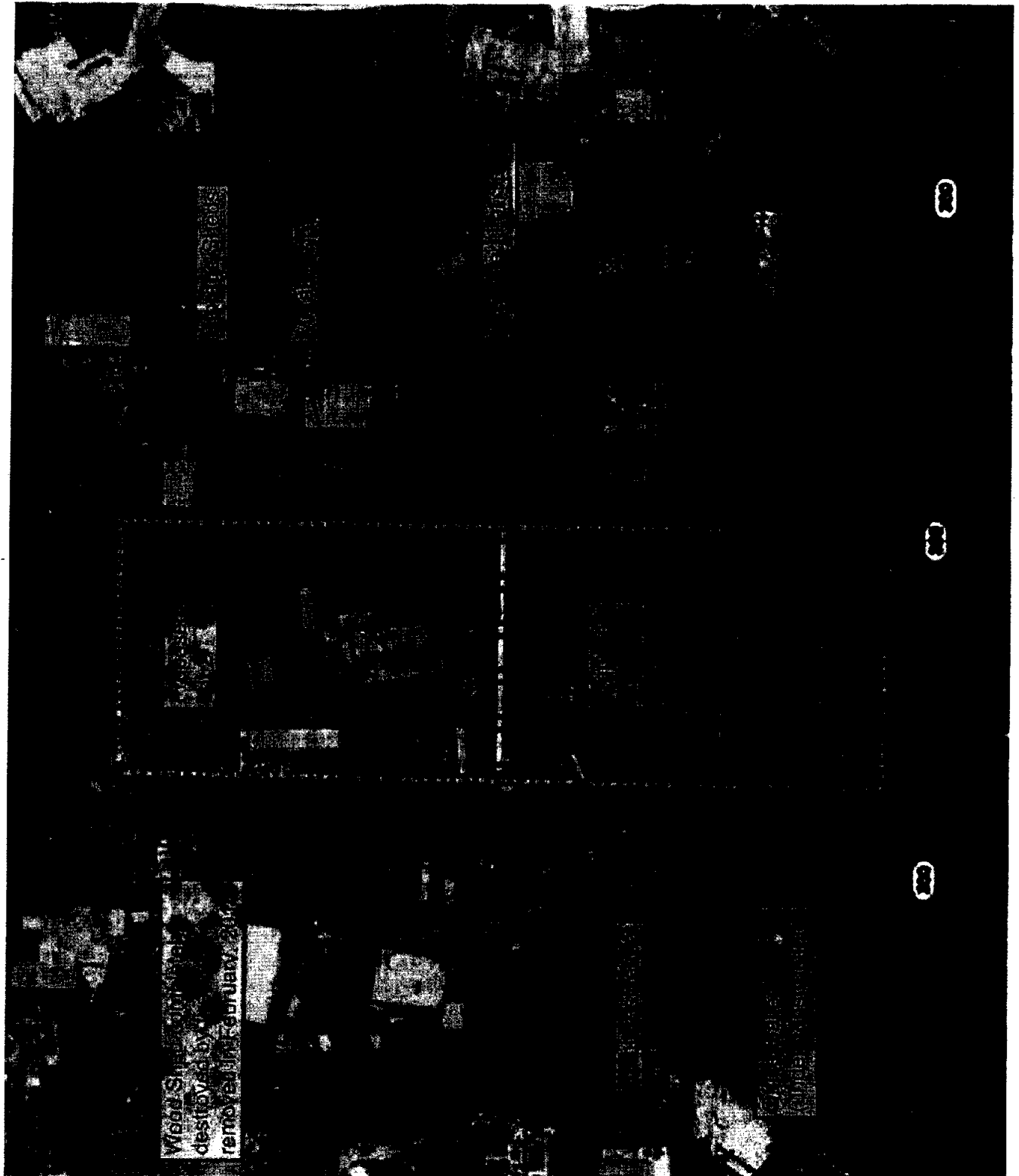
# 401 Rodeo Rd.- Area Utilities & Floodplain



- Legend**
- City Limits
  - Address Points
  - Wastewater Collection Pipelines
  - Water Pipe Distribution
  - Parcels
  - Airport Clear Zones
  - Santa Fe River
  - FEMA Floodplain December 4, 2012 (100 yr)
  - Major Roads and Highways
  - Other Roads and Streets
  - 2011 Aerial Photography - 1 foot resolution

Scale: 1:4,265

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.





## ENN GUIDELINES

### Applicant Information

Project Name: Hands of America/Capparelli

Name: Leonel Capparelli

Last

First

M.I.

Address: 401 E. Rodeo Road

Street Address

Suite/Unit #

Santa Fe

NM

87507

City

State

ZIP Code

Phone: ( 505 ) 983-5550

E-mail Address: handsofamer@cybermesa.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 existing, currently incomplete building on Rodeo Road will be completed. Elevation drawings are attached. The building is two stories, designed in pueblo style with covered portals and upper balconies, with traditional stepbacks and rounded corners. It is set back 25' from the Rodeo Road property line and 10' from the west property line. A landscape buffer in compliance with code requirements will be provided. No access issues are anticipated as the project will not make any changes. The primary effect on the appearance of the property will be positive, as the approvals will allow completion of the current incomplete building in an attractive and tasteful manner.

**(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.*

No physical changes will be made other than completion of the building and any necessary landscape buffer. No change in use is planned other than moving the existing furniture business into the new building. Therefore, there will be minimal to no impact on the physical environment.

**(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.*

*There are no known prehistoric, historic, archeological or cultural sites or structures on the subject property.*

**(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.*

No change in land use or density is planned. The property currently has both residences and the Hands of America furniture business, and those will both stay, with the business moved into the new building. The C-1 zoning district abuts the subject property across Rodeo Road, and the property is surrounded by commercial, institutional and home-based businesses. The project was fully approved by Santa Fe County and started prior to annexation, but unfortunately was not completed prior to annexation, and that is why the current application is required.

**(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.*

Traffic impact will not change from the current use.

**(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.*

Hands of America is an acclaimed skilled furniture making restoration business. It uses traditional techniques and presents minimal environmental impact to the community. It is the type of arts-focused small business that Santa Fe works to attract and retain. Mr. Capparelli would like to continue doing the same work on his same property.

**(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.*

The project will have no effect on the availability of housing, as no changes are planned.

**(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 project will have no effect on public services, because there are no physical changes planned other than completion and occupation of the new building. The new building will meet all current fire code standards.

**(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.*

There will be no change in water use other than minimal irrigation for any required landscaping to be offset 100% by roof catchment. Completion of construction will require minimal water.

**(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 existing mixed residential/commercial land use of the property will continue.

**(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 use and density of the subject property will not change.

**(l) ADDITIONAL COMMENTS (optional)**

Mr. Capparelli seeks to complete the unfinished building and move his business into it, as well as secure financing to do so. He had received all necessary approvals from Santa Fe County to do this prior to annexation, but was unfortunately no able to complete it. With the recent tragic fire in his workshop he is forced to complete the project, but now must comply with City zoning requirements. The application will put Mr. Capparelli back in the position he was prior to annexation.



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

<i>Project Name</i>	Capparelli/Hands of America Lot Split/Rezoning
<i>Project Location</i>	401 Rodeo Road, Santa Fe, NM 87507
<i>Project Description</i>	Rezoning to C-1 and lot split
<i>Applicant / Owner</i>	Leonel Capparelli
<i>Agent</i>	Chris Graeser, Graeser & McQueen Law Firm
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	July 23, 2014
<i>ENN Meeting Location</i>	Genoveva Chavez Community Center
<i>Application Type</i>	Rezoning and Lot Split
<i>Land Use Staff</i>	Donna Wynant
<i>Other Staff</i>	
<i>Attendance</i>	___ people

**Notes/Comments:**

Donna Wynant opened the meeting and gave an overview of the ENN request and the process. She introduced the applicant's agent Chris Graeser who introduced the applicant/property owner, Leonel Capparelli.

Mr. Graeser stated that the applicant proposes to divide the property in half and rezone the southern (front) half to C-1 (Office and Related Commercial). The proposal for an office/gallery was approved when it was in the County, and the building permit was issued through the State of New Mexico Construction Industries Division and was kept up to date over the years. The property was annexed into the city in 2009. Mr. Graeser pointed out the site and the surrounding properties on an aerial photo and pointed out the features of the structure from the artist rendering.

The structure, although unfinished, has been deemed structurally sound per the information by Mike Purdy of the City's Inspection and Enforcement Division who discussed the status of the property with the CID. Mr. Capparelli said the



structure was sound, built with mesquite wood from Mexico. He said he already invested \$250,000 into the project.

Elena Benton of the Arroyo Chamiso/Sol Y Lomas Neighborhood Association asked what was different about this proposal, why commercial zoning. She said she's concerned about expanding commercial development.

Another concern was raised about the use of chemicals in his business. Mr. Capparelli said that yes, he uses lacquers, but he uses green products.

The owner of the Electrical Services business, located immediately east of Hands of America, said that at the Annexation meetings, he was promised C-1 (Office and Related Commercial) zoning, but then the maps showed the properties as R-1.

A neighbor asked if the property has a septic tank. Mr. Capparelli said that is already approved with septic and water well, and that it won't use a lot of water.

Another question was raised about the types of uses that were allowed in C-1, and whether or not a fast food restaurant would be allowed. Ms. Wynant said according to Chapter 14, that it is among the many types of uses allowed in C-1. However, the proposal under review with the Hands of America does not involve anything other than a rezoning request to accommodate the office/gallery that was approved originally through the county.

The meeting adjourned at 6:45

MONICA MONTROYAL Land Use Consulting, Inc

November 24, 2014 for January 8, 2015 Planning Commission Meeting

Planning Commission Members  
C/O Current Planning Division  
Planning and Land Use Department  
200 Lincoln Avenue  
Santa Fe, N.M. 87502

**SUBJ: HANDS OF AMERICA/LEONEL CAPPARELLI GENERAL PLAN  
AMENDMENT AND REZONING.**

Dear City Staff,

This application is submitted on behalf of Mr. Leonel Capparelli to request General Plan Amendment from RMTM (*Mountain Density Residential, up to 1 dwelling unit per 10 acres*) to Office designation and rezoning from R1, (*Residential, 1 dwelling unit per acre*) to C1, (*Office and Related Commercial*), for 1.498 acres located at 401 Rodeo Road.  
**Exhibit A.**

**APPLICATION OVERVIEW**

Leonel Capparelli owns property at 401 Rodeo Road and has operated a furniture restoration and incidental sales business for almost 25 years known as Hands of America. The annexation of his property by the City coupled with the recession put Mr. Capparelli in a precarious situation which he now hopes to resolve with this application.

Generally, before his property was annexed into the City limits, Mr. Capparelli received appropriate permits from the State and County to construct a building to house an office and gallery on the south end of his property nearest to East Rodeo Road. Because of the economic conditions of the country at the time, the construction process slowed down considerably. The property was then annexed without the benefit of careful consideration of appropriate general plan and zoning designations to reflect the historic commercial use and as a result, his long standing business became "non-conforming".

The non-conforming status of the property has become problematic to Mr. Capparelli's ability to complete the unfinished building and for this reason, he requests that the City grant approvals necessary to accomplish conformance with land use laws. Specifically, to subdivide his property into 2 parcels, (*Summary Committee review*), and amend the General Plan and Zoning classifications on the south end of the property closest to Rodeo Road. Mr. Capparelli has worked closely with staff to create a plan which will satisfy the code and take into consideration the unfortunate situation brought on by events out of his control.

EXHIBIT E-1

(See applicant's packet  
for Letter of Application)



PLAN OF BOUNDARY SURVEY  
FOR

AMELIA J. CARSON

KAROL M. KLEINMAN


A CURTAIN TRACT OF LAND BEING SITUATE WITHIN  
SECTION 2, T 18 N. R. 9 E. ALBEM.,  
SPARTA FE COUNTRY, NEW MEXICO.

**PAAC:  
ARTS AND CRAFTS RESIDENTIAL  
NON-CONFORMING**

0564 210578

Copyright © 1999 by John Wiley & Sons, Inc.

Cheryl H. H. H.



*[Faint, illegible handwritten notes]*

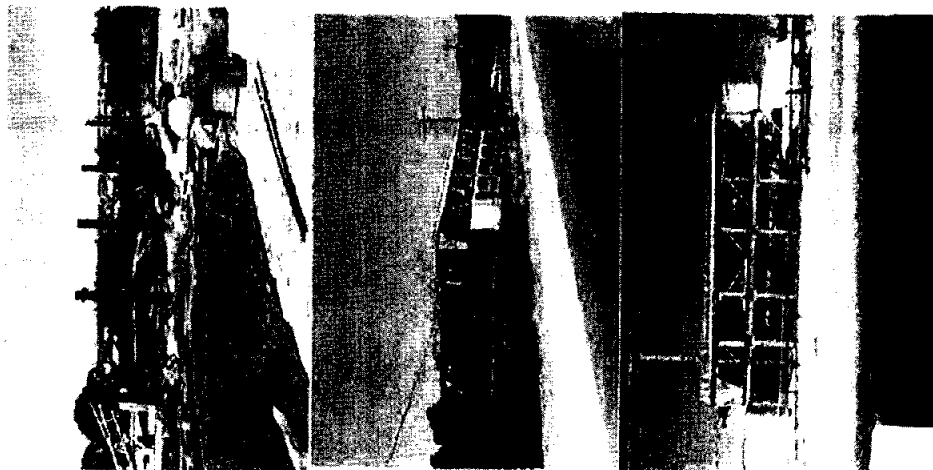
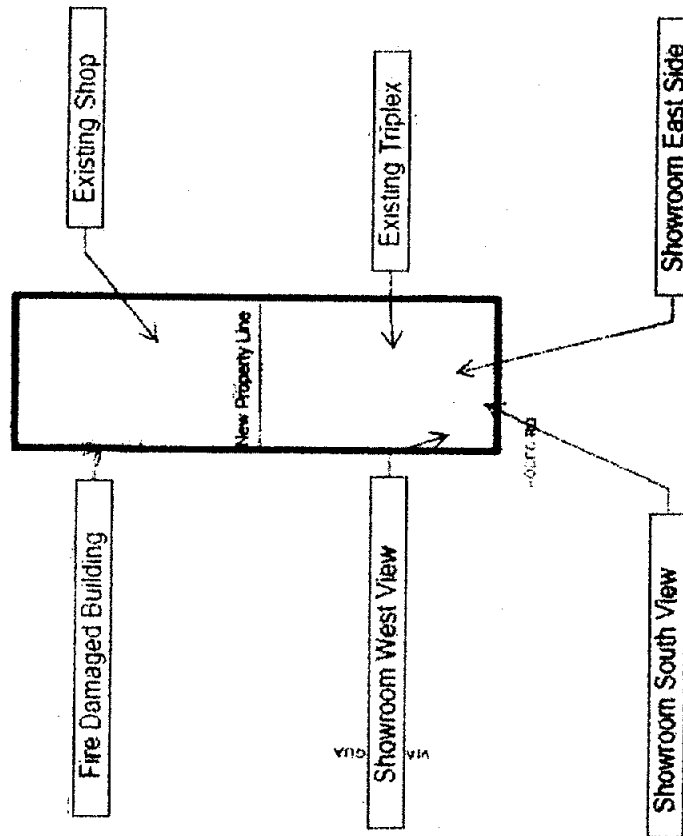
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EXHIBIT E-3

5

401 RODEO ROAD/PHOTOS OF SITE/October 2014



## C-1 Office and Related Commercial District

The purpose of the C-1 office and related commercial district is to provide areas for government offices; professional and *business* offices; medical and dental offices or clinics; *personal care facilities for the elderly*; and *hospitals*, laboratories, *pharmacies* and related complementary *businesses* that provide sales or service of office equipment, medical and dental supplies and office supplies. This district serves as a transitional buffer between more intense commercial use districts and *residential* districts.

### Permitted Uses

1. Adult day care
2. Arts & crafts schools
3. Arts & crafts studios, galleries & shops,
4. Banks, credits unions (no drive-through)
5. Banks, credits unions (with drive-through) ☼
6. Barber shops & beauty salons
7. Boarding, dormitory, monastery
8. Clubs & lodges (private) ☼
9. Colleges & universities (non-residential)
10. Continuing care community
11. Correctional group residential care facility ☼
12. Dance studios
13. Daycare; preschool for infants & children (6 or fewer) Small
14. Daycare; preschool for infants & children (more than 6) Large
15. Dwelling; multiple family
16. Dwelling; single family
17. Electrical distribution facilities
18. Electrical substation
19. Electrical switching station
20. Electrical transmission lines
21. Fire stations
22. Foster homes licensed by the State
23. Funeral homes or mortuaries
24. Group residential care facility
25. Group residential care facility (limited)
26. Kennels ☼
27. Manufactured homes
28. Medical & dental offices & clinics
29. Museums
30. Neighborhood & community centers (including youth & senior centers)
31. Nursing, extended care, convalescent, & recovery facilities
32. Offices; business & professional (no medical, dental, financial services)
33. Personal care facilities for the elderly
34. Pharmacies or apothecary shops
35. Photographers studios
36. Police stations
37. Police substations (6 or fewer staff)
38. Preschool, daycare for infants & children – Small
39. Preschool, daycare for infants & children – Large
40. Public parks, playgrounds, playfields

41. Religious assembly (all)
42. Religious educational & charitable institutions (no schools or assembly uses) ☼
43. Rental, short term
44. Restaurant; fast service, take out (no drive through or drive up, no alcohol sales, not to exceed 1,000 Square Feet)
45. Schools; Elementary & secondary (public & private) ☼
46. Schools; vocational or trade, non-industrial
47. Tailoring & dressmaking shops
48. Veterinary establishments, pet grooming ☼

☼ 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-1 districts subject to a Special Use Permit:

1. Cemeteries, mausoleums & columbaria
2. Colleges & universities (residential)
3. Grocery stores (neighborhood)
4. Hospitals
5. Laundromats (neighborhood)
6. Mobile home; permanent installation
7. Sheltered care facilities
8. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

### **Accessory Uses**

The following accessory uses are permitted in C-1 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
11. Utility sheds (within the rear yard only)

### **Dimensional Standards**

#### **Minimum district size**

- Single family dwelling: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided).
- Multiple family dwelling: as required to comply with gross density factor.

**Maximum height:** 36

**Minimum setbacks:**

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

Residential uses: Street 7; side 5 (10 on upper stories); rear 15 or 20% of the average depth dimension of lot, whichever is less

**Max lot cover:**

Non-residential uses: 60

Residential uses: 40

**Open Space Requirements:**

Single-Family Where the *lot* size is between two thousand (2,000) and four thousand (4,000) square feet, qualifying *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of single *family lots*, equals no less than four thousand (4,000) square feet.

Multiple-Family Qualifying *common open space* is required at a minimum of two hundred fifty (250) square feet per unit.

Non Residential The minimum dimension for *nonresidential open space* shall be 10 feet and cover a minimum of 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 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 25% unless the conditions described in 14-7.5(D)(6) are met; then the *required open space* may be reduced by a maximum of 10% of the total *lot* size.