City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 2/11/16 TIME 8:41 AM
SERVED BY [illegible]
RECEIVED BY [illegible]

AMENDED

PLANNING COMMISSION
Thursday, February 18, 2016 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS
MINUTES: None
FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS
F. NEW BUSINESS
G. STUDY SESSION

1. Policy and Procedural Issues Related to the Land Development Code (Chapter 14). (City Attorney Office and Land Use Department Staff)

2. *Policy and Procedural Issues Related to the Railyard Master Plan (BCD Redevelopment District). (Richard Czoski)*

H. STAFF COMMUNICATIONS
I. MATTERS FROM THE COMMISSION
J. 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) Study session items are not subject to administrative procedures for "quasi-judicial" hearings. The Commission will decide at the meeting whether to accept public comment on the agenda items.
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.**

City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 02-1-16 TIME 3:05
SERVED BY Geraldine Gurule
RECEIVED BY Gabriel Ortiz

PLANNING COMMISSION
Thursday, February 18, 2016 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS
MINUTES: None
FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS
F. NEW BUSINESS
G. STUDY SESSION

1. Policy and Procedural Issues Related to the Land Development Code (Chapter 14). (City Attorney Office and Land Use Department Staff)

H. STAFF COMMUNICATIONS
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SUMMARY INDEX
PLANNING COMMISSION
February 18, 2016

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	
C. Approval of Agenda	Approved as amended	2
D. Approval of Minutes & Findings and Conclusions	None	2
E. Old Business	None	2
F. New Business	None	2
Study Session	Presentation by Mr. O'Reilly	3-8
1. Land Development Code Policy/Procedural Issues	Presentation by Mr. Shandler	8-11
2. Railyard Policy/Procedural Issues	Presentation by Mr. Czoski	11-14
G. Staff Communications	Discussion	14
H. Matters from the Commission	Discussion	14-15
I. Adjournment	Adjourned at 8:20 p.m.	15

PLANNING COMMISSION
Thursday, February 18, 2016 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Vince Kadlubek on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present
Commissioner Vince Kadlubek, Chair
Commissioner Brian Patrick Gutierrez, Vice-Chair
Commissioner John B. Hiatt, Secretary
Commissioner Roman Abeyta [arriving later]
Commissioner Justin Greene
Commissioner Stephen Hochberg
Commissioner Mark Hogan
Commissioner Piper Kapin
Commissioner Sarah Cottrell Propst

Members Absent
None

Councilors Present
Councilor Carmichael Dominguez
Councilor Signe Lindell

OTHERS PRESENT:
Mr. Greg Smith, Current Planning Division Director and Staff Liaison
Mr. Zach Shandler, Assistant City Attorney
Mr. Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Planning and Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

Commissioner Hiatt moved to approve the agenda as presented. Commissioner Hochberg seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS OF FACT

There were no minutes of Findings of Fact to consider.

E. OLD BUSINESS

There was no Old Business to consider.

F. NEW BUSINESS

There was no New Business to consider.

G. STUDY SESSION

Mr. Matt O'Reilly said he was previously the Chair of the Planning Commission and now a Staff member with the Land Use Department for the last five years. He asked for a statement from Commissioner Lindell.

Commissioner Lindell said it is fun to present before the Planning Commission. Being appointed to Planning Commission was a great honor and life changing for me on lot of diff levels. I had the pleasure to serve with numerous people and made lifelong friends. I served with Mr. O'Reilly and we went out to have dinner after the meeting. We fought like cats and dogs during some meetings knowing we would have dinner together. So I hope you develop friendship among Commissioners. It made the importance of neighborhoods make a difference. The charge that the project meets the code. That is your responsibility.

It is easy to find out your responsibility by going to Chapter 14 of the Code. It is also important to know more. This is not a design review board. Overstepping the boundaries gets the City in trouble and can get very expensive

Commissioner Abeyta joined the meeting at 6:08 p.m.

Commissioner Lindell said from personal experience, she wouldn't want to be the person who came unprepared. There were many super smart people and she wanted to come prepared. She didn't need to comment on every project but she knew and understood what was being said. Some applicants may have spent hundreds of thousands before appearing. So keep that commitment every time.

She learned from Mr. Smith that when you start seeing the same problems; the same variances over and over again to go to a councilor to see if that part of the code needs to be changed. It is not open for a lot of personal interpretation.

She suggested, in trying to be true, to talk less and say more.

She learned early on that it is very bad for someone to call you to discuss a case prior to it being heard. That is completely inappropriate. It is also not appropriate to go to ENN meetings nor to talk with anybody who calls you about a case. People have done that and it is incumbent on ourselves to govern ourselves and should let them know it is not okay to talk about it.

Serving on the Planning Commission is a big commitment. There is lots of material to go through. She is deeply appreciative of your commitment as a volunteer.

When any case comes to Council, we really study all the minutes of the Planning Commission to see what was said and how it was handled. Sometimes it is really, really hard when the Code doesn't support what you want to do. But the Code totally and completely guides everything you do.

Commissioner Kapin thanked Commissioner Lindell for everything she just said. It makes a lot of sense. She asked Commissioner Lindell if she could expand on what is useful for the Council to see and asked for any feedback on minutes she has gotten from the Commission.

Commissioner Lindell said it is always best when people stay on point and keep within the code. Variance criteria are well defined. No part of the criteria for a variance has to do with finances or fiscal gain and that is hard. What she found most helpful is when people ask questions that are directly related to the Code. She went through cases and cases and ignored any of the questions on design because that is not the charge of the Planning Commission except in the BCD. Listening to neighborhood people, she reads all of what the public says. That is what the Council looks for.

Commissioner Hogan appreciated the comment about friendships and going to dinner afterwards. He asked if there is a rolling quorum issue with that and if Commissioners have to worry about all of us being

there together.

Commissioner Lindell said they usually didn't have a quorum and were through talking about business when we went. Those friendships during her eight years on the Planning Commission with people she would have had no other way of knowing was great. And over the course, even with those who disagreed, we were social. This is a good Commission and she expects very good things from this Commission.

Commissioner Dominguez said he occasionally came to Planning Commission when Commissioner Lindell was on it but this Commission has not seen him much. He thanked the members for taking time out of their lives to serve on this Commission and caring about this community. Thanks to your family also for your sacrifice.

Commissioner Dominguez related what led to his serving on the Planning Commission.

"There was a time in the early 1990s that I lived in Sierra Vista in a mobile home and my wife saw the grin on my face. She asked what was wrong with the look on my face. I told her that if we wanted to buy a house, we would have to leave Santa Fe. She said, no way. So I said I would have to get involved in city politics. The reason I say that is you probably have said the same thing. So my involvement started with that. I worked on the community impact statement by Mayor Jaramillo and that evolved into the ENN. That was my first taste. I got appointed to the Traffic Calming Task Force. I served with Karen Heldmeyer, David Pfeiffer, Roman Abeyta, and Paul Campos. My favorite issue was at Sam's Club and where they were going to locate their pumps to sell gasoline.

He said it is a privilege and honor to serve on the Planning Commission and now your job is to look at Chapter 14 and not to get political. "I know it is not always clear and when that happens, don't hesitate to raise your hand. Your role is critical to Governing Body. We look at the minutes and pay close attention to them. We look to find out if the conversation speaks to the Code so we don't have to be so political. We pay attention to what you have to say. For example, there was a case at the Governing Body and we had just started dealing with Findings of Fact and Conclusions of Law. And I read the minutes and the findings carefully. The findings might have said anything about compatibility but it was not clear in the Findings. So I convinced others to not approve something that was not clear in the minutes. We need for it to be clear. So thanks to all of you for your service."

Mr. O'Reilly said he would go through a handout he prepared when he became part of the Land Use Department, stepping down from the Planning Commission. The handout is to help Commissioners do the best job possible. He thanked the Commissioners too and reiterated how important your role is but would go further and stroke your egos. He explained how different the Planning Commission is from the 60 other committees and boards. Those are to give advisory opinions. But the Planning Commission is the most special entity the City has and is the only one specifically mentioned in the Constitution. The City has four quasi-judicial bodies.

"For 90% of the cases, they are heard only by the Planning Commission. Only a small portion goes on to the Governing Body. The Commission makes those decisions (especially the very big ones) in any given

year than the City Council does. You approve maps that cover hundreds of acres. That is why you are so special. So how you are often judged is your composure and consistency of your actions. That is why you are so important and viewed by people outside of Santa Fé - those who are considering investing in Santa Fé and spending up to millions of dollars. So I thank you very much for how you conducted things when I was the Land Use Department Director.

Mr. O'Reilly said he served with Commissioner Abeyta and Commissioner Hogan and Commissioner Hiatt in other ways so they probably know these things. He reviewed the bullet points in his hand out [attached to these minutes as Exhibit 1].

1. Be prepared. As an applicant, I knew who had read the packet and who hadn't.

2. Arrive on time - it is not cool if a quorum cannot be achieved.

3. It might be necessary for the Chair to explain how they will conduct the meeting.

4. Procedural questions arise - those should be put to staff or attorney by the Chair. It makes the meeting go quicker to do it that way.

5. Be recognized by the Chair before talking.

6. Keep questions to staff to a minimum. The Applicant and other people came to say something and there is time afterward to ask questions of staff. Maybe write down your questions beforehand. And you can always call staff to alert them of problems or a question the staff can answer for you so you won't embarrass yourself in the meeting.

7. Chair should always announce the public hearing portion and verbally close it

8. Treat all of the public with respect. Most are not used to speaking in public; be fair to everybody.

9. Don't ever separate the public into those in favor and those not in favor. The goal is to hear from everyone. It is a matter of fairness.

10. Never get into an argument with a member of the public. Don't engage any of them unless they are at the podium. When that happens, the Chair loses control.

11. Less is more. Be courteous to the Chair and other Commissioners. Keep comments brief - don't relate your personal experiences.

12. After the public hearing is closed and you want to ask a question of a public member, go through the Chair to ask permission to ask the question.

13. Avoid editorializing when discussing a project.

14. In imposing other conditions, it is good practice for the Chair to ask the Applicant if they understand the condition that was added and if they accept the condition. Staff will inform you of those that are not lawful.

15. Make clear and concise motions.

16. If there is no discussion, take a vote right away. If there is lots of discussion, the Chair should restate the motion before voting.

17. Calling the roll should be used sparingly. If the Chair thinks the Commission is very divided, call the roll

18. There might be a need to call a recess after a long case. Don't use a recess to discuss how to vote on a case.

19. You don't need a motion to adjourn. The Chair can announce adjournment.

Mr. O'Reilly add that there is one exception to prohibitions on considering design. That is for projects in the BCD. The BCD-DRC Committee reviewed projects in the Railyard and certain downtown areas. When that Committee was disbanded, those duties passed to the Planning Commission and in those cases, you can make design decisions about how a building looks or stucco colors. Rarely do you hear those. The Drury was one and there were some in the Railyard.

Chair Kadlubek asked about the other (BCD) sub zones for the Commission to consider design issues.

Mr. O'Reilly said they are redevelopment districts. Mr. Smith can elaborate on that. It doesn't come up that often. Mr. Smith could get you that information.

Chair Kadlubek was also interested in how those got to be redevelopment zones.

Mr. Smith said he would be happy to provide that information later. Mr. Czoski will also provide that for Railyard projects.

Commissioner Gutierrez asked if the Chair votes only with a tie or always.

Mr. Shandler said there has been a dispute about that for years. The citizens changed the charter to allow the Mayor to vote. In most judicatory boards, the Chair votes only with ties.

Commissioner Greene said along the lines of what would be called design, there is a section in the packet for things that might be called design. There is a fine line there.

Mr. O'Reilly said he had not seen the packet so he didn't know what that refers to. There are things in the Land Use Code but most are at the building permit level. Usually, the architectural standards are not

the Commission's purview.

Commissioner Greene referred to Chapter 14-3 on approval criteria for things like yard walls, etc.

Mr. O'Reilly said a different way to say design would be aesthetics which are limited to redevelopment subdistricts. Some others may really be performance standards.

Mr. Shandler added that in development plans there is a list of 21 possible conditions.

Mr. O'Reilly gave an example: In a development plan, there is a big parking lot and nearby is residential and those neighbors are afraid the car lights will shine in their bedrooms. The Commission could ask the applicant if he would construct a wall to block those lights, even though not a requirement of the code. It is a site development issue the Commission could consider.

Commissioner Hochberg thanked him for coming. He asked if he could take issue on number 17. We are small and it would not take much time for a roll call vote.

Mr. O'Reilly said he discouraged it because the Commission is blest by meeting once a month. There were times in the past where the Commission always met every two weeks with 6-8 cases on the agenda each time and they were trying to get through an agenda before midnight. Sometimes roll call brings comments to justify their vote and that results in a lengthy discussion and makes the meeting longer.

Commissioner Abeyta thanked Mr. O'Reilly. This is well thought out and well put together. He suggested this be given to each new Commissioner at the point of appointment.

Commissioner Abeyta said he was confused whether the Commission should postpone or table a case.

Mr. O'Reilly said that a motion to table under Robert's Rule of Order is for tabling is to a point later in the same meeting. Postponing it is to a date certain. The City Attorney and Staff usually know which your intent is. So you should usually postpone to a date certain.

Commissioner Abeyta reasoned that the appropriate motion if the Commission can't arrive at a decision would be to postpone.

Mr. O'Reilly agreed. Sometimes the Commission needs more information, or the Commission might believe they should just go to the site and the Commission could go together.

Commissioner Abeyta asked if there is no debate on table or postpone motions.

Mr. O'Reilly agreed.

Commissioner Kapin said going to a site at a meeting is usually too dark.

Mr. O'Reilly thought perhaps they could do that in the summer months. Or Staff could schedule it during the day. It can be cumbersome because members of the public could go as well. The Attorney can explain how to keep a quorum and not lose control.

Commissioner Kapin asked what happens when the Commission adds a condition but the Applicant doesn't accept it.

Mr. O'Reilly said the reason for asking is that if an applicant accepts the condition, it makes it difficult later to say they didn't accept it. If it isn't asked, it makes it possible that it would be overturned. Often, the applicant spends thousands of dollars to prepare the application. The applicant, if they disagree, could say they withdraw their application.

Chair Kadlubek asked if the Chair can make a motion.

Mr. Shandler said he hasn't seen that.

Mr. O'Reilly said one of the hardest things for him as Chair was that he didn't get to vote. A good Chair lets the Commission discuss and work things out. So that's why he asked Commissioners to support the Chair in running the meeting; especially if it is very contentious. For that reason alone, it is hard to be Chair. It is the Chair's role to be fair with discussion among the Commissioners and the Commissioner's job to help the Chair do that.

1. **Policy and Procedural Issues Related to the Land Development Code (Chapter 14). (City Attorney Office and Land Use Department Staff)**

Mr. Shandler went through the scenario which was his packet [a copy of the scenario is attached to these minutes as Exhibit 2].

He showed a table of what cases go where - either just to the Planning Commission or to the Council.

Mr. Shandler walked the Commission through the scenarios. The first was to explain under the General Plan, what points have to be addressed in the presentation as approval criteria.

He went next to a rezoning of a district and what must be proved up there. He provided the acronyms for zoning in a chart and the descriptions of what the different districts are.

Mr. Shandler went next to a scenario for Special Use Permits. He pointed out the list of permissible conditions there (a through p). On the next page is a chart in Chapter 14 when a special use permit is needed. In it, P = permitted; S= permit needed.

He went next to Subdivisions and pointed out the approval criteria shown there. He also clarified preliminary vs. final. A subdivision has to do a preliminary plat and a final plat.

He went next to Development Plans. Regarding size, he said 30,000 square feet floor area triggers a development plan requirement although it is10,000 in some districts. The criteria for a development plan was listed. He added that the conditions list is very similar. The final development plan has to be consistent with the preliminary plan and the Planning Commission must make a specific finding about consistency.

He went next to Master Plans which are required in certain rezoning applications. Some people come forward voluntarily with Master Plan and that lets the Commission know that it will be large project. In it, the infrastructure must accommodate the plan.

Mr. Shandler went next to variances and gave the elements of a variance.

In his scenarios, he printed out a Finding of Fact from the last meeting. Those are the elements. Whoever presented this case made sure all the elements were there. For a variance, the elements must also be there. Staff usually has all of those criteria in the packet. If not, the Commission needs to ask questions. Direct questioning is the beginning and you would work backward like a prosecutor.

Chair Kadlubek excused himself from the meeting at 7:19. Commissioner Gutierrez chaired the remainder of the meeting.

Commissioner Propst said this is helpful and she liked how Mr. Shandler laid it out. Sometimes in the written materials from the applicant, the Commission sees that the response is met but she asked if it would be helpful for Staff to help out the Commission by not leave it as a grey area in the staff reports.

In some of the examples Mr. Shandler gave, there are a lot of things that need to happen. She asked if that would mean the project should not go forward.

Mr. Shandler said if a case is appealed, it goes to City Council and that Body includes four former Planning Commission members. So it needs to be very detail oriented.

Mr. Shandler observed that Mr. O'Reilly covered ex parte very well. Don't talk with anyone but Staff and don't talk about the case before or after with anyone. He said sometimes his wife breaks Planning Commission news to him after reading Face Book statements about the planning. So he would like every Commissioner to stay off of Facebook. And if you do not stay off, you will be excused from that case.

Regarding a new General Plan (Scenario #5), he posed where the Commission should start. He wanted to copy the whole General Plan but it is gigantic.

He gave his two cents - it does impact you when citizen's don't support it because the General Plan has not been updated in this century. Three or four companies were brought in to re-write it and there were lots of details about what is most traveled so updating the document would take a lot of time. Now the city is facing a shortfall. The MPO is a reactive agency. General Plan has diagrams on layouts and setbacks, etc. Perhaps they just need to supplement the General Plan. If so, how can we use the best method?

Maybe we need to add sector plans as an appendix. Maybe there should be new policy statements for Affordable Housing, etc. They might need to look at the annexation area for future use designations. They all came in as R-1 and those maps need to be updated.

Mr. Shandler made several other suggestions like a hot spot map for development. He explained that he was being deliberately provocative here. The Commission needs to help people get unstuck about the General Plan.

Commissioner Kapin said in the approval criteria for development plans, they ran into this one time in condition Q. The Commission was instructed that we don't have a lot of sustainability code. So she asked what the Commission could ask for in criterion Q.

Mr. Shandler said he didn't know the history of that condition.

Mr. Smith explained that this is a compiled version from previous lists of conditions. It is of conditional jurisdiction and there is not much policy direction here.

Mr. Shandler reasoned that a condition to require greater recycling has nothing in Chapter 14 to use for what that really means.

Commissioner Kapin recalled that the former case got into things like lighting. One case could talk about recycling of water and harvesting techniques and another case might not address that at all.

Mr. Shandler agreed to research that to find out more about criterion Q.

Mr. Smith agreed 100% that the Planning Commission is not doing a design review. There are factors in site planning and site design is in the Commission's purview. So, in terms of how they operate their business, architectural design is only considered in just a handful of places. 14-8.6 is the code. It is never seen in big box standards.

Commissioner Propst asked if Commissioners can talk outside of meetings.

Mr. Shandler said there is a case in Albuquerque where the government got in trouble. It is both legislative as well as judicatory. He said he would get back to her about that.

Commissioner Hiatt asked him to hand out the Albuquerque Commons case. They really screwed it up and it cost them millions of dollars. And the Planning Commission should learn from that.

Commissioner Hogan was intrigued with Motto 3 and how that relates to issues of the General Plan that was conceived over 15 years ago and was taking advantage of the density. A lot of that didn't happen. So he asked how the Commission should take into consideration having others do the work for the Commission. He wondered if the Commission could ask applicants about their review of the General Plan.

Mr. Shandler said with some of these criteria, the Commission has to establish consistency with the General Plan. He heard from Kate Noble that there might be money for the River Sector but it was done for free so maybe that money is available for some work on the General Plan. He didn't think the Commission could put too much on the applicant.

Commissioner Greene appreciated Mr. Shandler's humor in this training. He noted, regarding Motto 3, that there is some private money so he asked if there could be a public-private partnership to do it. $10,00 is not much. Could the Commission point people in the right direction?

Mr. Shandler said he spoke at the Neighborhood Law Center about that in December. He said it would be better to discuss that off-line.

2. Policy and Procedural Issues Related to the Railyard Master Plan (BCD Redevelopment District). (Richard Czoski)

Mr. Czoski thanked the Commission for giving him this opportunity. He provided a hand out of his PPT [EXHIBIT 2], and wanted to provide some context. There is lot of misunderstanding about how the Railyard is set up. The Railyard consists of 50 acres at Guadalupe and Peralta and also ten acres at Baca and Cerrillos. A trail is constructed between the two and with the underpass completed, will provide a seamless connection. The acreage is covered by a conservation easement. When build out is completed there will be 500,000 square feet of development They are 86% leased now. It also has an underground parking lot.

The City owns all 50 acres and the Community Corporation manages it. The Santa Fe Conservation Trust holds the conservation easement. The other major players are those who lease the buildings.

So the City is our landlord; we are the tenant and have a lot of performance requirements. We are responsible for leasing the ground parcels, manage all events and public use. The lease expires in 2030.

So we pay rent to City. It will amount to a little over $20 million and have paid a little over $5 million so far.

Our use fees are same as park use fees for the City.

The terms of ground leases are up to 90 years. Lease rates increase by CPI each year and are reevaluated every 10 years. We have a lot more authority over tenants than most landlords. Every tenant has to be approved by us even though tenants own the buildings. Everything is subordinate to City ownership. In 90 years, the City will own all improvements. And if the agreement expires, the City becomes landlord for all tenants. Among the tenants, 65% are local businesses and nonprofits. 12% are national businesses. The Master Plan encourages local business and gives preference to local businesses.

Commissioner Abeyta pointed out that there is a big difference between preference and allowing.

Mr. Czoski said REI, Verizon, and Violet Crown are the national businesses. We are obligated to comply with the Master Plan.

Commissioner Abeyta asked why 23% is uncommitted.

Mr. Czoski said it is mainly because we are trying to have that occupied by local businesses. We could fill it quickly with national firms.

Commissioner Abeyta asked why they would not go ahead and lease to national businesses.

Mr. Czoski explained there was lots of public input that said the community did not want this as a shopping mall of national tenants. Our board makes the decisions and consistently said they would rather wait and not fill with national chain stores. They would rather wait and follow the Master Plan rather than fill it up sooner.

Commissioner Hochberg asked if they have a 28-year agreement now.

Mr. Czoski said, theoretically, in 2030, we could do another 90-year lease. He added that some buildings were existing when we started.

Commissioner Greene asked about historic designations.

Mr. Czoski explained that the Railyard is not a historic district but a few buildings are landmark buildings. Pueblo Revival architecture is not allowed in the Railyard. The Master Plan has been amended 10 times.

The Railyard complies with all of the ordinances for Affordable Housing, Water Rights, Parking, Impact fees, etc. And, if the project is less than 10,000 square feet and it complies with the architectural standards, then the Architecture Review Committee gives the approval on it. When the consultant, is satisfied, they send a letter to the State CID. If the project is larger than 10,000 square feet, like Violet Crown, they vet it to be in compliance before coming to the Planning Commission. Our job is to get it as close as possible to the Master Plan requirements. It then has an ENN meeting; then goes to the Planning Commission, and then to CID for approvals. If it requires a Master Plan amendment, it is pretty much the same process.

Their status to date is 15 buildings completed and 8 yet to be built. The 15 completed have 255,000 square feet total floor area. Mr. Czoski showed pictures of the Railyard architecture. He also showed what is likely to come before the Planning Commission.

He announced that in April, a 58-unit apartment structure will be constructed south of Paseo de Peralta. The ENN meeting was last week. The Texas developer will be seeking a Master Plan amendment for height and is still working with the Land Use Department on a second possible project.

There are four other parcels with one in the north area and three in the Baca portion. The Railyard will also bring a request to demolish some sheds at Baca for another project in the future.

Regarding the bankruptcy comments for Market Station, it was developed by a local group. They built the garage and the building on top. It was a $30 million project. It has struggled for various reasons not connected with the Railyard. That building is also subject to foreclosure by the lender. The building could go back to owners or the lender. It is a great building. Nothing is wrong with it.

There is a lot of confusion because the owner's name is very similar to ours. The ground lease has been paid on time. The bankruptcy will just have to work through the courts.

There was a very long community-based planning process at the beginning for the Railyard. They have two web sites. One is .org. and the other is .com.

Mr. Czoski hoped that his presentation has given the Commission more context for addressing the project when it comes to the Commission.

Commissioner Hogan thanked him for a great presentation. He asked if Mr. Czoski would characterize the ten amendments to the Master Plan.

Mr. Czoski said one of the big amendments was to reconfigure the layout of the potentials.

Commissioner Hochberg left the meeting at 8:04.

Mr. Czoski said some parcels got pushed back away from the neighborhood. Some parcel uses have been changed like water detention, etc. There was also some clarification on vending on the parcels.

He offered to send a copy of the amendments but didn't have them memorized.

He commented that there was going to be a post-production development where the apartments are now going in.

Commissioner Hogan asked if the Railyard does the initial review and approval of the amendments and come to the Planning Commission after that.

Mr. Czoski said when the amendments are project-related they come to the Planning Commission; otherwise, they go directly to the Council.

Commissioner Greene noted the budget shortfall was discussed at the Chamber, including possibly selling of City assets. He asked if Mr. Czoski could comment on that or maybe they would use Baca assets for liquidation. He asked if those scenarios have come through.

Mr. Czoski didn't understand the question about Baca and Commissioner Greene clarified that it was

just talk about sale of city assets.

Mr. Czoski felt the easiest way to answer it is the lease to 2030 obligates us to rent the property. The City could not sell the ground because it is leased to us. They could always approach us but our obligation is to lease the parcels and pay rent to the City. So we are not in default with the City. The City could bring a proposal to our board.

Commissioner Abeyta asked if there is something the Commission could do to make it easier for the Railyard Board to lease these buildings. The Commission should make it easier for the Railyard Board to lease it - to stimulate GRT revenue. This would be a perfect place to do that.

Mr. Czoski said our tenants own the buildings and it is their responsibility to lease them. We have an 8% vacancy rate which is less than the City overall. The ones in Market Station are obvious. Our job is to help developers build in the Railyard. The fact that they go to CID if over and if under 10k doesn't come here and can be much more contemporary designs helps that process.

Mr. Czoski said he has worked for 28 months with the Texas developer. It is 30% more expensive to build here than in Texas. Out-of-state developers are intimidated about coming here. We do a lot of the work that a development consultant would do and do it for free with these folks. We also have good relations with the City. It is a code issue that we have to come here for larger developments. Most of the rest of the development projects will probably come to the Planning Commission.

The Commission could help us best by doing what Mr. O'Reilly and Mr. Shandler have talked about doing. We went to BCD-DRC many times and came here once.

So we have agreed to comply with the Code and it is our job to deliver buildings and meet the Master Plan requirements and provide places for people to work and to live.

Commissioner Abeyta said the Commission needs to be more forward thinking, especially when we have good projects like this. He questioned why we make them come here.

Commissioner Hiatt said he has been here in Santa Fe for 28 years and really remembers a proactive leadership in the 1990's. He was very grateful for two particular projects - Marty Sanchez and the Railyard.

Vice-Chair Gutierrez thanked Mr. Czoski for his presentation and answering Commission questions.

G. STAFF COMMUNICATIONS

Mr. Smith said the Pulte developers offered to host the Planning Commission and Staff at a site visit in Albuquerque at their development site and Ms. Martínez is working on a date. Commissioners could contact him or Ms. Martínez to figure out the transportation and determine the quorum. In their presentation, they believe they have the best 21st century model and wanted to share it with the

Commission.

The next meeting is in the first week of March and they haven't scheduled a second meeting in March.

H. MATTERS FROM THE COMMISSION

Commissioner Kapin said the Long Range Planning group met today and had a very productive meeting. They have our other member at large and talked about a work pattern that matches up with the Planning Commission, the Neighborhood Association process. They heard a good update on the West River Corridor. We hope to either meet more often or have longer meetings.

Commissioner Greene agreed that it was productive. There was a little frustration at not having meetings. There were good comments on the General Plan and the lack of time on Long Range Planning. Reed Liming and Richard Macpherson were there and have spent a lot of time on it. More resources are needed. They are making their way around the River Corridor task group. They have met 15 times. Not all of the neighbors know about it but some have shown up.

He said they divided the corridor into four subdistricts and the goal is to have an open house soon. No date has been set yet. There is a potential to wrap it up in 8-12 weeks.

I. ADJOURNMENT

Vice-Chair Gutierrez adjourned the meeting at 8:20 p.m.

Approved by:

Vince Kadlubek, Chair

Submitted by:

Carl Boaz for Carl G. Boaz, Inc.

Welcome to my firm—it's called "Shandler Land Use Consultants." You are my new associate and I have several projects for you.

We have three mottos at our firm.

EXHIBIT 1
PLANNING COMMISSION
February 25, 2016

Motto #1: Think like a prosecutor.

In order to be a Land Use Consultant, you need to think like a prosecutor. You need to know what "elements" need to be established.

For example, a prosecutor needs to know each element of a crime to win the case.

30-16-3. Burglary.

A. Any person

B. without authorization

C. enters a dwelling house

D. with intent

E. to commit any felony or theft.

Motto #2: Know where your journey is going to take you.

Are you going to the Planning Commission?

Are you also going to the City Council?

Table 14-2.1 of City Code

PC Only	**PC + CC**
	General Plan – Section 14-3.2
	Rezoning-- Section 14-3.5
Special Use Permit—Section 14-3.6	
Subdivisions—Section 14-3.7	
Development Plans—Section 14-3.8	
	Master Plan-Section 14-3.9
Variances—Section 14-3.16	

Motto #2: Know where your journey is going to take you.

Are you going to the Planning Commission?

Are you also going to the City Council?

GB PC

TABLE 14-2.1(A): Review and Decision-Making Bodies and Responsibilities

PROCEDURE	SECTION	GB	PC	BOA	BCDDRC	HDRB	AC	LUD DIRECTOR
Amendments to General Plan	14-3.2	R/D	R/REC	-	-	-	-	R/REP
Amendments to the Text of the Code	14-3.3	R/D	R/REC	-	-	R/REC (some)	R/REC (some)	R/REP
Annexations	14-3.4	R/D	R/REC	-	-	-	-	R/REP
Rezonings	14-3.5	R/D	R/REC	-	R (if referred)	R (if referred)	R (if referred)	R/REP
Special Use Permits	14-3.6	A	R/D (some)	R/D	-	-	-	R/REP
Subdivisions of Land	14-3.7	A	R/D A (some)	-	-	-	-	R/REP
Development Plans	14-3.8	A	R/D A (some)	-	-	-	-	R/REP R D (some)
Development in Flood Hazard Areas	14-3.9	-	A		-	-	-	R/D Floodplain Administrator
Construction permits	14-3.10	-	A (some)	A	-	-	-	R/D
Certificates of Occupancy	14-3.11	-	-	-	-	-	-	R/D
Archaeological Clearance Permits	14-3.13	A	-	-	-	-	R/D	R/REP
Demolition of Historic Structure	14-3.14	A	-	-	-	R/D	R (if referred)	R/REP
Demolition of Landmark Structure	14-3.14	R/D				R/REC (some)		R/REP
Minor Modifications	14-3.15	R/D	R/D	R/D	R/D	R/D	R/D	R/D
Variances	14-3.16	-	R/D (some)	R/D	R/D (some)	-	-	R/REP
Utility Conformity Review	14-3.18	A	R/D (some) A (some)	-	-	-	-	R/REP (some) R/D (some)

Notes:
GB = Governing Body
PC = Planning commission
BOA = Board of Adjustment
BCDDRC = BCD Design Review Committee
HDRB = Historic Districts Review Board
AC = Archaeological Committee
LUD = Land Use Department Staff

"A" = Appeal
"R" = Review
"R/D"= Review and Decision
"R/REC"= Review and Recommendation
"R/REP"= Review and Report
"*"= Subject to the provisions of Section 14-2.5

Italicized words defined in Article 14-12

Questions:
Scenario #1
You are a land use consultant and St. Guardian Hospital's comes in and says "We have an existing master plan for our property. We've raised $40M in capital and we want to build a 40' high addition but we may be in a weird district that has limits on building heights."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Scenario #2:
You are a land use consultant and Eveningstar Retirement Homes comes in and says: "We want to build a new retirement center in a residential district."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Scenario #3:
You are a land use consultant and Dry River Condos comes in and says: "We want to build a new set of three story condos in a residential district—what is the easiest way?"

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Scenario #4:
You are a land use consultant and Las Sailors comes in and says: "We own a lot of vacant land—I mean a lot--and want to divide it up into a bunch of different uses and future projects."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

THINK LIKE A PROSECUTOR

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

General Plan: Elements

When you want to change the land use district on the Big Picture Here's What the Future Should Look Like/Expected Usage Map

14 - 3.2

General Plan: Elements

When you want to change the land use district on the Big Picture Here's What the Future Should Look Like/Expected Usage Map.

14 - 3.2

(b) The planning commission shall then transmit the *application* to the *governing body*, together with a recommendation based on the criteria set forth in Subsection 14-3.2(E) of this section as to approval, disapproval, desirable changes and special conditions and safeguards.

(3) Governing Body Decision

Before taking action on a proposed *general plan* amendment, the *governing body* shall hold a public hearing. After reviewing the *land use director* report, the recommendation of the planning commission and any evidence obtained at the public hearing, the *governing body* shall take *final action* to approve, approve with conditions or deny the proposed *general plan* amendment.

(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*;

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

(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

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

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

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

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

(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

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

(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;

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

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

(3) Additional Criteria for Neighborhood Plans

In addition to complying with the general criteria for *general plan* amendments set forth in Sections 14-3.2(E)(1) and (2), the adoption of neighborhood plans shall comply with the following:

Rezoning: Elements & List of Zoning Districts

When you want to change the zoning district

14-3.5

(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;

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

(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

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

(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;

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

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

(3) Additional Criteria for Neighborhood Plans

In addition to complying with the general criteria for *general plan* amendments set forth in Sections 14-3.2(E)(1) and (2), the adoption of neighborhood plans shall comply with the following:

(5) Protest Petitions

If the *owners* of twenty percent or more of the land included in the area, or within one (100) hundred feet of the land proposed to be rezoned excluding public *rights of way*, protest in writing, the proposed rezoning shall not become effective unless it is approved by a majority vote of all the members of the *governing body*.

(6) Neighborhood Conservation Overlay District

This section is intended to supplement the procedures and requirements of Section 14-5.10 (Neighborhood Conservation Overlay Districts).

(C) Approval Criteria

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

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

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

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

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

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

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

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

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

Italicized words defined in Article 14-12

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

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

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

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

(D) Additional Applicant Requirements

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

(2) If the proposed rezoning creates a need for additional *streets*, sidewalks or curbs necessitated by and attributable to the new *development*, the *city* may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

14-3.6 SPECIAL USE PERMITS

(A) Purpose and Intent

Special use *permits* are intended to allow flexibility in providing for, regulating or preventing specified uses within various districts as provided in Table 14-6.1-1 so they are compatible with existing or desired land use patterns. Special use *permit* approval is required for certain uses so that potential detrimental effects may be reduced or avoided and conflicts in land use may be prevented. Special use *permits* are necessary because of the wide variety of uses that are allowed within zone districts and because of the variety of existing sites and uses found in the community.

(5) Protest Petitions

If the *owners* of twenty percent or more of the land included in the area, or within one (100) hundred feet of the land proposed to be rezoned excluding public *rights of way*, protest in writing, the proposed rezoning shall not become effective unless it is approved by a majority vote of all the members of the *governing body*.

(6) Neighborhood Conservation Overlay District

This section is intended to supplement the procedures and requirements of Section 14-5.10 (Neighborhood Conservation Overlay Districts).

(C) Approval Criteria

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

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

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

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

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

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

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

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

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

Italicized words defined in Article 14-12

List of Zoning Districts

(5) Additional Regulations

(a) Regardless of whether a use is permitted by right or as a special use *permit*, there may be additional regulations that are applicable to a specific use. The existence of these use-specific regulations is noted through a reference in the column of the use summary table entitled "Use-Specific Regulations." References refer to Section 14-6.2. These regulations apply to all districts unless otherwise specified. Additional regulations are also contained in and referenced in the notes at the end of the table.

(b) Uses may be subject to review or approval procedures in Chapter 14, including Section 14-3.8(B)(3), which requires *development* plan approval for new construction over ten thousand (10,000) or thirty thousand (30,000) square feet *gross floor area*, or Article 14-4 which requires *development* plan approval for certain rezoning actions.

(c) See Section 14-3.9(C)(2) and (C)(3) for uses allowed in the PRC, PRRC and other master-planned districts.

(6) Uses Not Listed in Table

Any specific use type not listed or included in the Table of Permitted Uses is prohibited unless the *land use director* determines that it is to be included in an existing use category.

(C) Table of Permitted Uses
(Ord. No. 2012-37 § 2; Ord. No. 2013-16 §§ 22-29; Ord. No. 2015-14)

Districts are designated in Table 14-6.1-1 as follows:

Abbreviations	Districts Described	District Designations
RR	14-4.2C	Rural Residential
R-1 - R-6	14-4.2D	Residential – numeral indicates maximum Number of dwelling units per acre; see Section 14-7.2. "(I)" indicates Infill.
R-7 - R-9	14-4.2E	
R7 (I)	14-4.2F	
RC-5, RC-8	14-4.2G	
R-10 - R-29	14-4.2H	
MHP	14-4.2J	MHP

Italicized words defined in Article 14-12

List of Zoning Districts

Abbreviations	Districts Described	District Designations
RAC	14-4.2I	Residential Arts and Crafts
A-C	14-5.4	Arts and Crafts Overlay
C-1	14-4.3A	Office and Related Commercial
C-2	14-4.3B	General Commercial
C-4	14-4.3C	Limited Office and Arts and Crafts
HZ	14-4.3D	Hospital Zone
BCD	14-4.3E	Business-Capitol
I -1	14-4.3F	Light Industrial
I -2	14-4.3G	General Industrial
BIP	14-4.3H	Business and Industrial Park
SC-1, SC-2, SC-3	14-4.3K	Planned Shopping Center (Neighborhood, Community, Regional)
MU	14-4.3L	Mixed Use

Italicized words defined in Article 14-12

(4) in the event of annexation of new areas to Santa Fe, the areas shall be zoned R-1 until otherwise classified. If changes in the *city* limits remove territory from Santa Fe, district boundaries shall be construed as moving to conform with the *city* limits; (Ord. No. 2014-31 § 8)

(5) district boundaries indicated as approximately following railroad lines shall be midway between the main tracks;

(6) district boundaries indicated as approximately following center lines of stream beds, other bodies of water or *drainage ways* shall be construed to follow those center lines;

(7) district boundaries indicated as approximately parallel to or extensions of features indicated in Sections 14-4.2(E)(1) through (6) shall be construed as such and at such distance from the features as indicated on the official zoning map. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map; and

(8) where natural or man-made features that actually exist are at variance with those shown on the official zoning map or in other circumstances not covered by this section, the *governing body* shall interpret the district boundaries.

14-4.2 RESIDENTIAL DISTRICTS

(A) Purpose

The purpose of this section is to distinguish between *residential* districts primarily on the basis of *density*. Unless otherwise limited by this section or other provisions of Chapter 14, a variety of *dwelling* types to serve a wide range of individual requirements is available throughout the *residential* districts, including *single-family dwellings* or *multiple-family dwellings*, attached or detached *dwelling units*, site-built or nonsite-built *dwelling units*, conventional subdivision arrangements, *zero lot line*, *cluster developments* or *compounds*, as long as they are in keeping with the overall character of the district and all other applicable requirements are met.

(B) Other Structures and Uses

Structures and uses other than *residential dwelling units* that serve the immediate needs of *residential* areas are allowed outright or are permissible as special use *permits* within the *residential* districts, subject to restrictions and requirements intended to preserve and protect the *residential* character of the districts.

Abbreviations	Districts Described	District Designations
RAC	14-4.2I	Residential Arts and Crafts
A-C	14-5.4	Arts and Crafts Overlay
C-1	14-4.3A	Office and Related Commercial
C-2	14-4.3B	General Commercial
C-4	14-4.3C	Limited Office and Arts and Crafts
HZ	14-4.3D	Hospital Zone
BCD	14-4.3E	Business-Capitol
I -1	14-4.3F	Light Industrial
I -2	14-4.3G	General Industrial
BIP	14-4.3H	Business and Industrial Park
SC-1, SC-2, SC-3	14-4.3K	Planned Shopping Center (Neighborhood, Community, Regional)
MU	14-4.3L	Mixed Use

Italicized words defined in Article 14-12

(C) Rural Residential District (RR)

The RR district is intended to respect the existing rural *residential* character of the area and prevent urban densities.

(D) R-1, R-2, R-3, R-4, R-5 and R-6 Residential Districts

The purpose of the R-1, R-2, R-3, R-4, R-5 and R-6 *residential* districts is to be *residential* areas with low population *densities*.

(E) R-7, R-8 and R-9 Residential Districts

(1) Purpose

These districts are designed to accomplish the following:

(a) to allow a greater *intensity* of *residential* land use;

(b) to encourage *infill development* on undeveloped or underdeveloped land in order to promote compact urban form and promote efficient use of public *infrastructure* and services; and

(c) to allow a *density* that enables affordability.

(2) Rezoning Requirements

Rezoning to R-7, R-8 or R-9, except a *city*-initiated down zoning, requires consideration and approval by the planning commission and the *governing body* of a *development* plan for the *property* as provided in Section 14-3.8.

(F) R-7(I) Single-Family Residential Infill District

(1) Purpose

It is the purpose of the R-7(I) district to encourage *infill* single-*family residential development* on undeveloped or underdeveloped land within or adjacent to established *residential* areas, consistent with the *lot* patterns and *densities* of those areas.

(2) Rezoning Requirements

Property is eligible for rezoning to R-7(I) if the *property* is less than five acres in size and located within or adjacent to an established *residential* area that is zoned R-4, R-5 or R-6 if all other applicable requirements are satisfied.

Italicized words defined in Article 14-12

(G) RC-5 and RC-8 Residential Compound Districts

The RC-5 and RC-8 *residential compound* districts are intended to be medium-*density residential* areas allowing the *development* of new *dwelling units* in harmony with the existing character of the city's *compound* areas.

(H) R-10, R-12, R-21 and R-29 Residential Districts

The purpose of the R-10, R-12, R-21 and R-29 districts is to make available a variety of *dwelling unit* types to serve a wide range of household needs at medium- and high-*density* levels.

(I) RAC Residential Arts and Crafts District

The purpose of the RAC *residential* arts and crafts district is to serve and preserve the prevalent characteristics of certain limited areas of the city. Within these areas, *residential* uses are intermixed with small arts and crafts shops, studios and galleries where the goods traded are custom-produced in small quantities and often one of a kind; where the arts or crafts are taught to small numbers of people; or where the *persons* engaged in arts and crafts activities are not numerous. It is not intended that this district be applied to new areas not having these characteristics.

(J) MHP Mobile Home Park District

(1) Purpose

The MHP district is intended to provide premises for *mobile home parks* in existence prior to December 10, 2012 (effective date of this Ordinance No. 2012-37) or for the development of residential subdivisions or attached multiple-family dwellings. (Ord. No. 2012-11 § 8; Ord. No. 2012-37 § 1)

(2) Rezoning Requirements

(a) *Property* is eligible for rezoning to MHP if the *property* is a minimum of two acres in size and if all other requirements of Chapter 14 are satisfied.

(b) Rezoning to MHP requires consideration and approval by the planning commission and *governing body* of a *development* plan for the *property* as provided in Section 14-3.8.

(C) Rural Residential District (RR)

The RR district is intended to respect the existing rural *residential* character of the area and prevent urban densities.

(D) R-1, R-2, R-3, R-4, R-5 and R-6 Residential Districts

The purpose of the R-1, R-2, R-3, R-4, R-5 and R-6 *residential* districts is to be *residential* areas with low population *densities*.

(E) R-7, R-8 and R-9 Residential Districts

(1) Purpose

These districts are designed to accomplish the following:

(a) to allow a greater *intensity* of *residential* land use;

(b) to encourage *infill development* on undeveloped or underdeveloped land in order to promote compact urban form and promote efficient use of public *infrastructure* and services; and

(c) to allow a *density* that enables affordability.

(2) Rezoning Requirements

Rezoning to R-7, R-8 or R-9, except a *city*-initiated down zoning, requires consideration and approval by the planning commission and the *governing body* of a *development* plan for the *property* as provided in Section 14-3.8.

(F) R-7(I) Single-Family Residential Infill District

(1) Purpose

It is the purpose of the R-7(I) district to encourage *infill* single-*family residential development* on undeveloped or underdeveloped land within or adjacent to established *residential* areas, consistent with the *lot* patterns and *densities* of those areas.

(2) Rezoning Requirements

Property is eligible for rezoning to R-7(I) if the *property* is less than five acres in size and located within or adjacent to an established *residential* area that is zoned R-4, R-5 or R-6 if all other applicable requirements are satisfied.

14-4.3 NONRESIDENTIAL AND MIXED-USE DISTRICTS

(A) 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.

(B) C-2 General Commercial District

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

(C) C-4 Limited Office, Retail and Arts and Crafts District

(1) Purpose

The C-4 limited office, retail and arts and crafts district provides a specific area for limited office, retail and arts and crafts commercial uses of a nature not likely to generate heavy vehicular traffic. The C-4 district recognizes the need to protect *residential property owners* who are adversely affected by heavily trafficked *city* roads and to maintain the *residential* character of the area surrounding these roads. This district serves as a transitional buffer area between heavily trafficked roads and the adjoining *residential* districts.

(2) Boundaries

(a) Only *property* within a C-4 zoning eligibility area, as shown on the official zoning map, shall be eligible for rezoning to C-4. Rezoning of individual *parcels* shall follow the procedures in Section 14-3.5.

(b) Amendment to the existing eligibility area or a proposal for an additional C-4 zoning eligibility area surrounding another heavily trafficked road not already included within the existing C-4 zoning eligibility area(s) constitutes a Chapter 14 text amendment and shall comply with the procedures set forth in Section 14-3.3.

icized words defined in Article 14-12

(3) Rezoning Requirements

Rezoning to C-4 requires consideration and approval by the planning commission and *governing body* of a *development* plan for the *property* as provided in Section 14-3.8.

(D) HZ Hospital Zone Districts

(1) Purpose

(a) Christus St. Vincent Hospital Zone District

The Christus St. Vincent HZ district recognizes the need for medical and dental offices, *pharmacies* and *continuing care communities* in proximity to Christus St. Vincent Hospital, while at the same time maintaining the character of the surrounding areas.

(b) Las Soleras Hospital Zone District

The Las Soleras HZ district is intended to accommodate a hospital and business and professional office uses in the Las Soleras Development.

(2) Boundaries

(a) Christus St. Vincent HZ district – Only *properties* within the area designated on the official zoning map for Christus St. Vincent HZ rezoning eligibility shall be eligible for rezoning to HZ pursuant to the procedures in Section 14-3.5. Amendment to the eligibility area constitutes an amendment to the text of Chapter 14 and shall comply with the procedures in Section 14-3.3.

(b) Las Soleras HZ district – *Property* within the area defined in the Las Soleras HZ on the official zoning map has already received the HZ zoning designation. It is not intended that this district be expanded.

(E) BCD Business-Capitol District

(1) Purpose

In recognition of the fact that the economic health of the city depends on the economic viability of the BCD, the purpose of the BCD is to provide for a mixture of land uses, including *residential* uses, designed to promote the district's economic well being while preserving the unique architecture, *townscape* and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community and historical identity in the district and the city.

14-4.3 NONRESIDENTIAL AND MIXED-USE DISTRICTS

(A) 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.

(B) C-2 General Commercial District

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

(C) C-4 Limited Office, Retail and Arts and Crafts District

(1) Purpose

The C-4 limited office, retail and arts and crafts district provides a specific area for limited office, retail and arts and crafts commercial uses of a nature not likely to generate heavy vehicular traffic. The C-4 district recognizes the need to protect *residential property owners* who are adversely affected by heavily trafficked *city* roads and to maintain the *residential* character of the area surrounding these roads. This district serves as a transitional buffer area between heavily trafficked roads and the adjoining *residential* districts.

(2) Boundaries

(a) Only *property* within a C-4 zoning eligibility area, as shown on the official zoning map, shall be eligible for rezoning to C-4. Rezoning of individual *parcels* shall follow the procedures in Section 14-3.5.

(b) Amendment to the existing eligibility area or a proposal for an additional C-4 zoning eligibility area surrounding another heavily trafficked road not already included within the existing C-4 zoning eligibility area(s) constitutes a Chapter 14 text amendment and shall comply with the procedures set forth in Section 14-3.3.

icized words defined in Article 14-12

(2) Boundaries

(a) The BCD is composed of *townscape* subdistricts and redevelopment subdistricts. The district and its subdistricts are defined by the official zoning map.

(b) Changes to boundaries of the *townscape* subdistricts or redevelopment subdistricts, including designations of new *townscape* and redevelopment subdistricts, are considered rezonings and must follow the procedures set forth in Section 14-3.5. Designations of new *townscape* subdistricts are also considered Chapter 14 text amendments and shall comply with the procedures set forth in Section 14-3.3.

(3) Townscape Subdistricts

(a) The existing *townscape* subdistricts include: Alameda Street, Barrio de Analco, Cerrillos Road, Don Gaspar, East Marcy/East Palace, Loretto, Marcy, McKenzie Street, Old Santa Fe Trail, Plaza/San Francisco, Rosario Boulevard/NW Paseo de Peralta, Sandoval/Montezuma, State Capitol and Westside.

(b) The *townscape* subdistricts are intended to:

(i) preserve the overall aesthetic quality of the BCD;

(ii) maintain diversity among the various subdistricts; and

(iii) protect the unique features, recognizable historic character and other common identifying characteristics of each subdistrict.

(c) *Property* is eligible for rezoning to a *townscape* subdistrict if the land is located within or adjacent to the BCD and meets all other requirements of Chapter 14.

(4) Redevelopment Subdistricts

(a) Purpose

Redevelopment subdistricts are intended to provide for:

(i) *infill* and a limitation of sprawl through the efficient use of land;

(ii) optimum use of public *infrastructure*;

(iii) a mix of land uses, including *residential* uses;

(iv) comprehensive site planning;

(v) *public benefit uses*;

(vi) urban design innovation;

(vii) an enhancement of the economic vitality of the district;

(viii) the preservation and enhancement of the character and quality of the area in which the subdistrict is located through elimination of any potentially significant adverse impacts or potentially irreversible adverse impacts upon the community, surrounding neighborhoods or other approved project plans; and

(ix) redevelopment of areas with weak *townscape* qualities or of areas that are undergoing change.

(b) Redevelopment Requirements

(i) The *property* is eligible for rezoning to a redevelopment subdistrict if: 1) the land is located within or adjacent to the BCD and encompasses at least three acres, exclusive of dedicated *streets* and *rights of way*, or a complete city block, whichever is smaller; and 2) the existing *infrastructure* has the capability to support or to be modified to support the allowed floor area ratio set forth in Subsections (ii) and (iii) below.

(ii) The *baseline floor-area ratio* shall be two and five-tenths to one; provided, however, that such a floor-area ratio shall not be allowed if it is judged to be incompatible with an adjacent neighborhood or *townscape* subdistrict.

(iii) Rezoning to BCD-redevelopment subdistricts requires consideration and approval by the planning commission and *governing body* of a master plan or *development* plan for the *property* as provided in Sections 14-3.8 and 14-3.9.

(5) Redevelopment subdistrict *property* is eligible for rezoning to a *townscape* subdistrict provided that:

(a) *development* of the redevelopment subdistrict is substantially complete, which determination shall be made by the *governing body*;

(2) Boundaries

(a) The BCD is composed of *townscape* subdistricts and redevelopment subdistricts. The district and its subdistricts are defined by the official zoning map.

(b) Changes to boundaries of the *townscape* subdistricts or redevelopment subdistricts, including designations of new *townscape* and redevelopment subdistricts, are considered rezonings and must follow the procedures set forth in Section 14-3.5. Designations of new *townscape* subdistricts are also considered Chapter 14 text amendments and shall comply with the procedures set forth in Section 14-3.3.

(3) Townscape Subdistricts

(a) The existing *townscape* subdistricts include: Alameda Street, Barrio de Analco, Cerrillos Road, Don Gaspar, East Marcy/East Palace, Loretto, Marcy, McKenzie Street, Old Santa Fe Trail, Plaza/San Francisco, Rosario Boulevard/NW Paseo de Peralta, Sandoval/Montezuma, State Capitol and Westside.

(b) The *townscape* subdistricts are intended to:

(i) preserve the overall aesthetic quality of the BCD;

(ii) maintain diversity among the various subdistricts; and

(iii) protect the unique features, recognizable historic character and other common identifying characteristics of each subdistrict.

(c) *Property* is eligible for rezoning to a *townscape* subdistrict if the land is located within or adjacent to the BCD and meets all other requirements of Chapter 14.

(4) Redevelopment Subdistricts

(a) Purpose

Redevelopment subdistricts are intended to provide for:

(i) *infill* and a limitation of sprawl through the efficient use of land;

(ii) optimum use of public *infrastructure*;

(iii) a mix of land uses, including *residential* uses;

(b) the *property* is located in or adjacent to the *townscape* subdistrict it will become part of if the rezoning is approved, and

(c) all other requirements of Chapter 14 are met.

(F) I-1 Light Industrial District

The I-1 district is intended primarily for light manufacturing, processing, storage, warehousing, distribution and similar commercial uses. Regulations are intended to prevent friction between uses within the district and also to protect nearby *residential* districts.

(G) I-2 General Industrial District
(Ord. No. 2013-16 § 21)

The I-2 district is intended primarily for general manufacturing and closely related uses. Also allowed in the district are commercial and other uses allowed in some commercial districts. To avoid burdensome regulations on general manufacturing but at the same time to provide adequate limitations on the development of industries incompatible with the city's general industrial characteristics, regulations for this district are intended to provide protection principally against effects harmful to other districts. These regulations do not afford the same level of protection for commercial and other allowed uses not related to general manufacturing as such uses would receive if located in districts primarily designed for them.

(H) BIP Business and Industrial Park District

(1) Purpose

(a) The purpose of the BIP district is to provide locations for the development of jobs in research and *development* activities and in offices, institutions and limited light industrial settings. The BIP district regulations intend to ensure that district locations may be adjacent to *residential* and commercial areas with minimum buffering.

(b) It is also the purpose of the BIP district to allow related uses that complement or support the primary employment-based uses to create a functional and pedestrian-friendly *development*.

(2) Rezoning Requirements

(a) *Property* is eligible for rezoning to BIP if the *property* is a minimum of four acres in size and all other applicable requirements of Chapter 14 are satisfied.

icized words defined in Article 14-12

(b) Rezoning to BIP requires consideration and approval by the planning commission and *governing body* of a master plan or *development* plan for the *property* as provided in Sections 14-3.8 and 14-3.9.

(I) PRC Planned Residential Community District

(1) Purpose

The purpose of the PRC district is to provide for the comprehensive and coordinated planning of large-scale *residential developments* that allows for a phasing of *development* that will take place over a long period of time. This district allows and encourages single-*family* residences in conventionally *platted* subdivisions and *clustered residential developments* based on a design concept that applies innovative site-planning techniques; a mixture of *residential densities* intended to achieve a balanced community for all types of *families*; and neighborhood commercial uses of a type and *intensity* serving the residents of the PRC and the surrounding areas.

(2) Rezoning Requirements

(a) Only areas that contain one hundred sixty acres or more are eligible for rezoning to PRC, provided all other applicable requirements are satisfied.

(b) Rezoning to PRC requires consideration and approval by the planning commission and *governing body* of a master plan or *development* plan for the *property* as provided in Sections 14-3.8 and 14-3.9.

(J) PRRC Planned Resort-Residential Community District

(1) Purpose

The purpose of the planned resort-*residential* community district is to provide for the comprehensive and coordinated planning of large-scale resort-*residential developments* that allows for phasing of *development* that will take place over a long period of time. This district allows and encourages the *development* of resorts in conjunction with a mixture of *residential* uses, *densities* and *building* types within the range of the economic market the *development* proposes to serve.

(b) the *property* is located in or adjacent to the *townscape* subdistrict it will become part of if the rezoning is approved, and

(c) all other requirements of Chapter 14 are met.

(F) I-1 Light Industrial District

The I-1 district is intended primarily for light manufacturing, processing, storage, warehousing, distribution and similar commercial uses. Regulations are intended to prevent friction between uses within the district and also to protect nearby *residential* districts.

(G) I-2 General Industrial District
(Ord. No. 2013-16 § 21)

The I-2 district is intended primarily for general manufacturing and closely related uses. Also allowed in the district are commercial and other uses allowed in some commercial districts. To avoid burdensome regulations on general manufacturing but at the same time to provide adequate limitations on the development of industries incompatible with the city's general industrial characteristics, regulations for this district are intended to provide protection principally against effects harmful to other districts. These regulations do not afford the same level of protection for commercial and other allowed uses not related to general manufacturing as such uses would receive if located in districts primarily designed for them.

(H) BIP Business and Industrial Park District

(1) Purpose

(a) The purpose of the BIP district is to provide locations for the development of jobs in research and *development* activities and in offices, institutions and limited light industrial settings. The BIP district regulations intend to ensure that district locations may be adjacent to *residential* and commercial areas with minimum buffering.

(b) It is also the purpose of the BIP district to allow related uses that complement or support the primary employment-based uses to create a functional and pedestrian-friendly *development*.

(2) Rezoning Requirements

(a) *Property* is eligible for rezoning to BIP if the *property* is a minimum of four acres in size and all other applicable requirements of Chapter 14 are satisfied.

icized words defined in Article 14-12

(2) Rezoning Requirements

(a) Only areas that contain one hundred sixty acres or more are eligible for rezoning to PRRC, provided all other applicable requirements are satisfied.

(b) Rezoning to PRRC requires consideration and approval by the planning commission and *governing body* of a master plan or *development* plan for the *property* as provided in Sections 14-3.8 and 14-3.9.

(K) SC Planned Shopping Center Districts

(1) Purpose

(a) The purpose of the SC districts is to provide new neighborhood, community and regional shopping centers. The SC-1, SC-2 and SC-3 districts are intended for a unified grouping, in one or more *buildings*, of *retail establishments*, stores and services that provide for the regular needs and convenience of families residing in the adjacent *residential* neighborhoods or in the larger community.

(b) The purpose of the SC districts also is to allow uses and *structures* customarily *accessory* and clearly incidental and subordinate to the permitted *principal* uses and *structures* as stated and restricted in Subsection 14-4.3(K)(1)(a); provided that the *accessory* uses and *structures* are in keeping with the character of the district.

(c) The further purpose of the SC districts is that the three types of SC districts are defined and distinguished by scale of *development*, using trade area, market and number and variety of *retail establishments* to determine whether the district should be zoned SC-1, SC-2 or SC-3 as follows:

(i) SC-1 neighborhood shopping center district: 1) radius of trade area is approximately one to one and one-half miles; 2) minimum market is approximately one thousand families; and 3) composition of center is five to ten *retail establishments*, the major store is usually a supermarket or *pharmacy*; other *retail establishments* include those offering convenience goods and personal services, not including auto repair, *filling stations* or *residential* uses;

Italicized words defined in Article 14-12

(ii) SC-2 community shopping center district: 1) radius of trade area is approximately four miles or more; 2) minimum market is approximately five thousand families; and 3) composition of center is ten or more *retail establishments*; the major *retail establishment* is usually a variety or department store, in addition to convenience goods and personal services as in SC-1. Other *retail establishments* may include *filling stations*, department stores, discount stores, furniture stores and other stores and services that provide for the regular needs of families residing in the adjacent *residential* neighborhoods or in the larger community; and

(iii) SC-3 regional shopping center district: 1) radius of trade area is approximately one hour drive by automobile; 2) minimum market is approximately one hundred fifty thousand people; and 3) composition of center is one or more full-time department stores with eighty thousand to one hundred thousand square feet of gross leasable area each and *retail establishments* providing convenience goods and personal services.

(d) *Development* and design standards, including square footage restrictions, for the three SC districts are in Article 14-7. (Ord. No. 2012-11 § 9)

(2) Rezoning Requirements

(a) *Property* is eligible for rezoning to SC if:

(i) the *property* is: 1) an addition in depth to lands where frontage is already commercially zoned; 2) already commercially zoned and existing *development*, if any, can be brought into conformance with the SC district regulations; or 3) not already commercially zoned in whole or in part and is not now served by appropriate and convenient shopping facilities;

(ii) the shopping center will be convenient to and serve at least one *residential* area; and

(iii) the *tract* on which the shopping center will be located is of such size, shape and location as to enable well-organized *development* of the *commercial facilities*, with proper access *streets*, ingress and egress, *off-street parking* and loading space and other requirements and amenities.

(2) Rezoning Requirements

(a) Only areas that contain one hundred sixty acres or more are eligible for rezoning to PRRC, provided all other applicable requirements are satisfied.

(b) Rezoning to PRRC requires consideration and approval by the planning commission and *governing body* of a master plan or *development* plan for the *property* as provided in Sections 14-3.8 and 14-3.9.

(K) SC Planned Shopping Center Districts

(1) Purpose

(a) The purpose of the SC districts is to provide new neighborhood, community and regional shopping centers. The SC-1, SC-2 and SC-3 districts are intended for a unified grouping, in one or more *buildings*, of *retail establishments*, stores and services that provide for the regular needs and convenience of families residing in the adjacent *residential* neighborhoods or in the larger community.

(b) The purpose of the SC districts also is to allow uses and *structures* customarily *accessory* and clearly incidental and subordinate to the permitted *principal* uses and *structures* as stated and restricted in Subsection 14-4.3(K)(1)(a); provided that the *accessory* uses and *structures* are in keeping with the character of the district.

(c) The further purpose of the SC districts is that the three types of SC districts are defined and distinguished by scale of *development*, using trade area, market and number and variety of *retail establishments* to determine whether the district should be zoned SC-1, SC-2 or SC-3 as follows:

(i) SC-1 neighborhood shopping center district: 1) radius of trade area is approximately one to one and one-half miles; 2) minimum market is approximately one thousand families; and 3) composition of center is five to ten *retail establishments*, the major store is usually a supermarket or *pharmacy*; other *retail establishments* include those offering convenience goods and personal services, not including auto repair, *filling stations* or *residential* uses;

Italicized words defined in Article 14-12

(b) Additionally, *property* is eligible for rezoning to:

(i) SC-1 if it has a site area of five to fifteen acres;

(ii) SC-2 if it has a site area of ten to forty acres; and

(iii) SC-3 if it has a site area of thirty-five acres or more.

(c) Rezoning to SC requires consideration and approval by the planning commission and *governing body* of preliminary or final *development* plans, or both, for the *property* as provided in Section 14-3.8.

(L) MU Mixed-Use District

(1) Purpose

It is the purpose of the MU mixed-use district to provide for the creative *infill* and *development* of underused and vacant land and *buildings* in Santa Fe. This zoning category allows office, commercial and *residential* uses in the same *building* or on the same *property*. MU zoning should accomplish the following goals:

(a) control sprawl by creating a more efficient use of land and more opportunities for *infill*;

(b) promote affordable housing and economic development by emphasizing a variety of land uses

(c) promote creative and flexible land uses within Santa Fe;

(d) foster alternative means of transportation, including transit, bicycles and walking;

(e) promote *infill development* and pedestrian-oriented *streetscapes* in currently underused parking areas and along existing roadway corridors; and

(f) promote shared parking areas in the design and *development* of *mixed-use* projects.

(2) Rezoning Requirements

(a) *Application* for rezoning to MU is not allowed for *residentially zoned properties* located in historic districts, as shown on the official zoning map.

(b) Rezoning to MU requires consideration and approval by the planning commission and *governing body* of preliminary or final *development* plans for the *property* as provided in Section 14-3.8.

Italicized words defined in Article 14-12

Special Use Permit: Elements, Conditions and Chart

When you are building something in the wrong zoning district

14-3.6

(b) Additionally, *property* is eligible for rezoning to:

(i) SC-1 if it has a site area of five to fifteen acres;

(ii) SC-2 if it has a site area of ten to forty acres; and

(iii) SC-3 if it has a site area of thirty-five acres or more.

(c) Rezoning to SC requires consideration and approval by the planning commission and *governing body* of preliminary or final *development* plans, or both, for the *property* as provided in Section 14-3.8.

(L) MU Mixed-Use District

(1) Purpose

It is the purpose of the MU mixed-use district to provide for the creative *infill* and *development* of underused and vacant land and *buildings* in Santa Fe. This zoning category allows office, commercial and *residential* uses in the same *building* or on the same *property*. MU zoning should accomplish the following goals:

(a) control sprawl by creating a more efficient use of land and more opportunities for *infill*;

(b) promote affordable housing and economic development by emphasizing a variety of land uses

(c) promote creative and flexible land uses within Santa Fe;

(d) foster alternative means of transportation, including transit, bicycles and walking;

(e) promote *infill development* and pedestrian-oriented *streetscapes* in currently underused parking areas and along existing roadway corridors; and

(f) promote shared parking areas in the design and *development* of *mixed-use* projects.

(2) Rezoning Requirements

(a) *Application* for rezoning to MU is not allowed for *residentially zoned properties* located in historic districts, as shown on the official zoning map.

(b) Rezoning to MU requires consideration and approval by the planning commission and *governing body* of preliminary or final *development* plans for the *property* as provided in Section 14-3.8.

Italicized words defined in Article 14-12

(B) Approval Authority

The planning commission and the board of adjustment have the authority to hear and decide *applications* for special use *permits* as authorized by Chapter 14; to decide questions that are involved in determining whether special use *permits* should be granted; and to grant special use *permits* with such conditions and safeguards as appropriate under Chapter 14 or to deny special use *permits* when not in harmony with the intent and purpose of Chapter 14.

(C) Procedures

(1) Site Plan Approval

Special use *permits* shall include approval of a site plan and other site *development* drawings necessary to document that the type and extent of *development* proposed can be accomplished in conformance with applicable *development* standards.

(2) Application

The *application* shall indicate the section of Chapter 14 under which the special use *permit* is sought and state the grounds on which it is requested;

(3) Approval Limited
(Ord. No. 2013-16 § 7)

A special use *permit* is granted for a specific use and *intensity*. A special use *permit* is required for any change of use to a new or different use category that requires a special use *permit* as designated in Table 14-6.1-1. A special use *permit* is required for any significant expansion or intensification of a special use.

(D) Approval Criteria and Conditions

(1) Necessary Findings

To grant a special use *permit*, a *land use board* shall make the following findings:

(a) that the *land use board* has the authority under the section of Chapter 14 described in the *application* to grant a special use *permit*;

(b) that granting the special use *permit* does not adversely affect the public interest, and

italicized words defined in Article 14-12

(c) that the use and any associated *buildings* are compatible with and adaptable to *buildings, structures* and uses of the abutting *property* and other *properties* in the vicinity of the *premises* under consideration.

(2) Conditions

The *land use board* may specify conditions of approval that are necessary to accomplish the proper *development* of the area and to implement the policies of the *general plan*, including:

(a) special *yards* or *open spaces*;

(b) fences, *walls* or *landscape screening*;

(c) provision for and arrangement of parking and vehicular and pedestrian circulation;

(d) on-site or off-site *street*, sidewalk or utility improvements and maintenance agreements;

(e) noise generation or attenuation;

(f) dedication of *rights of way* or easements or access rights;

(g) arrangement of *buildings* and use areas on the site;

(h) special hazard reduction measures, such as *slope* planting;

(i) minimum site area;

(j) other conditions necessary to address unusual site conditions;

(k) limitations on the type, extent and *intensity* of uses and *development* allowed;

(l) maximum numbers of *employees* or occupants permitted;

(m) hours of operation;

(n) establishment of an expiration date, after which the use must cease at that site;

(o) establishment of a date for annual or other periodic review at a public hearing;

(p) plans for sustainable use of energy and recycling and solid waste disposal;

Italicized words defined in Article 14-12

(B) Approval Authority

The planning commission and the board of adjustment have the authority to hear and decide *applications* for special use *permits* as authorized by Chapter 14; to decide questions that are involved in determining whether special use *permits* should be granted; and to grant special use *permits* with such conditions and safeguards as appropriate under Chapter 14 or to deny special use *permits* when not in harmony with the intent and purpose of Chapter 14.

(C) Procedures

(1) Site Plan Approval

Special use *permits* shall include approval of a site plan and other site *development* drawings necessary to document that the type and extent of *development* proposed can be accomplished in conformance with applicable *development* standards.

(2) Application

The *application* shall indicate the section of Chapter 14 under which the special use *permit* is sought and state the grounds on which it is requested;

(3) Approval Limited
(Ord. No. 2013-16 § 7)

A special use *permit* is granted for a specific use and *intensity*. A special use *permit* is required for any change of use to a new or different use category that requires a special use *permit* as designated in Table 14-6.1-1. A special use *permit* is required for any significant expansion or intensification of a special use.

(D) Approval Criteria and Conditions

(1) Necessary Findings

To grant a special use *permit*, a *land use board* shall make the following findings:

(a) that the *land use board* has the authority under the section of Chapter 14 described in the *application* to grant a special use *permit*;

(b) that granting the special use *permit* does not adversely affect the public interest, and

italicized words defined in Article 14-12

Table 14-6.1-1

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
RESIDENTIAL																						
Group Living																						
Continuing care community	S	S	S	S	S	S		S		P	S	P	P	P			S				P	(A)(1)
Group Residential Care Facility	S	S	S	S	S	S		S		P	S	P	P	P			S				P	
Group Residential Care Facility, Limited	P	P	P	P	P	P		P		P	S	P	P	P			S				P	
Group Residential Care Facility, Correctional			S		S	S		S		P*	P*	P*	P*	S			S				S	
Boarding, dormitory, monastery	S	S	S	S	S	P		P		P	S	P	S	P			S				S	
Household Living																						
Dwelling, multiple-family	P[1]	P	P		P	P	P	P		P	P[6]	P	P	P				P[6]	P[6]	P[6]	P	(A)(5), (A)(6)
Dwelling, single-family	P	P	P	P	P	P	P	P		P	P[6]	P	P	P							P	(A)(5)
Manufactured homes	P	P	P	P	P	P	P	P		P	P[6]	P	P	P							P	(A)(4)
Mobile home, permanent installation	S	S	S	S	S	S		S		S		S	S									(A)(2)
Mobile home park							P[9]															(A)(3); See 14-6.4(B)

Subdivision: Elements, Preliminary v. Final Subdivision

When you want us to divide up the land to build some things

14-3.7

Italicized words defined in Article 14-12

Table 14-6.1-1

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
RESIDENTIAL																						
Group Living																						
Continuing care community	S	S	S	S	S	S		S		P	S	P	P	P			S				P	(A)(1)
Group Residential Care Facility	S	S	S	S	S	S		S		P	S	P	P	P			S				P	
Group Residential Care Facility, Limited	P	P	P	P	P	P		P		P	S	P	P	P			S				P	
Group Residential Care Facility, Correctional			S		S	S		S		P*	P*	P*	P*	S			S				S	
Boarding, dormitory, monastery	S	S	S	S	S	P		P		P	S	P	S	P			S				S	
Household Living																						
Dwelling, multiple-family	P[1]	P	P		P	P	P	P		P	P[6]	P	P	P				P[6]	P[6]	P[6]	P	(A)(5), (A)(6)
Dwelling, single-family	P	P	P	P	P	P	P	P		P	P[6]	P	P	P							P	(A)(5)
Manufactured homes	P	P	P	P	P	P	P	P		P	P[6]	P	P	P							P	(A)(4)
Mobile home, permanent installation	S	S	S	S	S	S		S		S		S	S									(A)(2)
Mobile home park							P[9]															(A)(3); See 14-6.4(B)

(7) Plat Standards

All subdivision *plats* must meet the minimum standards for surveying in New Mexico and must comply with *plat* standards adopted by the *land use director*.

(C) Approval Criteria

(1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and *structures*, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.

(2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the *plat* if it determines that in the best interest of the public health, safety or welfare the land is not suitable for *platting* and *development* purposes of the kind proposed. Land subject to *flooding* and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be *platted* for *residential* occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate *erosion* or *flood* hazard. Such land shall be set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).

(3) All *plats* shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).

(4) A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the *plat*.

(5) A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the *plat*.

(D) Summary Procedure

The summary committee of the planning commission has the authority to review and approve subdivisions that result in the creation of one additional *lot*. Summary subdivisions are subject to the procedural requirements, approval criteria and *development* standards that apply to other subdivisions, except that:

WHY Preliminary and Why FINAL?

(7) Plat Standards

All subdivision *plats* must meet the minimum standards for surveying in New Mexico and must comply with *plat* standards adopted by the *land use director*.

(C) Approval Criteria

(1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and *structures*, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.

(2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the *plat* if it determines that in the best interest of the public health, safety or welfare the land is not suitable for *platting* and *development* purposes of the kind proposed. Land subject to *flooding* and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be *platted* for *residential* occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate *erosion* or *flood* hazard. Such land shall be set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).

(3) All *plats* shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).

(4) A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the *plat*.

(5) A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the *plat*.

(D) Summary Procedure

The summary committee of the planning commission has the authority to review and approve subdivisions that result in the creation of one additional *lot*. Summary subdivisions are subject to the procedural requirements, approval criteria and *development* standards that apply to other subdivisions, except that:

14-3.7B(3) Preliminary Plat

(a) Applicability

Preliminary *plat* procedures are not required for inheritance and *family* transfer subdivisions.

(b) Application

Following the pre-*application* conference, if applicable, the subdivider shall prepare or cause to be prepared a preliminary *plat*, together with improvement plans and other supplementary material as specified in checklists issued by the *land use director* and in conformance with the standards of Article 14-9 (Infrastructure Design, Improvement and Dedication Standards). The *plat* shall be prepared by a *professional land surveyor*.

(c) Land Use Director Review

The *land use director* shall review the preliminary *plat* and supplementary materials submitted for conformity to this article. The *land use director* shall provide the planning commission with a written report of findings together with a recommendation that the preliminary *plat* be approved, approved with conditions or disapproved. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation.

(d) Planning Commission Review and Decision

The planning commission shall review the preliminary *plat* and other materials submitted for conformity to this article, consider the *land use director* report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the subdivider. Following this, the planning commission shall act on the *application* within thirty-five days unless an extension of time is applied for in writing by the subdivider and granted by the planning commission. The planning commission shall approve or deny the *application*.

(e) Effect of Approval

Approval of a preliminary *plat* does not constitute approval of the final *plat;* rather, it is an expression of approval of the layout submitted on the preliminary *plat* as a guide to the preparation of the final *plat*. The final *plat* shall be submitted to the planning commission for approval and recorded when the provisions of this article and the conditions of preliminary *plat* approval are met.

(4) Final Plat

(a) Conformity with Preliminary Plat Required

The final *plat* shall conform substantially to the preliminary *plat* as approved.

Development Plan: When & Elements & Conditions & Preliminary v. Final

When you want to build something sort of big

14-3.8

14-3.7B(3) Preliminary Plat

(a) Applicability

Preliminary *plat* procedures are not required for inheritance and *family* transfer subdivisions.

(b) Application

Following the pre-*application* conference, if applicable, the subdivider shall prepare or cause to be prepared a preliminary *plat*, together with improvement plans and other supplementary material as specified in checklists issued by the *land use director* and in conformance with the standards of Article 14-9 (Infrastructure Design, Improvement and Dedication Standards). The *plat* shall be prepared by a *professional land surveyor*.

(c) Land Use Director Review

The *land use director* shall review the preliminary *plat* and supplementary materials submitted for conformity to this article. The *land use director* shall provide the planning commission with a written report of findings together with a recommendation that the preliminary *plat* be approved, approved with conditions or disapproved. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation.

(d) Planning Commission Review and Decision

The planning commission shall review the preliminary *plat* and other materials submitted for conformity to this article, consider the *land use director* report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the subdivider. Following this, the planning commission shall act on the *application* within thirty-five days unless an extension of time is applied for in writing by the subdivider and granted by the planning commission. The planning commission shall approve or deny the *application*.

(e) Effect of Approval

Approval of a preliminary *plat* does not constitute approval of the final *plat;* rather, it is an expression of approval of the layout submitted on the preliminary *plat* as a guide to the preparation of the final *plat*. The final *plat* shall be submitted to the planning commission for approval and recorded when the provisions of this article and the conditions of preliminary *plat* approval are met.

(4) Final Plat

(a) Conformity with Preliminary Plat Required

The final *plat* shall conform substantially to the preliminary *plat* as approved.

(c) Required Improvements

Inheritance and *family* transfer subdivisions shall comply with the required improvements set forth in Section 14-9.2.

(d) Density and District Regulations

Inheritance and *family* transfer subdivisions are required to meet the standards for use, *density*, *building* placement, height, *open space*, parking and other items set forth in the district regulations.

14-3.8 DEVELOPMENT PLANS

(Ord. No. 2014-31 § 1)

(A) Purpose and Intent

(1) It is the intent of the *development* plan to:

(a) provide the plans to be followed in construction operations, including phasing;

(b) enable the *governing body*, *land use boards* and *land use director* to ensure compliance with Chapter 14;

(c) document compliance with *final actions* to approve or conditionally approve *development applications*;

(2) A *development* plan typically encompasses *development* of one or more *parcels* under common ownership or unified control that will be planned and developed as a whole.

(B) Applicability

(Ord. No. 2013-16 § 11)

(1) Early neighborhood notification and notice and conduct of public hearings are required pursuant to the general provisions of Sections 14-3.1(F), (H) and (I).

(2) A *development* plan is required in conjunction with rezoning *applications* in certain districts as provided in Chapter 14, Articles 4 Zoning and 5 Overlay Zoning Districts.

(3) Approval of a *development* plan by the planning commission is required prior to new *development* that meets any of the following criteria:

(a) *gross floor area* of thirty thousand square feet or more and is located within any zoning district of the *city*;

Italicized words defined in Article 14-12

(b) *gross floor area* of ten thousand square feet or more in a *residential* district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS, SC or MU district and is within two hundred (200) feet, including public *rights of way*, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9, RC-5, RC-8, R10, R-12, R-21, R-29, RAC, AC, PRC and MH districts;

(c) *flea market* with fifteen or more vendors; or

(d) outdoor *commercial recreational uses* in any zone where the total area devoted to recreation and related pedestrian circulation and amenities, excluding parking and vehicular circulation areas, exceeds fifteen thousand (15,000) square feet in any zone; provided that this provision does not apply to temporary carnivals, circuses and similar short-term entertainment uses required to obtain a *permit* from the *city*.

(4) The *development* plans described in Subsections (B)(2) and (3) shall be reviewed by the planning commission.

(5) This section applies where the cumulative square footage of multiple *permits* meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of those subsections when the *permits* are for coordinated *development* of a *project* comprising multiple *buildings* or outdoor uses, including phased *projects* and *projects* involving *development* of adjoining commonly owned *parcels*.

(6) This section does not apply to the construction of *single-family dwellings*, each of which has a *gross floor area* of ten thousand (10,000) square feet or less, including *accessory buildings*, on *lots* created prior to the effective date of Ordinance No. 1999-13 or on *lots* within a subdivision that was subject to early neighborhood notification procedures. This section does apply to construction of any *single-family dwelling* that has a *gross floor area* greater than ten thousand (10,000) square feet, including *accessory buildings*.

(7) No additional *development* plan review is required if the new or changed use or *development* described in Subsections (B)(2) and (3) was part of a *development* plan approved as part of a rezoning or other action before the *governing body* or the planning commission, and for which an early neighborhood notification meeting occurred as set forth in Section 14-3.1(F).

(8) Approval of a *development* plan by the *land use director* is required for multiple-*family development* comprising three or more *dwelling units* with a *gross floor area* less than ten thousand (10,000) square feet.

Italicized words defined in Article 14-12

(c) Required Improvements

Inheritance and *family* transfer subdivisions shall comply with the required improvements set forth in Section 14-9.2.

(d) Density and District Regulations

Inheritance and *family* transfer subdivisions are required to meet the standards for use, *density*, *building* placement, height, *open space*, parking and other items set forth in the district regulations.

14-3.8 DEVELOPMENT PLANS
(Ord. No. 2014-31 § 1)

(A) Purpose and Intent

(1) It is the intent of the *development* plan to:

(a) provide the plans to be followed in construction operations, including phasing;

(b) enable the *governing body*, *land use boards* and *land use director* to ensure compliance with Chapter 14;

(c) document compliance with *final actions* to approve or conditionally approve *development applications*;

(2) A *development* plan typically encompasses *development* of one or more *parcels* under common ownership or unified control that will be planned and developed as a whole.

(B) Applicability
(Ord. No. 2013-16 § 11)

(1) Early neighborhood notification and notice and conduct of public hearings are required pursuant to the general provisions of Sections 14-3.1(F), (H) and (I).

(2) A *development* plan is required in conjunction with rezoning *applications* in certain districts as provided in Chapter 14, Articles 4 Zoning and 5 Overlay Zoning Districts.

(3) Approval of a *development* plan by the planning commission is required prior to new *development* that meets any of the following criteria:

(a) *gross floor area* of thirty thousand square feet or more and is located within any zoning district of the *city*;

(D) Approval Criteria and Conditions

(1) Necessary Findings

To approve a *development* plan, the planning commission must make the following findings:

(a) that it is empowered to approve the plan under the section of Chapter 14 described in the *application*;

(b) that approving the *development* plan will not adversely affect the public interest; and

(c) that the use and any associated *buildings* are compatible with and adaptable to *buildings*, *structures* and uses of the abutting *property* and other *properties* in the vicinity of the *premises* under consideration.

(2) Conditions

The planning commission may specify conditions of approval that are necessary to accomplish the proper *development* of the area and to implement the policies of the *general plan*, including:

(a) special *yards* or *open spaces*;

(b) fences, *walls* or landscape screenings;

(c) provision and arrangement of parking and vehicular and pedestrian circulation;

(d) on-site or off-site *street*, sidewalk or utility improvements and maintenance agreements;

(e) noise generation or attenuation;

(f) dedication of *rights of way* or easements or access rights;

(g) arrangement of *buildings* and use areas on the site;

(h) special hazard reduction measures, such as *slope* planting;

(i) minimum site area;

(j) other conditions necessary to address unusual site conditions;

(k) limitations on the type, extent and *intensity* of uses and *development* allowed;

Italicized words defined in Article 14-12

(l) maximum numbers of *employees* or occupants permitted;

(m) hours of operation;

(n) phases of *development*, if applicable;

(o) establishment of an expiration date, after which the use must cease at that site;

(p) establishment of a date for annual or other period review at a public hearing;

(q) plans for sustainable use of energy, recycling and solid waste disposal;

(r) any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate the *development* and use of land; and

(s) conditions may not be imposed that restrict the use to a specific *person* or group.

(3) Expiration

Development plans expire as provided in Section 14-3.19 Expiration, Extension and Amendment of Development Approvals.

[redacted]

(A) Purpose and Intent

(1) It is the intent of a master plan to:

(a) provide a comprehensive plan that must be followed during the subsequent review and approval of *development* plans and subdivision *plats* for the master-planned area.

(b) enable the *governing body*, *land use boards* and *land use director* to ensure compliance with Chapter 14;

(c) document compliance with *final actions* to approve or conditionally approve *development applications*;

(D) Approval Criteria and Conditions

(1) Necessary Findings

To approve a *development* plan, the planning commission must make the following findings:

(a) that it is empowered to approve the plan under the section of Chapter 14 described in the *application*;

(b) that approving the *development* plan will not adversely affect the public interest; and

(c) that the use and any associated *buildings* are compatible with and adaptable to *buildings*, *structures* and uses of the abutting *property* and other *properties* in the vicinity of the *premises* under consideration.

(2) Conditions

The planning commission may specify conditions of approval that are necessary to accomplish the proper *development* of the area and to implement the policies of the *general plan*, including:

(a) special *yards* or *open spaces*;

(b) fences, *walls* or landscape screenings;

(c) provision and arrangement of parking and vehicular and pedestrian circulation;

(d) on-site or off-site *street*, sidewalk or utility improvements and maintenance agreements;

(e) noise generation or attenuation;

(f) dedication of *rights of way* or easements or access rights;

(g) arrangement of *buildings* and use areas on the site;

(h) special hazard reduction measures, such as *slope* planting;

(i) minimum site area;

(j) other conditions necessary to address unusual site conditions;

(k) limitations on the type, extent and *intensity* of uses and *development* allowed;

Italicized words defined in Article 14-12

WHY Preliminary and Why FINAL?

(2) Coordination with Other Review Procedures

(a) *Development* plans required for rezonings by Articles 14-4 Zoning Districts and 14-5 Overlay Zoning Districts shall be reviewed by the planning commission at a public hearing with notice provided as required by Section 14-3.1(H) and then transmitted to the *governing body* with any recommendations, as set forth in Section 14-3.5 Rezonings.

(b) A special use *permit* or variance request associated with a *development* plan shall be reviewed concurrently and approved or denied by the planning commission.

(c) If review and approval of a *development* plan by the planning commission and the *governing body* is required in conjunction with a rezoning action, the *applicant* may submit a preliminary *development* plan for consideration at the time of rezoning. If the rezoning is approved, a separate *application* for a final *development* plan must be approved by the planning commission prior to *development* of the affected *property*.

(d) If review and approval of a *development* plan by the planning commission *only* is required, the *applicant* may first submit an *application* for a preliminary *development* plan. If the preliminary *development* plan is approved, a separate *application* for final *development* plan approval by the planning commission must be approved prior to the *development* of the *property*.

(e) If review and approval of a master plan by the planning commission and the *governing body* is required in conjunction with a rezoning action, and if approval of a *development* plan by the planning commission would be required for one or more phases, the *applicant* may either:

(i) submit a *development* plan for the entire affected area for review and approval in lieu of a master plan; or

(ii) submit a *development* plan for one or more portions of the affected area for review and approval concurrently with the master plan.

(f) Action on a *development* plan by the planning commission must be taken at a public hearing with notice provided as required by Section 14-3.1(H).

Italicized words defined in Article 14-12

WHY Preliminary and Why FINAL?

(3) Consistency with Master Plans and Preliminary Development Plans

(a) *Development* plans must be consistent with applicable provisions of approved master plans as provided in Section 14-3.9(B)(3).

(b) Final *development* plans within an area that is subject to an approved preliminary *development* plan must comply with the provisions of the previously approved preliminary plan unless it is amended or repealed. *Final actions* by the *governing body*, *land use boards* and the *land use director* concerning rezonings, subdivisions, special use *permits*, *development* plans and construction *permits* shall include a specific finding or determination that the action complies with all applicable provisions of the preliminary plan.

(4) Scope of Amendments to Development Plans

(a) The *land use director* has the authority provided in Section 14-2.11(C)(2) (Minor Modifications to Development Approvals).

(b) The planning commission has the authority provided in Section 14-3.19(D) Amendment of Development Approvals.

(5) Administrative Approval Procedure
(Ord. No. 2013-16 § 13)

Approval of a *development* plan by the *land use director* as provided in Subsection 14-3.8(B)(8), does not require an ENN meeting, public hearing or public notice and is not required to be filed for record with the *county* clerk.

(6) Recording of Plans; Infrastructure Construction
(Ord. No. 2013-16 § 14)

(a) The signed original mylars of the *development* plan and associated engineering and improvement drawings shall be filed with the *land use director* and shall be the basis for issuance of construction *permits*. The *development* plan shall be filed for record with the *county* clerk by the *land use director*.

(b) If dedication of *public rights of way* or easements is required, a separate dedication *plat* shall be recorded concurrently with the *development* plan.

(c) *Infrastructure* improvements shall comply with Article 14-9 Infrastructure Design, Improvement and Dedication Standards.

Italicized words defined in Article 14-12

Master Plan: Elements

When you are building something with a lot of parts

14-3.9

(3) Consistency with Master Plans and Preliminary Development Plans

(a) *Development* plans must be consistent with applicable provisions of approved master plans as provided in Section 14-3.9(B)(3).

(b) Final *development* plans within an area that is subject to an approved preliminary *development* plan must comply with the provisions of the previously approved preliminary plan unless it is amended or repealed. *Final actions* by the *governing body*, *land use boards* and the *land use director* concerning rezonings, subdivisions, special use *permits*, *development* plans and construction *permits* shall include a specific finding or determination that the action complies with all applicable provisions of the preliminary plan.

(4) Scope of Amendments to Development Plans

(a) The *land use director* has the authority provided in Section 14-2.11(C)(2) (Minor Modifications to Development Approvals).

(b) The planning commission has the authority provided in Section 14-3.19(D) Amendment of Development Approvals.

(5) Administrative Approval Procedure
(Ord. No. 2013-16 § 13)

Approval of a *development* plan by the *land use director* as provided in Subsection 14-3.8(B)(8), does not require an ENN meeting, public hearing or public notice and is not required to be filed for record with the *county* clerk.

(6) Recording of Plans; Infrastructure Construction
(Ord. No. 2013-16 § 14)

(a) The signed original mylars of the *development* plan and associated engineering and improvement drawings shall be filed with the *land use director* and shall be the basis for issuance of construction *permits*. The *development* plan shall be filed for record with the *county* clerk by the *land use director*.

(b) If dedication of *public rights of way* or easements is required, a separate dedication *plat* shall be recorded concurrently with the *development* plan.

(c) *Infrastructure* improvements shall comply with Article 14-9 Infrastructure Design, Improvement and Dedication Standards.

Italicized words defined in Article 14-12

(2) A master plan provides for:

(a) comprehensive and coordinated planning for the *development* of land, often involving multiple phases occurring over a period of several years or more and may also involve multiple developers;

(b) plans for the funding and phased construction of major public or private *infrastructure* improvements required to serve the planned *development*.

(B) Applicability

(1) A master plan is required in conjunction with rezoning *applications* in certain districts as provided in Article 14-4 (Zoning Districts) and may be required in conjunction with specified annexation *applications* as provided in Section 14-3.4.

(2) A *development* plan may be submitted in lieu of a master plan as provided in Section 14-3.8(C)(2)(c).

(3) All use and *development* of land within a master-planned area must comply with the provisions of the adopted master plan. *Final actions* by the *governing body*, *land use boards* and the *land use director* concerning rezonings, subdivisions, special use *permits*, *development* plans and construction *permits* shall include a specific finding or determination that the action complies with all applicable provisions of the master plan.

(C) Procedures

(1) Submission Requirements

Applicants for *developments* that require master plans shall submit plans and other documentation as required by the *land use director* that show compliance with the applicable provisions of Chapter 14 as provided in Section 14-3.1(C) (Form of Application), including plans that show:

(a) existing conditions on the site and within the vicinity;

(b) proposed modifications to the site, including the locations of existing and new *structures*, *grading*, *landscaping*, lighting, pedestrian and vehicular circulation, parking and loading facilities;

(c) proposed changes to the zoning of land within the master plan area and the types, extent and *intensity* of land uses that are proposed;

Italicized words defined in Article 14-12

(b) The master plan must include a designation of the type of use and extent of *development* allowed for each *tract* designated for *nonresidential* or *mixed uses*. In addition to *nonresidential* uses allowed in *residential* districts, such as schools and *religious assembly*, the *development* may include:

(i) neighborhood shopping centers intended primarily to serve *development* within the PRC district and immediate vicinity as provided in Section 14-4.3(K) SC-1 Planned Shopping Center Districts and Section 14-7 Building Envelope and Open Space Standards;

(ii) not more than thirty-five percent of a planned *residential* community may be designated for *development* with *mixed uses* consistent with the standards for the MU district; and

(iii) within the PRRC district, neighborhood centers as provided in Item (i) above, resort accommodations and resort-related commercial services.

(iv) Unless special standards are adopted, the provisions of Section 14-6 Permitted Uses and Use Regulations apply within the PRC and PRRC districts.

(4) Notice and Action by Planning Commission

Action by the planning commission to recommend approval of a master plan, or to approve an amendment as provided in Section 14-3.19(D)(2) Amendment of Development Approvals – Master Plans in the MU and BIP Districts, must be taken at a public hearing with notice provided as required by Section 14-3.1(H)(1). (Ord. No. 2014-31 § 3)

(5) Notice and Action by Governing Body

Action by the *governing body* to approve or amend a master plan must be taken at a public hearing with notice provided as required by Section 14-3.1(H)(2). (Ord. No. 2014-31 § 4)

(D) Approval Criteria; Conditions

(1) Necessary Findings
(Ord. No. 2014-31 § 5)

Approval or amendment of a master plan requires the following findings:

(a) the master plan is consistent with the *general plan*;

(2) A master plan provides for:

(a) comprehensive and coordinated planning for the *development* of land, often involving multiple phases occurring over a period of several years or more and may also involve multiple developers;

(b) plans for the funding and phased construction of major public or private *infrastructure* improvements required to serve the planned *development*.

(B) Applicability

(1) A master plan is required in conjunction with rezoning *applications* in certain districts as provided in Article 14-4 (Zoning Districts) and may be required in conjunction with specified annexation *applications* as provided in Section 14-3.4.

(2) A *development* plan may be submitted in lieu of a master plan as provided in Section 14-3.8(C)(2)(c).

(3) All use and *development* of land within a master-planned area must comply with the provisions of the adopted master plan. *Final actions* by the *governing body*, *land use boards* and the *land use director* concerning rezonings, subdivisions, special use *permits*, *development* plans and construction *permits* shall include a specific finding or determination that the action complies with all applicable provisions of the master plan.

(C) Procedures

(1) Submission Requirements

Applicants for *developments* that require master plans shall submit plans and other documentation as required by the *land use director* that show compliance with the applicable provisions of Chapter 14 as provided in Section 14-3.1(C) (Form of Application), including plans that show:

(a) existing conditions on the site and within the vicinity;

(b) proposed modifications to the site, including the locations of existing and new *structures*, *grading*, *landscaping*, lighting, pedestrian and vehicular circulation, parking and loading facilities;

(c) proposed changes to the zoning of land within the master plan area and the types, extent and *intensity* of land uses that are proposed;

Italicized words defined in Article 14-12

(b) the master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and *development* standards of those districts;

(c) *development* of the master plan area will contribute to the coordinated and efficient *development* of the community; and

(d) 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 planned *development.*

(2) Conditions

Approval of the master plan may specify conditions of approval that are necessary to ensure compliance with the provisions of Chapter 14 and implement the policies of the *general plan*, including:

(a) requirements for construction and funding of private or public *infrastructure*, including utilities, municipal *buildings*, roads, parks and trails;

(b) provisions for the use and protection of areas of special hazards or environmental sensitivity;

(c) modifications to the proposed plan, including changes to the boundaries of land use *tracts*, patterns of land uses, *infrastructure* plans, phasing plans and special *development* standards and guidelines.

(3) Expiration

Master plans expire as provided in Section 14-3.19 (Expiration, Extension and Amendment of Development Approvals).

Variance: Elements

When you are building something that does not comply with City Code

14-3.16

(b) the master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and *development* standards of those districts;

(c) *development* of the master plan area will contribute to the coordinated and efficient *development* of the community; and

(d) 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 planned *development*.

(2) Conditions

Approval of the master plan may specify conditions of approval that are necessary to ensure compliance with the provisions of Chapter 14 and implement the policies of the *general plan*, including:

(a) requirements for construction and funding of private or public *infrastructure*, including utilities, municipal *buildings*, roads, parks and trails;

(b) provisions for the use and protection of areas of special hazards or environmental sensitivity;

(c) modifications to the proposed plan, including changes to the boundaries of land use *tracts*, patterns of land uses, *infrastructure* plans, phasing plans and special *development* standards and guidelines.

(3) Expiration

Master plans expire as provided in Section 14-3.19 (Expiration, Extension and Amendment of Development Approvals).

Variance

"Elements"

14-316

(B) Procedures

(1) Board Review and Decision

Following a public hearing, the *land use board* shall, based on the *application*, input received at the public hearing and the approval criteria set forth in Subsection (C) of this section, approve, approve with conditions or deny the variance *application*.

(2) Special Review for Height Variances in Airport Area

All height variance requests for lands located within the approach, transitional, horizontal and conical surfaces as described within the approach and clear zone layout plan of the Santa Fe municipal airport dated February, 1980 prepared by PMM and company, adopted in this section by reference and on file in the *city* public works department shall be reviewed for compliance with federal aviation regulations. The *application* for variance shall be accompanied by an approval from the federal aviation administration accompanied by a determination as to the effect of the proposed variance on the operation of air aviation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed only upon a finding that granting the variance will not create a hazard to air navigation. Additionally, no *application* for variance to the height requirements within the area described in this paragraph may be considered until a copy of the *application* has been furnished to the airport manager for advice as to the aeronautical effects of the variance. If the airport manager does not respond to the *application* within fifteen days after receipt, the *land use board* may act on the *application* without the airport manager's response. Any variance granted may be conditioned to require the *owner* of the *structure* in question to install, operate and maintain, at the *owner*'s expense, such markings and lights as may be necessary.

(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;

Italicized words defined in Article 14-12

Variance

"Elements"

14-316

(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.

(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.

(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*.

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

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

(D) Expiration of Variances
(Ord. No. 2013-16 § 17)

Approval of a variance expires if it is not exercised, as provided in Section 14-3.19(B)(5).

.icized words defined in Article 14-12

Possible Answers--Scenario #1
You are a land use consultant and St. Guardian Hospital's comes in and says "We have an existing master plan for our property. We've raised $40M in capital and we want to build a 40' high addition but we may be in a weird district that has limits on building heights."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Possible Issues:
Master Plan
Development Plan
Zoning/Special Use Permit
Height Variances

Scenario #2:
You are a land use consultant and Eveningstar Retirement Homes comes in and says: "We want to build a new retirement center in a residential district."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Possible Issues:
Development Plan
Zoning/Special Use Permit

Scenario #3:
You are a land use consultant and Dry River Condos comes in and says: "We want to build a new set of three story condos in a residential district—what is the easiest way?"

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan

(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.

(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.

(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*.

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

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

(D) Expiration of Variances
(Ord. No. 2013-16 § 17)

Approval of a variance expires if it is not exercised, as provided in Section 14-3.19(B)(5).

- Variance

Possible Issues:
General Plan
Rezoning
Development Plan
Variances

Scenario #4:
You are a land use consultant and Las Sailors comes in and says: "We own a lot of vacant land—I mean a lot--and want to divide it up into a bunch of different uses and future projects."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Possible Issues:
Master Plan
General Plan
Rezoning
Subdivision

Final Product

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

Case #2015-115
Estancia de Las Soleras Phase 1C Preliminary Subdivision Plat
Owner's Name- Pulte Group
Agent's Name- James W. Siebert and Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on January 7, 2016 upon the application (Application) of James W. Siebert and Associates as agent for Pulte Group (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 67 lots located on 25.86+/- acres, Tract 11A of the Las Soleras Master Plan. Tract 11A is zoned R-6 (Residential, 6 units per acre). The plat is the final unit of Phase 1 of the overall Pulte residential development. The request requires a variance request for the disturbance of slopes over thirty percent.

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and there was one member of the public in attendance to speak.
2. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on the entire Pulte Application on October 30, 2014 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on the entire Pulte Application on December 16, 2014 at the Genoveva Chavez Center in accordance with the notice requirement of Code § 14-3.1(F)(3)(a).

- Variance

Possible Issues:
General Plan
Rezoning
Development Plan
Variances

Scenario #4:
You are a land use consultant and Las Sailors comes in and says: "We own a lot of vacant land—I mean a lot--and want to divide it up into a bunch of different uses and future projects."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Possible Issues:
Master Plan
General Plan
Rezoning
Subdivision

10. The ENN meeting was attended by the Applicant and City staff; there were 60-70 members of the public in attendance and concerns were raised.
11. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.
12. The Commission finds the following facts:

a. *In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.* The proposed subdivision complies with this standard, subject that the applicable standards for the requested variance is met.

b. *The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed.* The land to be subdivided meets applicable standards and is suited to the residential density proposed.

c. *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* The proposed plat complies with applicable standards of Chapter 14, Article 9.

d. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.* The proposed plat does not create or increase any nonconformity with the applicable standards of Chapter 14, subject to approval of the requested variance.

e. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.* The proposed plat will not create a nonconformity with any other chapter of the Santa Fe City Code.

13. Code § 14-8.2(D)(2) sets out certain findings that must be made by the Commission to approve a variance criteria.
14. The Commission finds the following facts:

(a) special circumstances exist, in that there is a drainage within Unit 1C that traverses the property with steep banks on either side of the drainage and the slopes that exceed thirty percent are located along this drainage; (b) special circumstances make it infeasible to develop the land as there are safety factors associated with the steep slopes on the banks of the drainage that prevent reasonable and safe access from the road and lots to the pedestrian trail in the linear open space area shown on the subdivision plans; (c) the proposed density and lost sizes are consistent with that of nearby Nava Ade and other phases of Las Soleras; will not exceed that is allowed on other properties in the vicinity that are subject to the Ordinance in that the size of the proposed addition and extent of proposed grading are generally consistent with the development of other nearby lots; (d) the variance is the minimum variance that will make possible the reasonable use of the Property as the variance is for seven areas of slopes ranging from 120 square feet and this represents .004 of the total are of Unit 1C; and (e) the variance is not contrary to the public interest, as providing access to open space areas and encouraging people to walk and exercise is an asset to the public interest.

15. 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 preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
16. The information contained in the Staff Report along with Exhibits B, B1 and B2 is sufficient to establish that the Applicable Requirements have been met.
17. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the Applicable Requirements).

CONCLUSIONS OF LAW

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

General

1. The proposed preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.

The Preliminary Subdivision Plat & Variance

3. The Commission has the authority to review and approve the preliminary plat and variance subject to conditions.
4. The Applicable Requirements have been met.

WHEREFORE, IT IS SO ORDERED ON THE 4th OF FEBRUARY 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

That the Applicant's requests for preliminary subdivision plat and variance request is approved, subject to Staff conditions.

_____ _____
Vince Kadlubek Date:
Chair

FILED:

_____ _____
Yolanda Y. Vigil Date:
City Clerk

APPROVED AS TO FORM:

_____ _____
Zachary Shandler Date:
Assistant City Attorney

10. The ENN meeting was attended by the Applicant and City staff; there were 60-70 members of the public in attendance and concerns were raised.
11. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.
12. The Commission finds the following facts:

a. *In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.* The proposed subdivision complies with this standard, subject that the applicable standards for the requested variance is met.

b. *The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed.* The land to be subdivided meets applicable standards and is suited to the residential density proposed.

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QUICK EX PARTE REMINDER

ALL OF THE ABOVE CASES ARE ADJUDICATORY—NO TALK WITH ANYONE BUT STAFF

THESE CASES ARE ADJUDICATORY AND MAY BE REMANDED BY THE CITY COUNCIL BACK TO THE PLANNING COMMISSION FOR A RE-DO--------NO TALK ON FACEBOOK---BEFORE OR AFTER---

GO TO ENN = you will be excused from hearing the case

Motto #3: Do as much free work as possible.

Scenario #5:

You are a land use consultant and City staff has asked to re-write the 1999 General Plan for free (thank you!) in the next 6 months.

Where do you start?

Do you have a targeted approach?

Do you assign City staff discrete tasks to make things more manageable?

If the City has $20K—what should you do?

> What has been giving staff and citizens the biggest head-ache?
>
> Should it be used to hire another associate to try to re-work the Future & Current land use map for the annexed area?

QUICK EX PARTE REMINDER

ALL OF THE ABOVE CASES ARE ADJUDICATORY—NO TALK WITH ANYONE BUT STAFF

THESE CASES ARE ADJUDICATORY AND MAY BE REMANDED BY THE CITY COUNCIL BACK TO THE PLANNING COMMISSION FOR A RE-DO--------NO TALK ON FACEBOOK---BEFORE OR AFTER---

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Mr. Shandler's Training for Planning Commission—February 18, 2006

Opening Remarks—former Planning Commissioners

Mr. Shandler's Training for Planning Commission—February 18, 2006

EXHIBIT 1
PLANNING COMMISSION
February 25, 2016

Santa Fe Railyard Project

Richard A. Czoski,

Executive Director

EXHIBIT 2
PLANNING COMMISSION
February 25, 2016

SANTA FE RAILYARD

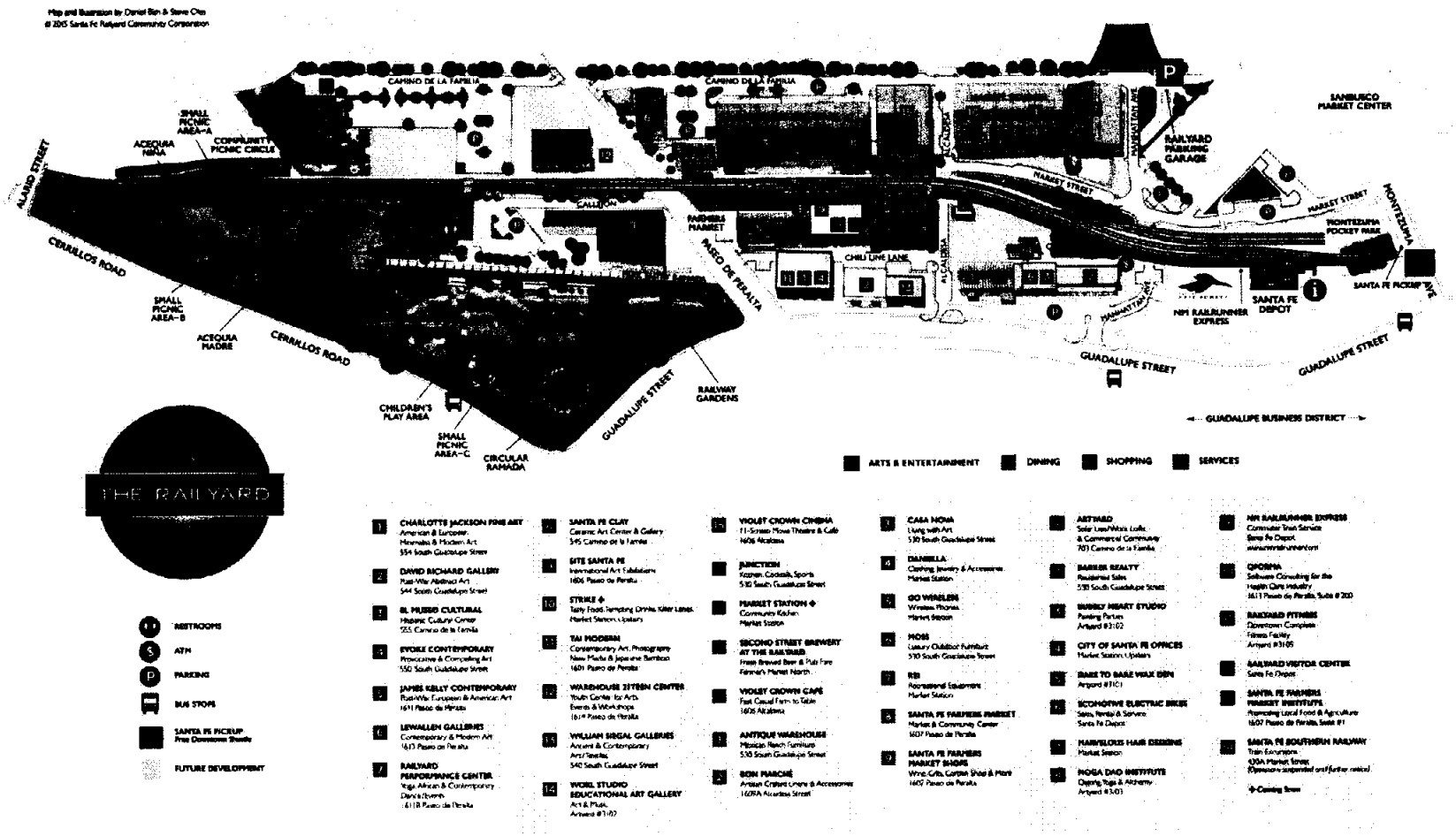
SF Railyard by the Numbers

- 50 acres total
- 13 acres public spaces (park, plaza, alameda)
- 37 acres commercial development
- 500,000 square feet of development
- 32% Existing, 68% New Construction
- 42 land parcels – 86% leased
- 900 parking spaces including a 400 space underground garage

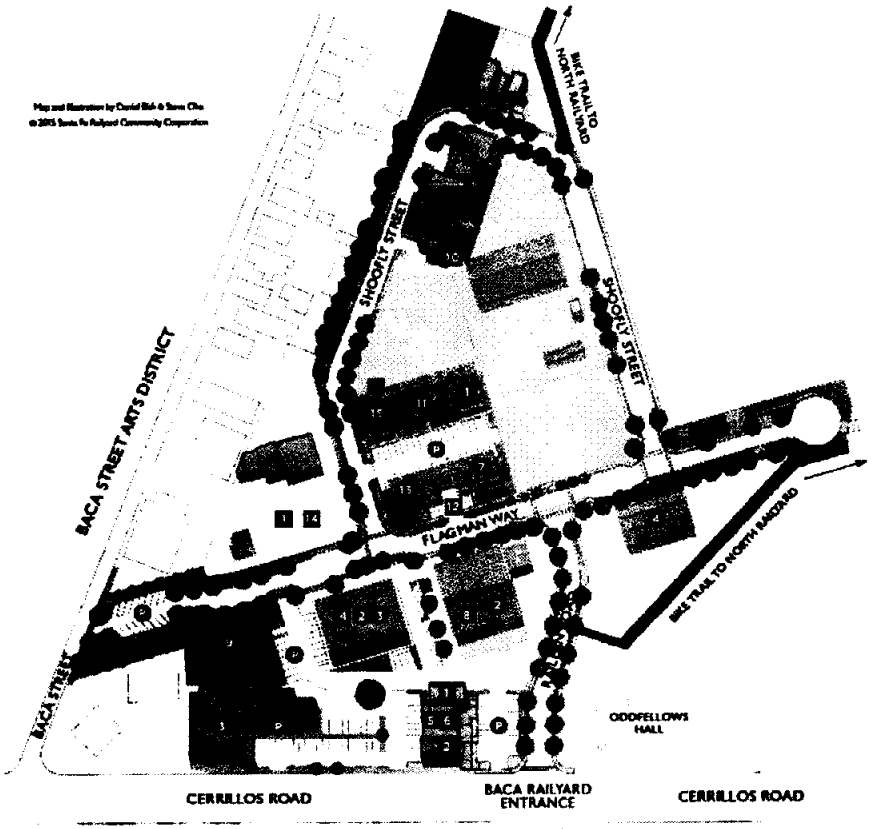
Santa Fe Railyard Commercial Development

37 Acres

North Railyard

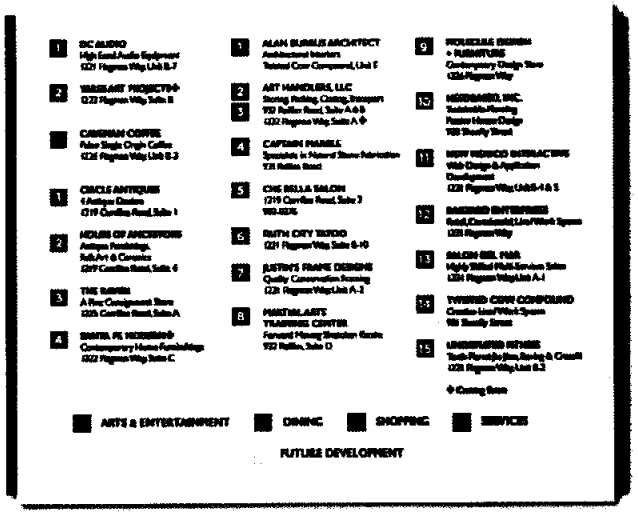


Baca Railyard



THE RAILYARD

WWW.RAILYARDSANTAFE.COM



SF Railyard Project Main Entities

- City of Santa Fe – Land Owner
- Santa Fe Railyard Community Corporation
  - Nonprofit Developer/Manager
- Santa Fe Conservation Trust
  - Holder of the Conservation Easement
- Ground Lease Tenants

SFRCC

- Non Profit 501c (3)
- 15 Volunteer Board Members
- Staff of 3.5
- Formed in 1998
- Relationship to City is as a tenant with specific responsibilities

SFRCC/City Agreement

- City Master Leased 40 Acres to SFRCC
- 28 Year Agreement – Expires 2030
- SFRCC Scope of Work
  - Entitlement of Infrastructure and New Buildings
  - Design/Construction
  - Leasing Land Parcels
  - Property Management
  - Events/Public Space Management

SFRCC/City Agreement

- Compensation to City
  - $3.5 Million Acquisition
  - $17 Million Infrastructure (includes interest)
  - Paid back Over 28 Years
  - All debt paid by approximately 2030
- Compensation to SFRCC
  - 100% of Income from Ground Leases, and Events Management to repay the City for the Infrastructure Development Costs

Tenant Lease Terms

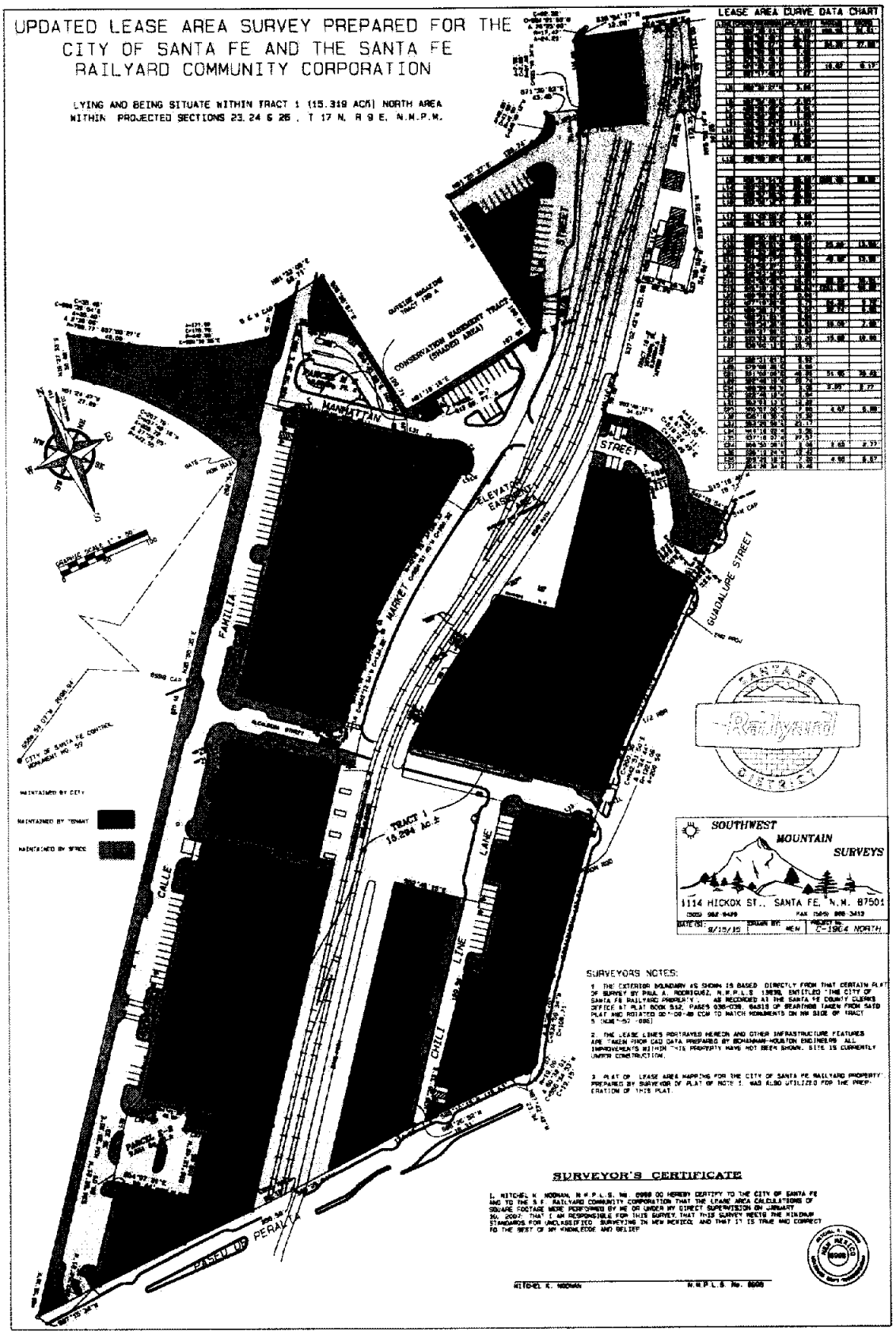
- Ground Lease
- 90 Year Term
- Annual CPI
- Reappraisal Every 10 Years
- Tenant can transfer improvements

Tenant Lease Terms

- Lessor Approves All Subleases and Assignments
- Financing is Subordinate to Ground Lease
- City Owns All Improvements at the End of the Ground Lease
- City becomes Lessor when Nonprofit agreement terminates

UPDATED LEASE AREA SURVEY PREPARED FOR THE CITY OF SANTA FE AND THE SANTA FE RAILYARD COMMUNITY CORPORATION

LYING AND BEING SITUATE WITHIN TRACT 1 (15.319 ACS) NORTH AREA WITHIN PROJECTED SECTIONS 23, 24 & 26, T 17 N, R 9 E, N.M.P.M.



SURVEYORS NOTES:

1. THE EXTERIOR BOUNDARY AS SHOWN IS BASED DIRECTLY FROM THAT CERTAIN PLAT OF SURVEY BY PAUL A. RODRIGUEZ, N.M.P.L.S. 10878, ENTITLED "THE CITY OF SANTA FE RAILYARD PROPERTY", AS RECORDED AT THE SANTA FE COUNTY CLERKS OFFICE AT PLAT BOOK 532, PAGES 036-038. BASIS OF BEARINGS TAKEN FROM SAID PLAT AND ROTATED 00°-00'-00" CCW TO MATCH MONUMENTS ON NW SIDE OF TRACT 5 (NAD 1927-1985).

2. THE LEASE LINES PORTRAYED HEREON AND OTHER INFRASTRUCTURE FEATURES ARE TAKEN FROM CAD DATA PREPARED BY BOHANNAN-HOUSTON ENGINEERS. ALL IMPROVEMENTS WITHIN THIS PROPERTY HAVE NOT BEEN SHOWN. SITE IS CURRENTLY UNDER CONSTRUCTION.

3. PLAT OF LEASE AREA MAPPING FOR THE CITY OF SANTA FE RAILYARD PROPERTY PREPARED BY SURVEYOR OF PLAT OF NOTE 1. WAS ALSO UTILIZED FOR THE PREPARATION OF THIS PLAT.

SURVEYOR'S CERTIFICATE

I, MITCHEL K. NORMAN, N.M.P.L.S. No. 8908 DO HEREBY CERTIFY TO THE CITY OF SANTA FE AND TO THE S.F. RAILYARD COMMUNITY CORPORATION THAT THE LEASE AREA CALCULATIONS OF SQUARE FOOTAGE WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION ON JANUARY 30, 2007. THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR UNCLASSIFIED SURVEYING IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MITCHEL K. NORMAN N.M.P.L.S. No. 8908

RESPONSIBILITY MAP OF THE SOUTH AREA OF THE SANTA FE RAILYARD PREPARED FOR THE SANTA FE RAILYARD COMMUNITY CORPORATION

LYING AND BEING SITUATE WITHIN TRACT 6 (0.142 ACR)
PROJECTED SECTIONS 26 , T 17 N, R 9 E, N.M.P.M.

PARCEL A3 BOUNDARY

LINE	BEARING	DISTANCE	CHORD
[illegible]	[illegible]	[illegible]	
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[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	

SOUTH RAILYARD BOUNDARY

LINE	BEARING	DISTANCE
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
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[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

LEGEND:

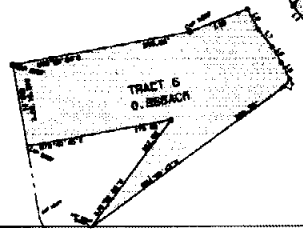
- FOUND MONUMENT
- MONUMENT AS NOTED
- CALCULATED MONUMENT (WHEN UNLESS IDENTIFIED AS SET)
- EASEMENT LINE
- PROPERTY BOUNDARY LINE
- E — EXISTING WIRES
- MAINTAINED BY CITY
- COMMON AREAS MAINTAINED BY SFRCC
- LEASE PARCEL MAINTAINED BY TENANT

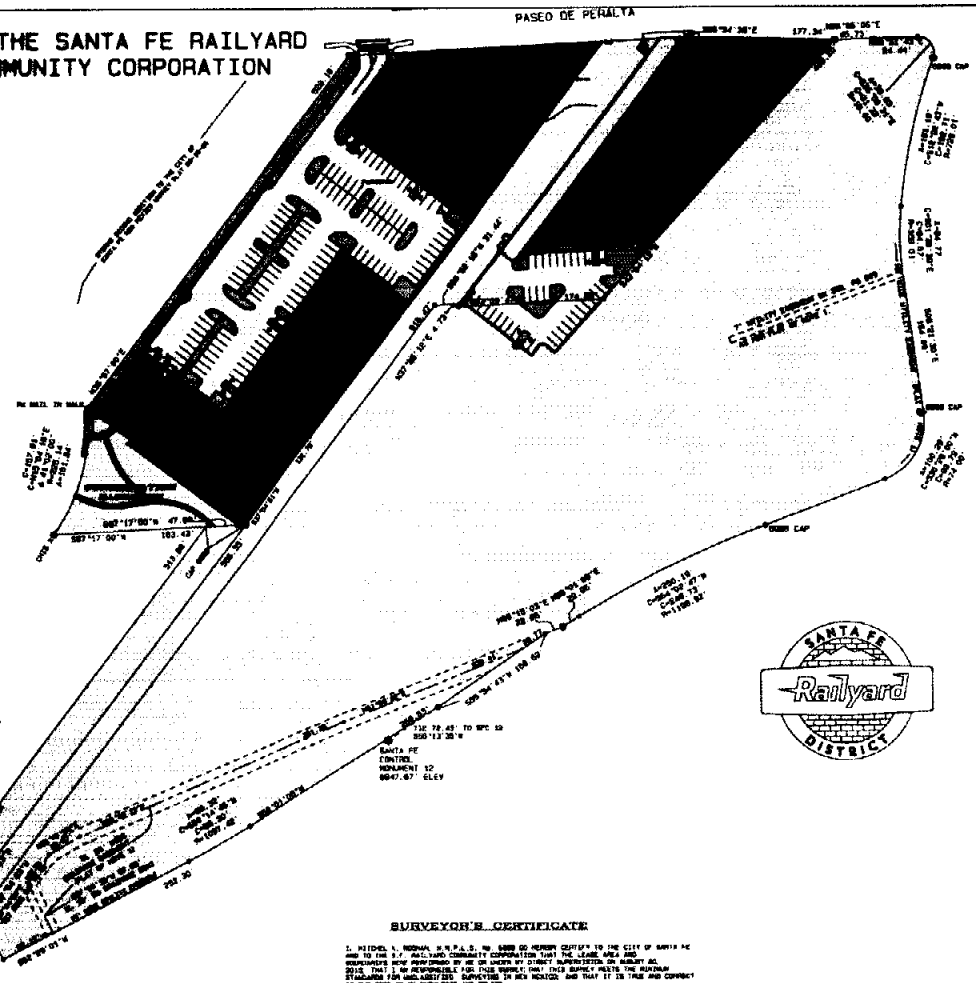
SURVEYOR'S NOTES:

1. THE OVERHEAD BOUNDARY AS SHOWN IS BASED CORRECTLY FROM THAT CERTAIN PLAT OF SURVEY BY ROBT. A. [illegible], R.P.L.S. [illegible] ENTITLED "THE CITY OF SANTA FE RAILYARD PROPERTY". AS RECORDED BY THE SANTA FE COUNTY CLERK'S OFFICE AS PLAT [illegible] SLIDE [illegible], PAGES [illegible]-[illegible]. SURVEY OF [illegible] FROM SAID PLAT AND ROTATED [illegible] ECD TO MATCH MONUMENTS ON AN EDGE OF TRACT 5 [illegible].

2. THE LEASE LINES PORTRAYED HEREON AND OTHER INFRASTRUCTURE FEATURES ARE TAKEN FROM CAD DATA PROVIDED BY [illegible]. ALL IMPROVEMENTS WITHIN THIS PROPERTY HAVE BEEN OMITTED, UNLESS OTHERWISE NOTED.

3. PLAT OF "LEASE AREA MAPPING FOR THE CITY OF SANTA FE RAILYARD PROPERTY", PREPARED BY [illegible] OF PLAT OF NOTE 1, WAS ALSO UTILIZED FOR THE PREPARATION OF THIS PLAT.





SURVEYOR'S CERTIFICATE

I, MITCHEL K. MORNAN, N.M.P.L.S. No. [illegible] HEREBY CERTIFY TO THE CITY OF SANTA FE AND TO THE S.F. RAILYARD COMMUNITY CORPORATION THAT THE LEASE AREA AND IMPROVEMENTS NOW PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION ON AUGUST 20, 2013, THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR MULTI-JURISDICTIONAL SURVEYING IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MITCHEL K. MORNAN N.M.P.L.S. No. [illegible]

SOUTHWEST MOUNTAIN SURVEYS
1114 HICKOX ST., SANTA FE, N.M. 87501
(505) [illegible] FAX (505) [illegible]

DATE	DRAWN BY	PROJECT
08/20/13	MCM	C-7984 S LEASE

RESPONSIBILITY MAP OF THE BACA PORTION SANTA FE RAILYARD AND LEASE AREAS PLAT, PREPARED FOR THE SANTA FE RAILYARD COMMINUTY CORPORATION

LYING AND BEING SITUATE WITHIN TRACT 7A (12.518 AC±) PROJECTED SECTIONS 26, T 17 N, R 9 E, N.M.P.M.
CONTAINING 12.499 AC ±

SANTA FE RAILYARD COMMUNITY CORPORATION

SANTA FE RAILYARD COMMUNITY CORPORATION
RICHARD A. CZOSKI, EXECUTIVE DIRECTOR — DATE

SURVEYORS NOTES:

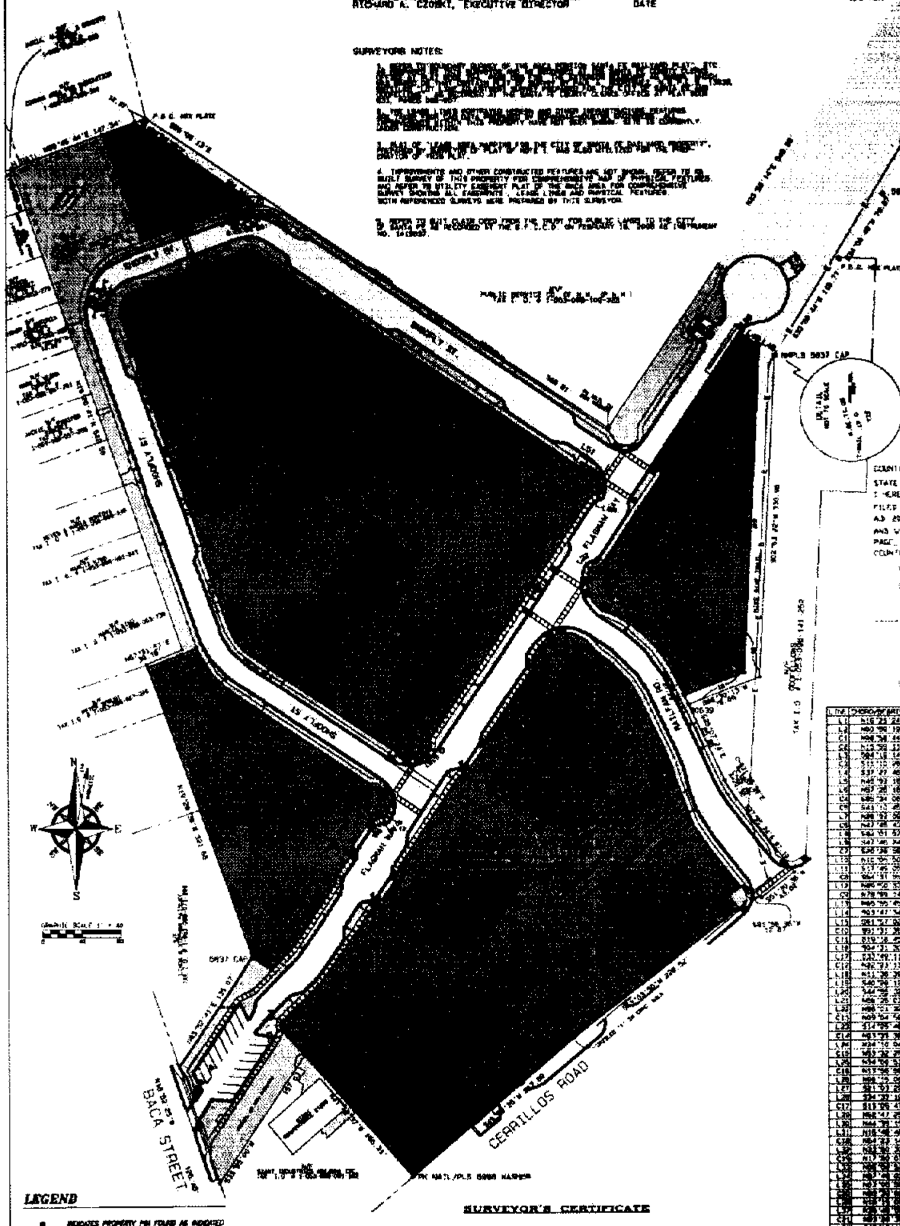
1. [illegible]

2. [illegible]

3. PLAT OF "LEASE AREA PARKING FOR THE CITY OF SANTA FE RAILYARD PROPERTY", [illegible]

4. IMPROVEMENTS AND OTHER CONSTRUCTED FEATURES ARE NOT SHOWN. REFER TO AS BUILT SURVEY OF THIS PROPERTY FOR COMPREHENSIVE MAP OF PHYSICAL FEATURES, AND REFER TO UTILITY EASEMENT PLAT OF THE BACA AREA FOR COMPREHENSIVE SURVEY SHOWING ALL EASEMENTS, LEASE LINES AND PHYSICAL FEATURES. BOTH REFERENCED SURVEYS WERE PREPARED BY THIS SURVEYOR.

5. REFER TO QUIT CLAIM DEED FROM THE TRUST FOR PUBLIC LANDS TO THE CITY OF SANTA FE AS RECORDED BY THE S.F.C.C. ON FEBRUARY 16, 2006 AS INSTRUMENT NO. 1418037.



COUNTY OF SANTA FE)
)SS
STATE OF NEW MEXICO)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE ____ DAY OF ______ A.D. 20____ AT ______ O'CLOCK ____M AND WAS DULY RECORDED IN PLAT BOOK ______ PAGE ______, OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE
GERALDINE SALAZAR
COUNTY CLERK, SANTA FE COUNTY, NM.

________________________ DEPUTY

LEASE AREA DATA CHART

LINE	CHORD/BEARING	ARC/DIST	RADIUS	DELTA	CHORD
L1	N16°23'24"W	5.45'			
L2	N80°59'19"E	4.11'			
C1	N98°58'44"E	5.94'	16.11	20°48'41"	8.88
C2	N15°59'32"E	6.98'	11.30	35°25'24"	6.87
L3	S84°16'14"E	5.97'			
C3	S15°10'26"W	3.19'	3.44	52°54'36"	3.05'
L4	S37°27'46"W	3.47'			
L5	N45°53'16"E	2.88'			
L6	N57°28'16"E	3.74'			
C4	N85°34'06"W	23.73'	36.47	38°28'40"	23.35
C5	S41°12'46"E	4.18'	6.07	88°19'11"	4.12
L7	N88°57'06"W	3.83'			
C6	N42°46'40"W	4.00'	12.84	16°32'44"	3.96
L8	S44°51'57"E	15.15'			
L9	S47°46'34"E	0.17'			
C7	S38°36'58"E	13.66'	22.85	47°43'10"	10.36
L10	N10°05'50"E	3.58'			
L11	S17°46'35"W	7.98'			
C8	S64°31'55"W	3.57'	2.78	73°26'40"	1.93
L12	N89°50'30"E	7.90'			
C9	N78°59'24"E	3.00'	6.08	29°55'58"	2.97'
L13	N85°35'45"E	4.75'			
L14	N03°47'34"E	5.58'			
L15	S61°27'02"W	2.96'			
C10	N31°31'36"W	7.16'	11.72	34°58'34"	7.04'
C11	S19°18'45"W	7.70'	14.59	29°34'28"	7.62
L16	N04°31'35"W	4.28'			
L17	S32°49'11"W	22.70'			
C12	N42°23'13"E	3.26'	8.70	21°29'06"	3.24'
L18	N41°38'39"E	4.90'			
L19	S40°59'12"W	11.35'			
L20	S44°55'32"W	21.06'			
L21	N56°26'03"W	23.19'			
L22	N86°21'22"W	9.80'			
C13	N09°04'50"W	1.86'	19.19	7°24'21"	1.86'
L23	S14°55'46"E	3.54'			
C14	N83°33'36"E	3.94'	5.64	39°58'49"	3.48'
L24	N24°10'04"E	20.44'			
C15	N53°32'25"E	10.28'	30.82	19°04'58"	10.67'
L25	N34°56'53"E	15.89'			
C16	N37°56'50"E	4.37'	16.70	16°21'47"	4.36'
L26	N86°19'06"E	5.42'			
L27	S21°03'25"E	14.89'			
L28	S34°33'19"E	20.80'			
C17	S11°06'47"E	12.98'	14.70	74°02'52"	10.87'
L29	N62°47'25"W	0.30'			
L30	N44°39'19"E	7.72'			
L31	N18°48'48"E	0.56'			
C18	N84°22'14"E	10.81'	19.88	41°06'07"	10.59'
L32	N83°50'30"E	15.75'			
C19	N17°50'07"E	7.89'	19.30	33°50'07"	7.54'
L33	[illegible]	3.17'			
L34	[illegible]	0.30'			
L35	[illegible]	1.37'			
C20	[illegible]	14.71'	17.87	[illegible]	14.46
L36	[illegible]	[illegible]			
L37	[illegible]	[illegible]			
C21	[illegible]	57.12'	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]			
[illegible]	[illegible]	[illegible]			
[illegible]	[illegible]	[illegible]			
L41	[illegible]	[illegible]			
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C22	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C23	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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[illegible]	[illegible]	[illegible]			
[illegible]	[illegible]	[illegible]			
[illegible]	[illegible]	[illegible]			
C24	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]			
C25	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]			
[illegible]	[illegible]	[illegible]			
C26	[illegible]	[illegible]	[illegible]	87°04'17"	[illegible]
[illegible]	[illegible]	[illegible]			

LEGEND

- ● INDICATES PROPERTY PIN FOUND AS INDICATED
- ○ INDICATES CALCULATED LEASE AREA CORNER
- INDICATES UTILITY POLE, OVERHEAD UTILITY LINES, AND POLE GUY ANCHOR WHERE APPLICABLE
- BACK OF WALK / TOP BACK OF CURB / FRONT OF CURB & GUTTER / STREET SIDE EDGE OF CURB SECTION — TYPICAL
- INDICATES FENCE LINE.
- LEASE AREAS MAINTAINED BY TENANT
- MAINTAINED BY CITY
- MAINTAINED BY SFRCC

SURVEYOR'S CERTIFICATE

I, MITCHEL E. NORMAN, N.M.P.L.S. No. [illegible] DO HEREBY CERTIFY TO THE CITY OF SANTA FE AND TO THE S.F. RAILYARD COMMUNITY CORPORATION [illegible] THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR BOUNDARY SURVEYING IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MITCHEL E. NORMAN — N.M.P.L.S. No. [illegible]

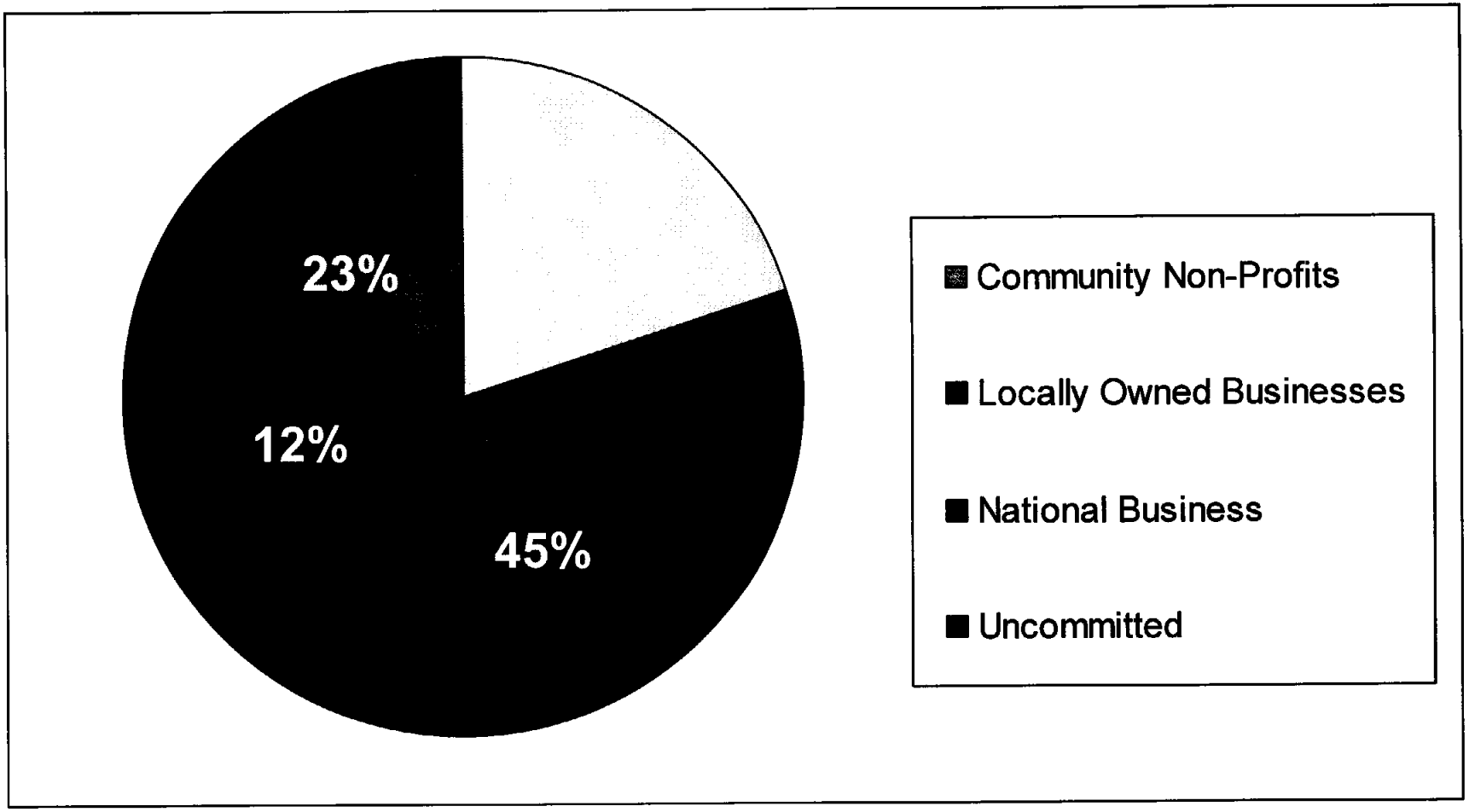
SOUTHWEST MOUNTAIN SURVEYS
1114 HICKOX ST., SANTA FE, N.M. 87501
(505) [illegible] FAX (505) [illegible]

DATE OF: 09/16/10	DRAWN BY: MEN	C-1964 BACA

INDEXING INFORMATION FOR COUNTY CLERK

NAME:	SF RAILYARD COMMUNITY CORP.
FILED:	PLAT BOOK 510, PAGE 038-039
SUBDIVISION:	TRACT 7A
SECTIONS:	PROJ SECTION 26, T17N, R9E

SF Railyard Project Tenants



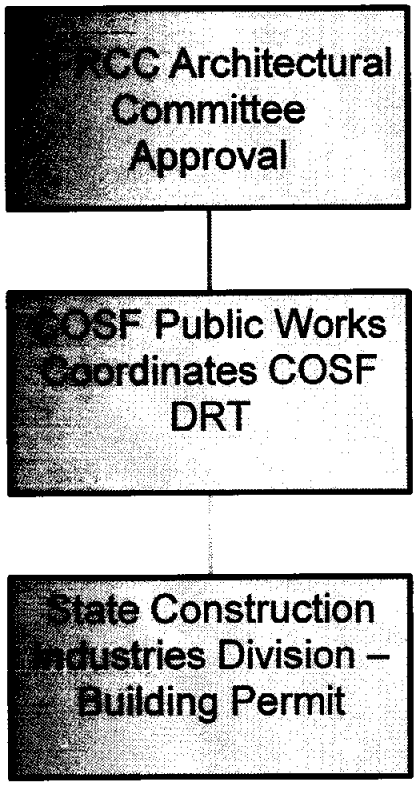
Railyard Master Plan

- Adopted by the City in 2002 by Resolution
- Railyard is not in a Historic District
- Pueblo Revival Architecture is not allowed
- Has been amended 10 times
- MP lists what changes must be Amendments approved by City Council
- Grants SFRCC some discretion regarding design approval and tenants

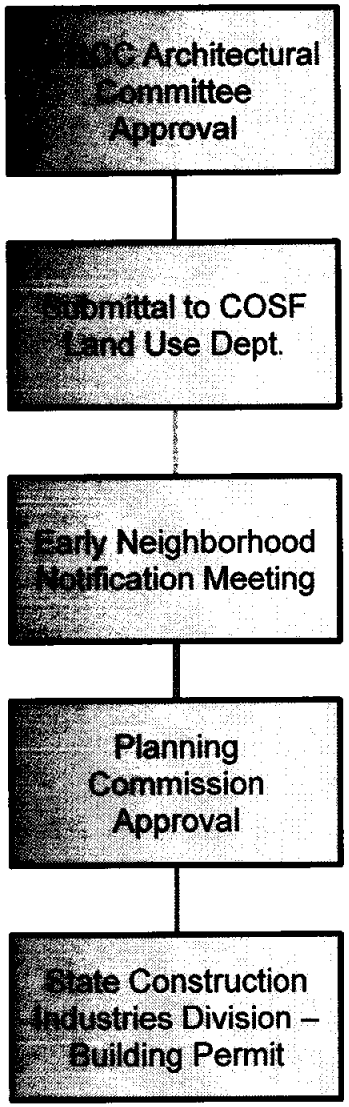
City Ordinances

- Affordable Housing
- Water Rights
- Parking
- Impact Fees
- Outdoor Lighting
- Others as applicable

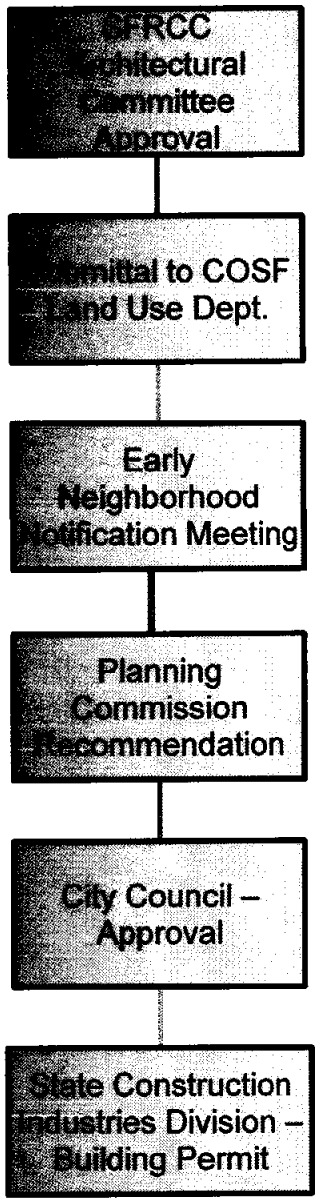
Buildings Less than 10,000SF
No Master Plan Change



Buildings Larger than 10,000SF
No Master Plan Change



Master Plan Change
Regardless of Building Size



Building Status

- 15 New Buildings Completed
- 8 To Be Built
- 7 Buildings – Renovation Completed
- 3 Existing Buildings to be Renovated
- 3 Existing Buildings – Status TBD

36 Total

New Buildings Completed

North Railyard

• Market Station	99,000 SF
• Farmers Market	26,000 SF
• Art Yard Building 1	17,650 SF
• Warehouse 21	17,000 SF
• Violet Crown Cinema	16,042 SF
• Truro Building	11,500 SF
• Rose Building	9,500 SF

Baca Street

• Railyard Enterprises	19,800 SF
• La Puerta II	9,953 SF
• Recollections	9,400 SF
• 1219 Cerrillos	5,600 SF
• Needbased Architects/Residences	4,350 SF
• Molecule	3,900 SF
• 925 Shoofly Condo	3,400 SF
• Ricardo Mazal Studios	1,750 SF
• GRAND TOTAL	254,845 SF

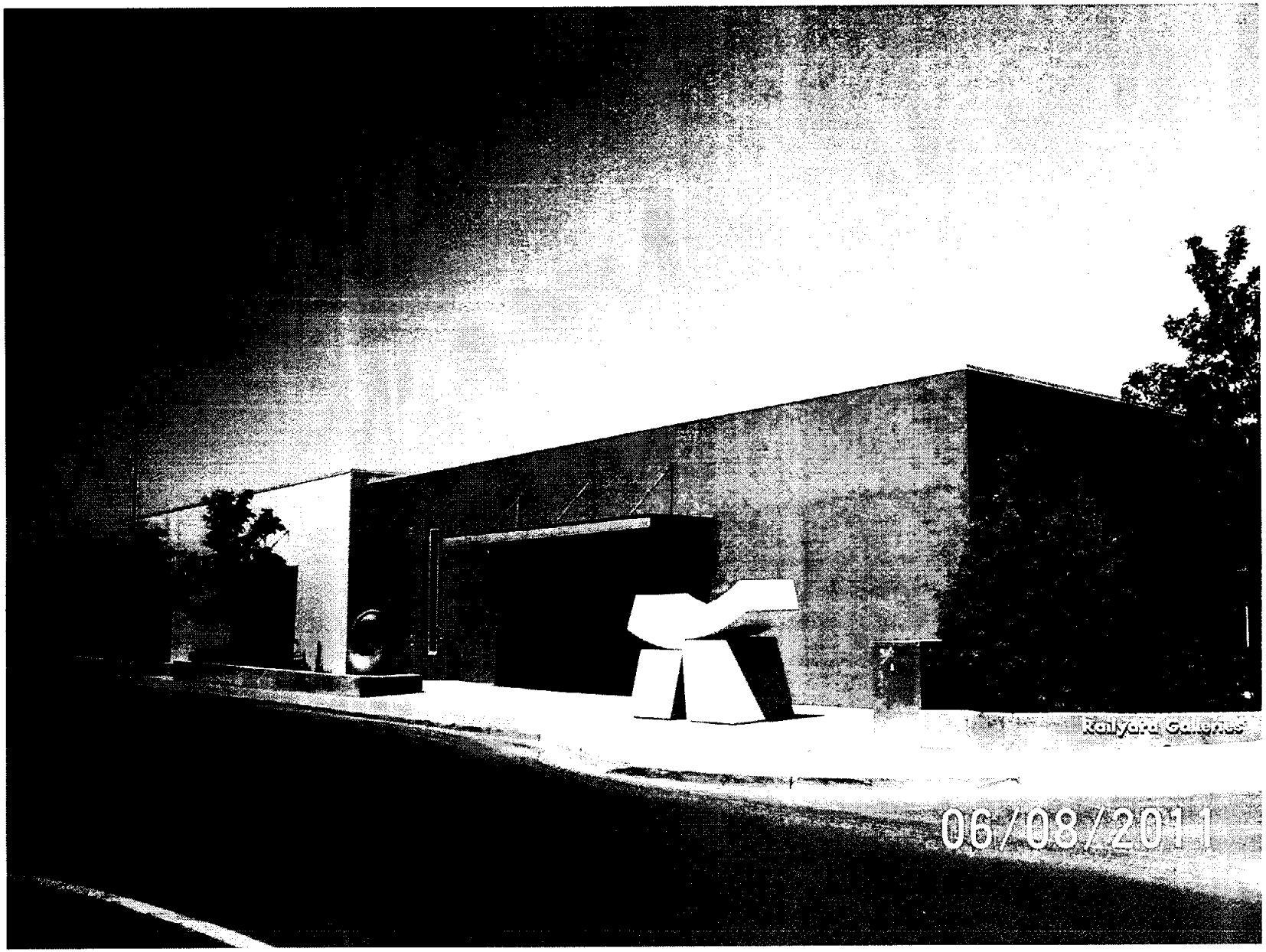
SPEED
LIMIT
15

06/08/2011

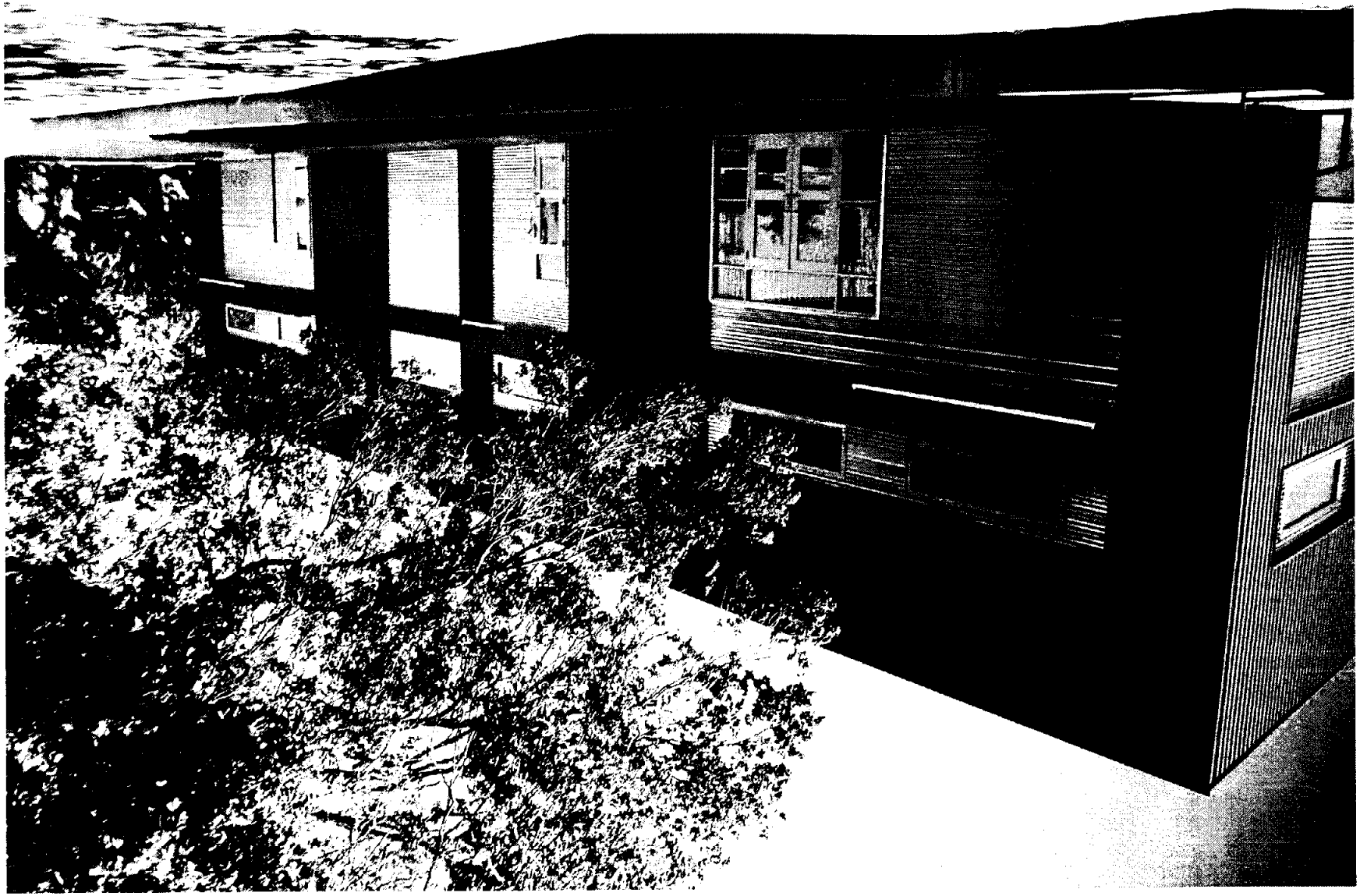
07/23/2009

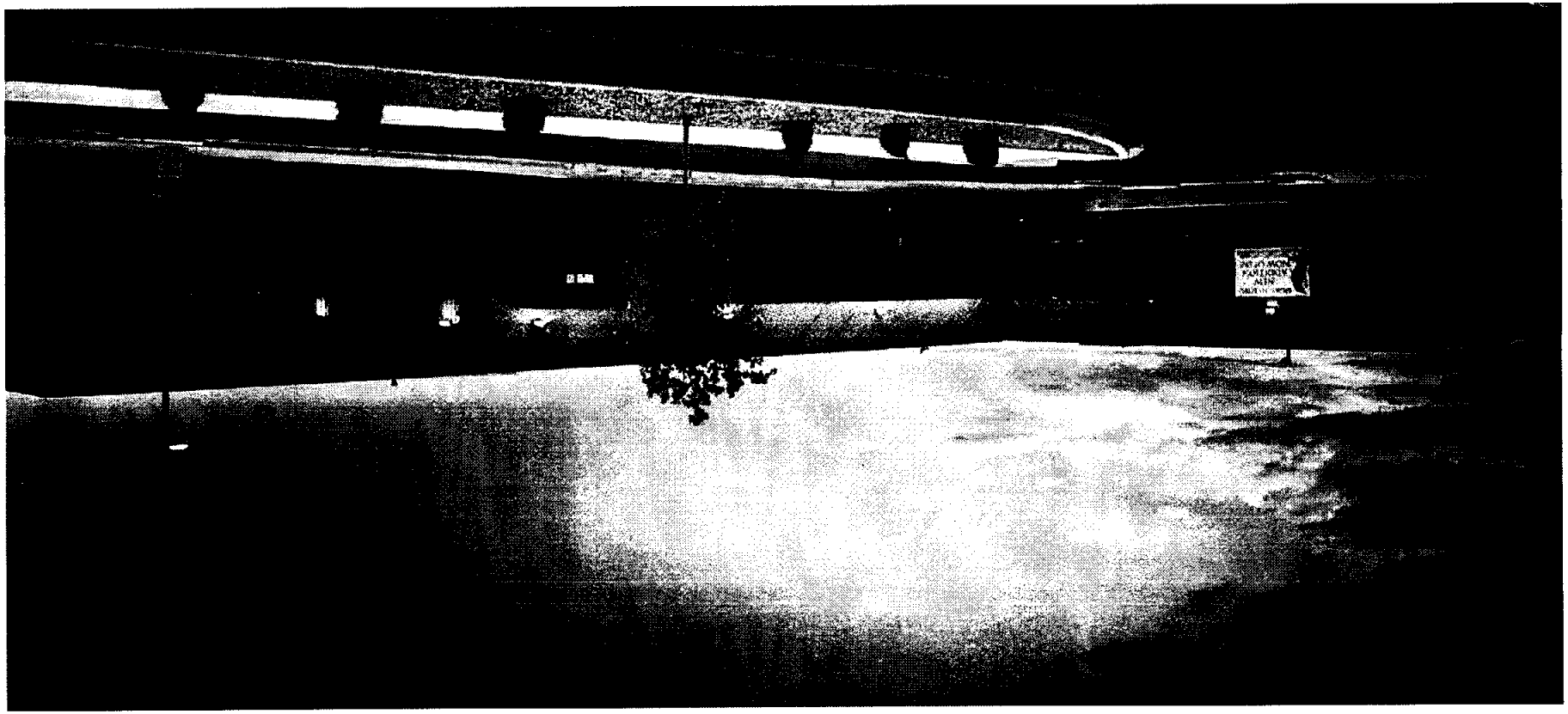
VIOLET

04/23/2008

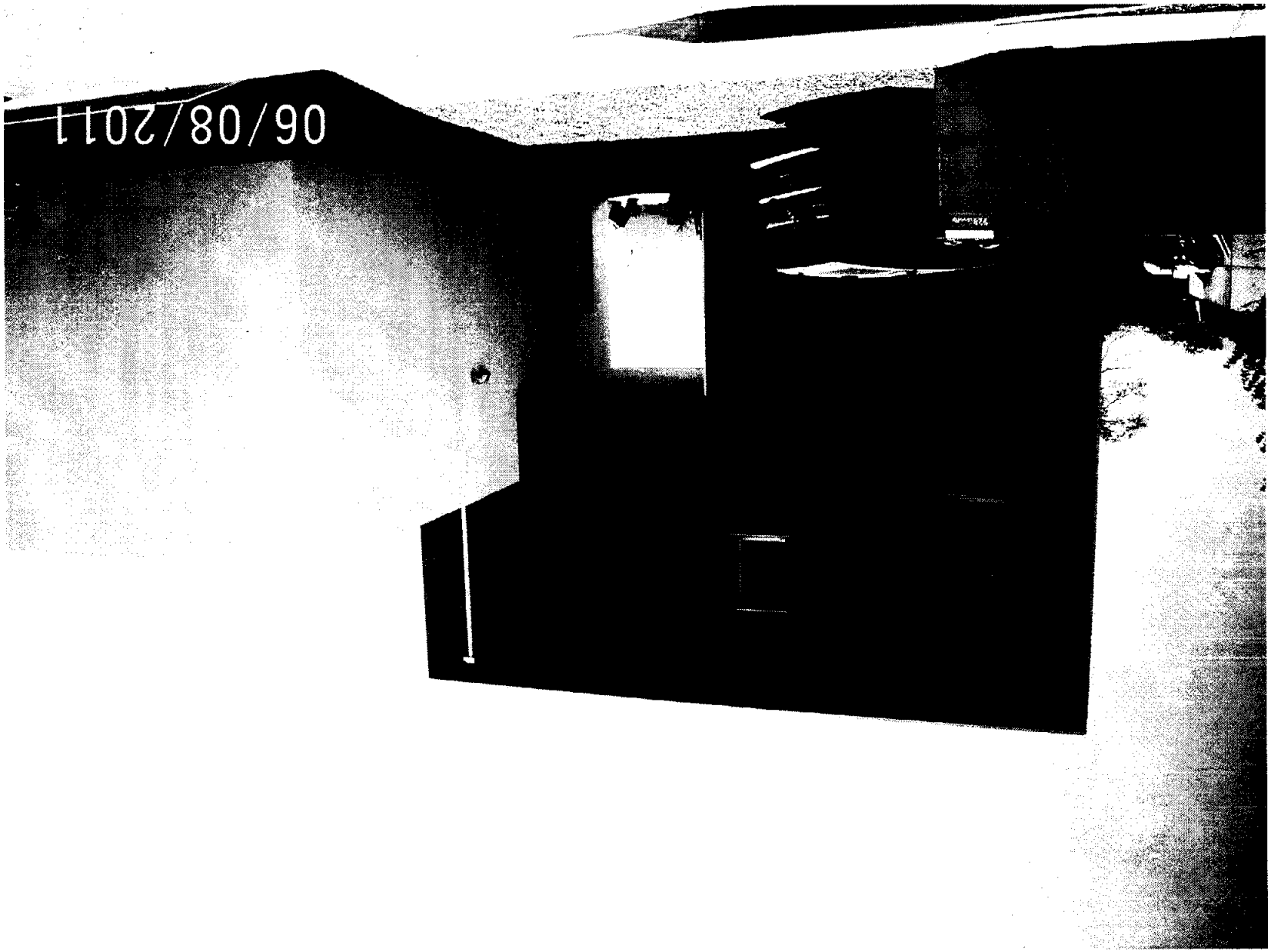

Kalyana Galleries
06/08/2011

06/08/2011





NORTHERN
INSURANCE


06/08/2011

07/23/2009
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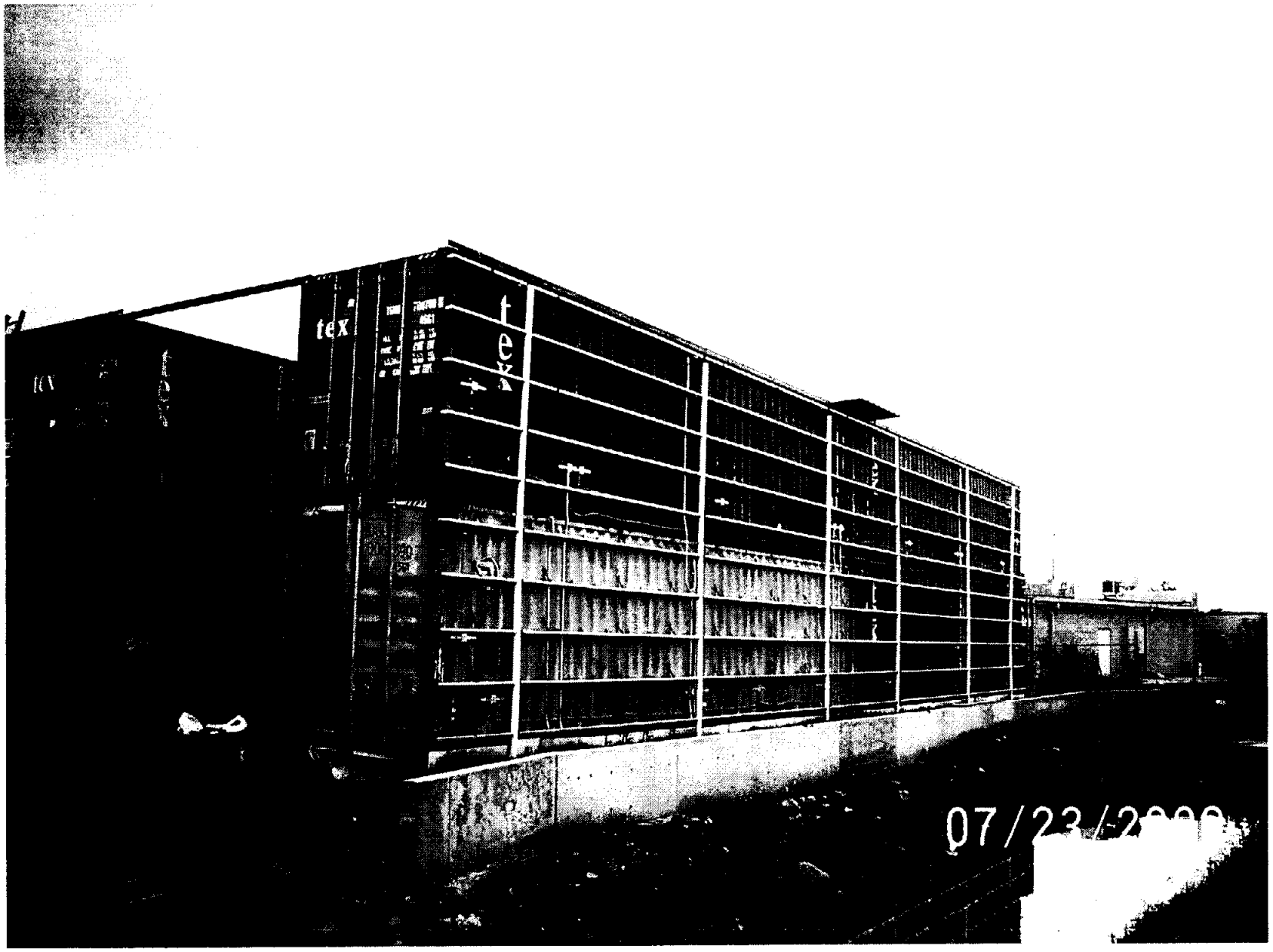
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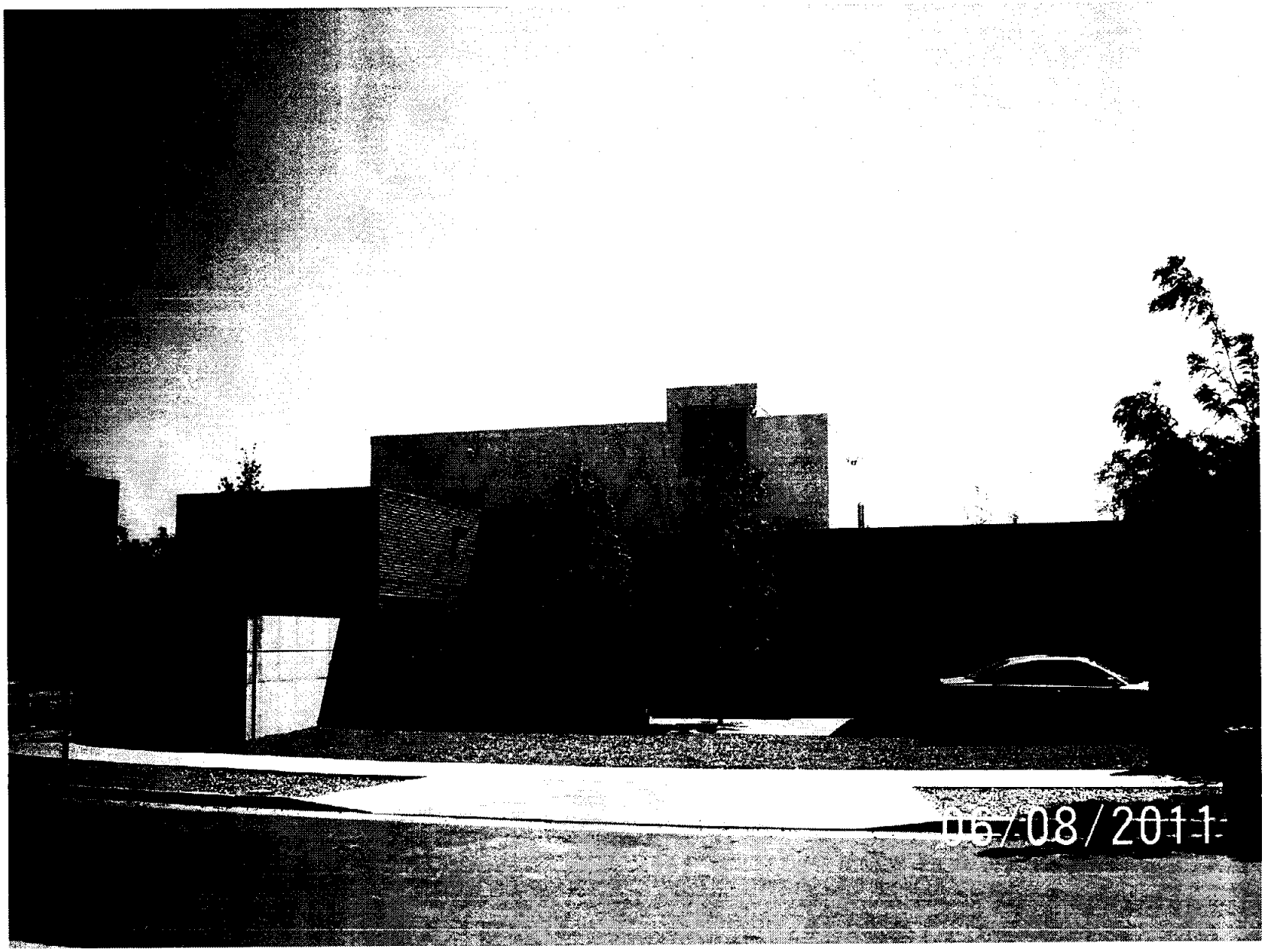
07/23/2000

06/08/2011

07/2011


06/08/2011

Buildings Under Construction

North Railyard Location	Use	Size
1611 Alcaldesa Street	Multi-tenant retail	9,950 SF
1609B Alcaldesa Street	Restaurant	2,800 SF
SITE Santa Fe Expansion	Art Museum	9,840 SF

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Future Planning Commission Approvals

New Buildings

- Parcel A-2 25,000 SF – 35,000 SF
- Parcel B-1 10,000 SF – 30,000 SF
- Parcel EE 11,000 SF
- Parcel FF 10,000 SF
- Parcel HH 15,000 SF

Other Action Items

- Building Demolition of Parcel FF Sheds in the Baca Street Area

What Makes This Project Different

- Community based project planning
- Land leases – City owns the land
- Subsidies for community-based non-profits
- Rail operations retained
- Not "Highest and Best Use"
- Development/leasing/management by a non-profit
- Conservation Easement

Santa Fe Railyard Websites

- www.sfrailyardcc.org
- www.railyardsantafe.com