



Agenda

PLANNING COMMISSION

March 7, 2013

Field Trip – 4:00pm
Villas Di Toscana Subdivision
Meet on Viale Tresana at Viale Court

Regular Meeting - 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: February 7, 2013

FINDINGS/CONCLUSIONS:

Case #2012-149 - 417 and 419 East Palace Avenue Final Subdivision Plat.

Case #2012-148 - Windmill Hill at Las Placitas Compound Final Subdivision Plat.

Case #2012-146 - 2823 Industrial Road General Plan Amendment.

Case #2012-147 - 2823 Industrial Road Rezoning.

Case #2012-150 - Santana Rezoning to R-4.

E. OLD BUSINESS - PART 1

1. Case #2012-109 - Villas Di Toscana Development Plan Amendment. Jon Paul Romero, agent for Vistancia, LLC, requests an Amendment to the Development Plan to privatize the streets, street lighting, landscaping and approved trails. The property is zoned R-3 PUD (Residential, 3 dwelling units per acre, Planned Unit Development) and is located between Governor Miles Road and I-25, east of Camino Carlos Rey. (Dan Esquibel, Case Manager) **(POSTPONED FROM DECEMBER 6, 2012 AND FEBRUARY 7, 2013)**

F. NEW BUSINESS

1. Case #2013-05, 837 Camino Vistas Encantada Variance. Charles Trujillo requests a variance to 14-5.6(D) to construct a dwelling unit within the Ridgetop Subdistrict of the Escarpment Overlay where development in the Ridgetop is prohibited. The property is zoned R-2 (Residential – 2 Dwelling Units per Acre). (Dan Esquibel, Case Manager)

2. **Case #2013-07. 147 Gonzales Road Escarpment and Terrain Management Variances, Development Plan Amendment.** Design Enginuity, LLC, agent for Susan and Vance Campbell, requests a Variance to allow construction of a 1,300 square foot single-family residence in the Ridgetop Subdistrict of the Escarpment Overlay District; a Terrain Management Variance to allow disturbance of 70 square feet of slopes greater than 30%; and a Development Plan Amendment to reduce the front setback from 20 feet to 6 feet on Lot 16, Sierra Vista Subdivision. The property is zoned R-21 PUD (Residential – 21 Dwelling Units per Acre/Planned Unit Development). (Heather Lamboy, Case Manager)
3. An ordinance relating to the Land Development Code, Airport Road Overlay District, Section 14-5.5(C) SFCC 1987; creating a new Subsection 14-5.5(C)(6)(l) to include a provision for commercial recycling containers; amending Subsection 14-5.5(C)(12)(c) to clarify the applicability of existing building-mounted outdoor advertising of alcoholic beverages, to clarify the packaging of alcoholic beverages of eight ounces or less and establishing the effective date of such packaging provisions; and making such other stylistic or grammatical changes that are necessary. (Councilors Dominguez and Calvert) (Matthew O'Reilly)

G. OLD BUSINESS - PART 2

2. Chapter 14 Technical Corrections and Other Minor Amendments. Consideration of various amendments to Chapter 14 as a follow-up to the Chapter 14 Rewrite project (Ordinances Nos. 2011-37 and 2012-11), including technical corrections such as typographical and cross-referencing errors and other minor amendments:

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(C) CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; REPEAL 14-3.17(E)(3); 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(c) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C)

TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS; 14-7.2(F) CLARIFY SPECIAL USE PERMIT IN R12 – R-29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY REDEVELOPMENT SUBDISTRICT; 14-8.2(C)(2) TERRAIN MANAGEMENT SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(d) CORRECT REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES ; 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-9.5(A) DEDICATIONS TO HOMEOWNER'S ASSOCIATIONS; 14-9.5(D) EXTENSION OF INFRASTRUCTURE WARRANTY; 14-10.1(C) NONCONFORMING TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (Greg Smith, Case Manager) **(POSTPONED FROM FEBRUARY 7, 2013)**

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) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

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PLANNING COMMISSION
March 7, 2013

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CASE #2013-05. 837 CAMINO VISTAS ENCANTADA VARIANCE. CHARLES TRUJILLO REQUESTS A VARIANCE TO 14-5.6(D) TO CONSTRUCT A DWELLING UNIT WITHIN THE RIDGETOP SUBDISTRICT OF THE ESCARPMENT OVERLAY WHERE DEVELOPMENT IN THE RIDGETOP IS PROHIBITED. THE PROPERTY IS ZONED 4-1 (RESIDENTIAL – 2 DWELLING UNITS PER ACRE)

Approved**18-23**

CASE #2013-07. 147 GONZALES ROAD ESCARPMENT AND TERRAIN MANAGEMENT VARIANCES, DEVELOPMENT PLAN AMENDMENT. DESIGN ENGINUITY, LLC, AGENT FOR SUSAN AND VANCE CAMPBELL, REQUESTS A VARIANCE TO ALLOW CONSTRUCTION OF A 1,300 SQUARE FOOT SINGLE-FAMILY RESIDENCE IN THE RIDGETOP SUBDISTRICT OF THE ESCARPMENT OVERLAY DISTRICT; A TERRAIN MANAGEMENT VARIANCE TO ALLOW DISTURBANCE OF 70 SQUARE FEET OF SLOPES GREATER THAN 30%; AND A DEVELOPMENT PLAN AMENDMENT TO REDUCE THE FRONT SETBACK FROM 20 FEET TO 6 FEET ON LOT 16, SIERRA VISTA SUBDIVISION. THE PROPERTY IS ZONED R-21 PUD (RESIDENTIAL – 21 DWELLING UNITS PER ACRE/PLANNED UNIT DEVELOPMENT)

Approved [amended]**24-37**

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, AIRPORT ROAD OVERLAY DISTRICT, SECTION 14-5.5(C) SFCC 1987; CREATING A NEW SUBSECTION 14-5.5(C)(6)(1) TO INCLUDE A PROVISION FOR COMMERCIAL RECYCLING CONTAINERS; AMENDING SECTION 14-5.5(C)(12)(C) TO CLARIFY THE APPLICABILITY OF EXISTING BUILDING-MOUNTED OUTDOOR ADVERTISING OF ALCOHOLIC BEVERAGES, TO CLARIFY THE PACKAGING OF ALCOHOLIC BEVERAGES OF EIGHT OUNCES OR LESS AND ESTABLISHING THE EFFECTIVE DATE OF SUCH PACKAGING PROVISIONS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY

Approved**38-40**

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**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
March 7, 2013**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Tom Spray, at approximately 6:00 p.m., on Thursday, March 7, 2013, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Commissioner Tom Spray, Chair
Commissioner Lisa Bemis
Commissioner Michael Harris
Commissioner Signe Lindell
Commissioner Lawrence Ortiz
Commissioner Angela Schackel-Bordegary
Commissioner Renee Villarreal
[Vacancy]

MEMBERS EXCUSED:

Commissioner Dan Pava

OTHERS PRESENT:

Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Kelley Brennan, Assistant City Attorney
Melessia Helberg, Stenographer

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

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

Ms. Baer noted that she would like an opportunity for staff communications before we get to Old Business Part 2, and asked that be added to the agenda.

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

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, and Villarreal voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote. [5-0].

Commissioner Schackel-Bordegary arrived at the meeting

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – FEBRUARY 7, 2013

The following corrections were made to the minutes:

Page 9, paragraph 5, line 2, correct as follows: "...don't think that..."

Page 9, paragraph 6, line 1, correct spelling is *cachement* or *cachment* or *catchment*.

Page 12, paragraph 6 under Commission's comments, correct as follows "...consolidation would occur ~~occurred~~."

MOTION: Commissioner Lindell moved, seconded by Commissioner Harris, to approve the minutes of the meeting of February 7, 2013, as amended.

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

2. FINDINGS/CONCLUSIONS

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Cases #2012-149, 2012-148, #2012-146, #2012-147 and #2012-150, is incorporated herewith to these minutes as Exhibit "1."

a) CASE #2012-149. 417 AND 419 EAST PALACE AVENUE FINAL SUBDIVISION PLAT

MOTION: Commissioner Villarreal moved, seconded by Commissioner Bemis, to approve the Findings of Fact and Conclusions of Law in Case #2012-149, 417 and 419 East Palace Avenue Final Subdivision Plat.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [6-0].

b) **CASE #2012-148. WINDMILL HILL AT LAS PLACITAS COMPOUND FINAL SUBDIVISION PLAT**

MOTION: Commissioner Villarreal moved, seconded by Commissioner Bemis, to approve the Findings of Fact and Conclusions of Law in Case #2012-148, Windmill Hill at Las Placitas Compound Final Subdivision Plat.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [6-0].

c) **CASE #2012-146. 2823 INDUSTRIAL ROAD GENERAL PLAN AMENDMENT**
d) **CASE #2012-147. 2823 INDUSTRIAL ROAD REZONING TO I-1**

MOTION: Commissioner Harris moved, seconded by Commissioner Villarreal, to approve the Findings of Fact and Conclusions of Law in Case #2012-146, 2823 Industrial Road General Plan Amendment and Case #2012-147, 2823 Industrial Road Rezoning to I-1.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [6-0].

e) **CASE #2012-150. SANTANA REZONING TO R-4**

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to approve the Findings of Fact and Conclusions of Law in Case #2012-150, Santana Rezoning to R-4.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [6-0].

F. OLD BUSINESS – PART I

1. **CASE #2012-109. VILLAS DI TOSCANA DEVELOPMENT PLAN AMENDMENT. JON PAUL ROMERO, AGENT FOR VISTANCIA, LLC, REQUESTS AN AMENDMENT TO THE DEVELOPMENT PLAN TO PRIVATIZE THE STREETS, STREET LIGHTING, LANDSCAPING AND APPROVED TRAILS. THE PROPERTY IS ZONED R-3 PUD (RESIDENTIAL, 3 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT), AND IS LOCATED BETWEEN GOVERNOR MILES ROAD AND I-25, EAST OF CAMINO CARLOS REY. (DAN ESQUIBEL, CASE MANAGER) (POSTPONED FROM DECEMBER 6, 2012 AND FEBRUARY 7, 2013)**

A Memorandum dated February 25, 2013, with attachments, to the Planning Commission, for the meeting of March 7, 2013, from Daniel A. Esquibel, Current Planning Division, is incorporated herewith to these minutes as Exhibit "2."

The Staff Report was presented by Daniel Esquibel. Please see Exhibit "2," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Jon Paul Romero, Southwest Design, Agent for the Applicant was sworn. Mr. Romero said in theory, they are in support of the recommendations except for Condition #1. He said the trail already has been constructed in the width that was approved on the original Development Plan, but it has not been paved. He said a lot of the neighbors like the base course that is compacted to 95% density, and the reason is the quality of life when they walk, run, jog, ride their bicycles. The development currently has a paved trail along the frontage of Governor Miles Road which is approximately 2,200 linear feet. He said the trail is in need of a lot of maintenance, noting it has never been maintained, and it is starting to crack, it has potholes, and there are tripping hazards. He said, "We would like the City to eventually try to fix that, because it is a City trail which is supposed to be maintained by the City."

Mr. Romero said, "I've spoken to the owners, and they've told me that they're not in favor of the condition of putting a 10 foot wide trail out there, because there's no 10 foot wide trails in the area that it would connect to, much less, a 10 foot wide paved trail. As an engineer, and I know Eric Martinez is going to speak here, he's an engineer as well, at some time in the future a road might warrant a 4-lane section, but if they don't meet the warrants now, we don't actually go and build a four-lane road right away. I know the City has adopted this new standard. What the owners told me I could offer up today, if the Planning Commission were to grant this approval with a condition to keep the trail as a base course trail, we will put money in an escrow account and we will pave the trail at the time that the City builds the connection to the trails to the east and to the west. We feel that the trails that are out there now are adequate. We went so far in building the trail along Caminos Carlos Rey to provide a connection to the existing trails in the area. And as you saw today, they're pretty heavily used for a base course trail, compared to what the sidewalks get used and the paved trail. The Homeowners Association is here and they probably want to speak a little bit, but as far as everything in the letter and the recommendations to the Planning Commission, we are in agreement with them, other than condition #1. I would stand for any questions."

Responding to the Chair, Mr. Romero said he would like an opportunity for rebuttal.

Speaking to the Request

Jodie Ducorson Good, 3170 Viale Tresana, was sworn. Ms. Good said she lived has lived there for 4 years, since she and her husband purchased a house in Villas Di Toscana. She said they love the development and absolutely love the crusher fine trails which are easier on one's knees when walking, running, jogging and such. They have brand new neighbors next door who have bicycles which go on dirt pads. She said, "All of us, and I will say that I am on the Board of Directors for the homeowners association, and I'm speaking for all of us – we want to maintain those crusher fine trails. They're natural, gorgeous. If someone wants to run on pavement, they have the opportunity to do that on the street as well as on the sidewalk. Thank you so much for coming out and seeing our development."

Dave Visamaso, 3179 Viale Tresana was sworn. Mr. Visamaso said he and his wife are in favor of the trails the way they are now, for all the reasons Ms. Good said. He said, "And with all due respect, I think if we have a 10 foot wide blacktop there, it's going to look plain ugly. And I think right now, if fits in the natural scheme of all the plants in the southwest area desert. It would be just not needed, a waste of money, I don't think anybody's going to like it."

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Harris said Condition #2 says, "The HOA shall continue to maintain infrastructure commensurate with city standards and conditions of approval." He said there is a lengthy punch list, letters from Ms. Zaxus, and a letter dated October 15, 2012, from Director O'Reilly summarizing the major issues associated with the subdivision. He said he is trying to get a sense of timing, and asked if completing the improvements are part of the conditions of approval.

Ms. Baer said, "Yes, they are part of the conditions."

- Commissioner Harris said some of them are historic and have been addressed, but those items that have not been addressed are encapsulated in the second condition, and Ms. Baer said this is correct.
- Commissioner Harris said he felt the field trip was useful, and it would also be helpful if Eric Martinez and Keith Wilson could come forward and talk about the big picture, noting it is an important consideration as we discuss the trails.

Keith Wilson, Senior Planner, Santa Fe Metropolitan Planning Organization, said they developed the Metropolitan Bicycle Master Plan which was approved by the Policy Board in April 2012. He said the Policy Board is composed of 3 City Council members – the Mayor and 2 City Councilors, 3 County Commissioners, a representative of the New Mexico Department of Transportation and the Governor of Tesuque Pueblo or their designee. He said the planning area encompasses other areas of the County as well as Tesuque Pueblo. He said the MPO is a federally designated agency which receives planning funds from the feds to do long range transportation planning. The Bicycle Master Plan was one of the components of their long range planning.

Mr. Wilson said, "The process we went through, was we went through and looked at the whole MPO planning area comprehensively, and incorporated past planning efforts and what we saw needed to happen in the future. In this specific area, we identified potential future bicycle trail connectivity along the I-25 corridor to the north and where this parcel fits on the piece of trail you're talking about. The envisioned trail would come off the Rail Trail at Rodeo Road and continue down parallel with Galisteo, and then head over to the Interstate corridor, the edge of it, and come round and connect to this piece of the trail alignment and also a future piece from the

parcel next door which is Pueblos del Sol, and then continue all the way to Richards, as part of the Los Soleras development which is on the west side of Richards, noting they have plans for trail connectivity along that I-25 corridor as well, so this would be a significant piece of trail that would provide connectivity to the development in this part of town. So that's kind of the big picture of why this section of the trail we see as an important piece of the overall trail system."

Mr. Wilson continued, "At the MPO, we first look at things from the transportation standpoint, of [inaudible] traffic relates to bicycle and pedestrians. That's why the push to bring out the current trail standards of 10 feet wide, because this would be a significant trail in the future, once these connections will be made. Is that what you were envisioning as an explanation."

- Commissioner Harris said, "Yes, as explained to us out in the field, I think you summarized pretty well that eventually, as you say there will be a significant trail running up from almost Cerrillos to Rodeo that will run along the I-25 corridor."

Mr. Wilson said this is correct.

- Commissioner Harris said this parcel is a piece of that, but the trails, both to the east and to the west, have not been developed, and Mr. Wilson said this is correct.
- Commissioner Harris said, "We also know, in Pueblos del Sol which was developed prior to this subdivision, the City has recently gone back to improve that network of trails within Pueblos del Sol to the current standards. Is that correct. Did I understand that."

Mr. Wilson said his understanding is that we brought these trails up to ADA standards. He said, "Some of the trails are not what we would consider to be major transportation corridors, so I'm not quite sure that they were brought up to established [standards]. I know that a lot of improvements were given to bring them up to ADA standards."

- Commissioner Harris said when the City went into Pueblos del Sol, there were physical constraints and asked Mr. Martinez to describe those, noting the improvements to that generally take the width to a 10 foot width.

Eric Martinez, Director, Roadway & Trails Engineering Division, said he is not totally familiar with the exact reconstruction of the trail, but understands the resurfacing was rebuilt, and the alignment was brought into ADA standards. He doesn't believe it was widened, and the current trail in that system is likely 6 - 8 feet wide. He said, in any event, the trails in the Pueblos Del Sol Subdivision don't act as a transportation corridor, more like a spine trail within the subdivision.

- Commissioner Harris said the 10 foot width reflects the current standard which came into play 2-3 years ago, perhaps since the initial homes in Villas Di Toscana were built, and asked if this is correct.

Mr. Martinez said he brought the current AASHTO standards for bike and trail design, the 2012 edition, so it is very recent.

- Commissioner Harris said one of the notations is even when the trail was built with base course, it did not meet the City standards at the time of the subdivision when it was approved. He asked what the width would have been if it would have been built as a compliant trail – 6 foot width, or an 8 foot width.
- Mr. Martinez said he understands the approval given for the trail previously was 6 feet wide, asphalt surface, and believes the trail standards at the time was still a 10 foot width requirement.
- Commissioner Harris said, “AASHTO standards perhaps had been 12 feet, but the City perhaps would have.... I realize this is historic, but perhaps it was approved as a 6 foot wide asphalt.”

Mr. Martinez said, “Correct. I don’t know how the evolution of that approval came to be. It was before my time and my involvement in trails. But in any event, the AASHTO Guidelines now have been much more refined than what they were previously. In fact, the book was much thinner than what you see now, so the requirements are a little, I don’t want to say harder, but they’re more so leaned on as requirements, versus mere recommendations. But again, I don’t want to say exactly how these guidelines were read back then, because I just don’t recall.”

- Commissioner Harris said in the field, Commissioner Ortiz asked about the topography, and he would defer to Commissioner Ortiz to ask this question.
- Commissioner Ortiz said, “First, I’d like to ask staff to please give me an explanation... on page 2, where there are 3 conditions, and #3 says, ‘Construct the trail, at a minimum, to the standards in place.’ He asked what is the staff intent of that condition of approval. He said, “The standards in place out there, we approach a 6 foot trail that existed out there. Is that what that means. That you would accept the construction from the developer of standards in place with that.”

Mr. Esquibel said the current condition for that particular subdivision was adopted as part of the Annexation Agreement. Those standards are currently the ones that they would have to maintain that we’re talking about here. So those standards that were approved as part of this body and the Governing Body at the time are what they would have to comply with. He said, “What we’re suggesting is that because those standards are outdated that we would like the Planning Commission to consider bringing that trail and that segment, which is a transportation lead, to current standards which would bring it from that original state of 6 feet wide asphalt surface to a 10 foot wide asphalt surface, meeting whatever the determining requirements are for the AASHTO standards that was discussed.”

- Commissioner Ortiz said, in reading that, he sees it “as acceptable to staff if the developer builds this trail that exists out there, that’s the way I’m reading it.”

Ms. Baer said, "Point of clarification. I think what that paragraph states is that as it starts out, in order to comply with the original conditions of approval, so we want to make it clear what the original conditions of approval were. So there's no question in our mind, or the attorney that we consulted with, which is not Ms. Brennan who was not in the office at the time, but at the City that they had to at least comply with the original conditions of approval, or ask that those conditions be amended. And the original condition of approval, and remember this goes back to 1995, was that it be an asphalt trail 6 feet wide. And staff does not have the leeway to change that. It's in the Annexation Agreement."

- Commissioner Ortiz thanked Ms. Baer for her explanation. He said, "Another question. I heard the developer representative, Jon Paul Romero, say that they were willing to provide a financial guarantee for future building if at that point, the other trails connected to it. Did I understand that correctly."

Mr. Romero said, "That is correct. The developers are willing to put money in an escrow account to upgrade that trail to whatever the standard is going to be when the City builds their portions to the west and to the east. We are amenable to that. Currently, we feel it would be a little bit of an imposition for us to develop a trail of that magnitude now that doesn't tie to anything. I just got off the phone just before I got here with the owners, and they're okay to that."

- Commissioner Ortiz asked, "Is that something that is acceptable to staff."

Mr. Esquibel said, "I believe that the intent of that trail is to bring it into an ADA compliant segment for not just the people who are going to live in that subdivision, but anybody who's going to walk along that segment as it builds into the future. We would like that trail to be built to the standard that was adopted as part of the original approval, or to bring it up to a current standard. Because, if that standard were to be developed, and the trail is to be built at a 6 foot wide, asphalt surface, it's already outdated, because the current standard is 10 foot wide asphalt surface, meeting whatever construction requirements are necessary and that would be what we would like to see constructed as part of this particular review and approval."

- Commissioner Ortiz said, "I guess I still have a little bit of difficulty with it, when this, in essence is going to be private. And if they build an escrow account, then whatever can happen there, it will be built at that point in time. That's just a general comment."

Mr. Esquibel said, "The request is to maintain it and to take it over. That's not to say that as this moves along for approval by the Governing Body to amend the original Annexation Agreement, that that would be allowed. If it is to be allowed, in time, as subdivisions go, and Nava Ade would be a prime example of this, over time the burden of infrastructure tends to wear on the subdivision association, and a request is moved back to go back to the City. If that were to occur, the City would rather have a network, an infrastructure, that met the City standards, rather than have the burden of rebuilding that up to City standards for us to take it over again in that future need."

- Commissioner Harris asked about erosion control and drainage structures on site, which aren't listed specifically, which the developer is asking to privatize and the HOA will take care of. He asked Mr. Romero and Mr. Esquibel to speak to that. He said they didn't talk about that on site.

[Mr. Romero's response here is inaudible because he was away from the microphone.]

- Commissioner Harris asked who takes care of those.

Mr. Romero said the HOA currently maintains those. Those are still platted as open space parcels that are maintained by the development, regardless of the outcome of this hearing.

- Commissioner Harris said he believes a few of the areas need to be addressed for the City to be able to accept them.

Mr. Romero said that is correct, noting they have gone out for bids to do the maintenance work in the arroyos to satisfy the City's conditions. He said they will be moving forward with construction shortly.

- Responding to Commissioner Harris, Mr. Romero said, "Clarification, those areas are owned by the City."

- Commissioner Harris said under this agreement, the HOA will maintain those areas.

Mr. Romero said, "It will maintain all the areas within the subdivision, not City-owned land. We will maintain the trail, if the trail is accepted, through a lease agreement, but after the City accepts it, after we bring it to the status that R.B. [Zaxus] wants, we'll turn it over to the City and the City will maintain that as well as the trail that is in the area, that asphalt trail. Mr. Chair, Mr. Harris, we're only asking to privatize and take care of everything within the subdivision that would be owned by the subdivision that would have gone to the City – the public streets, the lighting, the landscaping, those types of things. Those other areas were never intended to be owned by the subdivision. They've already been dedicated to the City through warranty deeds."

- Commissioner Harris asked who owns the retaining walls on either side of the drainage, and if it is the City.

Mr. Romero said, "That drainage that you pointed to a little while ago...."

- Commissioner Harris said, ".... sizeable 8 inch CMU retaining walls on each side."

Mr. Romero said those are owned by the subdivision. He said, "We had Jim Hands, the structural engineer go out there when we bought the subdivision, and he analyzed all of the retaining walls within the development, and provided a letter to the City stating they were built per his design and they are currently up to standards."

- Commissioner Harris said, "That's my round of questions."
- Commissioner Bemis noted we have been discussing the trails, and asked if they would change the lighting, or when he says maintenance, what does that require.

Mr. Romero said, "If the bulb burned out, we'd have a crew come in and bring you the ladder trucks and they would change out the light bulb and we'd pay for it. Currently, the way it's written the City would be maintaining that. We would also pay the bill that the City would be paying."

- Chair Spray asked Mr. Romero the linear feet of the trail that they would have to pave, and Mr. Romero said it is approximately 3,000 linear feet.
- Chair Spray asked Mr. Romero the unit cost to pave this.

Mr. Romero said, "We had a bid to build the whole paved section, and the paved section included the base course, the sub-grade preparation, the placement of the emergent. We've done all of that. The only thing we haven't done is to place the asphalt, the two inches of asphalt that's needed out there. I don't have a unit cost, because we'd have to rebid that, but the price back then was for the whole section that included the asphalt, base course, sub-grade preparation and the emergent. We built 90% of it, we just haven't put the asphalt section on there. But I could get a cost. I just don't have a cost now. Square foot of asphalt is about \$10. So, I guess if I had a calculator, $3,000 \times 6 \times 10$. I'm not a Rain Man."

- Chair Spray said Mr. Romero offered an escrow and asked what that amount would be.

Mr. Romero said that amount would be whatever was deemed appropriate by the City staff as well as a current bid. He said, "We can get a bid. And that would change with time, because they wouldn't pave it for, say, another 10 years. Asphalt is probably going to have a different unit price at that time."

- Chair Spray said, with respect to the maintenance of the trails, there has been cracking of asphalt and such and asked Eric Martinez to address that.

Mr. Martinez said, "Maintenance isn't part of what my group does, that's Parks Division, but I can speak to that a little bit. From what I hear from our Parks staff, is that hard surface requires less frequent maintenance than a soft surface like crusher fines or base course, it requires less removal of vegetation, it tends not to wash out as often under a heavy rainstorm, that sort of thing. I'm not sure if that's what you're looking for."

- Chair Spray said yes, in the sense that they walked on some of that today, saying he was speaking particularly about the cracking of the asphalt, and not the pulling of weeds which is a good point. He is just trying to get an idea of what it really entails, and asked Mr. Wilson to speak to the reason why asphalt is the desirable surface – and if it is maintenance related.

Mr. Wilson said, "It's multiple factors. One is the riding surface. In the City we have asphalt and concrete trails, so those have been surfaces. Also with asphalt, concrete, the longevity of the facility. You mentioned that piece of trail we walked today, but I would suspect it's probably 10-15 years old, so eventually, things need to be maintained. When you have a soft surface trail, as Mr. Martinez mentioned, there is a constant maintenance needed for those after rain events, and staff may need to go out and fix washouts and things like that. When you have a hard surface like asphalt or concrete, they're less impacted by those types of events, because the water kind of sheds off of them."

Chair Spray said, "As I understand, what is proposed is that even if the Applicant preferred, in whatever form, whether crusher fines or asphalt, that the City would wind up doing that maintenance. Is that correct. Did I hear that. No. What's going to be done. All of the maintenance as well is going to be done strictly by the Association."

Mr. Martinez said, "From what I understand is that's the proposal."

- Chair Spray said, "If it comes this way."

Mr. Martinez said, "Correct. And from what I hear from our Parks staff is that the fear is, and this has happened in the past, is that when an HOA is responsible for the maintenance, the City can eventually be asked, 'well, we no longer want to maintain this trail, we want the City to incur the maintenance of it.' And I believe that happened at the Nava Adé subdivision, so they're using that as an example of where that has occurred."

Responding to the Chair, Mr. Martinez said he can address some of the cost questions. He said, "My staff performed, I'll call it a quick and dirty cost estimate of what a 10 foot asphalt trail would cost in that area, and that's considering a lot of unknowns – how much dirt we'd have to move around and such – but we're looking in the area of \$80,000 to \$100,000, using City contract prices it has on a construction contract currently. So it's for about 1,600 linear feet of trail, which would be the trail portion all the way from the western to the eastern end of the subdivision."

- Chair Spray said that is basically the trail that we walked to day, asking if that would be accurate, and Mr. Martinez said, "Correct."

Mr. Romero said they were figuring somewhere in that range, reiterating they don't yet have a bid. He said, "One of the other reasons that we also wanted to continue to have the trail base course, is not only because of the wishes of the neighborhood and the HOA, but because that base course is a lot easier to maintain. We can maintain it on a weekly basis. As with asphalt, you can't patch it in the winter. You can't really maintain it that well in the winter. It takes specialized equipment to come out and maintain it. We have a maintenance agreement with Heads Up Landscaping right now, that does all the maintenance of the landscaping, as well as the trail, as well as shoveling the snow off the sidewalks."

- Chair Spray said Mr. Martinez reports that it is easier to maintain asphalt, and Mr. Romero reports to us that it's easier for him to maintain the base course.

Mr. Romero said, "The HOA, yes, not me personally, the HOA."

- Chair Spray understands, he's just trying to get clarification, and asked Mr. Martinez to speak to this.

Mr. Martinez said it's not easier to maintain asphalt, it is just less frequent, because, of course, it's a structural pavement and just requires less frequent maintenance. But to maintain it, once you do have to maintain it, it's a little more costly and it's a specialized type of work that you have to contract out."

- Commissioner Harris said, "I just want to clarify something with Mr. Romero, just to make sure there is no confusion, but the initial cost of this trail will borne by the developer."

Mr. Romero said, "Correct."

- Commissioner Harris said, "And that's Vistancia, LLC, and you're the agent for Vistancia, LLC. And so, as this process and this project works its way out, works its through, the HOA will be responsible, assuming this is approved, would be responsible for the maintenance. But the initial capital cost will be borne by the developer."

Mr. Romero said, "That is correct."

- Commissioner Schackel-Bordegary said, "This is a question for City staff. In the case of Nava Adé, how did that come back to the City. Was that then a request that needs to be approved by the Commission or considered by the Council."

Mr. Martinez said, "I don't know the exact history, because that is something that was mentioned by our Parks Division who maintains the trails, so I don't know exactly what the outcome was or what the status is of that current request, or if it's an older request, I'm not sure if that's something that's been executed already. But I just can't speak to that."

Ms. Baer said that happened before she came back, so she is not familiar with that.

- Commissioner Schackel-Bordegary said, "I just bring that up to think about all of the possible scenarios, because that's not one that we like contemplating, is that the City be asked to take it back, but I am curious. I know that does happen, and I wonder what legal mechanisms and procedures we go through when that does happen, and how it is possible to hold the development to those standards. I recognized we probably don't have a lot of room for that, at that stage, but I don't know. Thank you Chair."

- Chair Spray asked Ms. Baer to speak about the prospect of an escrow account which was discussed, and how that would work or sit with the City, and if it is an acceptable offer.

Ms. Baer said, "That would be a decision that staff would make. If you wanted to make that recommendation, it would still have to go to the Council, because it would still constitute an amendment to the Annexation Agreement, and I think we would need some more specifics. This is the first that we've heard that offer, so we would want to pin it down a little bit more, and we probably would be asking for an engineer's estimate, and then also specify the terms upon which they're making that offer. Is it when one connection is made on one side, or when both connections are made. So it would bear further discussion and it would have to be approved by the Council."

- Chair Spray asked if it would then come back to the Commission, and Ms. Baer said, "I don't think so."
- Chair Spray said he wants to look at all the options, since they did put that on the table.
- Commissioner Ortiz said, "While I certainly have a bunch of opinions on this, I also understand the homeowners want and desire to do certain things, but I don't know exactly why. I think there's a tremendous amount of liability and cost to them on this particular request. But I also think that we've kind of found a solution for this."

MOTION: Commissioner Ortiz moved, seconded by Commissioner Lindell, to approve Case #2012-109, Villas Di Toscana Development Plan Amendment, with all conditions of approval as recommended by staff, and establishing an interest bearing escrow account for the future.

Chair Spray asked Ms. Brennan to comment on the form of the motion.

Ms. Brennan said, "Yes, you can do it, but it has to be conditioned on the approval by the City Council to the amendment to the Annexation Agreement that would make it possible. And those conditions that would make the escrow possible, and Tamara mentioned some of those – should it be when one connection is made, or when it is connected at both ends, should holding off and allowing an escrow mean that we want an ADA compliant trail at the time constructed. Issues like that I think are sort of part of the conditions that go with that."

Chair Spray asked if that would be part of what we would talk about now.

FRIENDLY AMENDMENT TO THE MOTION: Ms. Brennan said, "I think you can talk about it now as a recommendation, or you can just defer to the Council to make the decision, and by then, staff should have more information about the possibility and be able to evaluate and make a recommendation. But in any event, the escrow should be contingent on approval by the Governing Body of the Annexation Agreement amendment." Chair Spray asked if that is understandable to Commissioner Ortiz as the maker of the motion, contingent upon approval by the Governing Body, and Commissioner Ortiz said it is. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

CONTINUATION OF DISCUSSION ON THE MOTION, AS AMENDED: Commissioner Harris said, "Not speaking specifically to Commissioner Ortiz's motion, on the escrow, but is it true that what comes from this Commission is to approve subject to the standards that were in place at the time, what was approved at the time. In other words, a 6 foot width asphalt, would that then go to the Governing Body as well, or would it stand at a 6 foot width."

Ms. Brennan said, "I believe that the amendment would be whatever is requested or recommended by this Commission. In other words, the Annexation Agreement, as I understand it, now calls for a 6 foot paved trail. If this Commission believes it should be 10 feet, or there should be... you've already indicated an escrow agreement, that can be part of what you recommend as a Development Plan modification. This is a little complicated, because you're approving a Development Plan Amendment, which is within your authority, but those changes cannot be made to the Development Plan, or certain of those changes cannot be made to the Development Plan until the Governing Body approves the Annexation Amendments that would allow it to happen."

Commissioner Harris said, "And in any event, the Governing Body will be looking at an amendment to the Annexation Agreement, simply because they are requesting privatization, essentially, on some of those infrastructure improvements."

Ms. Brennan said this is correct.

Commissioner Harris said, "It also seems like this is pushing downhill a little bit, whether it's to go to 10 feet or the escrow agreement. And, in my view, a better compromise would be, at a minimum, as staff has stated here, but a compromise in my view, would be to require the developer to build to the 6 foot width and an asphalt surface which was a condition of approval at the time of the subdivision. That's my own view, and how I would look at this particular...."

Chair Spray asked, "Are you proposing that as an amendment."

Commissioner Spray said, "We're talking about comments here, correct."

Chair Spray said he is just asking if he is proposing that as an amendment.

Commissioner Harris said, "No, I'm not proposing that. I just want to understand the process a little bit and what we'd be asking the Governing Body to consider."

Ms. Brennan said, "Commissioners, I think there's a range of things that you can ask the Governing Body to do, but at a minimum, the motion suggests that the Governing Body accept the escrow offer, and you might recommend that it be for a 6 foot paved surface, or you may recommend that it be for a 10 foot paved surface, or you could leave it to the Governing Body to decide. At a minimum, I think it has to be... now it is a 6 foot paved surface under the Annexation Agreement, so I don't think you have to say more than that, because the amendment, if you believe it should be 6 feet, the amendment addresses the possibility of an escrow, and it is a 6 foot [paved trail] under the current agreement. An amendment would be required for a 10 foot and the escrow. So I think by moving the escrow, you are addressing the thing that would permit a 6 foot trail to be constructed at the time it connected. It's already a 6 foot trail that's required under the Annexation Agreement, so you don't have to say 6 feet."

Commissioner Harris said, "It would fall under condition #2 which is where I started. Again, of all of the things that are incomplete, potentially, that 6 foot wide asphalt trail is incomplete, so to me, it would fall under that."

Commissioner Schackel-Bordegary said, "Thank you Chair and Commissioner Harris, for spurring another line of questioning. Then, just for my understanding, I have some question from Keith Wilson of the MPO. Speaking for our trail network, I'm pleased to be up here and see that we are actually talking about trails at such a level of seriousness. That says we've made quite [a lot of] progress in the City, and I certainly am a strong advocate for trails. And at the same time we have implemented increased standards for multi-modal trails. So what I want to say, whether... I'm not indicating how I would vote, I do want to honor that and honor the site visit information we learned today is that that is a potential transportation corridor, in terms of the trail that sort of parallels I-25 from Cerrillos all the way to Galisteo, hopefully that's planning. We know that now. We also know that there are missing teeth in the row, so I really want to support our trail system standards in all cases, yet I realize that this case sort of wants common sense and some compromise as well. And, because of, there's a lot of reasons, but economics, and the fact that, as a City we haven't always been... we haven't had the luxury of being consistent, and I don't know if, as a City, we would be, economically, in the future. This is to say, we're really lucky to get the trails we get sometimes, and now that the tide is shifting, it's shifting to where, we want a network, we want it to meet certain standards."

Commissioner Schackel-Bordegary continued, "I'm wrestling with whether a 10 foot width trail should be imposed on this development in this particular case, and that's not the question I'm going to ask. I guess the question I would like you, Mr. Wilson, to expound on is if, in your view, and maybe Eric Martinez as well, are we looking at other similarly situations in the City. Would we be setting a bad precedent if we didn't, at this state, require 10 feet, because by gosh, we are going to have 10 feet all the way through. I'm trying to get at the reasonable, that very principled approach at a trail network with solid standards."

Mr. Wilson said, "We're trying to bring bicycle planning and pedestrian planning and other kinds of planning up to the level that that we've dealt with for road planning for at least half a century. We have a very robust roads plan of where we perceive future road connections to be, so now we've got a bicycle plan that does the same thing. My concern, and this is think of the experience with the Roads Plan, is that if we don't build it to the desirable standards and alignment when we first get in there, it becomes very difficult to come back in the future, 5-10 years, where people have become very comfortable with either no trail, or a

dirt trail, then we come and say it's time to pave it to density, and then there's this resistance, and then there could be a potential roadblock, saying, 'we don't want this, we don't want this.' And we've seen this with numerous road connections, where a piece never got built and we're coming back now and saying now's the time to build this, but the neighbors have become comfortable with their cul de sacs and the political will is not there to do it. So, from my perspective as a long range planner who's looking at the picture of how these things eventually connect, it's my desire most of the time, to see the facility to go in as it's envisioned. And then as time goes by, and other pieces come in, then people who move into that subdivision know that's what they're going to get – a 10 foot paved trail. You don't become comfortable with a 5 or 6 foot wide nice trail."

Mr. Wilson said, "The escrow potential could be one way around that. Or you maybe don't need to build it now, but there's a way of building it. My concern could be, whether 5-10 years, resistance to actually getting that facility and could be the critical piece in that whole corridor. I think I answered your question. I did."

Commissioner Schackel-Bordegary said that makes her think it would set a precedent further south as we see Las Soleras and those areas that are going to be the standard. That's one argument in favor of that standard. The other is that we were out there today and there's land next to it that potentially will take forever to be part of the network, so it's a practical consideration as well.

Ms. Brennan said, "Right now, the Applicant has an obligation under its Annexation Agreement to construct a 6 foot asphalt trail. They will be asking the Governing Body to amend the Annexation Agreement, to allow them to put up an escrow and defer building that trail. That's a contractual agreement. Typically, when you contract there's a trade-off. We will allow you to offer an escrow for construction. At that point, the Governing Body may say, and it would be reasonable to say that the trail will have to be a 10 foot wide trail. That's a contractual arrangement that is embraced within the Annexation Agreement. At this point, you are approving a Development Plan and they have an existing obligation. So I just make that clarification for you if it helps decide which way you want to go."

Commissioner Schackel-Bordegary said, "That clarification is for 6 feet, but I've been hearing 10 feet, so maybe I muddled it, but it was muddled for me in the field today. So I hear you and that helps."

Ms. Brennan said, "You are approving an amendment to a Development Plan, so your amendment to the Development Plan could mandate 10 feet, I mean these are different approvals at different points of time that need consideration. So you are looking at a Development Plan and what you want to see. The existing obligation now is by contract is at 6 feet."

Chair Spray pointed out the Council in its review could alter that within the texture of the motion that we are about to vote on, and Ms. Brennan said this is correct.

R.B. Zaxus, Acting Director, Technical Review Division, said she manages the escrow accounts as the City Engineer. She said, "What we call an escrow, is actually cash which is given to the City and stuck into its funds somewhere. So, it occurs to me that if this developer is going to give the City cash to delay building this trail, why not just use that cash to build the trail. I don't really understand what advantage that would

be to the developer, and it would seem to be a disadvantage to the City to be holding the money, instead of having the trail. The other alternative that we sometimes use is a letter of credit, a financial guarantee which is a promise from the Financial Institution to give the money to the City under certain conditions. There is a little bit of work to maintaining, although it's the best system we have, but it's better than performance bonds, for example. But at the same time, they usually last for a year, and then we contact the developer by letter saying it's time to re-up, and sometimes they do and sometimes they don't. If they don't we usually pull the money, but it's a cost of maintenance for the City. And then there have been some banks where we lost financial guarantees because the banks got taken over by the Federal Reserve and they repudiated the financial guarantees so we lost it. So those are comments on the viability of those guarantees."

Ms. Zaxus continued, "The third thing I wanted to say about that is that City personnel changes and, with all of these files we're trying to kill or give the money back to somebody, or somehow get some kind of closure on these old escrow amounts and financial guarantees, and so there is a certain tracking process that's required by City staff. And somehow when staff changes, it makes it even more difficult to keep current with what's going on with those. I just wanted to mention those factors."

Chair Spray said, "The letter of credit, isn't it required that the Bank have \$100,000, or whatever it is, on deposit for the total amount."

Ms. Zaxus said she believes it is placed on a percentage of that amount. It's kind of like a loan. She said, "I don't believe that money is actually sitting in the bank."

Mr. O'Reilly said, "I just want to point out one other clarifying thing about financial guarantees. The other issue the City can have with financial guarantees, is if this trail wasn't built until very far out into the future. We would have to have some mechanism in place that, when those financial guarantees are to expired, and we want them to be renewed, that we ask for a renewed Engineer's cost estimate for those things to reflect the current cost of the construction on that date. So, what we might think this trail would cost next year could be a lot different than what the trail would cost in 2024. So that's something we would want to build into any financial guarantee, so that we can make sure we have the current cost to build the trail in the year when it's actually constructed."

Mr. Romero said, "That would be fine, and that's what we envisioned. As you know, construction prices go up and down. The amount of money to be put in, would be put in at current bid prices, and we would reevaluate it every 1-2 years, or whatever that needs to be. You were out there today, we still have 15 lots to build on. We're not going anywhere. We're not walking away, we're committed. We have 6 affordable homes we're going to be building out there, so the developer is committed to this project. Typically, the landscaping would have been the last thing that went in, but we put it in the front because we're trying to market the subdivision."

Mr. Romero continued, "Ms. Zaxus asked, why not build it now. The reason we're not building an asphalt trail is because no one wants it. The whole community out there wants a base course trail. If they would have told me to build an asphalt trail, I'd already have built it. I'm not fighting the City on what was approved. We're going on what the community wants out there. The community right now prefers that

base course trail. You were out there today, and you didn't see many people on the asphalt trail, they were all on the base course trail. I'm not trying to preach to the choir, but that's what I want. Our developer is sound in saying that we're going to put this money... I don't know if it needs to go the City escrow account, a letter of credit. We'll do whatever it takes. We're here to work with the City in good faith."

Commissioner Bemis said, "I just want to add, as the elder of this group, that my observation on trails, because I live very near the Sun Mountain Trail which was private up until very recently, and now it is a City trail. When it was a private trail, there was always somebody out clearing the rocks. You didn't find cigarette butts. If you took a dog, you picked up the poop and so on. I think when people own a place and they want to maintain the trails, they usually do a pretty good job, because they're the ones using them. I do think, in the future, because it will be connecting, it may be that consideration of whatever they do now on the maintenance, do it the right way to begin with. I'm just throwing that out, thank you."

CLARIFICATION OF THE MOTION BY THE MAKER, AS AMENDED: Commissioner Ortiz moved, seconded by Commissioner Lindell, to approve Case #2012-109, Villas Di Toscana Development Plan Amendment, with all conditions of approval as recommended by staff, and establishing an interest bearing escrow account to build this trail in the future, contingent upon the approval of the Governing Body of the Annexation Amendment to the Annexation Agreement.

VOTE: The motion, as amended, was approved on the following roll call vote [4-2]:

For: Commissioner Bemis, Commissioner Lindell, Commissioner Ortiz and Commissioner Villarreal.

Against: Commissioner Harris and Commissioner Schackel-Bordegary.

Break 7:10 to 7:20

F. NEW BUSINESS

1. **CASE #2013-05. 837 CAMINO VISTAS ENCANTADA VARIANCE. CHARLES TRUJILLO REQUESTS A VARIANCE TO 14-5.6(D) TO CONSTRUCT A DWELLING UNIT WITHIN THE RIDGETOP SUBDISTRICT OF THE ESCARPMENT OVERLAY WHERE DEVELOPMENT IN THE RIDGETOP IS PROHIBITED. THE PROPERTY IS ZONED 4-1 (RESIDENTIAL – 2 DWELLING UNITS PER ACRE). (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum dated February 25, 2013 with attachments, to the Planning Commission, for the meeting of March 7, 2013, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

Maps and drawings, including the Topographic Map and Slope Analysis, in this case are on file in and can be obtained from the City of Santa Fe Land Use Department.

The Staff Report was presented by Dan Esquibel. Please see Exhibit "3," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Charles Trujillo, the Applicant was sworn. Mr. Trujillo said he is proposing to build 2,500 sq. ft., house with a 3 car garage. He said the buildout is 90% complete, noting it was approved in 1984. He said many homes are constructed with covenants, restrictions, escarpment rules, colors and lighting and setbacks.

Speaking to the Request

Dr. Dennis Kramer was sworn. Dr. Kramer said he lives in the property adjacent to the subject site. He said he isn't sure, but from his experience, the unit will be pushed as far down and back as possible, and will create severe issues with water. He said he lives downhill from the subject site, and the water from that area goes down the street and angles right into his property. He said he just spent \$30,000 to repair his property, commenting that he has spent a lot of money since he has lived here. He said this structure will make the drainage issues worse. He said his office has flooded more than once over the years. He said he is against the granting of this variance.

Shane Woolbright was sworn. Mr. Woolbright said he lives to the south of the proposed lot. He said he and others have drainage structures in their yard. He said he spends a lot of time and money repairing his drainage structures, as well as does the owner of the house next door. He said City Code requires individuals to provide for the catchment and retention of stormwater on site. He said his lot sits at an angle, and Dr. Kramer's house is below him, and water runoff is a problem for both of them. He said the proposed building site has a substantial amount of on-site retention, and it probably is proposed underground, which won't work in this location

Jeff Taylor, 816 Camino Vistas Encantada was sworn. Mr. Taylor said he is one of the original owners of a lot in the subdivision, so he has seen this whole process happening when the lot was originally purchased and in the County. He has worked with Mr. O'Reilly and City staff on two occasions, so he is aware of the rules and regulations and escarpment. He said he said he is a professional engineer in New Mexico and Ohio, so he stamps his own drawings that his architect designed for his home, reiterating he is intimately familiar with all the rules and regulations. He understands that since he built his property and the annexation happened in 1993, the City has come out and said no building permit will be issued where the lot is entirely in the ridgetop area, and asked if this is the question at hand.

Responding to the question from Mr. Taylor, Mr. Esquibel said, "In the overlay section of the Code, it does prohibit construction within the ridgetop and all of the lot is within the ridgetop and there is no buildable area."

Matthew O'Reilly, Land Use Director said, "To clarify, development in the ridgetop was allowed by the Escarpment Overlay Ordinance until 2006, when the Council approved an amendment to that ordinance which prohibited development within the ridgetop area. Prior to that time, it was possible to do development in the ridgetop, if you complied with the ridgetop standards. Once that happened in 2006, this lot, which is completely subsumed by the ridgetop became unbuildable under that Ordinance."

Chair Spray asked Mr. Taylor if this answered his question, and Mr. Taylor said yes.

Mr. Taylor said it is his understanding that Mr. Trujillo is not asking for variances to the existing rules as far as height and drainage and that sort of thing. He said, "My opinion, I don't see a problem with approving this variance. To comment about the previous folks, I had to abide by the drainage problems. We put ponding around our house. I've had to maintain it. It works. I did the calculations myself, because I was the one that stamped the drawings, so I'm the one liable for that. And I talked with Dennis about his problems, and am aware of those issues. If the rules are abided by and followed and enforced, everybody has to maintain their own water. Again, if Mr. Trujillo is allowed to build on there, I'm also on the Architectural Committee of our Subdivision, and I would ensure that when I look at his design, that he has the proper ponding that will hold the runoff water. I am aware of the rules about how they do those calculations. So since the variance is just to allow him to build in the ridgetop, I have no objects to that variance."

Dr. Dennis Kramer [previously sworn] said, when he built his house, he jumped through all the hoops, pushed the house down as far as he could to take care of the ridgetop versus the foothill ordinance, and his house is now 65 feet further from where it originally was intended to be. And because of that, again, this whole development has issues with water. He said he did everything that the City required and then some with the ponding. The problem is, it doesn't always work. And when you have 3-4 inches coming down in an hour which we do very often, haven't had it this last couple of years, but it's flooding his property constantly. He said, "The ponds fill up with silt and runoff within an hour, and you have to bring the bulldozer in again and dig it all out and start all over, where to put the dirt, get the truck in, get it out. It's very very expensive. And again, Mr. Trujillo, I feel for you, because I don't think that they really got the information that they needed to have before they bought this lot, so I really do have compassion for them. At the same time, even if you took water and put it underground, as Mr. Taylor was just saying, how is that going to affect.... where is that water going to run. It still keeps on going downhill, even if you don't see it coming off the top, it's going down, and these are constant issues."

The Public Testimony Portion of the Public Hearing Was Closed

Chair Spray asked Mr. Esquibel to comment on the drainage issues.

Mr. Esquibel said this project will have to go through a building permit process, and during the process it will be evaluated for on-site retention, detention pondage. He said R.B. Zaxus who looks at these issues, would be better to comment on how they ensure compliance with the City Code.

Chair Spray asked Ms. Zaxus to address these issues.

Ms. Zaxus said, "I don't have any specific drainage issues at that subdivision. Normally the building permit comes in and a person has to do certain calculations according to City Code. Basically, the concept is that they have to build a pond that will store the difference in the volume of the water that would be running off the property in a 100 year storm, pre-development, which is the way it is right now, versus post-development and also to not change the drainage-ways. Basically if it is done right, unless there is a storm bigger than a 100 year storm, there shouldn't be any additional water leaving the site than there was during a 100 storm before a new development occurs. I'm not sure what the particular issues of the first gentleman were, but it sounds like maybe there was water coming off the road going into his property, which is a little bit of a different issue. But what we're trying to address is additional water that is generated by the impervious surface, which is downhill off of the property."

Chair Spray asked if there are extant drainage issues, like the problem described here, would they come to you for an answer.

Ms. Zaxus said they would come to her. She said, "It's a little bit hard to know what to do with those, because if the subdivision has been improperly built, for example, or designed improperly, and I'm not saying that has happened in this case, but generally, there shouldn't be water coming from the public right-of-way into private property. There's usually not public money to fix that kind of situation. Basically these are things that shouldn't have happened after building the infrastructure."

Chair Spray said it would have to be handled by the developers themselves, that's what you're saying.

Ms. Zaxus said yes.

The Commission commented and asked questions as follows:

- Commissioner Lindell asked Mr. Trujillo when he purchased the lot.

Mr. Trujillo said October 2012.

- Commissioner Lindell asked Mr. Trujillo, "Was it disclosed to you that this entire lot sat in the Ridgetop District?"

Mr. Trujillo said, "It was not."

- Commissioner Lindell said, "I'm very sorry that was not disclosed to you."

- Commissioner Lindell said she has a question for Ms. Brennan. She said, "Ms. Brennan, in my time on the Commission, which I don't want to say how long that is, it's a lot of meetings, I don't think that I've ever seen a case where there was a lot entirely in the Ridgetop District, and that there was no other place to build on the lot. My question is this. If the Commission would decide to not grant this variance, we have a lot of record here, it would be essential unbuildable. I know the process of going forward then to the Governing Body. What's the legal implications of having a lot of record and not being given a variance to build on it."

Ms. Brennan said, "I'll comment first, Commissioner Lindell, on what cases have come before the Commission. In fact, until a few years ago, the Commission was hearing variances in a number of cases, and I believe at least one of those related to a lot that was entirely in the ridgetop. But that was before we started doing alternate siting, and when that became an option for pre-1992 lots, it simplified this process. It's hard to tell where the liability would lie. It may be, as Mr. Trujillo said, the broker didn't advise him and that may be true. And I don't mean to question Mr. Trujillo, but there's a lot paperwork and a lot of things happen at that kind of thing. And it could be that there was a disclosure in there that would be considered a reasonable disclosure."

Ms. Brennan continued, "The City has basically approved this lot, the creation of this lot. We have faced issues before where if a decision of the City makes the lot unusable, there may be some liability for the City. Typically, lots are created with the understanding that they can be built on, and as you know, we are also working on escarpment issues, and where there Ridgetop is, there's been some dispute about that. So, with all of those factors, I really wouldn't be able to give a definitive answer to the question. I'm sorry."

- Commissioner Lindell said, "I am happy to see in the staff report that the Applicant did work with the Land Use Department for placement of a dwelling on the lot for the best possible tree preservation and "I appreciate you doing that."
- Commissioner Schackel-Bordegary said, "We heard from R.B. Zaxus, but I don't know why I don't have a report or a review by her in our packet. Maybe that wasn't part of this review process. No, okay. Because it was a variance request, it was not a development proposal. That's why we're stuck with this up here now. Pretty typical situation. Yeah, that's my only question. Thank you."
- Commissioner Harris said, "So from what I've heard from the public comments, the concerns really have to do with drainage and not the fact that a house will be built there, in terms of a viewshed and how the escarpment is perceived in this town. It is somewhat arbitrary, the ridgetop, and it's being refined over time. But it seems that an established subdivision with, and I'll accept the representations I heard, that 90% of the lots have been built up, that the drainage is a technical problem for the City and will further impact the development on the lot. But in terms of viewshed and how it affects neighbors, it seem that a variance is appropriate. Thank you."
- Chair Spray asked, "In terms of the special circumstances required to do this. And one of the circumstances are unusual physical characteristics that exist, that distinguish the land. And the applicant's response has been, "Unusual physical characteristics exist because the entire lot is

located within the Ridgetop Subdistrict." Is that a physical characteristic, or is that just a situation of zoning. It doesn't describe the land. Physical characteristic means to me like a slope or something like that, that is so strange that you couldn't do it."

Ms. Brennan said, "It is a physical characteristic of this lot that it is in the Ridgetop, and I think that, yes, the land is the language of the ordinance. I think what we're really talking about is that this entire lot has no alternative site."

- Chair Spray said, "The question I was going to ask earlier was asked by Commissioner Lindell, with respect to when the applicant purchased this. I must say I was appalled to find October 2012 to buy something where all this is prohibited. It seems to me that I would have to agree with Commissioner Harris in terms of a variance with respect to that. But this seems to be a kind of doubling down on something that might have happened that is, I don't want to say unconscionable, because I don't really know. Perhaps that's in there. We're taking the applicant's word that he was not informed of that. Is there any other way that we can be certain of that. Perhaps he got an exceptional deal on this particular property, and came back and said, guess what they never told me. How can we be sure so we can protect the intent of the Ordinance."

Ms. Brennan said, "It may be, Chair Spray, that we cannot be sure in the context of this hearing that you have to exercise your discretion with the facts, before you... I'll point to Exhibit C in your packet, which is a letter from Land Use Department Director O'Reilly, dated June 7, 2010, to a realtor, discussing the lot and explaining the situation about the lot which had already been created as pointed out. And that staff, for a number of reasons here, would support a variance. So in 2010 a realtor was advised of the condition of the lot and told that there would be, as I say it's very hard to tell in a closing. You sign a lot of papers and see a lot of disclosures. And I speak as a lawyer. I have to admit I have never read all of them."

- Chair Spray appreciates that, and understand that, and he's signed a lot of them and probably read less than she has. He said, "I appreciate Director O'Reilly's letter, I did see that a couple of years ago. It would be unfortunate for us to try to set some precedent somehow by going ahead and doing this, for someone who is trying to do something like this and really did not find out, that information wasn't disclosed, and this poor person is stuck with it. Because if it did happen that way, I think it's a very unfortunate circumstance, to put it politely, and I'm sure Mr. Trujillo would agree with that."

MOTION: Commissioner Lindell moved, seconded by Commissioner Harris, to approve the requested variance for Case #2013-05, 836 Camino Vistas Encantada, as submitted by staff.

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

2. **CASE #2013-07. 147 GONZALES ROAD ESCARPMENT AND TERRAIN MANAGEMENT VARIANCES, DEVELOPMENT PLAN AMENDMENT. DESIGN ENGINEERING, LLC, AGENT FOR SUSAN AND VANCE CAMPBELL, REQUESTS A VARIANCE TO ALLOW CONSTRUCTION OF A 1,300 SQUARE FOOT SINGLE-FAMILY RESIDENCE IN THE RIDGETOP SUBDISTRICT OF THE ESCARPMENT OVERLAY DISTRICT; A TERRAIN MANAGEMENT VARIANCE TO ALLOW DISTURBANCE OF 70 SQUARE FEET OF SLOPES GREATER THAN 30%; AND A DEVELOPMENT PLAN AMENDMENT TO REDUCE THE FRONT SETBACK FROM 20 FEET TO 6 FEET ON LOT 16, SIERRA VISTA SUBDIVISION. THE PROPERTY IS ZONED R-21 PUD (RESIDENTIAL – 21 DWELLING UNITS PER ACRE/PLANNED UNIT DEVELOPMENT). (HEATHER LAMBOY, CASE MANAGER).**

DISCLOSURE: Commissioner Lindell disclosed that she lives at 147 Gonzales #20. She said, "I have made it a point to not participate in any of the neighborhood discussions on this. I have not read any of the communication that has come to my household. And that I feel that I can hear this case in a fair and impartial manner."

A Memorandum dated February 20, 2013, with attachments, to the Planning Commission, for the meeting of March 7, 2013, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "4."

A power point presentation *Campbell Variance Requests*, presented by Heather Lamboy, is incorporated herewith to these minutes as Exhibit "5."

A series of drawings and photographs used by Oralynn Guerreortiz in her presentation, are incorporated herewith to these minutes as Exhibit "6."

A letter dated February 25, 2013, with attachment, to Heather Lamboy, Senior Planner, Current Planning Division, from Oralynn Guerreortiz, Design Engineering, in this matter, is incorporated herewith to these minutes as Exhibit "7."

The Vance Campbell Variance Request and Development Plan Amendment of Lot 16 of the Sierra Vista PUD, 147 Gonzales Road, #15 and #16, is on file in and copies can be obtained from the City of Santa Fe Land Use Department.

The Staff Report was presented by Heather Lamboy via power point. Please see Exhibits "4" and "5," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Oralynn Guerreortiz, Design Engineering, agent for the Applicants, was sworn. Ms.

Guerrerortiz said Vance and Susan Campbell couldn't be here this evening because of a planned vacation in Asia, but their daughter, Eva Campbell, is here this evening.

Ms. Guerrerortiz presented information using drawings and photographs via power point [See Exhibit "6" for more specifics of this presentation). She said, "The Sierra Vista Subdivision was created in 1983, prior to the Escarpment Ordinance. In Lot 16, the lot we're discussing today, is the only lot in the subdivision that hasn't been developed. The original PUD provided for zero lot lines, and it's hard to see in this, but it did have zero lot lines on some boundaries and it also required a 20 foot setback. The house that's shown on the original PUD is about where we're planning to build currently."

Ms. Guerrerortiz said, "On February 26, 1992, the Escarpment Ordinance became effective. The Campbells purchased in May 1992, and they ended up purchasing Lots 13, 14, 15 and 15. They did have an issue. They found an archaeological site. They built a fairly modest home, it's a 3 bedroom home. And they built it across Lots 13, 14 and 15. They were requested by the City to move a lot line between their lots where they developed and Lot 16. And that's why we lost our grandfather status."

Ms. Guerrerortiz continued, "The lot is considered legal non-conforming. You could not create this lot today, I believe, because it would be very difficult to access. It's a total of 4,098 square feet. When I say difficult to access, it would be difficult to access the foothill subdistrict. Again, a picture of the existing lot. 'This' is this area right in 'here.' Directly in front of it is an area that the community uses for guest parking. 'This' is the Campbell's home here and they have a great deal of parking on 'this' side. 'This' is a shot showing the proposed home. 'This' is the escarpment boundary between Ridgetop and Foothills. 75% of the building would be in the ridgetop, about 25% in the foothills. A small portal out front, a proposed wall that would connect to the existing wall that the Campbells have. The portal is proposed to wrap around the new guest house and continue around the old house so it's easy to get from one house to another, without having to go out into the snow."

Ms. Guerrerortiz continued, "The neighbors would prefer that did not be a driveway or parking, because they don't really want access. If we built an access to this lot, we would end up taking away from some of the guest parking. So, as part of our agreements with communications with the neighbors, we're going to provide the parking on the existing Campbell parking area. They have a two-car garage, and they have at least 3 car spots on their yard in 'this' area shown 'here,' and they can still get out of the garage, so they have 5 parking spots on their property."

Ms. Guerrerortiz continued, "The people who are going to be using the home are family. It's going to be Eva, her family and her brother and his family. And so they feel that they can easily share the parking with their parents. One of the concerns of the neighborhood was, that in the future, somebody else might own this home, and they would create a driveway that would take away from the HOA parking. So one of the agreements that has been made is that we would actually consolidate the two lots, and put a note on the plat and a deed restriction saying that the lots couldn't be re-subdivided."

Ms. Guerrerortiz continued, "So the home itself, is about 1,300 sq. ft. heated. Again, 'this' is the line that shows the break between the Ridgetop and the Foothill Subdistrict. We have some 30% slopes that we've avoided completely, as far as the structure, but we are going to be building a sidewall and a

patio that will disturb some of it. We do need.... 63 sq. ft. will be disturbed in this area and about 7 sq. ft. associated with a rip wrap structure associated with the pond overflow."

Ms. Guerrerortiz continued, "Code would force us to try to build in 'this' area down in 'here,' 'this' triangular shaped area. It's kind of a strange shape. Down 'here' the width is only about 14 feet. The fall across the property and the foothills is about 11.5 feet. We would have to drive through the ridgetop or somehow make a connection down to this site. It's difficult. It's got some steeper slopes, and we think if we built in that area, we would end up with a goofier house that would actually stand out more because of trying to deal with the slope issues. So, in response, with the difficult terrain, we chose to build a small house a 1,300 sq. ft., with berming 'this' corner into the slope, 3 feet 8 inches. We're doing minimal grading, except for this detention pond, there's actually not any great... the building is built in and the retaining out front is built in and so there is no grading outside on the edges of the property. That also helps protect some trees that have been put in by a neighbor. There's several aspens and large trees on the boundary to the north and we'll be able to protect those."

Ms. Guerrerortiz continued, "And a side issue. 'This' drawing shows a culvert going around a house. In a desire to protect some of those trees, we're going to bring that culvert into the footing of the building in the same trench as the footing of the building, and we're reducing it in size. We've done some draining changes to rooftop of the building. So even though 'this' one does show a drainage pipe a little further off, a couple of feet off the building, it actually will be adjacent to the building to reduce that damage."

Ms. Guerrerortiz said, "Some views of the proposed elevations. The first one, the top one is the front from the street, and there is a privacy wall that will be built that will actually block most of those windows and doorways from the street views. 'This' is a view from the back and this is a view from the north side, it will face the neighbor. 'This' is an artistic rendering from the neighborhood itself. The house, again, is pretty well lowered into the ground, so it doesn't really stick out very much, and from this view it's only about 8 feet from the existing grade."

Mr. Guerrerortiz said, "Let me just show you some site views. 'These' are poles actually showing the top of the buildings, it's kind of hard to see the big yellow sign, really blocks it. But 'this' is where the house is going to be going in 'this' area right 'here.' 'This' is the existing Campbell house, and we'll be tying into 'this' wall that's out front. From Cerro Gordo Road you can't really see the poles, but they're kind of hidden in the trees and I've got 3 shots of them from Cerro Gordo Road. You can just see a little bit of the top of the poles 'here.' That's the final picture."

Ms. Guerrerortiz said, "I would say we agree to all staff conditions. In addition, my clients have made some commitments to the neighborhood, and that includes, as I've stated before, a deed restriction and a note on a consolidation plat to prohibit redivision of the lots. The driveway, the shared roadway will be disturbed by the construction of this development, and it's a base course road. And so my client has agreed to have it examined today by a contractor of the HOA's choice, figure out how much it would cost to bring it to current standards, and then once the construction is done, have that price re-evaluated again, and then they would pay the cost difference of any damage done to that road. They also agree to restore the common area, the land right in front of them, because that will be altered during construction and they

will restore it to its original condition. And if we suggest any improvements, we will go through the HOA process to get those approved."

Ms. Guerrerortiz said, "Another thing that has been a concern to the neighborhood, is there's a lot of rock on this property, and there possibly will have to be some rock hammering. In the past, that's created some damage to neighboring lots, neighboring homes, so my client has agreed to provide insurance for repairs due to the construction activity of his work. And also to help minimize impacts to the vegetation and limit the trenching, we agreed to move that drainage pipe into the building footing."

Ms. Guerrerortiz thanked "Heather, R.B. and Tamara, because this was a very difficult project and they really did help through this process." She thanked the Commission for its consideration.

Speaking to the Request

Vahid Mojarab, 147 Gonzales Road, #12, said, "I'm here tonight on behalf of the Sierra Vista HOA, and as a neighbor of this project. We, the HOA, understand the applicant's request for two variances and the master plan for the Sierra Vista Subdivision. Their request for this front setback, the Sierra Vista Subdivision requires 20 foot front setback, and the applicant is requesting for that to be reduced to 6 feet. I'm here to oppose the Applicant's request to modify the 20 foot setback requirement, and as previously established in the approved master plan to the proposed setback of 6 feet. At their request, the HOA reviewed and already agreed to a 10 foot front setback. Tonight, we request that the applicant reconsider the HOA compromise and change their request to maintain a 10 foot front setback. The applicant presented here tonight that their request for the 6 foot front setback is the result of the City staff direction to minimize the disturbance of the 30% slope. That there are no alternatives except moving the house, lock, stock and barrel, closer to the front setback."

Mr. Mojarab continued, "The HOA understands the difficulty of developing this lot, since the other 16 homes built in this subdivision have also faced similar challenges, and have met both the City requirement and the HOA's CC&R's. We understand the staff desire to minimize the disturbance of the 30% slope. However, we do not agree with the Applicant's solution, continuously moving the house closer to the front as the only way to satisfy the 30% slope disturbance. As the Site Plan and the Slope Analysis clearly shows, there's plenty of room on the site to avoid building on the 30% slope, and simultaneously respect the HOA compromise of the 10 foot front setback. As the proposed residence is significantly closer to the lot line than any other house in the Sierra Vista Subdivision. I would also like to add, the proposal is inharmonious with the rest of the development and creates an anomaly in the development. As an architect, I can see a clear option to satisfy the City requirement and the HOA's CC&R's. It is our opinion that this can be achieved without reducing their square footage or having any other loss to their project."

Mr. Mojarab continued, "As a representative of the HOA, we respectfully request that the applicant address the HOA concerns. We would also like to ask the Commission to ask the Applicant, if there were truly any other alternative to what they're proposing tonight. And we would welcome the joint to design a satisfactory neighborhood and work with them to satisfy their needs for what they are building."

Mr. Mojarab continued, "There are a couple of other comments that I would like to make that the City staff made and the Applicant made that are not true, to our understanding. Staff mentioned that is going to be a lower structure than any other in the subdivision and that's not true. There are a lot of other houses that were built in the subdivision that are much lower than the existing proposal, even measured from grade, so that's not a true statement. The Applicant mentioned the neighborhood objects to the driveway and the parking. That's not true. We would love to see two parking spaces as required by our CC&R's on the lot. What we have objected, they were showing initially the parking requirement on the common space, and that was objective to the HOA. The turnaround is not a parking space. It is the emergency turnaround space, so that has to be maintained clear at all times. And the view you show as the artist's rendering is absolutely false. It's not as low as it shows in the artist's rendering which is unfortunate. That's it."

Todd Clarke, husband of Jana Louette, who is the President of the Creative Kids Education Foundation which owns Lot #17 immediately adjacent to the construction site being proposed. He is representing her to call your attention to some problems which they feel exist which haven't been adequately represented. He thanked the Campbells for the change they made to the drainage to prevent totally decimating the area at the back of their structure, immediately adjacent to theirs. He said his house is next to the proposed house, which is a four-layer build down the slope and required excavating for each level. The bottom level is below the Campbell's house. The second level contains the living room, kitchen, dining room area which is at the grade level, and there are two additional levels which are bedroom levels. This all follows the contour of the hillside down and caused excavation to take place when the house was built, which creates a serious problem because of the blockage which would occur as the construction takes place.

Mr. Clark continued, "The notion is that the house has an elevation of 8 feet above grade, which you saw pictures is certainly true at that side, but on his side it is 11 feet on the back side which is immediately adjacent to our dining room, patio and barbecue area. He said because of the excavating done to create that level of the house an additional 5 feet, so we would have a wall out our dining room window and out of our patio of 16 or 17 feet in elevation counting the areas that had been originally excavated when the house was built, plus the 11 feet which were added as the result of the structure that is being proposed. So there would be considerable blockage of sky, air, birds, whatever flies through an area like that, is not going to have the same access it would have with a reasonable elevation adhered to.

Mr. Clark continued, "The other problem we see, is the possibility for the drainage, even though it's been changed, to be plugged up and to overflow into our living area. The excavation of our living room/dining area, is approximately 5 feet below the grade of the property adjacent on which this structure is going to be built. Therefore, there is a downslope side into our patio and potentially into our house that needs to be taken into account. It's clear we did not want a 12 inch culvert or drain at that area, because it would completely destroyed any space for any planting between their structure and our living area. We were happy to have that change, but there are still important changes that need to be considered, and whether or not what the representative of the HOA proposed in terms of additional time spent analyzing the placement of the structure on the lot, is the answer to that, I don't know. But something needs to be done that would accommodate that problem."

Mr. Clark continued, "The other problem that we're very concerned about is, because of the 5 foot setback on the side and the fact that our patio is down slope in terms of the excavation that was done to create it in the first place, the likelihood is that any trenching that they do to build the footings for their structure are going to destroy this entire area, which is solid rock. I'm not sure how they'll do the construction, but it also means during the construction it will be impossible for us to use any of that part of our property because of the construction activity that they've created there. So the damage that could be done during the construction, which we're happy to know is indemnified by the owner is a good step, but it doesn't take away from the fact that there will be destruction to the existing site caused by the excavation of that rock, and also the concern that we have with regard to the height of the wall, because of the fact that our house had an excavation there which is not accommodated for in the wall that they're planning to build as the wall adjacent to ours."

Mr. Clark reiterated their concern for the usability of their property, and the blocking of views from the dining room and patio area.

Eugenia Sangines, 147 Gonzales, #23, as sworn. Ms. Sangines said she is the President of the Homeowners Association and worked with Campbells to address a lot of the issues. She said, "The HOA has reviewed several versions of their plans. I want to put on record, that the members of the Association are very much in support of the development, and we realize that it is last lot to be developed, and we're delighted for them that they are able to develop the lot for the families. We don't oppose the project *per se*. The issue we've had is the 20 foot setback. The 16 homes built in the subdivision have had to comply with the existing regulations. I'm sure some of the houses built within the last 10 years, would have been different if they could accommodate or change the setbacks. It's not necessarily against the project, but there is the added 6 foot distance that they're asking for the portal. We don't feel it would be representative of the Association, itself. We want it to be consistent with previous owners, previous headaches and previous challenges. We are basically asking to respect the 10 foot setback that has already been granted. But let it be on the record that we are in total support of the project and we're willing to work with them."

The Public Testimony Portion of the Public Hearing Was Closed

Comment by the Applicant

Chair Spray asked Ms. Guerrerortiz to comment on her interaction so far with the Homeowners Association. He said we have information on the ENN.

Ms. Guerrerortiz said, "I heard a couple of things today that were kind of surprising to me. So let's talk about some of the things that were brought up. The Applicant requested from the HOA, a setback of 10 feet and did get it. The structure is actually 11 feet from the property line, but they have a portal that is within that setback. The desire for the portal because you are going to have go outside of one house to get to the other was, and the hope was to have some kind of covering during inclement weather so that you wouldn't have to be exposed. The Campbells are elderly and that's why they wanted the portal. The portal is why we asked for the 6 foot setback. The structure itself is at 10 feet. If we aren't granted the 6

foot setback and we're limited to 10, the structure can be built, but not the portal. And so the objection appears to be on the portal issue. And we do hope that you recognized that it may be appropriate, especially for an elderly couple to go visit their grandchildren back and forth, that it would be nice to have a passageway that would not be exposed to snow and rain."

Ms. Guerrerortiz said, "With regard to the project being non-harmonious with the development. That's surprising to me. The designer of the existing home is still around, luckily, and he is the one who is designing the proposed home, and it has totally been focused on making it as harmonious as possible. There are different styles in this neighborhood. I had been told by several members of the company that they appreciated the Campbells' previous home and what they had done with their property. They've always taken great care with how they've taken care of their home and the vegetation and the style of their home. And I think that they'll be consistent and the home will be in design harmonious with the development."

Ms. Guerrerortiz said, "I've been to the property 8 times, and almost every time I've gone, there's been cars parked in this area. I'm interested to find that it is a fire emergency turnaround. It has been expressed by the HOA in the two meetings I've had with them, by members of the HOA that they were concerned that if a driveway was put in, it would take away a parking spot. I don't want to argue the point, it's just surprised me to hear today that that's not okay for parking, or they were okay with a driveway coming off this area. We could have designed a bigger house, or a house with a garage and parking on site, it would just disturb more 30% slopes. It's a difficult terrain site. There would be more disturbance and create what I think would be more inappropriate. They chose to go small. They chose not to have a garage, and they chose to have parking outdoors at the neighboring property. I don't agree also, that the elevation view is false. It's based on the numbers. The pretty picture we have is a simple rendering. I'm not an artist, I didn't create it, but I gave the artist the actual elevations, and she went out and photographed the site. You can come out to the site. The poles are put up. It really does look kind of small, I think, from the driveway."

Ms. Guerrerortiz said, "With regard to our neighbor who is next door up here. He does have an area in 'this' area that's the deeper area. Can I just check. Is this where I'm pointing to your dining room and living room that you're speaking of, yes."

The response from the audience was inaudible.

Ms. Guerrerortiz said, "This, where I'm pointing, that's where your living room and dining room are."

The response from the audience was inaudible.

Ms. Guerrerortiz said, "Right 'here.' Okay. We don't see it on this. The structure does have, the PUD has a 5 foot setback on this boundary, and that's what we're adhering to. The actual structure is 5 feet off the property line. I will say, yes, it will have an impact on his sunlight and his views potentially. Had we pushed the house further down the hill into the foothills. I think it also would have an impact on his views. The views are out 'this' way, primarily. I don't they're cross slope, I think they're down the slope."

And hopefully being up closer to the street, his views are more open than if we pushed the house down into the foothill zone.”

Ms. Guerrerortiz continued, “These houses as you can see in this photo are very close together. Many of them are zero lot lines. The original PUD had this boundary between the two homes – between the one we’re building and the existing home on Lot 17, as a zero lot line. So we are both separated 5 feet from it, so there will be a 10 foot separation, but it’s tight. And the fact of the matter is, yes, any development I believe, on this lot, will impact this home. And I can’t say that I don’t, that there might be a better design. But I do think the proposed home really is very small and has about the least amount of impact that you could possibly create on this lot.”

Ms. Guerrerortiz continued, “A different design can be done, and people may say we shouldn’t have the portal, or if we’re going to have the portal, we should slide the house further down the hill. She said that would impact more 30% slopes, unless we did some weird cutout in the middle. She said, “My perspective has always been, come here with as few variances as you can. Alternatively, I guess we could bring this down and wrap the house somewhere around it, but it creates a goofy structure. And one thing we want to honor is the house is a very simple design. We’re not trying to create a complicated home. It’s a simple 2 bedroom house and it’s all one floor again, because we’re dealing with some elderly people, and would like to keep it in a simple design and not end up having additional steps or things, to deal with the fact that if we full it further down the slope, we presumably are going to end up having more steps in the house.”

Ms. Guerrerortiz continued, “Again, the slopes drop off fairly quickly and we have a requirement of no more than 5 feet from natural grade requirement so we’re not wanting to go into another easement or another variance request, if we continue moving it down the slope and trying to maintain a single floor. I hope that helps address some of the questions, why we chose this design. My understanding is that the HOA was supportive of the project except for building within 6 feet of the property line. And the only thing that’s impacted by that is the portal, which we respectfully request to be able to keep.”

The Commission commented and asked questions as follows:

- Commissioner Lindell said she lives in this PUD and has actually walked on this property hundreds of times and there are conflicting interest of the homeowners, so those are very very tough situations. She said, “I do want to say that is my understanding that is the last lot in the PUD that can be built. It’s also, I believe, the smallest proposed structure to be built in this PUD. Some of the homes in this PUD are rather sizeable. I don’t know how many square feet, but they are pretty sizable homes. 1,300 sq. ft. is a pretty small project in this PUD. And numerous homes in this PUD have common walls, they have no lot line setback. My own home, I do have a common wall with a neighbor, and on the other side of my house, I have what is supposed to be a 5 foot setback, but I came late and a neighbor built over where they shouldn’t, so we don’t have quite 5 feet, so that’s how that goes.”

- Commissioner Lindell continued, "I think that the Staff Report was extremely well done, Heather. I know it's a very very complicated project. And one thing that I did learn from this Staff Report that I had no idea about previously, was that the Campbells previously did a lot line adjustment to meet a request from the City to stay out of an archaeological easement. Am I correct on that."

Ms. Lamboy said this is correct.

- Commissioner Lindell continued, "So part of what the Campbells have had to go through... and that's what threw them into having to come and ask for a variance for Ridgetop, because their lot was prior to escarpment, so they would never have had to come and ask for a variance. Is that correct."

Ms. Lamboy said that is correct.

- Commissioner Lindell continued, "One more point, is I did attend a lot of meetings on the Ridgetop. We have a potential new Ridgetop map. I say potential, it's in process. Is that correct. It hasn't been approved."

Ms. Lamboy said this is correct.

- Commissioner Lindell continued, "But we've done a lot of work on it and we've had a lot of public meetings. And just throwing this out that, if the most recent Ridgetop map that I've seen would, in fact be approved, there's a lot of distance between what I'm saying now and that being approved, but the map that I have seen would not have this particular lot in the Ridgetop any more."

Ms. Lamboy said, "That is correct. The map does not have the Ridgetop on that location."

- Commissioner Harris said he agrees with Commissioner Lindell that it's a very complete package, and he applauds staff. He said it seems, from what he's heard, and staff reports, that the Ridgetop is beside the point. The neighbors he's heard aren't concerned with that somewhat arbitrary line which was drawn some time ago. So, that's not his focus. His focus would be the placement of the house, and really the request for a fairly significant change from 20 feet to 6 feet for the setback on the front. He said the HOA has made the case for a 10 foot setback, and understands the portal is in there.
- Commission Harris said he was struck with the amount of development within the private drive, noting he heard it referred to as a common area. He doesn't know who placed the plant material or boulders, or who maintains it, but there's a lot of "front yard" that been created over time within that private drive. He asked who created the improvements within the private drive, the boulders and the plant material.

Ms. Sangines said the Campbells told her they put some of the boulders on the front. It is a very pretty frontal site, but it is part of the Association's common area. She said the property boundaries, the "the L right above up front," on the map, saying anything in front of it is part of the commons area.

- Commissioner Harris said in the Exhibits, under New Business No. 2, page 2, is an aerial photograph which reads fairly clear, clearly shows the development on lot 15, the existing Campbell residence, as well as the proposed placement of the 1,300 sq. ft. building on lot 16, and shows adjacent properties on Lot 17. He said to him, it seems that has pushed the front yard, call it a setback, quite a way forward. He asked if the Association approves of these improvements. He said you seem to suggest that the Campbells made those improvements, and asked if people like them.

Ms. Sangines said they've been there "forever" as far as she knows, and they're basically part of what they call the cul-de-sac. They started organizing block parties and they use that down there for the block parties. She doesn't remember anything being given to her or the HOA to review the driveway or the common areas. She assumes the lot has the right to have a driveway there, if it's a single lot home, but the driveway would have to start at the property boundary, but there's no issue "on our side."

Ms. Sangines said early on there was a walkway coming out of a gate into the common area, and we asked them to remove the walkway because it was in the common area.

- Commissioner Harris said he would favor allowing a 6 foot setback on this property, particularly given that there are some zero lot line conditions, referred to by Commissioner Lindell. There is also a condition where the 5 foot wasn't adhered to. He said the front setback is a little arbitrary, given that there are so many improvements in the front of the house.
- Chair Spray said with regard to the ENN, from December 17th, he understands that the 20 foot setback was in place. He said at the ENN there was a discussion about the reduction of the front setback from 20 to 10 feet. He asked Ms. Lamboy if that what was proposed at that time.

Ms. Lamboy said, "There is a bit of confusion. Ms. Guerrerortiz thought that the setback line was to the building, that portals didn't count in the setback line. So therefore, that is why, between the ENN and the public hearing process the actual request was changed. Because it was a development plan amendment, it did not require... and what was discussed were the drawings that illustrated a 6 foot setback with the portal, and it was considered fine to proceed forward."

- Chair Spray said then what was presented at the ENN was the drawing with the 6 foot setback, and Ms. Lamboy said that is correct.
- Commissioner Lindell said, "So we're talking about a 4 foot portal."

Ms. Guerrerortiz said the portal is 5 feet wide, and the building itself is 11 feet back, and then the portal is front of it.

- Commissioner Lindell said, "I wasn't clear on that. Chair I would ask that we would allow the President of the Homeowners Association to speak again."
- Chair Spray asked Ms. Sangines if she has a particular comment she wants to make, saying he would allow that.

Ms. Sangines said, "Just one in particular. And I don't know if you have the map showing the.... 'this one right here,' [referring to one of Ms. Guerrerortiz's maps in her power point presentation]. We're not necessarily opposed to portal itself. We realize that they need to have access for inclement weather and all. But, we also feel that it doesn't have to be as long, and actually get into that, intrude into the 10 foot setback, but the 10 foot setback has been granted already. The windows to the... acts as doors, would actually be covered by the portal if they reduced it a little bit. There wouldn't be an issue."

- Chair Spray asked Ms. Guerrerortiz if there is any middle ground here somewhere with any of that.

Ms. Guerrerortiz said, "It's Sheet 9 of the original submittals, and I have it here, somewhere. The front door is right 'here.' So that's... the portal was going to end right adjacent to it."

- Chair Spray asked her to point that out one more time.

Ms. Guerrerortiz said, "This is the front door. You know, I'm like looking at it now, it's a bedroom... I'm totally wrong, I'm sorry. That's just a door to a bedroom. You're right, the front door to the living room is over 'here.' I never really looked at it carefully. It's over 'here.' So, if we shortened the portal, possibly... part of it was esthetics, certainly, thinking that it would help blend the two houses together, but the intention, primarily, is to provide for being able to get through inclement weather. So possibly, we could shorten the portal."

- Chair Spray asked Ms. Guerrerortiz, when she says shorten, of which dimension is she speaking.

Ms. Guerrerortiz said, "Possibly bringing 'this' one back. I'm not an architect. There was an architect who designed this and laid it out and thought that the portal running along 'here' and through 'here' would help make the two houses look attractive and blend closer together. But the need is to get, presumably maybe, to this spot right 'here.' There's another doorway, but it's to a bedroom."

Ms. Lamboy said, "I'd just like to bring to the Board's attention, that this also located in the Downtown and East Side Historic Districts. So what we're looking at, primarily, is building placements. Design standards do require that the building is broken up, and there's not one long

mass for the Down and East Side Historic Districts. So, even though this might be a good middle ground, if there is further discussion at the Historic Districts Review Board, there may be some concern there."

- Chair Spray asked, concern in the sense of...

Ms. Lamboy said concern of the architectural design and the building being broken up and not having such a long stretch of façade that is not broken up by either, windows, portal or some other type of massing.

- Chair Spray said he isn't following that in relationship to what Commissioner Ortiz just said, in terms of... we're not talking about the width of that portal.

Ms. Lamboy said, "It's just with reference to the length and how the overall length of the building appears. And a portal tends to help break that up. And that's been brought up at the Historic Districts Review Board before, so I'm just saying it may be brought up when she goes to that Board for approval."

- Chair Spray said, "The largest entity that seems to have the biggest sticking point is not the purview of this Commission. Is that what you're saying. They could look at that and say, we want it differently. We set it differently and they do something differently."

Ms. Brennan said, "Your jurisdictions are different, but you both have review authority over this project. You are approving a variance, or not approving a variance, for a setback, and they would be approving a design. And footprint of that design will need to be within the approved setback."

- Chair Spray said, "So, all I'm trying to do is say that if we could come to some agreement here on what that setback would be, then the H- Board can work their magic and do whatever they do. The Applicant could make a modest change here, something that would be satisfying perhaps to the Homeowners Association and everybody goes home a winner. I'm asking for a legal opinion on that one, Ms. Brennan. Is that possible. You won't give me one on that. Well I just think it might be a possibility. Thank you for that. So, Ms. Guerrerortiz, anything else you want to add on that, regarding the length of the setback that you say there's some possibility for the portal, I'm sorry."

Ms. Guerrerortiz said, "I would state that I'm not an architect. An architect laid this out and they were really focused on trying to make the two houses blend together and everything look very attractive. I understand the primary concern of the Campbells was to make sure that they could go between the two homes in inclement weather. They are an incredibly accommodating couple, they're really very sweet, wonderful people. I think if that would help satisfy the HOA, I think they would certainly be willing to consider it, and they would probably go back to the architect, and say how can I make this work and look good. But I would hope that they would be given some flexibility, if that's possible, from this Commission. But, if you want to push the issue then, my experience with working with the Campbells, they'll try to do what they can certainly."

- Chair Spray said, "I appreciate your assessment of that. The 10 feet is a possibility. And I really appreciate that, and perhaps there is a middle ground there that can work for everybody."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to approve Case #2013-07, grant the variances for the Gonzales Road Escarpment and Terrain Management Variances and approve the Development Plan Amendment, with all conditions of approval as recommended by staff.

DISCUSSION: Chair Spray said, "A couple of comments, just to make sure that we know that's approving the change to the front setback from 20 feet to 6 feet, as was laid out, that was in the motion, with staff conditions."

FRIENDLY AMENDMENT: Commissioner Harris proposed an amendment to shorten the length of the portal along the front of the proposed building to a point in line with the end of the curved patio wall that shown.

Ms. Brennan said, "I would suggest that what you would be suggesting is that the setback only extend to that distance. The portal is within the design purview of the Historic Districts Review Board. So, you said shorten the portal, but what you mean is reduce the setback only as far as that point."

Commissioner Harris said that still wouldn't work. We have a 20 foot setback, so we have to jog the setback.

Ms. Brennan said, "My point is that you're really talking about the setback, not the portal."

Chair Spray said, "Then the modification would have to be on that basis rather than design elements of it. Is there still a way with the drawing that you're looking at, that we could make that work."

Chair Spray asked Commissioner Harris to direct him to what sheet he's looking at, and Commissioner Harris said it is Sheet 9.

RESTATEMENT OF THE FRIENDLY AMENDMENT: Commissioner Harris proposed to amend the motion to adjust the proposed 6 foot front setback from a point of the common property line, extending north to a point at the end of the curved wall, and at that point, stepping back to a 10 foot setback for the continuation of the property to the north.

DISCUSSION ON THE FRIENDLY AMENDMENT BEFORE MAKER AND SECOND AGREED TO THE FRIENDLY AMENDMENT: Ms. Guerrerortiz said, "What I gather you are saying is, with that friendly amendment, the portal could come to a point about 'here.' Commissioner Harris said, "Correct." Ms. Guerrerortiz said, "And then there would not be a portal in 'this' area. The effect would be..." Commissioner Harris said, "That's correct, from the common property line between 15 and 16, there would be a 6 foot front setback that would extend, and I'm saying, basically to the north, to a point in line with the end of the new garden wall, at which point it would become a 10 foot front setback to the common property line between 16 and 17."

Chair Spray said he understands, and asked if everyone understands what Commissioner Harris just said.

Commissioner Schackel said, "Before I decide whether it's friendly or not, I want to clarify that I understand. Does that mean that the portal itself... I guess I'm not clear on where the common property line is. What's your reference point, and I don't know what to use here to help us all understand that. So the portal is wider in some areas, or it ends at the wall. How is the proposed portal shortened any further away from the front setback than 10 feet."

Commissioner Harris said, "From the common property line between lots 15 and 16, the front setback would be reduced to 6 feet to a point in line with the end of the garden wall, at which point it would become a 10 foot front setback to the common property line between lots 16 and 17."

Commissioner Villarreal said, "Point of clarification. Does that mean the new garden wall is eliminated."

Commissioner Harris said, "No."

Commissioner Villarreal said, "And this 'part,' the front part, it ends 'here.'"

Commissioner Harris said, "Again, between 15 and 16, runs north at a 6 foot front setback, returns back to a 10 foot front setback to the property line."

Ms. Brennan said, "I was just going to say, in response to that question, that the walls can be built at zero lot line, so the setback would not affect the construction of the walls."

Responding to the Chair, Commissioner Schackel-Bordegary said, "I think it's friendly. Does it achieve the 10 foot setback request of the neighbors as you've revised it Commissioner Harris, or is it a compromise."

Commissioner Harris said, "It is a bit of a compromise, and certainly the last comment I heard from the President is, as much as anything, it was the length on the front of the proposed residence, the length of the portal along the proposed residence that was problematic."

THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.

VOTE: The motion, as amended, was approved on the following roll call vote [5-1]:

For: Commissioner Harris, Commissioner Lindell, Commissioner Ortiz, Commissioner Schackel-Bordegary and Commissioner Villarreal.

Against: Commissioner Bemis.

3. **AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, AIRPORT ROAD OVERLAY DISTRICT, SECTION 14-5.5(C) SFCC 1987; CREATING A NEW SUBSECTION 14-5.5(C)(6)(1) TO INCLUDE A PROVISION FOR COMMERCIAL RECYCLING CONTAINERS; AMENDING SECTION 14-5.5(C)(12)(C) TO CLARIFY THE APPLICABILITY OF EXISTING BUILDING-MOUNTED OUTDOOR ADVERTISING OF ALCOHOLIC BEVERAGES, TO CLARIFY THE PACKAGING OF ALCOHOLIC BEVERAGES OF EIGHT OUNCES OR LESS AND ESTABLISHING THE EFFECTIVE DATE OF SUCH PACKAGING PROVISIONS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (COUNCILORS DOMINGUEZ AND CALVERT). (MATTHEW O'REILLY)**

A Memorandum dated February 28, 2012, with attachments, to the City Council, Public Works, CIP & Land Use Committee and the Planning Commission, from Matthew O'Reilly, Land Use Director, is incorporated herewith to these minutes as Exhibit "8."

Matthew O'Reilly presented information from his Memorandum of February 28, ~~2012~~ 2013, noting this is an amendment to the Airport Road Corridor Overlay District Ordinance which was approved recently by this Commission and the City Council, noting the Ordinance was effective on January 26, 2013. In the interim, staff and a couple of the Councilors have proposed minor amendments, which are described in the Staff Report. Please see Exhibit "8" for specifics of this presentation.

Public Hearing

Speaking to the Request

There was no one speaking for or against the proposed Ordinance.

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Chair Spray said he was glad to see the visiting of businesses in his Memo to the Council, and asked, "Would you characterize the response, it appears you do, of the liquor sellers as being fairly positive."

Mr. O'Reilly said, "The meeting included myself, members of Code Enforcement Section and a member from the City Attorney's office, was arranged for the purpose of explaining to the representatives of these four liquor establishments, really, what they were going to be in for. Some of them had been present at the ENN meetings of this and had asked questions and had comments and made comments that were incorporated into the Ordinance as we went forward. But again, these things added restrictions to the way they operated their businesses, so we were concerned about their reaction, but wanted them to know that we were, at least initially, start off fairly gently enforcing this to give them time to get up to speed before we really started to enforce it very strictly."

Mr. O'Reilly continued, "We were surprised to find that, and it pleased us to find that every single one of these existing liquor establishments were very much in favor of the Airport Road Overlay District requirements. They saw this as a great improvement to their property values and the things that were going to be coming next. And what we also determined, in preparing for that meeting, was that all of them are really already in compliance with the architectural ordinance and the signage ordinances and things like that of the Overlay District."

Mr. O'Reilly continued, "I point out in my Memo the things that they did have concerns about, and those were basically how to deal with their existing stock of alcohol in 8 oz. or less containers. As I said, I was able to visit the largest of these retailers, and I was given access to their computer records, unsolicited access to their computer records. I got to see how many and how much of this kind of alcohol they had in these kinds of containers, and then was given access to their storage room and saw how much of this was currently in stock, and it's a large amount. They proceeded to work hard to figure out ways to deal with that existing stock. And in discussing this with the Councilors, in particular Councilor Dominguez who has worked on this Ordinance so long and for so many years. It was felt it would be better to give them a little bit more time so they could sell down that stock. Some of them buy these things in such bulk that part of the conditions of those purchases are is they cannot be returned to their distributors, and so that really represents the only thing they can do is take a loss. And some of the provisions of the State Alcohol Regulations don't allow them to move product from one store they own to another. So there really are a lot of restrictions there."

Mr. O'Reilly continued, "In discussing the proposed amendments with those existing alcohol retailers, they very much appreciated this approach by the City and by the Councilors, and that's why you have these ordinance amendments before you. And there's a few others that don't relate to alcohol, of course, but those are also related to items that have come up, some discovered by staff and some proposed by Councilor Calvert with regard to commercial recycling, that are a little bit in hindsight, and really didn't come up before we adopted the Ordinance."

- Chair Spray asked if there was further feedback from the people at the State Alcohol Beverage Control Department, or whatever it's called.

Mr. O'Reilly said, "The State Department of Regulation and Licensing Department, in which is housed the Alcohol and Gaming Division, has general counsel. And that general counsel sent a letter, after we adopted the Ordinance, to our City Attorney, expressing concerns over the legality of the alcohol restrictions of the Ordinance. They were simply expressions of concern. There was no mention of any intent by the State to take any action on that. And the City Attorney has acknowledged receipt of those concerns."

- Chair Spray said then they've weighed and done what they need to do from their perspective, to put that on record, noting he is speculating that is what is happening.
- Chair Spray said we are recommending these changes to the Council and Mr. O'Reilly said this is correct.

MOTION: Commissioner Harris moved, seconded by Commissioner Villarreal, to recommend approval of the proposed amendments as presented in this matter .

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

H. STAFF COMMUNICATIONS

Chair Spray said this was requested to be added by "the staff who seems to have gone." He asked Mr. O'Reilly what that might be.

Mr. O'Reilly said no, he doesn't know what the Current Planning Manager wanted to relate to you, so she can related it at the next Planning Commission.

G. OLD BUSINESS – PART 2

- 2. CHAPTER 14 TECHNICAL CORRECTIONS AND OTHER MINOR AMENDMENTS. CONSIDERATION OF VARIOUS AMENDMENTS TO CHAPTER 14 AS A FOLLOW-UP TO THE CHAPTER 14 REWRITE PROJECT (ORDINANCES NOS. 2011-37 AND 2012-11), INCLUDING TECHNICAL CORRECTIONS SUCH AS TYPOGRAPHICAL AND CROSS-REFERENCING ERRORS AND OTHER MINOR AMENDMENTS:**

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2-4(C) CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B)THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE;

14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS; 14-07-2(F) CLARIFY SPECIAL USE PERMIT IN 412 – R-29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY REDEVELOPMENT SUBDISTRICT; 14-8.3(C)(2) TERRAIN MANAGEMENT SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(d) CORRECT REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES; 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-9.5(A) DEDICATIONS TO HOMEOWNER'S ASSOCIATIONS; 14-9.5(D) EXTENSION OF INFRASTRUCTURE WARRANTY; 14-10-1(C) NONCONFORMING TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (GREG SMITH, CASE MANAGER) (POSTPONED FROM FEBRUARY 7, 2013)

A Memorandum prepared February 25, 2013, for the March 7, 2013 meeting, with attachments, to the Planning Commission, from Greg Smith, Director, Current Planning Division, is incorporated herewith to these minutes as Exhibit "9."

Mr. Smith thanked the Commissioners who worked on the subcommittee on this topic two weeks ago. They met once, and had a number of emails over a period of several weeks, and have added a handful of minor adjustments to the minor adjustments that were already on the list, and those have been compiled in a new matrix and in a new format. He is happy to discuss which of the amendments which might give concerns.

Chair Spray asked Mr. Smith to point out the items which were discussed by the subcommittee looked at and agreed to.

Mr. Smith reviewed the three items considered by the subcommittee from the matrix. Please see Exhibit "9" for specifics of this presentation.

Mr. Smith said the bill will go to Public Works Committee on Monday, and to the Council for consideration of the package on March 27, 2013.

Chair Spray said this will be a recommendation to Public Works or to the City Council.

Mr. O'Reilly said it is a recommendation to the Council.

Commissioner Harris asked the reason the numeration seemed to change, noting they talked about Section 32 previously, and what is proposed is what they agreed to, but it is not called Section 32.

Mr. Smith said the minor changes that were not considered by the subcommittee were several that were going concurrently from staff, and because 1 or 2 of those went between the older ones. For example, they added a staff recommendation to the Chart of Allowed Uses, which was Section 18, and so everything after 18 bumped down.

Commissioner Harris thanked Mr. Smith again for his hard work on this.

Public Hearing

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing Was Closed

MOTION: Commissioner Villarreal moved, seconded by Commissioner Bemis, to recommend approval of the proposed Chapter 14 Technical corrections and other minor amendments as presented in this matter.

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

H. STAFF COMMUNICATIONS

Chair Spray said the Current Planning Director, Tamara Baer, told him this afternoon while on the field trip, that we have no scheduled for the first meeting in April.

Mr. O'Reilly said this is correct.

Chair Spray said on April 4, 2013, there is a Summary Committee meeting at 11:00 a.m. He said Ms. Baer proposed the possibility of a meeting by the Planning Commission at 12:00 noon, because we have to meet every month by law, so we could approve the minutes of this meeting and Findings of Fact and Conclusion of Law – meet immediately after the Summary Committee. He thinks this is a good idea, depending on how the Commissioners feel.

Responding to the Chair, Mr. O'Reilly said it isn't necessary to vote on this. He said if this is the consensus of the Committee, he will schedule and advertise the meeting. He said the Summary Committee has 3 members of the Planning Commission, and only one additional member of the Planning Commission needs to attend to establish a quorum to approve the minutes and the Findings, noting that everyone is welcome to attend. He said we need sufficient members to attend to establish a quorum.

It was the consensus among the Commission to schedule a meeting on April 4, 2013, immediately following the Summary Committee, for the purpose of approving the minutes and the Findings of Fact and Conclusions of Law.

I. MATTERS FROM THE COMMISSION

Commissioner Schackel-Bordegary said she would like to request that the City staff revisit Resolution No. 2006-65, amending the Santa Fe MPO to delete the extension of Governor Mills Road eastward. She said she believes it is worth revisiting the Resolution at this juncture for future sane transportation planning.

Mr. O'Reilly said the Planning Commission and staff do not approve Resolutions, and only the Governing Body approves Resolution. He said he can pass that on to the Governing Body, and let them know of the Commission's desire. However, it is up to the members of the Governing Body to decide to revisit, change or modify that Resolution, and there is no work for staff to do unless one of the members of the Governing Body tells us they want us to do that. He said it is different than an Ordinance, because it is a Resolution. He said it probably would be most appropriate, if this is what the Commission wants to do, that the Commission vote to do that, because they are just hearing from one Commissioner that this is something they want to ask the Council to look into.

Mr. O'Reilly said the option is that the Commission is a *quasi judicial* body, and in this case, it would be a legislative matter, but you are still citizens and you can call any of your Councilors at any time, and express your opinion to them about this. He said it doesn't have to flow through staff, unless there is a strong desire that the Commission take a vote on this. .

Commissioner Schackel-Bordegary said she is in that District and the other extremely interested Commissioner is too. She will call her new Councilor, noting they no longer have the Councilor who initiated this, and more importantly, the Council will be looking at Villas Di Toscana, and it's in conjunction with the development of that area.

Mr. O'Reilly said the stenographer correctly points out, that in order to have a vote, this item would have had to be on the agenda for action at this meeting. He said this can be placed on the agenda for action at the next meeting if this Commission feels strongly that this is something which should come as something from the Commission.


Commissioner Schackel-Bordegary said she raised it, and doesn't feel that strongly, and she would like to start the process by talking first to her City Councilor.

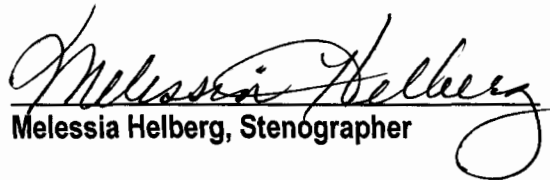
[Commissioner Harris's remarks here in response to the Chair are inaudible because his microphone was turned off.]

Mr. O'Reilly reiterated this is a legislative matter and members can meet with their Councilors one-on-one, or the two of you together, and please feel free to do that and let them know your thinking and your concerns. He said it isn't something which has to be routed through staff.

J. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 9:30 p.m.



Tom Spray, Chair

Melessia Helberg, Stenographer

MINUTES OF
CITY OF SANTA FE
FIELD TRIP
PLANNING COMMISSION MEETING

MARCH 7, 2013 - 4:00 P.M.

The meeting was convened by the Chair at approximately 4:00 p.m. at Viale Tresana at Viale Court within Villas Di Toscana Subdivision. In addition to the Commission and staff, 2 members of the public were present.

MEMBERS PRESENT:

Tom Spray, Chair
Mike Harris
Angela Bordegaray
Renee Villarreal, Vice Chair
Lisa Bemis
Lawrence Ortiz

MEMBERS ABSENT:

Signe Lindell

STAFF PRESENT:

Tamara Baer, Planner Manager
RB Zaxus, City Engineer for Land Use
Dan Esquibel, Planner Senior
Eric Martinez, Division Director for Roadways and Trails
Keith Wilson, MPO Senior Planner

MEMBERS OF THE PUBLIC:

Jon Paul Romero, agent
2 neighbors

Ms. Baer went over the ground rules for the site visit, the primary purpose of which was observation. There should be no discussion of the merits of the case. Questions of a factual nature could be directed to staff.

Commissioner Harris asked about the location on the property where erosion issues had been identified.

Staff responded that there were several locations including at Lot 62, which was the start of the site visit.

The group walked the trail.

Commissioner Spray asked staff to enumerate the issues with the trail.

Tamara Baer explained that the trail issues were the following:

- construction material (the trail was built with stabilized crusher fines and not asphalt as required);
- the width of the trail (built 4 to 5 feet in width, where 6 feet wide was required, and 10 feet wide is the current standard); and
- ADA accessibility (issues both with material and grades).

65 lots were originally approved. The Amended Development Plan reduced the number to 50 lots.

The group looked at where the trail currently ends and discussed continuing connections per the MPO Master Plan, which anticipates a 20 year implementation time frame. Trail connection to the immediately adjacent property to east will probably be developer driven, or the City will construct to standards current at the time of construction. There was further discussion of the properties and connection to the west, which include Las Soleras.

As the City builds, it will be to City and ADA standards.

Commissioner Ortiz asked how ADA fits in. Eric Martinez explained that the ADA requirement that grade not exceed 5% grade is met for all City construction for bikes and pedestrians. Exceptions are allowed as needed. Generally, City construction meets ADA, unless it is not possible.

Commissioner Bordegaray pointed out that the City repaved and reconstructed for ADA compliance in other Pueblos del Sol phases.

Eric Martinez explained ADA compliance exceptions, including that if a trail follows a roadway it is all right not to meet ADA standards.

The group stopped at the tot lot location and looked at a slope that needed correction on a lot adjacent to the tot lot.

Chairman Spray, Commissioners Bordegaray and Bemis asked what it would take to make the connection to the east. Tamara Baer explained that it would probably be developer driven at the time the vacant property came in for development. Keith Wilson stated that the trail connection could be made by City. The scenario would depend on timing.

RB Zaxus pointed out a vertical cut that needs to be corrected.

Commissioner Bordegaray asked who owns the green vinyl fence that marks the property line between Villas Di Toscana and the vacant property to the east. It was stated that the fence and vacant property were owned by a Mr. Gonzales.

Commissioner Ortiz asked if the existing trail is 6 feet, and is the City asking for a 10 foot wide trail? All other Pueblo Del Sol trails are 6 – 8 feet in width. It was stated that the 10 foot width is the current City and AASHTO standard.

Commissioner Harris asked about the Governor Miles extension and whether it was in the Roadways Master Plan. Keith Wilson explained that that it had been in that master plan but had been removed by Council direction, as was the Richards Ave. extension.

Commissioner Bordegaray asked who will make the ADA connection from the sidewalk to the existing trail along Governor Miles. Jon Paul Romero responded that the developer will do that.

ADJOURNMENT The group completed the loop walk by returning to the starting point, and the meeting was adjourned at approximately 5 p.m.

**Prepared by Tamara Baer, Planner Manager.*

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

Case #2012-149

Owner's Name – Palace Avenue Office Suites, LLC

Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on February 7, 2013 upon the application (Application) of JenkinsGavin Design & Development, Inc. on behalf of Palace Avenue Office Suites, LLC (Applicant).

The Applicant seeks the Commission's approval of the final subdivision plat to divide 0.783± acres at 417 and 419 East Palace Avenue (Property) into 2 lots. The Property is zoned BCD (Business Capitol District), East Marcy/East Palace Subdistrict.

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; there were no members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C)(1) the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code §14-2.3(E)(2) and (3)(a) the Commission has delegated to the Summary Committee its authority to hear and decide applications for the division of land into two lots.
4. Code §14-3.7(A)(4) requires that a proposed subdivision that occurs within five years after the approval of a subdivision of any part of the affected land (a Serial Subdivision) be subject to the same standards and follow the same procedures as though the cumulative number of lots created by the successive plats were created by the proposed subdivision.
5. The Property is one of two lots created by a subdivision approved by the Summary Committee on May 11, 2011.
6. The proposed subdivision of the Property is thus a Serial Subdivision and requires Commission review and approval.
7. Code §14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [Code §14-3.7(B)(4)] and criteria for the Commission's approval [Code §14-3.7(C)] (collectively, the Applicable Requirements).
8. Code §14-9 sets out infrastructure design, improvement, and dedication standards and requirements.
9. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of SFCC §14-3.1(F) for subdivision plats.
10. Code §14-3.1(F)(2)(a)(v) requires an ENN for subdivision plats, except for final subdivision plats for which ENN procedures were followed at the preliminary plat review stage.

Exhibit "1"

11. An ENN meeting on the Applicant's application for preliminary plat approval was held on October 3, 2012 at 5:30 p.m. at the First Presbyterian Church; therefore no ENN is required for final subdivision plat approval in this case.
12. The preliminary subdivision plat was finally approved by the Commission on January 10, 2013.
13. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat be approved.
14. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

CONCLUSIONS OF LAW

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

1. The Commission has the authority under the Code to approve the final subdivision plat for the Property.
2. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE _____ OF MARCH 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the final subdivision plat for the Property is approved, subject to the Conditions.

Thomas Spray
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Kelley Brennan
Assistant City Attorney

Date:

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

Case #2012-148

Windmill Hill at Las Placitas Compound – Final Subdivision Plat

Owner's Name – Doug and Peggy McDowell

Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on February 7, 2013 upon the application (Application) of JenkinsGavin Design & Development, Inc., as agent for Doug and Peggy McDowell (Applicant).

The Applicant seeks the Commission's approval of a final subdivision plat to divide 1.48± acres located at 623½ Garcia Street (Property) into 4 single-family residential lots (Project). The Property is zoned R-3 (Residential – 3 dwelling units/acre).

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; there were no members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats and development plans.
3. Pursuant to Code §14-3.7(A)(1)(b) subdivisions of land must be approved by the Commission.
4. Code §14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [Code §14-3.7(B)(4)] and criteria for the Commission's approval [Code §14-3.7(C)] (collectively, the Applicable Requirements).
5. Code §14-9 sets out infrastructure design, improvement, and dedication standards and requirements.
6. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code §14-3.1(F) for subdivision plats.
7. Code §14-3.1(F)(2)(a)(v) requires an ENN for subdivision plats, except for final subdivision plats for which ENN procedures were followed at the preliminary plat review stage.
8. An ENN meeting on the Applicant's application for preliminary plat approval was held at 5:30 p.m. on September 27, 2012 at the Main Library at 145 Washington Avenue; therefore no ENN is required for final subdivision plat approval in this case.
9. The preliminary subdivision plat was finally approved by the Commission on January 10, 2013.
10. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements

and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.

11. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

CONCLUSIONS OF LAW

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

1. The Commission has the authority under the Code to approve the final subdivision plat for the Property.
2. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE _____ OF MARCH 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the final subdivision plat for the Property is approved, subject to the Conditions.

Thomas Spray
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Kelley Brennan
Assistant City Attorney

Date:

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

Case #2012-146

2823 Industrial Road General Plan Amendment

Case #2012-147

2823 Industrial Road Rezoning to I-1

Owner's Name – Los Alamos National Bank

Applicant's Name – James W. Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on February 7, 2013 upon the application (Application) of James W. Siebert and Associates, Inc. as agent for Los Alamos National Bank (Applicant).

The subject site is located north of the PNM substation at 2823 Industrial Road (Property) and is comprised of 0.38± acres zoned R-2 (Residential – 2 dwelling units/acre).

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Low Density Residential (3-7 dwelling units/acre) to Business Park and (2) to rezone the Property from R-2 to I-1 (Light Industrial).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. A pre-application conference was held on November 8, 2012.

6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
7. An ENN meeting was held on the Application on November 26, 2012 at the Southside Public Library on 6599 Jaguar Drive.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there were no members of the public in attendance.
10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning, subject to the conditions set out in the Staff Report (Conditions).

The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
 - (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*

The Property is oriented to and accessed from an existing I-1 zoned property off Industrial Road and despite the R-2 zoning has historically been used for non-residential uses. The General Plan acknowledges the mix of uses in the Siler Road area and encourages the continued development of compatible businesses to provide employment opportunities in close proximity to residential uses. Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property, with access via Industrial Road.
 - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*

The proposed amendment is consistent with provisions of the General Plan that call for redevelopment and employment opportunities in the Siler Road Redevelopment Area, including Policy 3-I-3 and Policy 5-3-G-4.
 - (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*

The amendment will not allow a use or change that is inconsistent with the prevailing uses of the area and if there is any change in use, buffering to adjacent residential areas will be required. The proposed amendment addresses an area of less than two acres, but adjusts the boundaries between the existing I-1 and residential-zoned properties. Based

upon the foregoing, the amendment would not benefit the Property owner at the expense of the surrounding landowners and the general public.

- (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage of justification [§14-3.2(E)(1)(d)].*

This is not applicable, as, based upon paragraph 13(d) above, the proposed amendment conforms with Code §14-3.2(E)(1)(c).

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This is not applicable.

- (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(e)].*

The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City in that it is consistent with the policies of the Plan as set forth in paragraph 13(a)-(c) above.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).

15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.

16. Code §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.

17. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:

- (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 Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

The Siler Road area has long been considered to be a transition area, where both employment and housing opportunities exist and over the last twenty years has changed to become predominantly industrial in character. The rezoning of the Property will not alter that character.

- (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

All the rezoning requirements of SFCC Chapter 14 have been met.

- (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(A)(c)].*

The proposed rezoning is consistent with the Plan as set forth in the Staff Report.

- (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 [SFCC §14-3.5(C)(1)(d)].*

The Property consists of 0.38± acres and its proposed use is consistent with the cited City policies in that it expands an existing district.

- (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 [Section 14-3.5(C)(e)];*
Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property, with access via Industrial Road.

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 Plan amendment and rezoning were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

The Rezoning

5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

WHEREFORE, IT IS ORDERED ON THE _____ OF MARCH 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the Plan amendment, subject to the Conditions.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to I-1, subject to the Conditions.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Thomas Spray
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Kelley Brennan
Assistant City Attorney

Date:

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

Case #2012-150 – Santana Rezoning
Owner-Applicant's Name – Josie Santana

THIS MATTER came before the Planning Commission (Commission) for hearing on February 7, 2013 upon the application (Application) of Josie Santana (Applicant).

The Applicant seeks to rezone 3.19± acres of land located west of St. Francis Drive and South of Siringo Road in the vicinity of 1786 Siringo Road (Property) from R-1 (Residential – 1 dwelling unit/acre) to R-4 (Residential – 4 dwelling units/acre). The Property has been owned by the Applicant's family since prior to the 1950s and is adjacent to a 4.9-acre tract of land also owned by the Applicant's family which was rezoned in 1992 from R-1 to R-4. The Property was not included in the 1992 rezoning because the Applicant was unable to verify at that time that the Property was a legal lot of record. The proposed rezoning is consistent with the General Plan Future Land Use Map designation of Residential Low Density (3-7 dwelling units/acre).

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

FINDINGS OF FACT

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Under Santa Fe City Code (SFCC) §14-3.5(A)(1)(d) any person may propose a rezoning.
3. SFCC §14-3.5(B)(1) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.5(C).
4. SFCC §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. SFCC §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on November 8, 2012.
7. SFCC §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation: (a) Scheduling and notice requirements [SFCC §14-3.1(F)(4) and (5)]; (b) Regulating the timing and conduct of the meeting [SFCC §14-3.1(F)(5)]; and (c) Setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
8. An ENN meeting was held on the Application on November 29, 2012 at the Oliver LaFarge Public Library at 1730 Llano Street.
9. Notice of the ENN meeting was properly given.

10. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in SFCC §14-3.1(F)(6).
11. Commission staff provided the Commission with a report (the Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the Rezoning, subject to those conditions contained in the Staff Report (the Conditions).
12. The Commission has considered the Rezoning Criteria and finds, subject to the Conditions, the following facts:
 - (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 Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

There has been a substantial change in density in the surrounding area due to the development of the Plaza del Sur neighborhood and the apartments across Siringo Road in the 1980s. Rezoning the Property to R-4 is consistent with the General Plan.
 - (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

All the rezoning requirements of SFCC Chapter 14 have been met.
 - (c) *The proposed rezoning is consistent with the applicable policies of the General Plan [Section 14-3.5(A)(c)].*

The proposed rezoning is consistent with the General Plan's future land use designation for the Property as "Low Density Residential".
 - (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 [SFCC §14-3.5(C)(1)(d)].*

The Property consists of 3.19± acres and the proposed rezoning is consistent with the Plan's "Low Density Residential" future land use designation for the Property.
 - (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 [Section 14-3.5(C)(e)];*

Existing infrastructure is sufficient to accommodate the proposed rezoning.

CONCLUSIONS OF LAW

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

1. The Rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with SFCC requirements.
2. The ENN meeting complied with the requirements established under the SFCC.
3. The Applicant has the right under the SFCC to propose the rezoning of the Property.
4. The Commission has the power and authority at law and under the SFCC to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.
5. The proposed rezoning meets the Rezoning Criteria.

**WHEREFORE, IT IS ORDERED ON THE _____ OF MARCH 2013 BY THE
PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-4, subject to the Conditions.

Thomas Spray
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Kelley Brennan
Assistant City Attorney

Date:

City of Santa Fe, New Mexico

memo

DATE: February 25, 2013 for the March 7, 2013 Planning Commission Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, Planner Manager, Current Planning Division *TB*

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

VILLAS DI TOSCANA DEVELOPMENT PLAN AMENDMENT

Case #2012-109. Villas Di Toscana Development Plan Amendment. Jon Paul Romero, agent for Vistancia, LLC, requests an amendment to their Development Plan to privatize the streets, sidewalks, landscaping and lighting. The property is zoned R-3 PUD (Residential, 3 dwelling units per acre, Planned Unit Development) and is located between Governor Miles Road and I-25, and east of Camino Carlos Rey. (Dan Esquibel, Case Manager)

The Planning Commission first heard this case at their meeting of December 6, 2012. The case was subsequently postponed to include a site visit on March 7, 2013.

RECOMMENDATION:

The Land Use Department recommends **APPROVAL** with the following conditions:

1. Construction of the trail on Tract B "Open Space" shall be brought to current standards.
2. The HOA shall continue to maintain infrastructure commensurate with city standards and conditions of approval.
3. Easements shall remain in place to allow maintenance of utility services for city water and sewer.
4. Applicant shall seek approval to amend Annexation Agreement before the Governing Body.

I. APPLICATION SUMMARY

On June 8, 1995 an Annexation Agreement and Final Subdivision Plat were recorded for 51.625± acres, Phases I through IV of Carlos Rey Del Sur Subdivision.

Exhibit "2"

On June 30, 2005 the Planning Commission approved the Development Plan, Final Subdivision Plat and a Variance to the second story setback for Phase IV Carlos Rey Del Sur subdivision (Case 2005-07), now named Villas Di Toscana, 65 residential lots on 12.96± acres. The Planning Commission approved the cases subject to conditions, as did the Governing Body on September 25, 2005. (Changes to approvals for properties with PUD overlay zoning formerly required Governing Body approval as well as Planning Commission approval.)

As part of the Annexation Agreement, along with other conditions of approval, requirements were placed on the developer to construct the subdivision roads to city standards for dedication to the city upon acceptance and the construction of a 6' wide asphalt multi-purpose trail to city standards with signage and benches (page 3 and 10 of the Annexation Agreement, Exhibit D).

A financial guarantee was established in 2006, which allowed the plat to be recorded. The financial guarantee was updated and a new Letter of Credit was established in 2011. The developer is continuing to complete the original conditions of approval.

On September 10, 2012 the developer submitted an application to be heard by the Planning Commission and the Governing Body to amend the original conditions of approval and Annexation Agreement. The application requests that the City return to the developer and the home owner's association (HOA) development control and maintenance of the streets, street lighting, landscaping and approved trails (Exhibit G).

Dedication to the city for the above referenced infrastructure components was noted on the subdivision plat. However, the City has not yet accepted these components. (Reference Exhibit B1-B4 for compliance letter to the developer and Exhibit C for developer correspondence.)

Remaining construction issues must be addressed before a final inspection, acceptance of dedications, and release of the letter of credit can be made by the Land Use Department Technical Review Division. The major unresolved issues are: terrain management violations concerning vertical cut slopes on Lots 3 and 62; erosion protection (wire enclosed rip-rap blankets) in the arroyo (no information has been submitted by the applicant for review); and the trail located on Tract B "Open Space", which was not constructed to City approved or adopted standards.

In order to comply with the original conditions of approval, to build the subdivision to approved standards, the developer must do the following: 1) correct the vertical cut slope violation to Terrain Management per City code; 2) submit a remediation proposal to correct the erosion problems; and 3) construct the trail, at a minimum, to the standards in place and specified at the time of the original approval, and preferably to current City and ADA standards. The developer is requesting that the trail remain as is, which is gravel construction, 4-foot in width, and not in compliance with ADA¹ or City adopted standards.

The trails are within the open space of the subdivision on Parcels 1 and 2 and Tract B. All of this land has been transferred by deed to the City. The developer is requesting that the City grant the developer a lease agreement to take over the trails, to amend the conditions of the Annexation

¹ The subdivision was approved in 2005. City ADA reviews for trail development did not start until 2007.

Agreement (filed in 2005 reference Exhibit D) for trail(s) construction, to maintain the trail and landscaping, as built, and as already constructed.

The trail on Tract B is a major link in the City's trail and bicycle network adopted as part of the City of Santa Fe Parks, Open Space, Trails and Recreation Master Plan and the Santa Fe Metropolitan Planning Organization (MPO) Bicycle Master Plan. The trail already connects with an extensive trail network in Pueblos del Sol, and is anticipated to become a part not just of a recreational trail network, but of a "transportation corridor" in the City. This trail will eventually connect on the west to the Las Soleras trail development along I-25, through Tierra Contenta and into the County. This same trail will connect to the Rail Trail to the east, one of the 3 major spine trails in the City trail network (Exhibit E).

While the Annexation Agreement required a 6-foot wide asphalt surface for the trail on Tract B, the City is currently upgrading and requiring trail development to be constructed to a 10-foot asphalt surface. It is recommended that the substandard trail on Tract B be constructed to current standards to avoid immediate obsolescence. Furthermore, the City has been upgrading existing trails within the City network to comply with current standards, ADA and the AASHTO Guide to Bike Facilities standards. Once other trail connections are complete, there are likely to be 10-foot wide, ADA compliant trails on either side of the trail within this subdivision, and eventually the City will have to reconstruct this portion of trail at taxpayer expense.

The trail, as built (with crusher fines as opposed to asphalt), was never reviewed, approved or accepted by the City. (See email from Eric Martinez, Division Director for Roadway & Trails Engineering, Exhibit A6.)

II. EARLY NEIGHBORHOOD NOTIFICATION (ENN)

An ENN was conducted on August 23, 2012 at 5:30 PM at 3172 Viale Tresana (vacant model home). Those attending were 9 area residents. The applicant introduced the project and answered questions. At the end of the meeting the applicant asked the attendees if they were in favor of the request and there was unanimous approval.

III. CONCLUSION

The City is not opposed to private maintenance of the infrastructure, provided appropriate maintenance agreements are in place and that all conditions and agreements related to design and construction remain in effect. The Land Use Department further recommends that the Planning Commission require amending the construction design of the trail to meet the City's current design and ADA standards.

The Land Use Department recommends approval of the request, subject to the following conditions:

1. Construction of the trail on Tract B "Open Space" shall be brought to current standards.
2. The HOA shall continue to maintain infrastructure commensurate with city standards and conditions of approval.

3. Easements shall remain in place to allow maintenance of utility services for city water and sewer.
4. Applicant shall seek approval to amend Annexation Agreement before the governing body.

Should the Planning Commission recommend approval of this request, the governing body will need to amend the Annexation Agreement, which calls for construction of "a six (6) foot asphalt hike and bike trail constructed to City standards."

IV. EXHIBITS:

Exhibit A – DRT comments

- A1: October 15, 2012 Water Division
- A2: November 26, 2012 Wastewater Division
- A3: November 26, 2012 (email communication) Traffic Engineering Division
- A4: November 26, 2012 Land Use Technical Review Division
- A5: January 22, 2013 Memorandum MPO
- A6: February 21, 2013 Public Works Roadway & Trails Email Correspondence

Exhibit B – Inspection Correspondence and punch list to Developer

- B1: October 15, 2012 letter to applicant or outstanding conditions
- B2: May 25, 2012 Letter to Developer for infractions and violations on the Villas di Toscana project
- B3: May 6, 2009 Pre-final inspection and items of concern
- B4: January 18, 2011 punch list

Exhibit C- Developer correspondence response to May 25, 2012 city letter

- C1: July 20, 2012 response

Exhibit D-Annexation Agreement

Exhibit E- City Trail Network overview

- E1: Maintenance Overview

Exhibit F- Trail pictures on Tract B Open Space

Exhibit G- Applicant request.

Exhibit H- ENN Notes

Packet Attachments

March 7, 2013
Planning Commission
Case # 2012-109

**VILLAS DI TOSCANA DEVELOPMENT
PLAN AMENDMENT**

EXHIBIT A

DRT comments

City of Santa Fe
memo

DATE: October 15, 2012

TO: Dan Esquibel, Land Use Planner Senior, Land Use Department

FROM: Antonio Trujillo, ^AWater Division Engineer,

SUBJECT: Case #2012-109. Villas De Toscana Development Plan Amendment

The following comment(s) apply to the subject case.

- The water main is to be located in right of way or a 20-foot water line easement
- If water and sanitary sewer are to be located in parallel, then the easement width minimum is 25 feet.

EXHIBIT ____

City of Santa Fe, New Mexico

memo

DATE: November 26, 2012
TO: Daniel Esquibel, Senior Planner
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2012-109 Villas De Toscana Development Plan Amendment

The Wastewater Division has no objection to the Villas De Toscana Subdivision assuming maintenance, repair, replacement and liability responsibilities for the proposed sewer collection system for the Villas De Toscana Subdivision.

The proposed Development Plan Amendment should clearly state that the community is served by a private sewer collection system.

EXHIBIT _____

ESQUIBEL, DANIEL A.

From: ROMERO, JOHN J
Sent: Monday, November 26, 2012 3:38 PM
To: ESQUIBEL, DANIEL A.
Subject: RE: Annexatuin agreement

With this being said, I have no comments regarding the Villa de Toscano roadway privatization.

-----Original Message-----

From: ROMERO, JOHN J
Sent: Monday, November 26, 2012 10:17 AM
To: ESQUIBEL, DANIEL A.
Subject: RE: Annexatuin agreement

Hi Dan,

I am assuming this condition was accomplished as part of their Final Development Plan submittal. With that being said, the intersection of Camino Carlos Rey and Plaza Verde will not need an all-way stop nor a signal as there is not enough side street volume at this intersection to warrant such intersection control.

-jjr

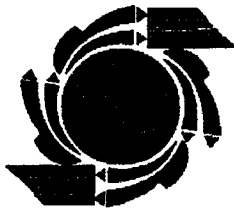
-----Original Message-----

From: ESQUIBEL, DANIEL A.
Sent: Monday, November 26, 2012 9:46 AM
To: ROMERO, JOHN J (jjromero1@ci.santa-fe.nm.us)
Subject: Annexatuin agreement

DATE: November 26, 2012
TO: Dan Esquibel, Case Manager
FROM: Risana B "RB" Zaxus, PE
City Engineer for Land Use Department
RE: Case # 2012-109
Villas Di Toscana Development Plan Amendment

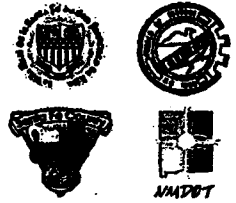
I recommend that all construction be completed per conditions of approval of Phase IV of the subdivision. Exhibit A of the packet material contains correspondence that details the requirements for completion of these items.

EXHIBIT ____



Santa Fe Metropolitan Planning Organization

"Promoting Interconnected Transportation Options"



MEMORANDUM

Date: January 22, 2013
From: Keith Wilson, MPO Senior Planner
To: City of Santa Fe Planning Commission
Cc: Mark Tibbetts, MPO Officer
Dan Esquibel, Case Manager
Tamara Baer, Planning Manager
Eric Martinez, Roadway & Trails Engineering Division Director
Ben Gurule, Parks Interim Division Director
John Romero, Traffic Engineering Division Director
Re: Case #2021-109, Villas Di Toscana Development Plan Amendment

The Santa Fe Metropolitan Planning Organization (MPO) was asked to provide input on potential future Multi-Use Trail alignments impacted by the Villas Di Toscana Development, specifically an alignment that would run along the I-25 corridor.

In 2004 the City Bicycle and Trail Committee (BTAC) undertook a planning exercise to identify future Trail alignments throughout the City. They produced a "Big Picture" map (attached) that showed a Trail alignment along Interstate 25 from Galisteo to Richards Ave. As far as I know this map was never formally adopted by BTAC or the City.

The MPO undertook the Bikeways Mapping Project as the initial phase in the development of the Santa Fe Metropolitan Bicycle Master Plan. Map K (attached) from the Bikeways Mapping Project shows the Trails envisioned for this area, and again they included a proposed alignment along Interstate 25. It is envisioned that a future trail alignment along I-25 would connect up to the Rail Trail at Rodeo Road to the east and to Richards Ave to the west.

The Santa Fe MPO Transportation Policy Board approved the Santa Fe Metropolitan Bicycle Master Plan (<http://santafempo.org/bicycle-master-plan/>) in April 2012

In developing the Metropolitan Bicycle Master Plan, all the Trail recommendations from the Bicycle Mapping Project were prioritized based on a number of factors (Anticipated Demand, System Connectivity, Safety and Feasibility). Based on the prioritization the section of Trail along I-25 was listed in the implementation plan as "Anticipated Through Private Development" (Table 12) reflecting the potential for future development in this area and development of the Trail through the development process.

I plan on attending the Planning Commission site visit and meeting to be available to answer any questions you may have.

EXHIBIT _____



Bicycle and Trail Advisory Committee Big Picture

DRAFT MAP - For Discussion Only

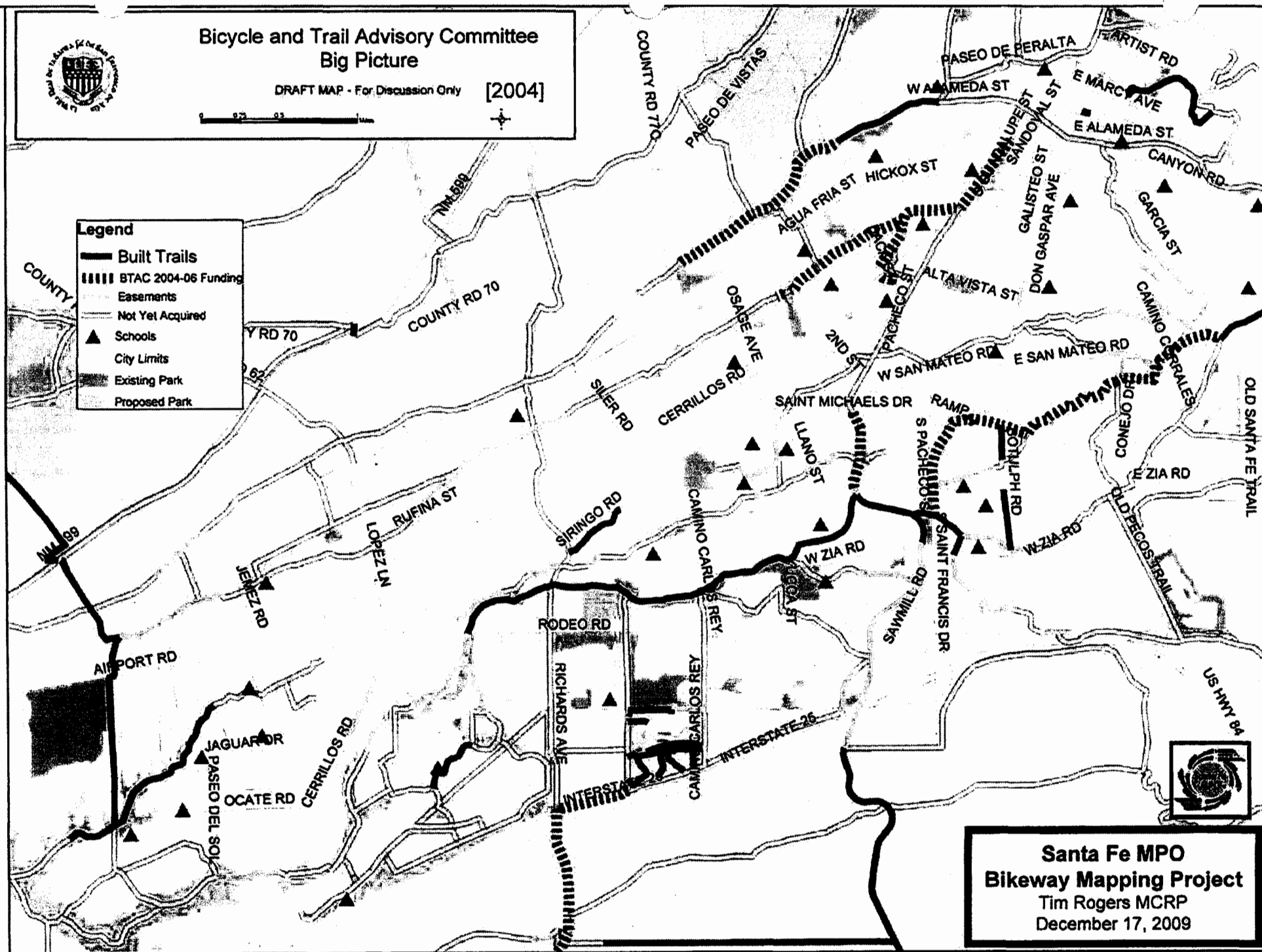
[2004]

0 0.25 0.5 Miles



Legend

- Built Trails
- ||||| BTAC 2004-06 Funding
- - - Easements
- - - Not Yet Acquired
- ▲ Schools
- City Limits
- Existing Park
- Proposed Park



**Santa Fe MPO
Bikeway Mapping Project**
Tim Rogers MCRP
December 17, 2009









Map K: NM Central RR Line Trail (City Section)

Signalized
Crosswalk at
'T' intersection

Trail desired on this
N-S alignment, per
BTRAC Big Picture (2004)
Metro Transp. Plan (2005)

Utility Line

KEY

-  Existing Multi-Use Trail
-  Narrow Paved Trail or Sidewalk
-  Proposed Trail: Priority 1
-  Proposed Trail: Priority 2
-  Programmed (by developers)
-  Other Future Priority
-  On-Road Route (shared lanes)
-  Proposed Crosswalk

Las Soleras:
See Inset S



**Bikeways
Mapping Project**
Tim Rogers MCRP
December 2011

From: MARTINEZ, ERIC B.
Sent: Thursday, February 21, 2013 12:19 PM
To: BAER, TAMARA
Subject: RE: Villas Di Toscana

The applicant did meet with staff regarding the trail and discussed submitting a formal proposal to the Land Use Department for review in accordance with city procedures and the notes as shown on Page P-5 of the Development Plans that require city Land Use Department approval for any changes to the landscaping plans, which includes the trail. The applicant stated that the developer expressed a desire to modify the trail surface from asphalt to crusher fines while extending the trail to and thru city right of way along the developments western boundary which was previously acquired for the extension of Camino Carlos Rey, but changed for the purpose of open space by council thru city resolution. To my knowledge, the work was completed before any formal proposal was submitted, reviewed or approved.

As the current Santa Fe Metropolitan Bicycle Master Plan shows, this trail system is envisioned to connect to and beyond the limits of this development to function as a transportation corridor and should meet current ADA and AASHTO shared-use trail design standards. Furthermore, the adjacent Pueblos del Sol trails system was upgraded by the city in recent years. The crusher fine trail built by the developer thru Camino Carlos Rey right of way now connects to the upgraded Pueblos del Sol trail system.

Let me know if you have any questions.

Eric Martinez, PE, CFM | Director
ROADWAY & TRAILS ENGINEERING DIVISION
CITY OF SANTA FE | PUBLIC WORKS DEPT.
PO Box 909 | Santa Fe, NM 87504-0909
Tel: (505) 955-6612 | Fax: (505) 955-6476 | Email: emartinez@santafecn.gov

EXHIBIT _____

March 7, 2013
Planning Commission
Case # 2012-109

**VILLAS DI TOSCANA DEVELOPMENT
PLAN AMENDMENT**

EXHIBIT B

Inspection Correspondence and punch list to Developer



City of Santa Fe, New Mexico

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

www.santafenm.gov

David Coss, *Mayor*

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

October 15, 2012

Jon Paul Romero
Southwest Designs, LLC.
12 Feather Catcher Road
Santa Fe, NM 87501

RE: Villas Di Toscana Subdivision, Santa Fe, New Mexico

Dear Mr. Romero:

The Land Use Department is in receipt of your application on behalf of Vistancia LLC for privatization of "streets, sidewalks, street lighting, landscaping and approved trails" in the Villas Di Toscana subdivision.

Staff will begin processing your application for public hearings, beginning with the Planning Commission, however, please be advised that the Land Use Department will recommend that all conditions of the original approvals be completed to the City's satisfaction before recordation of an amended plat. Some of these items are corrective actions needed to ensure public safety and welfare; others are requirements that were previously imposed at the time of subdivision plat and development plan approval. These items were identified by R.B. Zaxus, City Engineer for Land Use, in a letter to you dated May 25, 2012. Your July 20, 2012 response to that letter did not sufficiently address all concerns. The outstanding issues are as follows:

1. The two areas where construction activities have left vertical cut slopes must be stabilized prior to acceptance of the subdivision, in accordance with Article 14-8.2(D)(1). The first area is adjacent to the "Tot Lot"; the second is adjacent to Viale Court and Lot 62. This work cannot be delayed until the time of home construction.
2. The trail system has not been built to the previously approved specifications which require placement of base course and two (2) inches of asphalt pavement; crusher fines are not acceptable per the approved plans. An additional trail, not shown on the approved plans, was built within City right-of-way. This trail may be left in place but shall not be maintained or improved without proper documentation and permissions from the City of Santa Fe.
3. The approved Tot Lot detail calls for "(p)reserve(ing) all trees within the playground area". Our inspections indicate that there were four (4) evergreen trees removed that must now be replaced. Although you indicate that fifteen (15) new trees have been planted "in this area," only about seven (7) of these are on the Tot Lot, and they are not evergreens. Again, the four (4) evergreen trees that were removed must be replaced.
4. The landscaping and irrigation system must be inspected and approved by the City of Santa Fe Parks Division, as they will be the entity responsible for maintenance once the development is accepted by the city. Please provide a copy of the e-mail that you refer to, indicating acceptance by Chris Ortiz. The Land Use Department has not received any indication of acceptance by the Parks Division.

EXHIBIT _____

Jon Paul Romero
October 15, 2012
Page 2

5. The erosion protection at the arroyo crossings still requires corrective measures to ensure that the erosion protection functions as intended. Your letter indicates your intention to do some preventive maintenance, however, a site inspection reveals that this has not been performed.
6. We require a letter of completion from PNM as documentation that the street lights have been accepted by them and are functioning. Please provide this as soon as possible.
7. The rims of several sanitary sewer manholes have been set below the current base course grade at the private drive extending from Viale Cetona. These manhole rims must be raised to the final design grade.
8. A site inspection indicates that although roadway signage has been installed, it does not meet City specifications. Please contact Jon Griego (955-6516) for details.
9. A site inspection indicates that two (2) monument signs are installed. One of these signs has been constructed on City of Santa Fe property and will require an amended license agreement if it is to remain.

The public or private ownership of lands within this subdivision, does not change the approval requirements or the need to complete those requirements in an acceptable manner. If you wish to change the terms and conditions of the prior approvals or those of the Annexation Agreement, you will need to specify those requests as a part of this or a subsequent application.

Note that there are no approved trails in the subdivision. The trail was required to be built to certain City of Santa Fe standards and must be so built. Also, please note that this trail segment must remain accessible to the public at all approved points of connection. Additionally, certain portions of the property (including Tract B, the open space adjacent to the I-25 ROW and containing the new trail) have already been deeded to the City of Santa Fe. In order for that property to be returned to the HOA, the City will require an appraisal and purchase. The trail itself is not a stand-alone lot, but a portion of Tract B. Be advised that the Land Use Department will not recommend approval of this request as we currently understand it.

Land Use Department staff would be happy to meet with you again to answer any further questions. Please contact the Case Manager, Daniel Esquibel, at 955-6587 or at daesquibel@santafenm.gov if you wish to arrange a meeting.

Sincerely,



Matthew O'Reilly, P.E., Director
Land Use Department

Cc: David R. Segers, Vistancia LLC
R.B. Zaxus, P.E., City Engineer for Land Use
Tamara Baer, Manager, Current Planning Division
Daniel Esquibel, Land Use Senior Planner
Edward Vigil, Property Manager



City of Santa Fe, New Mexico

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

David Coss, Mayor

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Rosemary Romero, Dist. 2

Miguel M. Chavez, Dist. 3

Carmichael A. Dominguez, Dist. 3

Matthew E. Ortiz, Dist. 4

Ronald S. Trujillo, Dist. 4

May 25, 2012

Mr. Jon Paul Romero
Southwest Designs, LLC.
12 Feather Catcher Road
Santa Fe, NM 87501

Re: Villas de Toscana

Dear Mr. Romero,

The City of Santa Fe wishes to bring to your attention the following infractions and violations on the Villas de Toscana project. These items must be corrected immediately.

1. • There are two areas where construction has left vertical cut slopes that require immediate stabilization. The first area is adjacent to the "Tot lot," and the second is adjacent to Viale Court and lot 62.
2. • The Trail system specification calls for treatment with a "pre-emergent herbicide containing Trifluroline immediately prior to placement of base course" and 2" of asphalt pavement. Please provide certification that the herbicide was applied, and provide a schedule for the paving of the trail. Crusher fines are not acceptable per the approved plans. There is an additional trail built within City Right Of Way that is not shown on the approved plans. This trail may be left in place but shall not be maintained or improved without proper documentation and permissions from the City of Santa Fe.
3. • The tot lot detail says to "Preserve all trees within the playground area". Our research indicates that there were four evergreen trees removed that should be replaced.
- A. • The landscaping and irrigation system must be inspected and approved by the City of Santa Fe Parks Department, as they will be the entity responsible for maintenance once the development is approved
- S. • The erosion protection at the arroyo crossings has failed and requires corrective measures to ensure that the erosion protection functions as intended.

EXHIBIT _____



6. • We require a letter of completion from PNM as documentation that the street lights have been accepted by them and are functioning.
7. • Several sanitary sewer manholes are below the current base course grade at the private drive extending from Viale Cetona. These manholes must be raised to grade, the base course cut to match the manhole grades or backfill the manholes with base course.
8. • All signage must be installed to meet current standards of the City of Santa Fe's Traffic Division.
9. • A third, unapproved monument sign has been installed on City property and must be REMOVED. Alternatively, your client may go through proper channels to apply for a variance for this sign.

Several of the above items involve UNAUTHORIZED construction that is in violation of the approved plans. Unapproved construction will not be accepted. All proposed changes must be approved by the Technical Review Division prior to construction.

Please contact me at 955-6641 if you have questions or want to discuss.

Sincerely,



Risana B "RB" Zaxus, PE
City Engineer for Land Use
City of Santa Fe

cc: Morey Walker, Walker Engineering
Tamara Baer, Planner Manager
Jon Griego, Land Use Compliance Officer
Technical Review Division construction file

May 6, 2009

Mr. Roger Hunter
300 Paseo De Peralta # 100
Santa Fe, NM 87501

SUBJECT: Villas De Toscana -- Infrastructure Pre- final Inspection

Dear Roger:

On April 29, 2009, a walk-through of the subject project was completed with the objective of identifying the completeness of construction with respect to the approved plans, City Land Development Code requirements, and standard engineering/construction practice.

Observations of issues needing attention are defined in the attached Exhibit A. Upon completion of Exhibits A, please call to arrange for a final inspection of the subject project. Failure to arrange for such an inspection within six (6) weeks from the date of this letter will necessitate a second pre-final inspection. Time is of the essence.

Those items detailed in Exhibit B are typical items of concern by the City.

Completion of these items affect the release of monies from the financial guarantee.

Should you have questions, please call me at 505-955-6516.

Sincerely,

Jon L. Griego
City of Santa Fe
Land Use Compliance Officer

Enclosure(s): Exhibit A -- Work items to be addressed
Exhibit B -- Closeout package checklist

CC: RB Zaxus, City Engineer for Land Use
Charlie D. Gonzales, Technical review Coordinator
William Moore, Engineer Technician Senior
File: Villas De Toscana construction file

EXHIBIT _____

Exhibit A

Pre-Final Observations for Villas de Toscana Development TRD Construction File: Villas de Toscana

- 1.) Complete Landscaping and revegetation.
- 2.) Sidewalk installation to be finished
- 3.) S.W.P.P.P. BMP's to be maintained.
- 4.) Finish installation of Rip-Rap
- 5.) Clean out all stormwater surface storage ponds
- 6.) Wastewater final to be completed per Douglas Flores, WWMD (505)-955-4613
- 7.) Adjust sanitary sewer manholes to grade and install collars at the access road at the SW corner (Viale Court) per WWMD requirements, contact Douglas Flores
- 8.) Install retaining wall at SW corner (Viale Court).
- 9.) Provide approximately 2' fill of lots, at SW corner (Viale Court).
- 10.) Provide a Type III at End of (Viale Court) SW Corner.
- 11.) Provide City of Santa Fe sanitary sewer lids on all public sanitary sewer, contact Douglas Flores
- 12.) Finish Backfill between sidewalk and curb to within 1" of top of curb
- 13.) Cut Expansion Joints Flush with sidewalk to eliminate a trip hazard
- 14.) Re-Install Stop Sign at the private road at the SE Corner.
- 15.) Provide guard rail at the C.B.C's at both arroyo crossings.
- 16.) Tie in Trails to Curb Ramps
- 17.) Propose a solution to the erosion at ends of the retaining walls.
- 18.) Remove and replace sidewalk, East of mailboxes including curb ramp on Viale Cetona.
- 19.) Complete striping in Parking Lot adjacent to Viale Cetona.
- 20.) Install type III barricade at end of Viale Cetona (See plans for location)
- 21.) Propose a solution to the drainage crossing Viale Cetona towards the Arroyo at the curve in the road.

Villas Di Toscana

January 18, 2011

While this list is not totally inclusive of all remaining items within the development, it is complete enough to give you an idea of what is left to complete

1. There is approximately 20' of standing water and mud at the east side of the west entrance that will need to be corrected.
2. Fill slopes shall be 3:1 or flatter or stabilized as approved by the City Engineer for Land Use.
3. Cut slopes shall be 2:1 or flatter or stabilized as approved by the City Engineer for Land Use.
4. Provide fall protection at the Box Culverts.
5. Revegetate or otherwise stabilize all disturbed soil surfaces.
6. Complete sidewalks.
7. Install inverts in all drop inlets.
8. All curb ramps, sidewalks and driveways shall meet current ADA standards.
9. Provide letters of completion from all utility companies.
10. Stabilize erosion problems throughout the development.
11. Provide curb ramps at all "Tee" intersections to allow pedestrian traffic to cross the street at these intersections.
12. The valley gutter at Viale Tresana / Viale Sera Vezza is holding water and must be corrected to make it drain.
13. Provide fall protection at the CMU walls along the west Arroyo.
14. Maintain BMP's and dispose of a plastic covered barrel with what appears to be a petroleum based product inside.
15. Stabilize the Vertical cuts at Viale Court / Viale Tresana and at the staging area (yard).
16. Adjust Manhole in Viale Court per the direction of the Wastewater Management Division inspector.
17. Clean Graffiti or replace the stop sign at Viale Court / Viale Tresana.
18. Connect existing trails to new curb ramps.
19. Clean up of the entire site, remove debris and construction materials.
20. Re-install disturbed water meter cans per the direction of Sangre de Cristo Water Division.
21. Cut the exposed reinforcing steel at the rear wall of the corner lot at Viale Tresana / Viale Centona and protect the exposed ends from corrosion.
22. Provide signing and striping as per approved plans.
23. Provide warranty funds in the amount of 10% of the original letter of credit / Engineers estimate amounts.
24. Renew or re apply for infrastructure and grading permits as required by the Building Permit Division.

EXHIBIT _____

March 7, 2013
Planning Commission
Case # 2012-109

**VILLAS DI TOSCANA DEVELOPMENT
PLAN AMENDMENT**

EXHIBIT C

Developer correspondence response to May 25, 2012 city letter

SouthWest Designs, LLC

Planning, Land Development, Project Management and Construction Management

Phone (505) 690-3415 cell.

12 Feather Catcher Road

Santa Fe, NM 87506

July 20, 2012

Risana B Zaxus, PE
City of Santa Fe Land Use Department
City of Santa Fe
200 Lincoln Avenue, 87504
City of Santa Fe

RE: Response Letter for Villas Di Toscana Subdivision

RB, this is an update and response to the letter dated May 25, 2012 that was sent to me for the Villas Di Toscana subdivision. As you know we have been working diligently to address all of the cities concerns. Below is an update on the items that were listed in the letter.

1. The two areas that were addressed in the letter where prior construction activities took place during the grading and earthwork phase (2007) that has left vertical cuts on lot 3 and lot 62 will be corrected at the time of home construction. David Pike (City Storm Water manager) has visited the site and has indicated that these areas are stable and do not pose any immediate problems. We have applied for a new NOI based on the new EPA regulations (see attached PDF) as mandate.
2. The trail system calls for treatment with pre-emergent, this was done in May of 2012, see attached specification sheet (pdf). As for the trail that is currently in the Camino Carlos Rey right-of-way, this was built prior to having written approval from the city, but was discussed several times in meetings with the City Land Use staff and the city engineer (Eric Martinez). We will be happy to comply with the necessary application process need to gain acceptance. The trail is providing a great connection to pedestrians in the area and is getting a lot of use from the surrounding neighborhoods.
3. Preserve all trees within the tot lot area, the tree were removed in the initial grading and earthwork phase (2007) prior to the new owner taking over this project. The development has planted 15 new trees in this area and has seeded the area. The area is currently water thru the irrigation system and the area is green and growing well. As per comment from the Parks and Recreation Department. We believe that the newly planted trees in the area enhance the development and the tot-lot.
4. The landscaping and irrigation system was inspected by the City Parks and Recreation Department on July 11, 2012 and accepted per Chris Ortiz, see e-mail.
5. The erosion protection (wire enclosed rip-rap blankets) in the arroyo; after inspection with the engineer of record (Morey Walker, PE # 12105), we feel the term failed is a bit harsh, we know that the erosion control wire enclosed rip-rap blankets on the downstream end of the 2 concrete box culverts have erosion on the sides of the rip-rap blankets, we intend to do some preventive maintenance to help stabilize the wire enclosed rip-rap blankets to better handle run-off in the arroyo channel.

EXHIBIT _____

6. The street lights are back on and functional (blown fuse). PNM acknowledges that they have inspected the light and I am working with PNM staff to obtain a letter from PNM on this issue of a letter to the city accepting the street light.
7. Sanitary Sewer manholes; On February 29, 2012 the City of Santa Fe, Wastewater Department accepted the entire system and did not have any issues with the manhole along Vaile Cetona, as this section of street is denoted as a private drive on the recorded development plat.
8. The remaining traffic control devices (2 stop signs and 1 speed limit sign) have been ordered, as soon as we receive delivery we will have then installed.
9. The intent for the development is to only have the 2 approved monument signs, however we would like to relocate one of the entry monument signs at the first entrance to the north east corner so that it is more visible and more attractive for the development and will help to promote better marketing the sale of new homes within the subdivision. At no time do we intend to have 3 monument signs. We do want to make application to place an 8ft.x16ft sales sign along the right-of-way facing traffic along I-25, so I would like to schedule a meeting with the appropriate city staff to start the process.

As stated in previous e-mail to city land use staff, the developer would like to start the process and make application to have the subdivision remain private. The developer is willing to take the responsibility for maintaining the street, sidewalks and landscaping and to relieve the city from these responsibilities. The developer is also aware that an ENN meeting will need to be held as part of this process.

I want to thank the city staff that has worked with the new owners to achieve the necessary requirements so that new homes can be built within the Villas Di Toscana subdivision. I would request that a meeting be scheduled so that we can continue the process of making the development owner maintained. If you have any questions please feel free to call me at (505) 690-3415. Thank you.

Sincerely,

Jon Paul Romero
President & General Manager

Xc: Morey Walker, PE
Jon Griego, COSF
Matt O'Riley, COSF
Ronie Trujillo, COSF
Project File

March 7, 2013
Planning Commission
Case # 2012-109

**VILLAS DI TOSCANA DEVELOPMENT
PLAN AMENDMENT**

EXHIBIT D

Annexation Agreement

1
2 **ANNEXATION AGREEMENT**

3 **CARLOS REY DEL SUR**

1171670

4 **ANNEXATION AGREEMENT ("Agreement")** by and between the City of Santa Fe,
5 New Mexico, a New Mexico municipal corporation (the "City"), on the one hand, and John
6 Newton Eddy, an unmarried person, Joseph Edward Brosseau, a married person, and Roberta
7 M. Brosseau, the spouse of Joseph M. Brosseau, joining to this Agreement pro forma (all
8 such persons, collectively, the "Landowner"), on the other hand, as of November 30, 1994.

9
10 **RECITALS**

11 A. Landowner owns certain real property (the "Property") situated in Santa
12 Fe County, New Mexico, consisting of approximately 51.625 acres (+/-), being situated in
13 Section 10, T.16 N, R.9E N.M.P.M., as more fully described in the Annexation Plat attached
14 to this Agreement as Exhibit 1 (the "Annexation Plat").

15 B. Landowner desires, and the City agrees, to annex the Property to the
16 City subject to, and upon, the terms and conditions of this Agreement.

17 C. Landowner desires to develop the Property and the City agrees to the
18 development of the Property subject to, and upon, the terms and conditions of this
19 Agreement.

20 **AGREEMENTS**

21 **NOW, THEREFORE,** in consideration of the mutual covenants and conditions
22 contained in this Agreement, and for other good and valuable consideration, the receipt and
23 sufficiency of which are acknowledged by the parties, the parties agree as follows:

EXHIBIT _____

1. ANNEXATION.

171671
1.01. Annexation Plat. Landowner represents that the Annexation Plat was prepared in accordance with, and complies with, Section 14-9.6 Santa Fe City Code (1987) as amended (the "Code").

1.02. Annexation of the Property to the City. As of the Effective Date (as defined below), the Annexation Plat will be executed on behalf of the City and filed with the City, whereupon the Property will be deemed annexed to the City and will lie within the municipal boundaries of the City.

2. MASTER PLAN.

2.01. Master Plan Submittal. A master plan for the Property is attached to this Agreement as Exhibit 2 (the "Master Plan"); and the parties acknowledge and agree that the Master Plan is part of the Preliminary Development Plan (as defined below) for the Property. In addition to the Master Plan, the Landowner has made such other submittals as the parties deem necessary or appropriate to comply with Section 14-9.6 of the Code. By executing this Agreement, the City approves the Master Plan as and for the master plan for the Property.

2.02. Density; Restriction on Resubdivision of Property Lots. Without limiting any other provision of this Agreement, the Property is master planned so that the Property will be divided into no more than one hundred and thirty-three (133) residential lots and one (1) nonresidential lot (the "Tank Lot") for the purpose of housing a six million gallon water tank (the "Tank"). No further division of any lot on the Property shall be permitted. The master plan for the Property is in accordance with the City's General Plan,

1 "Plan 83" (the "General Plan"). However, the General Plan calls for a density in the
2 particular zone where the Property is situate of 1-4 dwelling units per acre. The parties
3 agree that the densities contemplated by the master plan for the Property calls for a density
4 of approximately 2.6 dwelling units per acre.

5 2.03. Arroyo Open Space. Although not required by the City as a condition
6 to the annexation effected by this Agreement, Landowner represents that the area on the
7 Annexation Plat demarcated as "ARROYO" and "100 YEAR FLOOD PLAIN AS DEFINED BY
8 RED MOUNTAIN ENGINEERING" (the "Arroyo Open Space") shall be deeded to, or subject
9 to a conservation easement or conservation trust for the benefit of, a nonprofit, tax-exempt
10 entity to be selected by Landowner (the "Nonprofit"); and that the purpose of such deed,
11 easement or trust shall be to preserve and protect the Arroyo Open Space as open space for
12 the public benefit. Prior to deeding the Arroyo Open Space to the Nonprofit or placing a
13 conservation easement or trust on the Arroyo Open Space, the Landowner acknowledges
14 that the Landowner has agreed to, and shall, make improvements to the Arroyo Open Space,
15 which improvements shall consist of a six (6) foot asphalt hike and bike trail constructed to
16 City standards, installation of signs at the trail's beginning and end noting length of trail,
17 installation of benches in small turn-outs along the trail, removal of all trash from the Arroyo
18 Open Space, including dead vegetation and trimming of trees, and construction of a tot lot
19 at the end of the southeastern-most cul-de-sac of the Arroyo Open Space. In addition, prior
20 to deeding the Arroyo Open Space to the Nonprofit or placing a conservation easement or
21 trust on the Arroyo Open Space, the Landowner will dedicate an easement throughout the
22 Arroyo Open Space to the City for the purposes of drainage (the "Drainage Easement"). The

1 legal metes and bounds description of the Drainage Easement shall be provided by the
2 Landowner as part of the final development submissions for the Property. The parties
3 acknowledge and agree that these improvements for the Arroyo Open Space were not
4 required by the City; but, rather, are part of the transaction between the Landowner and the
5 Nonprofit.

6 3. **REZONING AND DEVELOPMENT OF THE PROPERTY.**

7 3.01. **Rezoning of the Property.** On the Effective Date, the Property will be
8 rezoned R-3/PUD, as provided in the Code. The Master Plan for the Property will reflect
9 this zoning status and, as indicated on Exhibit 2, includes the addition of five (5) lots in the
10 patio home area of the development of the Property.

11 3.02. **Final Development Plan.** The Landowner will timely make all
12 submittals to the City required by Section 14-30.10 of the Code for the final development
13 of each phase (as approved by City Planning Commission and staff) of the development of
14 the Property (such submittals, the "Final Development Plan"). If the Final Development Plan
15 for a particular phase of the development of the Property conforms to the requirements of
16 the Code, the City will approve the Final Development Plan so long as the Final
17 Development Plan substantially conforms to the preliminary development plan for the
18 Property, including any conditions with respect to the preliminary development plan
19 approval (such plan, subject to such conditions, the "Preliminary Development Plan"), and
20 to the other terms and conditions of this Agreement, and so long as the following conditions
21 are satisfied with respect to the Final Development Plan:

22 a. **Traffic Report - Camino Carlos Rey and Plaza Verde.** Upon

1 submission of the Final Development Plan, the Landowner shall submit to the City traffic
2 reports that are sufficient in nature and scope to permit the City's traffic engineer to assess
3 the need for a traffic signal or 4-way stop at Camino Carlos Rey and Plaza Verde. If the
4 City's traffic engineer determines that such traffic signal or 4-way stop is required, the
5 Landowner will amend the Final Development Plan to reflect the addition of a traffic signal
6 at the appropriate intersection. The City acknowledges that it has received a traffic report
7 from the Landowner and that, as of the date of the recordation of this Agreement no further
8 submissions by the Landowner are required to comply with this subsection.

9 b. **Pro Rata Sewer Construction Payment.** Upon submission of the Final
10 Development Plan for the first phase of the Property to be developed, the Landowner shall
11 pay to the City the Landowner's pro rata share of the costs to construct the Arroyo Chamiso
12 sewer, which pro rata share is determined to be twenty-five thousand, three hundred and
13 eighteen dollars (\$25,318.00).

14 c. **Covenants.** Upon submission of the Final Development Plan for the
15 first phase of the Property to be developed, the Landowner shall submit to the City
16 covenants, conditions and restrictions that bind the Property ("Covenants"), which Covenants
17 shall provide, among other things, for (i) restrictions on building heights, other than on the
18 Tank Lot (as defined below), (ii) a prohibition of the drilling of wells on any residential lot
19 within the Property, (iii) setbacks, and (iv) preservation of vegetation in rear yards along Villa
20 Caballero III. The City shall have thirty (30) days to review the Covenants. The Landowner
21 will make such modifications to the Covenants as reasonably requested by the City. This
22 condition will be deemed satisfied once the Landowner produces a set of Covenants that

1 is in recordable form and that is approved by the City.

1171675

2 The Final Development Plan for each phase of the development of the
3 Property will be reviewed and, as appropriate, approved by the City's Planning Commission.

4 3.03. Conditions to Development. Each of the following conditions shall be
5 satisfied with respect to the Property, either by actually being performed on the Property
6 prior to the submission of the Final Development Plan for the relevant phase of the Property
7 or being incorporated into the Final Development Plan for the relevant phase of the
8 development of the Property as a condition to such development:

9 a. Wooden Power Poles. The wooden power poles at the north end of
10 the Property shall be removed by the Landowner prior to, or contemporaneously with, the
11 construction of roads and infrastructure for the 68 single-family detached home lots within
12 the Property. The City acknowledges that, as of the date this document is recorded, the
13 Landowner has removed the wooden power poles.

14 b. Chain Link Fence. The Landowner shall install a green vinyl-covered
15 chain link fence along the eastern boundary of the Property.

16 c. Buffering of Camino Carlos Rey. The Landowner shall provide
17 buffering of Camino Carlos Rey in accordance with Section 14.57 of the Code to screen
18 the proposed development from the street and to diminish the effects of street noise on the
19 development" of the Property. The Landowner shall construct a pilaster and wooden fence,
20 with dimensions of no more than twelve feet (12') on center, along Camino Carlos Rey from
21 the northern boundary of the Property to the Governor Miles Road Intersection, and shall
22 identify the type of treatment south of Governor Miles Road as part of the final development

1 plans for the affected phases of the Property.

1171676

2 d. **Barricade.** A barricade shall be installed at the end of the paved
3 section of Governor Miles Road.

4 3.04. **Subdivision of the Property.** In accordance with Section 14-30.10 of
5 the Code, once the conditions set forth in this Agreement are satisfied, the Final
6 Development Plan for a particular phase of Final Development Plan shall also be the final
7 subdivision plat for the Property and shall have the effect of subdividing the Property into
8 those lots indicated on the Final Development Plan. Accordingly, once the conditions set
9 forth in this Agreement are satisfied, the City shall execute the Final Development Plan or
10 the relevant portion of the Final Development Plan for a particular phase of the
11 Development of the Property and the same shall be filed with the City and the County of
12 Santa Fe, New Mexico, as required, to subdivide the Property and create as legal lots of
13 record those lots designated on the relevant Final Development Plan.

14 3.05. **City Sewer.** The parties agree that the Property will be served by City
15 sanitary sewer service. The Landowner shall have the right to connect to the sewer lift
16 station in the Pueblos del Sol development, provided that such connection does not occur
17 prior to completion of the relief sewer line to be constructed south of the Villa Linda Mall;
18 which shall be constructed by the City within a reasonable time. Once the Arroyo Chamiso
19 sewer line is constructed up to the Pueblos del Sol lift station, the Landowner shall connect
20 to the gravity-flow sewer line and discontinue use of the lift station.

21 4. **CITY SERVICES.**

22 4.01. **Fire and Police Protection.** Fire and police protection of the

1 development on the Property will be provided by current existing City police and fire
2 department facilities and personnel. The Landowner shall install three-way fire hydrants
3 within five-hundred feet (500') travel distance of all lots on the Property.

4 4.02. Refuse. Refuse disposal services shall be provided to the development
5 on the Property in accordance with applicable City ordinances.

6 4.03. Water Services. As a condition of development of the Property, the
7 Landowner agrees to connect the proposed development on the Property to and service the
8 development on the Property via the water delivery system owned by the Water Company
9 or its successor using dedicated easements; and the Landowner shall extend the water main
10 through the Property as required by the Water Company and the City. The Landowner shall
11 reserve easements throughout the Property as shown on the Preliminary Development Plan
12 for the Property to insure the water lines can be built accordingly throughout the Property.
13 The Landowner agrees that no well shall be drilled on the Property and no water rights shall
14 be transferred to permit a diversion of water from the Property after the date of this
15 Agreement.

16 4.04. Storm Water, Waste Water Collection and Sewer Service. Prior to
17 construction of residences within the Property, the Landowner shall construct storm water
18 improvements as shown on the engineering plans that are part of the Final Development
19 Plan(s) for the Property and domestic waste water improvements to serve Property in
20 accordance with the Code. A portion of the Arroyo Open Space may be used for storm
21 water drainage purposes pursuant to the terms of the Drainage Easement.

22 5. ON-SITE INFRASTRUCTURE.

1 5.01. Streets and Other Rights of Way.

1171678

2 a. Compliance with City Standards. All streets and roads within the
3 Property will be designed and constructed to conform to current City standards and
4 specifications and shall be dedicated to the City upon completion of the construction of the
5 street or road. The appropriate dedication language for streets and roads within the Property
6 shall appear on the plat that is part of the Final Development Plan(s) for the Property.

7 b. Street Construction Cost. Each street, road, and trail within the
8 Property shall be constructed at the Landowner's expense.

9 c. Camino Carlos Rey. A forty-three (43') foot right-of-way through the
10 Property for the extension of Camino Carlos Rey to Interstate 25 shall be dedicated to the
11 City. Camino Carlos Rey shall be improved at its current cross section and extended up to
12 the intersection with Governor Miles Road.

13 d. Governor Miles Road. A right-of-way width of sixty-six (66') for
14 Governor Miles Road shall be dedicated to the City.

15 e. Governor Miles Dead-End. The eastern dead-end on Governor Miles
16 Road shall be dedicated to the City and left in its natural state.

17 f. Direct Vehicular Access from Property. ~~No lot within the Property~~
18 shall have direct vehicular access to Camino Carlos Rey or Governor Miles Road.

19 5.02. Financial Guarantees. All improvements that are required to be
20 constructed within the Property pursuant to this Agreement or the Final Development Plan
21 for the Property shall be undertaken in accordance with the provisions of the Code in effect
22 as of the Effective Date. When completed in accordance with the specifications required

1 under the Code or imposed by the City as a condition of approval, said improvements shall
2 be dedicated to the City for its use in perpetuity; and the filed plat that is part of the Final
3 Development Plan for the Property will contain appropriate dedication language. As a
4 prerequisite to the recording of the Final Development Plan for any phase of the Property's
5 development, the Landowner shall provide a letter of credit or other financial guarantee
6 acceptable to the City, for the construction of improvements to the Property as part of the
7 phase to which the particular Final Development Plan relates to the extent City policy or
8 the Code requires financial assurances for such improvement or, in the alternative, the
9 Landowner shall have constructed the required improvements to the Property in accordance
10 with the Code. The amount of the financial guarantee shall be based on a certified
11 engineer's estimate and both the amount of financial guarantee and the certified estimate
12 shall be acceptable to the City.

13 5.03. Underground Utilities. The Property shall be served only with
14 underground utilities.

15 6. Archeological Review Ordinance. Prior to the Effective Date, the Landowner shall
16 comply, and the Property shall be in compliance, with Section 14-75 of the Code. The City
17 acknowledges and agrees that as of the date of the recording of this Agreement, the
18 Landowner has complied with the Archeological Review Ordinance with respect to the
19 Property.

20 7. Impact Fees. The Landowner agrees to pay impact fees as required by the Code as
21 in effect on the Effective Date. Impact fees will not be assessed on the Affordable Lots.

22 8. Miscellaneous.

1 8.01. Effect of Agreement. The parties acknowledge and agree that this
2 Agreement runs with the land and binds the Property, including the development and use
3 of the Property, in perpetuity.

4 8.02. Assignment. Subject to Section 9.01, the Landowner, in the
5 Landowner's discretion, may assign this Agreement or specific obligations under this
6 Agreement to the successor owner of the Property, another developer of the Property, or to
7 an association of owners of the Property. Any assignees shall be bound to the terms and
8 conditions of this Agreement to the same extent that the Landowner is bound. Nothing in
9 this Agreement precludes the Landowner from transferring all or a portion of the Property
10 to a third-party provided such transfer is made subject to the terms and conditions of this
11 Agreement.

12 8.03. Captions. The captions and paragraph headings of this Agreement are
13 not necessarily descriptive, or intended or represented to be descriptive, of all the provisions
14 thereunder, and in no manner shall such captions and paragraph headings be deemed or
15 interpreted to limit the provisions of this Agreement.

16 8.04. Further Assurances. Each of the parties agree to take all such actions
17 and to execute and deliver all such documents as may be necessary or appropriate to give
18 effect to the terms and conditions of this Agreement.

19 8.05. Severability. If any provision of this Agreement, or the application of
20 such provisions to any person or circumstances, shall be held invalid or voided by a court
21 of competent jurisdiction, the remainder of this Agreement, or the application of such
22 provisions to persons or circumstances other than those to which their application is held

1 invalid or voided, shall not be affected by such invalidation or voiding.

2 8.06. No Waiver. No waiver of a breach of any of the covenants contained
3 in this Agreement shall be construed to be a waiver of any succeeding breach of the same
4 or any other covenants.

5 8.07. Jurisdiction; Governing Law. The parties agree that this Agreement will
6 be executed and performed by them in Santa Fe County, New Mexico, and that this
7 Agreement shall be governed by, and construed in accordance with New Mexico law.

8 8.08. Binding Effect. This Agreement shall be binding upon, and inure to the
9 benefit of, the parties and their respective heirs, successors and permitted assigns.

10 8.09. Effect of Agreement. This Agreement states the entire agreement of the
11 parties with respect to the subject matter of this Agreement. The provisions of this
12 agreement shall be severable and may be modified only in writing. This Agreement shall
13 not relieve the Landowners from complying with present or future City ordinances; duly
14 adopted resolutions or regulations applicable to the development.

15 8.10. Amendments; Approvals. Any amendments to this Agreement shall be
16 reviewed by the City's Planning Commission and sent to the City Council for approval as
17 appropriate.

18 8.11. Effective Date. As used in this Agreement, the term "Effective Date"
19 means the date on which this Agreement is executed and delivered by all parties to this
20 Agreement and recorded in the records of Santa Fe County, New Mexico.

21 IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as
22 of November 30, 1994.

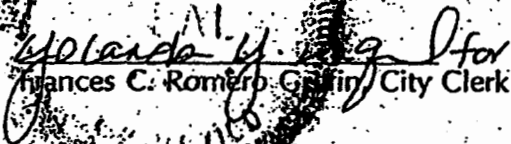
CITY:

1171682


CITY OF SANTA FE


Mayor Debbie Jaramillo

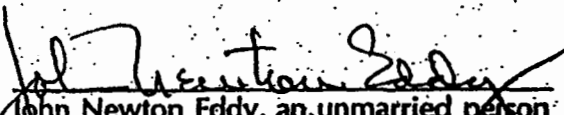
Attest:

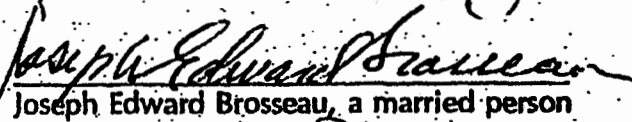

Frances C. Romero Griffin, City Clerk


Approved as to form:


MaryLiz A. Geffert, Deputy City Attorney

LANDOWNER:


John Newton Eddy, an unmarried person

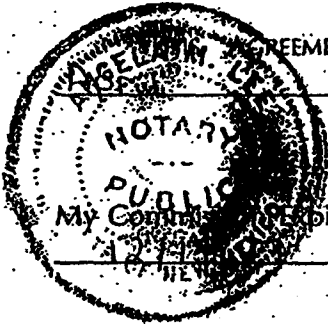

Joseph Edward Brosseau, a married person


Roberta M. Brosseau, executing pro forma,
as the spouse of Joseph Edward Brosseau

ACKNOWLEDGEMENTS

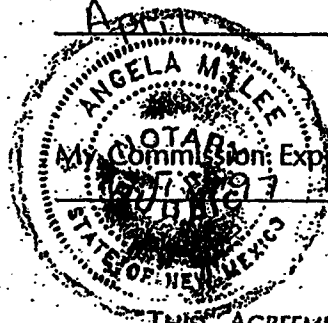
STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

1171683



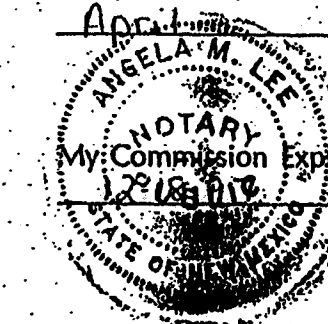
THIS AGREEMENT was acknowledged before me on this 10th day of April, 1995, by John Newton Eddy.

Angela M. Lee
Notary Public



THIS AGREEMENT was acknowledged before me on this 10th day of April, 1995 by Joseph Edward Brosseau.

Angela M. Lee
Notary Public



THIS AGREEMENT was acknowledged before me on this 10th day of April, 1995, by Roberta M. Brosseau.

Angela M. Lee
Notary Public

COUNTY OF SANTA FE
STATE OF NEW MEXICO 907,5488
I hereby certify that this instrument was filed for
record on the 8 day of June, A.D.
1995 at 3:18 o'clock P.m. and
was duly recorded in book 1101 page
670 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, NM
Delia A. [Signature]
Deputy



CITY OF SANTA FE
ADOPTION OF ORDINANCE NOS. 1994-49, 1994-50, 1994-51, 1994-52 and 1994-53

- ORD. NO. 1994-49: An Ordinance Amending Sections 10-2.3, 10-2.4 and 10-2.7 SFCC 1987 of the Noise Ordinance Regarding Exemptions and Prohibiting the Use of Retarders in the City of Santa Fe.
- ORD. NO. 1994-50: An Ordinance Restricting Truck and Truck Trailer Traffic on Valley Drive, Between Bishop's Lodge Road and Vallecita Drive.
- ORD. NO. 1994-51: An Ordinance Relating to Santa Fe, New Mexico Special Assessment District No. 38; Ratifying the Proceedings Taken in Providing for Certain Street Paving and Drainage Improvements in Such District; Providing for the Payment of the Costs and Expenses of such Improvements; Providing for the Filing of a Claim of Lien; Assessing the Cost of such Improvements Against the Tracts, Parcels and Lots of Land Benefitted by such Improvements; Providing for a Penalty for Delinquent Payments; and Declaring an Emergency. (Gonzales Road)
- ORD. NO. 1994-52: An Ordinance Annexing a Certain Tract of Land Lying Contiguous with the Santa Fe Corporate Limits Consisting of 51.625 Acres Located at the South End of Camino Carlos Rey.
- ORD. NO. 1994-53: An Ordinance Amending the Official Zoning Map of the City of Santa Fe: Changing the Classification of a Certain Area from Its Present Designation and Class of R-1 to R-3 PUD Providing an Effective Date. Property Located at the South End of Camino Carlos Rey.

Passed, Approved and Adopted this 30th day of November, 1994.

Copies of these ordinances are available in their entirety, upon request and payment of a reasonable charge, in the City Clerk's Office at City Hall, 200 Lincoln Avenue, from 8:00 a.m. to 5:00 p.m., Monday through Friday.


Frances Romero-Griffin
City Clerk

Received by Santa Fe New Mexican on

Date December 2, 1994

To be published on

December 7, 1994

By Robert Summers

New Mexican (Signature)

EXHIBIT _____

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 52, 1994

1171686

AN ORDINANCE

ANNEXING A CERTAIN TRACT OF LAND LYING CONTIGUOUS WITH THE
SANTA FE CORPORATE LIMITS CONSISTING OF ~~51.625~~ ACRES LOCATED
AT THE ~~SOUTH END OF CAMINO CARLOS REY~~

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA
FE:

Section 1. Pursuant to Section 3-7-17, NMSA 1978, the
following described land is annexed to the city of Santa Fe,
thereby extending the corporate limits:

Beginning at the northeast corner of the
southwest 1/4 of Section 10; Thence
S88°35'25"E, 1329.50 feet; Thence
S00°05'37"E, 1342.10 feet; Thence
S63°07'09"W, 691.93 feet; Thence clock-
wise on a curve with radius 11,309.11
feet and a chord of S64°59'26"W, 787.26
feet; Thence N00°01'19"W, 2020.48 feet
to the point of commencement.

Property located at the south end of Camino Carlos Rey
as shown on the plat attached hereto and referenced herein
as Exhibit "A".

Section 2. A petition has been presented to the
governing body of the city of Santa Fe requesting the
annexation of a contiguous area of land to the corporate

1171687

1 limits, which annexation is done pursuant to the provisions
2 of the agreement attached hereto and referenced herein as
3 Exhibit "B" dated November 30, 1994 between
4 the city of Santa Fe and the owner of the land sought to be
5 annexed.

6 Section 3. The petition was accompanied by a plat
7 showing the external boundaries of the land proposed to be
8 annexed and the relationship of the land proposed to be
9 annexed to the existing boundary of the municipality, as
10 well as an annexation agreement and master plan.

11 Section 4. It is in the best interest of the city of
12 Santa Fe and the owner and inhabitants of such contiguous
13 land that it be annexed.

14 Section 5. This ordinance shall be published one time
15 by title and general summary and shall become effective five
16 days after publication.

17 PASSED, APPROVED AND ADOPTED THIS 30TH DAY OF NOVEMBER,
18 1994.



24
25

Debbie Jaramillo
DEBBIE JARAMILLO, MAYOR

Frances Romero-Griffin
FRANCES ROMERO-GRIFFIN, CITY CLERK

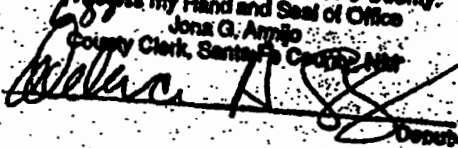
1 APPROVED AS TO FORM:

1171688

2
3 
4 MARYLIN GEFERT DEPUTY CITY ATTORNEY
5
6
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8
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10

11 /cmo
12 d94-4/CRD94-52
13
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17



COUNTY OF SANTA FE
STATE OF NEW MEXICO 907 P. 489
I hereby certify that this instrument was filed for
record on the 8 day of June A.D.
19 85 at 3:19 o'clock P.m. and
was duly recorded in book 11716 page
686 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, New Mexico

Deputy

March 7, 2013
Planning Commission
Case # 2012-109
**VILLAS DI TOSCANA DEVELOPMENT
PLAN AMENDMENT**

EXHIBIT E

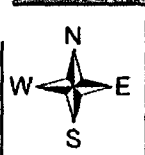
City Trail Network Overview

City Trail Network

Site

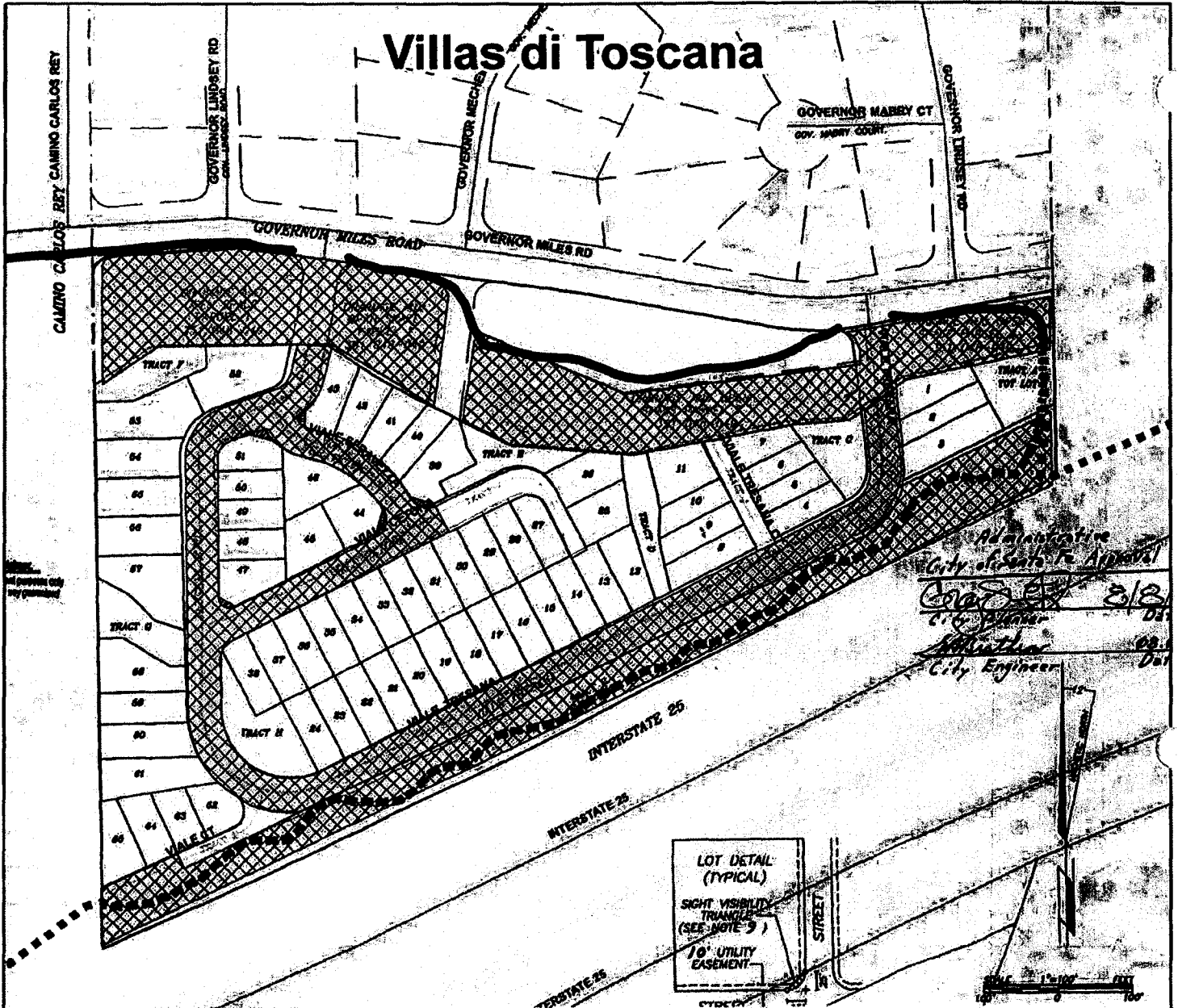
Legend

- CityTrailSystem
- CITY LIMITS
- Roads



EXHIBIT

Villas di Toscana



CITY OF SANTA FE APPROVALS

[Signature] 02.25.
SUBMISSION ENGINEER DATE

[Signature] 7/2
CITY PLANNER DATE

APPROVED BY THE SANTA FE CITY COUNCIL A
SEPTEMBER 28th, 2005, AS PRESENTED BY

[Signature]
MAYOR
[Signature]
ATTEST, CITY CLERK

Recommended for approval by
Commission at their meeting
[Signature]
Chairman
[Signature]
Secretary

Legend

..... Not constructed to standards

—— BUILT TRAILS

..... PROPOSED TRAILS

—— OTHER BUILT TRAILS

Proposed to be Maintained by HOA

Dedicated by plat & Annex. Agreement to City-Not accepted

Easement Rights deeded to City for access & utilities

City Owned Open Space

—— Roads

EXHIBIT

December 6, 2013
Planning Commission
Case # 2012-109

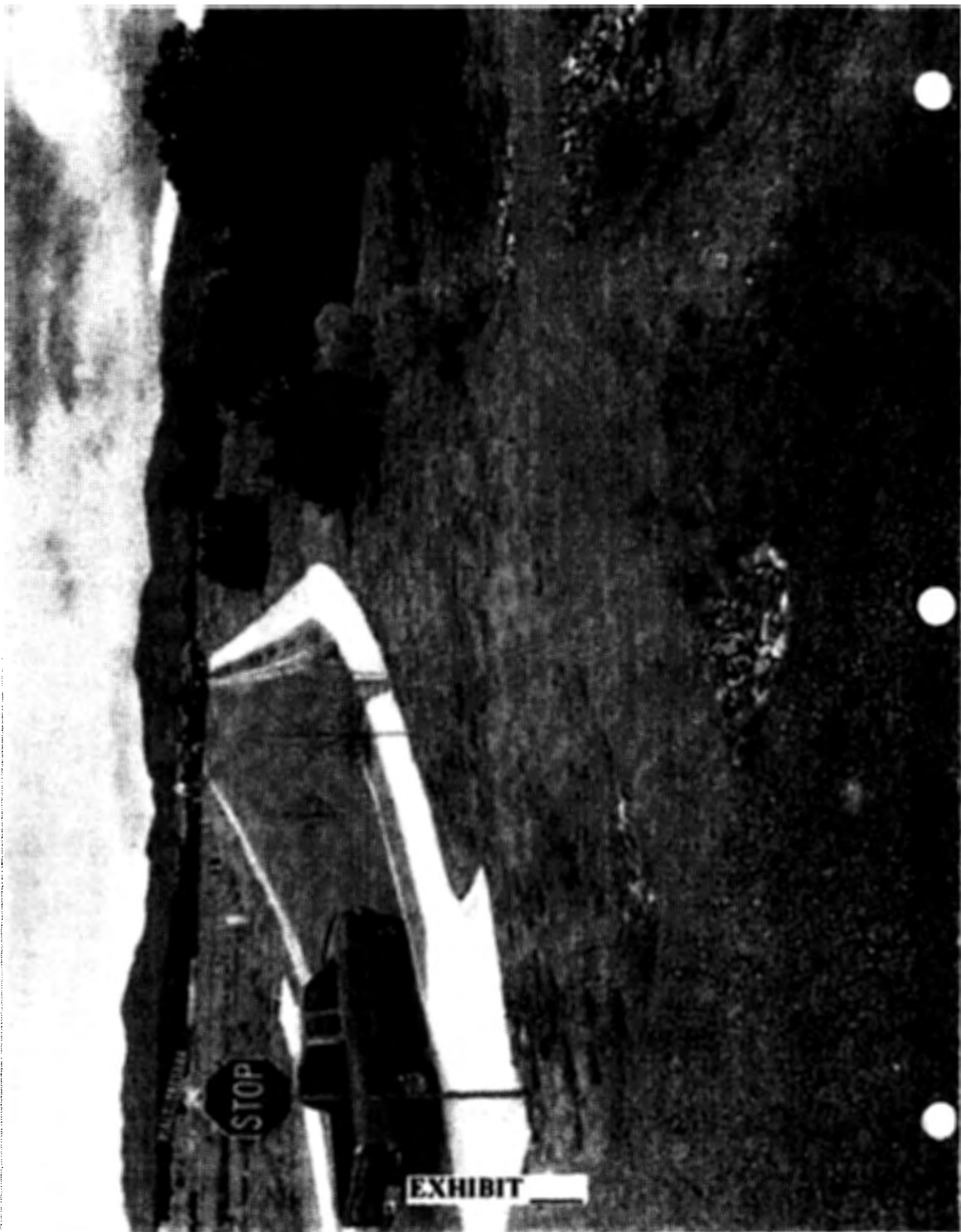
**VILLAS DI TOSCANA DEVELOPMENT
PLAN AMENDMENT**

EXHIBIT F

Trail pictures on Tract B Open Space



EXHIBIT



March 7, 2013
Planning Commission
Case # 2012-109

**VILLAS DI TOSCANA DEVELOPMENT
PLAN AMENDMENT**

EXHIBIT G

Applicant request

SouthWest Designs

Planning, Land Development, Project and Construction Management
Phone (505) 455-2151/690-3415 cell
12 Feather Catcher Road
Santa Fe, NM 87506

September 10, 2012

William Lamboy
Senior Planner
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87505

Re: Plan / Plat Amendment for Villas Di Toscana Development

Dear William,

SouthWest Designs is the agent representing the Vistancia LLC (owner) on the attached application for a plan / plat amendment for the Villas Di Toscana development.

The owner would have the following items be given back to the development for control and maintenance by the developer and HOA, streets, street lightning, landscaping and approved trails. As you know, an Early Neighborhood Notification (ENN) meeting was conducted on August 23, 2012 as per the city guidelines.

Attached as part of the submittal are following:

- Letter of Intent
- Plan / Plat Amendment Application
- ENN application and sign in sheet
- Recorded plat

If you have any questions please feel free to contact me at (505) 690-3415. Again, thank you for your attention in this matter.

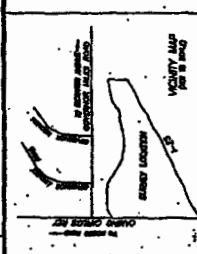
Sincerely,
Southwest Designs



Jon Paul Romero
Southwest Designs

xc: Vistancia LLC
File

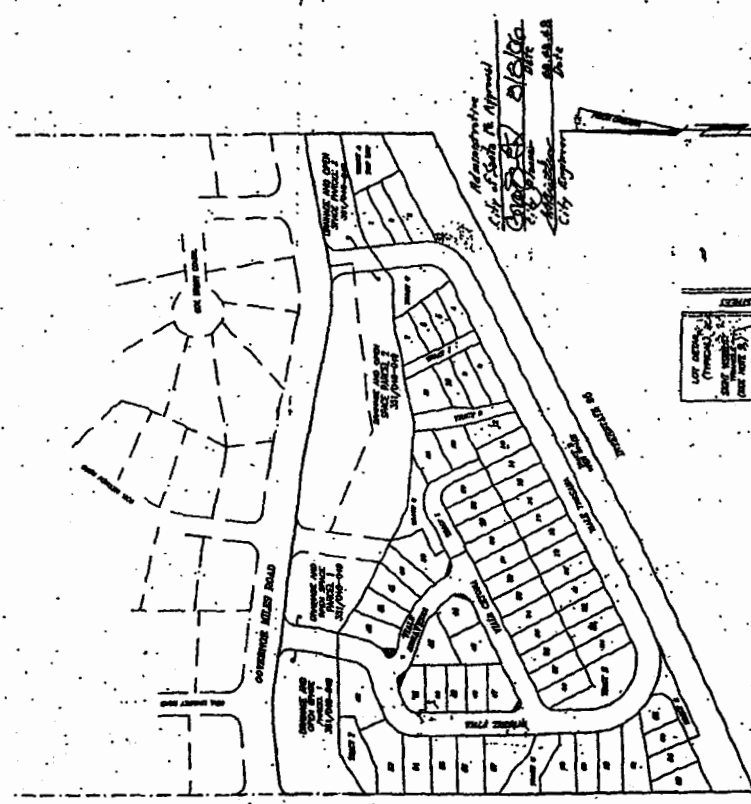
EXHIBIT _____



THE PROPERTY IS LOCATED IN THE CITY OF SANTA FE, NEW MEXICO, AND IS SUBJECT TO THE CITY'S ZONING ORDINANCES. THE PROPERTY IS ZONED FOR RESIDENTIAL USE AND IS IN CONFORMANCE WITH THE CITY'S ZONING ORDINANCES.

7-12-06
7-12-06
7-12-06

THE PROPERTY IS LOCATED IN THE CITY OF SANTA FE, NEW MEXICO, AND IS SUBJECT TO THE CITY'S ZONING ORDINANCES. THE PROPERTY IS ZONED FOR RESIDENTIAL USE AND IS IN CONFORMANCE WITH THE CITY'S ZONING ORDINANCES.



7-12-06
7-12-06
7-12-06

THE PROPERTY IS LOCATED IN THE CITY OF SANTA FE, NEW MEXICO, AND IS SUBJECT TO THE CITY'S ZONING ORDINANCES. THE PROPERTY IS ZONED FOR RESIDENTIAL USE AND IS IN CONFORMANCE WITH THE CITY'S ZONING ORDINANCES.



THE PROPERTY IS LOCATED IN THE CITY OF SANTA FE, NEW MEXICO, AND IS SUBJECT TO THE CITY'S ZONING ORDINANCES. THE PROPERTY IS ZONED FOR RESIDENTIAL USE AND IS IN CONFORMANCE WITH THE CITY'S ZONING ORDINANCES.

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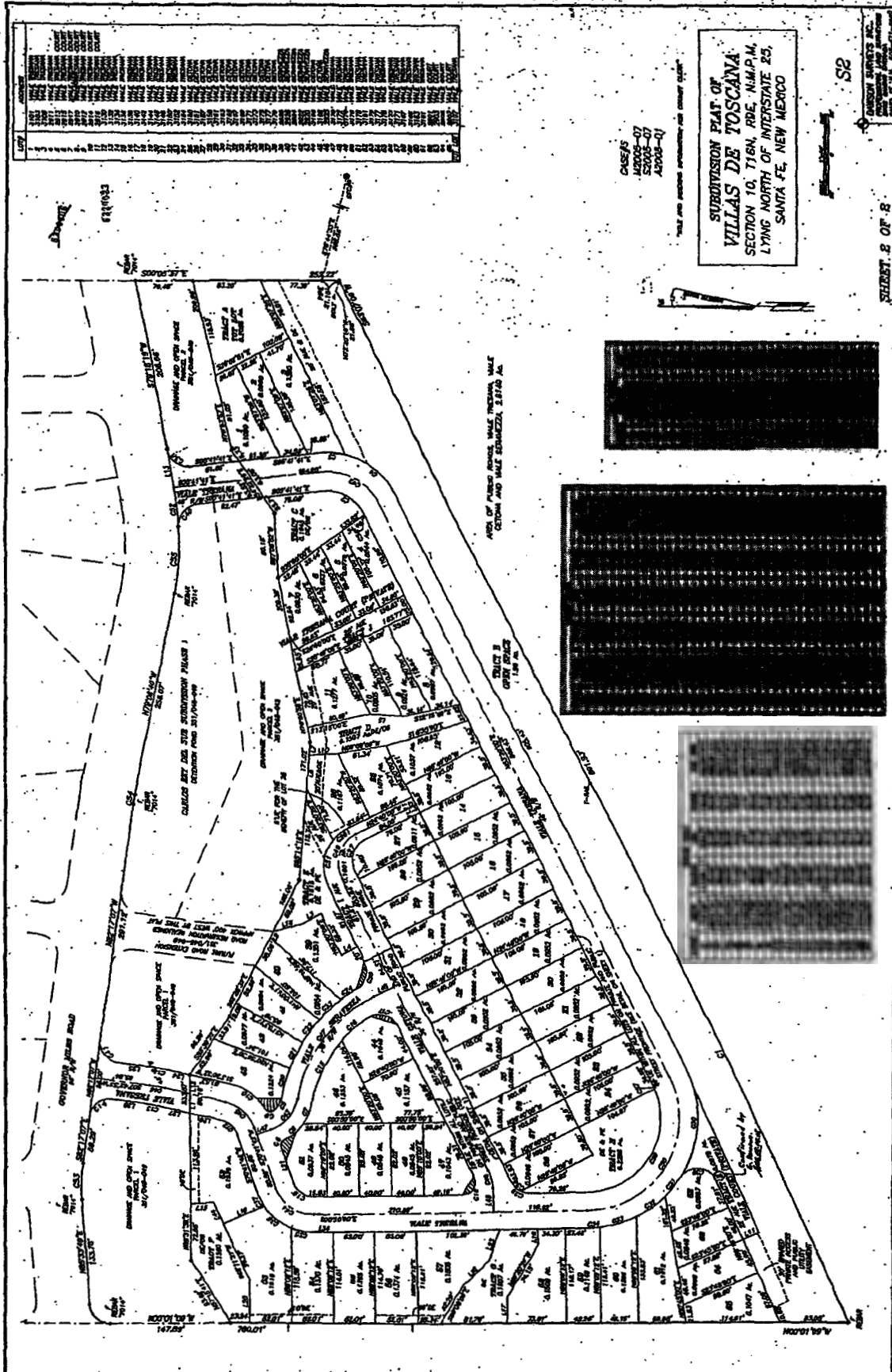
THE PROPERTY IS LOCATED IN THE CITY OF SANTA FE, NEW MEXICO, AND IS SUBJECT TO THE CITY'S ZONING ORDINANCES. THE PROPERTY IS ZONED FOR RESIDENTIAL USE AND IS IN CONFORMANCE WITH THE CITY'S ZONING ORDINANCES.

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EXHIBIT

06-98-A

NORTH OF INTERSTATE 25,
SANTA FE, NEW MEXICO

GIBSON CORP. 15, INC.
 PROTECTIVE AND SERVICE
 DIV. 15, INC. 15, INC.
 15, INC. 15, INC.
 15, INC. 15, INC.

ONE ADD NEW 214 LAMPS HOLD DOWN BY SCREWS
ON 2017



COUNTY OF HAVEN, STATE OF NEW MEXICO
I hereby certify that this assignment was made for record on the 14th day of June, 1912, at which time and place the same was approved in book 555, page 128, of the records of the County of Haven, New Mexico.

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[illegible]

March 7, 2013
Planning Commission
Case # 2012-109
**VILLAS DI TOSCANA DEVELOPMENT
PLAN AMENDMENT**

EXHIBIT H

ENN Notes



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

<i>Project Name</i>	Villas de Toscana Development Plan Amendment
<i>Project Location</i>	Located between Governor Miles Road and I-25, and east of Camino Carlos Rey
<i>Project Description</i>	Development Plan to privatize the streets, sidewalks, landscaping and lighting.
<i>Applicant / Owner</i>	Vistancia, LLC
<i>Agent</i>	John Paul Romero
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	8/23/12
<i>ENN Meeting Location</i>	3172 Viale Tresana
<i>Application Type</i>	Development Plan Amendment
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	
<i>Attendance</i>	9

Notes/Comments:

The audience consisted of 9 area residences. The applicant introduced the project and answered questions from the attendees. At the end of the meeting the applicant asked the attendees if they were for the request and it was unanimously accepted.

City of Santa Fe, New Mexico

memo

DATE: February 25, 2013 for the March 7, 2013 Planning Commission Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, Planner Manager, Current Planning Division *TB*

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

836 CAMINO VISTAS ENCANTADA VARIANCE

Case #2013-05. 836 Camino Vistas Encantada Variance. Charles Trujillo requests a variance to 14-5.6(D) to construct a dwelling unit within the Ridgetop Subdistrict of the Escarpment Overlay where development in the Ridgetop is prohibited. The property is zoned R-2 (Residential- 2 Dwelling Units per Acre). (Dan Esquibel, Case Manager)

RECOMMENDATION

The Land Use Department has found compliance to the variance criteria and recommends **APPROVAL**.

I. APPLICATION SUMMARY

The applicant is proposing to construct a dwelling unit on Lot 23 of Cerro Del Sol Subdivision located at 1200 Callejon Arias. The applicant worked with the Land Use Department for placement of the dwelling on the lot for best tree preservation.

Lot 23 is entirely within the Ridgetop Subdistrict of the Escarpment Overlay District. Cerro Del Sol Subdivision was created in 1994. In 2006, revisions to the Escarpment Ordinance prohibited post-1992 lots from developing within the Ridgetop. Therefore, a variance is required to construct the home.

II. APPROVAL CRITERIA

Santa Fe City Code 1987 14-3.16(C)(1) through (5) and, if applicable, 14-5.6(K), are required to grant a variance for construction of a dwelling in the Ridgetop (reference Exhibit A for Applicant's response to the variance criteria):

Exhibit "3"

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

- (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;**
- (b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;**
- (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or**
- (d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).**

Applicant Response:

(1) The following special circumstance applies:

- (a) Unusual physical characteristics exist because the entire lot is located within the Ridgetop Subdistrict.*
- (b) Lot 23 of the Cerro Del Sol Subdivision is a legal nonconforming lot that was approved by the City in 1994.*
- (c) The inherent conflict in applicable regulations is that there is no area outside of the Ridgetop Subdistrict on this lot. Therefore under current regulations in the Ridgetop Subdistrict this lot cannot be built on.*

Staff Response:

The applicant submittals demonstrate circumstances related to existing topography, legal non-conformity and a lot devoid of buildable area outside of the Ridgetop. These unique circumstances identify compliance with 14-3.16(C)(1) above.

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

Applicant Response:

Since there is no area outside of the Ridgetop Subdistrict on this lot there is no other feasible area to construct the single-family residence on this lot.

Staff Response:

Staff has found constraints and circumstances other than financial cost that prevent construction on the property. This constraint is provided in 14-5.6 "ESCARPMENT OVERLAY DISTRICT" Section D "Location of Structures; Buildable Site" where it states:

For all lots subdivided or resubdivided after February 26, 1992, development in the ridgetop subdistrict of the escarpment overlay district, other than driveway access and utilities, is prohibited.

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

Applicant Response:

The proposed construction will be subject to all regulations put forth in the Escarpment Overlay District and not exceed any other properties in the vicinity.

Staff Response:

There is no intensification to the underlying zoning. The area is zoned R-2 which allows for 2 Dwelling units per acre. Lot 23 is .67± acres which allows 1 primary dwelling unit on the lot. The applicant is requesting to construct only one dwelling unit on the Lot. Therefore, the intensity of development will not exceed the intensity of development that is allowed on all lots of this size in an R-2 Zoned District in the vicinity or subdivision.

- (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;

Applicant Response:

Under current regulations this property could not be used without a variance. The variance we are asking for to be granted is the only variance that will allow us to use this property.

Staff Response:

The property is located in an R-2 District which allows single family residential development. The variance request is to allow construction in the ridgetop. The code does not restrict the size of the house that can be built in compliance with another code requirements, including Terrain Management. No development could occur on this lot without a variance.

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

Applicant Response:

If the variance is granted the use of the property will be consistent with all other Escarpment Overlay District regulations.

Staff Response:

The proposal is consistent with the Very Low Density Residential General Plan Land Use Category. Additionally, the applicant has taken steps to be sensitive to the topography of the site and minimize visual impact, thereby complying with General Plan policies regarding Terrain Management and Visual Resource Conservation.

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

Applicant Response:

The variance is not contrary to the public interest because the construction of this new residence will keep with the purpose and intent of the Escarpment Overlay district as the current lot is surrounded by existing residences and will conserve the value of buildings and land in the vicinity. There will be no visual impact taken, as this lot cannot be seen from the nearest major roadway, which is West Alameda Street.

The proposed residence will keep with the permissible color, style, size and height of structures as well as all other aesthetics that are regulated under the Escarpment Overlay district. The lot currently has no steep slopes and/or drainage problems and the proposed residence will maintain and protect the mountain views and scenic vistas from the City.

Staff Response:

Staff concurs.

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

14-5.6(K) Variances

- (1) Where the planning commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations.

Applicant Response:

An extraordinary hardship exists due to that there is no area outside of the Ridgetop on this lot to build making this lot unbuildable. The construction of this new residence will keep with the purpose and intent of the Escarpment Overlay district as the current lot is surrounded by existing residences and will conserve the value of buildings and land in the vicinity. There will be no visual impact taken, as this lot cannot be seen from the nearest major roadway, which is West Alameda Street. The proposed residence will keep with the permissible color, style, size and height of structures as well as all other aesthetics that are regulated under the Escarpment Overlay district. The lot currently has no steep slopes and/or drainage problems and the proposed residence will maintain and protect the mountain views and scenic vistas from the City.

Staff Response

The applicant worked with the Land Use Staff to establish the best design, size, and placement of the residence to preserve the aesthetic beauty and natural environment and minimize visual impact on the site, especially from any public right-of-way.

- (2) **In granting variances or modifications, the planning commission may require such conditions as will, in its judgment, assure substantially the objectives of the standards or requirements so varied or modified.**

III. CONCLUSION

The applicant's design accommodates the site in a manner that is sensitive to the existing neighborhood and mitigates impact to the natural environment. The Land Use Department has determined that the requested variance to construct a dwelling unit on lot 23 is not contrary to the public interest and complies with the criteria to request a variance before the Planning Commission.

IV. EXHIBITS

Exhibit A - Applicant's Data

Exhibit B- Aerial Photo

Exhibit C- DRT and Land Use Correspondence

Packet Attachments

March 7, 2012
Planning Commission
Case # 2013-09
**836 CAMINO VISTAS ENCANTADA
VARIANCE**

EXHIBIT A

Applicant's Data

January 25, 2013

Planning Commission
City Of Santa Fe
200 Lincoln Avenue
P.O. Box 909
Santa Fe, NM 87501

Re: 831 Camino Vistas Encantada/Lot 23 Cerro Del Sol Subdivision

Dear Planning Commission:

It is our intent to obtain approval from the Planning Commission for a variance to Article 14-5.6 (D)(1) of the Escarpment Overlay District Regulations to allow for the construction of a approximate 2,500 heated square foot new single family residence at the property which is located inside the Ridgetop subdistrict of the Escarpment Overlay District. We respectfully request a variance to Article 14-5.6 (D)(1) of the Escarpment Overlay District Regulations that will meet all other Escarpment Regulations. Lot 23 is approximately .670 acres and is located in the Cerro Del Sol Subdivision which was created in 1994.

Approval Criteria:

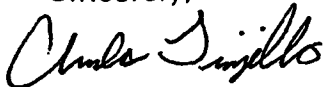
An extraordinary hardship exists due to that there is no area outside of the Ridgetop on this lot to build making this lot unbuildable.

The construction of this new residence will keep with the purpose and intent of the Escarpment Overlay district as the current lot is surrounded by existing residences and will conserve the value of buildings and land in the vicinity. There will be no visual impact taken, as this lot cannot be seen from the nearest major roadway, which is West Alameda Street.

The proposed residence will keep with the permissible color, style, size and height of structures as well as all other aesthetics that are regulated under the Escarpment Overlay district. The lot currently has no steep slopes and/or drainage problems and the proposed residence will maintain and protect the mountain views and scenic vistas from the City.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Trujillo", written in a cursive style.

Charles Trujillo

January 25, 2013

Planning Commission
City Of Santa Fe
200 Lincoln Avenue
P.O. Box 909
Santa Fe, NM 87501

Re: 8376 Camino Vistas Encantada/Lot 23 Cerro Del Sol Subdivision

Dear Planning Commission:

It is our intent to obtain approval from the Planning Commission to build a approximate 2,500 heated square foot single family residence at the property which is located inside the Ridgetop subdistrict of the Escarpment Overlay District, and respectfully request a variance to do so that will meet all other Escarpment Regulations. Lot 23 is approximately .670 acres and is located in the Cerro Del Sol Subdivision that was created in 1994.

Approval Criteria:

(1) The following special circumstance applies:

(a) Unusual physical characteristics exist because the entire lot is located within the Ridgetop subdistrict.

(b) Lot 23 of the Cerro Del Sol Subdivision is a legal nonconforming lot that was approved by the City in 1994.

(c) The inherent conflict in applicable regulations is that there is no area outside of the Ridgetop subdistrict on this lot. Therefore under current regulations in the Ridgetop subdistrict this lot cannot be built on.

(2) Since there is no area outside of the Ridgetop subdistrict on this lot there is no other feasible area to construct the single-family residence on this lot.

(3) The proposed construction will be subject to all regulations put forth in the Escarpment Overlay District and not exceed any other properties in the vicinity.

(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) Under current regulations this property could not be used without a variance. The variance we are asking for to be granted is the only variance that will allow us to use this property.

(b) If the variance is granted the use of the property will be consistent with all other Escarpment Overlay District regulations.

(5) The variance is not contrary to the public interest because the construction of this new residence will keep with the purpose and intent of the Escarpment Overlay district as the current lot is surrounded by existing residences and will conserve the value of buildings and land in the vicinity. There will be no visual impact taken, as this lot cannot be seen from the nearest major roadway, which is West Alameda Street.

The proposed residence will keep with the permissible color, style, size and height of structures as well as all other aesthetics that are regulated under the Escarpment Overlay district. The lot currently has no steep slopes and/or drainage problems and the proposed residence will maintain and protect the mountain views and scenic vistas from the City.

Sincerely,

Charles Trujillo

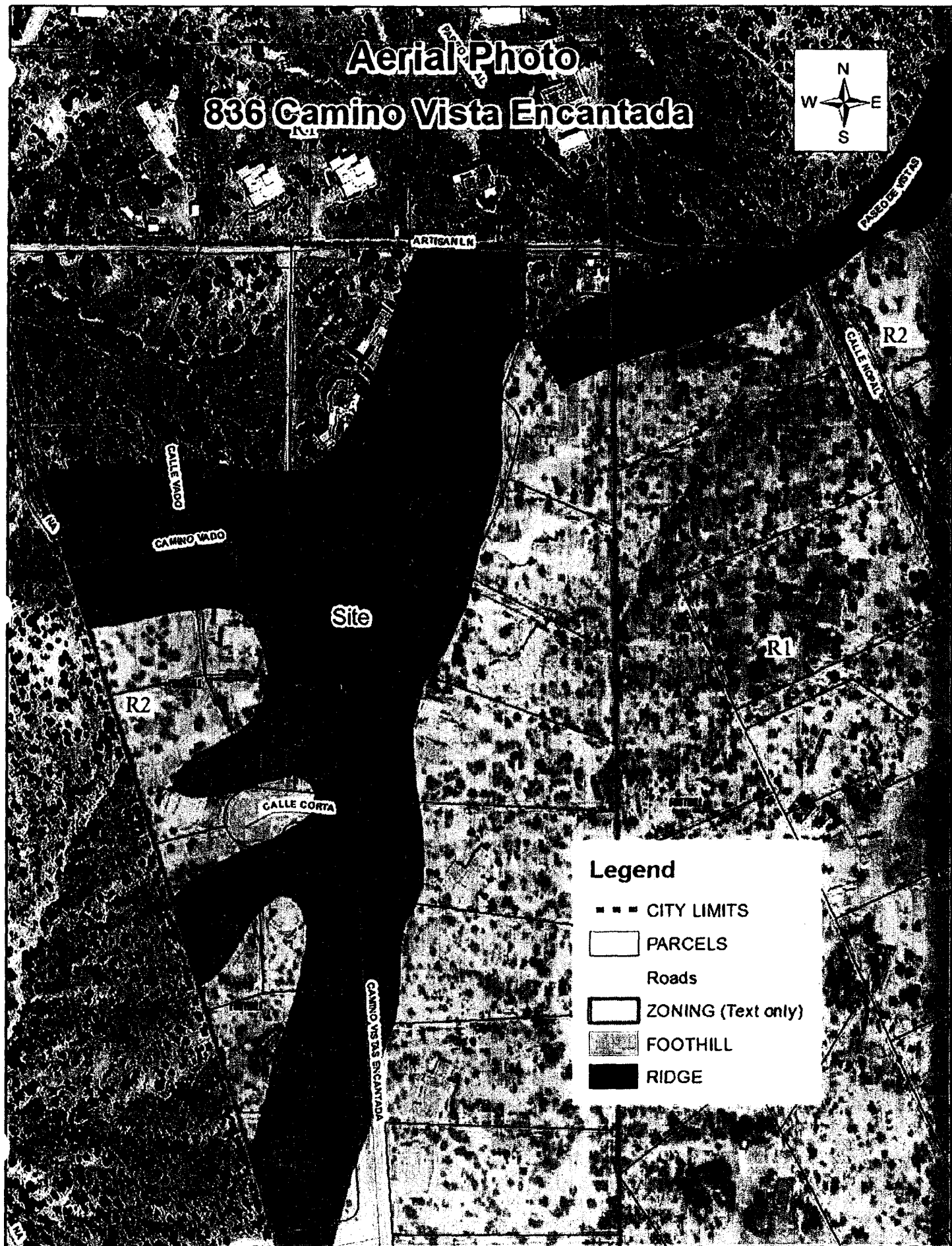
March 7, 2012
Planning Commission
Case # 2013-09
**836 CAMINO VISTAS ENCANTADA
VARIANCE**

EXHIBIT B

Aerial Photo

Aerial Photo

836 Camino Vista Encantada



Legend

- CITY LIMITS
- PARCELS
- Roads
- ZONING (Text only)
- FOOTHILL
- RIDGE

March 7, 2012
Planning Commission
Case # 2013-09
**836 CAMINO VISTAS ENCANTADA
VARIANCE**

EXHIBIT C

DRT and Land Use Correspondence



City of Santa Fe, New Mexico

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

David Coss, Mayor

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Rosemary Romero, Dist. 2

Miguel M. Chavez, Dist. 3

Carmichael A. Dominguez, Dist. 3

Matthew E. Ortiz, Dist. 4

Ronald S. Trujillo, Dist. 4

June 7, 2010

Joan Clark
Clark Realty
La Fonda Hotel, Suite 150
100 East San Francisco
Santa Fe, NM 87501

Re: Escarpment Overlay District at 836 Camino Vista Encantada

Dear Joan,

I am writing to confirm my determination about building in the Ridgetop at 836 Camino Vista Encantada. I understand that the real estate listing is 2300 Camino Vado.

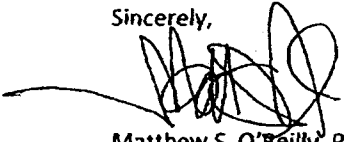
As you know, the Cerro del Sol Subdivision was created in 1994. Since the lots are considered "post-1992", the Escarpment Overlay District regulations that apply to post-1992 lots must be followed. Section 14-5.6(D)(1) of the City code states "For all lots subdivided or resubdivided after February 26, 1992, development in the ridgetop subdistrict of the Escarpment Overlay District, other than driveway access and utilities, is prohibited." Therefore, a variance to this section of the code will be required in order to build on the lot.

Please note that because there is no area outside of the Ridgetop on this lot, the Department would support a variance to this specific section of the code. Compliance with all other sections of the City code will be required. The first step of the process would be to meet with staff to assure that the proposed design meets the siting intent of the ordinance and meets all other escarpment regulations. After that, the applicant would schedule a pre-application meeting with Current Planning Division staff and start the variance process.

A more simple issue to resolve is the addressing. If the driveway will come off of Camino Vado, the appropriate steps must be taken to change the addressing our GIS system. Please work with Marisa Struck, 955-6661 to modify the address. The addressing needs to be clarified prior to permit submittal.

Please contact Wendy Blackwell at 955-6127 or wblackwell@santafenm.gov if you have further questions.

Sincerely,


Matthew S. O'Reilly, PE
Land Use Department Director

MSO/wmb



City of Santa Fe, New Mexico

memo

DATE: February 18, 2013
TO: Dan Esquibel, Land Use Planner Senior
FROM: Noah Berke, CFM, Planner Technician Senior *NLB*
SUBJECT: 83% Camino Vistas Encantada Escarpment Overlay Variance. Case #2013-05.

The following comments are for the request for Escarpment Overlay variances as shown on the plan set dated January 24, 2013.

Staff recommends approval to have a variance to build in the Ridgetop Subdistrict of the Escarpment Overlay. As proposed, there is not an alternate site to build on the lot that would be outside the Ridgetop Subdistrict.

Staff requires that all other Escarpment Overlay regulations, as set forth in Article 14-5.6, be met at time of Construction Permit.

City of Santa Fe, New Mexico

memo

DATE: February 20, 2013 for the March 7, 2013 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, RLA, Manager, Current Planning Division *TB*

FROM: Heather L. Lamboy, AICP, Senior Planner, Current Planning Division *HL*

Case #2013-07. 147 Gonzales Road Escarpment and Terrain Management Variances, Development Plan Amendment. Design Enginuity, LLC, agent for Susan and Vance Campbell, requests a Variance to allow construction of a 1,300 square foot principal single-family residence with portals in the Ridgetop Subdistrict of the Escarpment Overlay District; a Terrain Management Variance to allow disturbance of 70 square feet of slopes greater than 30%; and a Development Plan Amendment to reduce the front setback from 20 feet to 6 feet on Lot 16, Sierra Vista Subdivision. The property is zoned R-21 PUD (Residential – 21 Dwelling Units per Acre/Planned Unit Development). (Heather Lamboy, Case Manager)

RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

I. APPLICATION OVERVIEW

A. Variances

The applicant is requesting variances to the Escarpment Overlay District regulations in order to be able to build a single-family residence on a legal lot of record (Lot 16) located within the Ridgetop Subdistrict of the Escarpment Overlay. The Sierra Vista Subdivision, in which the lot is located, was created in 1983 prior to the adoption of the Escarpment District regulations. In 1992, a lot line adjustment occurred between the subject property and adjacent Lot 15 in order to create a 5-foot side setback for the home on Lot 15. The lots are commonly owned. The home on Lot 15 was sited so as to have the least amount of impact on the Ridgetop

Exhibit "C"

District and to avoid an archaeological easement. A lot line adjustment is considered a resubdivision which is defined as "increasing or reducing the size of contiguous lots [commonly known as a lot line adjustment], or combining of contiguous lots [commonly known as a lot consolidation]."

Section 14-5.6(D)(1) states, "For all lots subdivided or resubdivided after February 26, 1992, development in the Ridgetop subdistrict of the Escarpment Overlay District, other than driveway access and utilities, is prohibited." The 1992 resubdivision triggers the need for a variance to build the home in the Ridgetop Subdistrict.

The applicant proposes to build an attached approximately 1,300 square-foot one-story single-family residence for their grandchildren on the western portion of the 4,269 square foot lot. The house is proposed to be sited on a flat knoll on the front of the lot. The slopes on the site increase to 25% or greater approximately 36 feet east of the western property line. In order to minimize the visual impact, the front of the home will be bermed into the hillside so that the structure's height from the common drive will be approximately 8 feet. The proposed residence will share a common wall on the south side with the existing home on Lot 15 (which is permitted by the Sierra Vista PUD standards), and will be set back from the front property line by 6 feet (PUD standards require a 20 foot setback).

B. Development Plan Amendment

The Development Plan Amendment consists of a request to reduce the front setback of the residence from 20 feet to 6 feet. As a site plan controlled zoning district (also known as a Planned Unit Development), the setbacks are determined by the site plan that created the Sierra Vista Subdivision. To amend the setbacks established by the site plan, the process calls for a Development Plan Amendment.

The proposed residence will be located on the lot in such a manner that parking will not be provided on that lot. However, the Land Development Code permits shared parking in Section 14-8.6(B)(4)(b) SFCC 1987 with an approved parking plan. Since the applicant is the owner of the adjacent lot of record that has sufficient space for parking, a shared parking plan will be utilized to provide parking in this case. Additionally, the Sierra Vista homeowners at the ENN meeting expressed concern with vehicular access along the western property line of the proposed building site.

II. ENN

An Early Neighborhood Notification (ENN) meeting was held at the Santa Fe Public Library Main Branch on December 17, 2012. Approximately 5 people attended, outside of staff and the applicant. Those in attendance had concern about the appearance of the proposed building, the potential construction and drainage impacts, and concerns regarding the common areas. The ENN notes are attached in Exhibit C.

III. VARIANCE APPROVAL CRITERIA

Variances to Escarpment regulations, Section 14-3.16(C) SFCC 1987 are judged by the following criteria:

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

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

Applicant Response: Lot #16 is unusual in that while it was created before the Escarpment Overlay District was adopted, it was modified a few months after the regulations were adopted and therefore development on the lot is required to comply with the District requirements, even though the original lot and the current lot could never have met the requirement for lot creation in the Escarpment Overlay District. Thus the parcel is a legal non-conforming lot, and only by variance could one build a reasonable size home on this property.

Staff Response: The applicant is correct – the original lot was created prior to the adoption of the Escarpment District Overlay. The lot is characterized by a steep slope – the lot drops approximately 11 feet from the west to the east.

- (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;**

Applicant Response: Without granting the requested variances, it would be virtually impossible to build a reasonably functional home that would blend into the neighborhood. Only a triangular home with either many steps or 5' stem walls on the downhill side, and at least 5 feet of buy on the uphill side would be possible. Such a design would be more conspicuous and incompatible with the other homes in the neighborhood, many of which would also require variances if they were being built today.

Staff Response: The parcel was originally created in 1983, prior to the adoption of the Escarpment District Overlay regulations. The parcel was then modified in 1992 in order to provide a setback for the adjacent house, which was being sited to avoid an archaeological easement. The purpose of the variance requests is to be considered as a legal lot of record prior to the adoption of the Escarpment regulations. This will allow the new construction to be attached to the existing residence in a logical and attractive manner.

- (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**

Applicant Response: No resolution was found by strict compliance with the standards.

Staff Response: Strict conformance to the standards would result in a larger environmental impact and create impacts on adjacent property through extensive changes to the slope and drainage patterns in the neighborhood.

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

Applicant Response: *There are no designated historic structures on this property.*

Staff Response: There are no designated historic structures on this property. Additionally, there are no archaeological easements.

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

Applicant Response: *[See response to (1)(b) above.]*

Staff Response: The unique shape of the property, the slopes, and the impact of the Escarpment regulations all cause special circumstances unique to this property that make it impossible to practically and reasonably meet the standards of Chapter 14. Even if the residence were smaller in size, affecting slope or requesting a variance for construction in the Ridgeway Subdistrict would be unavoidable.

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

Applicant Response: *The request is to permit a dwelling unit of less than 1300 square feet of heated space, which will be the smallest home in the neighborhood.*

Staff Response: Land Use regulations change over time. When the Sierra Vista Subdivision was created in 1983, no Escarpment Overlay was in existence. The intensity of development being proposed for Lot 16 is comparable and compatible to the subdivision and the immediate vicinity.

- (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;

Applicant Response: *Only a residential use would be appropriate for this property.*

Staff Response: The use of land will not change – a residential use is appropriate for this area. The size of the structure has been minimized to reduce the impact on the site's topography.

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

Applicant Response: The requested variances are a minimal easing of the existing regulations to permit a modest home in compliance with all other regulations. The home will blend with the neighborhood and is an infill project that meets the goals and policies of the *general plan*.

Staff Response: The proposal is consistent with the Moderate Density Residential General Plan Category. Additionally, the applicant has taken steps to be sensitive to the topography of the site and minimize visual impact, thereby complying with General Plan policies regarding Terrain Management and Visual Resource Conservation.

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

Applicant Response: The creation of this 1300 SF home will not be contrary to the public interest.

Staff Response: Through the Escarpment regulations, the public interest is expressed in the preservation of view corridors and the character of the foothills on the east side of Santa Fe. The proposed single-family residence will be sited in a manner to meet the spirit of the Escarpment regulations by minimizing visual impact and preserving the natural environment.

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

Additionally, 15-5.6 (K) addresses criteria specific to Variances in the Escarpment:

- (1) Where the planning commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations.

Section 14-5.6(A)(3) SFCC 1987 Intent:

- (a) Preservation of the City's aesthetic beauty and natural environment is essential to protect the general welfare of the people of the City, to promote tourism and the economic welfare of the City, and to protect the cultural and historic setting of the City;

Applicant Response: The proposed home has been designed to fit into the existing terrain and adjacent

home. The front of the structure will be placed more than 3 feet below natural grade to help integrate it into the natural topography.

Staff Response: The proposed residence minimizes visual impact on the site, especially from any public right-of-way.

(b) Development is highly visible on or about the ridgetop areas of the foothills for great distances and detracts from the overall beauty of the natural environment and adversely impacts the aesthetics of the mountain and foothill vistas as seen from the City;

Applicant Response: The proposed design has the least visible impact with regards to aesthetics. If one developed a home on this site outside of the Ridgetop District, then it would have to be a triangular home with many levels or large stem and retaining walls which would not fit with the design of other homes in the vicinity.

Staff Response: Staff agrees with the applicant's response. Because this building is located within the Ridgetop District, a sensitive design that berms the structure and blends into the terrain better meets the intent of the ordinance.

(c) Land within the Escarpment Overlay District is environmentally sensitive due to the presence of steep slopes, erosion problems, drainage problems and other environmental attributes;

Applicant Response: The proposed development protects the steep slopes and will meet all code requirements to ensure no erosion or drainage problems are created due to project development.

Staff Response: Construction in the Ridgetop District should be minimized, but there are cases, such as this one, where construction in the Ridgetop District actually causes less impact than in the Foothills District.

(d) The interest and welfare of the people of the City is to prohibit development on ridgetop areas of the foothills to the extent possible as allowed by law; and

Applicant Response: By prohibiting development in the Ridgetop District on this lot, reasonable use of the property may be denied.

Staff Response: The overall size of the house is not very large; variances that grant construction in the Ridgetop should consider the best possible design options.

(e) The interest and welfare of the people of the City is to restrict development in the Escarpment Overlay District to preserve the aesthetic beauty and natural environment of the ridgetop areas of the foothills and to protect the mountain views and scenic vistas from the City to the extent possible.

Applicant Response: *The proposed residence has been designed to carefully blend in with natural topography and nearby homes and to protect the vegetation on the steep slopes on the lot.*

Staff Response: The design, size, and placement of the residence preserves the aesthetic beauty and natural environment of the Ridgetop District. Construction will occur mostly in an area that has been previously disturbed.

Finally, 14-5.6 (K)(2) states:

(2) In granting variances or modifications, the planning commission may require such conditions as will, in its judgment, assure substantially the objectives of the standards or requirements so varied or modified.

IV. CONCLUSION AND RECOMMENDATION

The applicant's design accommodates the site in a manner that is sensitive to the existing neighborhood and mitigates impact to the natural environment. Most of the disturbance will occur in previously-disturbed terrain and the size of the residence has been minimized in order to take advantage of the relatively flat knoll at the front of the property. Staff recommends approval of the proposed Variances and the Development Plan Amendment.

IV. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team (DRT) Memoranda

1. Current Planning Division Request for Additional Submittals, Heather Lamboy
2. Technical Review Division Memorandum, Noah Berke
3. Technical Review Division Memorandum, Risana Zaxus
4. Fire Department Memorandum, Rey Gonzales
5. Water Division Memorandum, Antonio Trujillo
6. Wastewater Division Memorandum, Stan Holland
7. Traffic Engineering Division Memorandum, Sandra Kassens
8. Solid Waste Division Memorandum, Randall Marco

EXHIBIT C: Maps

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

EXHIBIT D: ENN Materials

1. ENN Meeting Notice
2. ENN Responses to Guidelines
3. Meeting Notes December 17, 2012

EXHIBIT E: Public Comments

1. Laurent Letter

EXHIBIT F: Applicant Submittals

2. Transmittal Letter
3. Proposed Site Plan and Elevations

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval

Campbell Variances and Development Plan Amendment-Conditions of Approval

Planning Commission

Case #2013-07 – 147 Gonzales Road, Lot 16

Conditions	Department	Staff
<p>The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. On sheets 4 and 5 (Topographic Survey and Lot Consolidation Survey), revise the floodplain information to refer to a FIRM (not DFIRM) with effective date of December 4, 2012. 2. On sheet 6 (slope analysis), identify the hatched area as the proposed residence, and label the proposed 36" wall and stormwater pad. 3. Resolve discrepancy in adjoiner information between sheets 4 and 5. 4. If this project moves forward to a building permit, it must be verified prior to acceptance of grading and drainage that overflow from the stormwater pond will flow to a storm drain inlet behind the curb on Cerro Gordo Road. It must also be verified that this inlet is unobstructed to receive and pass the stormwater, and if not, provisions must be made for maintenance of the inlet to allow unrestricted flow. 	Technical Review	Risana "R.B." Zaxus
<p>Staff recommends that the soil types are analyzed to determine which screening trees will establish well on the slope to meet Escarpment Overlay landscape and screening requirements.</p> <p>All other Escarpment Overlay requirements set forth in Article 14-5.6 shall be met at time of building permit.</p>	Technical Review	Noah Berke
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> 1. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' minimum width. 2. Fire Department access shall not be less than 20 feet width to any new construction. 3. There shall be a Fire Department turnaround as per IFC 2009 edition if the driveway, or any portion of new construction, exceeds 150 feet distance or new construction must have on-site fire suppression systems (sprinkled). 4. The driveway shall have a drivable surface that will bear the weight of a fire engine and maintained in all weather conditions. 	Fire	Rey Gonzales

Campbell Variances and Development Amendment-Conditions of Approval

Planning Commission

Case #2013-07 – 147 Gonzales Road, Lot 16

Conditions	Department	Staff
The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat: Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.	Wastewater	Stan Holland
The dwelling unit will require a separate agreement for metered service at the time of building permit.	Water	Antonio Trujillo


City of Santa Fe, New Mexico

Exhibit B

Development Review Team Memoranda



City of Santa Fe Land Use Department Request for Additional Submittals

Project Name	Campbell Variances and Development Plan Amendment
Project Location	147 Gonzales Road, Lot 16
Project Description	Case #2013-07. 147 Gonzales Road Escarpment and Terrain Management Variances, Development Plan Amendment. Design Enginuity, LLC, agent for Susan and Vance Campbell, requests an Escarpment Variance to allow the construction of a 1,300 square foot single-family residence in the Ridgetop Subdistrict; a Terrain Management Variance to allow the disturbance of 70 square feet of slopes greater than 30%; and a Development Plan Amendment to reduce the front setback from 20 feet to 6 feet on Lot 16, Sierra Vista Subdivision. The property is zoned R-21 PUD (Residential – 21 Dwelling Units per Acre/Planned Unit Development).
Applicant / Owner	Oralynn Guerrerortiz, Design Enginuity
Application Type	Variances, Development Plan Amendment
Land Use Staff	Heather L. Lamboy, AICP 

Comments:

Attached are the comments that have been received to date on this project.

Please note that, if the drive to the lot is not built to handle a fire truck and the turnaround is not large enough, the proposed single family residence may have to have its own fire suppression system.

The reviews by our Technical Review Division have revealed that the proposed siting of the building is in the best possible location due to the existence of steep slopes on the site. Both the escarpment variance and the terrain management variances are supported by the Technical Review Division staff (see attached memos).

Any minor adjustments that are made to the plans should be complete by March 25, when the exhibit copies are due for the Planning Commission packet. We will need 17 plan set copies, in 11"x17" size, three hole punched and folded to 8 1/2"x11" size.

If the drawings are available electronically prior to this date, please email them to me so they will assist me in writing my staff report. The agenda for the Planning Commission will be forwarded to you when it is available.

Please remember that your mailing and posting deadline for this case is February 20, 2013. We will contact you 2-3 days prior to the deadline to give you the public notice poster and letter.

If you have any questions, please feel free to contact me.

City of Santa Fe, New Mexico

memo

DATE: February 12, 2013

TO: Heather Lamboy, Case Manager

FROM: Risana "RB" Zaxus
City Engineer for Land Use

RE: Case # 2013-06 and # 2013-07
147 Gonzales Road Lot Consolidation
147 Gonzales Road Escarpment and Terrain
Management
Variances and Development Plan Amendment

I have the following review comments on this project:

A terrain management variance is being requested for disturbance of 63 SF of slopes exceeding 30% for construction of a 36" wall, and for disturbance of 7 SF of over 30% slopes for construction of a rip-rap stormwater pad . I support this variance because the area of disturbance is minimal and in addition, the residence as well as associated features such as the stormwater pond, have been situated so as to utilize the areas of flattest slopes on the lot.

I have reviewed the drainage calculations and found that the proposed volume of stormwater ponding is acceptable and exceeds the requirements of the Land Development Code by approximately 15%.

The following comments are to be considered conditions of approval:

*On sheets 4 and 5 (Topographic Survey and Lot Consolidation Survey), revise the floodplain information to refer to a FIRM (not DFIRM) with effective date of December 4, 2012.

*On sheet 6 (slope analysis), identify the hatched area as the proposed residence, and label the proposed 36" wall and stormwater pad.

*Resolve discrepancy in adjoiner information between sheets 4 and 5.

*If this project moves forward to a building permit, it must be verified prior to acceptance of grading and drainage that overflow from the stormwater pond will flow to a storm drain inlet behind the curb on Cerro Gordo Road. It must also be verified that this inlet is unobstructed to receive and pass the stormwater, and if not, provisions must be made for maintenance of the inlet to allow unrestricted flow.

City of Santa Fe, New Mexico

memo

DATE: February 12, 2013
TO: Heather Lamboy0, AICP, Land Use Planner Senior
FROM: Noah Berke, CFM, Planner Technician Senior
SUBJECT: Escarpment and Terrain Management Variance Comments for 147 Gonzales Road,
Lot 16. Case #2013-07

The following comments are for the request for Escarpment Overlay variances as shown on the plan set dated January 28, 2013.

Staff recommends approval to have a variance to build in the Ridgetop Subdistrict of the Escarpment Overlay. As proposed, there is not an alternate site to build on the lot that would meet Terrain Management Regulations.

Staff requires that all other Escarpment Overlay regulations, as set forth in Article 14-5.6, be met at time of Construction Permit. Staff further recommends that the soil types are analyzed to determine which screening trees will take best to the proposed area and meet Escarpment Overlay landscape and screening requirements.

City of Santa Fe, New Mexico

memo

DATE: February 09, 2013
TO: William Lamboy , Case Manager
FROM: Reynaldo Gonzales, Fire Marshal *RDG*
SUBJECT: Case #2013-05 147 Gonzales Road Lot Consolidation

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.
2. Fire Department Access shall not be less than 20 feet width to any new construction.
3. Shall have a fire department turn around as per IFC 2009 edition if driveway exceeds 150ft or sprinkle any new construction in Lot 16
4. Shall have a drivable surface that will bear the weight of a fire engine and kept maintain in all weather like conditions.
5. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

City of Santa Fe
memo

DATE: February 4, 2013

TO: Heather Lamboy, Land Use Planner Senior, Land Use Department

FROM: Antonio Trujillo, ^{AW}Water Division Engineer;

SUBJECT: Case #2013-06. 147 Gonzales Road Lot Consolidation and Case #2013-07. 147 Gonzales Road Escarpment and Terrain Management Variances and Development Plan Amendment

There are no issues with regard to water infrastructure for the subject case. No additional submittals for water are required. A second dwelling unit will require a separate agreement for metered service at time of building permit.

LAMBOY, HEATHER L.

From: KASSENS, SANDRA M.
Sent: Monday, February 04, 2013 2:26 PM
To: LAMBOY, HEATHER L.
Cc: ROMERO, JOHN J
Subject: 147 Gonzales Rd. Variance case 2013-07

Heather,
The Traffic Engineering Division has no comments on 147 Gonzales Road variance, case #2013-07.

Sandy



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: February 1, 2013

To: Heather Lamboy, Case Manager

From: Stan Holland, P.E.
Wastewater Management Division

Subject: Case 2013-06 & 07 - 147 Gonzales Road Lot Consolidation and Terrain Management
Variance

The subject property is accessible to the City public sewer system.

There are no additional comments for the Applicant to address.

City of Santa Fe, New Mexico

memo

DATE: February 11, 2013
TO: Heather Lamboy, Current Planning
FROM: Randall Marco, Solid Waste Division
SUBJECT: Case #2013-6 Campbell Escarpment Variance

The Solid Waste Division has no comment on this case.

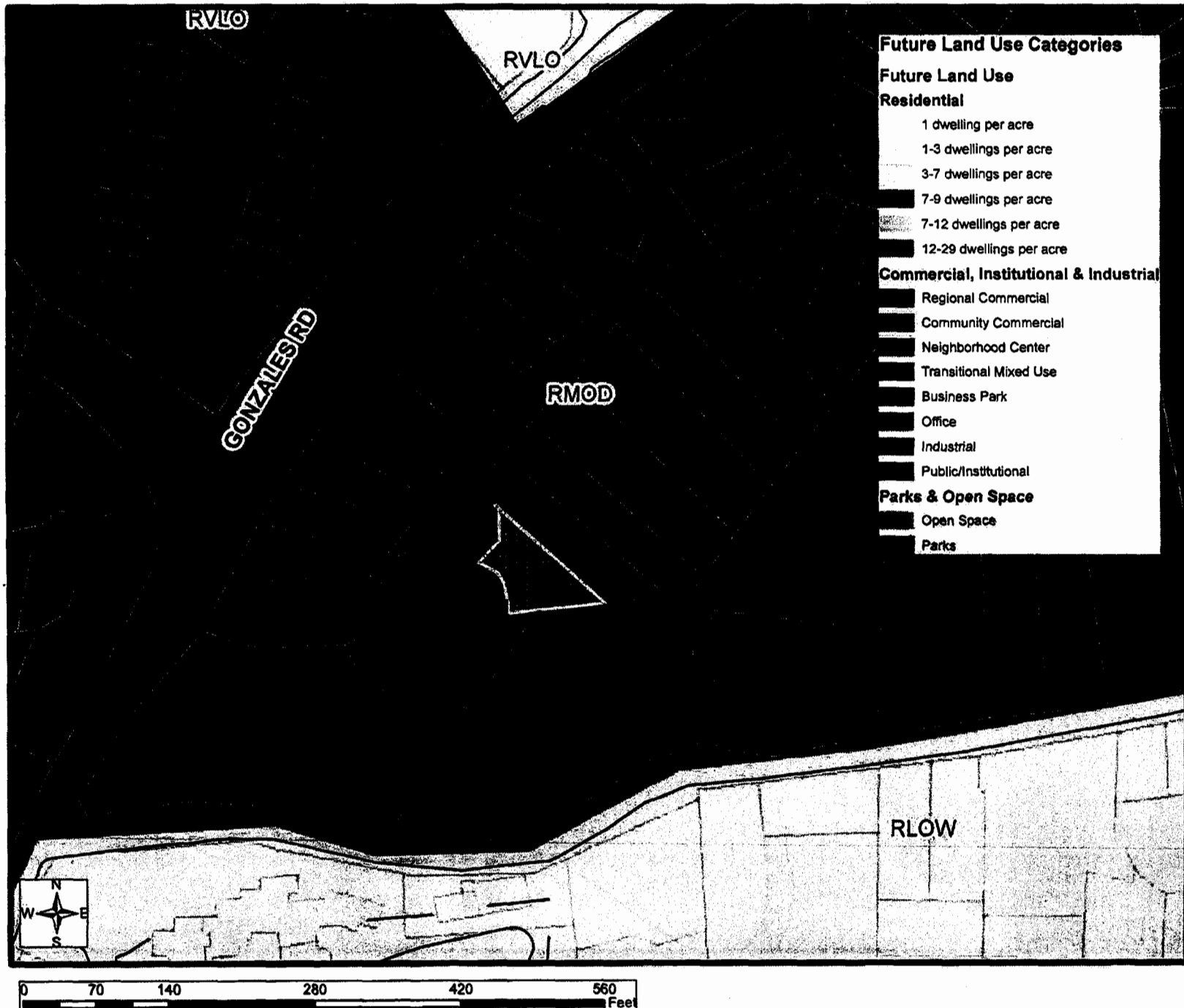
City of Santa Fe, New Mexico

Exhibit C

Maps

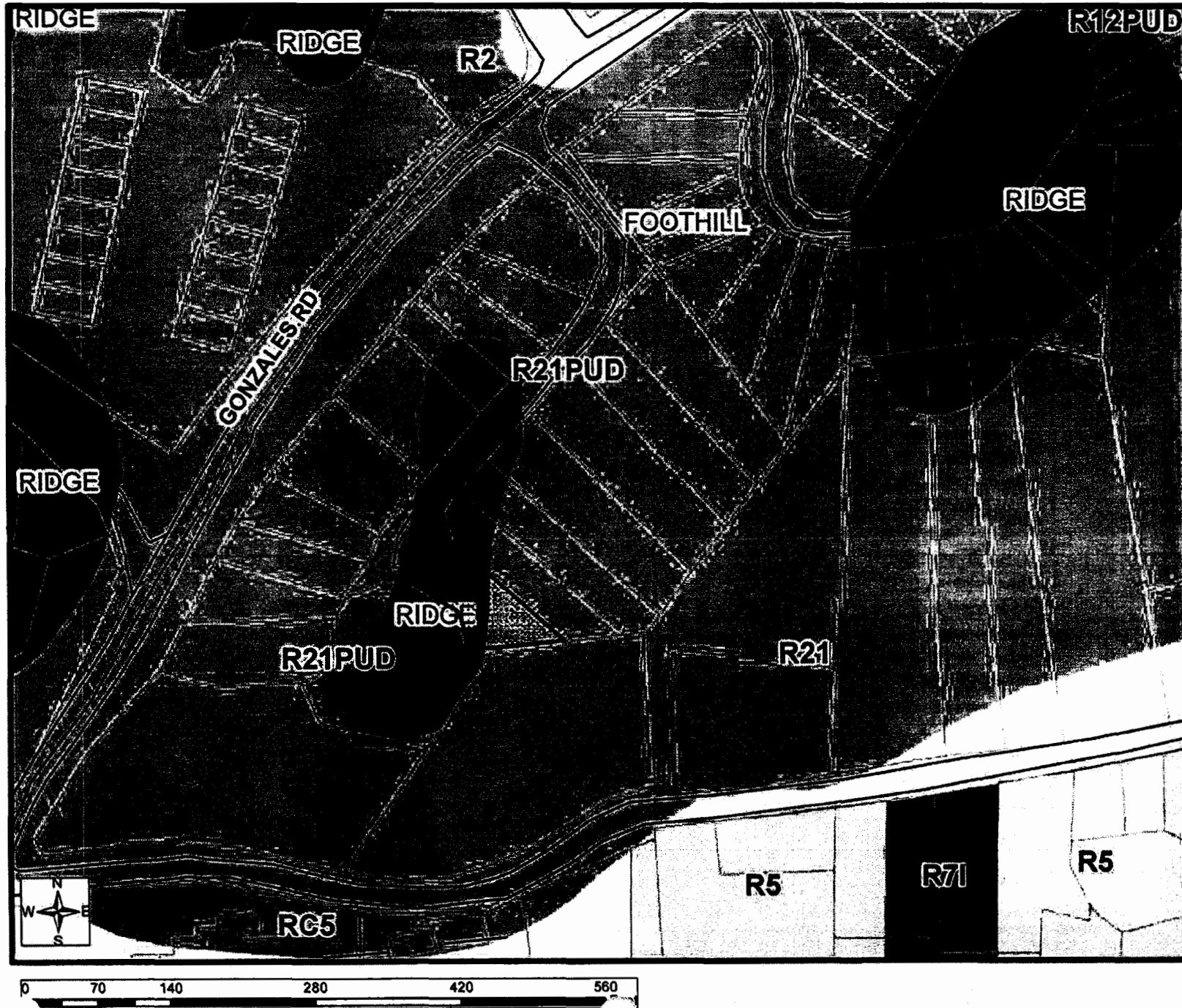


CAMPBELL FUTURE LAND USE





CAMPBELL ZONING WITH ESCARPMENT OVERLAY





CAMPBELL AERIAL



City of Santa Fe, New Mexico

Exhibit D

**Early Neighborhood Notification (ENN)
Materials**



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

<i>Project Name</i>	Vance Campbell Variance
<i>Project Location</i>	147 Gonzales Road, Lot 16
<i>Project Description</i>	Variance to permit construction in the Ridgetop Subdistrict of the Escarpment Overlay, terrain management variance for disturbance of 30% slopes, and reduction of the front setback from 20 feet to 10 feet.
<i>Applicant / Owner</i>	Vance Campbell; agent: Oralynn Guerrerortiz, Design Enginuity
<i>Pre-App Meeting Date</i>	May 10, 2012
<i>ENN Meeting Date</i>	Monday, December 17, 2012
<i>ENN Meeting Location</i>	Main Library, 145 Washington Avenue
<i>Application Type</i>	Variance Requests
<i>Land Use Staff</i>	Heather L. Lamboy, AICP
<i>Other Staff</i>	
<i>Attendance</i>	4 members of the public

Notes/Comments:

Ms. Lamboy began the meeting by introducing herself and explaining the Early Neighborhood Notification process. She encouraged meeting participants to feel free to ask questions and offer suggestions. She explained that the applicant has not yet applied for the variances and now was a good time to have input on the project. Then Ms. Lamboy explained the public hearing review process and gave estimated hearing dates. Finally, she introduced Ms. Oralynn Guerrerortiz.

Ms. Guerrerortiz explained that the intention of the project is to construct a less than 1400 square-foot home for the Campbell family. The home will have 2 bedrooms, and will be one story. Ms. Guerrerortiz explained how a portion of the site is located within the Escarpment Ridgetop District. She stated that City Code requires that the Escarpment Ridgetop District is avoided if possible; however, due to the constraints with Lot 16, it would be impossible to avoid impacting a portion of the Ridgetop. Ms. Guerrerortiz stated that she has attempted to mitigate the overall impact of the building through limiting its height, landscaping, and color. She stated that the building was sited in order to avoid

steep slopes and impacting the rock outcrops found on the lower sections of the lot.

Ms. Guerrerortiz then pointed out the areas with slopes exceeding 30%. She pointed out that it is their intention not to disturb these slopes, but she decided to err on full disclosure in case that, during constructions, some of the slope is impacted by the construction activity.

She stated that a lot consolidation will be necessary as well. During the preapplication process, different locations were studied for required parking on the site. It was determined that the best location for parking for the building would be adjacent to the existing parking area and garage at the main Campbell residence. If parking for the proposed home were provided in the front of the existing Campbell residence, the existing aspens and trees would have to be removed. The Campbells felt that it would be better to accommodate family members in the existing parking area instead of being more invasive to the hillside.

A neighbor asked whether the house could be separated at a later date, in the case that the Campbells sell the property. Ms. Guerrerortiz responded that the Campbells intend on passing the property to the family as a family compound, but if the property is sold, for the house to be separated a public hearing would be required through the Summary Committee Lot Split process. As the house site does not have parking associated with it, a variance would have to be requested for no on-lot parking. Additionally, all current Land Development Code standards would apply if the lot was split.

Another neighbor asked why the house was not built when the Campbells developed the main residence. He had concerns about the slopes on the site and the potential impacts on his property.

A neighbor commented that helical piers were used to secure her residence, and that she has no concern about her property "sliding down the hillside." She stated that if the guest house was built well, there would be little concern about settling or sliding.

In response to a neighbor's concern about the environmental impact, Ms. Guerrerortiz pointed out that Lot 16 was created in 1982, prior to the establishment of the City's Terrain Management standards. As such, the lot is considered a "legal lot of record" and the owner has a reasonable right to build on it, or it could be considered a taking. She pointed out that there is the benefit of the known entity with the Campbells, they are good neighbors and are going for the smallest impact possible.

Another neighbor observed that the combined home (main house plus new house) will be very large. She asked whether the owner would consider a note

being placed on the plat stating that the main house and the proposed house lots would never be split. Ms. Guerrerortiz thought that was a possibility.

A neighbor felt that this application was a sham in that the house is abutting but has no direct entrance to the main property. Another neighbor observed the reason that there is no direct entrance to the main house is that where the two buildings join is the location of a bedroom in the main house.

A neighbor asked whether a deed restriction to prevent the lots from being resplit was more appropriate and enforceable than a note of the plat. Ms. Guerrerortiz promised to discuss this possibility with her client.

A neighbor observed that a yard wall would be located along the front property line of the proposed house. Ms. Guerrerortiz responded that the purpose for the yard wall was to provide privacy. The neighbor observed that all of the architecture and the building would have to be approved by the HOA Architectural Committee, and asked whether this has been done. Ms. Guerrerortiz responded that Mr. Campbell had been to the HOA with conceptual drawings and received preliminary approval, but she understood that she would have to go back and get additional approval with some of the design changes that have been made. The neighbor asked whether the HOA standards prevailed over City Code. Ms. Lamboy stated that HOA standards can be more restrictive than City Code, and it is up to the HOA to enforce those standards that are more restrictive. The neighbor pointed out that there is an HOA covenant that a lot cannot be split after consolidation.

Ms. Guerrerortiz stated she would discuss with her client adding notes to the lot consolidation plat for extra protection for the HOA to ensure that the lot cannot be split in the future. A neighbor observed that they are not worried about the Campbells, but future owners and that is why they are being so cautious about the proposal.

A neighbor asked how the applicant is proposing to protect from erosion onto other properties. Ms. Guerrerortiz replied that all the runoff will be directed to a pond east and downslope from the house on the property where trapped water will be given a chance to infiltrate or be released at a controlled rate.

The neighbor stated that he is concerned that the slope can fail and that he will be impacted. Ms. Guerrerortiz stated that she has developed a good part of the Summit and Bishop's Lodge Hills development and that construction on mountains is challenging. However, she stated that the code objective was to not increase the runoff from the project site due to development and that could be attained.

There was a short discussion from the neighbors about the impacts of construction in the subdivision. A home was recently constructed across from

the subject site. The jackhammering caused damaged to adjacent buildings, which was an unanticipated impact. The neighbors asked whether the Campbells were prepared for these unanticipated impacts. Ms. Guerrerortiz replied that the house design is not completed yet. Likely some rock removal would be necessary and possibly helical piers would be installed. No basement is planned. A request was made by a neighbor to indemnify the owners of the surrounding homes to ensure that owners will be compensated if construction damage occurs. Ms. Guerrerortiz said she would check with her client.

A neighbor asked about a walkway that is used by the community and whether it is on Lot 16 or whether it is in the common area. Ms. Guerrerortiz pointed out the feature on the aerial, which appeared to be in the common area of the development.

Ms. Guerrerortiz then reviewed the ENN guidelines with the neighbors.

After the review, a neighbor asked why the house is not being built along Cerro Gordo Road, on land that is also owned by the Campbells, or on the other side of existing home. Ms. Guerrerortiz commented that the Campbells would like their visiting relatives next to their home, and other locations were not considered. She hasn't studied the terrain on the other side of the existing home and it may not be developable, and it may impact the views from the main house. In response, the neighbor stated that he still had serious concerns about the proposal, in terms of the impacts on the environment and neighboring properties.

Ms. Guerrerortiz encouraged the neighbors to participate in the public hearing process, once it is started. She stated that she would study the issues discussed during the ENN and report back.

The meeting concluded at approximately 6:50pm.



EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information		
Project Name:	Vance Campbell Variance Request	
Address:	147 Gonzales Road #15 and #16	Parcel Size: 0.356 and 0.098 Ac+
Zoning:	R21PUD	Future Land Use: Mod Density 7-9 du/acre
Preapplication Conference Date:	Field with RB 4/25/12; With staff 5/10/12 and ~9-15-12	
Detailed Project Description:	Variance to permit building in ridgetop and disturbing 30%+ slopes, modification of the front setback from 20' to 10', and a lot consolidation.	
Property Owner Information		
Name:	Vance and Susan Campbell	
Address:	147 Gonzales Road #15	
Phone:	E-mail Address: VANCAM@aolmail-wet	
Applicant/Agent Information (if different from owner):		
Name:	Design Enginuity - Orallynn Guerrerortiz	
Address:	PO Box 2758, SF NM 87504	
Phone:	E-mail Address: Orallynn@designenginuity.biz	
Agent Authorization (if applicable):		
I am/We are the owner(s) and record title holder(s) of the property located at: 147 Gonzales Road #15 and #16		
I/We authorize Design Enginuity to act as my/our agent to execute this application.		
Signed:	Vance Campbell	Date: Dec 4 2012
Signed:	Susan Campbell	Date: 12-4-12
Proposed ENN Meeting Dates:		
Provide 2 options:	Preferred Option	Alternative
DATE:	December 17, 2012	:
TIME:	5:30 pm	
LOCATION:	SF Main Public Library, 2 nd floor Community Room. 145 Washington Avenue	



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

Project Name: Vance Campbell Variance Request

Meeting Date: 12/17/12

Meeting Place: Main Library

Meeting Time: 5:30pm

Applicant or Representative Check Box below

↓	Name	Address	Email
<input type="checkbox"/>	1 MARIA Sanchez	147 Gonzales #20	S. Lindell@comcast.net
<input type="checkbox"/>	2 Stephen A. Lister	1131 Cerro Gordo	SALISTER@mc.com
<input type="checkbox"/>	3		
<input type="checkbox"/>	4		
<input type="checkbox"/>	5		
<input type="checkbox"/>	6		
<input type="checkbox"/>	7		
<input type="checkbox"/>	8		
<input type="checkbox"/>	9		
<input type="checkbox"/>	10		
<input type="checkbox"/>	11		
<input type="checkbox"/>	12		

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

Heather L. Lambory
Printed Name of City Staff in Attendance

[Signature]
Signature of City Staff in Attendance

12/17/12
Date

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



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

Project Name: Vance Campbell Variance Request

Meeting Date: 12/11/12

Meeting Place: Main Library

Meeting Time: 5:30pm

Applicant or Representative Check Box below

↓		Name	Address	Email
<input type="checkbox"/>	1	JERRY ROBINSON	147 GONZALES RD/9	JERRY.ROBINSON4@COMO.NE
<input type="checkbox"/>	2	Jane Robins	147 GONZALES RD/9	jamerobinson3@comcast.net
<input type="checkbox"/>	3			
<input type="checkbox"/>	4			
<input type="checkbox"/>	5			
<input type="checkbox"/>	6			
<input type="checkbox"/>	7			
<input type="checkbox"/>	8			
<input type="checkbox"/>	9			
<input type="checkbox"/>	10			
<input type="checkbox"/>	11			
<input type="checkbox"/>	12			

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

Heather L. Lamboy
Printed Name of City Staff in Attendance

[Signature]
Signature of City Staff in Attendance

12/11/12
Date

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



ENN GUIDELINES

Applicant Information

Project Name: Vance Campbell Variance Request

Name: Agent – Design Enginuity, Oralynn Guerrerortiz Owner – Vance and Susan Campbell
147 Gonzales Road #15
SF NM 87501

Last First M.I.

Address: 1421 Luisa Street, Suite E

Street Address

Suite/Unit #

Santa Fe

NM

87505

City

State

ZIP Code

Phone: 505-989-3557

E-mail Address: oralynn@designenginuity.biz

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

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

A new single family home will be built on a vacant lot. The home is small, less than 1400 SF, and single story. The front building setback will be 10'. The front patio wall will be on the property line and about 10 feet behind the existing rocks that are placed in front of the lot. Site grading will be minimal. The new house will abut the adjacent home located at 147 Gonzales Road #15, and the patio walls at #15 will be modified, such that it will appear that the new home is an addition to the existing home. Parking for the new home will be located of the existing home lot.

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

The house will be located within the Ridgetop Subdistrict with about 25% of the home in the Foothill Subdistrict of City's Escarpment Zone. The existing aspen trees located on the northeast property line will remain. The house will be cut into the slope and the building and patio walls will act as retaining walls. There are natural rock outcrops located on the downhill side of the house which will be mostly untouched, except for short (less than 1 foot tall) portions which will be under the house. There are no arroyos on this property. There are no planned changes to existing easements although the lots 15 and 16 will be combined into a single lot. Hazardous materials will not be used on site. The empty lot will be beautified by planned landscaping and site maintenance and will enhance the appearance of the area.

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

There are no known archaeological or cultural sites on this property.

The project is located within the Suburban Archaeology Review District which does not require an archaeological survey for project approval.

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

No density modifications or rezonings are necessary for project development. The project is in compliance with the uses and densities proposed by the City General Plan. This lot was created prior to the establishment of the Escarpment District regulations and cannot be developed without variances to these regulations. This is the last lot to be built out in the Sierra Vista Subdivision.

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

Due to the site constraints there is no room on lot #16 for parking. Therefore the owner will consolidate lots 15 and 16 into a single lot, and provide 4 parking spaces on lot 15 to serve the 2 homes. Due to the terrain, the home will be accessed via steps.

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

The proposed home is being constructed for the occasional use of the Campbells' children and guests. There is no intention of selling the home. Its construction will provide construction jobs.

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

This project will accommodate the Campbell's adult children and their families during visits. If the home is ever sold, which is not anticipated at this time, it would be marketed as a family compound.

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

This is an infill project and is not anticipated to increase public service demands. No offsite improvements to utilities are required.

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

The project will be provided with drip irrigation systems, mulching and soil conservation as well as drought tolerant plant species. Low water using fixtures will be required inside the home. As this is an infill project, existing water supply lines will be used. No impacts to water quality are anticipated.

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

This project is basically an addition to an existing home to provide additional living space for a multi-generational family and as such will aid in keeping two long term residents in their current home.

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

The project is consistent with the City's policies regarding infill.

(l) ADDITIONAL COMMENTS (optional)

WARRANTY DEED

CASAS DE SAN YSIDRO PROPERTY TRUST

815550

_____ , for consideration paid, grant
to C. VANCE CAMPBELL and SUSAN T. CAMPBELL, husband and wife

whose address is _____

the following described real estate in SANTA FE _____ County, New Mexico:

Lots 13, 14, 15 and 16 of Sierra Vista Planned Unit Development, as shown and delineated on the "Revised Final Development Plan, Subdivision Plat" thereof filed July 14, 1983 as Document No. 520,449, recorded in Plat Book 130, page 030, records of Santa Fe County, New Mexico.

SUBJECT TO:

1. Taxes for the year 1992, and thereafter.
2. Special Assessments by the City of Santa Fe for garbage disposal and sewer maintenance which are not yet due and payable.
3. Restrictions contained in Quitclaim Deed from Elizabeth H. Wright to Maria P. Renehan, dated February 26, 1958, recorded in Misc., Book 142, page 479, records of Santa Fe County, New Mexico.
4. Declaration of Covenants, Conditions and Restrictions for Sierra Vista Planned Unit Development, dated July 8, 1983, recorded in Misc. Book 467, page 018, amended by document recorded in Book 695 Misc., at page 486, records of Santa Fe County, New Mexico.
5. Articles of Incorporation of Sierra Vista Homeowners Association, dated July 8, 1983, recorded in Misc. Book 467, page 041, records of Santa Fe County, New Mexico.
6. By Laws of Sierra Vista Homeowners Association, dated July 8, 1983, recorded in Misc. Book 467, page 540, records of Santa Fe County, New Mexico.
7. A forty (40) foot setback along the southwest boundary of Lots 13, 14 & 15; offsets as shown on diagram labeled "TYPICAL LOT", reservations regarding easements as contained in "NOTE" and in "DEDICATION" all as shown on plat entitled "SIERRA VISTA REVISED FINAL DEVELOPMENT PLAN SUBDIVISION PLAT", filed as Document No. 520,449 and recorded in Plat Book 130, at page 30, records of Santa Fe County, New Mexico.

with warranty covenants.

WITNESS its hand _____ and seal _____ this SEVENTH day of May, 1992.

CASAS DE SAN YSIDRO PROPERTY TRUST _____ (Seal) _____ (Seal)

By: Jeanne M. Sullivan, Trustee (Seal) _____ (Seal)
Jeanne M. Sullivan, Trustee

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF SANTIAGO

ss.

The foregoing instrument was acknowledged before me this 7TH day of May, 1992.

by: Jeanne M. Sullivan, Trustee on behalf of Casas de San Ysidro Property Trust.

(Name or Names of Person or Persons Acknowledging)

My commission expires: March 27, 1994

Beverly Barba

Notary Public

DESCRIPTION OF LOT 15

A CERTAIN PARCEL OF LAND LYING AND BEING SITUATE NORTHEAST OF THE INTERSECTION OF GONZALES ROAD AND CERRO BORDO WITHIN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 15 FROM WHERE THE FT. MARCY TRI-STATION BE BEARS N51°34'48"W, 4301.53' DISTANT.

THENCE FROM SAID P.O.B. S08°17'12"E, 26.99' TO A POINT,

THENCE N08°12'12"E, 25.51' TO A POINT,

THENCE S07°47'48"E, 6.00' TO A CHISELED "X" IN A ROCK,

THENCE S30°11'34"W, 111.60' TO A 1/2" LP,

THENCE N77°48'17"W, 91.87' TO A 1/2" LP,

THENCE N 24° 30' 10" W, 56.40' TO A #4 RBR WITH CAP STAMPED M. NOONAN, N.M.P.L.S. #8998,

THENCE N 28° 10' 27" E, 37.84' TO A #4 RBR WITH CAP STAMPED M. NOONAN, N.M.P.L.S. #8998,

THENCE N 12° 09' 17" E, 37.83' TO A #4 RBR WITH CAP STAMPED M. NOONAN, N.M.P.L.S. #8998,

THENCE N 65° 25' 22" E, 25.87' TO A #4 RBR WITH CAP STAMPED M. NOONAN, N.M.P.L.S. #8998,

THENCE S77°47'30"E, 88.87' TO THE PLACE & POINT OF BEGINNING.

SAID TRACT CONTAINING 0.358 ACRES, AND BEING MORE FULLY SHOWN ON A PLAT ENTITLED

"LOT CONSOLIDATION OF LOTS 13, 14, & 15 & LOT LINE ADJUSTMENT BETWEEN LOTS 15 & 16 OF

OF THE SIERRA VISTA SUBDIVISION FOR C. VINCE CAMPBELL & SUSAN T. CAMPBELL"

PREPARED BY MICHAEL K. NOONAN, P.S. #8998 ON 08/01/92, FILED PROJECT NO. C-7320.

DESCRIPTION OF LOT 16

A CERTAIN PARCEL OF LAND LYING AND BEING SITUATE NORTHEAST OF THE INTERSECTION OF GONZALES ROAD AND CERRO BORDO WITHIN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERN CORNER OF LOT 16

FROM WHERE THE FT. MARCY TRI-STATION BE BEARS

N51°34'48"W, 4301.53' DISTANT,

THENCE FROM SAID P.O.B. S08°17'12"E, 26.99' TO A POINT,

THENCE N08°12'12"E, 25.51' TO A POINT,

THENCE S07°47'48"E, 6.00' TO A CHISELED "X" IN A ROCK,

THENCE N08°12'12"E, 26.07' TO A #4 RBR WITH CAP STAMPED M. NOONAN, N.M.P.L.S. #8998,

THENCE N48°42'17"W, 116.84' TO A #4 RBR WITH CAP STAMPED M. NOONAN, N.M.P.L.S. #8998,

THENCE S22°18'25"W, 33.50' TO A #4 RBR WITH CAP STAMPED M. NOONAN, N.M.P.L.S. #8998,

THENCE S77°47'30"E, 5.34' TO THE PLACE AND POINT OF BEGINNING.

SAID LOT CONTAINING 0.088 ACRES, AND BEING MORE FULLY SHOWN ON A PLAT ENTITLED

"LOT CONSOLIDATION OF LOTS 13, 14, & 15 & LOT LINE ADJUSTMENT BETWEEN LOTS 15 & 16 OF

OF THE SIERRA VISTA SUBDIVISION FOR C. VINCE CAMPBELL & SUSAN T. CAMPBELL"

PREPARED BY MICHAEL K. NOONAN, P.S. #8998 ON 08/01/92, FILED PROJECT NO. C-7320.

REVIEW BY CITY OF SANTA FE:

David D. Martinez 10/14/92
TECHNICAL REVIEW/DIVISION DIRECTOR DATE

Joanna Price 10/13/92
CITY PLANNER DATE

Joseph R. Hines 10-14-92
PLANNING DEPARTMENT CHIEF DATE

UTILITY APPROVALS:

Frank J. Bailey 10-1-92
SANTA FE CITY WATER COMMISSIONER DATE

J. B. Bowers 10-9-92
PUBLIC SERVICE COMPANY OF NEW MEXICO DATE

Ed. Martinez 11/1/92
NEW MEXICO COMMISSIONER DATE

Q. J. Hall 10-1-92
GAS COMPANY OF NEW MEXICO DATE



ICINITY MAP

4" = 1 mile

740039

1. IS TAKEN FROM THE "SIERRA VISTA" PLAT, PREPARED BY MICHAEL K. NOONAN, P.S. #8998, IN WHICH OF THIS AND WHICH COUNTY CLERK'S OFFICE SANTA FE COUNTY, NEW MEXICO, NO. 520,448 IN PLAT-BOOK 130, PAGE 030. WE ARE CURRENT AS OF SURVEY DATE.

2. DATED TO IN TITLE COMMITMENT (SANTA FE, 07/02/92) ON WHICH ARE APPARENT FROM VISUAL UNIMPROVED HEREON.

3. NO COMMON AREAS ARE DEDICATED TO HOMEOWNERS, WITHIN ZONE "C" AREAS OF UNUSUAL FLOODING, WATER COMMUNITY-PANED, NO. 300076 BOOKS, DATED 07/02/90. CONSOLIDATION DOES NOT CONSTITUTE APPROVAL. ENCLOSURES SHOWS (IF ANY).

4. ADJUTY WITH SIERRA VISTA, REVEALED FROM

1. SUBDIVISION PLAT, RECORDED IN THE SANTA FE

OFFICE ON 07/14/93 AS PER NOTE 1.

75 CONSENT

WE HEREBY ATTEST THAT THE LOT CONSOLIDATION

1. IS SHOWN HEREON IS BEING MADE WITH THEIR FREE CONSENT. 2. SET DESIRED AND WISHED ACCESS AND UTILITY EASEMENTS HEREON AS SHOWN THESE LANDS, WE WITHIN THE PLANNING SANTA FE COUNTY, NEW MEXICO.

[Signature] 10-5-92
DATE

UNDEBT WAS ACKNOWLEDGED BEFORE ME ON THIS 5th

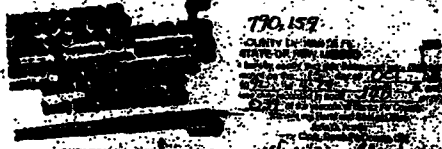
1992 BY C. VINCE CAMPBELL & SUSAN T. CAMPBELL.
OFFICIAL SEAL
ROSE M. NELSON
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 3-31-94

[Signature] 10-5-92
DATE

UNDEBT WAS ACKNOWLEDGED BEFORE ME ON THIS 5th

1992 BY SUSAN T. CAMPBELL.

OFFICIAL SEAL
ROSE M. NELSON
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 3-31-94



770.159
COUNTY CLERK'S OFFICE
SANTA FE COUNTY, NEW MEXICO
I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY PLAT, AS THE SAME APPEARS IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO, ON THIS 10-5-92.

COPIES TO: C. VINCE CAMPBELL & SUSAN T. CAMPBELL, THESE TWO HAVE PERSONAL TO THE BEST OF MY KNOWLEDGE AND BELIEF ARE AN ACCURATE SURVEY, COMPLETED BY ME OR UNDER MY SUPERVISION ON 08/01/92 AND THE SIGNATURES FOR PROFESSIONAL SURVEYING PRACTICE. NEW MEXICO.

[Signature] 10-5-92
DATE

REVIEWED BY:	PROJECT No. C-7320
DATE:	
SOUTHWEST MOUNTAIN SURVEYS, INC.	
1174 N. 1ST ST., SANTA FE, N.M. 87501	
PHONE: (505) 825-2825 FAX: (505) 825-2825	
DRAWN BY: [Signature]	

UPL	Parcel_Num	Physical Address	Situs_City	Situs_	Situs_Zip	OwnerName	Owner_Care	Mailing Address	Owner_City	Owner	Owner_Zip
1055098267485C50000											
1055098280493000000	910001027	1005 E ALAMEDA ST	SANTA FE	NM	87501	PUGH, JOHN R & KATHLEEN H (TRUSTEES)		PO BOX 92089	ANCHORAGE	AK	995092089
1055099267005000000	18410380	147 GONZALES RD	SANTA FE	NM	87501	SIERRA VISTA HOME OWNERS ASSOC		147 GONZALES # 3	SANTA FE	NM	87501
1055098266489CA0000											
1055098304491000000	12542336	1115 E ALAMEDA ST	SANTA FE	NM	87501	SENA, EDDIELINDA T TRUST		1115 EAST ALAMEDA	SANTA FE	NM	875012286
1055098245479CA0000											
1055098264490CS0000											
1055098244517000000	18400572	147 GONZALES RD	SANTA FE	NM	87501	M212 FARMS LTD		1916 ABERDEEN AVENUE	LUBBOCK	TX	79407
1055098261519000000	18400574	147 GONZALES RD	SANTA FE	NM	87501	CAMPBELL, C VANCE & SUSAN T		5949 SHERRY LANE SUITE 1205	DALLAS	TX	75225
1055098296511000000	990002434	1131 CERRO GORDO RD	SANTA FE	NM	87501	LISTER, STEPHEN A		PO BOX 33890	SANTA FE	NM	87594
1055098250519000000	18400573	147 GONZALES RD	SANTA FE	NM	87501	MOJARRAB, VAHID &	CAROL ELIZABETH WARE TRUSTEES	147 GONZALES RD #12	SANTA FE	NM	87501
1055098269515000000	18400578	147 GONZALES RD	SANTA FE	NM	87501	CREATIVE KIDS EDUCATION, THE	FOUNDATION	11726 SAN VICENTE BLVD STE 370	LOS ANGELES	CA	90049
1055099258005000000	18400569	147 GONZALES RD	SANTA FE	NM	87501	MAMMEL, NANCY TRUSTEE		8805 INDIAN HILLS DR STE 375	OMAHA	NE	68114
1055099285005000000	18400581	147 GONZALES RD	SANTA FE	NM	87501	SANCHEZ, MARIA E &	SIGNE I UMDELL	147 GONZALES RD #20	SANTA FE	NM	87501
1055098317526000000	16003587	0 CERRO GORDO RD	SANTA FE	NM	87501	PORTERFIELD, FRANCES ANAYA &	RONALD LEO	2036 CALLE LEJANO	SANTA FE	NM	87501
1055099254001C50000	18400570	147 GONZALES RD	SANTA FE	NM	87501	ROBINSON, JERRY & JANE		147 GONZALES RD #9	SANTA FE	NM	87501
1055099247025C50000	990002888	144 GONZALES RD	SANTA FE	NM	87501	PATTERSON, DAVID L &	ELIZABETH G	7223 MARIGOLD DR	IRVING	TX	75063
1055099299011000000	16010997	151 GONZALES RD	SANTA FE	NM	87501	SQUIRE CRUSE PROPERTIES, LP		2103 PAISANO RD	AUSTIN	TX	78746
1055099246022C50000	990002886	144 GONZALES RD	SANTA FE	NM	87501	BESSEY, RICHARD E & KERRY		162 E 80TH ST # 5C	NEW YORK	NY	10075
1055099265013000000	18400564	147 GONZALES RD	SANTA FE	NM	87501	HUFFMAN, HAROLD J & MARIA P TRUSTEES		147 GONZALES RD #3	SANTA FE	NM	87501
1055099263011000000	18400568	147 GONZALES RD	SANTA FE	NM	87501	DAVIS, ROBERT E JR & LINDA CAROL TRUSTEE		9605 S VANDALIA AVENUE	TULSA	OK	74137
1055099245019C50000	990002884	144 GONZALES RD	SANTA FE	NM	87501	UHELMANN, KIM A & MARIANNE		6700 E THOMAS RD	SCOTTSDALE	AZ	85251
1055099271021000000	18400582	147 GONZALES RD	SANTA FE	NM	87501	WESTON, ARTHUR & JOAN L		12209 PRESTONRIDGE	DALLAS	TX	75230
1055099268016000000	18400563	147 GONZALES RD	SANTA FE	NM	87501	CHAFFEE, MILES A & ANNIE M O'CARROLL		147 GONZALES RD # 2	SANTA FE	NM	87505
1055099284005000000	18400584	147 GONZALES RD	SANTA FE	NM	87501	SANGINES, EUGENIA M		147 GONZALES RD #23	SANTA FE	NM	87501
1055099282002000000	18400583	147 GONZALES RD	SANTA FE	NM	87501	VANDENBERG, CLARENCE W	REVOCABLE TRUST	2001 SKYCREST DR APT 5	WALNUT CREEK	CA	94595
1055099262010000000	18400565	147 GONZALES RD	SANTA FE	NM	87501	ELLING, JOHN W		147 GONZALES RD #4	SANTA FE	NM	87501
1055099303012000000	16010998	151 GONZALES CT	SANTA FE	NM	87501	JONES, CAROL F (TRUSTEE)		909 W CORONADO RD	PHOENIX	AZ	85007
1055099295010000000	16010996	151 GONZALES RD	SANTA FE	NM	87501	PELZER, INGE A		2445 PRINCE ALBERT DR	RIVERSIDE	CA	92507
1055099280001000000	18400580	147 GONZALES RD	SANTA FE	NM	87501	ROWLEY, MILTON & JANE		2807 YORK AVE	LUBBOCK	TX	79407
1055099248031C50000	990002892	144 GONZALES RD	SANTA FE	NM	87501	CADIEUX, DEBRA A		6211 E 105TH ST	TULSA	OK	74137
1055098254487C50000	19302562	1005 E ALAMEDA ST	SANTA FE	NM	87501	FRANK, DAVID T &	SUGIYAMA, KAZUKUNI	1005 E ALAMEDA N	SANTA FE	NM	87501
1055098247519000000	18400571	0 CANCELLED	BALBOA	CA	92661	WARE, WILLIAM & SARA		1907 E BAY AVE	BALBOA	CA	92661
1055098272512000000	18400579	147 GONZALES RD	SANTA FE	NM	87501	SANTA FE DEVELOPMENT PARTNERS		125 LINCOLN AVE	SANTA FE	NM	87501
1055098298526000000	11878450	0 CERRO GORDO RD	SANTA FE	NM	87501	MONTE VISTA DEVELOPMENT LC	C/O DANIEL SHEINBERG	BLV 64/7	TEL AVIV		64256
1055098310525000000	16003588	0 CERRO GORDO RD	SANTA FE	NM	87501	PORTERFIELD, FRANCES ANAYA &	RONALD LEO	2036 CALLE LEJANO	SANTA FE	NM	87501
1055099264046000000	910000827	0 CANTERA CIR	SANTA FE	NM	87501	COOMBS COMPANY INC		534 OLD SANTA FE TRAIL	SANTA FE	NM	87501
1055099231045CA0000	10787200	144 GONZALES RD	SANTA FE	NM	87501	COOMBS COMPANY INC		534 OLD SANTA FE TRAIL	SANTA FE	NM	87501
1055099248028C50000	990002890	144 GONZALES RD	SANTA FE	NM	87501	RAUCH, ARTHUR J & LYNNE E		3850 PENINSULA CT	STOCKTON	CA	95219
1055099249033C50000	990002894	144 GONZALES RD	SANTA FE	NM	87501	MOORE, EDWARD R		PO BOX 413005	NAPLES	FL	34101
1055099250036C50000	990002896	144 GONZALES RD	SANTA FE	NM	87501	KLAVER, KEITH C & JEANNE		4 ATWATER RD	CHADDS FORD	PA	19317
1055098304486000000	19001033	0 UNASSIGNED	SANTA FE	NM	87501	SENA, EDDIELINDA T TRUST		1115 EAST ALAMEDA	SANTA FE	NM	875012286
1055098264485C50000	19205665	1005 E ALAMEDA ST	SANTA FE	NM	87501	ALAMEDA PROPERTIES LTD CO	C/O JAMES WICKSTEAD	5 COLD HILL RD	MENDHAM	NJ	07945
1055098282484000000	910001031	1005 E ALAMEDA ST	SANTA FE	NM	87501	PUGH, JOHN R & KATHLEEN H (TRUSTEES)		PO BOX 92089	ANCHORAGE	AK	995092089
1055098297488000000	19000951	1109 E ALAMEDA ST	SANTA FE	NM	87501	SENA, MARGO CHARLENE		1109 E ALAMEDA	SANTA FE	NM	87501
1055098252491C50000	19302560	1005 E ALAMEDA ST	SANTA FE	NM	87501	MARCUS, LINDA		2814 PARK BRIDGE CT	DALLAS	TX	75225
1055098309497000000	910003512	1117 E ALAMEDA ST	SANTA FE	NM	87501	ANAYA, RICHARD D		122 W SAN MATEO RD	SANTA FE	NM	87505
0550982735060000000	16009647	1123 CERRO GORDO RD	SANTA FE	NM	87501	CAMPBELL, C VANCE & SUSAN T		5949 SHERRY LANE SUITE 1205	DALLAS	TX	75225
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0550983144970000000	910003509	1117 E ALAMEDA ST	SANTA FE	NM	87501	ANAYA, RICHARD D		122 W SAN MATEO RD	SANTA FE	NM	87505
0550982705200000000	18400577	147 GONZALES RD	SANTA FE	NM	87501	CAMPBELL, C VANCE & SUSAN		5949 SHERRY LANE SUITE 1205	DALLAS	TX	75225
0550982904860000000	19001032	0 UNASSIGNED	SANTA FE	NM	87501	SENA, EDDIELINDA T TRUST		1115 EAST ALAMEDA	SANTA FE	NM	875012286
0550982475090000000	19100754	143 GONZALES CT	SANTA FE	NM	87501	CAMPBELL, SUSAN T		5949 SHERRY LANE SUITE 1205	DALLAS	TX	75225
0550982275150000000	19001651	30 MONTOYA CIR	SANTA FE	NM	87501	POWELL, ANTHONY G		2761 INDIAN SPRING LN	ALLISON PARK	PA	15301
0550992360130000000	960000268	102 MONTOYA CIR	SANTA FE	NM	87501	GAIREY, ELMA R & STANLEY A		4959 OSAGE DRIVE	SANTA FE	NM	87505
3550992830300000000	16011023	151 GONZALES RD	SANTA FE	NM	87501	PALMER, FRED W		351 GONZALES RD #42	SANTA FE	NM	87501
3550983305030000000	11474048	1116 CERRO GORDO RD	SANTA FE	NM	87501	MEAD, LEONOR A &	ANAYA, HELEN C	235 QTERO ST	SANTA FE	NM	87501
3550982265230000000	11372672	102 MONTOYA CIR	SANTA FE	NM	87501	THOMAS, STEPHEN D & EVELYN S BLUM		860 PORT CLYDE RD	PORT CLYDE	ME	04855
3550983184900000000	10052992	266 CALLE JUANITA	SANTA FE	NM	87501	ANAYA, JOSEPH E & MARY G	TRUSTEES	1117 E ALAMEDA ST	SANTA FE	NM	87501
3550992880170000000	16010994	151 GONZALES RD	SANTA FE	NM	87501	HILT, CAROL L		151 GONZALES RD #38	SANTA FE	NM	87501
3550992860230000000	16010992	151 GONZALES RD	SANTA FE	NM	87501	HAYES, ALAN D & YVONNE K		151 GONZALES # 40	SANTA FE	NM	87501
3550992890260000000	16010991	151 GONZALES RD	SANTA FE	NM	87501	WILLIAMS, LEE B		3860 S HIGUERA ST SPC A5	SAN LUIS OBISPO	CA	934017424

1055099291013000000 16010995 151 GONZALES RD SANTA FE NM 87501 MUZIO, JOHN A & LINDA Y
1055099287021000000 16010993 151 GONZALES RD SANTA FE NM 87501 GUTIERREZ, MARIA CELIA

151 GONZALES RD # 37 SANTA FE NM 87501
4440 MORRIS ST NE APT 131 ALBUQUERQUE NM 871116949

+ Sierra Vista Neighborhood Association
Jane Robinson, President
147 Gonzales Road # 20
Santa Fe, NM 87501

56

42

98 total

WARRANTY DEED

CASAS DE SAN YSIDRO PROPERTY TRUST

815550

for consideration paid, grant
to C. VANCE CAMPBELL and SUSAN T. CAMPBELL, husband and wife

whose address is _____

the following described real estate in SANTA FE County, New Mexico:

Lots 13, 14, 15 and 16 of Sierra Vista Planned Unit Development, as shown and delineated on the "Revised Final Development Plan, Subdivision Plat" thereof filed July 14, 1983 as Document No. 520,449, recorded in Plat Book 130, page 030, records of Santa Fe County, New Mexico.

SUBJECT TO:

1. Taxes for the year 1992, and thereafter.
2. Special Assessments by the City of Santa Fe for garbage disposal and sewer maintenance which are not yet due and payable.
3. Restrictions contained in Quitclaim Deed from Elizabeth H. Wright to Maria P. Renehan, dated February 26, 1958, recorded in Misc., Book 142, page 479, records of Santa Fe County, New Mexico.
4. Declaration of Covenants, Conditions and Restrictions for Sierra Vista Planned Unit Development, dated July 8, 1983, recorded in Misc. Book 467, page 018, amended by document recorded in Book 695 Misc., at page 486, records of Santa Fe County, New Mexico.
5. Articles of Incorporation of Sierra Vista Homeowners Association, dated July 8, 1983, recorded in Misc. Book 467, page 041, records of Santa Fe County, New Mexico.
6. By Laws of Sierra Vista Homeowners Association, dated July 8, 1983, recorded in Misc. Book 467, page 540, records of Santa Fe County, New Mexico.
7. A forty (40) foot setback along the southwest boundary of Lots 13, 14 & 15; offsets as shown on diagram labeled "TYPICAL LOT", reservations regarding easements as contained in "NOTE" and in "DEDICATION" all as shown on plat entitled "SIERRA VISTA REVISED FINAL DEVELOPMENT PLAN SUBDIVISION PLAT", filed as Document No. 520,449 and recorded in Plat Book 130, at page 30, records of Santa Fe County, New Mexico.

with warranty covenants.

WITNESS its hand and seal this SEVENTH day of May, 1992.

CASAS DE SAN YSIDRO PROPERTY TRUST (Seal) (Seal)

By: Jeanne M. Sullivan, Trustee (Seal) (Seal)
Jeanne M. Sullivan, Trustee

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF SANTIAGO

ss.

The foregoing instrument was acknowledged before me this 7TH day of May, 1992.

by Jeanne M. Sullivan, Trustee on behalf of Casas de San Ysidro Property Trust.
(Name or Names of Person or Persons Acknowledging)

My commission expires March 27, 1994

Beverly Barba
Notary Public

Submit by Email

Print Form

City of Santa Fe, New Mexico
PUBLIC MEETING NOTICE

**Variance to build on ridge top; to disturb 30% slopes and
to reduce front setbacks from 20' to 10'**

Project Description

147 Gonzales Street #16

Project Location

ENN

Dec 17, 2012

5:30 PM

Type of Meeting

Date

Time

Main Library - 145 Washington Avenue

Meeting Location

Design Enginuity

Applicant/Agent

147 Gonzales

For Information Call: Current Planning 505.955.6585

Refer to Case:

Required to be posted and visible from a public street from

Dec 2, 2012

Date

to

Dec 17, 2012

Date

DESIGN ENGINEUITY



1421 Luisa Street Suite E, Santa Fe, New Mexico 87505
PO Box 2758 Santa Fe, New Mexico 87504
(505) 989-3557 FAX (505) 989-4740
E-mail oralynn@designenginuity.biz

EARLY NEIGHBORHOOD NOTIFICATION MEETING

November 30, 2012

Dear Neighbor:

My firm, Design Enginuity, represents Vance Campbell who wishes to build a home at 147 Gonzales Road 16, which is the vacant lot located at the end of the Sierra Vista neighborhood access road that abut Mr. Campbell's home. The lot has very difficult terrain and will require 2 variances and a modification of the front setback to permit development of a less than 1400 square foot home. The variances requested would permit construction within the Ridgetop Subdistrict ~~and~~ disturbance of 30% slopes, and the front setback would be modified from 20 feet to 10 feet. In addition to address parking requirements, it is proposed that Mr. Campbell's two lots be consolidated. Thus 147 Gonzales Road 15 and 147 Gonzales Road 16 would be combined into a single lot of 0.454 acres. A total of 4 parking spaces exist on the Campbell property: 2 in the garage and 2 in the existing driveway.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that an ENN meeting is scheduled for:

Time: 5:30 PM
When: Monday, December 17th, 2012
Where: Santa Fe Main Public Library
2ND Floor - Community Room
145 Washington Avenue
Santa Fe, NM 87501

Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Oralynn Guerrerortiz at 505-989-3557 or Oralynn@designenginuity.biz.

Sincerely,

Oralynn Guerrerortiz

Attachments:
Vicinity map
Site plan

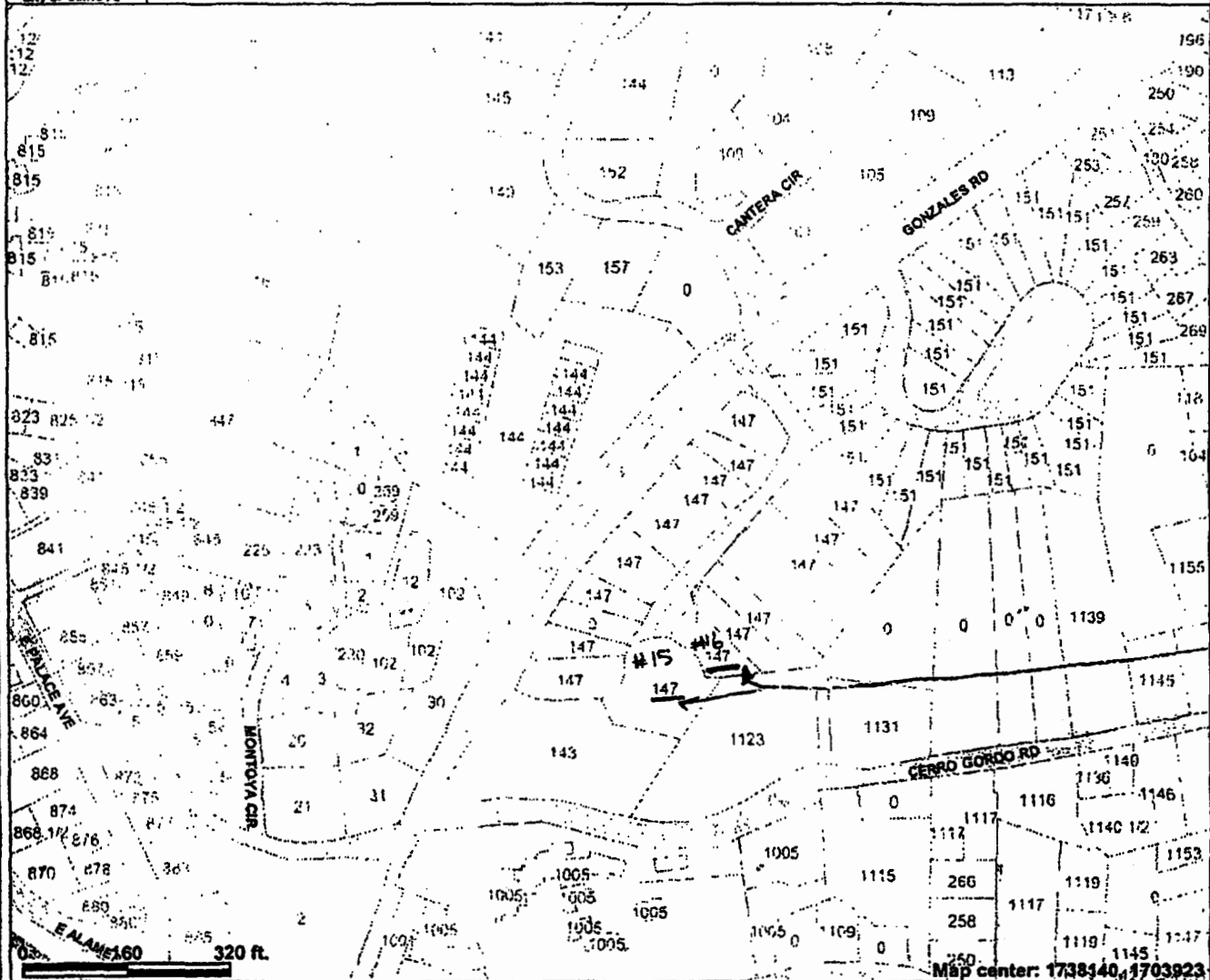
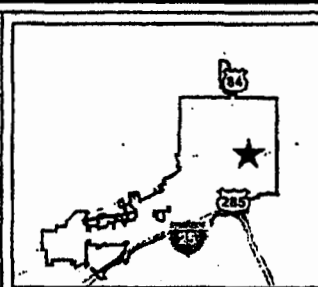
of the Escarpment

modification of

variance required and



City of Santa Fe



- Legend**
- City Limits
 - Parcels
 - Santa Fe River
 - Major Roads and Highways
 - Other Roads and Streets

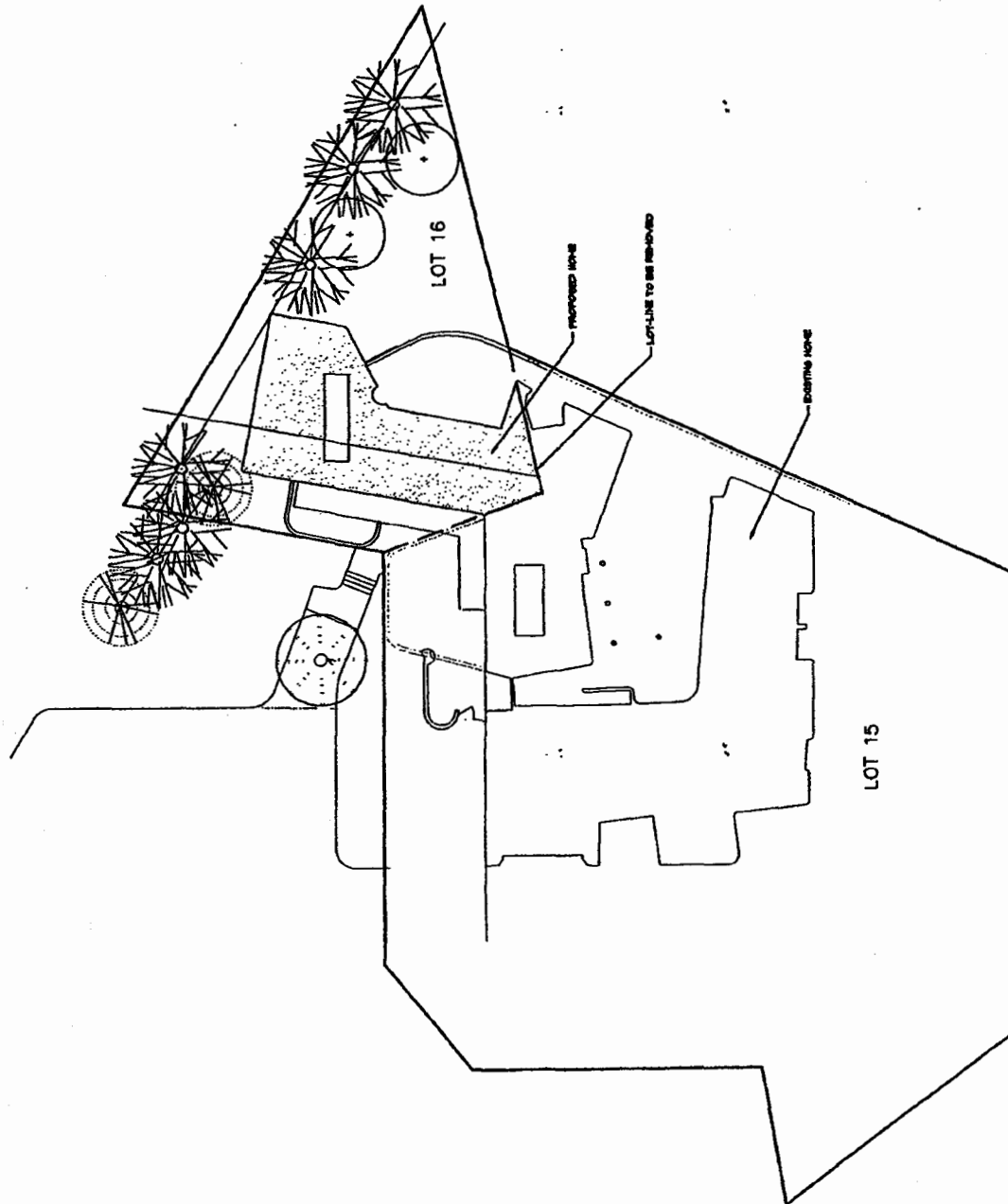
Project Site



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

Map center: 1738140, 1703923

DESIGN ENGINEER	
[Signature]	
YANCE CAMBELL	
SITE PLAN	
DATE	10/1/00
BY	Y.C.
CHECKED BY	Y.C.
DATE	10/1/00



DESIGN ENGINEUITY



1421 Luisa Street, Suite E, Santa Fe, New Mexico 87505

P. O. Box 2758, Santa Fe, New Mexico 87504

(505) 989-3557 FAX (505) 989-4740

TRANSMITTAL

Date: December 4, 2012

To: Bill Lamboy, City of Santa Fe

From: Yvette Pena, Office Manager *YD*

Re: Campbell Residence

Message: Attached is the original Certificate of Mailings, a copy of the letter sent out to residences, and pictures of the board postings.

If you need any additional information, please contact me at 505-989-3557.

CONFIDENTIALITY: This message is intended to reach the person(s) addressed above only. If you received this in error, please notify the sender at the phone numbers listed above.

DESIGN ENGINUITY



1421 Luisa Street Suite E, Santa Fe, New Mexico 87505
PO Box 2758 Santa Fe, New Mexico 87504
(505) 989-3557 FAX (505) 989-4740
E-mail oralynn@designenginuity.biz

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November 30, 2012

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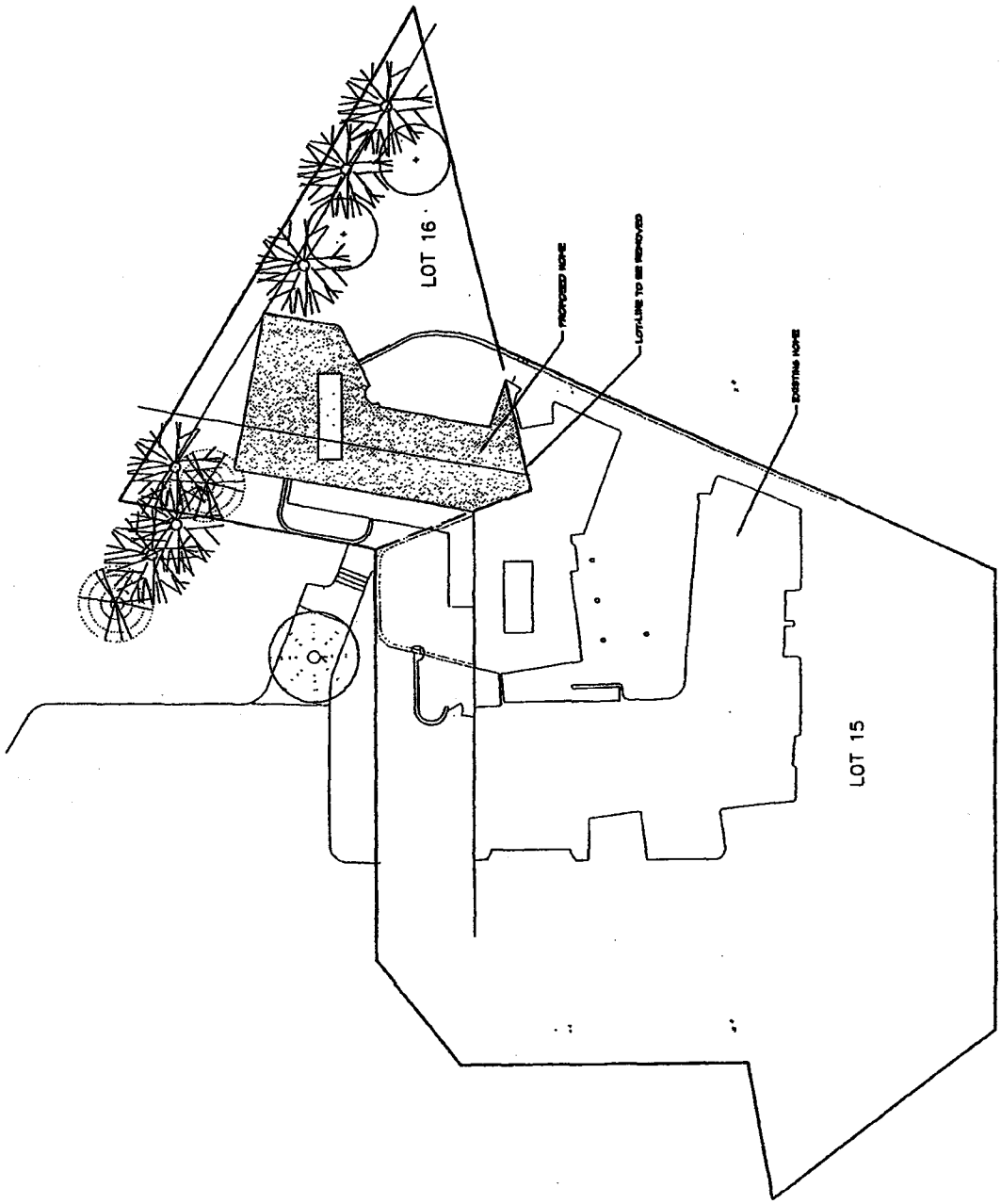
Sincerely,

Oralynn Guerrerortiz

Attachments:

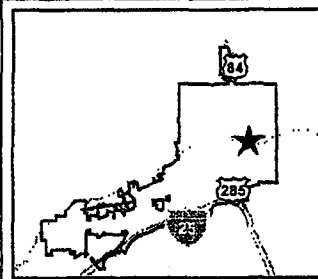
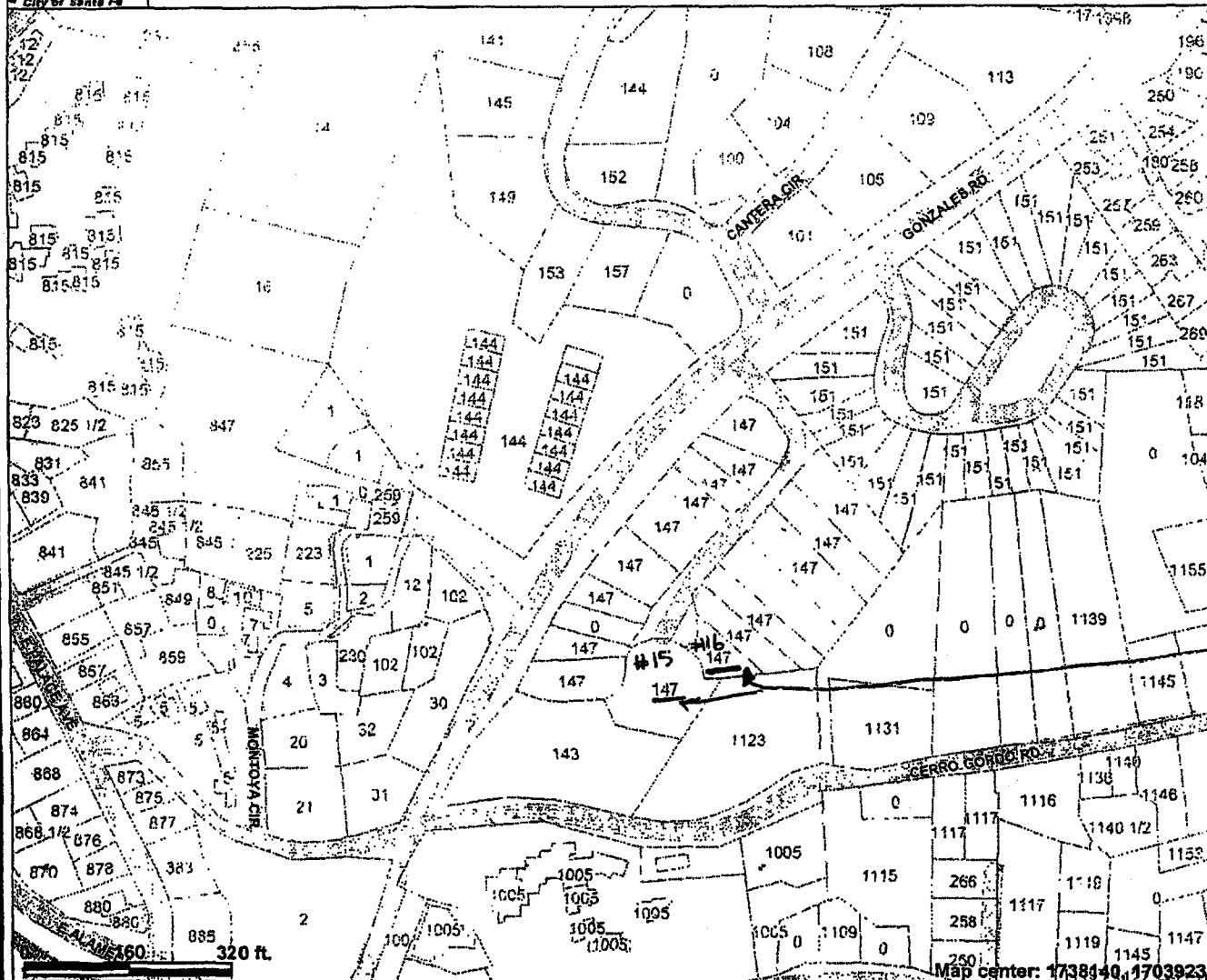
Vicinity map
Site plan

DESIGN ENGINEER	
VANCE CAMBELL	
SITE PLAN	
DATE	12/1/78
SCALE	1" = 100'
PROJECT NO.	100-100-1





City of Santa Fe



Legend

- City Limits
- Parcels
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets

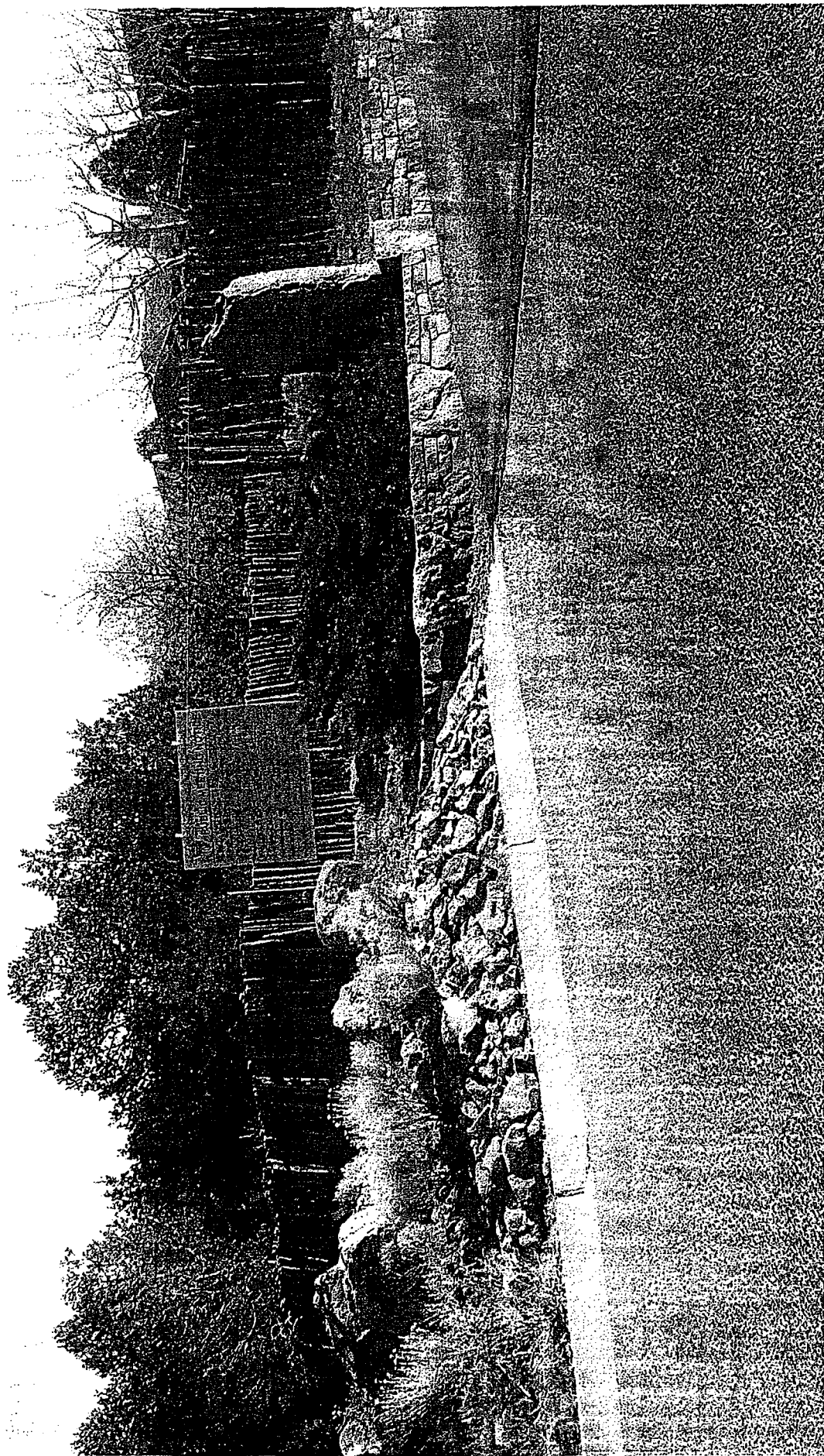
Project Site

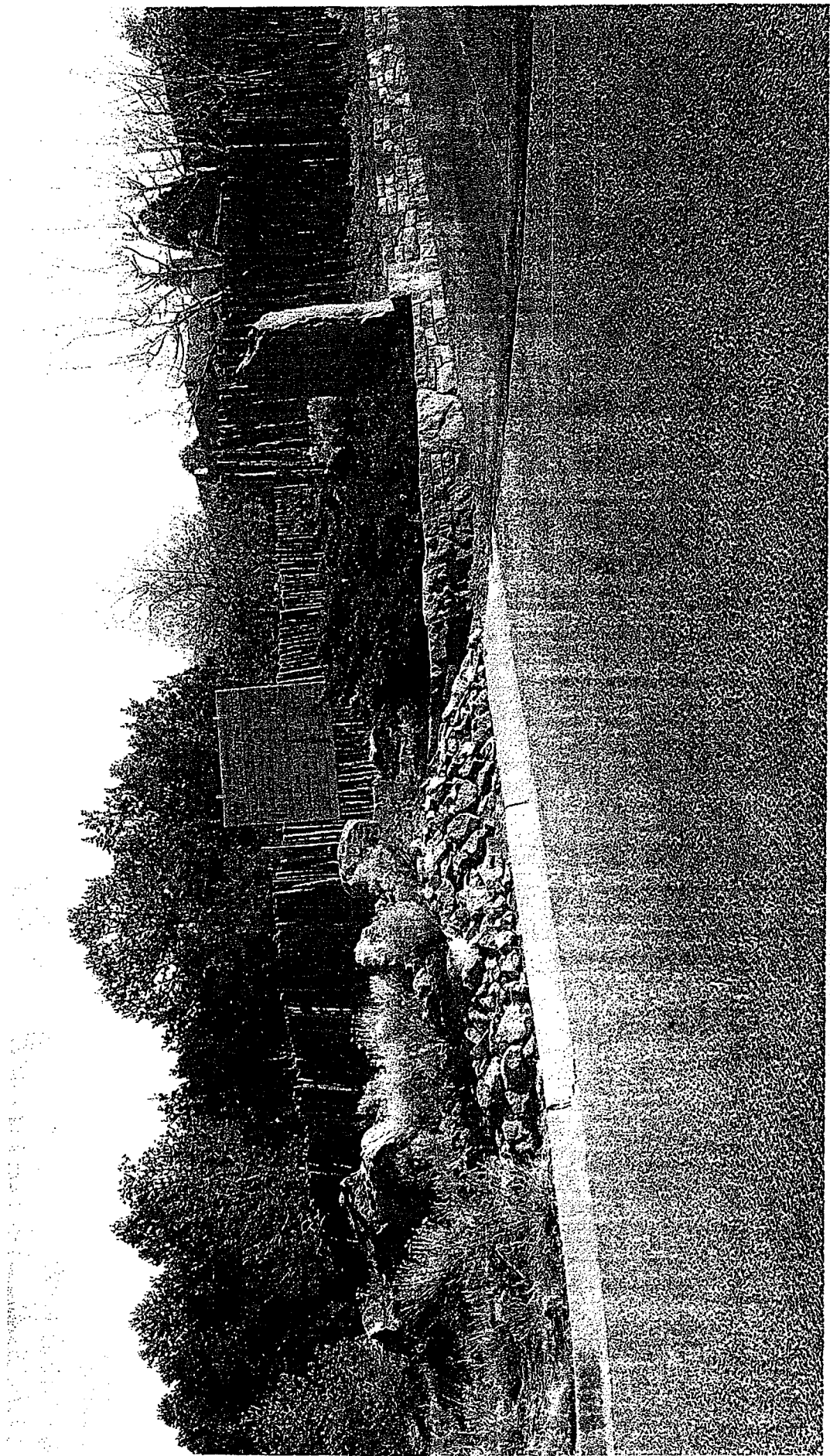


Scale: 1:2,850

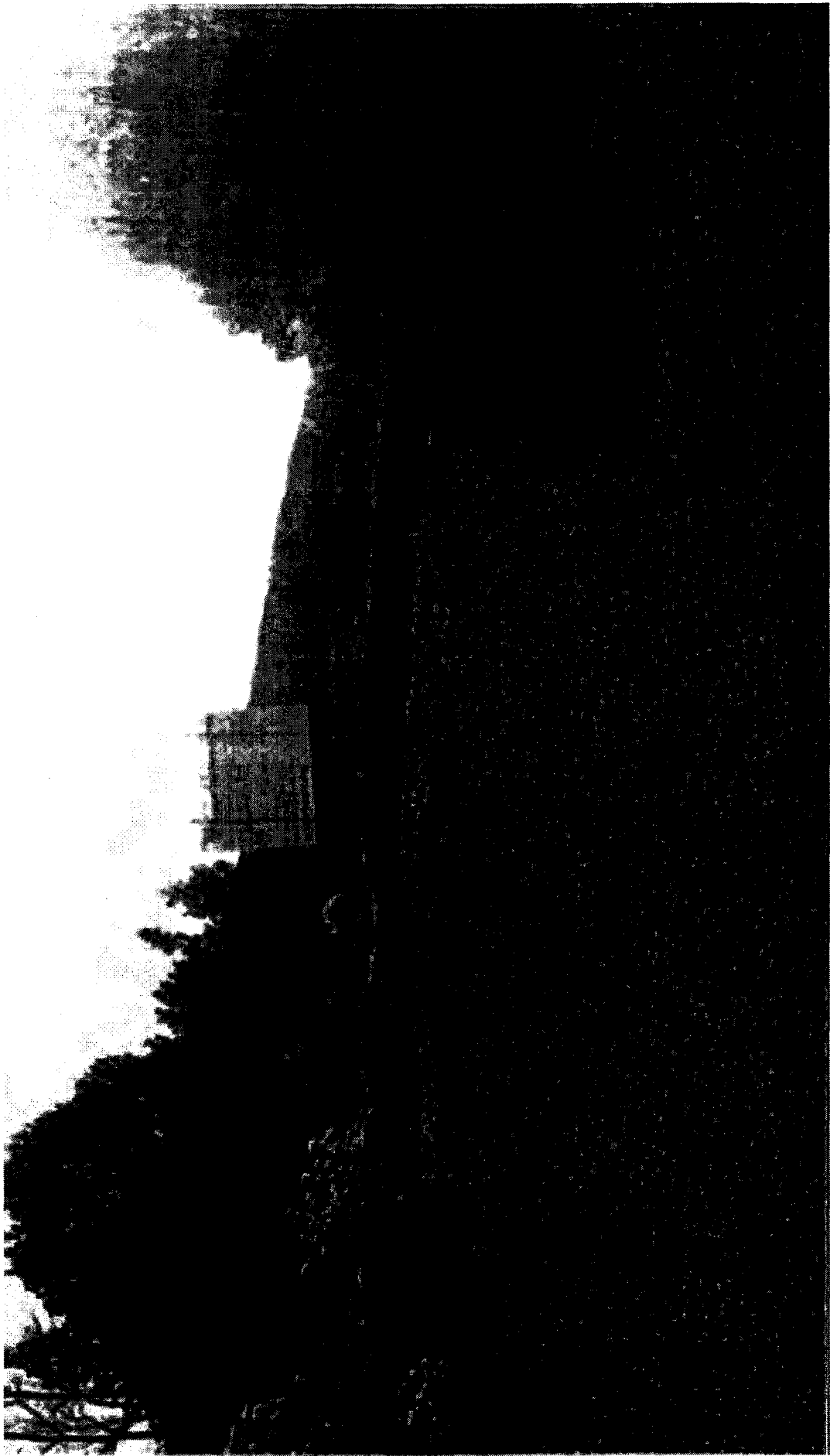
Map center: 1738040, 1703923

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DESIGN ENGINEUITY



1421 Luisa Street Suite E, Santa Fe, New Mexico 87505
PO Box 2758 Santa Fe, New Mexico 87504
(505) 989-3557 FAX (505) 989-4740
E-mail oralynn@designenginuity.biz

EARLY NEIGHBORHOOD NOTIFICATION MEETING

November 30, 2012

Dear Neighbor:

My firm, Design Enginuity, represents Vance Campbell who wishes to build a home at 147 Gonzales Road 16, which is the vacant lot located at the end of the Sierra Vista neighborhood access road that abut Mr. Campbell's home. The lot has very difficult terrain and will require 2 variances and a modification of the front setback to permit development of a less than 1400 square foot home. The variances requested would permit construction within the Ridgetop Subdistrict of the Escarpment, disturbance of 30% slopes, and modification of the front setback from 20 feet to 10 feet. In addition to address parking requirements, it is proposed that Mr. Campbell's two lots be consolidated. Thus 147 Gonzales Road 15 and 147 Gonzales Road 16 would be combined into a single lot of 0.454 acres. A total of 4 parking spaces would be required and exist on the Campbell property: 2 in the garage and 2 in the existing driveway.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that an ENN meeting is scheduled for:

Time: 5:30 PM
When: Monday, December 17th, 2012
Where: Santa Fe Main Public Library
2ND Floor - Community Room
145 Washington Avenue
Santa Fe, NM 87501

Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Oralynn Guerrerortiz at 505-989-3557 or Oralynn@designenginuity.biz.

Sincerely,

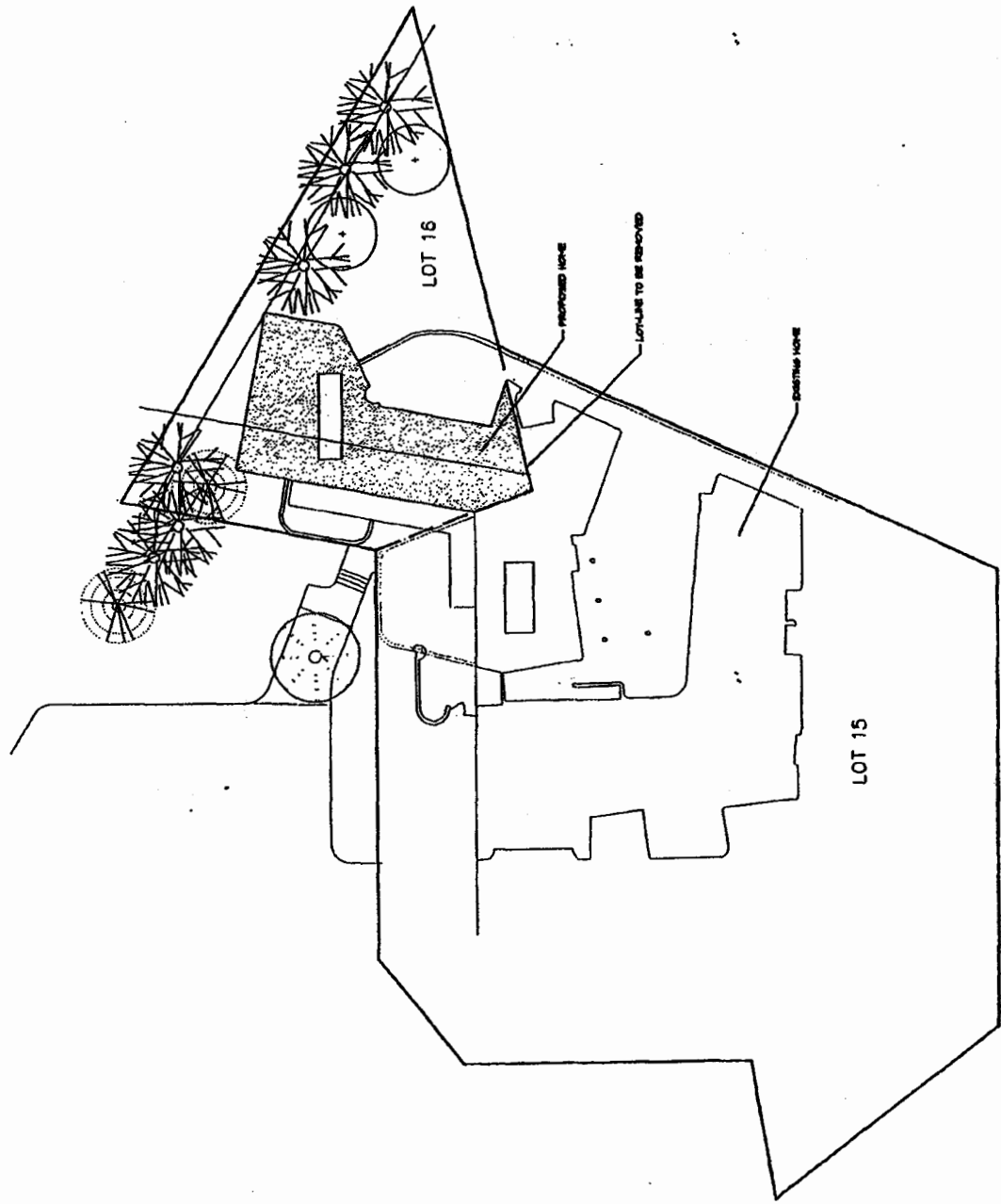
Oralynn Guerrerortiz

Attachments:

Vicinity map

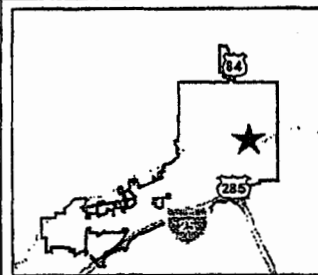
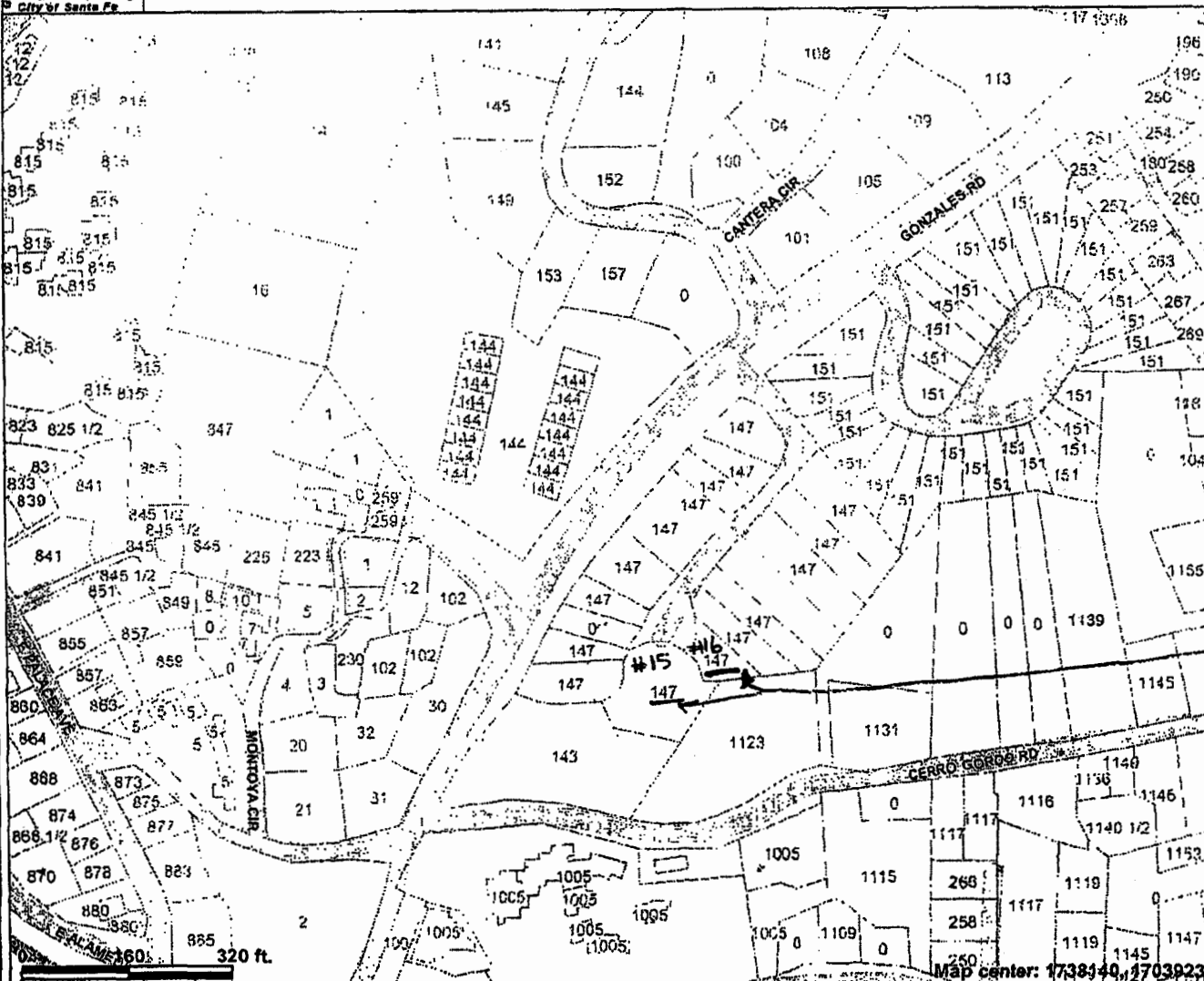
Site plan

DESIGN ENGINEER	
YANCE GAMBELL	
SITE PLAN	
DATE	10/1/80
SCALE	1" = 40'
PROJECT	LOT 15 & 16





City of Santa Fe



Legend

- City Limits
- Parcels
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets

Project Site



Scale: 1:2,850

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

City of Santa Fe, New Mexico

Exhibit E

Public Comments

February 26, 2013

City of Santa Fe
Land Use Department
Planning Commission

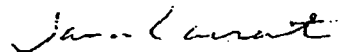
Re: Vance Campbell Variance Request
147 Gonzales Rd., #15
Santa Fe, New Mexico

Dear Members of the Commission,

I am the President of the Creative Kids Education Foundation, the owner of the property at 147 Gonzales Road, #17, Santa Fe, New Mexico. Our property is immediately adjacent to lot #16, an undeveloped property owned by Vance Campbell. Mr. Campbell is requesting several variances that would allow him to build a residential unit next door to my house. His request comes before your Commission, Thursday, March 7, 2013. As you consider this request, I have a concern about this construction that I would like to call to your attention.

The plan for the property that I have examined calls for a trench to be dug to a depth of 4 or 5 feet in solid rock so that a 12" drain pipe can be installed to accommodate roof run-off. The trench would run at one point to within 2 1/2 feet of my property. Excavating the trench for the pipe through solid rock has the potential to cause serious damage to my house. In addition, should the drain pipe overflow, it has the capacity to drain water onto my property and cause damage to my house. I have asked the owner, and believe he should be required to provide insurance against damage to my property for at least 2 years, but as of this date have received no assurance of protection. I have also suggested to the owner that he re-design the structure to drain rainwater off of the east side of the roof, making the need for a 12" drain unnecessary.

If it is within the jurisdiction of the Planning Commission to require indemnification by the builder and to take steps to limit potential damage that could result from the design, I would appreciate it very much.



Jama Laurent
President
Creative Kids Education Foundation
2225 Beverly Glen Place
Los Angeles, CA 90077

City of Santa Fe, New Mexico

Exhibit F

Applicant Submittals



Campbell Variance Requests



Exhibit "5"

Campbell



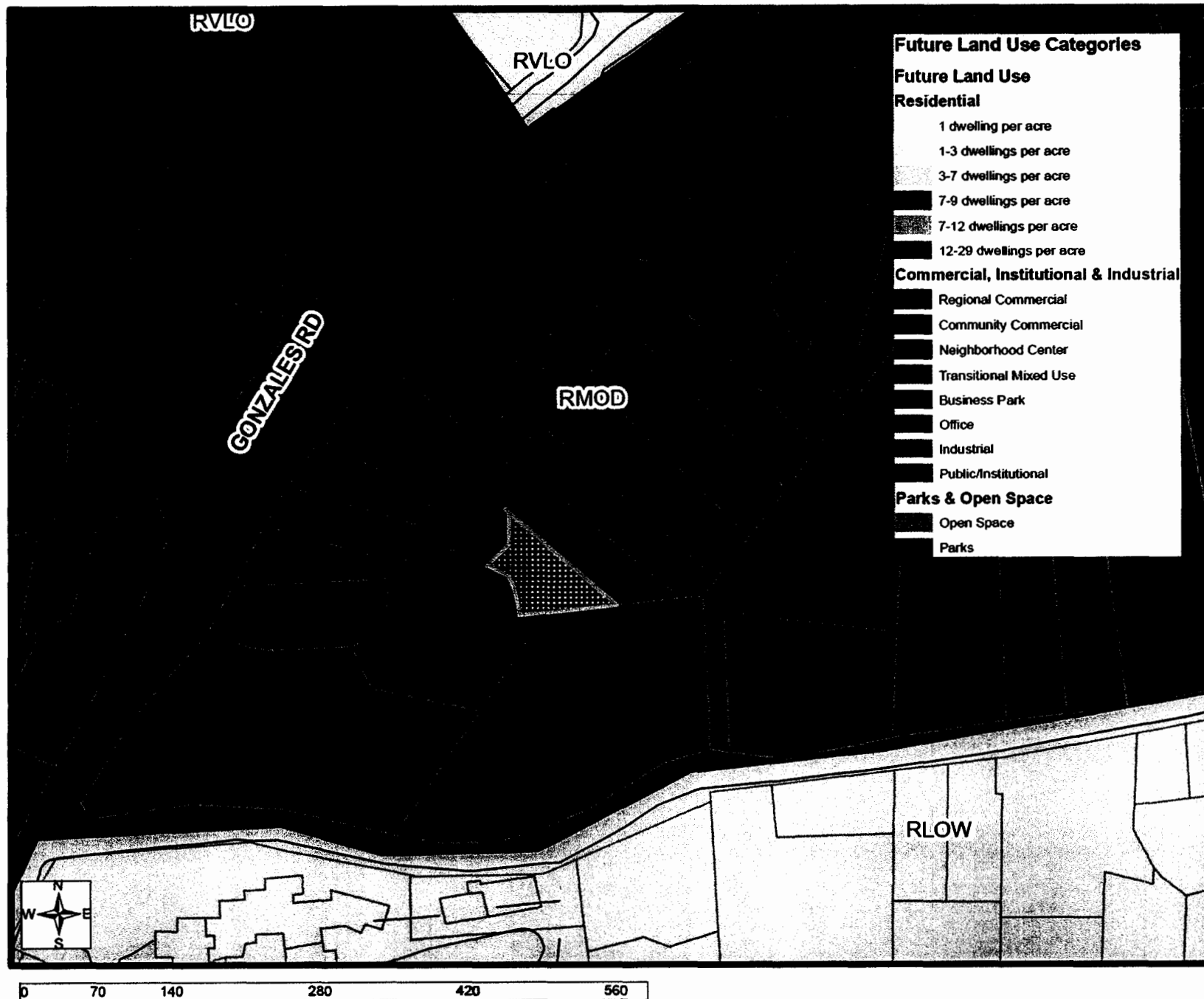
Request:

- Variance to build a 1,300 square foot house in Ridgetop
- Variance to build on slopes greater than 30%
- Development Plan Amendment to reduce front setback from 20 to 6 feet



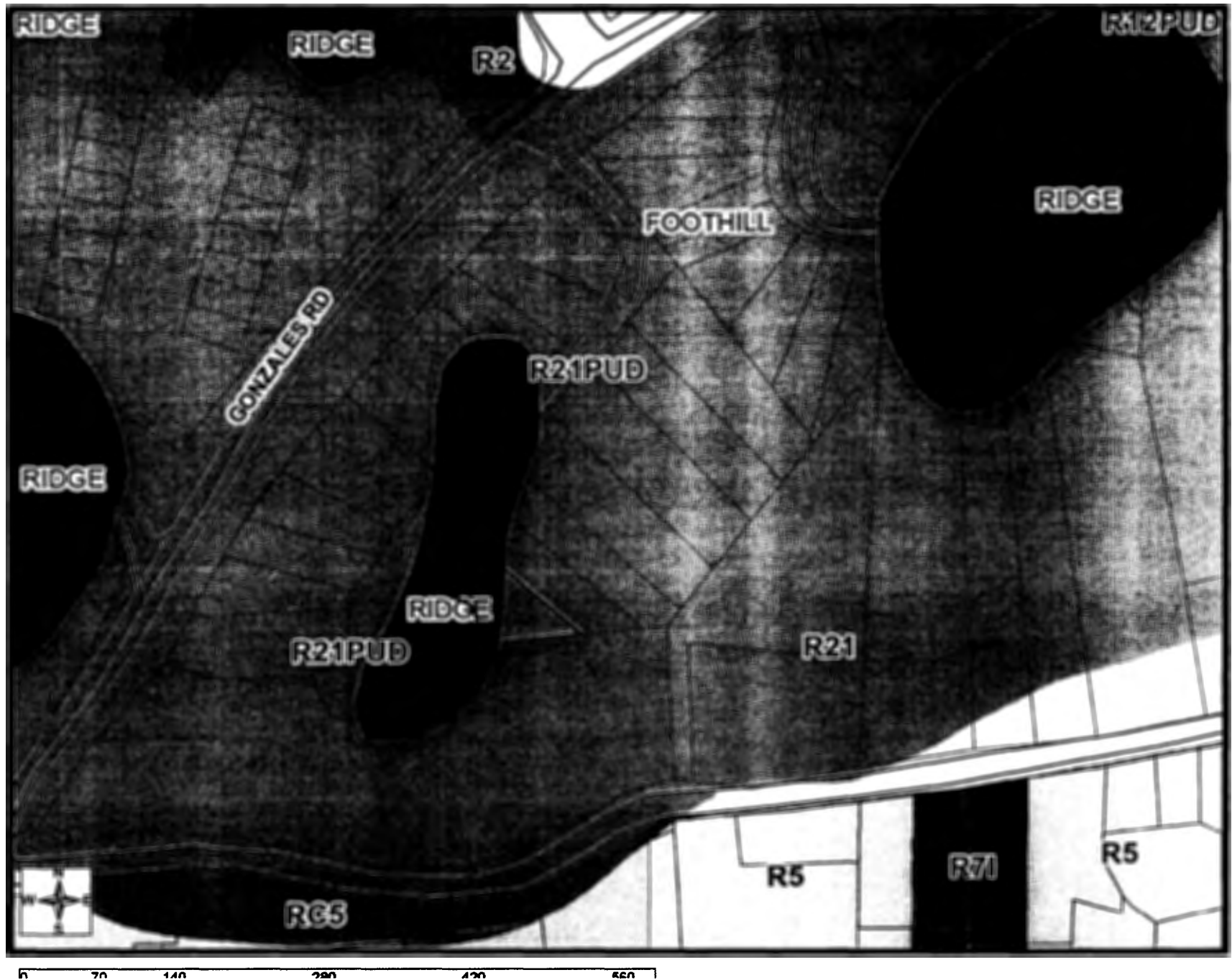


CAMPBELL FUTURE LAND USE





CAMPBELL ZONING WITH ESCARPMENT OVERLAY





CAMPBELL AERIAL

0 70 140 280 420 560



Campbell



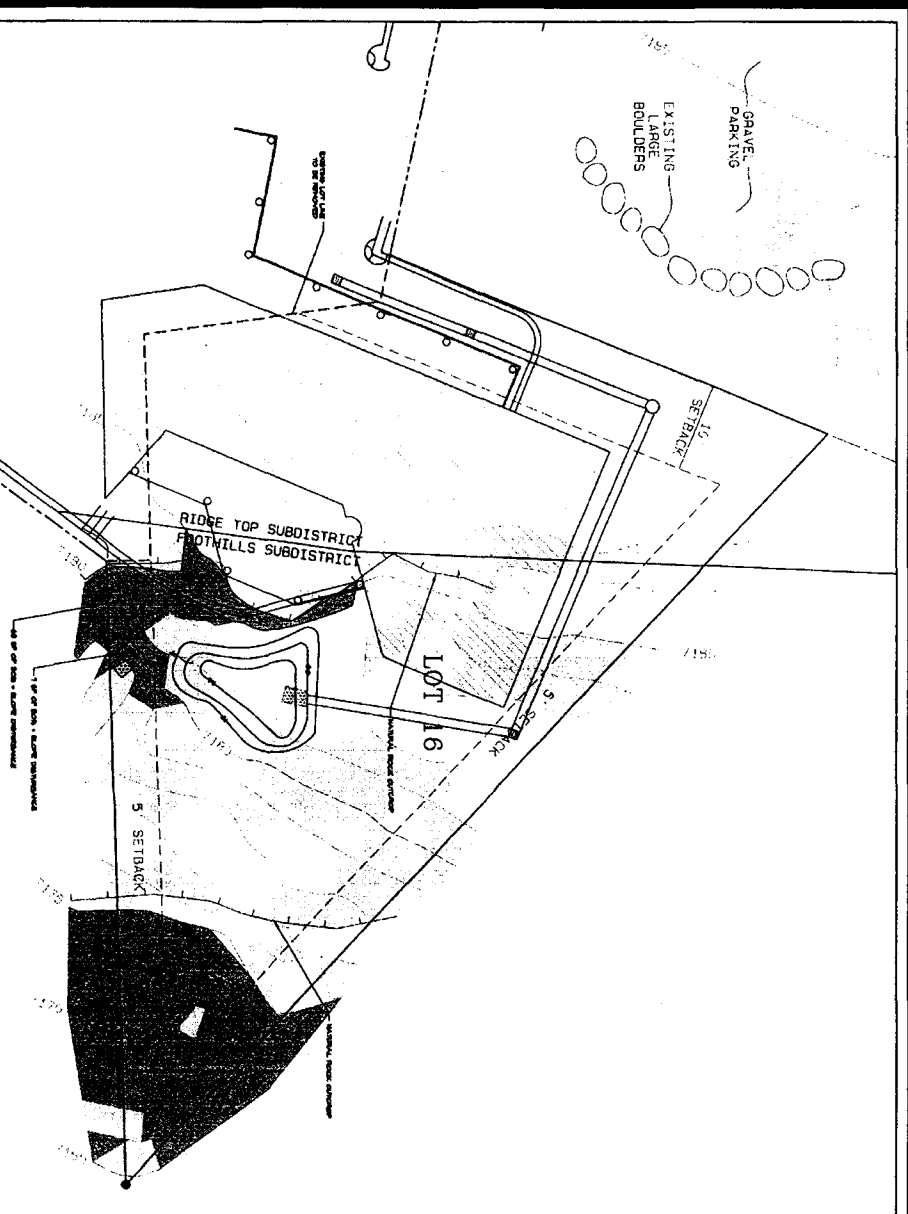
Sierra Vista Subdivision:

- Approved in 1983
- Escarpment Regulations adopted in 1992
- Lot 16 is considered a legal lot of record



Campbell

Designed to
have
minimum
impact on the
terrain



Campbell

+ Criteria for judging whether a variance is appropriate:

- Unique physical characteristics
- Legal nonconforming lot
- Conflict in regulations
- Special circumstances make it infeasible to develop property otherwise



Campbell

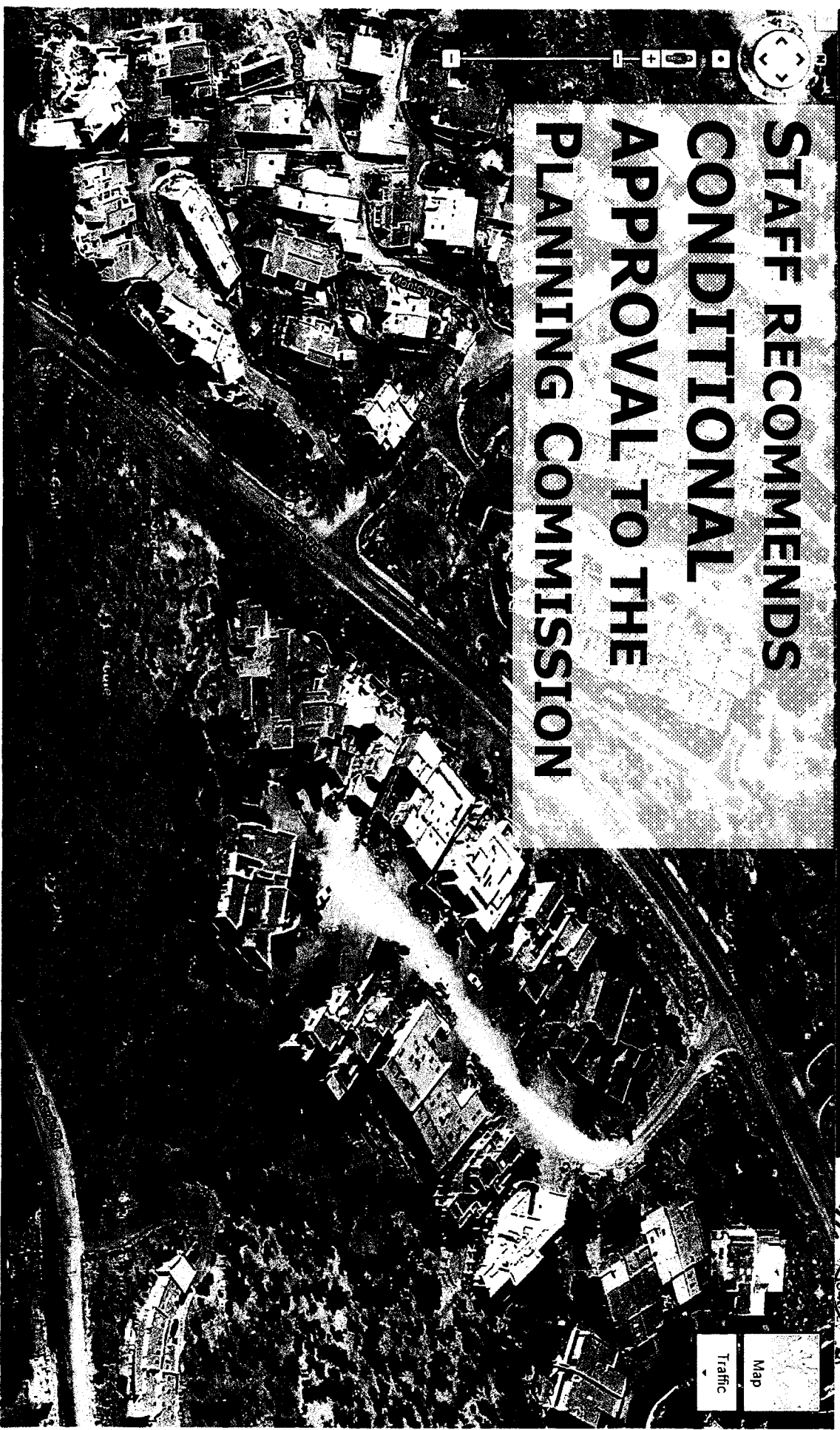
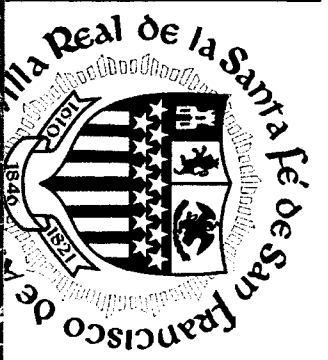


- Intensity of development will be comparable to vicinity
 - Will make possible the reasonable use of the land
 - Will not be contrary to public interest
- All criteria for the variances have been met



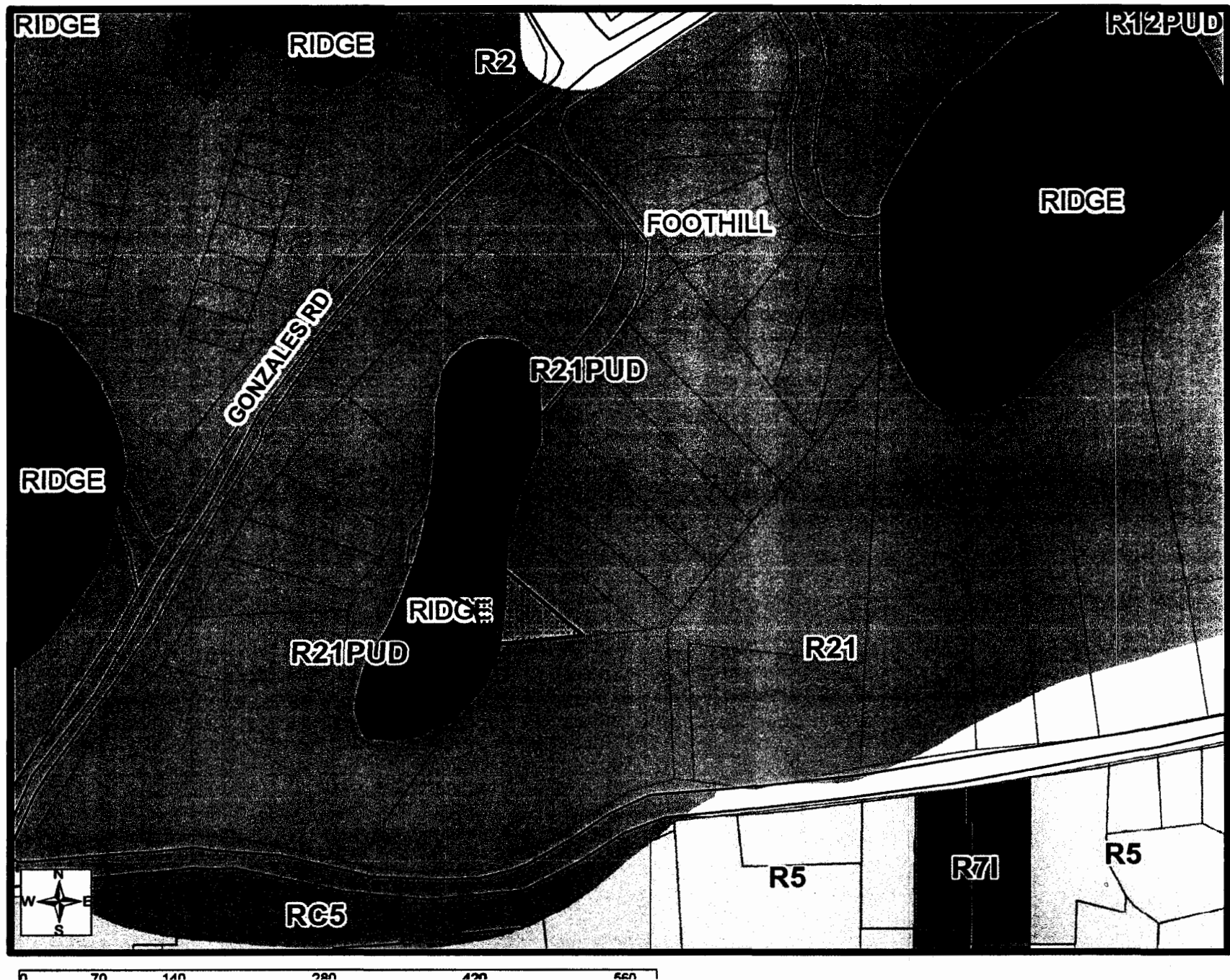
Campbell

**STAFF RECOMMENDS
CONDITIONAL
APPROVAL TO THE
PLANNING COMMISSION**





CAMPBELL ZONING WITH ESCARPMENT OVERLAY

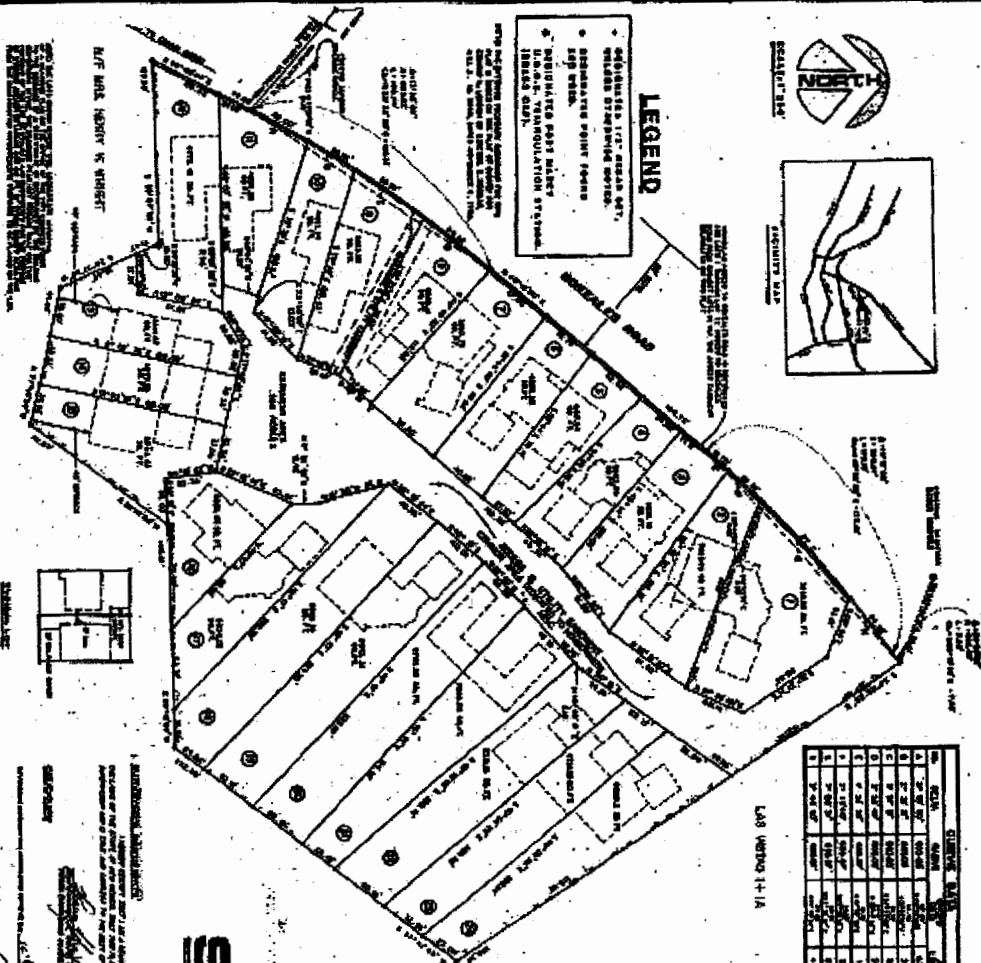




LEGEND

- POLYMERIZED 1-2 - MEAN PART
• WILSON STIMULATED NOTICE
• RECOMMENDATION POINT FORMS
• REP INFO.
• POTENTIAL FOR FURTHER MARKET
U.S.-E. TRANSMISSION SYSTEM
INVESTMENT

to be the primary property interests that are at issue in the case of which the estate is seeking to establish a charitable deduction under Section 6642. The estate, having acquired a 100%



Year	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	

DISCUSSION

RECENT RESEARCH indicates that the "Big Five" personality models may be flawed. A study by Dr. David Carmin, a professor of psychology at the University of California, San Diego, and his colleagues, published in the journal *Personality and Individual Differences*, found that the Big Five model, which posits that personality is determined by five broad dimensions: openness, conscientiousness, extraversion, agreeableness, and neuroticism, may be too simplistic. The researchers found that the Big Five model fails to account for a wide range of individual differences, particularly in the areas of social behavior and emotional stability. They argue that a more comprehensive model of personality should take into account a much wider range of factors, including social context, cultural influences, and individual experiences. The study suggests that the Big Five model may be a useful starting point, but it is far from a complete picture of human personality.

STANDARDIZATION

Office of the
Director

Keywords: *depression, mood, anxiety, self-esteem, self-efficacy, self-esteem, self-efficacy, self-esteem, self-efficacy*

THE AMERICAN PEOPLE IN THE 1950S

IDENTIFICATION

Abstract

CITY OF ATLANTA, NEW MEXICO

Witnessed by

[illegible]

ON KANSAS

UTILITY

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

~~WYOMING STATE TOLL ROAD COMMISSION~~ ~~1964~~ ~~THE COMMISSIONER OF REVENUE~~ ~~1964~~

SIERRA VISTA



Signature: _____

1. **Identify the subject.** The subject is the person or thing that is doing the action. In this sentence, the subject is "The cat."

References



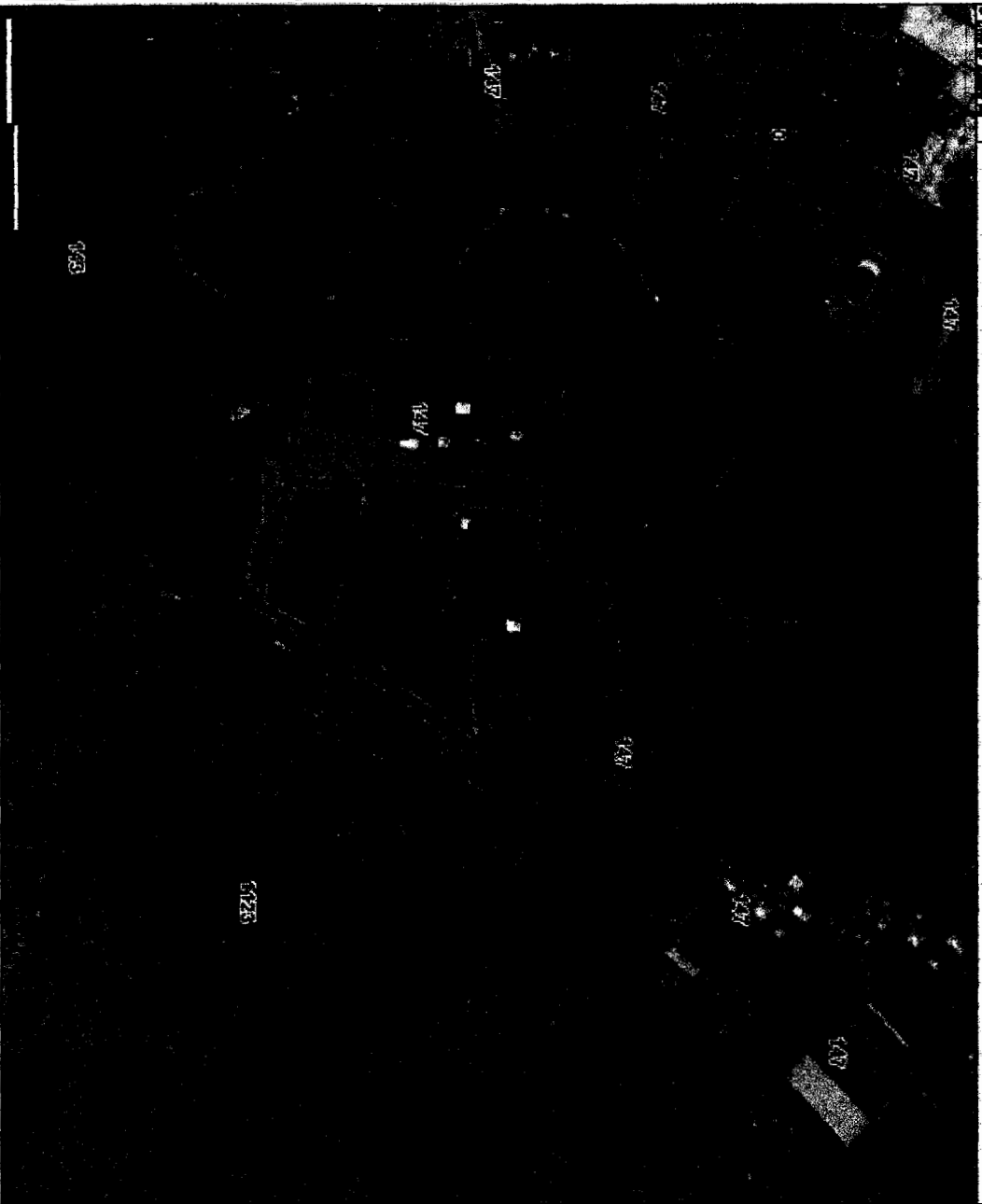
THE UNIVERSITY OF CHICAGO PRESS

W. C. C. C.

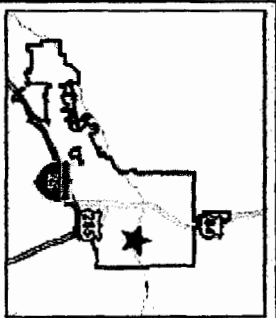
12-00000-3

Exhibit "6"

EXISTING CONDITIONS



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Legend

City Limits

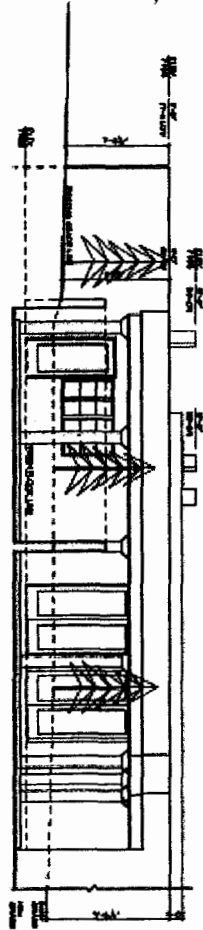
Parcels

Santa Fe River

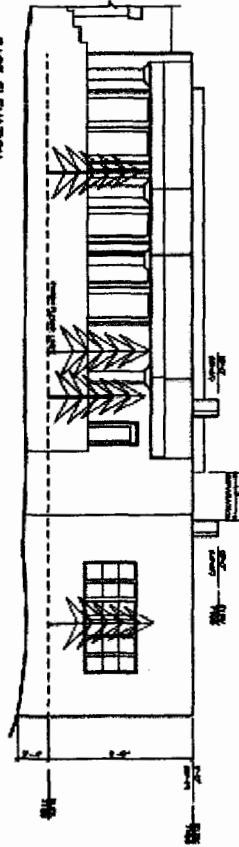
2004 Aerial Photography - 8 inch resolution



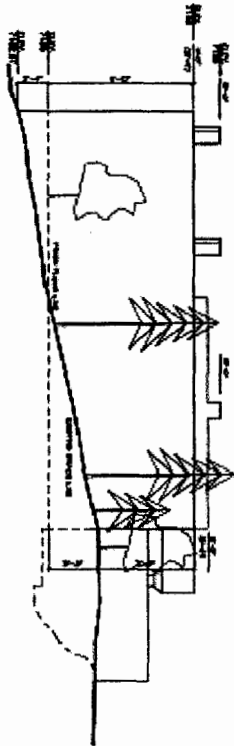
Scale: 1:451



WEST ELEVATION



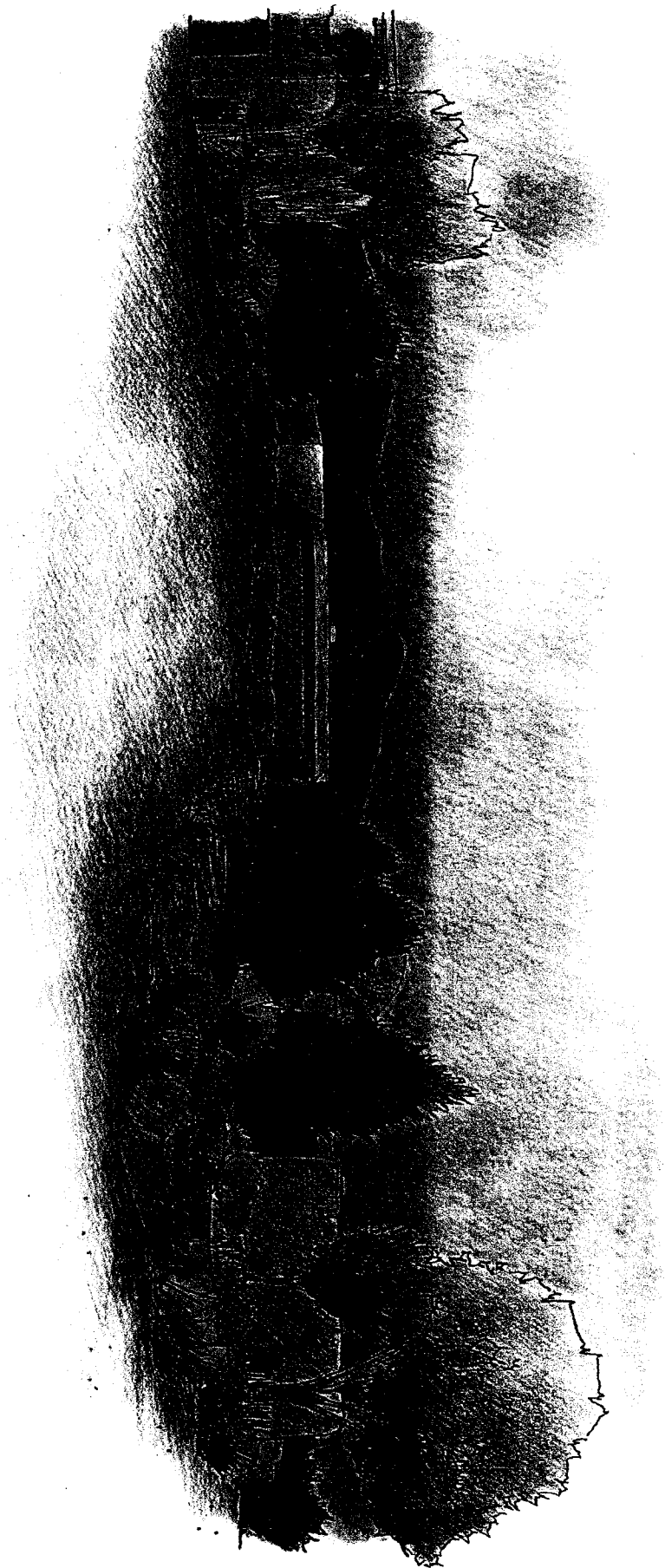
EAST ELEVATION

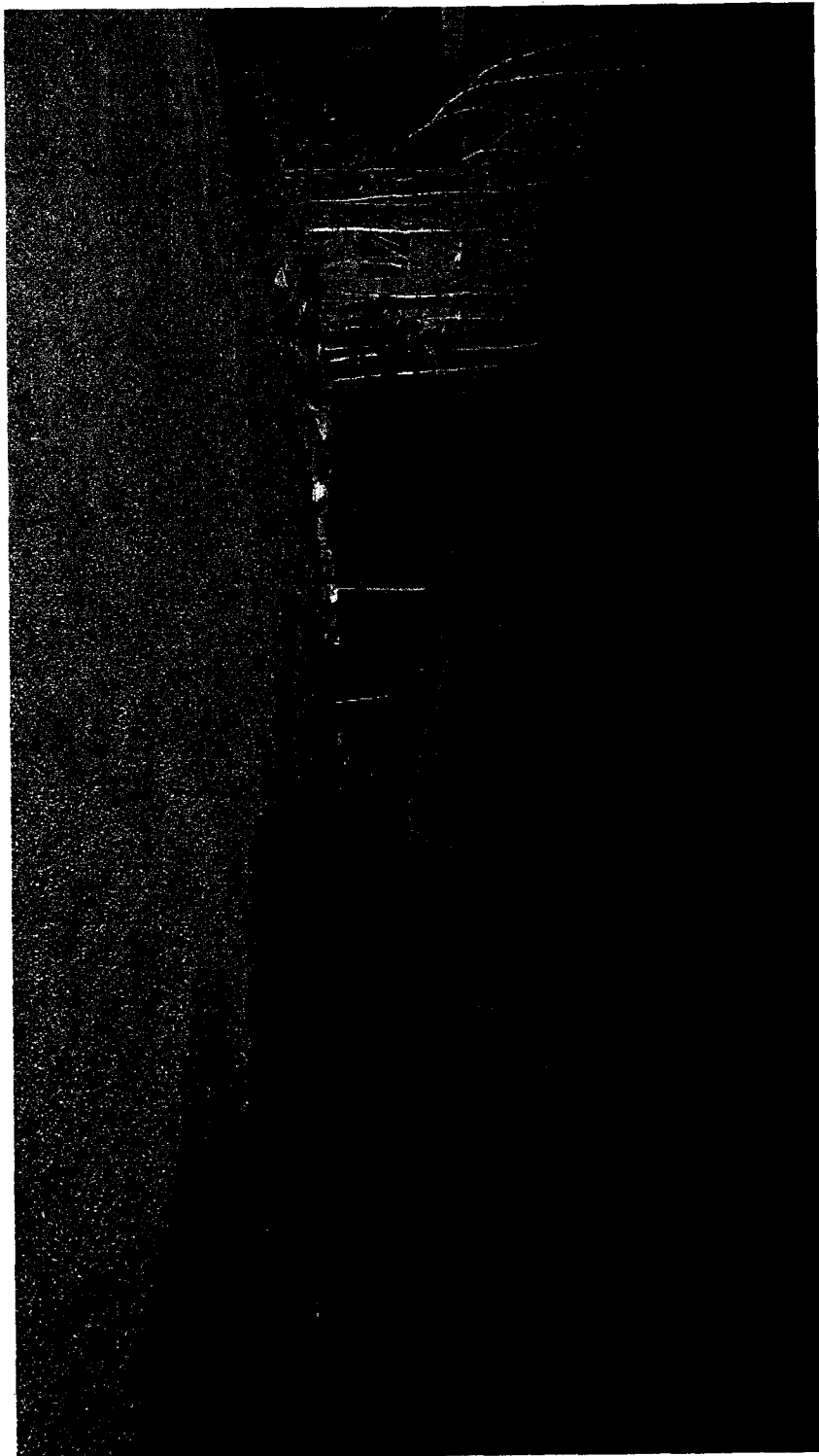


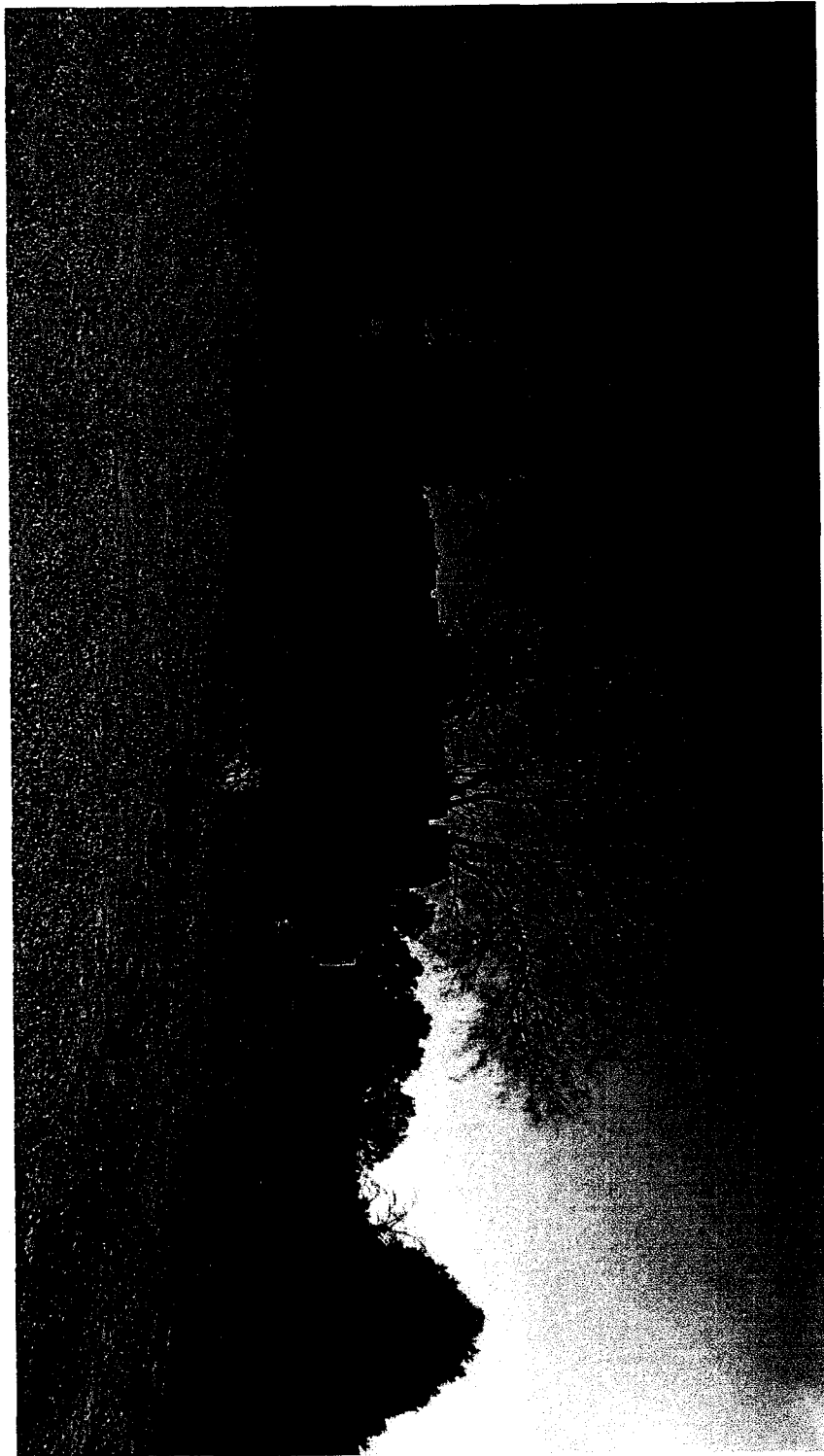
NORTH ELEVATION

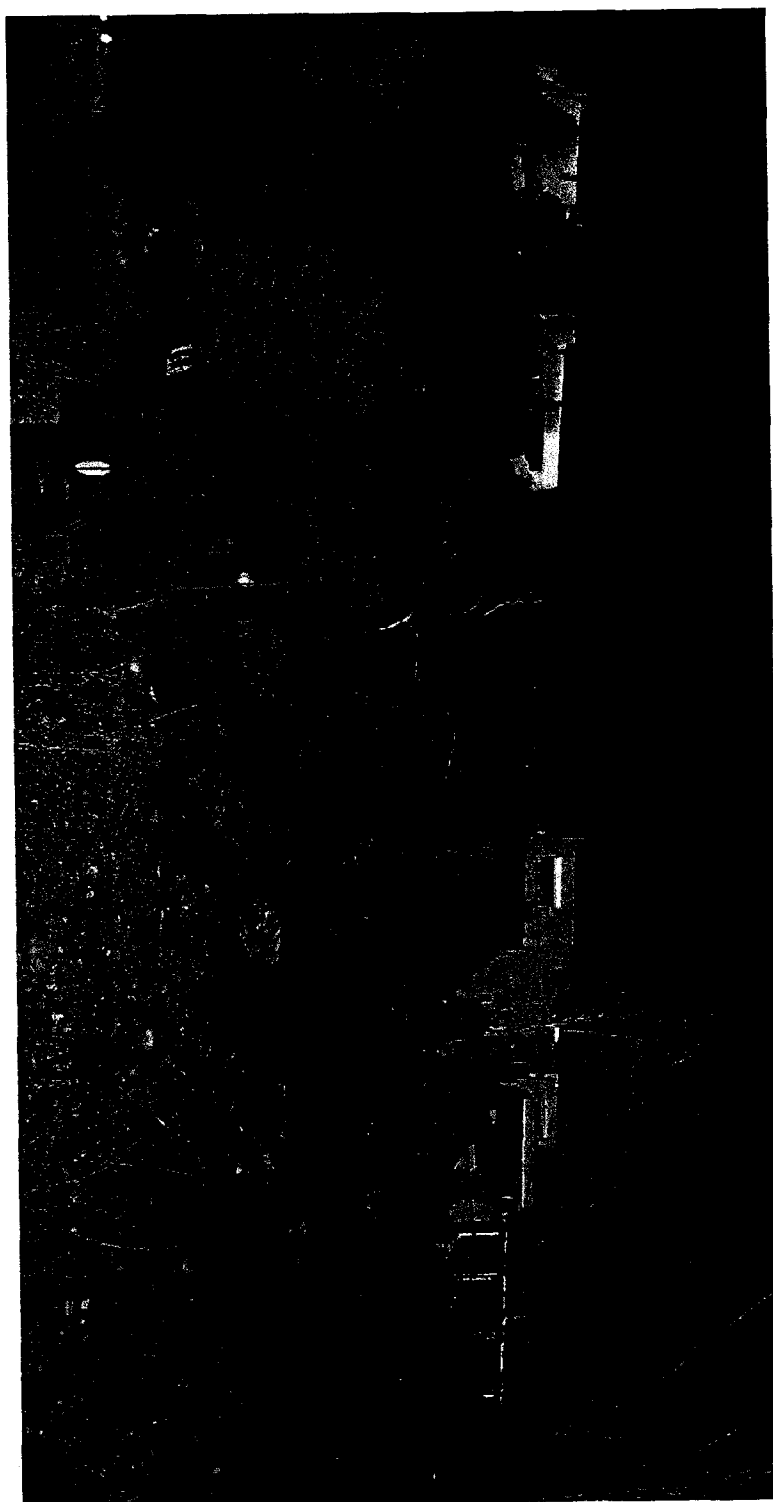
ELEVATION LEGEND
 1/2" = 1'-0"
 1/4" = 1'-0"
 1/8" = 1'-0"

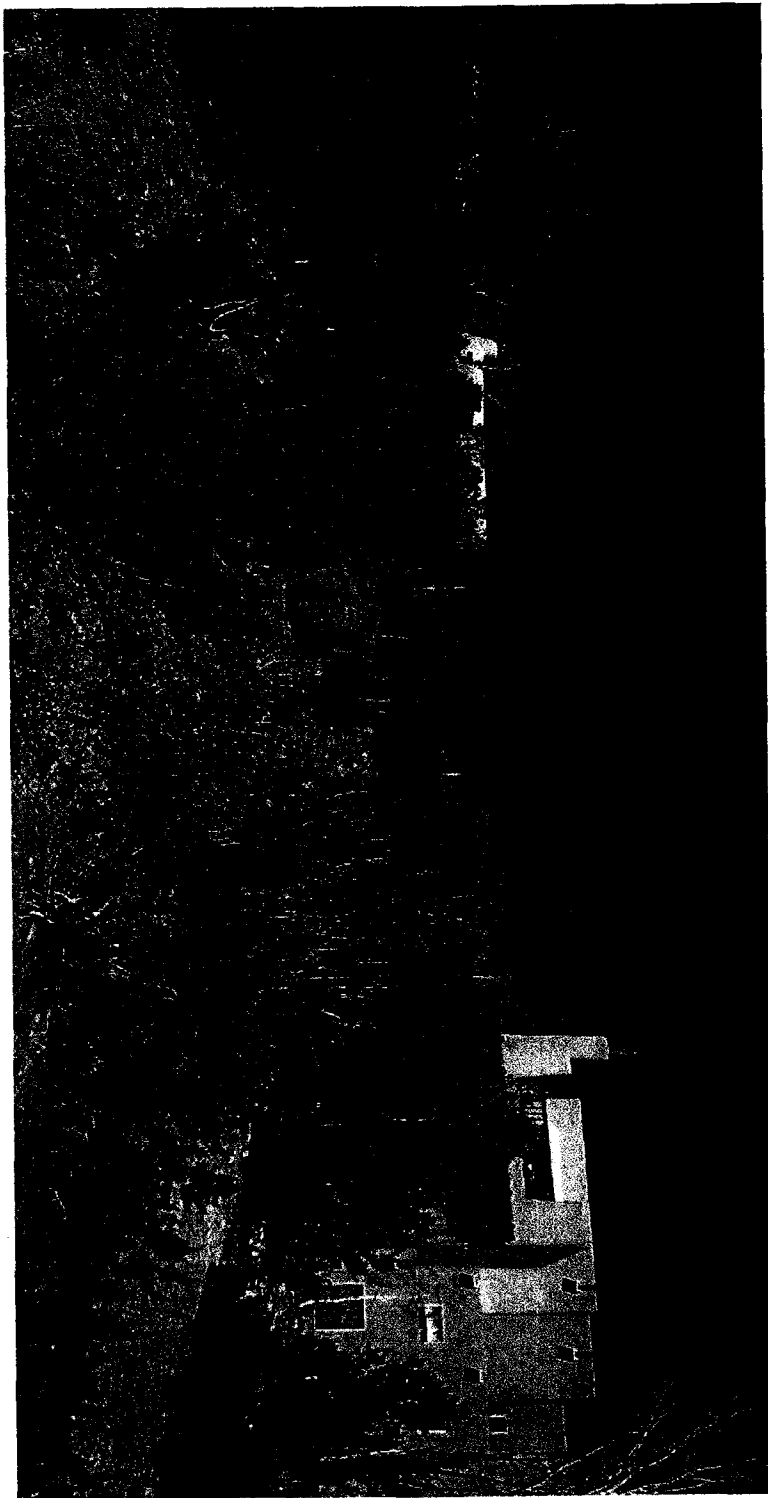
DRAWING NO. 101	
PROJECT NO. 101	
DATE: 10/1/77	
BY: J. J. J. J.	
CHECKED BY: J. J. J. J.	
APPROVED BY: J. J. J. J.	
101	

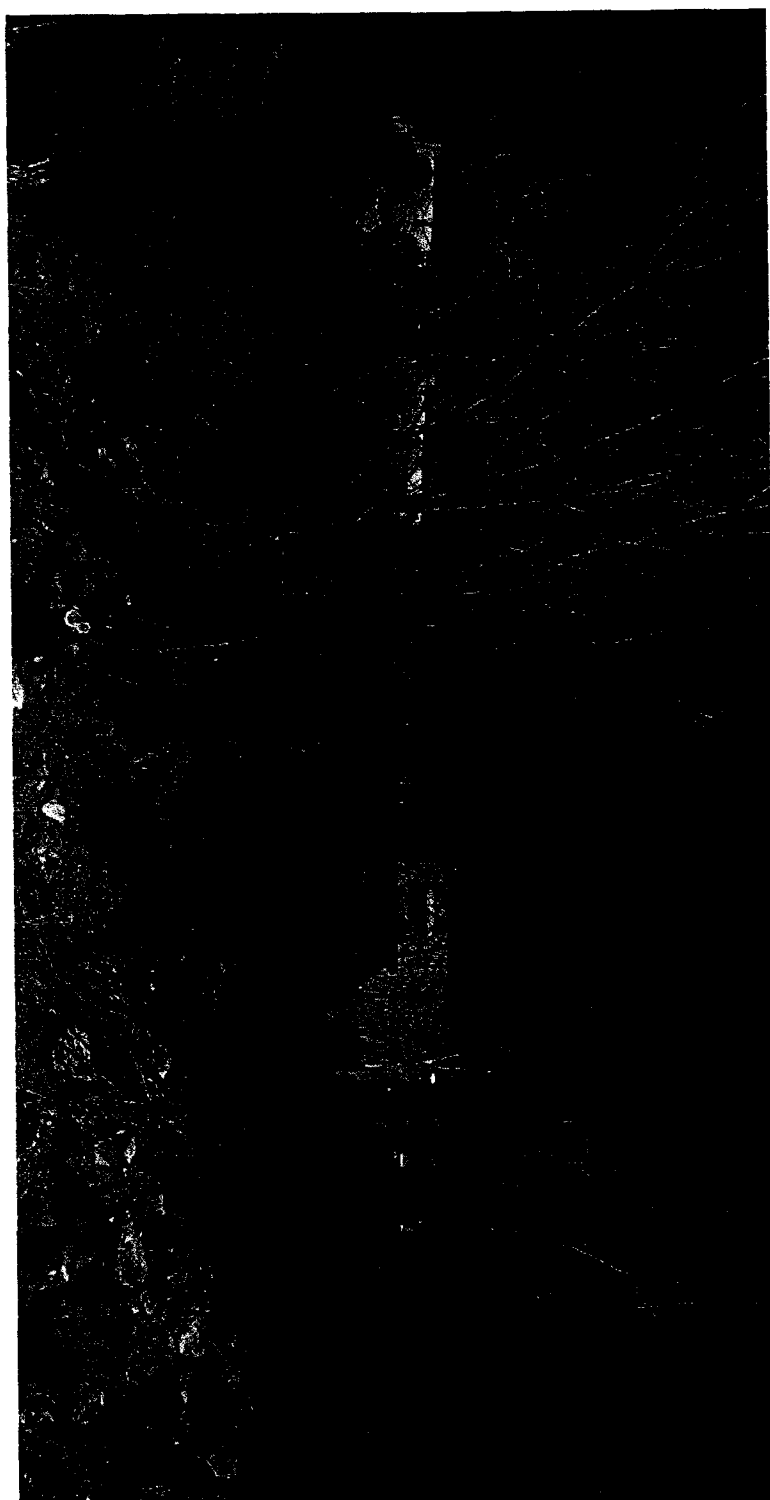


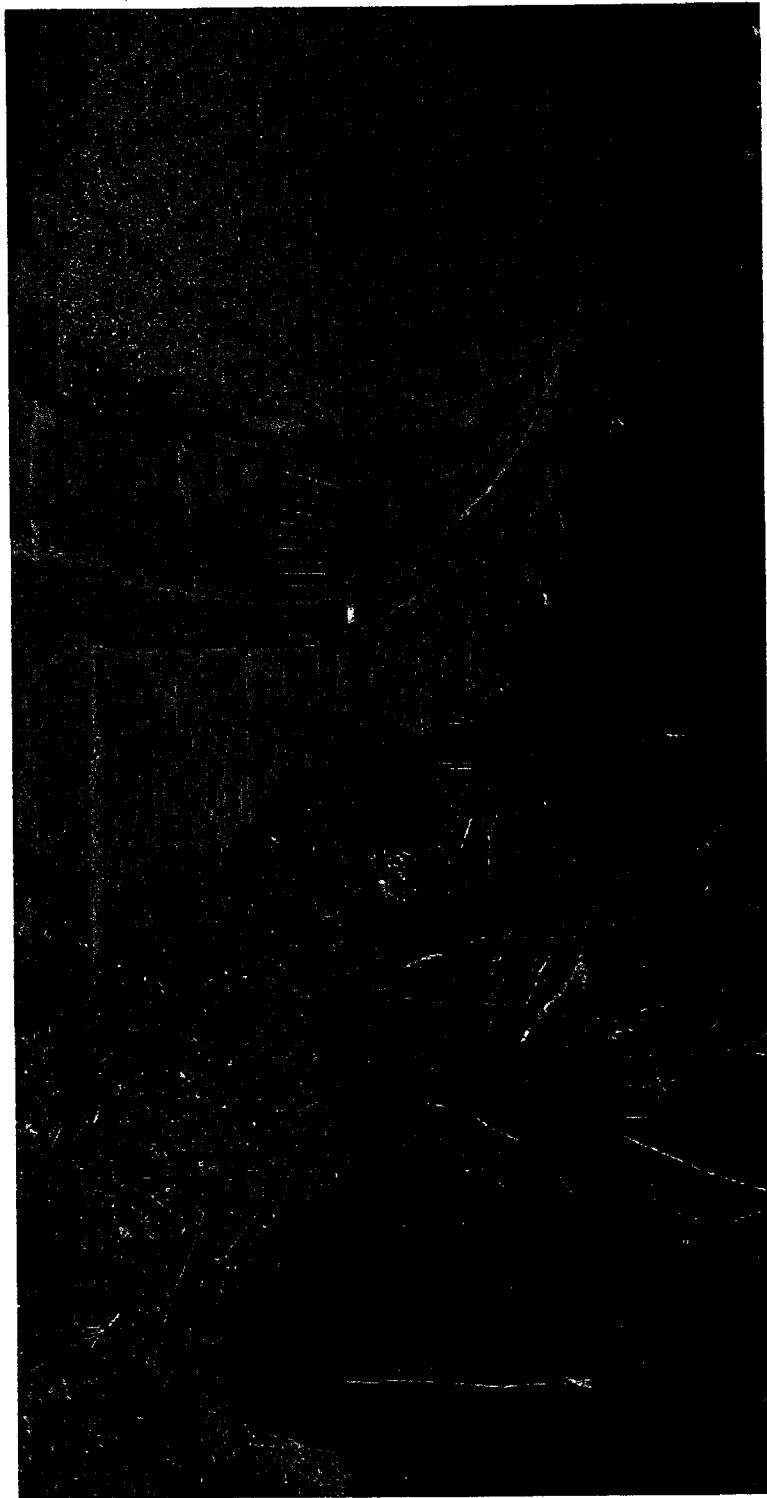


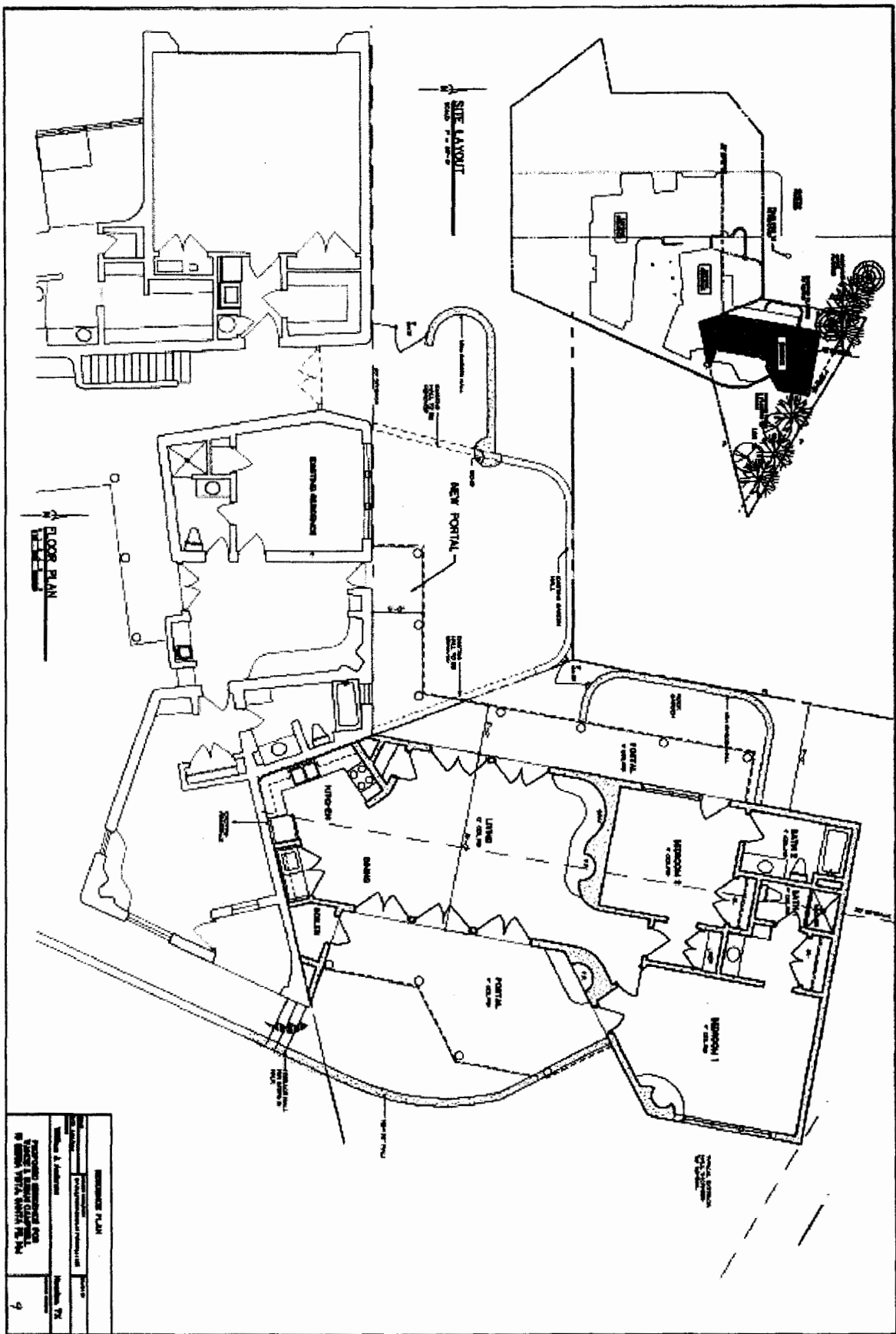




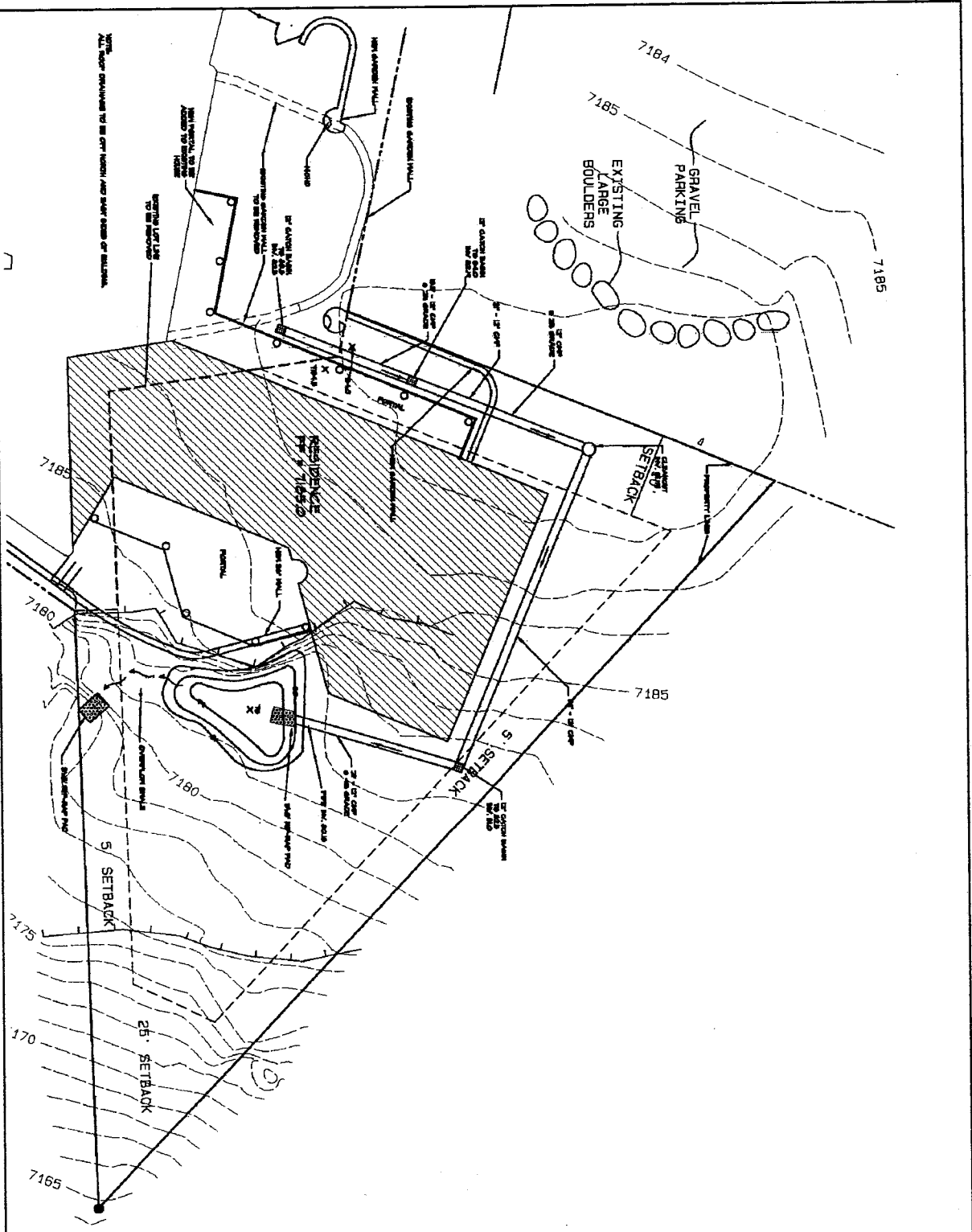








DIMENSIONS	
Overall Length	100' 0"
Overall Width	50' 0"
Overall Area	5,000' 0"
Overall Volume	100,000' 0"
Overall Weight	100,000' 0"
Overall Density	100' 0"
Overall Temperature	100' 0"
Overall Humidity	100' 0"
Overall Pressure	100' 0"
Overall Sound	100' 0"
Overall Light	100' 0"
Overall Air	100' 0"
Overall Water	100' 0"
Overall Fire	100' 0"
Overall Earth	100' 0"
Overall Sky	100' 0"
Overall Sun	100' 0"
Overall Moon	100' 0"
Overall Stars	100' 0"
Overall Planets	100' 0"
Overall Galaxies	100' 0"
Overall Universe	100' 0"



DESIGN ENGINEER

VANCE CAMPBELL

GRADING AND DRAINAGE

DATE: 10/1/88

PROJECT: 1

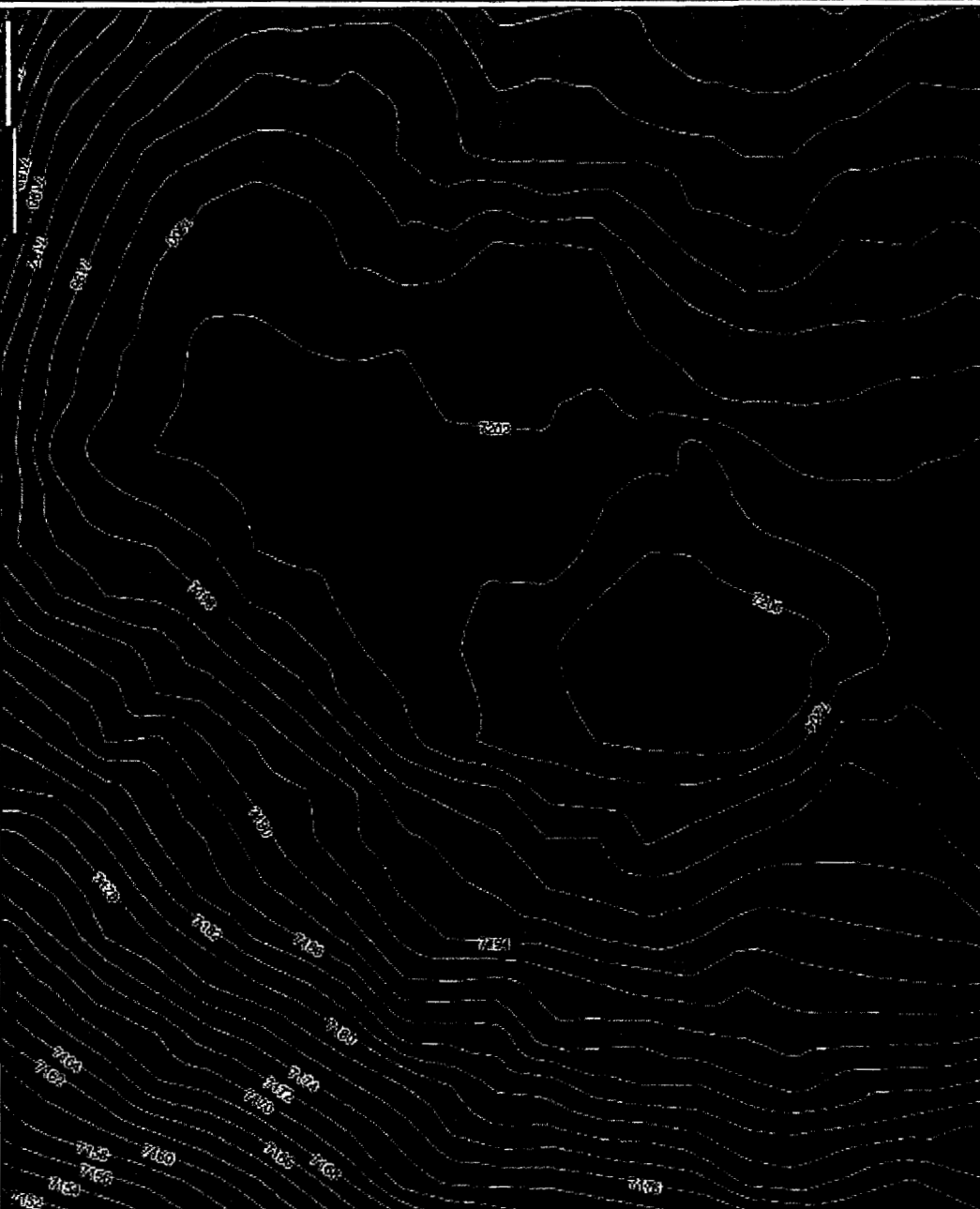
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CURVE INTERVAL: 5'

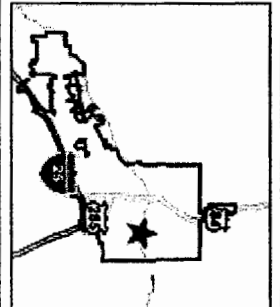
10/1/88 Vance Campbell Grading & Drainage 10/1/88 Vance Campbell Grading & Drainage 10/1/88 Vance Campbell Grading & Drainage



ESCARPMENT DISTRICTS



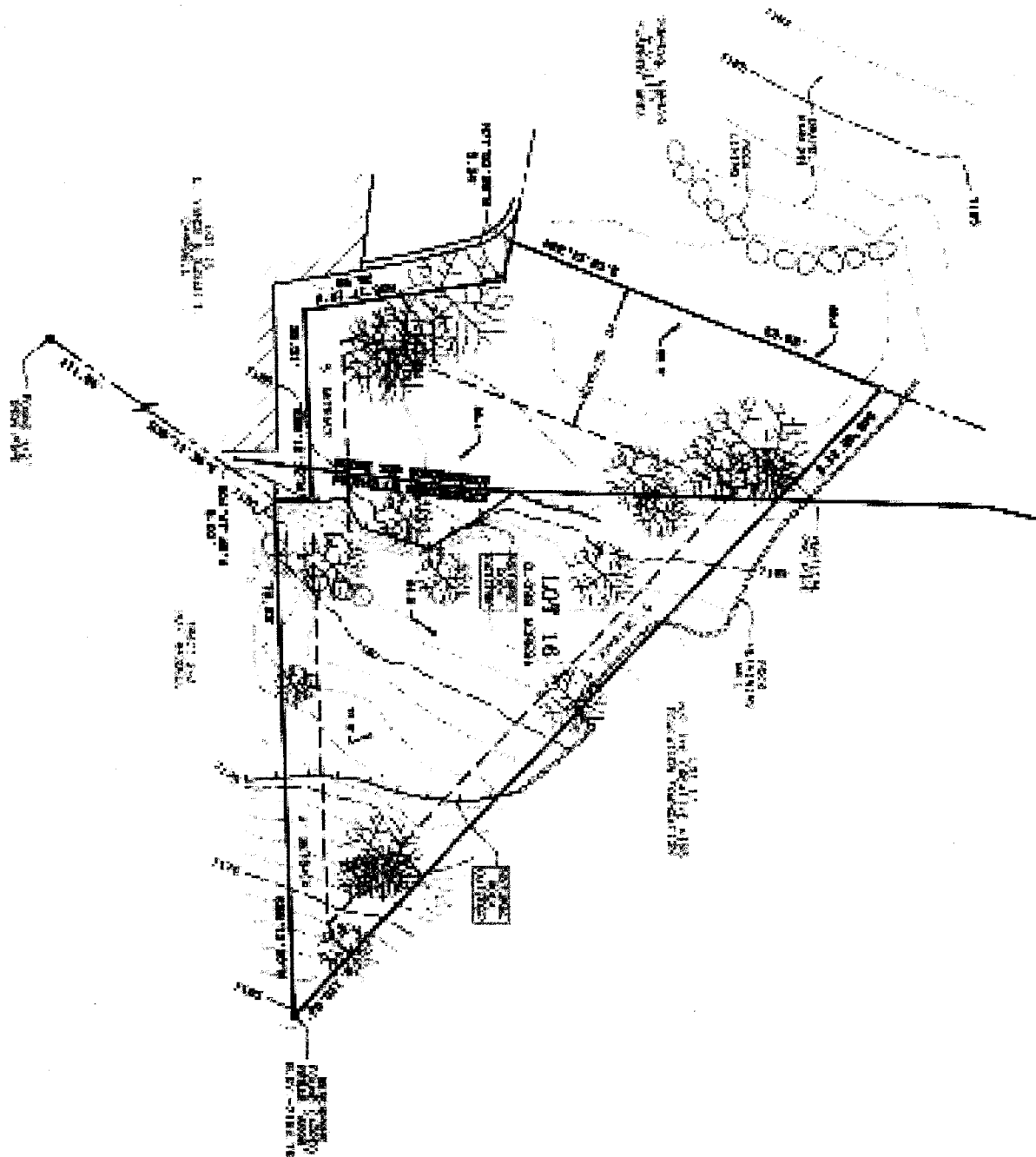
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Legend

- City Limits
- Contours - 2 foot
- Santa Fe River
- EscarPMENT Districts
- FOOTMILL
- POCK
- 2008 Aerial Photography - 6 inch resolution

Scale: 1:451



DESIGN ENGINEUITY



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PO Box 2758 Santa Fe, New Mexico 87504
(505) 989-3557 FAX (505) 989-4740
E-mail oralynn@designengineuity.biz

February 25, 2013

Heather Lamböy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

RE: VANCE CAMPBELL – VARIANCE REQUEST AND DEVELOPMENT PLAN
AMENDMENT OF LOT 16 OF THE SIERRA VISTA SUBDIVISION

Dear Heather,

On behalf on my clients Vance and Susan Campbell, we respectfully submit our application for two variances and an amendment of the existing Sierra Vista Development Plan. The subject property is 0.908 \pm acres located at 147 Gonzales Road #16. Specifically our request is for the following:

- Variances:
 1. Allow construction of a 1300 square foot home primarily within the Ridgetop Escarpment District
 2. Allow disturbance of 70 square feet of slopes greater than 30%.
- Reduction of the existing Sierra Vista Development Plan front setback from 20 feet to 10 feet for Lot 16 building, and to 6 feet for the front portal.
- Consolidate existing Lots 15 and 16.

The purpose of the request is to permit the construction of a small dwelling unit on an existing legal lot of record.

Current Conditions

Lot 16 of the Sierra Vista Subdivision was created in 1983 prior to the adoption of the Escarpment Overlay District. On the 1983 Final Development Plan, a home site was

Exhibit "7"

shown which was partially within what would later be the Ridgetop Subdistrict. In October 1992, several months after the Escarpment Overlay Regulations were adopted, a lot line adjustment was done between lots 15 and 16. Thus the current lot configuration was created after the Escarpment Overlay District ordinance was adopted apparently without consideration of the fact that there is not enough buildable land located outside of the Ridgetop Subdistrict for a single-family home on lot 16. In fact the lot line adjustment did not make the situation worse, but given the date it occurred, it did necessitate future compliance with Escarpment District Overlay requirements that would not have been necessary had the lot line adjustment not occurred. Lot 16 is a small lot with an even smaller buildable area with a significant grade change across it. The portion located outside of the Ridgetop Subdistrict is unsuitable in shape, steep and small for a home in the Sierra Vista Subdivision neighborhood: it totals 1533 square feet, is triangular in shape and has an 11.5 foot fall across it.

Lot 16 is the only undeveloped lot in the Sierra Vista Subdivision. The lot is 4,269 square foot with very shallow bedrock that is exposed in several locations. Tall pinions are scattered on the site, and 14 aspen trees have been planted along the northeast boundary. There is a small relatively flat knoll at the front of the lot, and the slopes increase to 25% or greater about 36 feet into the lot. In front of the lot there is a common access and utility easement, of which about 14 to 20-feet has been left in a natural condition immediately in front of the property. This area will be left in its current condition. There are no defined drainages on the property. The private access road is basecoursed. The currently zoning is R21PUD.

Proposed Project

Vance and Susan Campbell desire to build a guest home to host their children and their families when they visit. Their own home is located next door to the southwest on Lot 15. The new home on lot 16 will directly abut their own home, and the front portal and garden walls will be designed so that from the street the two homes will appear to be one. Because lot 16 has little developable area, there is no space for parking of cars on the property, and the neighbors would prefer that a driveway not be installed as it would reduce the Subdivision's guest parking area. Therefore the Campbells wish to consolidate the two lots (#15 and #16) and provide the parking necessary for new home within their own guest parking area on their property. The new home will have a heated area of less than 1300 square feet. Due to the existing home floor plan, there can be no direct connection between the two homes: one will have to pass outdoors to move from one home to the other.

Grading and Terrain Management

Proposed grading will be minimal and will leave the majority of the project site near its current elevations. The front of the home will be dug in 3 feet, 8 inches. A total of 70 square feet of slopes of 30 percent or greater will be disturbed to construct a rear patio and garden wall and to install a rip rap pad where the retention pond drainage will be released. The house itself will be built on slopes mostly less than 20%. A 236 cubic foot

detention pond will be constructed to accommodate the additional flows generated by adding the site improvements. All disturbed area will be stabilized by landscaping improvements and the planting of native grasses.

Landscaping

The proposed landscaping plan includes the protection of a number of existing pinion, juniper and aspen trees on the property and the installation of an additional 6 new 8-foot tall pinons or ponderosa pine trees to provide additional screening in compliance with the Escarpment Ordinance requirements.

Variances Request

There are two variance requests proposed: (1) to allow a home to be partially constructed within the Ridgetop Subdistrict; and (2) to allow the disturbance of 70 square feet of slopes in excess of 30%. It would be a very unusual, inefficient home that could be built on this property outside the Ridgetop Subdistrict. It would have a triangular footprint with many steps making it difficult for the elderly Campbells to access it. The majority of the 30% slope disturbance, 63 square feet, is necessary to construct a 3-foot high garden wall and patio area which will also make possible a rear patio connection between the two homes. Great efforts have been made to design the home to limit the need and the extent of the variances, and we believe the variance request is a minimum easing in order to allow construction of a relatively small home on this legal lot of record. With regards to the Variance Approval Criteria, the following applies:

- (1) Lot #16 is unusual in that while it was created before the Escarpment Overlay District was adopted, it was modified a few months after the regulations were adopted and therefore development on the lot is required to comply with the District requirements, even though the original lot and the current lot could never have met the requirement for lot creation in the Escarpment Overlay District. Thus the parcel is a legal non-conforming lot, and only by variance could one build a reasonable size home on this property.
- (2) Without granting the requested variances, it would be virtually impossible to build a reasonably functional home that would blend into the neighborhood. Only a triangular home with either many steps or 5' stem walls on the downhill side, and at least 5 feet of bury on the uphill side would be possible. Such a design would be more conspicuous and incompatible with the other homes in the neighborhood, many of which would also require variances if they were being built today.
- (3) The request to permit a 1300 square foot home on a legal lot of record is allowed under the Code.
- (4) The request is for a minimum easing of the existing regulations that would permit a reasonable use of the lot. Further,
 - (a) There is no lesser intensity use for this lot that is possible in this residential neighborhood.

(b) The proposed home's design is in keeping with all Ridgetop Subdistrict standards.

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

Setback Reduction

Given the limited developable area on the lot, we respectfully request to allow a 10 foot front building setback, rather than the current setback shown on the Sierra Vista Subdivision Final Development Plan of 20 feet. Several properties in the Sierra Vista Subdivision have also been permitted setback variances by the Subdivision HOA, and the HOA is supportive of this request (see Attachment A). If we had to meet the current setback requirement of 20 feet, a narrower home would be necessary and a variance to permit a structure on a 30% or greater slope would be required. In addition, there will be a front portal constructed attaching the two buildings on Lot 15 and 16 and provided a covered access between the structures. We respectfully request to allow a 6 foot front setback on this portal.

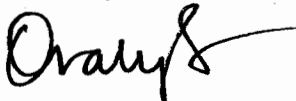
Consolidation of Lots

Because the developable area on Lot 16 is inadequate to fit the 2-car on-site parking spaces required by Code, we request approval to consolidate Lots 15 and 16 into a single lot, and thus meet the necessary on-lot parking requirements with existing parking spaces on Lot 15. Lot 15 currently has a 2-car garage in addition to on-site parking for 4 cars. A total of 4 parking spaces are required by Code.

In support of this request, the following documentation has been included for your review:

1. Development Review Application
2. Current Plat showing Legal Lot of Record (sheet 3 of the plan set)
3. Vicinity Map (sheet 1 of the plan set)
4. Development Plan (sheet 2 of the plan set)
5. Drainage Analysis
6. ENN Meeting Notes

Sincerely,



Oralynn Guerrerortiz, PE

SIERRA VISTA HOME OWNERS ASSOCIATION

October 16, 2012

Susan and Vance Campbell
4949 Sherry Lane #1205
Dallas TX 75226

Ref: Lot 16 Development
20-foot Setback Variance
Sierra Vista HOA

Dear Vance and Susan;

Based on several discussions we have had since March 11, 2012, the Sierra Vista Board of Directors understands that you are interested in developing Lot # 16. The Board congratulates you both and is excited to see the last of the lots in the neighborhood being developed.

Based on our most recent discussions on August 6, 2012, it is our understanding that for the development of Lot # 16 you require a variance on the 20-foot setback as stipulated in the Sierra Vista Covenant, Conditions and Restrictions (CC&R). We further understand that in order to accommodate a residential structure on Lot #16, the structure will need to be moved away from the escarpment to a 10-foot setback from the property boundary, as delineated on an unfilled preliminary plan you kindly provided to the Board on August 6, 2012.

In accordance with the CC&Rs, the Sierra Vista Home Owners Association Board of Directors is evaluating the development of Lot #16 thru the single lot approval process.

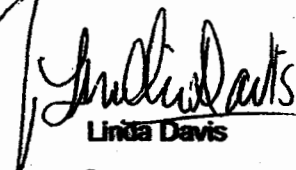
Based on our review of the preliminary plan, and the fact that setback variances were previously granted for the development of some of the properties in the neighborhood, the Sierra Vista Homeowners Association is therefore in agreement of the variance from a 20-foot to a 10-foot setback from the property boundary.

The preliminary plan does not depict off-street parking required for the development of Lot #16, and based on our discussions; your architect is in the process of resolving this issue. The Board asks that off-street parking be clearly delineated for final approval.

Additionally, Lot# 16 is adjacent to the Sierra Vista common grounds and the Board is interested in its preservation, we thus kindly ask you to clearly delineate the boundaries between Lot #16 and the common grounds.


Sincerely,


Eugenia Sangines
President


Linda Davis
Secretary


Vahid Mojarab
VP Architecture


Mike Field
VP Legal


147 GONZALES ROAD - BOX #10
SANTA FE NM 87501

Page 1

City of Santa Fe, New Mexico

memo

DATE: February 28, 2012

TO: City Council; Public Works; CIP & Land Use Committee; Planning Commission

FROM: Matthew O'Reilly, P.E., Land Use Director *MO*

Re: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, AIRPORT ROAD OVERLAY DISTRICT, SECTION 14-5.5(C) SFCC 1987; CREATING A NEW SUBSECTION 14-5.5(C)(6)(1) TO INCLUDE A PROVISION FOR COMMERCIAL RECYCLING CONTAINERS; AMENDING SUBSECTION 14-5.5(C)(12)(c) TO CLARIFY THE APPLICABILITY OF EXISTING BUILDING-MOUNTED OUTDOOR ADVERTISING OF ALCOHOLIC BEVERAGES, TO CLARIFY THE PACKAGING OF ALCOHOLIC BEVERAGES OF EIGHT OUNCES OR LESS, AND ESTABLISHING THE EFFECTIVE DATE OF SUCH PACKAGING PROVISIONS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

BACKGROUND

On January 9, 2013 the Governing Body adopted Ordinance 2013-1 creating the Airport Road Overlay District. The ordinance went into effect on January 26, 2013. In the interim, staff and Councilors Dominguez and Calvert have identified three clarifying amendments that should be made to the ordinance.

ORDINANCE AMENDMENTS

The proposed bill contains two sections:

Section 1

This section addresses commercial recycling. It adds a provision that requires any trash enclosures to be located to the rear of buildings and that the enclosures be sized to accommodate commercial recycling containers in sufficient quantity to handle the recycling generated by a development.

Section 2

This section contains amendments to two subsections.

The first amendment clarifies that an existing building-mounted sign advertising alcohol that was legally permitted prior to the effective date to the Airport Road Overlay District is permitted to remain in existence.

The second amendment relates to the packaging and sale of single-serving containers of alcohol of eight ounces or less.

Exhibit 'B'

Prior to the effective date of the overlay ordinance, staff of the Land Use Department and the City Attorney's Office met with representatives of the four existing Alcoholic Beverage Licensees within the boundaries of the Airport Road Overlay District to explain how the Land Use Department would approach initial and ongoing enforcement of the new code provisions. During this meeting questions were raised by the business owners about how they could dispose of their existing stock of alcohol in eight-ounce-or-less containers. Questions included whether the definition of "packages" in the current ordinance meant that they could simply place four items in a paper bag or wrap four containers with a rubber band to comply with the ordinance. The proposed language was developed with the City Attorney's Office to provide clarity to this code provision that staff feels better meets the intent of the original ordinance.

In addition, some of the business owners expressed concerns over their ability to dispose of their existing stock of eight-ounce-or-less containers; specifically, their potential inability to return the items to their distributors, the large volume of these containers in storage, and the losses they would initially incur. The Land Use Director visited one of the business locations and was given access to their alcohol storage area and shown their computer records. The business was helpful and forthcoming during this process. Given the desire to achieve the goals of the ordinance with the least impact to the four existing Alcoholic Beverage Licensees, an additional amendment is proposed to extend the effective date of this portion only of overlay district regulations to May 26, 2013. Representatives of the four existing businesses have confirmed that this 4-month extension of time would give them the time needed to dispose of their existing stock.

RECOMMENDATION

Staff recommends that the Planning Commission and the Public Works Committee recommend approval of the attached bill to the Governing Body.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-_____

INTRODUCED BY:

Councilor Carmichael Dominguez

Councilor Chris Calvert

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, AIRPORT ROAD OVERLAY DISTRICT, SECTION 14-5.5(C) SFCC 1987; CREATING A NEW SUBSECTION 14-5.5(C)(6)(I) TO INCLUDE A PROVISION FOR COMMERCIAL RECYCLING CONTAINERS; AMENDING SUBSECTION 14-5.5(C)(12)(c) TO CLARIFY THE APPLICABILITY OF EXISTING BUILDING-MOUNTED OUTDOOR ADVERTISING OF ALCOHOLIC BEVERAGES, TO CLARIFY THE PACKAGING OF ALCOHOLIC BEVERAGES OF EIGHT OUNCES OR LESS AND ESTABLISHING THE EFFECTIVE DATE OF SUCH PACKAGING PROVISIONS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. A new Subsection 14-5.5(C)(6)(I) SFCC 1987 (being Ord. #2013-1, §2) is ordained to read:

(I) [NEW MATERIAL] Enclosures required for trash receptacles and compactors shall be:

- (i) located to the rear of buildings; and
- (ii) sized to include commercial recycling containers in sufficient quantity to accommodate the commercial recycling generated by a development.

Section 2. Subsection 14-5.5(C)(12)(c) SFCC 1987 (being Ord. #2013-1, §2) is amended to read:

(c) Except for paragraph (iv), below, [AH] all alcoholic beverage sales activities shall comply with the following provisions after January 26, 2013:

- (i) No more than thirty-three percent of the square footage of the windows and clear doors of an *alcoholic beverage* retail outlet may bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises. This requirement does not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises by a person standing outside the premises.
- (ii) Outdoor advertising of *alcoholic beverages*, including permanent or *temporary signs* visible from outside a *building*, is prohibited within five hundred feet of any of the following:

- 1 A. A public or private elementary, middle, or high
2 school;
3 B. A public park, playground or recreational area;
4 C. A nonprofit youth facility;
5 D. A place of *religious assembly*;
6 E. A *hospital*;
7 F. An alcohol or other drug abuse recovery or treatment
8 facility; or
9 G. A county social service office.

10 The provisions of this subsection 14-5.5(C)(12)(c)(ii) do not
11 apply to *building-mounted signs* legally permitted prior to
12 January 26, 2013.

- 13 (iii) A restaurant with a beer and wine license may post outside
14 its *building* but only on the property occupied by the
15 restaurant, a copy of its menu, including beer and wine
16 offered and their prices, in type no larger than any menu
17 posted or provided to patrons inside the restaurant.

- 18 (iv) Unless contained in packages of four or more, as delivered
19 by the distributor, single serving containers of *alcoholic*
20 *beverages*, in sizes of eight ounces or less, shall not be sold
21 or offered for sale. The provisions of this subsection 14-
22 5.5(C)(12)(c)(iv) shall be effective May 26, 2013.

1 APPROVED AS TO FORM:

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4 GENO ZAMORA, CITY ATTORNEY

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25 CAO/Melissa/Bills 2013/Airport Road Overlay District Amendments (clean)

City of Santa Fe, New Mexico

memo

DATE: Prepared February 25 for March 7, 2013 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*

FROM: Greg Smith, Director, Current Planning Division *GS*

ITEM AND ISSUES

Chapter 14 Technical Corrections and Other Minor Amendments. Consideration of various amendments to Chapter 14 as a follow-up to the Chapter 14 Rewrite project (Ordinances Nos. 2011-37 and 2012-11), including technical corrections such as typographical and cross-referencing errors and other minor amendments:

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(C) CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; REPEAL 14-3.17(E)(3); 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(c) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO

Exhibit "9"

RESIDENTIAL DIMENSIONAL STANDARDS; 14-7.2(F) CLARIFY SPECIAL USE PERMIT IN R-12 – R-29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY REDEVELOPMENT SUBDISTRICT; 14-8.2(C)(2) TERRAIN MANAGEMENT SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES, IN PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(d) CORRECT REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES ; 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-9.5(A) DEDICATIONS TO HOMEOWNER'S ASSOCIATIONS; 14-9.5(D) EXTENSION OF INFRASTRUCTURE WARRANTY; 14-10.1(C) NONCONFORMING TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (Greg Smith, Case Manager)

RECOMMENDATION

Recommend that the Governing Body adopt the proposed amendments, including the recommendations of the Commission's subcommittee. :

SUMMARY ANALYSIS

The Commission conducted public hearings on the proposed amendments on January 10 and February 7. The Commission recommended approval for most of the proposed amendments, but appointed a subcommittee to do more work on several of the proposals. The subcommittee met on February 12, and their recommendations are addressed in detail below. A "substitute bill" that incorporates those changes is included in the agenda packet, and a revised summary matrix is also attached. Note that bill section numbering has changed slightly from the original.

The replacement bill is scheduled for review by the Governing Body's Public Works and Land Use Committee on March 11, and for a public hearing at the Governing Body on March 27.

As noted in previous staff reports, these amendments are proposed as part of the follow-up to the Chapter 14 Update process that was reviewed by the Commission and adopted by the Governing Body a year ago. The majority of the currently-proposed amendments are the anticipated technical corrections to existing sections of the code, such as cross-referencing errors and clarifications of some of the new (and a few old) provisions. A few other minor changes are proposed, and the only "new" provisions are two definitions.

SUMMARY OF REVISIONS TO PROPOSED AMENDMENTS

Proposed amendments are shown in the “replacement bill” that is included in the agenda packet. New language is underlined, and the current (old) text is shown in “~~strikeout~~” type. Each of the changes from the original bill – including the subcommittee’s recommendations – is summarized in this section of the staff report. All of the various amendments are briefly described in a summary matrix (attached); bill sections that include revisions from the original version of the bill are in *italic text* in the matrix. The amendments are identified by their numbering in the bill (Sections 1-67) as well as by their numbering in Chapter 14. Note that the revised bill includes two new sections, so the numbering is slightly different from the original bill.

Bill Section 6; §14-3.3(A)(1)(a): Revised to be consistent with the Commission’s motion at the February 7 meeting, to clarify rather than delete a reference to how a citizen may request the Governing Body to initiate an amendment to the text of Chapter 14.

Bill Section 18; §14-3.17(E)(3): This section was added by staff to delete a provision that has been obsolete since the appeals procedure was revised in 2011 (Ordinance 2011-09).

Bill Section 25; § Table 14-6.1-1: This subsection was added by staff to correct an oversight in the Chapter 14 Update bill in 2012. Several categories of uses related to art studios and galleries were consolidated, but the bill neglected to show that new category as an allowed use in the C-4 Limited Office and Arts and Crafts and in the SC Shopping Center districts.

Bill Section 32; §14-6.3(B)(2)(c): This subsection amends the prohibition on parking or storing commercial vehicles in residential districts. It has been revised by staff and the subcommittee to address concerns raised by the Commission at the March 7 meeting. The revised version clarifies that pickup trucks are not included in the commercial vehicle ban.

Bill Section 42; §Table 14-7.3-1: This amendment, which clarifies the residential density allowed in the C-1 and C-4 office districts, was referred to the subcommittee for more study. The consensus of the subcommittee was that the language in the original bill is appropriate, so it has not been revised.

Bill Section 46; §14-8.3(A)(1): Corrects the adoption date(s) for the revised FEMA flood maps, consistent with Resolution 2012-88 adopted by the Governing Body. This correction was included in the staff recommendation to the Commission on March 7.

Bill Section 67; Appendix Exhibit B: This amendment restores some technical requirements that formerly accompanied the table of parking space dimensions, but which were omitted when that table was moved to the appendix as part of the Chapter 14 Rewrite project. Those provisions are revised as proposed by the subcommittee, to change the maximum allowable percentage of small-car (compact) parking spaces from 40% to 20%, and to require small-car spaces to be identified by signs or pavement markings.

Attachments

Revised Summary Matrix

“Replacement” Bill Incorporating Subcommittee Recommendations

Draft Minutes February 7, 2013 Planning Commission [Included in agenda packet for “Approval of Minutes”]

BILL SECTION NO., CODE REFERENCE	CHAPTER 14 AMENDMENT MATRIX TITLE/SUMMARY OF PROPOSED AMENDMENT
ARTICLE 14-2: REVIEW AND DECISION-MAKING BODIES	
Bill Section 1 §14-2.3(C)(5)(a)	Correct cross-reference to Section 14-8.3, Flood Regulations.
Bill Section 2 §14-2.4(C)	Correct cross-reference to variance authority of Board of Adjustment.
Bill Section 3 §14-2.8(K)	Insert cross-reference to New Mexico state statute regarding removal of planning commissioners.
ARTICLE 14-3 REVIEW AND APPROVAL PROCEDURES	
Bill Section 4 §14-3.1(F)(2)	Clarify existing provision that Early Neighborhood Notification procedures are not required for Historic Districts Review Board or Archaeological Review Committee.
Bill Section 5 §14-3.1(H)	Clarifies but does not change mailed notice requirements for various boards; eliminates requirement for certificate of mailing for mailed notices; clarify to eliminate confusion over posting requirement for postponed hearings.
Bill Section 6 §14-3.3(A)(1)(a)	<i>Clarifies reference to "other person" submitting to the governing body a proposed amendment to the text of Chapter 14.</i>
Bill Section 7 §14-3.6(C)(3)	Clarifies existing language regarding when a new or amended special use permit is required for new and existing uses.
Bill Section 8 §14-3.6(E)	Clarifies cross-reference to 14-3.19; adds cross-reference to provision for government special uses.
Bill Section 9 §14-3.7(A)(6)	Clarifies that court-ordered land partitions must meet city standards for new lots, modifies procedure for recognizing them as legal lots of record.
Bill Section 10 §14-3.7(F)(5)(b)	Clarifies existing text of the note required on inheritance and family transfer subdivisions.
Bill Section 11 §14-3.8(B)	Relocates requirement for administrative approval for three-unit residential developments; numbering of subsections is corrected.
Bill Section 12 §14-3.8(C)(1)(g)	Correct typographic spelling error.
Bill Section 13 §14-3.8(C)(5)	Clarifies that public notice is not required for administrative approval of three-unit residential projects that are less than 1,000 square feet.
Bill Section 14 §14-3.8(C)(6)	Reference to County clerk is corrected.
Bill Section 15 §14-3.12(B)(3)	Clarifies reference to temporary certificates of occupancy for uses that are not intended to be temporary.
Bill Section 16 §14-3.13(D)(3)(c)	Archaeological clearance permits. Corrects reference to state medical investigator.
Bill Section 17 §14-3.16(D)	Provides correct cross-reference to provisions for expiration of variances.
Bill Section 18 §14-3.17(E)(3)	<i>Repeals a subsection of the appeals process that was made obsolete by amendments that were adopted in 2011.</i>
Bill Section 19 §14-3.19(B)(6)	Five years allowed prior to expiration of inactive master plans instead of three.

BILL SECTION NO., CODE REFERENCE	CHAPTER 14 AMENDMENT MATRIX TITLE/SUMMARY OF PROPOSED AMENDMENT
Bill Section 20 §14-3.19(C)(2)	Clarify intent that consent agenda procedure applies to planning commission cases.
ARTICLE 14-4 ZONING DISTRICTS	
Bill Section 21 §14-4.3(G)	Delete obsolete reference to "not restrict" commercial uses.
ARTICLE 14-6 PERMITTED USES AND USE REGULATIONS	
Bill Section 22 § Table 14-6.1-1	Add explanatory footnote reference to Mixed Use district requirement to provide residential uses.
Bill Section 23 § Table 14-6.1-1	Add police and fire stations to table of permitted uses for clarity.
Bill Section 24 § Table 14-6.1-1	Make Shopping Center district requirements the same as C-2 district requirements for bars and cocktail lounges (special use permit required within 200 feet of residential districts).
<i>Bill Section 25 § Table 14-6.1-1</i>	<i>Includes the C-4 Limited Office, Arts and Crafts and SC Shopping Center districts as districts that list the category of "Arts and Crafts Studios" as a permitted use.</i>
Bill Section 26 § Table 14-6.1-1	Correct cross-reference error for flea market regulations.
Bill Section 27 § Table 14-6.1-1	Add "individual storage areas within a completely enclosed building" as permitted uses in Shopping Center districts.
Bill Section 28 § Table 14-6.1-1	Correct cross-reference error for vacation time share projects regulations.
Bill Section 29 § Table 14-6.1-1	Modify special use permit footnote to include rights of way when measuring the 200-foot radius.
Bill Section 30 §14-6.2(C)(1)(b)	Clarify by including the date that the current regulations were adopted (February 9, 2000).
Bill Section 31 §14-6.3(B)(2)(a)	Correct cross-reference error to home occupation regulations.
<i>Bill Section 32 §14-6.3(B)(2)(c)(i)</i>	<i>Clarify prohibition of parking commercial or industrial vehicles other than pickup trucks in residential neighborhoods.</i>
Bill Section 33 §14-6.3(D)(2)(c)	Clarify residency requirement for home business owner.
Bill Section 34 §14-6.4(A)	Correction, temporary structures allowed on the site of <u>construction</u> activities, instead of <u>building</u> activities.
Bill Section 35 §14-6.4(C)	Clarifies existing provision regarding which temporary structures are treated as permanent.

ARTICLE 14-7: BUILDING ENVELOPE AND OPEN SPACE STANDARDS AND MEASUREMENTS	
Bill Section 36 §14-7.1(B)	Clarify that the portion of the lot occupied by private roads and lot access driveways is excluded from the lot coverage calculation.
Bill Section 37 § Table 14-7.2-1	Minor clarification to wording.
Bill Section 38 § Table 14-7.2-1	Lot coverage for non-compound developments RC-5 and RC-8 districts in made the same as in R-7—R-9 districts.
Bill Section 39 § Table 14-7.2-1	Reference to R-6—R-9 districts corrected to <u>R-7—R-9</u> .
Bill Section 40 § Table 14-7.2-1	Clarify that “step-back” regulations in residential districts apply only to side and rear yards, not to front yards.
Bill Section 41 §14-7.2(F)	Clarifies that no special use permit is needed for construction or modification of an individual single-family residence house and related accessory structures in R-12—R-29 districts.
Bill Section 42 § Table 14-7.3-1	Clarifies permitted residential density in C-1 and C-4 office districts.
Bill Section 43 §14-7.4(B)(2)	Restates maximum baseline floor area ratio; applicable standards clarified for projects that are located in redevelopment subdistricts, but that are not subject to an adopted master plan.
ARTICLE 14-8: DEVELOPMENT AND DESIGN STANDARDS	
Bill Section 44 §14-8.2(C)(2)	Clarifies that professional land surveyors may be required for certain terrain and stormwater management submittals.
Bill Section 45 §14-8.2(D)(1)(a)	Clarifies that the height limit on cut slopes applies to <u>exposed</u> slopes.
Bill Section 46 §14-8.3(A)(1)	<i>Date changed to reflect the newest adopted flood maps per Resolution 2012-88.</i>
Bill Section 47 §14-8.4(B)(1)	Clarifies which landscape standards apply to special use permits.
Bill Section 48 §14-8.4(G)(3)	The new term “parkway” is substituted for “planting strip.” See also “parkway” definition.
Bill Section 49 §14-8.5(B)(2)(a)	Clarifies that fences in residential developments may be built to the nonresidential height limit, if they abut a nonresidential development.
Bill Section 50 §14-8.6(B)(4)(c)	Business Industrial Park district added to the list of districts where required parking spaces may be located on an adjoining lot of record.
Bill Section 51 § Table 14-8.7-1	Reference error to “RM” district corrected to “R-10—R-29.”
Bill Section 52 §14-8.10(D)(5)	Corrects cross-reference error.
Bill Section 53 §14-8.10(G)(8)(d)	Corrects cross-reference error.

Bill Section 54 §14-8.14(E)(3)	Correct numeric and typographic errors.
Bill Section 55 §14-8.14(E)(5)	Clarifies that impact fees are to be charged for outdoor land use square footage, similar to building square footages.
ARTICLE 14-9: INFRASTRUCTURE DESIGN, IMPROVEMENT AND DEDICATION STANDARDS	
Bill Section 56 §14-9.5(A)	Clarifies that the Planning Commission may approve subcollectors as private streets.
Bill Section 57 §14-9.2(E)	Clarifies different ADA standards for new vs. infill/replacement sidewalks.
Bill Section 58 §14-9.2(K)	The term "subdivider" is changed to "developer," consistent with recent similar changes elsewhere in 14-9.2.
Bill Section 59 § Table 14-9.2-1	Correct numeric and typographic errors to correspond to recent amendments to text and diagrams.
Bill Section 60 §14-9.5(A)	Clarifies provisions for dedicating private roads, open space, etc., to owners associations.
Bill Section 61 §14-9.5(D)	Clarifies practice of allowing extensions of warranty periods when necessary to correct infrastructure defects.
ARTICLE 14-10: NONCONFORMITIES	
Bill Section 62 §14-10.1(C)	Clarifies treatment of nonconforming telecommunications facilities.
Bill Section 63 §14-10.4(A)	Clarifies wording regarding use of legal nonconforming lot.
ARTICLE 14-11: ENFORCEMENT	
Bill Section 64 §14-11.5	Cross-reference error corrected.
ARTICLE 14-12: DEFINITIONS	
Bill Section 65 §14-12	Museum definition added
Bill Section 65 §14-12	Parkway definition added. (See also amendment to "planting strip.")
Bill Section 66 §14-12	Clarify that definition of "owner" applies to owners of real property.
Bill Section 66 §14-12	Legal lot of record definition. Lots that are approved by a certificate of compliance or that are created by court order are included, see Subsection 14-3.7(A)(6).
Bill Section 66 §14-12	Owner's association definition replaces and clarifies previous "homeowners' association" definition.
Bill Section 66 §14-12	Planting strip definition modified to correspond to new "parkway" definition.
Bill Section 66 §14-12	Minor clarifications to "Yard, special" definition.
APPENDIXES	
Bill Section 67 Appendix Exhibit B	<i>Technical requirements for types of parking spaces that were located in Section 14-8.6 prior to March 1, 2012 are restored and relocated to this appendix; percentage of allowable small-car spaces reduced from 40% to 20%.</i>

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-2

INTRODUCED BY:

Mayor David Coss

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987
REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS
AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(C)
CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2)
APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT
AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE
PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND
DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT
DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR
DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-
3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE
TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; REPEAL
14-3.17(E)(3); 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND
DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT
OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND

1 CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY
2 ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(c) CLARIFY
3 COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY;
4 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B)
5 CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR
6 AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS;
7 14-7.2(F) CLARIFY SPECIAL USE PERMIT IN R-12 – R-29; 14-7.3(A) TABLE 14-7.3-1
8 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY
9 REDEVELOPMENT SUBDISTRICT; 14-8.2(C)(2) TERRAIN MANAGEMENT
10 SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD
11 MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN
12 PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING
13 IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(d) CORRECT
14 REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES;
15 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK
16 REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-
17 9.5(A) DEDICATIONS TO HOMEOWNER'S ASSOCIATIONS; 14-9.5(D) EXTENSION OF
18 INFRASTRUCTURE WARRANTY; 14-10.1(C) NONCONFORMING
19 TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT
20 USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS
21 AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS
22 RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES
23 THAT ARE NECESSARY.

24
25 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

1 **Section 1. Subsection 14-2.3(C)(5)(a) SFCC 1987 (being Ord. No. 2011-37 § 2) is**
2 **amended to read:**

- 3 (a) The planning commission shall review and grant or deny requests for
4 variances from Section 14-5.6 (Escarpment Overlay District);
5 Section 14-8.2 (Terrain and Stormwater Management); Section 14-
6 8.3 (~~Stormwater Management~~) Flood Regulations); Section 14-8.11
7 (Santa Fe Homes Program); and Section 14-9 (Infrastructure Design,
8 Improvement and Dedication Standards). When deciding variances,
9 the planning commission shall comply with Section 14-3.16.

10 **Section 2. Subsection 14-2.4(C) SFCC 1987 (being Ord. No. 2011-37 § 2) is**
11 **amended to read:**

12 **(C) Powers and Duties**

13 The BOA has the review and decision-making responsibilities set forth in Table 14-
14 2.1-1 to be carried out in accordance with the provisions of Chapter 14 and has the
15 following additional responsibilities:

- 16 (1) to hear appeals of *final actions* of the *land use director* applying the
17 provisions of Chapter 14, unless jurisdiction for such appeals is otherwise
18 specifically reserved to another *land use board*;
- 19 (2) to hear and decide *applications* for special use *permits* as provided in
20 Sections 14-3.6 and 14-6 (Permitted Uses and Use Regulations), unless
21 jurisdiction for such special use *permits* is specifically reserved to another
22 *land use board*; and
- 23 (3) to authorize in specific cases a variance from the terms of Chapter 14 [~~that is~~
24 ~~not contrary to the public interest and where, owing to special conditions, a~~
25 ~~literal enforcement of the provisions of Chapter 14 would result in~~

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- (vii) variances, except those requesting construction or modification of an individual *single-family dwelling* and appurtenant *accessory structures* or those requesting a reduction in the total parking requirements of five or fewer spaces and those requesting variances to Section 14-8.10 (Signs);
- (viii) special use *permits*, except those for *mobile homes*;
- (ix) *telecommunications facilities* as set forth in Section 14-6.2(E);
- (x) *electric facilities* as set forth in Section 14-6.2(F);
- (xi) amendment to any of the preceding; and
- (xii) amendments to the future land use map of the *general plan*.
- (b) ENN is not required in the following specific circumstances:
- (i) projects or amendments to project approvals that do not require public hearings [~~as described in Subsection 14-3.1(F)(2)(a)]~~ before the board of adjustment, planning commission or the governing body;
- (ii) time extensions that do not otherwise modify a project approval.

Section 5. Subection 14-3.1(H) SFCC 1987 (being Ord. No. 2011-37, §3, as amended) is amended to read:

(H) Notice Requirements

The notices required by this section shall indicate the nature of the change proposed; the *property* affected; the time, date and place of the hearing or meeting; and the deadline for receiving written comments regarding the request, if applicable. The

notice shall be approved by the *land use director*. Neighborhood associations that wish to receive notifications of hearings and meetings and copies of agendas, including email notifications, must register with the *land use director*.

(1) Notice of Public Hearing Before Land Use Boards and ENN Meetings.

(a) General Notice Requirements

~~[This section applies for all applications and ENN meetings, except those initiated by the city described in Subsection 14-3.1(H)(1)(e), Archaeological Clearance Permits for which notice shall be provided in accordance with Section 14-3.13(C)(3), projects heard before the historic districts review board, for which mailed notification in accordance with Subsection 14-3.1(H)(1)(d) is not required, and appeals described in Subsection 14-3.1(H)(4).]~~ The notice requirements in Subsections 14-3.1(H)(1)(b), (c) and (d) below apply to public hearings required for all applications and ENN meetings, except that:

- (i) Public hearings concerning development review actions initiated by the city require notification as described in Subsection 14-3.1(H)(1)(e);
- (ii) Public hearings concerning Archaeological Clearance Permits require notification in accordance with Section 14-3.13(C)(3);
- (iii) Public hearings concerning projects heard before the historic districts review board shall meet the agenda and posting requirements in Subsections 14-3.1(H)(1)(b) and (c) below, but mailed notification in accordance with Subsection 14-

3.1(H)(1)(d) is not required; and

(iv) Public hearings concerning appeals must provide notice as described in Subsection 14-3.1(H)(4).

(b) Agenda Requirements.

For all public hearings required before any *land use board*, the *land use director* shall place the tentative meeting agenda in a local daily newspaper of general circulation at least fifteen calendar days prior to the scheduled meeting. In addition, the *land use director* shall post the tentative meeting agenda in City Hall and send a copy to neighborhood associations that are registered with the *land use director*, at least fifteen days prior to the scheduled meeting.

(c) Posting Requirements

(i) For all ENN meetings and public hearings required before a *land use board*, except appeals, the *property* shall be posted by the *applicant* with posters obtained from the *land use director* at the *applicant's* expense. At least one poster shall be prominently displayed, visible from each public and private *street* and road abutting the *property*, and securely placed on the *property* at least fifteen calendar days prior to the scheduled meeting. Placement of the posters shall be in such a manner as to not compromise public safety.

(ii) The posters shall be removed within thirty days after *final action*, and failure to do so may result in the *city* removing the poster and charging the *applicant* a civil fee of fifty dollars (\$50.00).

(d) Mailing and Emailing Requirements

Notice of a public hearing or ENN meeting shall be mailed via the United States postal service by the *applicant* at least fifteen calendar days prior the public hearing or meeting as follows:

(i) notices shall be mailed by first class mail [~~with certificate of mailing,~~] to the *owners of properties* within three hundred (300) feet of the subject *property* [~~, exclusive of rights of way,~~] as shown in the records of the *county* treasurer, and [~~by first class mail~~] to the physical addresses of such *properties* where [~~such~~] the property's address is different than the address of the *owner*;

(ii) notices shall also be mailed by first class mail [~~with certificate of mailing,~~] to neighborhood associations that have registered with the *land use director* and that will be directly affected by the proposed action or that have a boundary within three hundred (300) feet of the subject *property* [~~, exclusive of public rights of way~~]. Email notices to the neighborhood associations shall be provided on the same day the *applicant* sends postal notices;

(iii) for zone changes of one block or less, notices to *property owners* for public hearings before the governing body or the planning commission shall be by certified mail with return receipt requested as required by Section 3-21-6 NMSA 1978;

(iv) in the case of an *application* for a *telecommunications*

1 facility, all *property owners* within the corresponding
2 setback distances listed in Section 14-6.2(E) shall also
3 receive notices;

4 (v) if a notice by certified mail of a zoning change is returned
5 undelivered, the *city* shall attempt to discover the *owner's*
6 most recent address and shall send the notice by certified
7 mail to that address as required by Section 3-21-6 NMSA
8 1978;

9 (vi) copies of all required mailing lists, mailing certificates and
10 return receipts shall be provided to the *land use director*
11 prior to the public hearing or ENN meeting with an affidavit
12 of mailing signed by the person who mailed the notices.

13 (e) Notice Requirements for *City-Initiated Development Review Actions*

14 (i) Agenda Requirement

15 Agendas must be posted and published as provided in
16 Subsection 14-3.1(H)(1)(b) and (c).

17 (ii) Posting Requirement

18 [The] For a project that affects one lot or other clearly-
19 delineated premises, posting must occur as provided in
20 Subsection 14-3.1(H)(1)(c). For a project that affects a
21 larger project area, the city shall securely place in the public
22 right of way one poster at each major intersection within or
23 near the plan or project area. There shall also be at least one
24 poster for every three hundred (300) acres. Where the city is
25 the applicant and the plan or project area is less than one city

1 block, one poster shall be placed within the public *right of*
2 *way* at the nearest intersection to the subject *property*. All
3 posters shall be placed at the appropriate sites at least fifteen
4 calendar days prior to the scheduled public hearing or
5 meeting and shall indicate the nature of the change proposed;
6 identification of the plan or project area; and the time, date
7 and place of the public hearing or ENN meeting.

8 (iii) Mailing Requirements

9 Mailed notice shall be provided as required in Subsection
10 14-3.1(H)(1)(d).

11 (iv) Publishing Requirements

12 At least fifteen days before the public hearing, the *city* must
13 publish a display advertisement in a local daily newspaper of
14 general circulation stating the date, time and place of the
15 public hearing, describing the nature of the change.

16 (2) Notice of Public Hearing Before Governing Body

17 Notice shall be provided as required in Subsection 14-3.1(H)(1)(a) or (e), as
18 applicable. In addition, the *applicant* shall publish one notice in a local daily
19 newspaper of general circulation at least fifteen calendar days prior to the
20 public hearing.

21 (3) Postponed or Recessed and Reconvened Public Hearings and Meetings

22 If a public hearing or ENN meeting is postponed prior to the scheduled
23 meeting ~~[to a specific date]~~, re-notification is not necessary if notice of the
24 new date, time and location of the meeting is clearly posted ~~[on or near the~~
25 ~~door of the]~~ at the time and place where the original public hearing or

meeting was to be held [~~and in at least one other location appropriate to
provide public notice of the continuation of the meeting~~]. A public hearing
or meeting may be recessed and reconvened [~~to a day subsequent to that
stated in the meeting notice~~] without re-noticing if [~~prior to recessing,~~] the
date, time and place for [~~continuation of~~] the meeting is specified
immediately prior to recessing [~~and, immediately following the recessed
meeting, notice of the date, time and place for the reconvened meeting is
posted at the meeting location~~].

(4) Appeal Hearing Notice Requirements

The following shall apply to all public hearings on appeals to *land use
boards* or to the *governing body*.

(a) Agenda Requirements

The *land use director* shall place the appeal on the agenda of the
body hearing the appeal and shall publish and post the agenda in
accordance with the established procedures for that body.

(b) Notice Requirements

The *appellant* shall give written notice of the appeal as follows:

(i) Form of Notice

The notice shall be in a form approved by the *land use
director* as being adequate to ensure that the average citizen
reading the notice will be fairly informed of the general
purpose of what is to be considered;

(ii) Procedure for Giving Notice

The *appellant* shall give notice of the time, date and place of
the public hearing by first class mail [~~with certificate of~~

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mailing,] postmarked at least fifteen days prior to the public hearing. The notice shall be approved by the *land use director* prior to mailing, and an affidavit of mailing shall be provided by the appellant.

(iii) Notice Recipients

The following shall receive notice: 1) all *appellants* and appellees; and 2) all *persons* or neighborhood associations that were required to be mailed notice for the *application* giving rise to the *final action* being appealed.

(c) Failure to Provide Notice

If the *appellant* fails to provide proof of proper notice in a form approved by the *land use director* prior to the public hearing on an appeal, the appeal shall be deemed withdrawn and may not be refiled. The *land use director* may waive this requirement if the *appellant* shows good cause. The *land use director's* decision is not appealable.

Section 6. Subsection 14-3.3(A)(1)(a) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

(a) A text amendment may be proposed by:

- (i) the governing body;
- (ii) the planning commission;
- (iii) a department or agency of the *city*; or
- (iv) any other *person*, who must submit a request for a text amendment, in writing, directly to the *governing body*, or a member thereof.

1 **Section 7.** **Subsection 14-3.6(C)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is**
2 **amended to read:**

3 (3) Approval Limited

4 A special use *permit* is granted for a specific use and *intensity*. [~~Any change~~
5 ~~of use or more intense use shall comply with Chapter 14 and, if appropriate,~~
6 ~~shall required a new or amended special use permit.~~] A special use permit is
7 required for any change of use to a new or different use category that
8 requires a special use permit as designated in Table 14-6.1-1. A special use
9 permit is required for any significant expansion or intensification of a special
10 use.

11 **Section 8.** **Subsection 14-3.6(E) SFCC 1987 (being Ord. No. 2011-37, §3) is**
12 **amended to read:**

13 (E) Expiration of Special Use Permits

14 (1) [~~If the special exception use has not been exercised within three years from~~
15 ~~the date of the approval of the special exception, the approval shall expire~~
16 ~~and any subsequent use of the land shall conform to the provisions specified~~
17 ~~in Chapter 14. Approval of the special use permit may be extended as~~
18 ~~provided in Section 14-3.19.] A special use permit that has not been~~
19 exercised within three years from the date of the approval expires as
20 provided in Subsection 14-3.19(B)(5). Approval of the special use permit
21 may be extended as provided in Section 14-3.19(C).

22 (2) [~~If the use approved by the special use permit ceases for any reason for a~~
23 ~~period of more than one hundred eighty days, the special use permit shall~~
24 ~~expire.] If the use approved by the special use permit ceases for any reason~~
25 for a period of more than three hundred sixty-five days, the special use

permit shall expire except as provided for government uses in Subsection 14-10.2(C)(2).

Section 9. Subsection 14-3.7(A)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

(6) Subdivisions by Court Order

~~[A subdivision directed by court order shall also be subject to approval in accordance with the procedures and standards required in Chapter 14. Inheritance subdivisions are subject to the provisions of Subsection 14-3.7(F) (Inheritance and Family Transfer Subdivisions).]~~

(a) Court proceedings must not be used to circumvent the provisions of Chapter 14 relating to the subdivision or resubdivision of property or to create or increase a nonconformity.

(b) A legal lot of record that is properly partitioned, partially condemned or otherwise divided or altered by court order as provided in Chapter 42 NMSA 1978 continues to be a legal lot of record.

(c) Development of property that is divided or altered by court order remains subject to the standards and requirements of Chapter 14.

Section 10. Section 14-3.7(F)(5)(b) SFCC 1987 (being Ord. No. 2012-37, §3) is amended to read:

(b) Every final plat for an inheritance or family transfer subdivision shall contain the following legend prominently portrayed:

"NOTICE: This subdivision has been approved pursuant to the inheritance and family transfer provisions of the Santa Fe City Code. Procedures for inheritance and family transfer subdivision improvements are significantly different than for other types of

subdivisions. No sale or lease of any *lot* designated on this subdivision *plat* shall occur within three years of the date this transfer is legally made. Any person intending to purchase a *lot* within this subdivision should contact the *city* of Santa Fe *land use director*. Requests for construction *permits* on illegally sold *lots* shall be denied."

Section 11. Subsection 14-3.8(B) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

(B) Applicability

- (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) Notwithstanding any code provisions to the contrary, 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*;
 - (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, I2, BIP, PRRC, RS, SC or MU district and is within two hundred (200) feet, excluding 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.

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

(~~[4]~~[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*.

(~~[5]~~[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*.

(~~[6]~~[7]) No additional *development* plan review is required if the new or changed use

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1 or *development* described in Subsections (B)(2) and (3) was part of a
2 *development* plan approved as part of a rezoning or other action before the
3 *governing body* or a *land use board*, and for which the early neighborhood
4 notification process set forth in Section 14-3.1(F) was required.

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

8 Section 12. Subsection 14-3.8(C)(1)(g) SFCC 1987 (being Ord. No. 2011-37, §3) is
9 amended to read:

10 (g) [or] for *residential development*, a proposal for provision of
11 affordable housing as required by Section 14-8.11 (Santa Fe Homes
12 Program);

13 Section 13. Subsection 14-3.8(C)(5) SFCC 1987 (being Ord. No. 2011-37, §3) is
14 amended to read:

15 (5) Administrative Approval Procedure [~~for Three-Unit Multiple-Family~~
16 ~~Developments~~]

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

20 [~~is required for multiple-family development comprising three or more~~
21 ~~*dwelling units* with a *gross floor area* less than ten thousand (10,000) square~~
22 ~~feet.]~~

23 Section 14. Subsection 14-3.8(C)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is
24 amended to read:

25 (6) Recording of Plans; Infrastructure Construction

- 1 (a) The signed original mylars of the *development* plan and associated
2 engineering and improvement drawings shall be filed with the *land*
3 *use director* and shall be the basis for issuance of construction
4 *permits*. The *development* plan shall be filed for record with the
5 *county* [~~assessor~~] clerk by the *land use director*.
- 6 (b) If dedication of *public rights of way* or easements are required, a
7 separate dedication *plat* shall be recorded concurrently with the
8 *development* plan.
- 9 (c) *Infrastructure* improvements shall comply with Article 14-9
10 (Infrastructure Design, Improvement and Dedication Standards).

11 Section 15. Subsection 14-3.12(B)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is
12 amended to read:

- 13 (3) Temporary *certificates of occupancy* for uses that are not intended to be
14 temporary shall comply with the following provisions:
- 15 (a) the *land use director* shall impose conditions that ensure compliance
16 with the provisions of Chapter 14 and other applicable regulations
17 that protect the public health, safety and welfare;
- 18 (b) the certificate is subject to an enforceable agreement by the permittee
19 and landowner that:
- 20 (i) does not rely on the actions of a *person* that is not a party to
21 the agreement;
- 22 (ii) provides a schedule for meeting all provisions of Chapter 14
23 within a reasonable time;
- 24 (iii) provides a financial guarantee in a form acceptable to the
25 *land use director* for completion of all *public* or *quasi-public*

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improvements required by Chapter 14; and

(iv) provides for revocation of the certificate by the *land use director* and termination of the approved occupancy by the permittee if the terms of the agreement are not complied with; and

(c) the temporary certificate of occupancy shall not be approved for an initial period of longer than six months. The *land use director* may approve extensions not to exceed an additional six months.

Section 16. Subsection 14-3.13(D)(3)(c) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

(c) If human remains are discovered, *city* officials must be contacted. If remains are determined to be deposited less than seventy-five years ago, determination of jurisdiction will be made by the [county coroner] New Mexico Office of the Medical Investigator. If the remains are determined to be prehistoric or isolated burials of early historical age, consultation with the Archaeological Review Committee shall be undertaken to identify an appropriate treatment plan. This treatment plan shall indicate consideration of local Native American or other religious concerns, if applicable. If the remains represent an unplatted cemetery, they may not be disturbed less a district court order is granted authorizing their removal in conformance with Section 30-12-12 NMSA 1978 as amended.

Section 17. Subsection 14-3.16(D) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

(D) Expiration of Variances

1 ~~[If the variance has not been exercised within twenty-four months from the date of~~
2 ~~the approval of the variance, the approval expires and any subsequent use of the land~~
3 ~~shall conform to the provisions specified in Chapter 14.] Approval of a variance~~
4 ~~expires if it is not exercised, as provided in Subsection 14-3.19(B)(5).~~

5 Section 18. [REPEAL] Subsection 14-3.17(E)(3) SFCC 1987 (being Ord. No. 2011-
6 37, §3) is repealed.

7 Section 19. Subsection 14-3.19(B)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is
8 amended to read:

9 (6) Continuing Development Activity Required

10 ~~[Approvals of development other than subdivisions shall expire if no~~
11 ~~substantive development progress occurs for a period of three years at any~~
12 ~~time after final action approving the development. Substantive development~~
13 ~~progress includes obtaining subsequent development approvals such as a final~~
14 ~~development plan subsequent to a preliminary development plan approval and~~
15 ~~actual development of the site or off-site improvements.]~~

16 Approvals for the uncompleted portions of development other than recorded
17 subdivisions expire if, at any time prior to completion of all phases of the
18 approved development, no substantive development progress occurs:

- 19 (a) for an approved master plan, during any interval of five years; or
20 (b) for a development plan or other development approval as specified in
21 Subsection 14-3.19(B)(5), during any interval of three years.
22 (c) Substantive development progress means actual development of the
23 site or related off-site infrastructure, filing for record of a
24 development plan or subdivision plat for a phase of the approved
25 development, or obtaining subsequent development approvals from a

land use board, such as a final development plan approval subsequent
to a preliminary development plan approval.

Section 20. Section 14-3.19(C)(2) SFCC 1987 (being Ord. No. 2011-37, §3) is
amended to read:

(2) Administrative Extensions

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

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

may accept, reject or modify the proposal.

Section 21. Subsection 14-4.3(G) SFCC 1987 (being Ord. No. 2011-37, §4) is
amended to read:

(G) I-2 General Industrial District

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. ~~[It is the intent that this district not restrict commercial activity, but that its development not be encouraged.]~~

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Section 22. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses to create a new footnote for the Table:

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
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***See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use.

Section 23. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses to create an Emergency Services Category Related to Police and Fire Stations and Substations:

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	M U	Use- Specifi Regs 14-6.2
PUBLIC INSTITUTIONAL AND CIVIC																						
Emergency Services																						
<u>Police and fire stations</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Police substations (6 or fewer staff)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Section 24. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses for the Food and Beverage Category Related for Bar, Cocktail Lounge, Nightclub Use, No Outdoor Entertainment:

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
Food and Beverage																						
Bar, cocktail lounge, nightclub, no outdoor entertainment								S ³	S ³		P ²			P	P			P ²	P ²	P ²	P ²	

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Section 25. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses for

the Arts Activities Category Arts and Crafts Studios, Galleries and Shops; Gift Shops for the Sale of Arts and Crafts:

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
Arts Activities																						
Arts and crafts studios, galleries and shops; gift shops for the sale of arts and crafts								P	P	P	P	P		P	P			P	P	P	P ²	

Section 26. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses

regarding flea markets:

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
COMMERCIAL																						
Retail Sales and Services																						
Flea markets											P			P	P							[(C)(4)] (C)(3)

Section 27. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses

regarding individual storage areas:

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
Storage																						
Individual storage areas within a completely enclosed building											S			P	P	P	P	P	P	P		(D)(2)

Section 28. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses

regarding vacation time share projects:

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
COMMERCIAL																						
Public Accommodation																						
Vacation time share projects											P			P	P							[(C)(8)] (C)(7)

1 Section 29. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §8) is amended to
2 amend the following footnote in the Table of Permitted Uses:

3 *Special use *permit* required if located within 200 feet [~~excluding rights-of-way~~] of *residentially-*
4 *zoned property*; otherwise permitted.

5 Section 30. Subsection 14-6.2(C)(1)(b) SFCC 1987 (being Ord. No. 2011-37, §8) is
6 amended to read:

7 (b) Location of Sexually Oriented Businesses

8 (i) A *sexually oriented business* shall not be located or
9 presented in a *residential* district, even temporarily; within
10 one thousand (1,000) feet of a district zoned for *residential*
11 uses or a district in which *single-family dwellings* or
12 *multiple-family dwellings* are allowed as *principal* uses and
13 *structures*; or within one thousand (1,000) feet of any *parcel*
14 of real *property* on which is located any of the following
15 facilities: 1) a school, academy, center or other entity that
16 provides instruction primarily for and attended by minors; 2)
17 a religious institution that conducts religious services,
18 education classes or other gatherings for minors; 3) a public
19 park, playground or public recreation facility; 4) eating and
20 drinking establishments; 5) *hotels, motels*, rooming and
21 boarding houses; 6) *commercial recreational uses* and
22 *structures* such as theaters and bowling alleys; 7) private
23 day-care nurseries and kindergartens; or 8) libraries.

24 (ii) This [~~section~~] Subsection 14-6.2(C)(1) *Adult Entertainment*
25 *Facilities* does not apply to *sexually oriented businesses*

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existing at the time of adoption of ~~[this section]~~ Ordinance
No. 2000-8 on February 9, 2000. Such *businesses* shall be
considered *nonconforming* uses and *structures* and shall be
governed by Article 14-10 (Nonconformities).

Section 31. Subsection 14-6.3(B)(2)(a) SFCC 1987 (being Ord. No. 2011-37, §3) is
amended to read:

- (a) The following *accessory* uses and *structures* are permitted in the
RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29,
RAC, C-1, C-4 and HZ districts:
- (i) *home occupations*, as provided for in Subsection 14-
6.3(D)(~~[1]~~ 2);
 - (ii) noncommercial *greenhouses* and plant nurseries;
 - (iii) private *garages*;
 - (iv) *utility sheds*, located within the *rear yard* only;
 - (v) children's play areas and play equipment;
 - (vi) private barbeque pits and private swimming pools;
 - (vii) except in the RR district, *accessory dwelling units* as
regulated in Subsection 14-6.3(D)(1);
 - (viii) other uses and *structures* customarily accessory and clearly
incidental and subordinate to permitted or permissible uses
and *structures*; and
 - (ix) *accessory structures* of a permanent, temporary or portable
nature such as coverings not constructed of solid building
materials, including inflatable covers over swimming pools
and tennis courts, and such other *accessory structures* that

exceed thirty inches in height from the average ground elevation.

Section 32. Subsection 14-6.3(B)(2)(c) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

(c) The following activities are prohibited within residentially zoned districts:

- (i) storage or parking, either continuous or intermittent, of commercial or industrial vehicles, other than those authorized by a special use permit or other permitted non-residential use. Commercial or industrial vehicle means vehicles designed by the manufacturer for business purposes, including any vehicle requiring a commercial driver's license to operate; tour buses, school buses, tow trucks, earthmoving or grading equipment, tractors (except lawn tractors) or other motorized construction or agricultural equipment; trailers or other vehicles designed by the manufacturer for business purposes. Commercial or industrial vehicles do not include recreational vehicles and trailers related to recreational vehicles used for personal purposes. Commercial or industrial vehicles do not include passenger cars, pickup trucks and small trailers that may be used for business purposes related to a registered home occupation business;
- (ii) outdoor storage of construction materials, except in connection with active construction activities on the *premises*;
- (iii) storage of mobile homes; and
- (iv) recreational vehicles used as *dwelling units*.

Section 33. Subsection 14-6.3(D)(2)(c) SFCC 1987 (being Ord. No. 2011-37, §8) is amended to read:

(c) General Standards

- (i) The *home occupation* shall involve the primary sale of goods or services in connection with the *home occupation*, including: 1) goods that are prepared, produced or grown on the *premises*; 2) services that are developed on the *premises* and provided on or off the *premises*; 3) the sale of goods that are not produced on the *premises* and that are only distributed off the *premises*; or 4) repair services that take place solely within the home.
- (ii) The *home occupation* shall be located on the same *lot* as the permitted *principal* use or *structure* or on a contiguous *lot* in the same ownership.
- (iii) The *home occupation* shall be conducted by ~~a person residing on~~ the business owner who resides continuously for a substantial period of time at the premises in which the *home occupation* is conducted. Continuous residence is determined by the Land Use Director by review of relevant factors. The address listed on a driver's license, voter registration or tax return may not be sufficient to establish continuous residence.
- (iv) Not more than two persons, other than members of the *family* ~~[residing]~~ who reside on the *premises*, ~~[in which a home occupation is conducted,]~~ shall be regularly engaged in the *home occupation*. ~~[Residency shall be established by any standard identification that proves residency such as a~~

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~~driver's license, passport or voter registration or other
documentation that proves that the person conducting the
home occupation has resided at the site of the home
occupation for one month or more.]~~

((i)v) Except for on-street parking, as set forth in this section, a
home occupation shall be completely contained within the
property lines of the lot on which the home occupation is
located. A home occupation shall be in compliance with the
performance standards set forth in Section 10-4 SFCC
(General Environmental Standards); not produce any
offensive noise, vibration, smoke, dust, odors, heat, gas,
glare or electrical interference; or otherwise create a risk to
health, safety or property of residents and occupants of
adjacent and neighboring properties. The storage of
firearms, ammunition, fireworks or similar explosives for
sale or service is prohibited. Mechanical or electrical
equipment that is incidental to the home occupation may be
used if it does not create visible or audible interference in
radio, computer or television receivers or cause fluctuation
in voltage of the premises or neighboring premises.
Depending upon the nature of the home occupation, land use
director may require proof of compliance with these
restrictions prior to issuance of a business registration. (Ord.
No. 2012-11 § 17)

(vi) Employees, customers, clients or deliveries shall not enter

the *premises* between the hours of 7:00 p.m. and 8:00 a.m. weekdays and 7:00 p.m. and 10:00 a.m. weekends. Depending on the nature of the *home occupation*, the *land use director* may reduce the hours of operation. Deliveries are limited to vehicles that do not exceed eleven (11) feet in height and twenty (20) feet in length.

Section 34. Subsection 14-6.4(A) SFCC 1987 (being Ord. No. 2011-37, §8) is amended to read:

(A) Temporary Structures and Uses Allowed in All Districts

The following *temporary structures* and uses are allowed in all districts: *temporary structures* and operations in connection with and on the site of construction [*buildings*] or *land development*, including *grading*, paving, installation of utilities, erection of field offices, erection of *structures* for storage of equipment and building materials and the like; provided that a *permit* shall not be for a period of more than twelve months, renewable for periods of not more than six months. In addition, the area occupied by the *temporary structures* and operations shall be *screened* against fumes, noise and unsightliness.

Section 35. Subsection 14-6.4(C) SFCC 1987 (being Ord. No. 2011-37, §8) is amended to read:

(C) Temporary Structures Treated as Permanent Structures

Structures other than temporary structures described in Subsection 14-6.4(A) that remain in place for a period of more than thirty days in a *nonresidential* district or ninety days in a *residential* district are subject to the same provisions of Chapter 14 as permanent *structures*, whether or not they are permanently affixed to the ground or constructed of lightweight or nondurable materials.

1 Section 36. Subsection 14-7.1(B) SFCC 1987 (being Ord. No. 2011-37, §9) is
2 amended to read:

3 (B) Dimensional Calculations

4 (1) Lot Area

5 Minimum required *lot* area for *residential* subdivisions is calculated
6 excluding *rights of way, street* and driveway easements.

7 (2) Lot Depth

8 The depth is measured between the front and rear *lot* lines, perpendicular to
9 the front *lot* line. In the case of irregularly shaped *lots*, the depth shall be the
10 average of all such measurements along the front *lot* line.

11 (3) Reserved

12 (4) Lot Coverage

13 *Lot* coverage is measured by the total projected area on the ground of all
14 *structures* in relation to the *lot* area, excluding:

15 (a) the types and portions of *structures* listed in Subsection 14-
16 7.1(D)(2); [and]

17 (b) eaves and similar roof projections within two (2) feet of the wall of a
18 *building* [?]; and

19 (c) the portion of the *lot* occupied by easements for private roads and *lot*
20 *access driveways.*

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Section 37. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to
amend the Table of Dimensional Standards for Residential Districts to amend minimum yard
requirements R-1 – R-6:

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) <small>Note 2</small>	Minimum Lot Size <small>Note 2, Note 3</small>	Maximum Height of Structures <small>Notes 6,8</small>	Minimum Yard Requirements (feet) <small>Notes 5, 6, 7</small>	Maximum Lot Coverage (%) <small>Note 10</small>	Minimum Required Qualifying Open Space (Square Feet) <small>Note 9, 10</small>
R-1 R-2 R-3 R-4 R-5 R-6	R1=1; R- 2=2; R-3=3; R-4=4; R- 5=5; R-6=6	Area: Single- family dwellings: 4,000 sq. ft. minimum; 2,000 sq. ft. if common open space is provided (Note 3) Multiple- family dwellings: 4,000 sq. ft. per dwelling unit	Residential structures: 24; Nonresidential structures: 35 (See Note 6 for required height stepback from side and rear property lines)	Street: 7 (20 for garage or carport; <small>Note 4</small>) Side: 5 or 10 (See Note 6 for required height stepback from side and rear property lines) Rear 15, or 20% of the average depth dimension of lot, whichever is less	40; may increase to 50 if private open space is provided (See §14- 7.5(C)(1): Increase in maximum lot coverage if private open space is provided.)	Detached single family dwellings: <u>None except as provided for lot size averaging per Note 3</u> Multiple- family dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit

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Section 38. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Residential Districts to amend maximum lot coverage requirements for RC-5 and RC-8 districts:

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) ^{Note 2}	Minimum Lot Size ^{Note 2, Note 3}	Maximum Height of Structures ^{Notes 6,8}	Minimum Yard Requirements (feet) ^{Notes 5, 6, 7}	Maximum Lot Coverage (%) ^{Note 10}	Minimum Required Qualifying Open Space (Square Feet) ^{Note 9, 10}
RC-5 RC-8	Gross Density Factor: RC-5=5; RC-8=8 ^{Note 7}	Area: 4,000 sq. ft. Also see § 14-7.1(B)(4)(a): "Minimum Open Space Requirements"	All structures: 24 Gross floor area of all stories above the ground level shall not exceed 50 percent of the ground floor area; provided that in calculating the allowable second floor area of attached buildings the total gross heated area of the attached buildings shall be used regardless of ownership status.	Street ^{Note 4} : None required if wall between 6 and 8 feet high is built between building and street; otherwise, 15-foot setback required. Side: 5-foot side setback required. Rear: If wall between 6 and 8 feet high is built, 5-foot rear setback required, and if no wall, 15-foot setback required. No portion of any story above ground-level story shall be closer than 15 feet from property line.	Without compound dwelling units: [40] <u>Same as R-7 to R-9 districts.</u> With compound dwelling units: See § 14-7.5(C)(1)(C): Increase in maximum lot coverage if private open space is provided.	Same as R7 to R-9 districts

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Section 39. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to
amend the Table of Dimensional Standards for Residential Districts to amend minimum yard
requirements for R-10 through R-29 and RAC districts:

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) ^{Note 2}	Minimum Lot Size ^{Note 2, Note 3}	Maximum Height of Structures ^{Notes 6,8}	Minimum Yard Requirements (feet) ^{Notes 5, 6, 7}	Maximum Lot Coverage (%) ^{Note 10}	Minimum <u>Required</u> Qualifying Open Space (Square Feet) ^{Note 9, 10}
R-10 R-12 R-21 R-29	R-10=10; R-12, R-21 and R-29=10 or per development plan or special use permit approval (see 14-7.2(F))	Area: Single-family: 3000 sq. ft. (may be reduced to 2000 sq. ft. if common open space is provided) ^{Note 3} Multiple-family: As required to comply with gross density factor.	R-21 and R-29: 24 (36 with development plan or special use permit approval, see 14-7.2(E)). R-10 and R-LD: 24 (See Note 6 for required height stepback from side and rear property lines)	Same as for [R-6] <u>R-7</u> through R-9 districts. (See Note 6 for required height stepback from side and rear property lines)	Multiple-family of 6 or more units: 40 single-family, two-family, or multiple-family of less than 6 units: 40; 70 if private open space is provided. (See §14-7.5(C)(1): Increase in maximum lot coverage if private open space is provided.)	Detached single-family dwellings or multiple-family dwellings: 250 square feet of common and/or private open space per unit
RAC	<u>21</u>	Same as R-21 district.	All structures: 24 (See Note 6 for required height stepback from side and rear property lines)	Same as for [R-6] <u>R-7</u> through R-9 districts.	40; Also see §14-7.2 (H): "Maximum Nonresidential Use Area in RAC District."	Same as for R-21 district

1 Section 40. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to
2 amend Note 6 as follows:

3 6. Within ten feet of a side or rear property line, no point on a *structure* shall be higher than
4 fourteen feet above the finished grade at the closest point on the perimeter of the *structure*. Within
5 fifteen feet of a side or rear property line, no point on a *structure* shall be higher than twenty-four feet
6 above the finished grade at the closest point on the perimeter of the *structure*.

7 Section 41. Subsection 14-7.2(F) SFCC 1987 (being Ord. No. 2011-37, §9) is
8 amended to read:

9 (F) Increase in Maximum Density in R-12, R-21 and R-29 Districts

10 (1) *Residential density* up to twelve *dwelling units* per acre in an R-12 district;
11 up to twenty-one *dwelling units* per acre in an R-21 district; and up to
12 twenty-nine *dwelling units* per acre in an R-29 district may be approved
13 provided that the proposed *density* is part of a *development plan* or special
14 use *permit* requiring approval by a *land use board* or the *governing body*.

15 (2) In evaluating the proposed density, the following factors shall be considered:
16 (a) if the future land use designation shown on the *general plan* is high
17 *density residential*;
18 (b) the need for the increased *density*; however, financial gain or loss
19 shall not be the sole determining factor;
20 (c) if the increased *density* is needed to make the proposed *development*
21 more affordable, what level of affordability will be provided and
22 how that affordability will be guaranteed long term;
23 (d) *densities* of existing *developments* in the vicinity; and
24 (e) impacts of the increased *density* on the neighborhood and the
25 community so that the increased *density* does not significantly

interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest.

(3) In approving the proposed density, the planning commission or board of adjustment may establish such conditions as the commission or board deems appropriate.

(4) The provisions of this Subsection 14-7.2(F) do not apply to construction or modification of an individual single-family dwelling and related accessory structures on a legal lot of record.

Section 42. Table 14-7.3-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Nonresidential Districts for residential standards in C-1 and C-4 districts:

TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)				
D I S T R I C T	Minimum District and Lot Size	Maximum Height of Structures	Minimum Setback Requirements (feet) See Note 1 for additional setback regulations	Maximum Lot Coverage (%) See Note 8 for non-residential open space requirements
C-1	Same as R-21 district <u>including residential density and open space requirements</u> : See Table 14-7.2-1	36	Nonresidential Uses: Street: 10 Side: 5 Rear: 10 Residential Uses: Same as for R-21 district.	Nonresidential Uses: 60 Residential Uses: 40
C-2	None Also see §14-7.5(D)(8)(c): Open Space Requirements	45	Street: 15 Side: 0 Rear: 10 (See Note 2 for setback abutting residential district)	60
C-4	Same as R-21 zoning district <u>including residential density requirements</u> :	24 (See note 6 for height stepback from property lines)	(See note 6 for height stepback from property lines) Nonresidential Uses: Street: 10 Side: 5	Nonresidential Uses: 60 Residential Uses: 40

TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)				
D I S T R I C T	Minimum District and Lot Size	Maximum Height of Structures	Minimum Setback Requirements (feet) See Note 1 for additional setback regulations	Maximum Lot Coverage (%) See Note 8 for non- residential open space requirements
	See Table 14- <u>7.2-1</u> Also see 14- 7.5(D)(8)(d): "Minimum Open Space Requirements"		Rear: 10 Residential Uses: Same as R-21 zoning district	

Section 43. Subsection 14-7.4(B)(2)SFCC 1987 (being Ord. No. 2011-37, §9) is
amended to read:

(2) Standards for Redevelopment Subdistricts

(a) Land-use Intensity:

- (i) transfer of allowed floor area, including *land use intensity credits*, within a *property* or between contiguous *properties* with a single ownership and within a project is allowed; and
- (ii) *public benefit uses* shall not count against the allowable floor area for a *parcel*.

(iii) The maximum baseline floor area ratio permitted is 2.5:1 unless provided otherwise in the master plan or at the time of rezoning pursuant to Subsection 14-4.3(E)(4)(b)(ii).

(b) Maximum Height of Buildings

The maximum *building* height permitted in a redevelopment subdistrict shall not exceed sixty-five (65) feet; provided, however, that the maximum height shall be compatible with the character of adjacent subdistricts and the surrounding neighborhood.

(c) Additional Standards

Additional standards for redevelopment subdistricts are located in the subdistrict master plan. *Development* in a redevelopment subdistrict shall comply with the master plan. If no master plan has been approved for a portion of a redevelopment subdistrict, development must conform to the standards of the adjacent or nearest BCD subdistrict.

Section 44. Subsection 14-8.2(C)(2) SFCC 1987 (being Ord. No. 2011-37, §10) is amended to read:

(2) The preparation of submittals shall be as provided in this Subsection 14-8.2(C)(2) and in accordance with the provisions of Chapter 61 NMSA 1978 (Professional and Occupational Licensing) regulating the practice of architecture, *landscape* architecture, engineering and land surveying.

(a) *Grading* submittals for minor *development* or for *grading* incidental to the construction or modification of a *structure* may be prepared by any person, including the homeowner, who has the legal authority to design the *structure*; however, the *city engineer* may require that submittals be prepared and signed by a *professional engineer, architect, professional land surveyor* or *landscape architect* licensed in New Mexico if necessary to fulfill the requirements of this Section 14-8.2, Chapter 61 NMSA 1978 or applicable regulations;

(b) Submittals for *development* other than minor *development* or incidental to the construction or modification of a *structure* shall be prepared as follows:

(i) topographic plans shall be prepared and certified by a *professional engineer or professional land surveyor*;

- 1 (ii) stormwater management submittals for master plans,
2 subdivisions and *development* plans shall be prepared and
3 certified by a *professional engineer*. Stormwater
4 management submittals for all other types of *development*
5 shall be prepared by a *professional engineer* or an *architect*
6 or *landscape architect* registered in New Mexico; and
7 (iii) site restoration submittals shall be prepared and certified by
8 a *professional engineer, architect or landscape architect*
9 licensed in New Mexico.

10 Section 45. Subsection 14-8.2(D)(1)(a) SFCC 1987 (being Ord. No. 2011-37, §10) is
11 amended to read:

12 (D) Standards for All Grading

13 When a construction *permit* for *grading* is required by this Section 14-8.2,
14 *applications* for the *permit* shall show compliance with the following minimum
15 standards:

16 (1) Cut and Fill Slopes

- 17 (a) exposed cut *slopes* on a site shall not exceed ten (10) feet in height,
18 except as otherwise permitted by this Section 14-8.2. In no case
19 shall the height of a cut exceed the height of any *building*
20 constructed in the *excavated* area;
21 (b) *fill slopes* on a site shall not exceed fifteen (15) feet in height.
22 Retaining *walls* for *fill slopes* shall be no greater than six (6) feet in
23 height as provided in Section 14-8.5(B)(1), except as otherwise
24 provided in Section 14-5.6(G) (Escarpment Overlay District
25 Landscaping). *Fill slopes* shall be no steeper than 3:1, unless a

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structural alternative such as a retaining wall or some other measure acceptable to the city engineer is provided;

(c) cut or fill slopes for roads shall not exceed fifteen (15) feet in height; and

(d) all cut slopes that are not stabilized by a retaining wall or some other measure acceptable to the city engineer, shall be no steeper than 2:1, unless a structural alternative is provided or unless it can be demonstrated by a geotechnical study that existing soils will naturally accommodate a steeper slope and acceptable revegetation or other erosion control can be achieved;

Section 46. Section 14-8.3(A)(1) SFCC 1987 (being Ord. No. 2011-37, §10) is amended to read:

(A) Adoption of Special Flood Hazard Areas

(1) The city adopts the special flood hazard areas identified by FEMA in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Santa Fe County, New Mexico and Incorporated Areas," with accompanying FIRM, effective June 17, 2008 and December 4, 2012.

(2) The city may adopt and establish other flood hazard zones or elevations as identified in:

- (a) subsequent drainage studies prepared for and accepted by the city;
- (b) subsequent letters of map amendment and letters of map revision, as prepared for and accepted by FEMA; and
- (c) other known flood hazard zones identified by the floodplain administrator and adopted by the governing body.

1 **Section 47.** Subsection 14-8.4(B)(1) SFCC 1987 (being Ord. No. 2011-37, §10) is
2 amended to read:

3 (1) This Section 14-8.4 applies to, and a *landscape* plan that demonstrates
4 compliance of the entire *property* with this Section 14-8.4 is required with,
5 the following:

- 6 (a) *applications* for subdivision *plat* approval, except *lot* split and
7 *resubdivision plats*;
- 8 (b) *applications* for *development* plan approval;
- 9 (c) *applications* for master plan approval;
- 10 (d) *applications* for construction *permits* and special use permits as
11 follows:

12 (i) all *new nonresidential* and *multiple-family* construction
13 resulting in an enclosed *structure* with a *gross floor area*
14 greater than one thousand (1,000) square feet; and

15 (ii) for additions or remodeling of existing *nonresidential* and
16 *multiple-family structures* with a construction valuation
17 over one hundred thousand dollars (\$100,000), *landscape*
18 improvements to comply with this Section 14-8.4, as
19 prioritized by the *land use director*, shall be required up to a
20 total cost of twenty percent of the construction valuation;
21 and

22 (e) development on city-owned land.

23 **Section 48.** Subsection 14-8.4(G)(3) SFCC 1987 (being Ord. No. 2011-37, §10) is
24 amended to read:

25 (3) Location of Street Trees:

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- (a) *street trees* shall be located on the subject *property* adjacent to the *property* line, unless location within the *right of way* is approved by the planning commission or the public works director. *Street trees* located within the *right of way* shall be planted in compliance with Chapter 23 SFCC 1987 (Streets, Sidewalks and Public Places) and in compliance with adopted median and parkway standards;
- (b) on major and secondary arterials, trees shall be planted in a minimum ten (10) foot wide [~~planting-strip~~] *parkway* that includes the width of the sidewalk or other pedestrian way. If existing *development* precludes provision of the ten (10) foot wide [~~planting strip~~] *parkway*, trees shall be planted in a space no smaller than five (5) feet by thirteen (13) feet and preferably multiple trees in longer *planting strips*;
- (c) *street trees* should be planted to the greatest extent possible in *swales* or basins that collect run-off and precipitation;
- (d) *street trees* shall be located at least fifteen (15) feet from light standards, so as not to impede outdoor illumination;
- (e) *street trees* shall be located at least fifteen (15) feet from fire hydrants so as not to interfere with hydrant operation;
- (f) *street trees* located under utility lines shall be a species that maintains a minimum of five (5) feet of clearance from overhead utility lines at maturity; and
- (g) *street trees* shall not be required on single-family residential lots.

Section ~~49~~. Section 14-8.5(B)(2)(a) SFCC 1987 (being Ord. No. 2011-37, §10) is amended to read:

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1 (a) On a property developed for residential use or on undeveloped
2 property zoned for residential use, no fence shall exceed six (6) feet
3 in height [-] except that:

4 (i) along the common property line with a property developed
5 for or zoned for nonresidential use, the maximum height of
6 fences is eight (8) feet; and

7 (ii) [W] within a residential compound, the maximum height of
8 fences is eight (8) feet.

9 (b) On a property developed for nonresidential use or on undeveloped
10 property zoned for nonresidential use, no fence shall exceed eight
11 (8) feet in height.

12 (c) Walls and fences may exceed the height limit over pedestrian or
13 vehicular gates.

14 Section 50. Subsection 14-8.6(B)(4)(c) SFCC 1987 (being Ord. No. 2011-37, §10, as
15 amended) is amended to read:

16 (c) Parking required for uses located on adjoining lots in RAC, C, BCD,
17 BIP, MU, SC or I districts, or for institutional uses located on
18 adjoining lots in residential districts, may be provided on a joint
19 basis. Within the joint parking areas, the spaces required for each of
20 the participating uses shall be marked on the parking plan and
21 maintained as allocated to the individual use, unless a shared parking
22 plan is approved.

23
24 [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]
25

1 Section 51. Table 14-8.7-1 SFCC 1987 (being Ord. No. 2011-37, §10) is amended to
2 read:

TABLE 14-8.7-1: Point Requirements by Zoning District	
Zoning District	Points Required
C-1, C-2, C-4, BCD, PRRC, SC, HZ, MU	205
RR, R-1 - R-6, R-7, R-8, R-9, <u>R-10 - R-29</u> , RC-5, RC-8, PRC, [RM], RAC, AC	180
I-1, I-2, BIP	155

3
4
5
6
7
8 Section 52. Subsection 14-8.10(D)(5) SFCC 1987 (being Ord. No. 2001-38, §2, as
9 amended) is amended to read:

- 10 (5) Signs for private day-care facilities and kindergartens, the number of
11 which shall not exceed one and the area of which shall not exceed one
12 square foot [as set forth in Section 14-6.2(B)(5)].

13 Section 53. Subsection 14-8.10(G)(8)(d) SFCC 1987 (being Ord. No. 2001-38, §2, as
14 amended) is amended to read:

- 15 (d) All free-standing signs along Cerrillos Road shall meet the
16 buildingsetback requirements set forth in Section [14-5.5(B)(3)(a)]
17 14-5.5(B)(4)(a). However, in the case of properties flanked on one or
18 both sides by existing buildings that encroach into the required
19 setback distance, the freestanding signsetback may be reduced to
20 correspond to either the average of the adjacent buildingsetbacks, or
21 to the average of an adjacent buildingsetback and the required
22 buildingsetback. Only one freestanding sign, meeting the area
23 requirements in Subsections (a) through (c) above, is allowed per
24 legal lot of record;

25 Section 54. Subsection 14-8.14(E)(3) SFCC 1987 (being Ord. No. 2011-37, §11, as

amended) is amended to read:

- (3) The fee schedule in this Subsection 14-8.14(E)(3), also referred to as the "new" fee schedule, shall be used and its fees assessed on *plats* and *development* plans that receive final approval from the *city* or the *state* construction industries division after June 30, 2008. The "new" fee schedule shall also be applied to construction *permits* issued after June 30, 2008, except where the *permit* is issued for a subdivision or for a *development* plan that is still subject to the "old" fee schedule.

NEW FEE SCHEDULE

Land Use Type Single-Family Detached Dwelling or Manufactured Home	Unit	Roads	Parks	Fire	Police	Total
Heated Living Area:						
(0 to 1,500 sq. ft.)	Dwelling	\$1,850	\$1,111	\$125	\$44	\$3,130
(1,501 to 2,000 sq. ft.)	Dwelling	\$2,100	\$1,214	\$136	\$48	\$3,498
(2,001 to 2,500 sq. ft.)	Dwelling	\$2,183	\$1,328	\$150	\$53	\$3,714
(2,501 to 3,000 sq. ft.)	Dwelling	\$2,248	\$1,379	\$155	\$55	\$3,837
(3,001 to 3,500 sq. ft.)	Dwelling	\$2,309	\$1,418	\$159	\$56	\$3,942
(3,501 to 4,000 sq. ft.)	Dwelling	\$2,359	\$1,444	\$163	\$58	\$4,024
(more than 4,000 sq. ft.)	Dwelling	\$2,424	\$1,495	\$169	\$59	\$4,147
Accessory dwelling unit (attached or detached)						
Heated Living Area:						
(0 to 500 sq. ft.)	Dwelling	\$518	\$324	\$37	\$13	\$891

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Land Use Type Single-Family Detached Dwelling or Manufactured Home	Unit	Roads	Parks	Fire	Police	Total
						<u>\$892</u>
(501 to 1,000 sq. ft.)	Dwelling	\$1,036	\$647	\$73	\$26	\$1,782
(1,001 to 1,500)	Dwelling	\$1,554	\$971	\$110	\$39	\$2,674
Other (Apts., Condos, S.F. Attached Guest House)	Dwelling	\$1,554	[\$97] <u>\$971</u>	\$110	\$39	\$2,674
Hotel/Motel	Room	\$1,203	\$0	\$82	\$29	\$1,314
Retail/Commercial	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	\$4,597	\$0	\$221	\$78	\$4,896
Auto Sales/Service	1000 sq. ft.	\$2,180	\$0	\$221	\$78	\$2,479
Bank	1000 sq. ft.	\$4,948	\$0	\$221	\$78	\$5,247
Convenience Store w/Gas Sales	1000 sq. ft.	\$8,778	\$0	\$221	\$78	\$9,077
Health Club, Recreational	1000 sq. ft.	\$4,394	\$0	\$221	\$78	\$4,693
Movie Theater	1000 sq. ft.	\$10,412	\$0	\$221	\$78	\$10,711
Restaurant, Sit-Down	1000 sq. ft.	\$5,083	\$0	\$221	\$78	\$5,382
Restaurant, Fast Food	1000 sq. ft.	\$11,064	\$0	\$221	\$78	\$11,363
Restaurant, Pkgd Food	1000 sq. ft.	\$4,597	\$0	\$221	\$78	\$4,896
Office/Institutional	G.F.A.					
Office, General	1000 sq. ft.	\$2,429	\$0	\$124	\$44	\$2,597
Medical Building	1000 sq. ft.	\$3,903	\$0	\$124	\$44	\$4,071
Nursing Home	1000 sq. ft.	\$1,354	\$0	\$124	\$44	\$1,522

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Land Use Type Single-Family Detached Dwelling or Manufactured Home	Unit	Roads	Parks	Fire	Police	Total
Church	1000 sq. ft.	\$1,521	\$0	\$124	\$44	\$1,689
Day Care Center	1000 sq. ft.	\$3,202	\$0	\$124	\$44	\$3,370
Educational Facility	1000 sq. ft.	\$586	\$0	\$124	\$44	\$754
Educational Facility Dorm Room	1000 sq. ft.	\$1,203	\$0	\$82	\$29	\$1,314
Industrial	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	\$1,610	\$0	\$74	\$26	\$1,710
Warehouse	1000 sq. ft.	\$1,147	\$0	\$47	\$16	\$1,210
Mini-Warehouse	1000 sq. ft.	\$417	\$0	\$47	\$16	\$480

Section 55. Subsection 14-8.14(E)(5) SFCC 1987 (being Ord. No. 2011-37, §11, as amended) is amended to read:

(5) If the type of new *development* for which a construction *permit* is requested is not specified on the fee schedule, the *impact fee administrator* shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The following shall be used as a guideline for impact fee determination when the specific use is not identified in the fee chart.

(a) Residential

- (i) a *home occupation business* shall be charged according to the fee schedule for the appropriate *residential* category; and
- (ii) the *hotel/motel* ancillary use fee shall apply to meeting rooms, lobby area and general use areas of the facility.

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Retail and restaurant square footage shall be charged under
the commercial use category.

(b) Retail/Commercial

(i) the general retail fee shall be used for a hair salon,
laundromat, dry cleaner, garden center/nursery retail display
area, gas station without a convenience store and inventory
storage for a retail *business*, including growing area for a
garden center/nursery;

(ii) the bank fee assessment shall include the square footage of
any drive-through kiosk and parking area with or without a
roof;

(iii) the restaurant fast food fee shall include square footage for
the drive-through kiosk and parking area with or without a
roof; and

(iv) the packaged food restaurant fee shall be used for a
restaurant or bar that does not have any food preparation
facilities.

(c) Office/Institutional

(i) the *office* general fee shall be used for a studio that is not
residential and not retail;

(ii) the *office* general fee shall be used for a medical office that
does not have any medical equipment, such as an *office* for
psychiatry;

(iii) the medical *office* fee shall be used for an animal hospital;
and

(iv) the nursing home fee shall be used for an assisted living facility.

(d) Industrial

(i) the warehouse fee shall be used for an animal shelter, storage that is not inventory storage or maintenance equipment; and

(ii) the mini-warehouse fee shall be used for a single storage unit or for multiple storage units.

(e) Development Outside of Buildings

The impact fees for development of land outside of buildings that increases the demand for capital facilities is determined by application of the fee for the corresponding type of building or by preparation of an independent fee calculation study.

Section 56. Section 14-9.2(C)(8) SFCC 1987 (being Ord. No. 2011-37, §12) is amended to read:

(8) Specific construction and engineering standards, lot access driveways and streets classified as lanes and certain subcollectors:

(a) streets classified as "lanes" shall be laid out so that use by through traffic is minimized;

(b) lot access driveways shall be private. Streets classified as "lanes" or "subcollectors" may be constructed as private streets;

(c) lot access driveways and private streets classified as "lanes" or "subcollectors" may be approved for access to newly created lots where the planning commission or summary committee determines that no public street is needed to provide access to the property being subdivided or to surrounding properties, based on existing and

planned future uses of the *properties*.

- (d) a roadway classified as a lane must meet the following standards:
- (i) paved lanes; and
 - (ii) unpaved lanes that are approved for construction with gravel surfacing as provided in Subsection (B)(7) above
 - A. twenty-two (22) feet driving surface width;
 - B. eight (8) feet shoulder and drainage on each side;
 - C. six (6) inch crushed gravel base course surfacing material; and
 - D. thirty-eight (38) feet total *right of way* or access easement.
- (e) A *lot* access driveway that is required to provide emergency vehicle access pursuant to Chapter 12 SFCC (Fire Prevention and Protection) must meet the standards of that chapter. Otherwise, a *lot* access driveway must have an all-weather driving surface at least ten (10) feet in width, must be no steeper than fifteen percent grade, or as required by the fire marshal and must accommodate drainage and utility facilities and easements.

Section 57. Subsection 14-9.2(E) SFCC 1987 (being Ord. No. 2011-37, §12) is amended to read:

(E) Sidewalks

- (1) If a subdivision *plat* or *development* plan approval is required, curb, gutter and sidewalk locations shall be dedicated when the subdivision *plat* or *development* plan is recorded and constructed in accordance with applicable standards as part of the subdivision or *development* plan *infrastructure*.

- 1 (2) If a subdivision *plat* or *development* plan is not required, curbs, gutter and
2 sidewalks shall be constructed in accordance with applicable standards and
3 dedicated to the *city* prior to issuance of a *certificate of occupancy* for:
- 4 (a) construction of a new *principal building*;
- 5 (b) all additions over five hundred (500) square feet *gross floor area*;
- 6 (c) remodeling or renovations over five (500) hundred square feet *gross*
7 *floor area* for multiple-family *residential* and *nonresidential permits*;
- 8 and
- 9 (3) Sidewalk construction is not required to exceed twenty percent of the value
10 of the other construction covered by the *permit* for additions and remodeling.
- 11 (4) Sidewalks shall be located in a *city right of way* or, if adequate *right of way* is
12 not available, sidewalks shall be located in a public access easement
13 dedicated to the *city* on an approved *plat*. The sidewalk shall be consistent
14 with the *street* standards of Subsection 14-9.2(C) and located along each
15 *street* frontage immediately adjacent to the *development*.
- 16 (5) New sidewalks, drive pads and curb ramps required pursuant to Subsection
17 14-9.2(E)(1) or (2) must comply with the Americans with Disabilities Act
18 [~~Aeeessible~~] Accessibility Guidelines (ADAAG) and with New Mexico
19 department of transportation pedestrian access details (NMDOTPAD) and
20 must be constructed of concrete, meeting standards approved by the city or
21 alternative materials approved by the land use director. New sidewalks
22 constructed pursuant to Subsection 14-9.2(E)(1) [~~or (2) must be constructed~~
23 ~~of concrete meeting standards adopted by the city or alternative materials~~
24 ~~approved by the land use director and~~] must be free of any *structures, signs,*
25 *landscaping*, above ground utility elements or other items that prevent free

1 passage along the sidewalk. New sidewalks constructed pursuant to
2 Subsection 14-9.2(E)(2) must be free of any structures, signs, landscaping,
3 above ground utility elements or other items that result from the new
4 construction and that prevent free passage along the sidewalk.

5 (6) [E] Replacement of existing sidewalks [are adequate] is not required if they
6 are in good condition and substantially in compliance with ADAAG.
7 Existing sidewalks shall be free of any *structures, signs, landscaping*, above
8 ground utility elements or other items that prevent free passage along the
9 sidewalk. However, in the situations described in Subsection 14-9.2 (E)(1)
10 and (E)(2), the land use director may allow the sidewalk barrier to remain or
11 approve an alternate sidewalk alignment creating free passage if the removal
12 of the sidewalk barrier is deemed not feasible.

13 (7) A new sidewalk that connects to an existing sidewalk shall be the wider of:

- 14 (a) the width of the existing sidewalk;
- 15 (b) the required minimum width set forth in Table 14-9.2-1;
- 16 (c) the NMDOTPAD as may be amended by the *city*; or
- 17 (d) the minimum width required by ADAAG.

18 (8) A curb/access ramp meeting NMDOTPAD and *city* standards shall be
19 constructed where two paved *streets* with curb, gutter and sidewalk intersect.

20 (9) Drive pads shall comply with NMDOTPAD and any *city street* standard
21 details.

22 (10) If there is no curb or gutter, an alternative pedestrian route may be approved
23 as part of a subdivision *plat* or *development* plan. The alternative pedestrian
24 route shall comply with ADAAG. Consideration shall be given to future
25 maintenance, the surrounding uses, *density* and the location and type of the

street.

(11) Colored concrete shall be required in the *city's* historic districts according to the color palette approved by the historic districts review board available from the *city* historic preservation division. Alternative materials may also be required by the historic districts review board. In addition, the *city* reserves the right to specify sidewalk color or alternative materials in other sections of the *city* as may be appropriate.

(12) Construction of sidewalks shall comply with Section 23-3 SFCC 1987 (Construction and Maintenance of Curbs, Gutters and Sidewalks).

Section 58. Section 14-9.2(K) SFCC 1987 (being Ord. No. 2011-37, §12) is amended to read:

K. Utilities, *storm drainage facilities* and *street* improvements shall be provided as follows.

(1) Standards and Specifications:

- (a) connection to *city* water service except as provided in Section 25-1.10 SFCC 1987 (Regulations for the Drilling of New Domestic Water Wells);
- (b) connection to *city* sewer services except as provided in Section 22-3.1 SFCC 1987 (Sewers – Connection to the Public System);
- (c) approval of storm sewer system and other drainage improvement plans by the *city engineer*;
- (d) approval of *grading* and centerline gradients by the *city engineer*;
- (e) approval of major and secondary arterial *street* cross-section by the *city engineer*; provided, however, that the cost of improvement to the [~~subdivider~~] developer shall not exceed that which is required for

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improving a collector *street*.

(f) installation of *street name signs* of a material and design approved by the governing body at all *street* intersections;

(g) approval of complete *street* lighting facilities by the city engineer; and

(h) *landscaping* as required by Section 14-8.4 (Landscape and Site Design).

(2) Design Details, Construction Standards and Specifications

Design details, construction standards and specifications for utilities and storm drainage shall conform to standard details and specifications adopted by the governing body.

Section 52. Table 14-9.2-1 SFCC 1987 (being Ord. No. 2011-37, §12, as amended) is amended to read:

Table 14-9.2-1: Design Criteria for Street Types

TABLE 14-9.2-1: Design Criteria for Street Types

See also Chapter 12 Fire Prevention and Protection – International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000-5,000	1,000-5,000	300-1,000	300-1,000	0-300	Minimum
Dwelling Unit Access						30-100	30-100	0-30	(0-8)
Minimum Right-of-way Width	120	98	70	[50] <u>52</u>	50	42	50 or 56	38 or 42	NA
Slope/Grading	0-30	0-30	0-30	0-30	0-30	0-30	0-30	0-30	NR

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TABLE 14-9.2-1: Design Criteria for Street Types

See also Chapter 12 Fire Prevention and Protection – International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Easement (conditional upon staff review)									
Number of Auto Lanes	6-7 Note 2	4-5 Note 2	2-3 Note 2	2	2	2	2	2	1
Width of Driving Lanes	11	11	11	10	10	9	10	9	10
Median/Turn Lane Width	18	18	14	NR	NR	NR	NR	NR	NR
Minimum Bikeway Width	5	5	5	4	NR	NR	NR	NR	NR
On-Street Parking Width	NA	NA	NA	NA	6 Note 3	NA	6 Note 4	NA	NA
Curb & Gutter	2	2	2	2	2	2	2	2	NR
Minimum Sidewalk Setback	5	5	5	[4] <u>5</u>	NR	5	[3] <u>5</u>	[3-4] <u>0 or 5</u> <u>Note</u> <u>1</u>	NR
Minimum Sidewalk Width	6	6	5	5	7	5	5	5	NR

Notes:

NA - Not Applicable

TABLE 14-9.2-1: Design Criteria for Street Types

See also Chapter 12 Fire Prevention and Protection – International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		

NR - Not Required

1. Refer to 14-9.2(C)(8) for additional standards for lanes and *lot* access driveways. *Lot* access driveway standard applicable to access from *street* to not more than eight single *family* lots.

2. Includes Median/Turn Lane

3. Parking required on both sides of *street*, except no parking on that side of a *street* adjoining the plaza.

4. Parking may be on one side or both sides of the *street*; parking lane should not be continuous.()

All measurements in feet, unless otherwise noted.

1 Section 60. Subsection 14-9.5(A) SFCC 1987 (being Ord. No. 2011-37, §12) is
2 amended to read:

3 (A) Dedication of Rights of Way and Easements

4 (1) On-site and off-site *rights of way* and easements required for public and
5 quasi-public *infrastructure* shall be dedicated before or concurrently with
6 recording a subdivision *plat* or filing a *development* plan or issuance of a
7 construction *permit* for any *development* for which no *development* plan or
8 subdivision *plat* is required.

9 (2) All quasi-public *infrastructure* and land designated for ownership in
10 undivided interest, such as private roads and drainage facilities and common
11 open space, must be dedicated to and perpetually maintained by an owners'
12 association or similar legal entity. An article of incorporation and bylaws for
13 the owners' association along with a declaration of restrictions and covenants
14 must be submitted for review and approval by the City Attorney.

15 Section 61. Subsection 14-9.5(D) SFCC 1987 (being Ord. No. 2011-37, §12) is

1 amended to read:

2 (D) Completion and Warranty Period Financial Guarantee

3 (1) All *infrastructure* improvements shall be completed in accordance with the
4 requirements of *city* regulations and approvals, and the *land use director*
5 must inspect and accept all work.

6 (2) The developer shall warranty the *infrastructure* improvements for a period of
7 at least one year after acceptance and must repair or replace defects at no cost
8 to the city during the warranty period. The *land use director* may extend the
9 warranty period when necessary to insure that actual or potential defects are
10 corrected.

11 (3) During the warranty period, the developer shall maintain on file with the *city*
12 a construction financial guarantee in an amount equal to ten percent of the
13 cost estimate in Subsection 14-9.5(G) and it shall remain in effect until the
14 required *infrastructure* has passed a final warranty inspection by the *land use*
15 *director*. If there is no agreement to construct improvements, a separate
16 financial guarantee for the warranty period consistent with *city infrastructure*
17 *completion policies* shall be provided.

18 Section 62. Subsection 14-10.1(C) SFCC 1987 (being Ord. No. 2011-37, §13) is

19 amended to read:

20 (C) Determination of Nonconformity Status

21 The *land use director* [~~shall~~] determines the status of a *nonconforming lot*,
22 *nonconforming use*, *nonconforming structure* or *nonconforming sign*. For purposes
23 of this Article 14-10, each sign [~~shall be~~] is treated as a separate *structure*, including
24 those attached to or painted on *buildings*. Each telecommunication antenna, tower,
25 tower alternative or other telecommunication facility is treated as a separate structure.

1 ~~[Appeals of the land use director's determination shall be pursuant to Section 14-~~
2 ~~3.17 (Appeals).]~~

3 Section 63. Subsection 14-10.4(A) SFCC 1987 (being Ord. No. 2011-37, §13) is
4 amended to read:

5 (A) Use of Legal Nonconforming Lot

6 Notwithstanding limitations imposed by other provisions of Chapter 14 ~~[with regard~~
7 ~~to minimum lot size or width or maximum density]~~, a *single-family dwelling* and
8 *accessory buildings* may be erected on a single legal ~~[noneonforming]~~ lot of record
9 that is nonconforming with regard to minimum lot size or width or maximum density
10 in a district in which *single-family dwellings* are allowed; provided that the *lot* does
11 not adjoin a commonly owned *lot*, except as provided in Sections 14-10.4(B) and (C).
12 Dimensions of *required yards* and other requirements that do not involve area or
13 width of the *lot* shall conform to the regulations for the district in which the *lot* is
14 located.

15 Section 64. Section 14-11.5 SFCC 1987 (being Ord. No. 2011-37, §14) is amended to
16 read:

17 14-11.5 ENFORCEMENT OF SANTA FE HOMES PROGRAM OUTSIDE THE CITY
18 LIMITS

19 If, after having been given notice as set forth in Section 26-1.19 SFCC 1987 (Enforcement of
20 SFHP), a *property owner* subject to a *SFHP* agreement fails to comply with [this] Section 14-
21 8.11 (Santa Fe Homes Program) or Article 26-1 (Santa Fe Homes Program), the office of
22 affordable housing may request that the *city manager* authorize the *city attorney's* office to
23 pursue enforcement of specific performance requirements in accordance with the *SFHP*
24 agreement.

25 Section 65. Section 14-12 SFCC 1987 (being Ord. No. 2011-37, §15, as amended) is

1 amended to ordain the following definitions:

2 **MUSEUM**

3 An institution devoted to the procurement, care, study and display to the public of objects that
4 have lasting interest or value.

5 **PARKWAY**

6 The part of the *street right of way* lying between the back of the curb and the outer edge of
7 the *right of way* and typically including the sidewalk and *planting strip*.

8 Section 66. Section 14-12 SFCC 1987 (being Ord. No. 2011-37, §15, as amended) is
9 amended to amend the following definitions:

10 **LEGAL LOT OF RECORD**

11 A *lot* that was created prior to the date of any applicable provision of law that required the *lot*
12 to be approved as part of a subdivision, or that has been created as part of a subdivision
13 created in accordance with all applicable laws or ordinances, or that has been created by a
14 court order as provided in Subsection 14-3.7(A)(6), or for which a certificate of compliance
15 has been issued pursuant to Section 14-3.7(A)(7)(b). The *lot* must be shown on a duly
16 recorded *plat* or other written instrument that adequately describes the *lot*, that is recorded
17 with the *county* clerk, and that documents compliance with this definition.

18 **OWNER**

19 [A] With regard to real *property*, a *person* who holds fee simple title to real *property*, or a
20 *person* acting lawfully on behalf of the *person* who holds title.

21 **[HOMEOWNERS'] OWNERS' ASSOCIATION**

22 A private nonprofit corporation or similar legal entity of [homeowners] *property* or
23 condominium owners for the purpose of owning, operating and maintaining various common
24 infrastructure facilities and/or *properties*.

25 **PLANTING STRIP**

[The part of the ~~street right of way~~ lying between the back of the curb and the edge of the sidewalk.] A linear landscaped area typically located within or adjoining a parkway.

YARD, SPECIAL

In the case of an *irregular lot*, means a yard required to perform the same functions as a *front, side or rear yards*, but adjacent to the *lot* line so placed or oriented that the standard requirements are not clearly applicable. In such cases, the *land use director* shall require a special yard with minimum dimensions as would apply for a comparable *front, side or rear yards* in the district. Such determination shall be based on the relation of the *lot* in question to the adjoining *lots* with due regard to the orientation and location of *required yards, structures and buildable areas* on the ~~[lot]~~ *lots*.

Section 67. Chapter 14, Appendix Exhibit B SFCC 1987 (being Ord. No. 2011-37, §16) is amended to include the following notes:

(1) Types of Spaces Allowed

- (a) All parking spaces shall be designated either "standard" or "small car" or "one size fits all," depending on the size of the car space. However, "one size fits all" spaces may not be used with "standard" or "small car" spaces.**
- (b) Parking lots with ten vehicles or more may have spaces designated for small car use. Up to ~~[49]~~ 20 percent of the total spaces required of a parking lot may be designated for small car use. Small car spaces shall be clearly identified with signs or pavement markings.**

(2) Minimum Standards for Surface Preparation

- (a) All parking spaces, driveways and parking lot access aisles shall be constructed with a six-inch subgrade compacted to American Association of State Highway and Transportation Officials**

Substitute Bill
With Planning Commission Amendments Incorporated
(Highlighted and Double -Underlined)

(AASHTO) Standard T-180-95%.

(b) Parking lots with fewer than 40 spaces must have a four-inch gravel surface and must be graded in such a manner to prevent erosion of the surface or transport of gravel or subsurface material into the public right-of-way or onto adjacent property.

(c) Parking lots with 40 or more spaces must have a two inches of asphalt treated material.

(c) Parking lots must meet applicable standards for spaces designated for persons with disabilities as provided in Subsection 14-8.6(B)(5).

APPROVED AS TO FORM:


for GENO ZAMORA, CITY ATTORNEY