



City of Santa Fe, New Mexico


memo

DATE: March 12, 2013 for the March 27, 2013 City Council meeting

TO: Mayor David Coss
Members of the City Council

VIA:


Robert P. Romero, P.E., City Manager
Matthew S. O'Reilly, P.E., Director, Land Use Department 
Tamara Baer, ASLA, Planning Manager, Current Planning Division 

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

Case #2012-150 - Santana Rezoning to R-4. Josie Santana requests rezoning of 3.188± acres from R-1 (Residential, 1 dwelling unit per acre) to R-4 (Residential, 4 dwelling units per acre). The property is located west of St. Francis Drive and south of Siringo Road, in the vicinity of 1786 Siringo Road. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Planning Commission recommends **APPROVAL WITH CONDITIONS** to the Governing Body.

II. APPLICATION OVERVIEW

The applicant is requesting to rezone two tracts of land that have been owned by her family since prior to the 1950s. In 1992, the family rezoned 4.9 acres from R-1 to R-4 on land adjacent to the subject tracts. The applicant had requested to rezone a larger tract, but the applicant and staff were unable to verify legal lot of record at that time. Now the applicant has returned with additional information, and legal lot of record has been accepted by the City (see Ed Vigil, City of Santa Fe's Property Manager, memorandum in Exhibit A).

The tracts of land that the applicant is requesting to rezone are accessed via a shared easement through the applicant's family property. The current zoning for the tracts is R-1 (Residential, 1 dwelling unit per acre). The area is characterized by single family residential development on adjacent tracts to the east and west, and multi-family residential development to the north across Siringo Road. The property is bounded to the south by the Railrunner and rail/trail right-of-way.

Immediately adjacent to the property there are only two zoning districts – R-1 and R-4. However, in the vicinity of the property (across Siringo Road) there are R-5, R-12, and R-29PUD zoning districts as well. Across St. Francis Drive, where the condominium and apartments are located, the zoning is R-21.

The Future Land Use category for the site is Residential Low Density (3-7 dwelling units per acre). The requested rezoning to R-4 is consistent with the City's General Plan.

The main concern that arose during the Development Review Team's (DRT) review of this project was how the property would be accessed. Recently, the tract to north was the subject of a lot split (Case #2012-48, 1786 Siringo Road). At that time, the Traffic Engineering Division required that a cul-de-sac be included on the lot split plat in order to ensure access. Upon review of the rezoning request, the Traffic Engineering Division met with the applicant to best determine how access would be guaranteed to all tracts of land. Upon discussion of the options, it was determined that, if the tracts are approved for the R-4 zoning category, that the applicant will consolidate Tract 1-0-A, Tract A-2, and Tract 1-N and a new access easement will be dedicated that will serve all tracts.

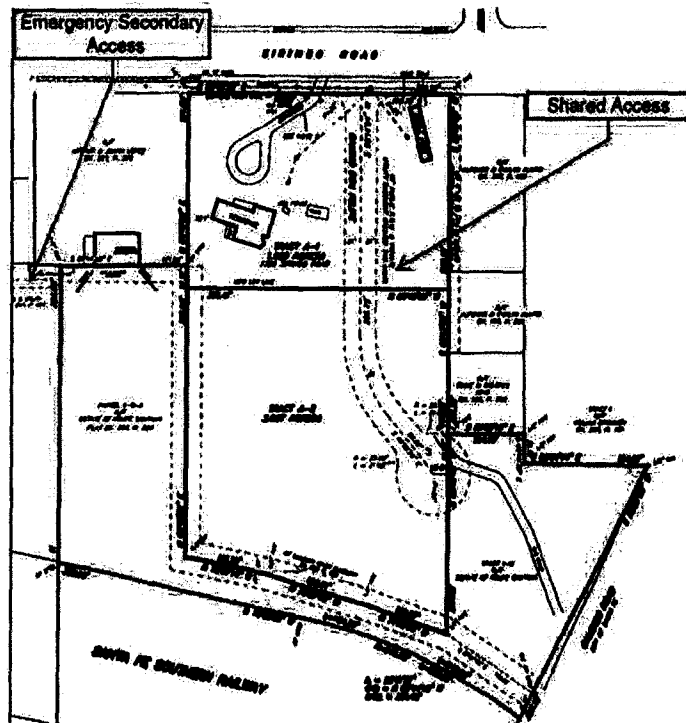


Figure 1: Lot Split Plat
1786 Siringo Road (Case #2012-48), illustrating access via existing right-of-way. Area requested for rezoning highlighted in red.

III. CONDITIONS OF APPROVAL

Many of the conditions presented by staff relate to future development on the property. An important issue raised by the Traffic Engineer related to access on the property. A revised easement will be dedicated on a lot consolidation plat in order to ensure access to all of the existing tracts is preserved as the site is developed.

IV. ATTACHMENTS

EXHIBIT 1:

- a) Findings of Fact and Conclusions of Law
- b) Conditions of Approval
- c) Bill

EXHIBIT 2: Planning Commission Minutes February 7, 2013

EXHIBIT 3: Planning Commission Staff Report Packet

City of Santa Fe, New Mexico

Exhibit 1

**Findings of Fact
Conditions of Approval
Bill**

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 7TH OF MARCH 2013 BY THE
PLANNING COMMISSION OF THE CITY OF SANTA FE:

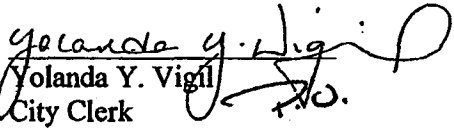
That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-4, subject to the Conditions.



Thomas Spray
Chair

3/7/13
Date:


FILED:



Yolanda Y. Vigil
City Clerk

3-8-13
Date:

APPROVED AS TO FORM:



Kelley Brennan
Assistant City Attorney

3/7/13
Date:

Santana Rezoning to R-4—Conditions of Approval

City Council

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

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. 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. The Owner/Agent shall revise the Irrevocable Offer to Dedicate as public ROW the 42' wide public access and utility easement, created Aug. 27, 2012 per plat book 749, page 018, in order to: provide access to Siringo Road from the proposed consolidated tract; and to vacate that portion of the easement located south of the existing boundary of Tract A-1.2. The existing driveways that directly access Siringo Road shall be relocated so as to provide access via the road labeled "Camino Don Felipe" after construction of said roadway.3. Implementation of these conditions is subject to review and approval by the Traffic Engineering Division.	Traffic Engineering	John Romero/ Sandra Kassens
<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. Shall comply with International Fire Code (IFC) 2009 edition.2. Shall meet Fire Department access for R-4 zoning as per IFC 2009 edition, and have two points of access.	Fire	Rey Gonzales
<p>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:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-15

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FOR 3.188± ACRES IDENTIFIED AS
PARCEL 1-0-B AND AS PARCEL 1-N, WITHIN THE NORTHWEST CORNER OF
SECTION 2, TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO PRIME
MERIDIAN, SANTA FE COUNTY, NEW MEXICO, WHICH IS LOCATED SOUTH OF
1786 SIRINGO ROAD, FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER
ACRE) TO R-4 (RESIDENTIAL, 4 DWELLING UNITS PER ACRE), AND
PROVIDING AN EFFECTIVE DATE. ("SANTANA REZONING," CASE #2012-
150).**

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

Section 1. That certain parcels of land comprising 3.188± acres (the "Property")
located within Section 2, Township 16 North, Range 9 East, New Mexico Prime Meridian, Santa
Fe County, State of New Mexico, of which 3.188± acres are located within the municipal
boundaries of the City of Santa Fe, are restricted to and classified as R-4 (Residential, 4 dwelling

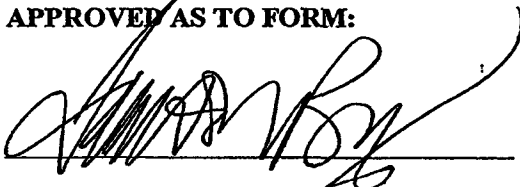
1 units per acre) as described in the legal description attached hereto [EXHIBIT A] and
2 incorporated herein by reference.

3 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance
4 No. 2001-27 is hereby amended to conform to the changes in zoning classifications for the
5 Property set forth in Section 1 of this Ordinance.

6 **Section 3.** This rezoning action and any future development plan for the Property is
7 approved with and subject to the conditions set forth in the table attached hereto [EXHIBIT B]
8 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
9 conditions recommended by the Planning Commission on February 7, 2013.

10 **Section 4.** This Ordinance shall be published one time by title and general summary
11 and shall become effective five days after publication.

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14 **APPROVED AS TO FORM:**

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17 GENO ZAMORA, CITY ATTORNEY
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LEGAL DESCRIPTION

Parcel 1-O-B and Parcel 1-N situate within Lot 3, Section 2, Township 16 North, Range 9 East, N.M.P.M., City of Santa Fe, Santa Fe County, New Mexico, being more particularly described as follows, to wit;

Beginning at the northwest corner of the herein described tract, whence the USGLO Brass Cap for the closing corner for Section 2 and Section 3, Township 16 North, Range 9 East, N.M.P.M., on the south boundary of the Santa Fe Grant bears S 89°41'40" E, 170.83'; thence, N 0°19'02" E, 211.80'; thence, N 89°02' W, 1563.0'; thence from said point of beginning; N 89°41'40" W, 170.83'; thence, S 0°19'02" W, 357.74'; thence, S 78°44'07" E, 116.17'; thence, S 73°24'44" E, 128.96'; thence, S 71°35'02" E, 119.86'; thence, N 0°17'08" E, 247.48'; thence, S 89°37'10" E, 104.36'; thence, S 0°55'56" E, 35.63'; thence, S 89°01'09" E, 164.87'; thence, S 28°30'03" W, 320.84'; thence, along a curve to the left having a radius of 816.78', chord N 66°40'18" W, chord length 321.32'; delta 20°41'17", arch length 323.43'; thence N 78°00'58" W, 334.05'; thence, N 0°14'25" E, 364.56' to the point and place of beginning. Containing 3.188 acres +/- more or less.

Philip B. Wiegel

Philip B. Wiegel, NMPS No. 9758

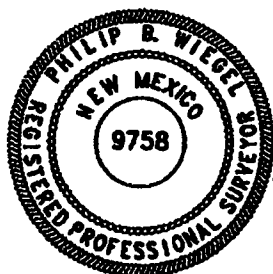


Exhibit A, Page 1 of 1

City Council
Case #2012-150 – Santana Rezoning to R-4

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. 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. The Owner/Agent shall revise the Irrevocable Offer to Dedicate as public ROW the 42' wide public access and utility easement, created Aug. 27, 2012 per plat book 749, page 018, in order to: provide access to Siringo Road from the proposed consolidated tract; and to vacate that portion of the easement located south of the existing boundary of Tract A-1. 2. The existing driveways that directly access Siringo Road shall be relocated so as to provide access via the road labeled "Camino Don Felipe" after construction of said roadway. 3. Implementation of these conditions is subject to review and approval by the Traffic Engineering Division. 	Traffic Engineering	John Romero/ Sandra Kassens
<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. Shall comply with International Fire Code (IFC) 2009 edition. 2. Shall meet Fire Department access for R-4 zoning as per IFC 2009 edition, and have two points of access. 	Fire	Rey Gonzales
<p>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:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland

City of Santa Fe, New Mexico

Exhibit 2

**Planning Commission Minutes
February 7, 2013**

couldn't use that criterion because the parcel is too small, but this is an adjustment of the zoning district boundaries."

- Chair Spray said he now understands, and thanked her for this clarification.

MOTION: Commissioner Pava moved, seconded by Commissioner Schackel-Bordegary, to recommend to the Governing Body, the approval of Case #2012-146, 2823 Industrial Road General Plan Amendment as recommended by staff, based on this hearing and the Staff Report.

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

4. **CASE #2012-147. 2823 INDUSTRIAL ROAD REZONING. JIM W. SIEBERT AND ASSOCIATES, INC., AGENT FOR LOS ALAMOS NATIONAL BANK, REQUESTS APPROVAL OF 0.38± ACRES OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLING UNITS PER ACRE) TO I-1 (LIGHT INDUSTRIAL). THE PROPERTY IS LOCATED NORTH OF THE PNM SUBSTATION AT 2823 INDUSTRIAL ROAD. (HEATHER LAMBOY, CASE MANAGER)**

MOTION: Commissioner Pava moved, seconded by Commissioner Bemis, to recommend to the Governing Body the approval of Case #2012-147, 2823 Industrial Road Rezoning as recommended by staff, based on this hearing and the Staff Report.

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

- * 5. **CASE #2012-150. SANTANA REZONING TO R-4. JOSIE SANTANA REQUESTS REZONING OF 3.19 ± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-4 (RESIDENTIAL, 4 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED WEST OF ST. FRANCIS DRIVE AND SOUTH OF SIRINGO ROAD, IN THE VICINITY OF 1786 SIRINGO ROAD. (HEATHER LAMBOY, CASE MANAGER)**

A Memorandum dated January 23, 2013 for the February 7, 2013 Planning Commission meeting, with attachments, to the Planning Commission, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "10."

A power point presentation *Santana Rezoning: Rezone from R-1 to R-4*, dated February 7, 2013, is incorporated herewith to these minutes as Exhibit "11."

The Staff Report was presented by Heather Lamboy. Please see Exhibits "10" and "11," for specifics of this presentation. She said all of the criteria for the rezoning have been met, and staff recommends conditional approval to the Planning Commission, noting there are minor conditions associated with the easement which John Romero, Traffic Engineer, wanted in place.

Public Hearing

Presentation by the Applicant

Josie Santana, Applicant, was sworn. Ms. Santana said she is here to request a rezoning, and the reason for it is stated in a letter she sent to the members of the Planning Commission, which is Exhibit E of the Commission packet.

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Bemis asked about the terrain of the subject property – is it steep or up and down, or flat.

Ms. Santana said there are areas of flatness, and there are areas of some steepness. She said, "There is an arroyo that ran, well that is there, but that has been dry since all of the construction with the roads, and the Arroyo Chamiso. So it is a little hilly."

- Commissioner Bemis said then it is a mixture, and Ms. Santana said yes.
- Commissioner Harris said if the rezoning is approved, there is a recommendation to consolidate various lots.

Ms. Lamboy said, "That is correct. The Applicant will consolidate the lots just to solve the issues with the access, so that we can be sure that both the emergency access is being provided as well as that primary access point. Two points of access are typically required for any subdivision, which we will go into further detail at a subdivision level."

- Commissioner Harris asked when the lot consolidation occurred.

Ms. Lamboy said, "This is an administrative function that would happen, if this were approved, then the Applicant would consolidate the lots."

- Commissioner Harris said, "In the lot split, the lower lot, the southernmost, the easement that was dedicated as part of the lot split, that gets abandoned then as well. So you just have the easement coming from Siringo through the northern lot to what would become the consolidated lot. Is that correct?"

Ms. Lamboy said this is correct, and ultimately when the lot is developed out, then they would have to establish other easements, but the primary portion on the existing lot would remain.

- Commissioner Lindell asked, "Who is Ed Vigil."

Ms. Lamboy said that is the City's real property manager and he is the one who helps us determine whether there is a legal lot of record.

- Commissioner Lindell said she received an email from Mr. Vigil, and he doesn't put his title or who he is on his emails, and as far as she knew, he could have been a neighbor. She suggested Mr. Vigil's emails should include his title.

- Chair Spray asked if there previously was a proposal for a larger development on the south part of this property, between the R-5 Subdivision and St. Francis.

Ms. Baer said, "You may be thinking of the Zia Station development."

- Chair Spray said there was something on the north side of Zia which was going to be a possible housing development as well, but it didn't happen.

Ms. Baer said, "There is a large tract of land owned by Merritt Brown, and he was looking to do a TOD, Transit Oriented Development there, with housing, mixed use, and accessing the train station that has been built there, but has not been opened. And we have not had a formal application on that project."

- Chair Spray said he thought there was something which came through an earlier Commission or Council with respect to that. He asked if there is a particular reason why it is R-1 throughout the entire section of the track there, and it seems to border the track all that way.

Ms. Baer said, "R-1 is basically a default zoning. When St. Francis was development, some of those properties had gone across, and I think there's a house and the smaller train that go at the top, but they're difficult to develop and to access as well. So currently, the State, it's a State Road, St. Francis, and they don't allow access from St. Francis onto those remainder properties. So it is difficult to develop those."

- Chair Spray commented it would be difficult for a developer to get any access at all.

MOTION: Commissioner Harris moved, seconded by Commissioner Schackel-Bordegary, to recommend to the Governing Body, the approval of Case #2012-150, Santana Rezoning to R-4, with all conditions of approval as recommended by staff.

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

Chair Spray said he would exercise the prerogative of the Chair and hear Item G, Staff Communications next on the agenda.

G. STAFF COMMUNICATIONS

Ms. Baer said the owners of Villas Di Toscana met with staff, and they haven't decided how they intend to move forward. She said we should hear in about a month, but at this time, staff isn't rescheduling the field trip and we don't have a definite date for when that project may come forward, noting staff is just waiting to hear what they are going to do.

Ms. Baer reported that at last Wednesday's City Council meeting, the City Council denied the application to rezone the Aguafina project from R-1 to R-5. The Commission had made a recommendation that it be rezoned to R-3.

F. OLD BUSINESS

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) (To be postponed to March 7, 2013)**

A Memorandum dated January 29, 2013, for the February 7, 2013 Planning Commission, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, indicating that the applicants are requesting postponement of this case to the March 7, 2013 Planning Commission meeting to reevaluate the cost analysis of this request, is incorporated herewith to these minutes as Exhibit "12."

City of Santa Fe, New Mexico

Exhibit 3

**Planning Commission Staff Report Packet
February 7, 2013**

City of Santa Fe, New Mexico

memo

DATE: January 23, 2013 for the February 7, 2013 Meeting

TO: Planning Commission

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

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

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I. RECOMMENDATION

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

The Planning Commission will make a recommendation to the City Council for final action.

II. APPLICATION OVERVIEW

The applicant is requesting to rezone two tracts of land that have been owned by her family since prior to the 1950s. In 1992, the family rezoned 4.9 acres from R-1 to R-4 on land adjacent to the subject tracts. The applicant had requested to rezone a larger tract, but the applicant and staff were unable to verify legal lot of record at that time. Now the applicant has returned with additional information, and legal lot of record has been accepted by the City (see Ed Vigil memorandum in Exhibit A).

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Immediately adjacent to the property there are only two zoning districts – R-1 and R-4.

However, in the vicinity of the property (across Siringo Road) there are R-5, R-12, and R-29PUD zoning districts as well. Across St. Francis Drive, where the condominium and apartments are located, the zoning is R-21.

The Future Land Use category for the site is Residential Low Density (3-7 dwelling units per acre). The requested rezoning to R-4 is consistent with the City's General Plan.

The main concern that arose during the Development Review Team's (DRT) review of this project was how the property would be accessed. Recently, the tract to north was the subject of a lot split (Case #2012-48, 1786 Siringo Road). At that time, the Traffic Engineering Division required that a cul-de-sac be included on the lot split plat in order to ensure access. Upon review of the rezoning request, the Traffic Engineering Division met with the applicant to best determine how access would be guaranteed to all tracts of land. Upon discussion of the options, it was determined that, if the tracts are approved for the R-4 zoning category, that the applicant will consolidate Tract 1-0-A, Tract A-2, and Tract 1-N and a new access easement will be dedicated that will serve all tracts.

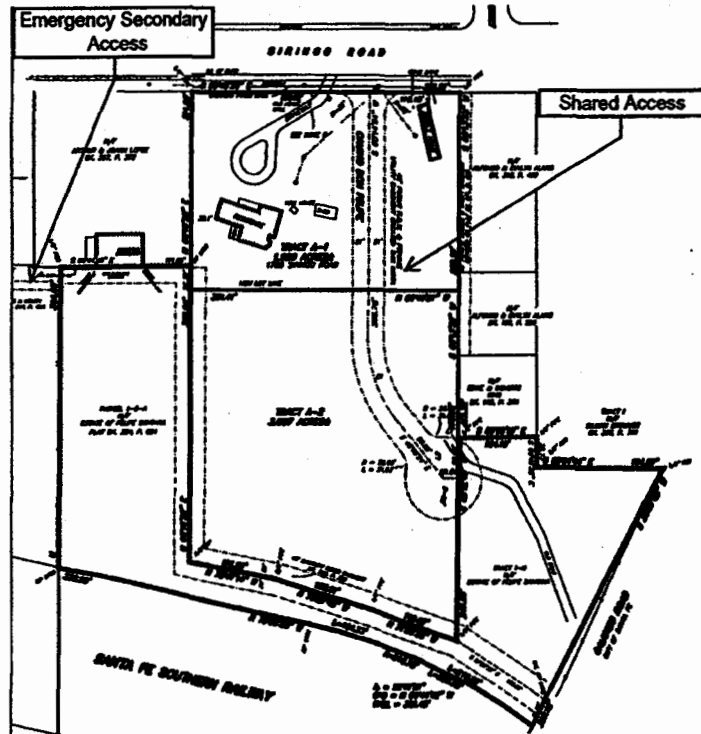


Figure 1: Lot Split Plat 1786 Siringo Road (Case #2012-48), illustrating access via existing right-of-way. Area requested for rezoning highlighted in red.

The Early Neighborhood Notification (ENN) meeting was held on November 29, 2012. Those in attendance did not express any concerns about the proposal. For additional detailed information regarding the meeting, refer to the ENN Meeting Summary in Exhibit C.

III. APPROVAL CRITERIA

14-3.5 REZONINGS

(C) Approval Criteria

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

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

Applicant Response: *There is no mistake in the present zoning.*

Staff Response: *There was no 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

Applicant Response: *There has been a substantial change in the surrounding properties of the said area to be rezoned. The City of Santa Fe has rezoned properties around this vacant land which have allowed the increase in the number of houses which has changed the character of the area.*

Staff Response: *As noted by the applicant, the character of the Siringo Corridor has changed. Both the Plaza del Sur neighborhood and the apartments across Siringo Road were built in the 1980s. Additionally, the General Plan, which is the long-range guiding policy plan, indicates a future land use of Low Density Residential (3-7 dwelling units per acre). The proposed rezoning request to 4 dwelling units per acre is consistent with the General Plan.*

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

Applicant Response: *The changes which the City of Santa Fe has allowed follow the General Plan and other adopted city plans. This zoning request is in compliance with the City of Santa Fe General Plan and urban development plan.*

Staff Response: *As stated by the applicant, the General Plan provides for a more dense land development pattern than one dwelling unit per acre within the City limits. While the proposed R-4 zoning district increases the permitted density on the subject property, it will be compatible with surrounding densities in the vicinity. The development of the tract will include more opportunities for affordable housing within the city.*

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

Applicant Response: *Yes.*

Staff Response: *All requirements for rezoning, including public notice requirements, have been met.*

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

Applicant Response: *Yes, the requested zoning is in line with the General Plan and Future Land Use Map. It would support the City's infrastructure and infill plan.*

Staff Response: *In addition to the applicant's response, the following General Plan policy supports this rezoning, Policy 4-4-I-3, which states, "Ensure that all residential development within the future growth areas is built at a minimum gross density*

of three units per acre, and an average of five units per acre, where topography allows.”

This rezoning request will make the zoning consistent with the Future Land Use Map, which is Residential Low Density, 3-7 dwelling units per acre. The current zoning category is not consistent with the Future Land Use Map.

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

Applicant Response: *The acreage, 3.2 acres, is consistent with the City policies regarding the provision of urban land sufficient to meet the amount, rate and growth of the city.*

Staff Response: *The General Plan prioritizes growth for infill areas that are already served by public water and wastewater facilities. In the case of this property, an opportunity is presented for infill development that provides for efficient use of City infrastructure.*

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

Applicant Response: *The existing infrastructure will be able to accommodate the proposed zone change.*

Staff Response: *Staff agrees with the applicant. The site is served by City streets, water and wastewater facilities.*

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

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

Applicant Response: *The zoning requested will not change the character of the surrounding area.*

Staff Response: *The proposal will not change the character of the area and will be consistent with the prevailing residential uses in the area.*

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

Applicant Response: *The area is not less than 2 acres, not applicable.*

Staff Response: *Not applicable. The size of the site proposed for rezoning is 3.2± acres.*

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

Applicant Response: *The zoning request would not incur expense to the surrounding landowners or the general public.*

Staff Response: *This proposal will not benefit one or few landowners at the expense of surrounding landowners. The increase in density will not change the single-family residential character of the area, and adequate public infrastructure is in place to serve the property.*

IV. CONDITIONS OF APPROVAL

Many of the conditions presented by staff relate to future development on the property. An important issue raised by the Traffic Engineer related to access on the property. A revised easement will be dedicated on a lot consolidation plat in order to ensure access to all of the existing tracts is preserved as the site is developed.

V. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

1. Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Comments, John Romero
2. Technical Review Division Memorandum, Risana "RB" Zaxus
3. Solid Waste Division Memorandum, Randall Marco
4. Wastewater Division Memorandum, Stan Holland
5. Legal Lot of Record Verification, Ed Vigil

EXHIBIT C: ENN Meeting Materials

1. ENN Public Notice Materials
2. ENN Meeting Notes

EXHIBIT D: Maps

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

EXHIBIT E: Applicant Submittals

1. Transmittal Letter
2. Plat

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval

Santana Rezoning to R- onditions of Approval

Planning Commission

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

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. 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. The Owner/Agent shall revise the Irrevocable Offer to Dedicate as public ROW the 42' wide public access and utility easement, created Aug. 27, 2012 per plat book 749, page 018, in order to: provide access to Siringo Road from the proposed consolidated tract; and to vacate that portion of the easement located south of the existing boundary of Tract A-1. 2. The existing driveways that directly access Siringo Road shall be relocated so as to provide access via the road labeled "Camino Don Felipe" after construction of said roadway. 3. Implementation of these conditions is subject to review and approval by the Traffic Engineering Division. 	Traffic Engineering	John Romero/ Sandra Kassens
<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. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 	Fire	Rey Gonzales
<p>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:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland

City of Santa Fe, New Mexico

Exhibit B

Development Review Team Memoranda

City of Santa Fe, New Mexico

memo

DATE: January 18, 2013

TO: Heather Lamboy, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director *JR*

FROM: Sandra Kassens, Traffic Engineering Division *SK*

SUBJECT: Santana Rezoning to R-4. (Case #2012-150.)

ISSUE

Josie Santana requests the rezoning of 3.19 acres from R-1 (Residential, 1 dwelling unit per acre to R-4 (Residential, 4 dwelling units per acre). The property is located west of St. Francis Drive and south of Siringo Road, in the vicinity of 1786 Siringo Road.

RECOMMENDED ACTION:

Review comments are based on submittals received on December 19, 2012 and comments received at meeting of Jan. 16, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

1. The Owner/Agent shall revise the Irrevocable Offer to Dedicate as public ROW the 42' wide public access and utility easement, created Aug., 27, 2012 per plat book 749, page 018, in order to: provide access to Siringo Road from the proposed consolidated tract; and to vacate that portion of the easement located south of the existing boundary of Tract A-1.
2. The existing driveways that directly access Siringo Road shall be relocated so as to provide access via the road labeled "Camino Don Felipe" after construction of said roadway.
3. Implementation of these conditions is subject to review and approval by the Traffic Engineering Division.

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

City of Santa Fe, New Mexico

memo

DATE: January 16, 2013

TO: Heather Lamboy, Case Manager

FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department

RE: Case # 2012-150
Santana Rezoning to R-4
1786 Siringo Road

I have no review comments on this rezoning.

City of Santa Fe, New Mexico

memo

DATE: January 24, 2013
TO: Heather L. Lamboy, AICP, Senior Land Use Planner
FROM: Randall Marco, Environmental Services Division
SUBJECT: Case #2012-150, Santana Rezoning

No solid waste concerns at this time.

City of Santa Fe, New Mexico

memo

DATE: December 31, 2012
TO: Heather Lamboy, Senior Planner
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2012-150 Santana Rezoning to R-4

The subject property is accessible to the City sanitary sewer system:

Additional Comments:

1. There are no additional comments for the Applicant to address

LAMBOY, HEATHER L.

From: VIGIL, EDWARD J.
Sent: Friday, December 21, 2012 8:45 AM
To: BAER, TAMARA; LAMBOY, HEATHER L
Subject: Santana lot off Siringo Rd

Good morning ladies, I looked into your question regarding the lot owned by the estate of Felipe Santana, and based upon the platting by Walter Turley bearing drawing No. M869 and S1537 which describe the subject parcel with metes and bounds, and the fact that SF County has a tax account on said parcel, I would state that the parcel should be considered a legal lot of record by this evidence.

City of Santa Fe, New Mexico

Exhibit C

**Early Neighborhood Notification (ENN)
Meeting Materials**



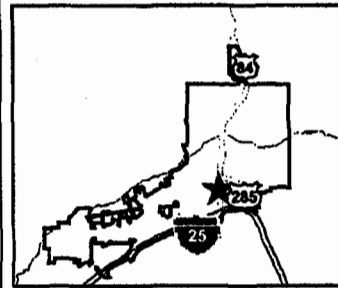
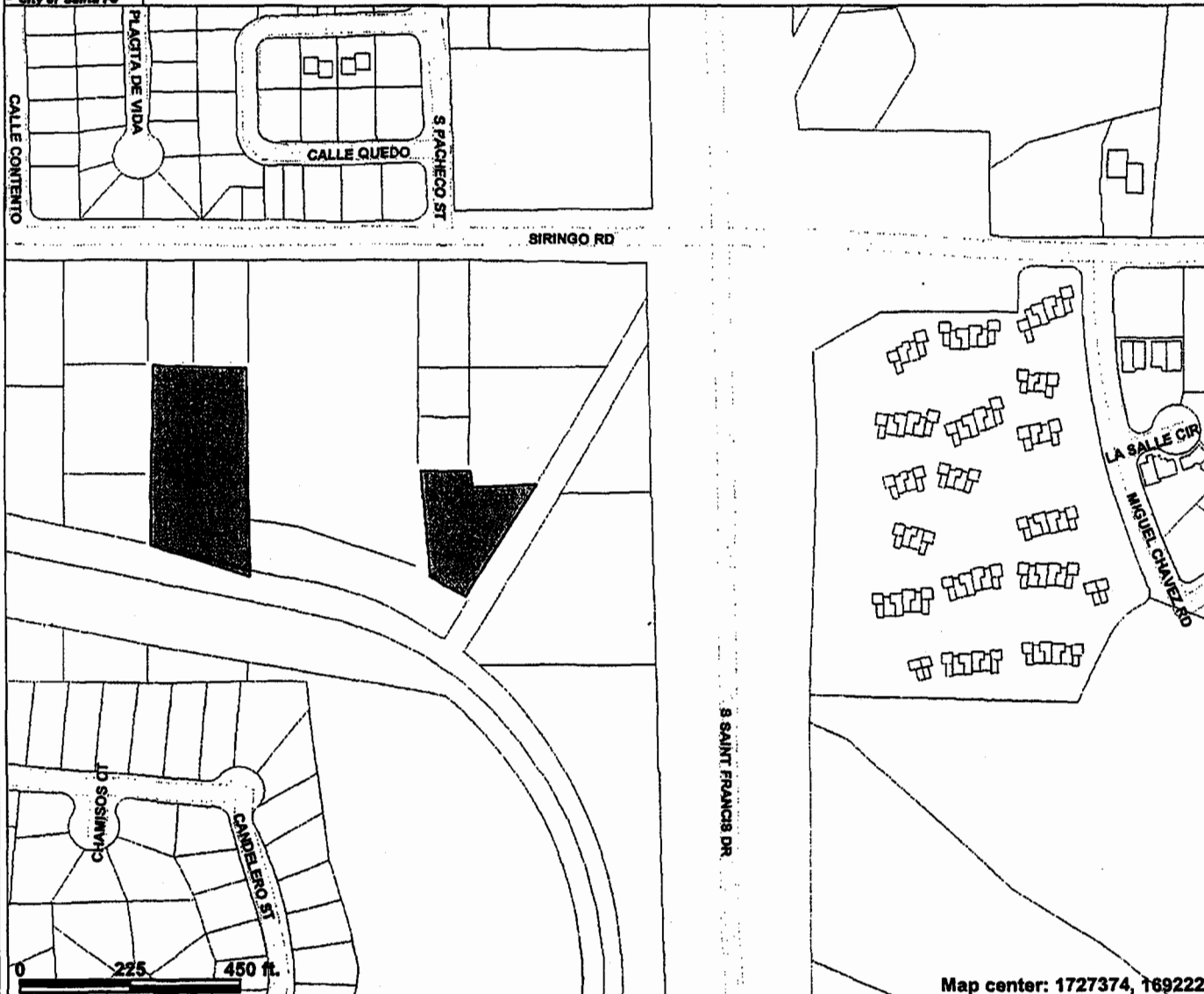
EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information		
Project Name: _____		
Address:	<u>1786 Living Road</u>	Parcel Size: <u>32 acre</u>
Zoning:	<u>R-1</u>	Future Land Use: <u>R-4</u>
Preapplication Conference Date: <u>11-8-12</u>		
Detailed Project Description: <u>Rezone from R-1 to R-4</u>		
Property Owner Information		
Name:	<u>Josie M. Santana</u>	
Address:	<u>PO Box 23674 Santa Fe, NM 87502</u>	
Phone:	<u>505-980-6530</u>	E-mail Address: <u>jmsantana@salud.unm.edu</u>
Applicant/Agent Information (if different from owner):		
Name:	_____	
Address:	_____	
Phone:	_____	E-mail Address: _____
Agent Authorization (if applicable):		
I am/We are the owner(s) and record title holder(s) of the property located at: _____		
I/We authorize _____ to act as my/our agent to execute this application.		
Signed:	_____	Date: _____
Signed:	_____	Date: _____
Proposed ENN Meeting Dates:		
Provide 2 options:	Preferred Option	Alternative
DATE:	<u>11/22/12</u>	
TIME:	<u>4:30 - 6 pm</u>	
LOCATION:	<u>Lafarge Library</u>	



Santana Rezoning - Vicinity Map



Legend

- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets



Scale: 1:3,785

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.

Send notice by first class mail with
certificate of mailing to all property owners
on this list.

ZIA STATION LLC
PO BOX 5735
SANTA FE, NM
87502

SCHRADER, HORST & PATRICIA
15 CAMINO CABALLOS SPUR
LAMY, NM
87540

WILLIAMS, WALTER L & SUSAN S
2130 CANDELERO STREET
SANTA FE, NM
87501

SCHRADER, HORST & PATRICIA
15 CAMINO CABALLOS SPUR
LAMY, NM
87540

WOLFSWINKEL, MICHAEL D & LAURA
2136 CANDELERO
SANTA FE, NM
87505

BROMMER, FAITH
PO BOX 24061
SANTA FE, NM
87502

GREGORY, CINDY & DOUGLAS KAIN
2817 PUEBLO JACONA
SANTA FE, NM
87501

GALLEGOS, ANTONIO B
PO BOX 437
SANTA CRUZ, NM
87567

ALARID, ALFONSO & EVELYN K
1812 SIRINGO RD
SANTA FE, NM
87505

GALLEGOS, ANTONIO B
1201 N PASEO DE ONATE
ESPANOLA, NM
87532

BROMMER, EUGENE W & PAMELA J
PO BOX 24061
SANTA FE, NM
87502

FEDERAL NATIONAL MORTGAGE ASSOC
PO BOX 660043
DALLAS, TX
85265

CASTILLO, ROBERT E & EMELDA G
(TRUST)
50 CAMINO MARIQUITA
SANTA FE, NM
87508

BROMMER, FAITH & EUGENE W
PO BOX 24061
SANTA FE, NM
87502

BUDOW, NORMAN E & ELIZABETH A
2138 CANDELERO ST
SANTA FE, NM
87505

SANTANA, FELIPE C & VICTORIA
C/O JOSIE M SANTANA
PO BOX 23674
SANTA FE, NM
87502

SANTANA, JOSEFITA MAGDALENA
PO BOX 23674
SANTA FE, NM
87502

FLOR DE MARIA OLIVA
2140 CANDELERO ST
SANTA FE, NM
87507

SCALLY, THOMAS & MARLENE
2142 CANDELERO ST
SANTA FE, NM
87505

EMANUEL, FRANK L
2144 CANDELERO ST
SANTA FE, NM
87505

FIRST NATIONAL INVESTMENT PROP
13210 HARBOR BLVD # 188
GARDEN GROVE, CA
92843

LOPEZ, ARTHUR & JOANN
18 FALLING STAR CIR
SANTA FE, NM
87506

ALARID, ALFONSO & EVELYN
1812 SIRINGO RD
SANTA FE, NM
87505

BELIAN, RICHARD D & MARY
PO BOX 868
TESUQUE, NM
87574

SANTANA, FELIPE
C/O JOSIE M SANTANA
PO BOX 23674
SANTA FE, NM
87502

FERRERO, GARY LEE & CINDY A
2109 B CALLE ENSENADA
SANTA FE, NM
87505

PEZ ESPADA LLC
24 RIDGE RD
SANTA FE, NM
87505

GOMEZ, MARTIN P SR & EVELYN M
2099 CALLE CONTENTO
SANTA FE, NM
87501

TWEET, RODNEY
2096 PLACITA DE VIDA
SANTA FE, NM
87505

NICHOLSON, BRUCE R & PATRICIA
33 COYOTE CROSSING
SANTA FE, NM
87505

MARES, SAM A & DOLORES A
TRUSTEES OF LIVING TRUST
3300 LA MANCHA NW
ALBUQUERQUE, NM
87104

GROUP HOME ONE HOUSING CORP
1576 PACHECO ST #E6
SANTA FE, NM
87505

BURBANK, SUSAN A
1884-A CALLE QUEDO
SANTA FE, NM
87505

NPH GROUP, LLC
1468 S ST FRANCIS DR
SANTA FE, NM
87505

RODRIGUEZ, PETER J & ESTER
2099 PLACITA DE VIDA
SANTA FE, NM
87501

NICHOLSON, BRUCE R & PATRICIA
33 COYOTE CROSSING
SANTA FE, NM
87505

CHISM, BOBBY & MARINA
2097 PLACITA DE VIDA
SANTA FE, NM
87505

RHODES, ROBERT E & MARY V
312 CALLE SIERPE
SANTA FE, NM
87505

NICHOLSON, BRUCE R & PATRICIA
33 COYOTE CROSSING
SANTA FE, NM
87508

GIVENS, PATRICIA A
PO BOX 432
REGINA, NM
87046

KING, EDDIE & DOLORES
1812 SIRINGO RD
SANTA FE, NM
87505

Send notice by first class mail only to
individuals on this list.

Resident
1838 Siringo RD
SANTA FE, NM
87505

Resident
1778 SIRINGO RD
SANTA FE, NM
87505

Resident
1838 SIRINGO RD
SANTA FE, NM
87505

Resident
1794 SIRINGO RD
SANTA FE, NM
87505

Resident
1882 CALLE QUEDO A
Unit A
SANTA FE, NM
87505

Resident
1838 SIRINGO RD
SANTA FE, NM
87505

Resident
1786 SIRINGO RD
SANTA FE, NM
87505

Resident
2098 PLacita DE Vida
SANTA FE, NM
87505

Resident
2099 PLacita DE Vida
SANTA FE, NM
87505

Resident
1812 SIRINGO RD
SANTA FE, NM
87505

Resident
1812 SIRINGO RD
SANTA FE, NM
87505

Resident
1812 SIRINGO RD
SANTA FE, NM
87505

Resident
1790 SIRINGO RD
SANTA FE, NM
87505



ENN GUIDELINES

Applicant Information

Project Name: Rezoning R-1 to R-4

Name: Santana, Josie M

Last

First

M.I.

Address: 1786 Siringo Rd (PO Box 23674)

Street Address

Suite/Unit #

Santa Fe, NM 87502

City

State

ZIP Code

Phone: (505) 980-6530

E-mail Address: jmsantana@salud.unm.edu

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.*

There will be no change in the character of the surrounding neighborhoods and issues such as number of stories will comply with the City of Santa Fe's building code.

(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.*

By following the City of Santa Fe's building and environment codes the above will be protected.

(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.*

This will be determined by a licensed archaeologist when needed but do not see it as a problem since there are no historical buildings, acequias and is not located in downtown Santa Fe.

(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.*

This request complies with the City's general plan which calls for Low Density 3 to 7 dwelling units per acre in this area. One can refer to the map and note the surrounding zoning is higher than R-4

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

The above effects have already been considered since the surrounding properties are zoned at a high density. Rezoning of the property from R-1 to R-4 will have little impact.

(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 property is in a prime location close to schools, shopping centers, postal service, hospital and doctors the area will bring home owners who work in these fields.

(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.*

N/A not sure how to answer this question

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

The infrastructure is already in place.

(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.*

N/A at this time

(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.*

N/A

(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 property is located in an area where public transportation is readily available. The City's bike trail borders the southern part of the property. These two assets make the property attractive to individuals who are handicapped and individuals that are physically able to use other modes of transportation (walking and biking)

(l) ADDITIONAL COMMENTS (optional)

This request is in line with the City of Santa Fe's infill projects and general plan.

EARLY NEIGHBORHOOD NOTIFICATION MEETING

November 9, 2012

Dear Neighbor:

Josie M. Santana is requesting to rezone approximately 3.2 acres from R-1 (Residential-1 dwelling unit per acre) to R-4 (Residential-4 dwelling units per acre). The property is located south of Siringo Road and west of St. Francis Drive.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time: 4:30 PM
When: Thursday, November 29, 2012
Where: Oliver LaFarge Library
1730 Llano Street
Santa Fe, NM 87505

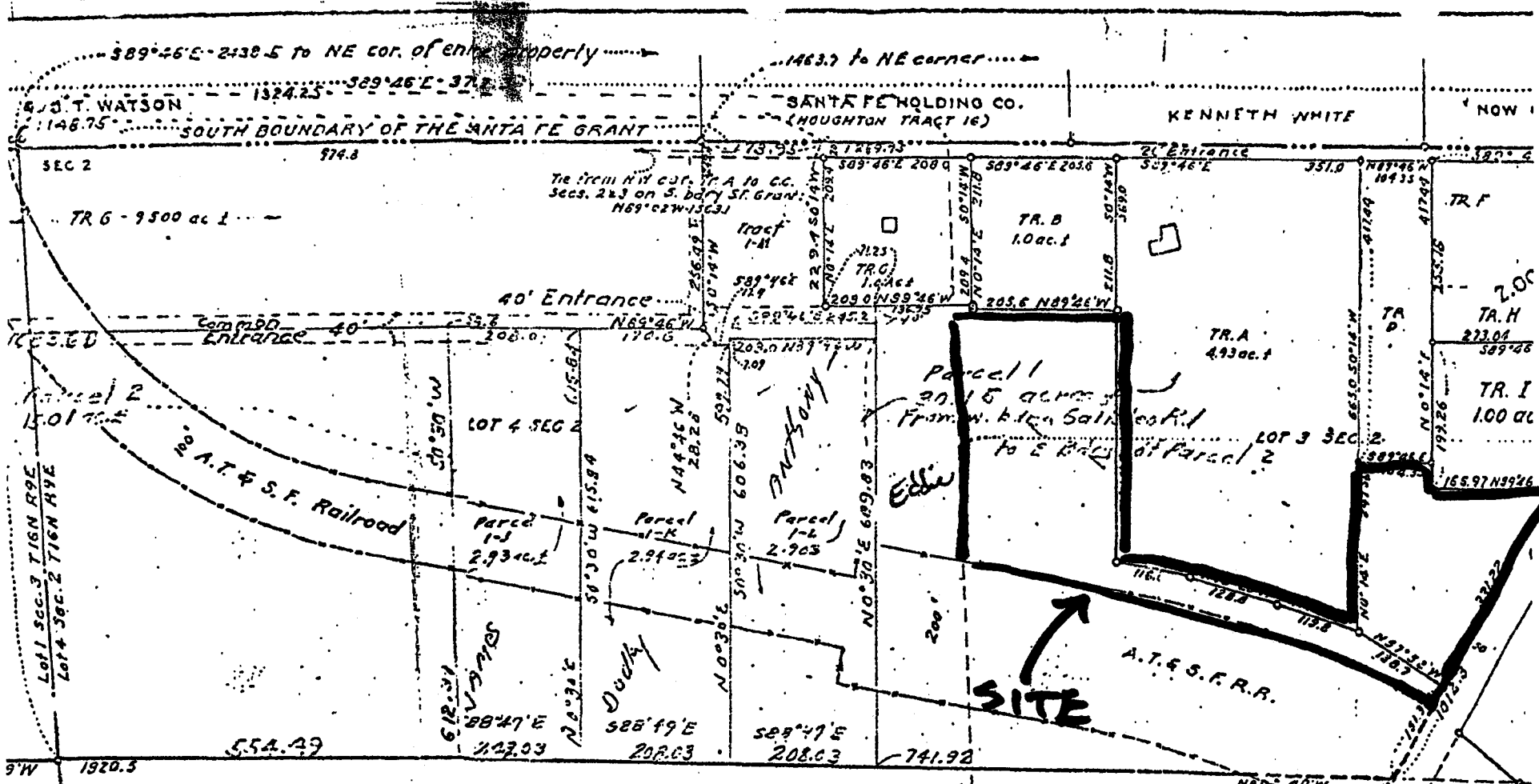
Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Josie Santana at 505-980-6530 or jmsantanta@salud.unm.edu.

Sincerely,

Josie Santana

Attachments:
Vicinity map
Site plan



CERTIFICATE

THE NOTES HEREON ARE AN ACCURATE TRANSCRIPTION OF SURVEYS COMPLETED UNDER MY DIRECTION AND A TRUE AND CORRECT DELINEATION OF SAID SURVEYS, AND WERE ESTABLISHED IN THE FIELD IN ACCORDANCE AND PUBLISHED BY THE U.S. BUREAU OF LAND MANAGEMENT THAT I AM RESPONSIBLE ONLY FOR THOSE THAT HAVE AFFIXED MY OFFICIAL SEAL.

Walter G. Turley
 Reg. Prof. Engineer & Land Surveyor

Amended 6-17-57 to show Parcels 1-J, 1-K, 1-L and entrances

Walter G. Turley
 Reg. Prof. Eng. & Land Surveyor # 95

AMENDED PLAT

LANDS SURVEYOR
JOSEFITA CHAVEZ DI
SANTA FE COUNTY



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

Project Name: Rezoning R-1 to R-4 1780 Siringo Rd. Meeting Date: 11-29-12 ^{error} 163
Meeting Place: LA Farge Library Meeting Time: 1630

Applicant or Representative Check Box below

	Name	Address	Email
<input type="checkbox"/>	1 Kathleen G. Rinsley	330 Hasting Rd	R4475C@msn.com
<input type="checkbox"/>	2 Pamela Brommer	1798 Siringo Rd	Pbromm12765@aol.com
<input type="checkbox"/>	3 Juan Burbanks	1884 A Calle Oueda	Watusland@MSN.com
<input type="checkbox"/>	4 Sam A. Nares	3300 La Mancha Road	N/A
<input type="checkbox"/>	5 Dalores A. Nares	" " " 81104	N/A
<input type="checkbox"/>	6 Myron D. Colclitt	2002 Silver Ave SE	N/A
<input type="checkbox"/>	7 Leann Trujillo	2002 Silver Ave SE	N/A
<input type="checkbox"/>	8 Bernadette Braxton	7158 Sereno Loop SE, NM	bbraxton1@yahoo.com
<input type="checkbox"/>	9 Emerald Castillo	2134 Candeler	Rcastillo42@msn.com
<input type="checkbox"/>	10 Josie Stanton	PO Box 23674 SE NM	josie@windstream.net
<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.

Daniel A. Escobedo
Printed Name of City Staff in Attendance

[Signature]
Signature of City Staff in Attendance

11-29-12
Date

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

2P48

Send notice by first class mail with
certificate of mailing to all property owners
on this list.

WILLIAMS, WALTER L & SUSAN S
2130 CANDELERO STREET
SANTA FE, NM
87501

BROMMER, FAITH
PO BOX 24081
SANTA FE, NM
87502

ALARID, ALFONSO & EVELYN K
1812 SIRINGO RD
SANTA FE, NM
87505

FEDERAL NATIONAL MORTGAGE ASSOC
PO BOX 650043
DALLAS, TX
85265

BUDOW, NORMAN E & ELIZABETH A
2138 CANDELERO ST
SANTA FE, NM
87505

ZIA STATION LLC
PO BOX 5735
SANTA FE, NM
87502

SCHRADER, HORST & PATRICIA
15 CAMINO CABALLOS SPUR
LAMY, NM
87540

GREGORY, CINDY & DOUGLAS KAIN
2817 PUEBLO JACONA
SANTA FE, NM
87501

GALLEGOS, ANTONIO B
1201 N PASEO DE ONATE
ESPANOLA, NM
87532

CASTILLO, ROBERT E & EMELDA G
(TRUST)
50 CAMINO MARIQUITA
SANTA FE, NM
87508

SANTANA, FELIPE C & VICTORIA
C/O JOSIE M SANTANA
PO BOX 23674
SANTA FE, NM
87502

SCHRADER, HORST & PATRICIA
15 CAMINO CABALLOS SPUR
LAMY, NM
87540

WOLFSWINKEL, MICHAEL D & LAURA
2138 CANDELERO
SANTA FE, NM
87505

GALLEGOS, ANTONIO B
PO BOX 437
SANTA CRUZ, NM
87567

BROMMER, EUGENE W & PAMELA J
PO BOX 24061
SANTA FE, NM
87502

BROMMER, FAITH & EUGENE W
PO BOX 24081
SANTA FE, NM
87502

SANTANA, JOSEFITA MAGDALENA
PO BOX 23674
SANTA FE, NM
87502

2004
30-



1000

U.S. POSTAGE
PAID
ALBUQUERQUE, NM
87106
NOV 10, 12
AMOUNT

\$6.70
00068706-07

FLOR DE MARIA OLIVA
2140 CANDELERO ST
SANTA FE, NM
87507

BELIAN, RICHARD D & MARY
PO BOX 868
TESUQUE, NM
87574

NICHOLSON, BRUCE R & PATRICIA
33 COYOTE CROSSING
SANTA FE, NM
87505

SCALLY, THOMAS & MARLENE
2142 CANDELERO ST
SANTA FE, NM
87505

SANTANA, FELIPE
C/O JOSIE M SANTANA
PO BOX 23674
SANTA FE, NM
87502

MARES, SAM A & DOLORES A
TRUSTEES OF LIVING TRUST
3300 LA MANCHA NW
ALBUQUERQUE, NM
87104

EMANUEL, FRANK L
2144 CANDELERO ST
SANTA FE, NM
87505

FERRERO, GARY LEE & CINDY A
2109 B CALLE ENSENADA
SANTA FE, NM
87505

GROUP HOME ONE HOUSING CORP
1570 PACHECO ST #E6
SANTA FE, NM
87505

FIRST NATIONAL INVESTMENT PROP
13210 HARBOR BLVD # 188
GARDEN GROVE, CA
92843

PEZ ESPADA LLC
24 RIDGE RD
SANTA FE, NM
87505

BURBANK, SUSAN A
1884-A CALLE QUEDO
SANTA FE, NM
87505

LOPEZ, ARTHUR & JOANN
18 FALLING STAR CIR
SANTA FE, NM
87506

GOMEZ, MARTIN P SR & EVELYN M
2099 CALLE CONTENTO
SANTA FE, NM
87501

NPH GROUP, LLC
1468 S ST FRANCIS DR
SANTA FE, NM
87505

ALARID, ALFONSO & EVELYN
1812 SIRINGO RD
SANTA FE, NM
87505

TWEET, RODNEY
2096 PLACITA DE VIDA
SANTA FE, NM
87505

RODRIGUEZ, PETER J & ESTER
2099 PLACITA DE VIDA
SANTA FE, NM
87501

See page 2

NICHOLSON, BRUCE R & PATRICIA
33 COYOTE CROSSING
SANTA FE, NM
87505

NICHOLSON, BRUCE R & PATRICIA
33 COYOTE CROSSING
SANTA FE, NM
87508

CHISM, BOBBY & MARINA
2097 PLACITA DE VIDA
SANTA FE, NM
87505

GIVENS, PATRICIA A
PO BOX 432
REGINA, NM
87046

RHODES, ROBERT E & MARY V
312 CALLE SIERPE
SANTA FE, NM
87505

KING, EDDIE & DOLORES
1812 SIRINGO RD
SANTA FE, NM
87505



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

<i>Project Name</i>	Josie Santana
<i>Project Location</i>	South of Siringo west of St. Francis
<i>Project Description</i>	Rezone 3.2 acres from R-1 t R-4
<i>Applicant / Owner</i>	Josie Santana
<i>Agent</i>	N/A
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	November 29, 2012
<i>ENN Meeting Location</i>	Oliver LaFarge Library
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	
<i>Attendance</i>	10

Notes/Comments:

The applicant explained the proposal which brought about a few questions from the attendees. The applicant stated that she is not building anything only rezoning to R4 for the purpose of sale. There were no concerns from the attendees. There was a general consensus for the proposal. The ended at 5:15 PM.

City of Santa Fe, New Mexico

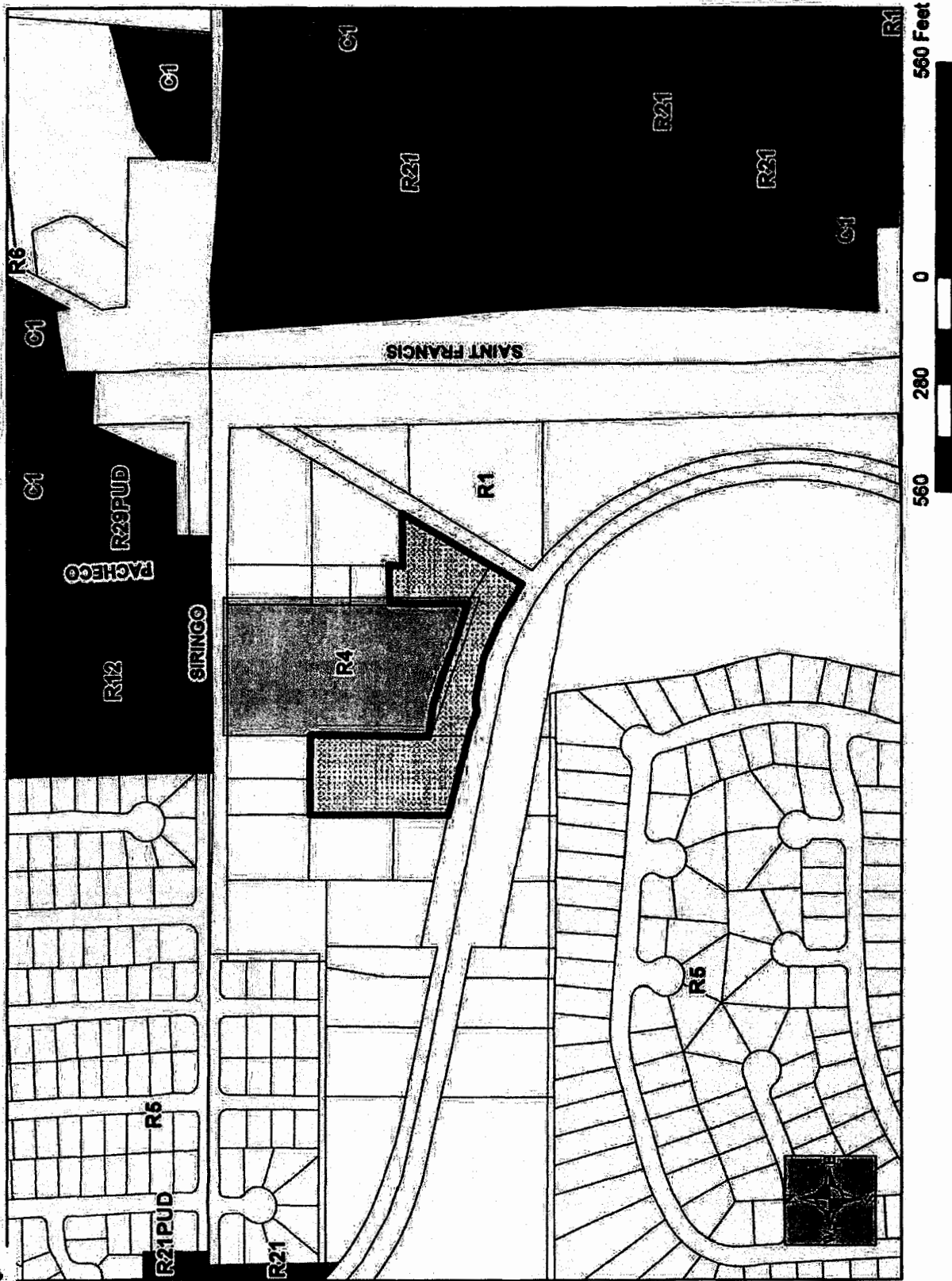
Exhibit D

Maps



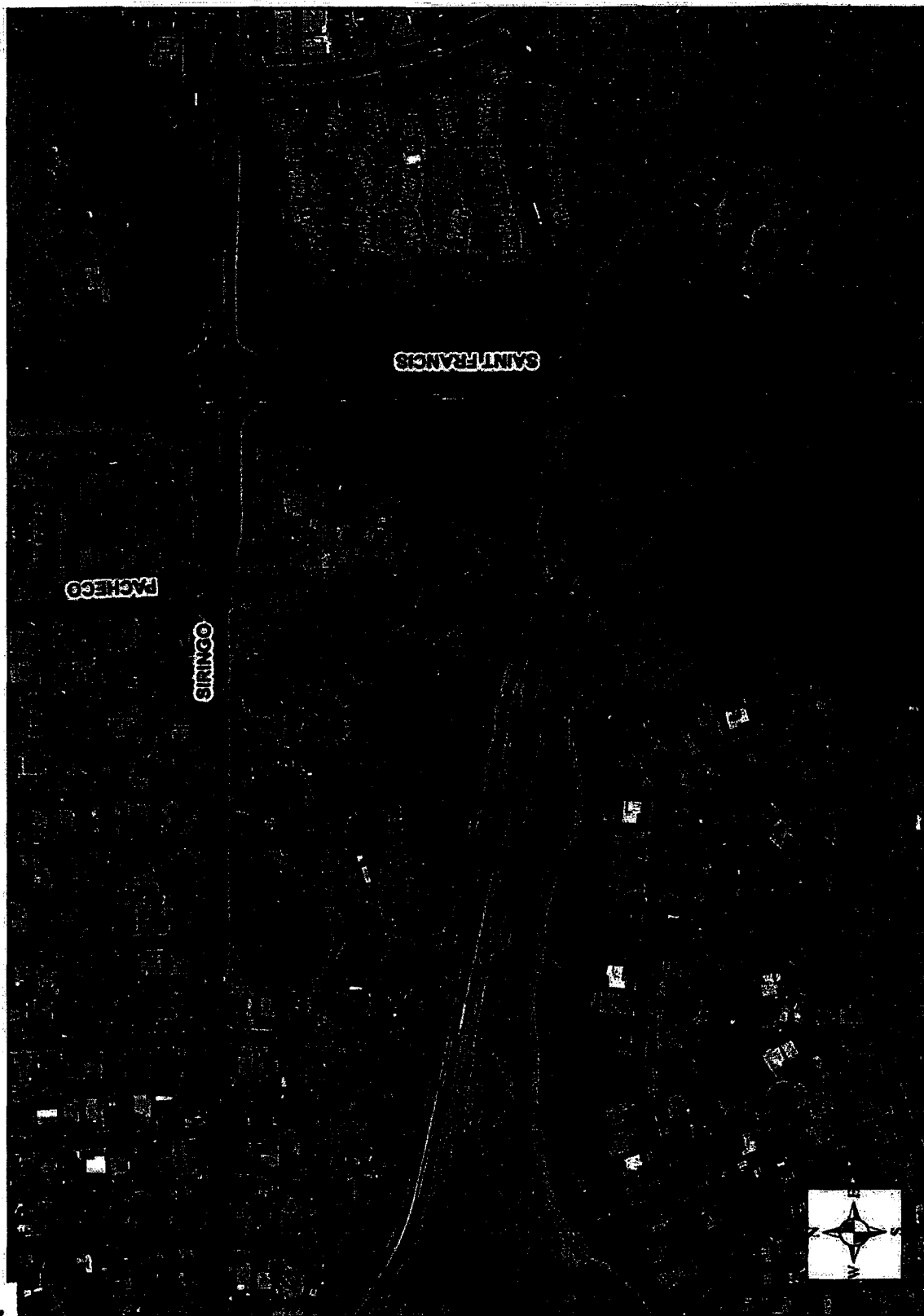


Case #2012-150: Santana Rezone Zoning Map





Case #2012-150: Santana Rezone Aerial



City of Santa Fe, New Mexico

Exhibit E

Applicant Submittals

December 13, 2012

To: The City of Santa Fe's Planning Commission:

I, Josie Santana am requesting a zone change on the property south of Siringo Road and West of St. Francis Drive in the City of Santa Fe.

This request is R-1 (1 house per acre) to R-4 (4 houses per acre). The change in zoning will allow me to do two things; put the property on the market and help address my family's current hardships which they are incurring at this time, i.e. illness (cancer), unemployment and financial debt due to the current state of the economy. We are life long residences of Santa Fe and ask for your consideration of this request.

Sincerely,



Josie Santana

December 13, 2012

To: Members of the City of Santa Fe's Planning Commission and governing body
Re: Rezoning of property located south of Siringo Road and west of St. Francis Drive

Josie M. Santana is requesting to rezone approximately 3.2 acres from R-1 to R-4 for family matters.

C. (1)

a. One or more of the following conditions exist:

- (i) There is no mistake in the present zoning.
- (ii) There has been a substantial change in the surrounding properties of the said area to be rezoned. The City of Santa Fe has rezoned properties around this vacant land which have allowed increase in houses which has changed the character of the area.
- (iii) The changes which the City of Santa Fe has allowed follow the general plan or other adopted city plans.
This zoning request is in compliance with the City of Santa Fe general plan and urban development plan.

b. All the rezoning requirements of the Chapter 14 have been met. (yes)

c. The zoning is consistent with the applicable policies of the general plan including the future land use map. .

Yes, the requested zoning is in line with the general plan and future land use map. It would support the City's infrastructure and infill plan.

d. The acreage, 3.2 acres, is consistent with the city policies regarding the provision of urban land sufficient to meet the amount, rate and growth of the city.

e. The existing infrastructure will be able to accommodate the proposed zoning change.

C. (2)

a. The zoning requested will not change the current character of the surrounding area.

The requested zoning request would provide for continued residential development.

b. The area is not less than 2 acres. N/A

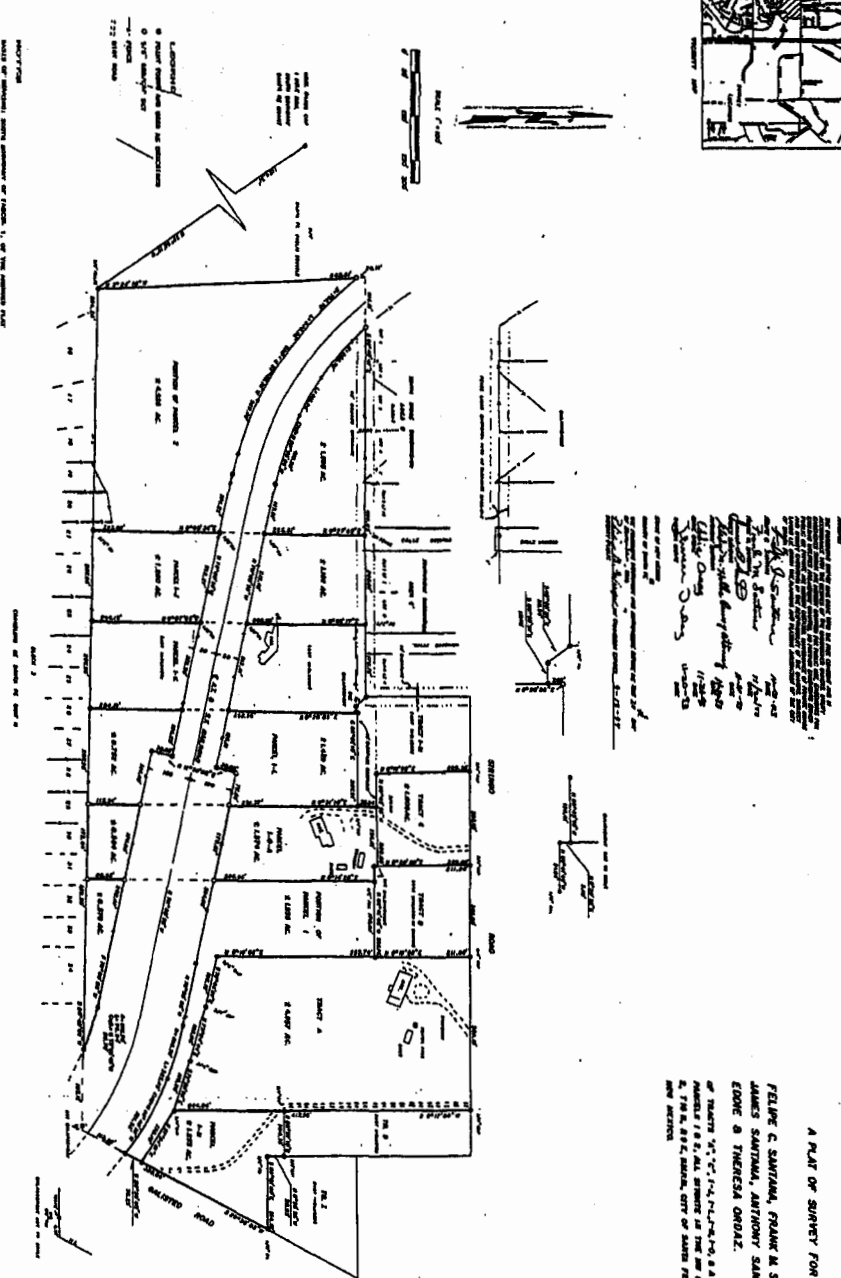
c. The zoning request would not incur expense to the surrounding landowners or the general public.

D.

1. N/A

2. N/A

** Rezoning Application attached**



A PLAN OF SURVEY FOR
FELICE C. SANTANA, FRANK M. SANTANA,
JAMES SANTANA, ANTHONY SANTANA,
EDDIE & THELMA ORAZ.
OF TRACTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 8

PAUL MORSE
 HE HUNG A SIGN ON THE BRASS PLATE OF HIS
 HOUSE HE HUNG IN GREETING TO HIS VISITORS
 AND HE WROTE THE SIGN IN THE MIDDLE OF THE
 SIGN HE HUNG A SIGN OF HIS OWN DESIGN
 HE HUNG A SIGN OF HIS OWN DESIGN
 HE HUNG A SIGN OF HIS OWN DESIGN
 HE HUNG A SIGN OF HIS OWN DESIGN

[illegible]

APPOINTED ATTORNEYS FOR COUNTY CLERK

CLERK: ALICE JACKSON, Mayor, Cleveland
JAMES JACKSON, President, Cleveland
EDWARD JACKSON, Secretary, Cleveland
LUCAS JACKSON, Treasurer, Cleveland
JAMES JACKSON, Jr., 100 N. W. 10th St.,
Cleveland, Ohio 44115
ALICE JACKSON, 100 N. W. 10th St.,
Cleveland, Ohio 44115

[illegible]



PHILIPS C. SLANTANA

CREATING PARCELS 1-0-4 AND 1-0-8 FROM PARCEL 1, ALL SITUATE IN THE NW 1/4 OF SECTION 2, T 10 N, R 8 E, N.M.P.M., CITY OF SANTA FE, SANTA FE COUNTY, NEW MEXICO. ...

- ☒ LOGO Shows Corps Award and medal
- ☐ Public Award and award on pocket
- ☐ 4x6 Copied from job and file storage
- ☐ Power point
- ☐ Placard
- ☐ Presentation slide
- ☐ Certificate
- ☐ Canvases

21

[illegible]

SECRET/NOFORN

Philip R. Siegel 5/14/88
Philip R. Siegel P.O. Box 8708
New York 10108 Sent 7/6, 1988

P.S. Inc. 97508
 Santa Fe, NM

DCL RIO SURVEYS							
P.O. BOX 227735	SMITH FC, MO 471-0067						
Project No. 9410008	<table border="1"> <tr> <td>Eng. No.</td> <td>Date & Hrs.</td> </tr> <tr> <td>152</td> <td>10/1/84</td> </tr> <tr> <td>153</td> <td>10/1/84</td> </tr> </table>	Eng. No.	Date & Hrs.	152	10/1/84	153	10/1/84
Eng. No.	Date & Hrs.						
152	10/1/84						
153	10/1/84						

STEW. & ALLEN
COMPY. CONT. BUILT IN GERMANY AND FRANCE
Virginia Elston hms

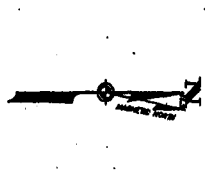
[illegible]

<p><i>W. J. B. B.</i></p> <p><i>David M. Lucke</i></p> <p><i>Richard B. Adams</i></p> <p>MANAGER OF CHINA RAILWAY GROUP</p>	<p><i>7-2-98</i></p> <p><i>11-1-79</i></p> <p><i>11-3-79</i></p> <p><i>5-6-79</i></p>
---	---

APPROVED BY SAC	DATE	INITIALS	DATE	INITIALS
<i>9-7-94</i>			<i>9-7-94</i>	
<i>Special Agent in Charge</i>				
<i>W. L. F.</i>			<i>9-7-94</i>	
			<i>SAIC</i>	

RECEIVED BY _____
Dr. J. M. Watson
 PHYSICIAN IN CHARGE
9/2/98
9/1/98
9/1/98
1-10-98
 PUBLIC HEALTH SERVICE

DCL RIO SURVEYS							
P.O. BOX 227735	SMITH FC, MO 471-0067						
Project No. 9410008	<table border="1"> <tr> <td>Eng. No.</td> <td>Date & Hrs.</td> </tr> <tr> <td>152</td> <td>10/1/84</td> </tr> <tr> <td>153</td> <td>10/1/84</td> </tr> </table>	Eng. No.	Date & Hrs.	152	10/1/84	153	10/1/84
Eng. No.	Date & Hrs.						
152	10/1/84						
153	10/1/84						



05-1 37825

ANNEX OF DECLARATION OF THE NORTH
OCT 1 (5 1972) 23 NOV 84

DEVELOPMENT IS REQUIRED TO CLINICALLY

CERTIFICATE

7

Daenerys


 教育部
 圖書出版
 登記證
 登證字
 第 123 號

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FOR MORE INFORMATION
CONTACT KAY INC.

1. **STAFF OF THE COMMISSIONER OF THE RESERVE** for the
the purpose of the approval of the Commission on
the part of the

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

Advertisement

DATE

THIS PLAY HAS BEEN APPROVED FOR EXHIBITION

References

8738

PACHECO STREET

FOR

NOTES CONTINUED

AND EACH LOT SHALL BE SERVED WITH SEPARATE SETBACK AND BUFFER.

IS AT THE TIME OF DEVELOPMENT THE NEW LOT WILL ACQUIRE A WATER MAIN EXTENSION FOR WATER SERVICE.

THE DESIGN OF THE PUBLIC SAFETY LAMP EXHIBITION SHALL BE REVIEWED AND APPROVED BY THE WASTE WATER DIVISION.

| CARGO TANK | | | | | |
|------------|---------|---------|---------------|--------------------|-------|
| NO. | RADIUS | LENGTH | CUBIC
FEET | WEIGHT
AT 70°F. | DELTA |
| 180100* | 40 1/2" | 108' 0" | 15,900 cu ft | 107,000 lb | |

I hereby certify that the instrument was filed for recording on the 30th day of June 1967 at 164.67 A.S. M.D. at 8:00 P.M. and at 164.67 A.S. M.D.

Signature _____

Mr. A. A. Fleming

8/2
D. B. Smith
CITY ENGINEER FOR LAND USE

**NEEDING INFORMATION FOR COUNTY
LOT SPLIT SAFETY**

SANTA FE COUNTY, N.M.
DEL RIO SURVEYS, INC.



Santana Rezoning

Rezone from R-1 to R-4



Exhibit "14"

Santana Rezoning

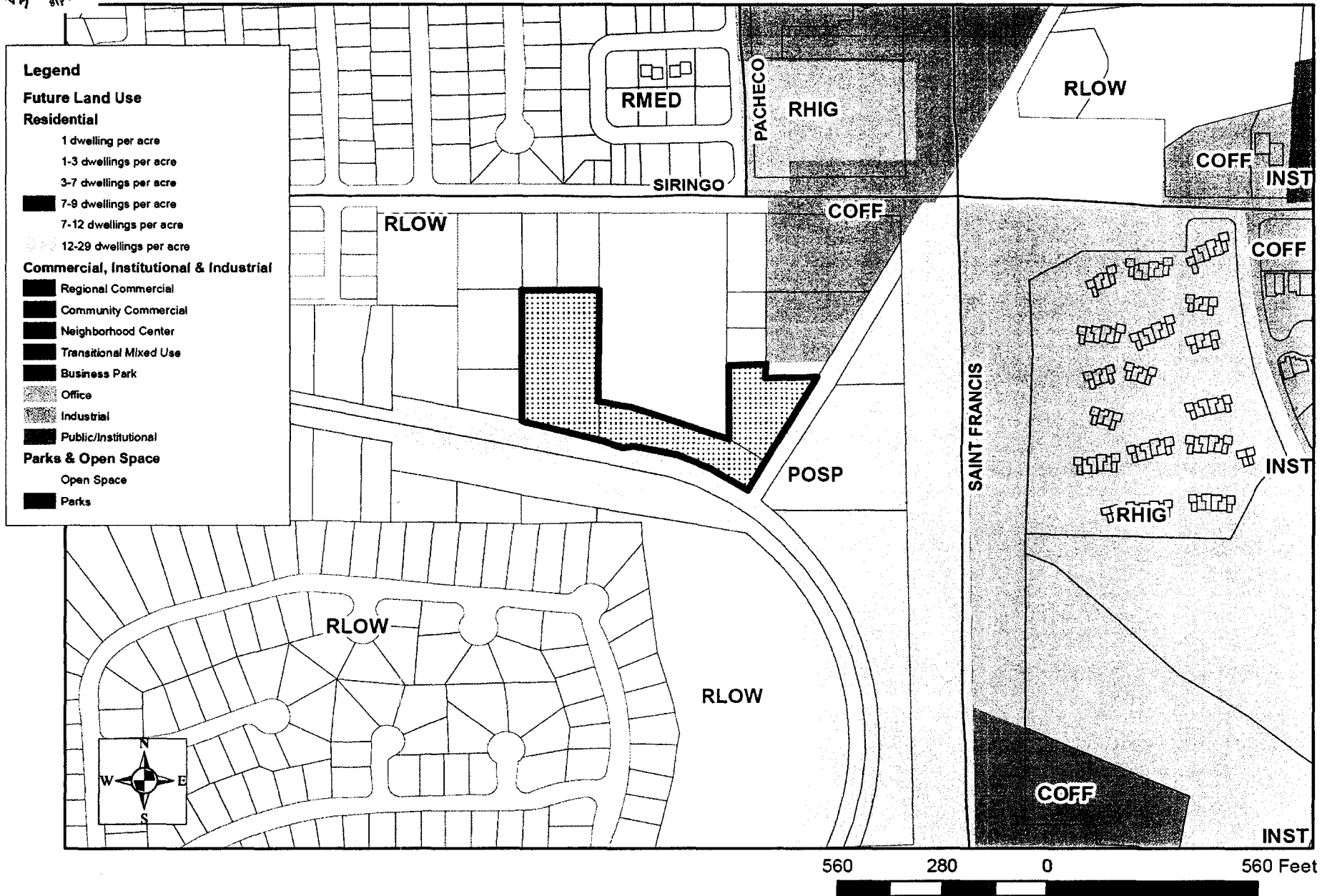


Request:

- Rezone 3.19± acres from R-1 to R-4
- Located in vicinity of Siringo Road and St. Francis Drive
- Northern tract that is adjacent to the site was rezoned in 1992



Case #2012-150: Santana Rezone Future Land Use Map



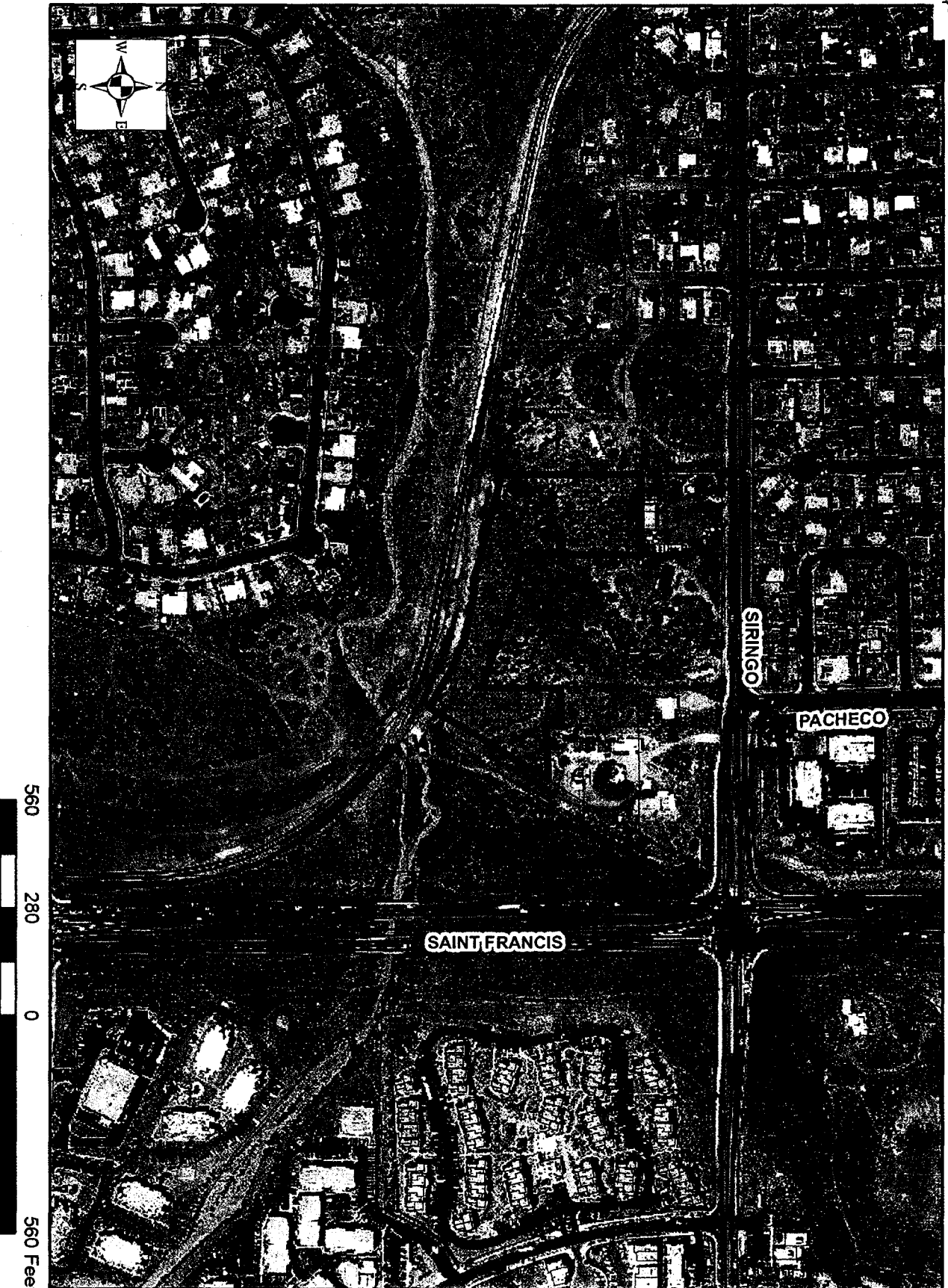


Case #2012-150: Santana Rezone Zoning Map





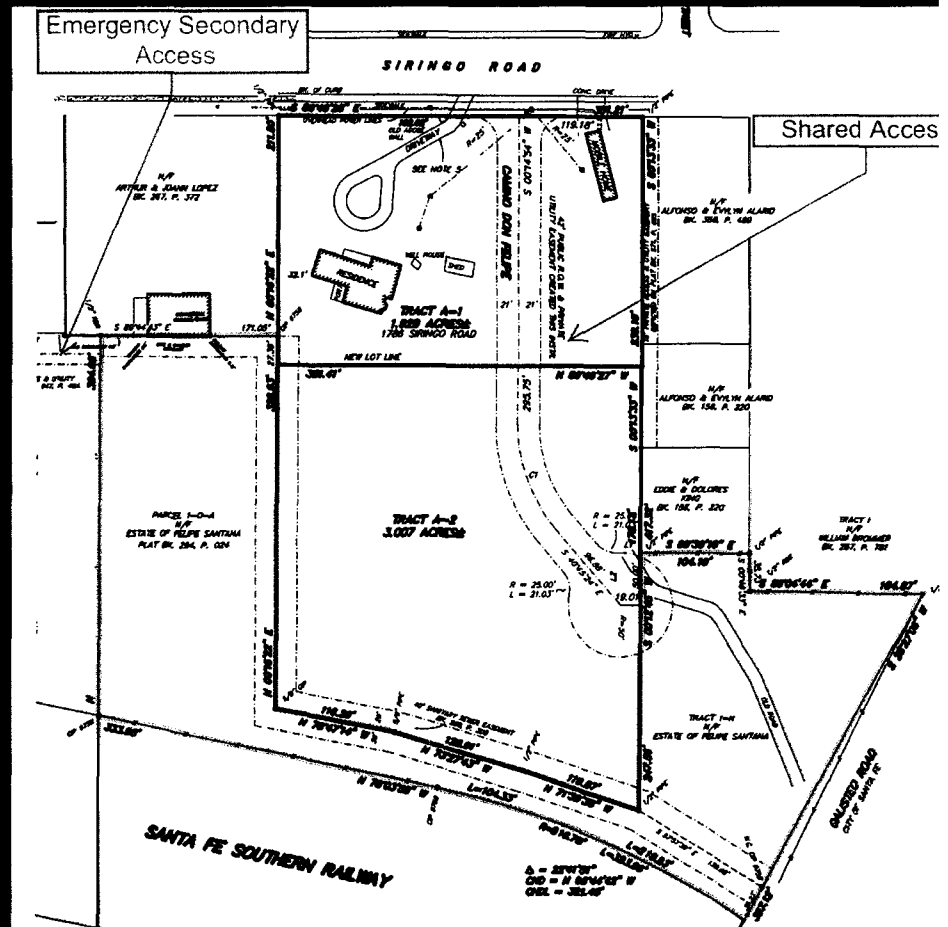
Case #2012-150: Santana Rezone Aerial



Santana Rezoning



- Site will be accessed via Siringo Road
- Emergency only access via easement to west



Santana Rezoning

Criteria for judging whether a rezoning is appropriate:

- Mistake in original zoning
- Change in the area
- Is the new category more advantageous to the community?



Santana Rezoning

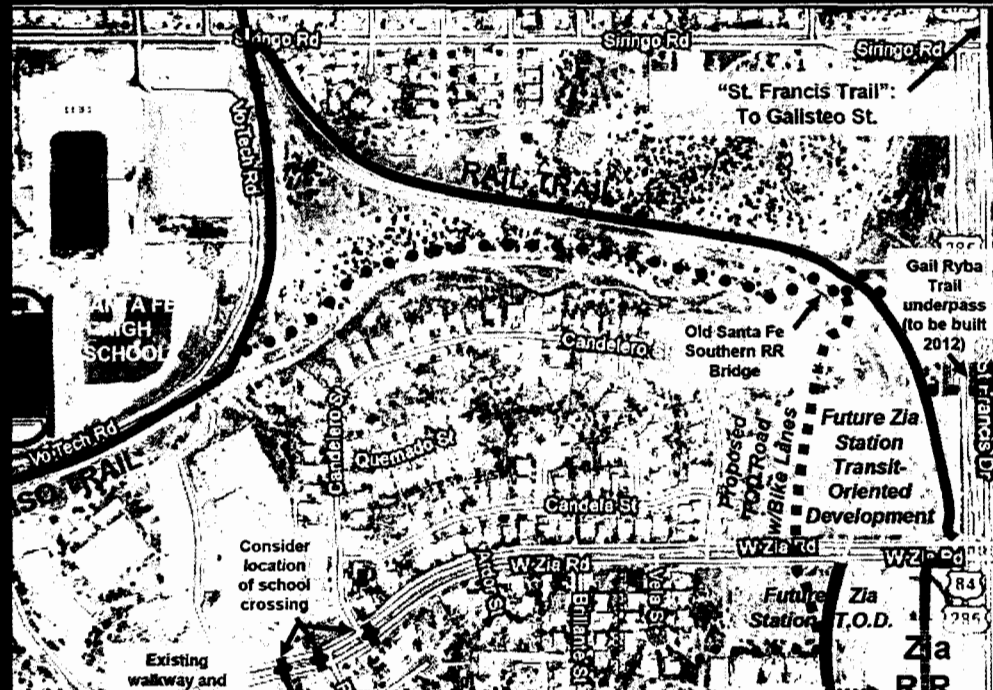
- Consistent with General Plan
 - Infrastructure can accommodate proposed growth
- All criteria for a rezoning have been met



Santana Rezoning



The Planning Commission
recommends **CONDITIONAL
APPROVAL** to the Governing Body





Case #2012-150: Santana Rezone Zoning Map





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

Memorandum

To: Members of the Governing Body

From: Kelley Brennan *KAB*
Assistant City Attorney

Via: Geno Zamora *GZ*
City Attorney

Re: Appeal of Presbyterian Church (U.S.A) from the
January 8, 2013 Decision of the Historic Districts Review Board
in Case #H-12-101 Designating the Building
at 401 Old Taos Highway as Contributing
and Designating Primary Facades
Case No. #2013-08

Date: March 18, 2013

I. The Appeal

On February 6, 2013 Jennifer Jenkins for JenkinsGavin Design & Development, Inc., agent for the Presbyterian Church (U.S.A.), a Corporation (Appellant) filed a Verified Appeal Petition (Petition) appealing the January 8, 2013 decision of the Historic Districts Review Board (HDRB) designating the main building (Building) at 401 Old Taos Highway (Property) as "contributing" and designating the west elevation and the west end of the south elevation as "primary facades" (the Decision). A copy of the Petition is attached as **Exhibit A**.

II. History of the Case

The Property is located in the Downtown and Eastside Historic District (D/E District) and is improved with the Building, as well as certain other improvements that are not a subject of this appeal.

Exhibit 15

The Appellant applied for HDRB review of the Building's status pursuant to Santa Fe City Code (SFCC) §14-5.2(C)(2)(c)(ii)

The HDRB held a status hearing on January 8, 2013 (the Hearing). HDRB staff provided the HDRB with a report (Staff Report) briefly describing the Building and its history and recommending that the HDRB designate it as "contributing" and deferring to the HDRB to designate primary facades, citing the south façade facing Paseo de Peralta and the west façade facing Old Taos Highway as possible candidates. A copy of the Staff Report is attached as **Exhibit B**. The Staff Report cited and attached the "Historic Cultural Properties Inventory"¹ (HCPI) for the Building submitted by the Appellant's representative on the application, Gayla Bechtol, Architect. The HDRB voted at the conclusion of the Hearing to designate the Building as "contributing" and assigned as primary facades the west façade and the west end of the south façade. A copy of the relevant portion of the minutes of the January 8, 2013 meeting is attached as **Exhibit C**. Findings of Fact and Conclusions of Law embodying the Decision were adopted by the HDRB on January 22, 2013 (Findings). The Findings (Item #13-0036) are attached as **Exhibit D**.

III. Basis of Appeal

The Appellant claims generally (1) that the HDRB improperly relied on the Building's association with Philippe Register as grounds for designating it as "contributing"; (2) that the HDRB's authority under NMSA 1987 [sic] §3-22-33 extends only to review of "...the erection, alteration and destruction [sic] of those exterior features of buildings and other structures subject to public view from any public street, way or other public place..."; (3) that the HDRB erred in designating the Building as "contributing" because (a) it is less than 50 years old; (b) its historic architectural integrity has been destroyed by three non-historic additions; (c) it's an "unexceptional structure...built in the 1960s and lacking in the age, features, historic integrity and architecturally historic characteristics of buildings...properly designated as contributing..." and (d) it doesn't otherwise meet the definition of contributing..."; (4) that there was insufficient evidence in the record to support the HDRB's finding that the Building is a good example of mid-20th century style, that SFCC §14-5.2 (Historic Ordinance) does not recognize a "mid-20th century Santa Fe style" of architecture and that the SFCC §14-12.1 definitions of noncontributing and contributing do not permit building status to be designated based on whether a building is a good example of "mid-20th century Santa Fe style"; and (5) the HDRB's designation of the Building as contributing is an unacceptable constraint on development contrary to the stated general purpose of the Historic Ordinance to "...promote the economic, cultural and general welfare of the people of the city and ensure the harmonious, orderly and efficient growth and development of the city..." because the Building is unexceptional and no longer serves the purpose for which it was constructed.

¹ The Historic Cultural Properties Inventory is comprised of a Base Form (Form 1) and a Detail Form (Form 2).

IV. Relief Sought

The Appellant asks the Governing Body to vacate the Decision and designate the Building as noncontributing, with no primary facades.

V. Issues Raised by the Appeal; Analysis

The issue on appeal is whether the HDRB's designation of the Building as contributing was supported by substantial evidence on the record and whether the Findings adequately set forth the basis for the Decision².

A. Regulatory Background

The HDRB has authority to designate status under SFCC Section 14-5.2(C)(2)(b)(i) based upon standards set out in SFCC Section 14-5.2(C)(2)(b)(ii)³.

SFCC §14-5.2(C)(2)(b)(ii) requires that "...the designation of a status shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of "significant," "contributing," or "noncontributing."

B. Whether the Building Meets the SFCC §14-12.1 Definition of Contributing

SFCC §12-1 defines a "contributing structure" as "[a] structure, located in an Historic District, approximately 50 years old or older, that helps to establish and maintain the character of the Historic District. Although the structure is not unique in itself, it adds to the historic associations and/or historic architectural design qualities for which a district is significant. The structure may have had minor alterations, however, its integrity remains."

This definition has been historically interpreted as establishing the following five mandatory criteria for designation of a contributing structure:

1. The structure must be located in an Historic District;

Analysis: The Building is located in the D/E District.

² "...the decision-making body should provide a clear statement of what, specifically, [it] believes, after hearing and considering all the evidence, to be the relevant and important facts upon which its decision is based, and a full explanation of why those facts lead it to the decision it makes." *Albuquerque Commons Partnership v. City Council of the City of Albuquerque*, 144 N.M. 99 ; 184 P.3d 411 (2008) (internal citations and quotations omitted).

³ The Appellant claims that the HDRB doesn't have the legal authority to designate status, because the state enabling statute restricts regulations governing historic districts to "the erection, alteration and destruction of those exterior features of buildings and other structures subject to public view..." However, NMSA 1978 §3-22-3 empowers the City to "...adopt and enforce regulations and restrictions within [its historic districts] relating to the erection, alteration and destruction of those exterior features of buildings...subject to public view..." This language must be read in conjunction with federal and other state legislation relating to historic preservation, including the City's designation as a Certified Local Government, and in light of its Charter powers.

2. Be approximately 50 years old or older;

Analysis: According to Ms. Bechtol, the Building “...is not quite 50 years old, [being] finished in 1964.” The HCPI, prepared by Ms. Bechtol lists the “Construction Date” as 1960-1964. Even if the 1964 construction completion date of the Building is used to establish the Building’s age, it is 49 years old. The standard is not whether it is 50 years old or older, but whether it is “approximately” 50 years old or older. At 49 years, the Building can accurately be described as approximately 50 years old. However, the earlier of the dates, 1960, clearly puts the Building in the “historic” category, at 53 years old. Assuming that the design was completed in 1960 and that construction began sometime between 1960 and 1964, it is fair to assume that the Building is 50 years old or older. In any event, it is indisputably approximately 50 years old or older.

3. Help to establish and maintain the character of the Historic District;

Analysis: The character of the D/E District is delineated in SFCC §14-5.2(E), which establishes the district design standards. These standards recognize “...that a style of architecture has evolved within the city from...1600 to the present characterized by construction with adobe...called ‘Old Santa Fe style’, and that another style has evolved...called ‘Recent Santa Fe style’, which is a development from, and an elaboration of the Old Santa Fe style, with different materials and frequently with added decorations...” Recent Santa Fe style is intended “...to achieve harmony with historic buildings by retention of a similarity of materials, color proportion and general detail...” A complete copy of SFCC §14-5.2(E) is attached as **Exhibit E**.

The Spanish Pueblo Revival style Building conforms to “Recent Santa Fe Style” design standards and thus helps to establish and maintain the character of the D/E District. The Building’s “dominating effect is...that of adobe construction...”, including “...projecting or recessed portales, setbacks or other design elements” on the façades to relieve two-story massing; a “...combined window and door area [on]...publicly visible façade[s] [that does] not exceed 40% of the total area of the façade[s], except for doors and windows located under a portal”, with “...no window in a publicly visible façade...located nearer than three...feet from the corner...”; with “[n]o cantilevers...except over projecting vigas, beams, or wood corbels, or as part of the roof treatment...”; with “[n]o less than 80% of the surface area of...publicly visible façade[s]...of...stucco simulating adobe finish...”, with publicly visible facades “...of one color...[simulating] a light earth or dark earth color, matte...finish and of relatively smooth texture...” except under portals, where they are “...of contrasting or complimentary colors...”; and with “...windows and doors and portals...of one of the old Santa Fe styles...” and a flat roof with an overhang under 30 inches.

4. Add to the historic associations and/or historic architectural design qualities for which a District is significant; and

Analysis: Given its conformance to the D/E District design standards, the Building clearly adds to the historic architectural design qualities for which the D/E District is significant.

5. Its integrity remains, even where there have been minor alterations.

Analysis: The Building includes three non-historic additions. A copy of a 1990 site plan showing the additions hatched is attached as **Exhibit F**. Contributing buildings may include minor alterations as long as the fundamental integrity of the building remains⁴. Two of the three alterations to the Building are not publicly visible and consist of small additions in courtyards. The third alteration is the relocation of the main entry from the Paseo de Peralta pedestrian façade to the Old Taos Highway and parking lot façade. The Staff Report describes these alterations as harmonious to the original integrity of the Building.

Appellant characterizes the Building a number of times as “unexceptional”, appearing to believe that unexceptional buildings cannot be designated as contributing. However, the definition of contributing specifically notes that a building need not be “unique in itself”. Arguably, “unexceptional” means “not unique in itself”.

Conclusion: The Building appears to meet the definition of contributing. However, if the Governing Body concludes that the non-historic addition associated with the relocation of the main entrance impaired the Building’s fundamental integrity, then the Building does not meet the definition of contributing.

C. Whether the Building Meets the SFCC §14-12.1 Definition of Noncontributing.

SFCC §12-1 defines a “noncontributing structure” as “[a] structure, located in an Historic District, which is less than fifty years old and/or does not exhibit sufficient historic integrity to establish and maintain the character of the Historic District.”

The Governing Body must find that the Building does not exhibit sufficient historic integrity to establish and maintain the character of the D/E District in order to designate it as noncontributing.

D. Appellant’s Other Claims

The Appellant claims that the HDRB improperly relied on the Building’s association with Philippe Register to establish its contributing status. While the HDRB cited the Building’s association with Register as important, HDRB members in reaching the Decision had before

⁴ SFCC §14-5.2(C)(1)(d) describes as one of the intents of the Historic Districts ordinance that “[n]ew additions...be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.”

them the information contained in the Staff Report and had also viewed the Building. The Decision is clearly based on their understanding that the Building's location, age, design and craftsmanship qualified the Building as contributing. Philippe Register's importance as a mid-20th century Santa Fe architect was noted as a way in which the Building design added to the historic associations of the D/E District. Ms. Bechtol specifically noted that "[t]he significance of [the Building] lies in its connection to the important Santa Fe architect Philippe Register..."

Conclusion: There was sufficient evidence on the record to support the HDRB's designation of the Building as contributing. Philippe Register's design of the Building adds to the historic associations of the D/E District.

The Appellant claims that the HDRB's characterization of the Building as a good example of mid-20th century style was not based on sufficient evidence in the record, that mid-20th century style is not defined in the Historic Ordinance and that contributing status cannot be based on whether a building is a good example of mid-20th century style. Ms. Bechtol specifically noted that Philippe Register "...was respectful of the Santa Fe style of architecture but also inventive, [working] diligently to synthesize the traditional styles with Modern styles of the mid-century." She characterizes the Building as "...well-designed...but not a significant building in Mr. Register's career..." noting "...the humanistic planning of the courtyards and natural light and ventilation from every side."

SFCC §14-5.2(C)(1)(a) states as a purpose and intent of the City's regulation of significant and contributing structures in the historic districts that "[e]ach structure be recognized as a physical record of its time, place and use." Thus, although the Historic Ordinance doesn't specifically recognize mid-20th century style, it does recognize that it is as important to protect 1960s buildings as it is to protect buildings from all earlier eras, especially when they conform to historic district design standards, while embodying elements of design associated with their specific time. The mid-20th century interpretation of Santa Fe style is reflected in the primary facades, with both traditional and innovative elements. The "...humanistic planning of the courtyards and natural light and ventilation from every side" noted by Ms. Bechtol embodies both local style in the use of courtyards and modern ideas in the emphasis on natural light and ventilation.

Conclusion: There was sufficient evidence on the record for the HDRB to conclude that the Building was a good example of mid-20th century style and a physical record of its time and place worthy of contributing status.

The Appellant claims that the designation of the Building as contributing is an unacceptable constraint on future development contrary to the Historic Ordinance's stated purpose "...to promote the economic, cultural and general welfare of the people of the city and ensure the harmonious, orderly and efficient growth of the city..." However, the Building's designation as contributing doesn't prohibit or even unreasonably limit future development. For example, the Historic Ordinance permits additions to contributing buildings, including

additions that are one-story higher than the existing structure. While certain requirements apply, e.g., additions must be set back 10 feet from primary facades and cannot exceed 50% of the existing footprint, even these requirements can be modified with an exception. Buildings with contributing status can even be demolished if they meet certain criteria. The Appellant cites the need to “...*modify or replace...structures like [the Building] because they no longer serve the purposes for which they were originally designed and constructed.*” This ignores the possibility of adaptive re-use. A project currently underway in the City, the conversion of the former St. Vincent’s Hospital building, a contributing building, to a hotel use, with additions, all approved by the HDRB, demonstrates that buildings with contributing status can be redeveloped in conformance with Historic Ordinance requirements.

E. Assignment of Primary Elevations.

The HDRB voted at the conclusion of the Hearing to designate the west elevation and the west end of the south elevation as “primary facades”⁵. Ms. Bechtol testified at the Hearing that “...*if [the Building] was designated contributing, the west façade would be the primary façade and especially the southwest corner.*” Thus the Applicant’s representative agrees, at least in part, with the HDRB’s designation of primary facades. Nevertheless, while the Applicant did not appeal the assignment of primary facades, the Governing Body may wish, in the event that it denies the appeal, to consider the designation of primary facades.

HDRB staff will present at the appeal hearing photographs of the Building and the primary facades assigned by the HDRB for the consideration of the Governing Body.

VI. Conclusion

If the Governing Body concludes that the Building meets the definition of contributing, it should deny the appeal and direct staff to draft findings of fact and conclusions of law reflecting its decision. The Governing Body may also assign primary facades different from those assigned by the HDRB.

If the Governing Body concludes that that the Building meets the definition of noncontributing, it should grant the appeal and direct staff to draft findings of fact and conclusions of law reflecting its decision.

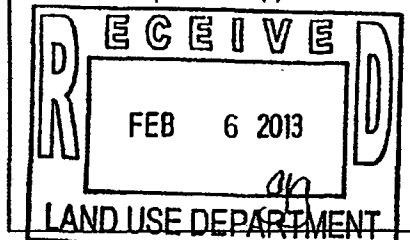
⁵ SFCC §14-12.1 defines a “primary façade” as “[o]ne or more principal faces or elevations of a structure with features that define the character of the structure’s architecture.”



LUD Use Only

Time Filed: 1:54 PM
 Fee paid: \$100.00
 Receipt attached: ☐

(date stamp)



VERIFIED APPEAL PETITION

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Presbyterian Church (U.S.A.), A Corporation
 Address: 100 Witherspoon St., Room 5625
Louisville KY 40202
 Phone: 502 569-5278 E-mail Address: _____
 Additional Appellant Names: _____

Correspondence Directed to: ☐ Appellant ☒ Agent ☐ Both

Agent Authorization (If applicable)

I/We: Presbyterian Church (U.S.A.), A Corporation

authorize JenkinsGavin Design & Development, Inc. to act as my/our agent to execute this application.

Signed: Michael K. Kile Date: 2/5/13

Signed: _____ Date: _____

Subject of Appeal

Project Name: 401 Old Taos Hwy Status Review
 Applicant or Owner Name: Presbyterian Church (U.S.A.), A Corporation
 Location of Subject Site: 401 Old Taos Hwy
 Case Number: H-12-101 Permit Number (if applicable): N/A

Final Action Appealed:

☐ Issuance of Building Permit ☐ Other Final Determination of LUD Director

Final Action of Board or Commission (specify): ☐ Planning Commission ☐ Board of Adjustment ☐ BCD-DRC ☒ HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

Basis for Appeal: ☒ The facts were incorrectly determined ☒ Ordinances/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:

Designation of the subject building as Contributing and assignment of primary elevations by HDRB on 1/8/13. Final action taken 1/22/13.

☒ Check here if you have attached a copy of the final action that is being appealed.

EXHIBIT

A

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

See attached Exhibit A.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

See attached Exhibit A.

Signature and Verification

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature:

Michael K. Kirk

Date:

2/5/13

Agent Signature:

[Signature]

Date:

2/6/13

State of KENTUCKY

) ss.

County of JEFFERSON

I/We MICHAEL K. KIRK, being first
duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and
that the same are true to my/our own knowledge.

Petitioner/s:

Michael K. Kirk

Signature

Signature

Michael Kirk

Print Name

Print Name

Subscribed and sworn to before me this 5th day of February, 2013.

Kathie R. West

NOTARY PUBLIC

My commission expires:

MARCH 22, 2013

EXHIBIT A

Appeal of HDRB Decision in Case #H-12-101

401 Old Taos Highway

I. Description of Harm:

The decision by the Historic Districts Review Board ("HDRB"), in which it classified the subject property at 401 Old Taos Highway as contributing and designated the western façades of the structure as primary façades, imposes undue constraints on the improvement, development and use of the property to which it would not be subject if the property was correctly classified as non-contributing.

II. Basis for Appeal:

The decision by the HDRB, in which it classified the subject property at 401 Old Taos Highway as contributing and designated the western façades of the structure as primary façades, was in error and should be reversed, and the property should be designated as noncontributing without any primary façades, for the following reasons:

1. The HDRB incorrectly relied upon the identity of one of the architects who designed the building (the "Building") on the subject property, Philippe Register, as grounds for its decision to designate the property as contributing. The HDRB also incorrectly relied on its finding that Mr. Register "is recognized for his achievements in Santa Fe" as grounds for its decision. The fact that a building was originally designed by a Philippe Register, and the nature or extent of his "achievements in Santa Fe," are not relevant to the determination of whether a structure should be classified as contributing or non-contributing. The definitions of contributing and non-contributing structures set forth in Section 14-12.1 of the Santa Fe City Code do not allow the classification of a building to be based on the identity of the building's architect or his or her achievements. See also NMSA 1987 § 3-22-3 (regulations governing historic districts are restricted to "the erection, alteration and destruction of those exterior features of buildings and other structures subject to public view from any public street, way or other public place).

2. The property should be designated a noncontributing, as opposed to contributing, and the HDRB erred in deciding otherwise, because (a) the property is less than 50 years old, (b) the building has undergone modifications, including modifications to the most publically visible portions of the building, that have caused it to lack sufficient historic integrity to justify its designation as contributing, (c) the building on the property does not establish or maintain the character of the historic district because it is an unexceptional structure that was built in the 1960's and lacking in the age, features, historic integrity and architecturally historic characteristics of buildings that have been properly designated as contributing structures, and (d) the property does not otherwise meet the definition of a

contributing structure, including the definition of contributing structures as it has been applied and interpreted by the City Council and the HDRB.

3. The HDRB incorrectly found, and relied on its finding, that the Building "is a good example of mid-20th century Santa Fe Style." There was no evidence, or insufficient evidence presented, to support this finding. Additionally, the Santa Fe City Code, including Section 14-5.2 governing historic districts, does not recognize a "mid-20th century Santa Fe Style" of architecture. The definitions of noncontributing and contributing structures set forth in Section 14-12.1 of the Santa Fe City Code also do not permit the designation of buildings under those definitions to be based on whether or not a building is a good example of "mid-20th century Santa Fe Style" of architecture, whatever may have been meant by those terms.

4. The HDRB's designation of the property as contributing, and the designation of the western façade of the Building as a primary façade, are contrary to the general purpose of Section 14-5.2 of the Code, which are "to promote the economic, cultural and general welfare of the people of the city and ensure the harmonious, orderly and efficient growth and development of the city...." The Building is an unexceptional structure built in the 1960's in the pueblo revival style similar to many other buildings, both residential and commercial, that have been constructed throughout the City and are now approaching or even exceeding 50 years in age. The designation of such buildings as contributing, with the corresponding development constraints that come with that designation, undermines the general purpose of the historic district regulations by placing too much emphasis on preservation at the expense of growth and development, as well as the need to modify or replace such structures because they no longer serve the purposes for which they were originally designed and constructed.

ITEM # 13-0036

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case #H-12-101

Address – 401 Old Taos Highway

Owner/Applicant's Name – Ghost Ranch Presbyterian Church USA

Agent's Name – Gayla Bechtol

THIS MATTER came before the Historic Districts Review Board (Board) for hearing on January 8, 2013 upon the application (Application) of Gayla Bechtol, as agent for Ghost Ranch Presbyterian Church USA, owner.

401 Old Taos Highway, formerly known as Plaza del Monte and now known as the Ghost Ranch in Santa Fe Conference Center, was designed in the mid-century Spanish-Pueblo Revival style by Phillip Register (d. 2006) and constructed between 1960 and 1964 on the corner of Old Taos Highway and Paseo de Peralta. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The approximately 32,000 square foot single-story building has five wings that are asymmetrically oriented. The recent inventory suggests that the building retains high integrity except for three non-historic massing changes. Historic carved woodwork, windows, and doors are intact.

The most significant alteration is the relocation of the front door from the Paseo de Peralta pedestrian façade to the Old Taos Highway and parking lot façade. The other two alterations are not visible from either right-of-way and consist of two small harmonious additions in the courtyards. While the original formal entrance and the present main entry are both on publicly-visible facades, the alterations are harmonious to the original integrity of the building.

The existing structure meets the definition of a contributing structure with its historic age, conforming architectural style, historic association with a well-known mid-century architect, and physical integrity.

The Staff requested an historic status review of this property.

After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

1. The Board heard testimony from staff, the Applicant, and other people interested in the Application.
2. Board staff recommended that the main building shall be designated as contributing due to the building's historic date of construction, good integrity, and association with Phillip Register, unless the relocation of the main entry is considered to be an alteration that is not minor. Staff deferred to the Board to designate the primary elevation(s) which could be the street-facing south elevations on Paseo de Peralta, or the street-facing west elevations on Old Taos Highway, or both, designated as complying with Section 14-5.2(C)(2).

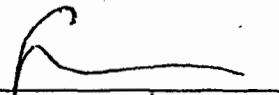
3. The Property is located in the Downtown & Eastside Historic District and is subject to the requirements of the following sections of the Santa Fe Land Development Code:
Section 14-5.2(C)(2), Designation of Status within Historic Districts.
4. The Board finds that the building is a good example of mid-20th century Santa Fe Style, that the architect is recognized for his achievements in Santa Fe, and that the loss of the south elevation entry is not a significant alteration.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

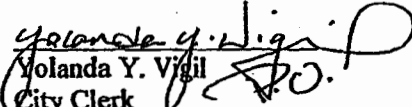
The Board concludes that the building shall be designated as contributing with all Old Taos Highway elevations and the westernmost block of the south elevation on Paseo de Peralta designated as primary (see attached floor plan exhibit).

IT IS SO ORDERED ON THIS 22nd DAY OF JANUARY 2013 THE HISTORIC DISTRICTS
REVIEW BOARD OF THE CITY OF SANTA FE.


Sharon Woods
Chair


1.22.13
Date:

FILED

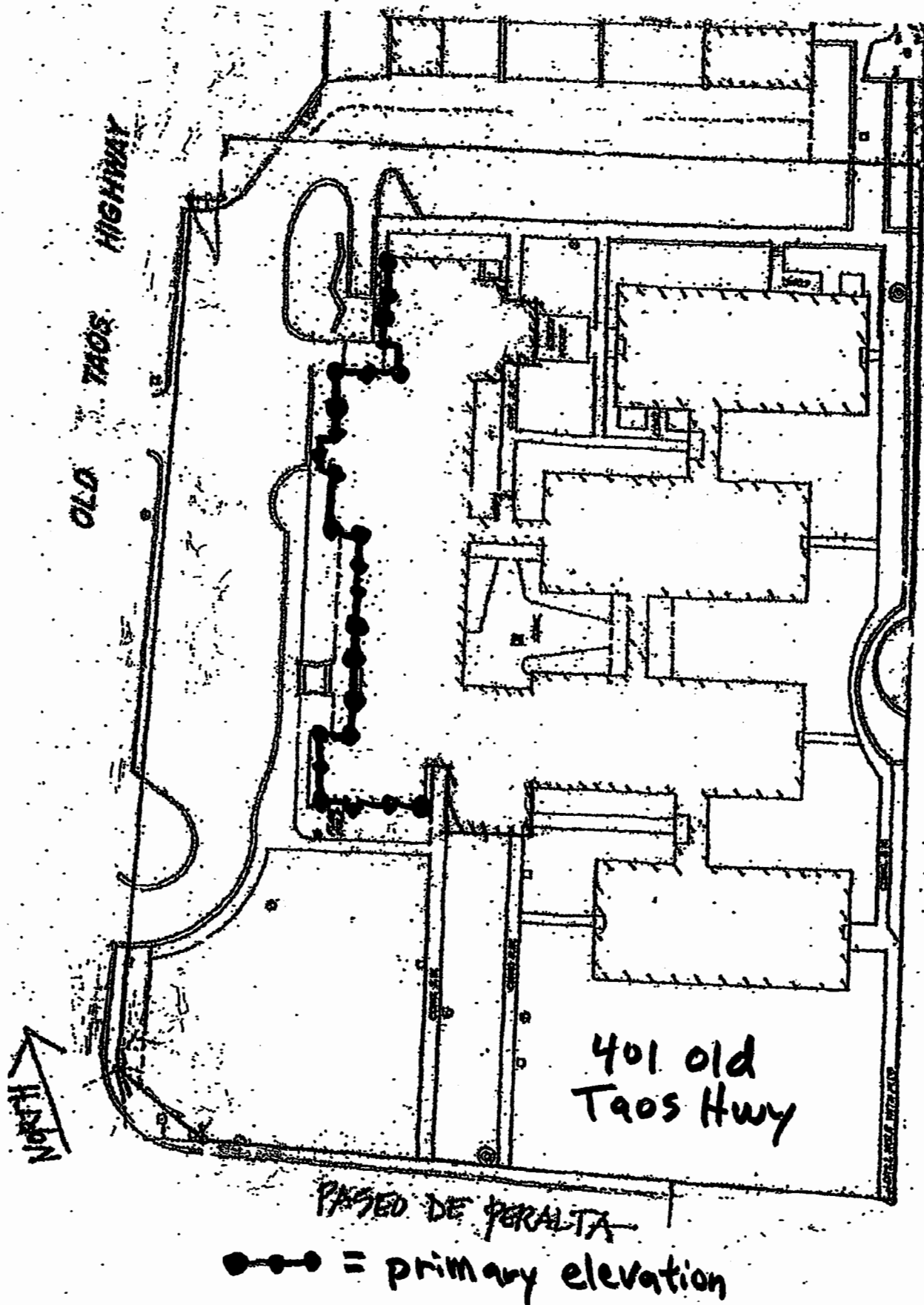

Yolanda Y. Vigil
City Clerk

1.23.13
Date:

APPROVED AS TO FORM


Kelley Brennan
Assistant City Attorney

1/22/13
Date:





CITY OF SANTA FE, NEW MEXICO

Project description: Requests an status review of this non-contributing property.

Project Number: 12-1200101
Case number: H-12-0101
Project Type: HDRB

PROJECT LOCATION (S): 401 Old Taos Highway

PROJECT NAMES:

OW – Ghost Ranch Presbyterian Church USA
Abiquiu, NM 87510

HC77 Box 11
505-685-4333

AP – Gayla Bechtol
Santa Fe, NM 87505

1813 Hano Road
505-660-6301

PROJECT DATA:

HISTORIC DISTRICT
HISTORIC BUILDING STATUS
PUBLICLY VISIBLE FACADE-EAST
PUBLICLY VISIBLE FACADE-NORTH
PUBLICLY VISIBLE FACADE-SOUTH
PUBLICLY VISIBLE FACADE-WEST
HISTORIC DISTRICT INVENTORY NUMBER
YEAR OF CONSTRUCTION
PROJECT TYPE (NEW, ADD, ETC.)
USE, EXISTING
USE, PROPOSE
HISTORIC BUILDING NAME

Downtown & Eastside
Non-contributing
No
No
Yes
Yes
NA
1960-64
Historic Status Review
Commercial
Commercial
NA



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

Project description: Requests an status review of this non-contributing property.

Project number: 12-120101

Case number: H-12-101

Project type: HDRB

PROJECT LOCATION (S): 401 Old Taos Highway

PROJECT NAMES:

OW – Ghost Ranch Presbyterian Church USA
Abiquia, NM 87510

HC77 Box 11
505-685-4333

AP – Gayla Bechtol
Santa Fe, NM 87505

1813 Hano Road
505-660-6301

BOARD ACTION

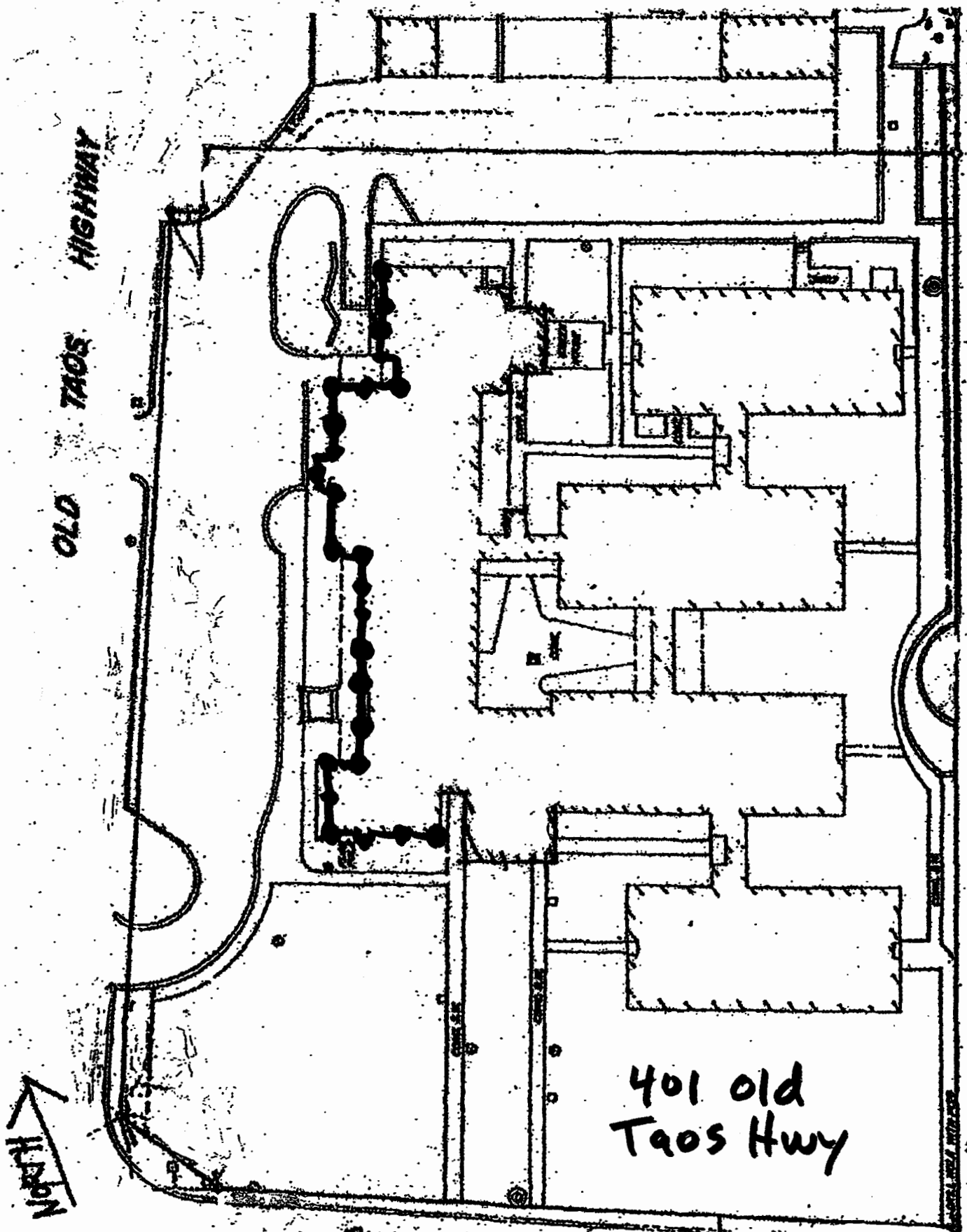
This is to certify that the Historic Districts Review Board (HDRB) at their hearing on January 8, 2013 acted on the above referenced case. The decision of the Board was to designate the main building as contributing with the west street-facing elevations and the south elevation at the west side of the entry infill designated as primary, as shown on the attached exhibit. For further information please call 955-6605.

Sincerely,

David Rasch

Planner Supervisor, Historic Preservation Division

NOTE: Applicant can use this action letter to apply for construction permit, but the permit shall not be released until the end of the appeal period which starts on the date of filing of the Findings and Conclusions in the City Clerks office (SFCC 14-3.17(D)). Your permit will be denied if any changes on plans that were not approved by the HDRB or if conditions of approval are not met. Please attach copies of this letter to all sets when submitting for construction permit.



401 Old
Taos Hwy

PASO DE PERALTA

●●● = primary elevation



CITY OF SANTA FE, NEW MEXICO

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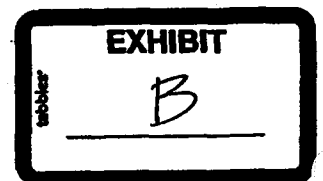
AP – Gayla Bechtol
Santa Fe, NM 87505

1813 Hano Road
505-660-6301

PROJECT DATA:

HISTORIC DISTRICT
HISTORIC BUILDING STATUS
PUBLICLY VISIBLE FACADE-EAST
PUBLICLY VISIBLE FACADE-NORTH
PUBLICLY VISIBLE FACADE-SOUTH
PUBLICLY VISIBLE FACADE-WEST
HISTORIC DISTRICT INVENTORY NUMBER
YEAR OF CONSTRUCTION
PROJECT TYPE (NEW, ADD, ETC.)
USE, EXISTING
USE, PROPOSE
HISTORIC BUILDING NAME

Downtown & Eastside
Non-contributing
No
No
Yes
Yes
NA
1960-64
Historic Status Review
Commercial
Commercial
NA



City of Santa Fe, New Mexico

memo

DATE: January 8, 2013
TO: Historic Districts Review Board Members
FROM: David Rasch, Supervising Planner in Historic Preservation DR

CASE # H-12-101

ADDRESS: 401 Old Taos Highway
Historic Status: Non-contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- ☒ Case Synopsis
☐ District Standards & Yard wall
& fence standards.
☒ Historic Inventory Form
☐ Zoning Review Sheet
☐ Other:

APPLICANT SUBMITTALS

- ☒ Proposal Letter
☐ Vicinity Map
☐ Site Plan/Floor Plan
☐ Elevations
☐ Photographs
☐ Other:

STAFF RECOMMENDATION:

Staff recommends that the Board designate the main building as contributing due to the building's historic date of construction, good integrity, and association with Phillip Register, unless the relocation of the main entry is considered to be an alteration that is not minor. Staff defers to the Board to designate the primary elevation(s) which could be the street-facing south elevations on Paseo de Peralta, or the street-facing west elevations on Old Taos Highway, or both.

BACKGROUND & SUMMARY:

401 Old Taos Highway, formerly known as Plaza del Monte and now known as the Ghost Ranch in Santa Fe Conference Center, was designed in the mid-century Spanish-Pueblo Revival style by Phillip Register (d. 2006) and constructed between 1960 and 1964 on the corner of Old Taos Highway and Paseo de Peralta. The building is listed as non-contributing to the Downtown & Eastside Historic District. There are a number of other structures on this site, but they are not part of this review at this time.

The approximately 32,000 square foot single-story building has five wings that are asymmetrically oriented. The recent inventory suggests that the building retains high integrity except for three non-historic massing changes. Historic carved woodwork, windows, and doors are intact.

The most significant alteration is the relocation of the front door from the Paseo de Peralta pedestrian façade to the Old Taos Highway and parking lot façade. The other two alterations are not visible from either right-of-way and consist of two small harmonious additions in the courtyards. While the original formal entrance and the present main entry are both on publicly-visible facades, the alterations are harmonious to the original integrity of the building.

The existing structure meets the definition of a contributing structure with its historic age, conforming architectural style, historic association with a well-known mid-century architect, and physical integrity.

NONCONTRIBUTING STRUCTURE

A *structure*, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.

CONTRIBUTING STRUCTURE

A *structure*, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a *contributing structure* is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The *contributing structure* may have had minor *alterations*, but its integrity remains.

SIGNIFICANT STRUCTURE

A *structure* located in a historic district that is approximately fifty years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a *structure* to be designated as significant, it must retain a high level of historic integrity. A *structure* may be designated as significant:

- (A) for its association with events or persons that are important on a local, regional, national or global level; or
- (B) if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

GAYLA BECHTOL, ARCHITECT
ARCHITECTURE + URBAN DESIGN + HISTORIC PRESERVATION

David Rasch
Historic Preservation, City of Santa Fe
Santa Fe, NM

September 26, 2012

Re: 401 Old Taos Highway, Ghost Ranch Conference Center at Santa Fe

Dear Mr Rasch,

The owners of the above referenced property engaged my Historic Architect Services to provide them with a Historic Cultural Properties Inventory, Forms 1 and 2. I have visited the property, taken photographs and done original research at the Fray Angelico Chavez History Library, the Palace of the Governors Photo Archives, the Santa Fe Public Library, New Mexico Department of Transportation and searched the internet for information regarding these buildings, the changes to them and the architects or builders who designed/built them.

This is a single story masonry walls and parapet, flat roof building consisting of five wings designed in the Spanish Pueblo Revival style. The layout is with closed and open-ended courtyards with portals and inset entries. Most of the windows and doors are intact. There is one egregious change that altered one of the, possibly the most important, entry. Because the set of drawings I received from the agent for Presbyterian Church USA was incomplete I can only guess at the spatial sequence intended by the architect.

The significance of this building lies in its connection to the important Santa Fe architect Philippe Register. Philippe Register was prolific, designing many institutional and residential buildings in Santa Fe and beyond. He was respectful of the Santa Fe styles of architecture but also inventive and worked diligently to synthesize the traditional styles with Modern styles of the mid-century. The most important buildings in his lexicon are perhaps the buildings he designed for the College of Santa Fe including the Greer Garson Theater and the Fogelson Library and Forum.

This building, designed, as a retirement home for the Presbyterian Church Board of Pensions is a well-designed building but not a significant building in Mr. Register's career. The building is not quite 50 years old, finished in 1964. The workmanship was certainly adequate and is still in good shape. There is not a significant detail other than the humanistic planning of the courtyards and natural light and ventilation from every side. In my opinion the building's status should remain as not contributing to the Downtown/Eastside historic district of the City of Santa Fe. Please call me if you have questions.

Sincerely,



Gayla Bechtol, AIA

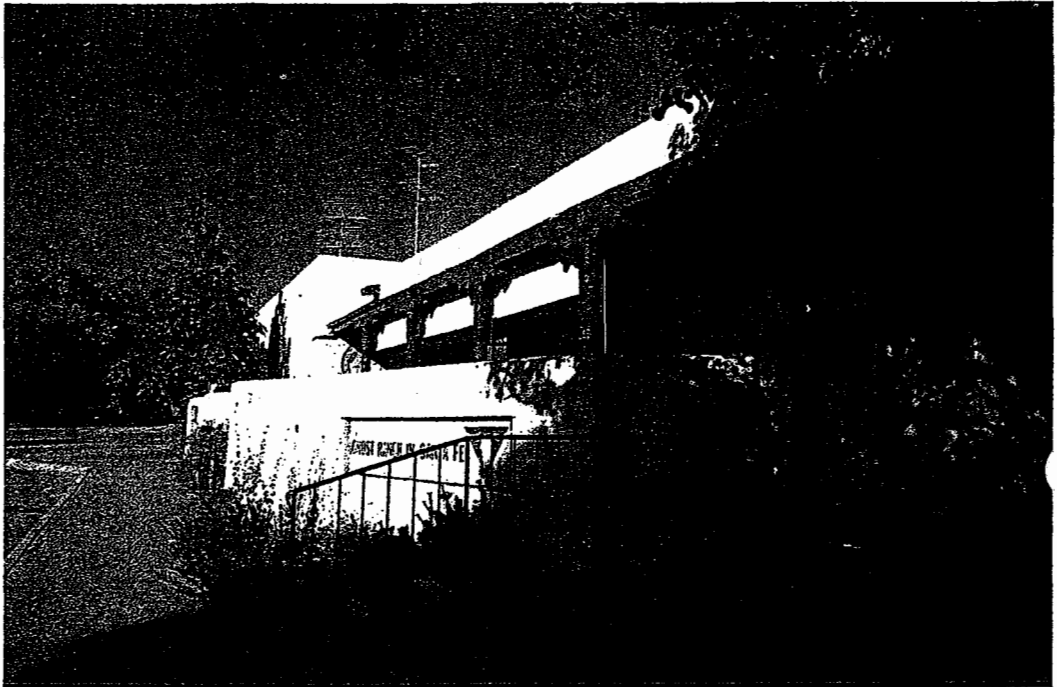
1813 Hano Rd. | Santa Fe, NM 87505
T: 505.988.3315 | F: 505.988.3345
GAYLA@GBASANTAFE.COM | GBASANTAFE.COM

Historic Cultural Properties Inventory (HCPI) Base Form (FORM 1)

Historic Preservation Division, New Mexico Department of Cultural Affairs

| For HPD Office use only | | HCPI No. | | District No. | NRHP | SRCP | Criteria | A | B | C | D |
|---|--|---|--|-------------------------------|------|------|----------|---|---|---|---|
| 1. Name of property:
GHOST RANCH IN SANTA FE
CONFERENCE CENTER; PLAZA
RESOLANA STUDY AND
CONFERENCE CENTER; PLAZA DEL
MONTE STUDY AND CONFERENCE
CENTER; PLAZA DEL MONTE
RETIREMENT HOME; PLAZA DEL
MONTE REST HOME | | 2. Location:
CURRENT:
401 OLD TAOS HIGHWAY;
FORMERLY:
417 PASEO DE PERALTA;
141 N. FEDERAL PLACE

SANTA FE, NM | | 3. Local Reference Number: | | | | | | | |
| | | | | 4. County

SANTA FE, NM | | | | | | | |
| 5. Property Type:
<input checked="" type="checkbox"/> Building <input type="checkbox"/> Structure
<input type="checkbox"/> Site <input type="checkbox"/> Object | |  | | | | | | | | | |
| 6. Date of Survey:
09/25/2012 | | | | | | | | | | | |
| 7. Previous Survey Date(s):
____/____/____
<input checked="" type="checkbox"/> No previous survey | | | | | | | | | | | |
| 8. Name of Project:
STATUS REVIEW | | | | | | | | | | | |
| 9. UTM
Zone:
Easting:
Northing: | | | | | | | | | | | |
| 10. Photo Information
Negative Location: DIGITAL View of: WEST CORNER | | | | | | | | | | | |
| 11. Brief Description of the Property: A ONE STORY STUCCOED MASONRY SPRAWLING BUILDING WITH BATTERED WALLS , ASSYMETRICAL MASSING IN THE SPANISH PUEBLO REVIVAL STYLE AND BUILT AS A REST HOME BY THE BOARD OF NATIONAL MISSIONS OF THE PRESBYTERIAN CHURCH IN THE USA CIRCA 1964 REPLACING THE ALLISON-JAMES BOARDING SCHOOL THAT CLOSED IN 1959. THIS LARGE BUILDING (31,940 SF) CONSISTS OF FIVE WINGS CONNECTED BY CORRIDORS AND COURTYARDS. DESIGNED BY KENNETH S. CLARK AND PHILIPPE REGISTER CIRCA 1960. FOUR OF THE WINGS ARE DORMITORIES. THE MAIN HOSPITALITY WING HOLDS THE LOBBY, DINING ROOM, KITCHEN AND LARGER MEETING ROOMS. A MAIN ENTRANCE AND GARDEN WERE CHANGED AFTER 1990 FROM AS DESIGNED AND THE SIDE ENTRY IS NOW USED AS THE MAIN ENTRY. IN ADDITION A PORTAL AND MEETING ROOM WERE ADDED TO THE REAR OF THE HOSPITALITY WING. ONE OF THE DORM WINGS WAS ADDED AFTER 1968 BUT HAD BEEN PLANNED IN 1960. | | | | | | | | | | | |
| 12. Who uses the property? THE BUILDING IS VACANT. | | | | | | | | | | | |
| 13. Construction Date:
Date: 1960-1964 <input checked="" type="checkbox"/> Known <input type="checkbox"/> Estimated Source: CONTRACT DOCUMENT, SANTA FE CITY DIRECTORIES | | | | | | | | | | | |
| 14. Setting: BUILT ON THE EDGE OF TOWN
<input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural <input type="checkbox"/> Village <input type="checkbox"/> Urban If Urban: <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Residential <input type="checkbox"/> Public | | | | | | | | | | | |
| 15. Relationship to Surroundings: <input checked="" type="checkbox"/> Similar <input type="checkbox"/> Dissimilar
Comments: ONE OF SEVERAL INSTITUTIONAL BUILDINGS NEARBY INCLUDING THE FEDERAL COURTHOUSE AND THE SCOTTISH RITE CATHEDRAL | | | | | | | | | | | |

16. Additional Perspective: (Photos, drawing, footprint, etc., indicate north arrow when possible)



VIEW OF: SOUTHWEST CORNER

17. Surveyor:
(your name, address, telephone number, and any group affiliation)

GAYLA BECHTOL, AIA
GAYLA BECHTOL ARCHITECT
1813 HANO RD.
SANTA FE, NM 87505
505-988-3315
GAYLA@GBASANTAFE.COM

18. Owner (if known) and other knowledgeable people:
PRESBYTERIAN CHURCH, USA

19. Is Property Endangered? ☐ Unknown ☐ No ☒ Yes How? THIS IS A LARGE PROPERTY THAT IS IN DECENT SHAPE BUT NO LONGER HAS A USE.

20. Significance to Current Community: ☐ Unknown ☐ None ☐ Low ☐ Moderate ☒ High

Describe: THIS PROPERTY HAS BEEN USED FOR DECADES BY THE COMMUNITY FOR MEETINGS, EVENTS & RETREATS.

21. Other Significance or Information of Interest: PHILIPPE REGISTER (D.2006) WAS A WELL-KNOWN ARCHITECT IN SANTA FE AND DESIGNED MANY MID-CENTURY BUILDINGS IN SANTA FE INCLUDING MUCH OF THE FORMER COLLEGE OF SANTA FE CAMPUS. HE WAS KNOWN FOR HIS MODERN YET RESPECTFUL OF TRADITIONAL SANTA FE ARCHITECTURE. HE ALSO DESIGNED THE ABIQUIU MONASTERY OF CHRIST IN THE DESERT.

22. National or State Register:

Is this property individually listed on a historic register? ☐ Unknown ☒ No ☐ Yes
If yes: ☐ State ☐ National

If 'no' or unknown, do you think this property is eligible for listing? ☒ No ☐ Yes

Why? THE BUILDING IS NOT QUITE 50 YEARS OLD AND IS A FAIR BUT NOT GREAT EXAMPLE OF INSTITUTIONAL ARCHITECTURE IN THE SPANISH PUEBLO REVIVAL STYLE AND IS LARGELY INTACT, ONE OF THE MAIN ENTRIES IS NO LONGER VISIBLE.

23. National or State Historic District:

Is this property in a historic district? ☐ Unknown ☐ No ☒ Yes
If yes: ☐ Contributing ☐ Non-contributing ☐ Unknown

If 'yes', what is the name of the district? CITY OF SANTA FE DISTRICT: DOWNTOWN AND EASTSIDE ☐ State ☐ National

24. Supplemental Forms:

☐ None ☒ HCPI Detail Form (FORM 2) ☒ Continuation Sheets, # pages: _____

Historic Cultural Properties Inventory (HCPI) Detail Form (FORM 2)

Historic Preservation Division, New Mexico Department of Cultural Affairs

| For HPD Office use only: HCPI No. _____ District No. _____ Please complete HCPI FORM 1 before completing FORM 2. NRHP _____ SRGP _____ Criteria: A _____ B _____ C _____ D _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---------------------------|--|----------|---------------|--------|---------|-----------------------|----|-----|----|------------|-----------------|----|-----|---|------------|--------------------------|----|-----|----|------------|--------------------|------|-----|---|------------|-------------|------|-----|---|------------|-------------|-------|-----|---|------------|---------------|------|-----|---|--|-------|------------|--------------------|---|---------------|-------|------------|--------------------|---|--------------|-----------|------------|--------------|---|--------------|-------------|------------|--------------|---|--------------|--------|------------|-----|---|--------------|---|--|------|-------|----------|--------|-------|--------|------------------|---|-----------------------|---------------------------|-----|---|-------|--------|------------|---|-------|--------|------------|---|-------|------------------|------------|---|
| 1. Name of property: GHOST RANCH IN SANTA FE CONFERENCE CENTER; PLAZA RESOLANA STUDY AND CONFERENCE CENTER; PLAZA DEL MONTE STUDY AND CONFERENCE CENTER; PLAZA DEL MONTE RETIREMENT HOME; PLAZA DEL MONTE REST HOME | | 2. Location:
CURRENT:
401 OLD TAOS HIGHWAY;
FORMERLY:
417 PASEO DE PERALTA;
141 N. FEDERAL PLACE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 3. Local Reference Number:

4. County
SANTA FE, NM | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 5. Date of Survey: 09/25/2012 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ARCHITECTURAL AND CONSTRUCTION DETAILS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. Visible Construction Material:

<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Adobe <input type="checkbox"/> Brick <input type="checkbox"/> Composition <input type="checkbox"/> Concrete: Block

 <input type="checkbox"/> Concrete: Cast Stone <input type="checkbox"/> Concrete: Poured <input type="checkbox"/> Earth Plaster <input type="checkbox"/> Masonry: Simulated

 <input type="checkbox"/> Metal: Corrugated <input type="checkbox"/> Metal: Structural Siding <input type="checkbox"/> Metal: V-Crimp <input type="checkbox"/> Stone: Random Ashlar

 <input type="checkbox"/> Stone: Random Coursed <input type="checkbox"/> Stone: River Rock <input type="checkbox"/> Stone: Rusticated <input type="checkbox"/> Stone: Tabular

 <input checked="" type="checkbox"/> Stucco <input type="checkbox"/> Tile: Clay <input type="checkbox"/> Vinyl Siding <input type="checkbox"/> Wood: Board and Batten

 <input type="checkbox"/> Wood: Horizontal Siding <input type="checkbox"/> Wood: Jacal <input checked="" type="checkbox"/> Wood: Log <input type="checkbox"/> Wood: Shingle

 <input checked="" type="checkbox"/> Wood: Tongue and Groove <input checked="" type="checkbox"/> Other: HAND CARVED WOOD CORBELS </div> <div style="width: 50%;"> 7. Number of Stories: _____ N/A
 Number: <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1 1/2 <input type="checkbox"/> 2
 <input type="checkbox"/> 2 1/2 Other: _____

 8. Foundation: _____ N/A
 <input type="checkbox"/> Not visible <input type="checkbox"/> None
 <input type="checkbox"/> At Grade <input checked="" type="checkbox"/> Raised
 Materials: <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Stone
 Other: <input checked="" type="checkbox"/> REINFORCED CMU WALLS _____
 Notes: _____

 9. Roof: _____ N/A
 Shape: <input checked="" type="checkbox"/> Flat <input type="checkbox"/> Gabled
 <input type="checkbox"/> Hipped <input type="checkbox"/> Pyramidal
 <input type="checkbox"/> Shed Other: _____
 Pitch: <input type="checkbox"/> None <input checked="" type="checkbox"/> Low
 <input type="checkbox"/> Medium <input type="checkbox"/> Steep
 Features: <input type="checkbox"/> Eave <input checked="" type="checkbox"/> Parapet
 Materials: <input type="checkbox"/> Asphalt <input type="checkbox"/> Earth
 <input type="checkbox"/> Composition shingle <input type="checkbox"/> Metal: Pressed
 <input checked="" type="checkbox"/> Composition Roll <input type="checkbox"/> Metal: Corrugated
 <input type="checkbox"/> Metal: Standing Seam <input type="checkbox"/> Metal: V- Crimp
 <input type="checkbox"/> Tile: Terra Cotta <input type="checkbox"/> Wood: Shingle
 Other: _____ </div> </div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10. Windows _____ N/A
<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Operation</th> <th>Material</th> <th>Glazing</th> <th>Number</th> <th>SCREENS</th> </tr> </thead> <tbody> <tr> <td>DBL. CSMNT/FIXED WOOD</td> <td>WD</td> <td>1/1</td> <td>10</td> <td>TOP HINGED</td> </tr> <tr> <td>DBL. CSMNT WOOD</td> <td>WD</td> <td>1/1</td> <td>1</td> <td>TOP HINGED</td> </tr> <tr> <td>PAIRED DBL. CASMENT WOOD</td> <td>WD</td> <td>1/1</td> <td>35</td> <td>TOP HINGED</td> </tr> <tr> <td>TRIPLE CSMNT. WOOD</td> <td>WOOD</td> <td>1/1</td> <td>4</td> <td>TOP HINGED</td> </tr> <tr> <td>AWNING WOOD</td> <td>WOOD</td> <td>1/1</td> <td>2</td> <td>TOP HINGED</td> </tr> <tr> <td>CSMNT/FIXED</td> <td>STEEL</td> <td>1/8</td> <td>7</td> <td>NO SCREENS</td> </tr> <tr> <td>SLIDING/FIXED</td> <td>WOOD</td> <td>1/1</td> <td>8</td> <td></td> </tr> <tr> <td>CSMNT</td> <td>ALUM. CLAD</td> <td>3/4 FALSE MULLIONS</td> <td>4</td> <td>METAL SCREENS</td> </tr> <tr> <td>CSMNT</td> <td>ALUM. CLAD</td> <td>2/4 FALSE MULLIONS</td> <td>1</td> <td>METAL SCREEN</td> </tr> <tr> <td>DBL.CSMNT</td> <td>ALUM. CLAD</td> <td>2/3 FALSE M.</td> <td>1</td> <td>METAL SCREEN</td> </tr> <tr> <td>CSMNT/FIXED</td> <td>ALUM. CLAD</td> <td>3/4 FALSE M.</td> <td>1</td> <td>METAL SCREEN</td> </tr> <tr> <td>AWNING</td> <td>ALUM. CLAD</td> <td>1/1</td> <td>1</td> <td>METAL SCREEN</td> </tr> </tbody> </table> Notes ORIGINAL WD. WINDOWS HAVE STORM INSETS;
ALUM. CLAD FROM LATER ADDITION | | Operation | Material | Glazing | Number | SCREENS | DBL. CSMNT/FIXED WOOD | WD | 1/1 | 10 | TOP HINGED | DBL. CSMNT WOOD | WD | 1/1 | 1 | TOP HINGED | PAIRED DBL. CASMENT WOOD | WD | 1/1 | 35 | TOP HINGED | TRIPLE CSMNT. WOOD | WOOD | 1/1 | 4 | TOP HINGED | AWNING WOOD | WOOD | 1/1 | 2 | TOP HINGED | CSMNT/FIXED | STEEL | 1/8 | 7 | NO SCREENS | SLIDING/FIXED | WOOD | 1/1 | 8 | | CSMNT | ALUM. CLAD | 3/4 FALSE MULLIONS | 4 | METAL SCREENS | CSMNT | ALUM. CLAD | 2/4 FALSE MULLIONS | 1 | METAL SCREEN | DBL.CSMNT | ALUM. CLAD | 2/3 FALSE M. | 1 | METAL SCREEN | CSMNT/FIXED | ALUM. CLAD | 3/4 FALSE M. | 1 | METAL SCREEN | AWNING | ALUM. CLAD | 1/1 | 1 | METAL SCREEN | 11. Doors _____ N/A
<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Type</th> <th>Style</th> <th>Material</th> <th>Number</th> </tr> </thead> <tbody> <tr> <td>SWING</td> <td>DOUBLE</td> <td>WOOD PANEL/GLASS</td> <td>4</td> </tr> <tr> <td>SWING WITH SIDELIGHTS</td> <td>WOOD DOOR/STEEL SIDELIGHT</td> <td>1/4</td> <td>9</td> </tr> <tr> <td>SWING</td> <td>DOUBLE</td> <td>WOOD/GLASS</td> <td>3</td> </tr> <tr> <td>SWING</td> <td>DOUBLE</td> <td>WOOD PANEL</td> <td>1</td> </tr> <tr> <td>SWING</td> <td>2 PAIR OF DOUBLE</td> <td>WOOD/GLASS</td> <td>1</td> </tr> </tbody> </table> Notes: DOORS ARE GENERALLY IN GOOD SHAPE BECAUSE THEY ARE UNDER PORTALS OR INSET | | Type | Style | Material | Number | SWING | DOUBLE | WOOD PANEL/GLASS | 4 | SWING WITH SIDELIGHTS | WOOD DOOR/STEEL SIDELIGHT | 1/4 | 9 | SWING | DOUBLE | WOOD/GLASS | 3 | SWING | DOUBLE | WOOD PANEL | 1 | SWING | 2 PAIR OF DOUBLE | WOOD/GLASS | 1 |
| Operation | Material | Glazing | Number | SCREENS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DBL. CSMNT/FIXED WOOD | WD | 1/1 | 10 | TOP HINGED | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DBL. CSMNT WOOD | WD | 1/1 | 1 | TOP HINGED | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PAIRED DBL. CASMENT WOOD | WD | 1/1 | 35 | TOP HINGED | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TRIPLE CSMNT. WOOD | WOOD | 1/1 | 4 | TOP HINGED | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AWNING WOOD | WOOD | 1/1 | 2 | TOP HINGED | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CSMNT/FIXED | STEEL | 1/8 | 7 | NO SCREENS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SLIDING/FIXED | WOOD | 1/1 | 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CSMNT | ALUM. CLAD | 3/4 FALSE MULLIONS | 4 | METAL SCREENS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CSMNT | ALUM. CLAD | 2/4 FALSE MULLIONS | 1 | METAL SCREEN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DBL.CSMNT | ALUM. CLAD | 2/3 FALSE M. | 1 | METAL SCREEN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CSMNT/FIXED | ALUM. CLAD | 3/4 FALSE M. | 1 | METAL SCREEN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AWNING | ALUM. CLAD | 1/1 | 1 | METAL SCREEN | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Type | Style | Material | Number | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SWING | DOUBLE | WOOD PANEL/GLASS | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SWING WITH SIDELIGHTS | WOOD DOOR/STEEL SIDELIGHT | 1/4 | 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SWING | DOUBLE | WOOD/GLASS | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SWING | DOUBLE | WOOD PANEL | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SWING | 2 PAIR OF DOUBLE | WOOD/GLASS | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12. Chimneys
ONE EACH STUCCOED INTERIOR AND EXTERIOR CHIMNEYS | | 13. Porches _____ N/A
Type: <input checked="" type="checkbox"/> Entry <input checked="" type="checkbox"/> Partial-Width <input checked="" type="checkbox"/> Full-Width <input type="checkbox"/> Wrap | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14. Other Significant Features: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

REFORMED HISTORICAL SITE NO. 236, THIS PROPERTY HAS BEEN IN USE BY THE PRESBYTERIANS SINCE 1908.

15. Modifications: No known modifications

OFFICES REPLACED MAIN ENTRY AFTER 1990 BASED ON SMITH WILLIAMSON SURVEY FOR 1990 LOT SPLIT. THE MAIN ENTRY WAS A PEDESTRIAN ENTRY, AND SCALED SO WITH A LOWER ROOF. THE ENTRY FACING THE PARKING APPEARS MORE MONUMENTAL. THE ARCHITECTURAL PLANS ARE MISSING FROM THE DRAWING SET AND THEREFORE IT IS DIFFICULT TO READ THE ARCHITECTS' INTENTION.

16. Primary Architectural Style

Not Applicable

☐ Art Deco/Streamline Moderne ☐ Gothic Revival ☐ Mission Revival ☐ Pueblo ☒ Spanish-Pueblo Revival
☐ Bungalow/Craftsman ☐ International ☐ Neo-Classical ☐ Queen Anne ☐ Territorial
☐ Colonial Revival ☐ Italianate ☐ Northern NM ☐ Ranch ☐ Territorial Revival
☐ Folk Victorian ☐ Mediterranean ☐ Prairie ☐ Spanish-Colonial ☐ Tudor Revival

Notes:

Other:

17. Documents Available and Their Locations

PARTIAL SET OF DRAWINGS AVAILABLE FROM PRESBYTERIAN CHURCH, USA VIA PAUL DURAN AT SOTHEBY'S REAL ESTATE. RESEARCH PROVIDED ON DISC TO PRESBYTERIAN CHURCH, USA. AERIAL PHOTOGRAPHS FROM NEW MEXICO DEPARTMENT OF TRANSPORTATION. CENTER FOR SOUTHWEST RESEARCH, UNIVERSITY LIBRARIES, UNIVERSITY OF NEW MEXICO. THE NEW MEXICAN 8.19.2006 OBITUARY FOR PHILIPPE REGISTER. POMONA PUBLIC LIBRARY FRASHER FOTO POSTCARD COLLECTION.

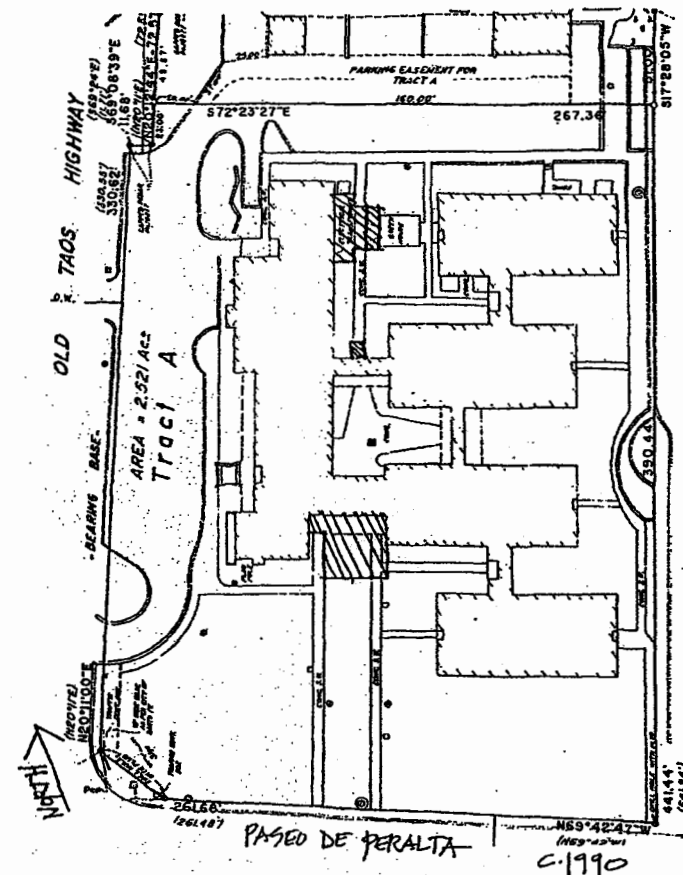
SITE

18. Attached or Associated Properties

RETIREMENT RESIDENCES AND CARPORTS WERE ALSO DESIGNED AND BUILT DURING THE MID-60'S. THEY WERE NOT SURVEYED AS PART OF THIS PROJECT.

Are associated properties eligible for listing? NO

19. Site Plan:



HATCHED AREAS ARE THE ADDITIONS.

Historic Cultural Properties Inventory (HCPI) Continuation Sheet *Historic Preservation Division, New Mexico Department of Cultural Affairs*

| | | |
|---|--|--|
| For HRD Office use only | | |
| HCPI No. | District No. | |
| 1. Name of property: (historic and/or current name for property) GHOST RANCH IN SANTA FE
CONFERENCE CENTER; PLAZA RESOLANA
STUDY AND CONFERENCE CENTER; PLAZA
DEL MONTE STUDY AND CONFERENCE
CENTER; PLAZA DEL MONTE RETIREMENT
HOME; PLAZA DEL MONTE REST HOME | 2. Location:
CURRENT:
401 OLD TAOS HIGHWAY;
FORMERLY:
417 PASEO DE PERALTA;
141 N. FEDERAL PLACE | 3. Local Reference Number: |
| | | 4. County
SANTA FE, NM |
| | | 5. Date of Survey
09/25/2012 |



NEW MEXICO DEPARTMENT OF TRANSPORTATION 9-11-1978

HCP1 Continuation Sheet (continued)



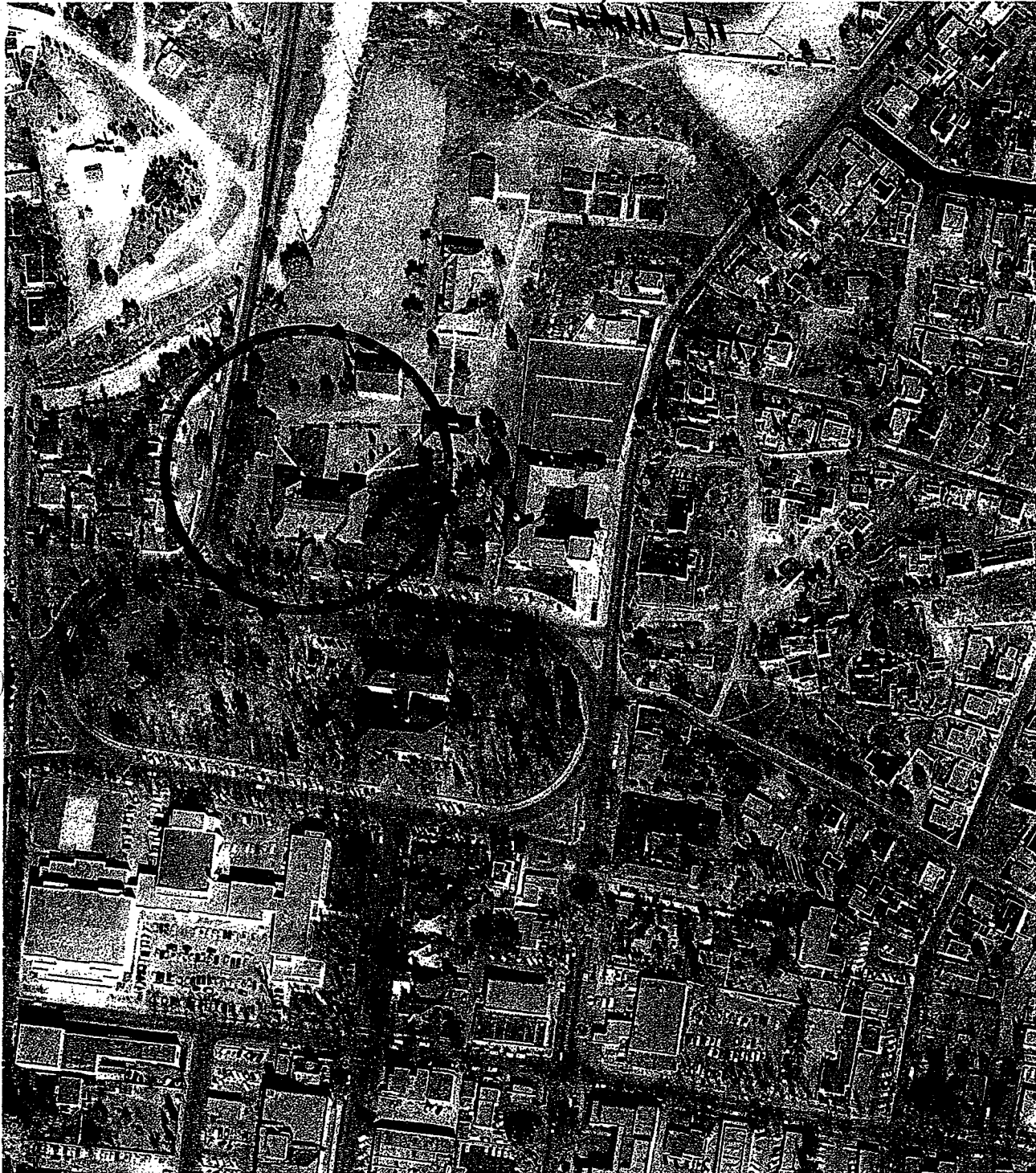
DETAIL OF PHOTOGRAPH BY D. STEIN AVAILABLE AT THE FRAY ANGELICO CHAVEZ HISTORY LIBRARY, SANTA FE, NM 11-14-1976

HCPI Continuation Sheet (continued)



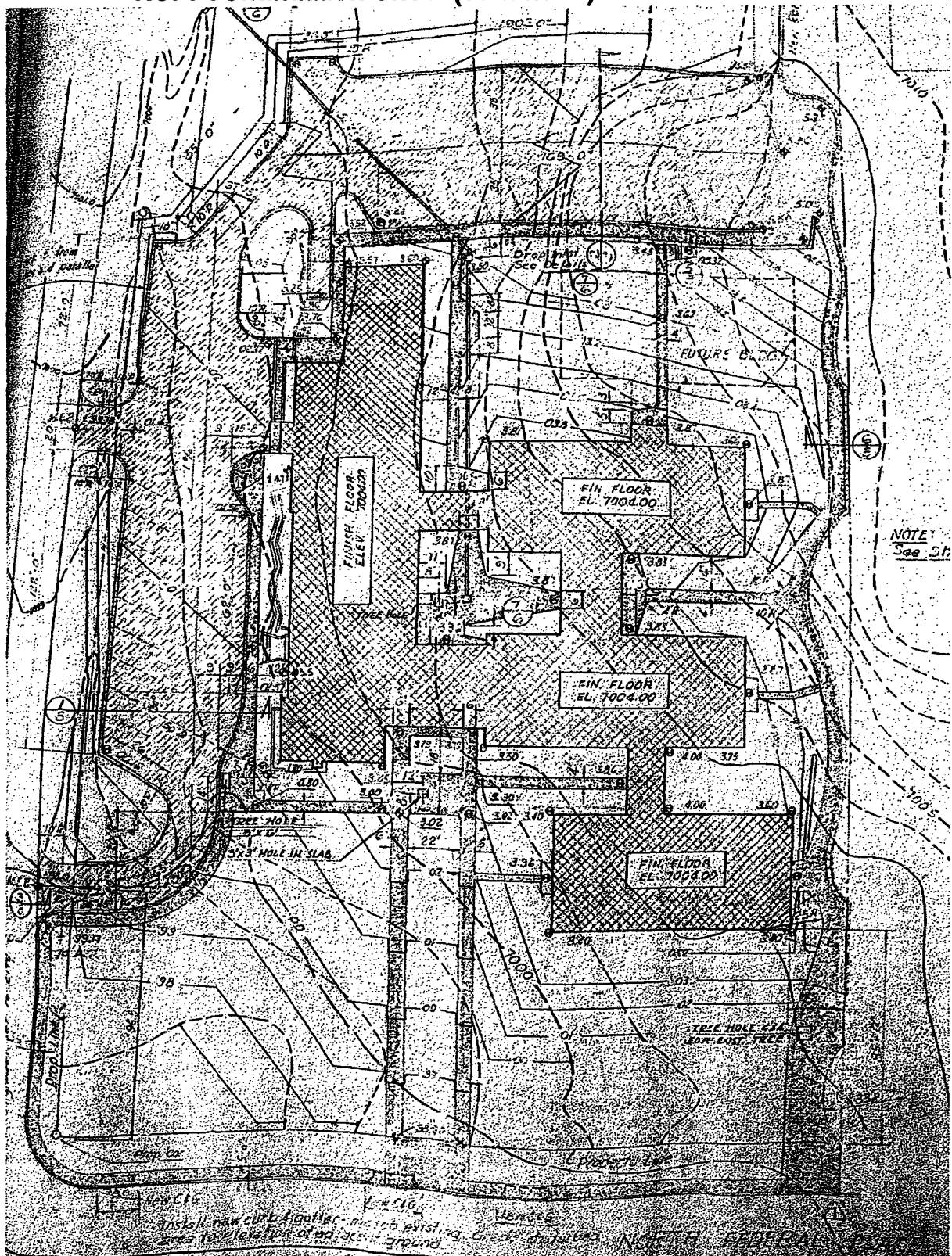
NEW MEXICO DEPARTMENT OF TRANSPORTATION 02-28-1968

HCPI Continuation Sheet (continued)



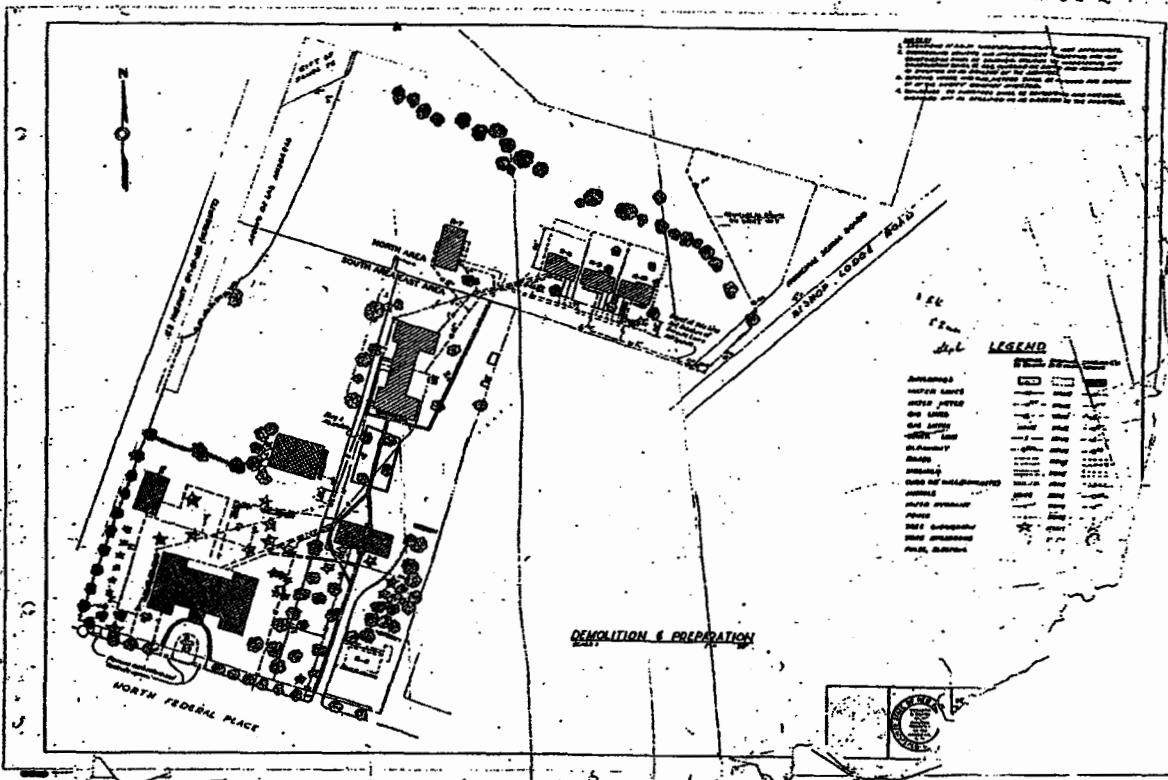
NEW MEXICO DEPARTMENT OF TRANSPORTATION 11-10-1958 ALLISON JAMES SCHOOL

HCPI Continuation Sheet (continued)

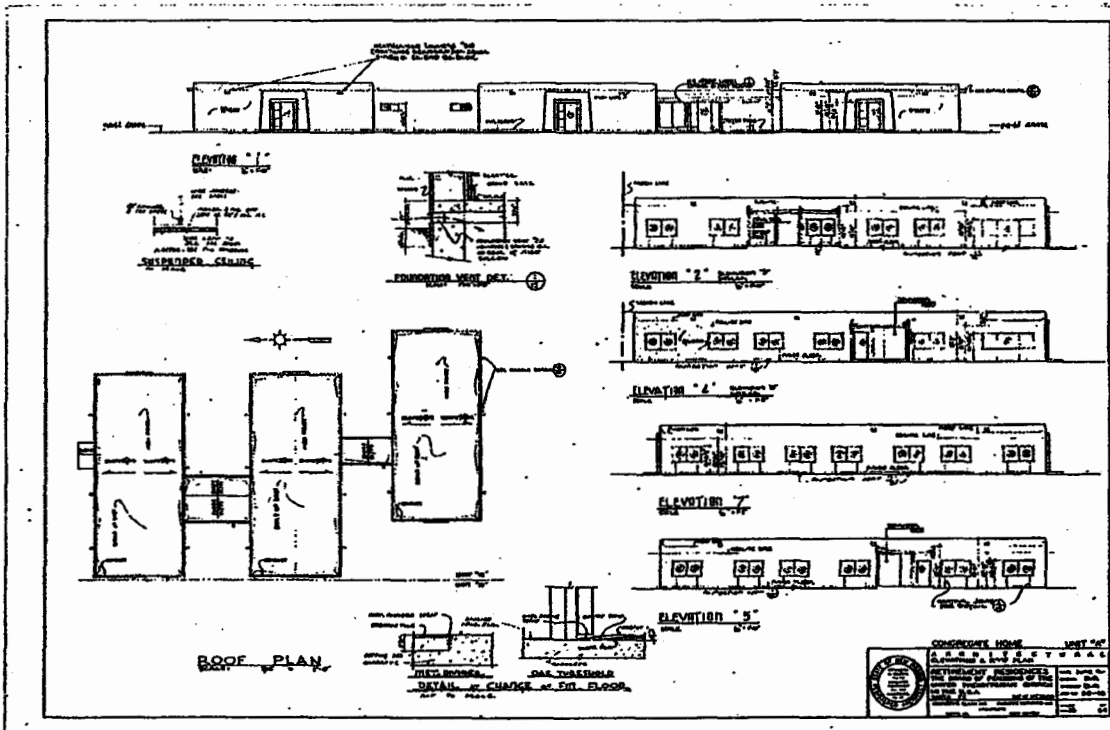


SHEET 3 FROM CONTRACT DOCUMENTS BY KENNETH S. CLARK AND PHILIPPE REGISTER FOR RETIREMENT RESIDENCES THE BOARD OF PENSIONS OF THE UNITED PRESBYTERIAN CHURCH IN THE USA, DATE JUNE 1960

HCPI Continuation Sheet (continued)

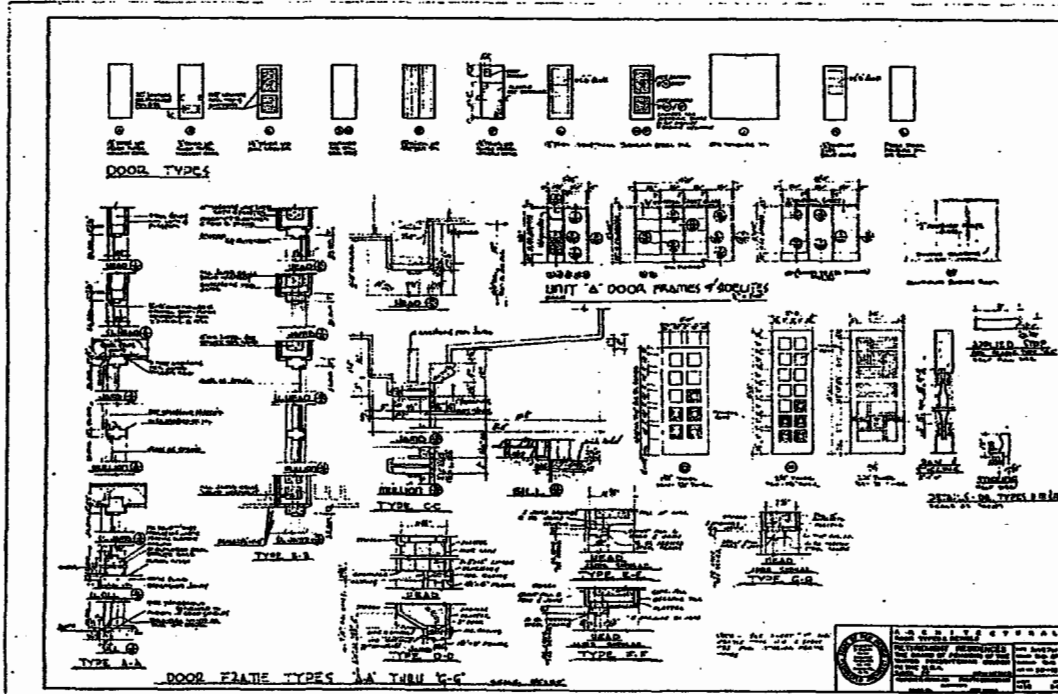


SHEET 1 FROM CONTRACT DOCUMENTS BY KENNETH S. CLARK AND PHILIPPE REGISTER FOR RETIREMENT RESIDENCES THE BOARD OF PENSIONS OF THE UNITED PRESBYTERIAN CHURCH IN THE USA, DATE JUNE 1960

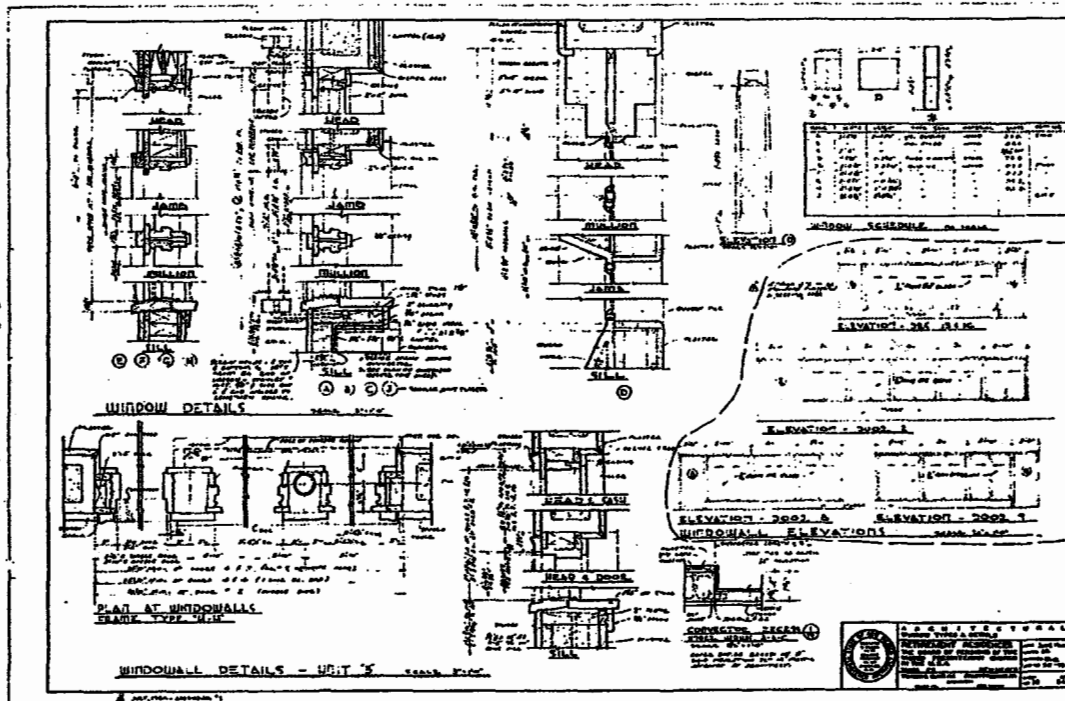


SHEET 15 FROM CONTRACT DOCUMENTS BY KENNETH S. CLARK AND PHILIPPE REGISTER FOR RETIREMENT RESIDENCES THE BOARD OF PENSIONS OF THE UNITED PRESBYTERIAN CHURCH IN THE USA, DATE JUNE 1960; NOTE THE EAST ELEVATION AT TOP OF SHEET

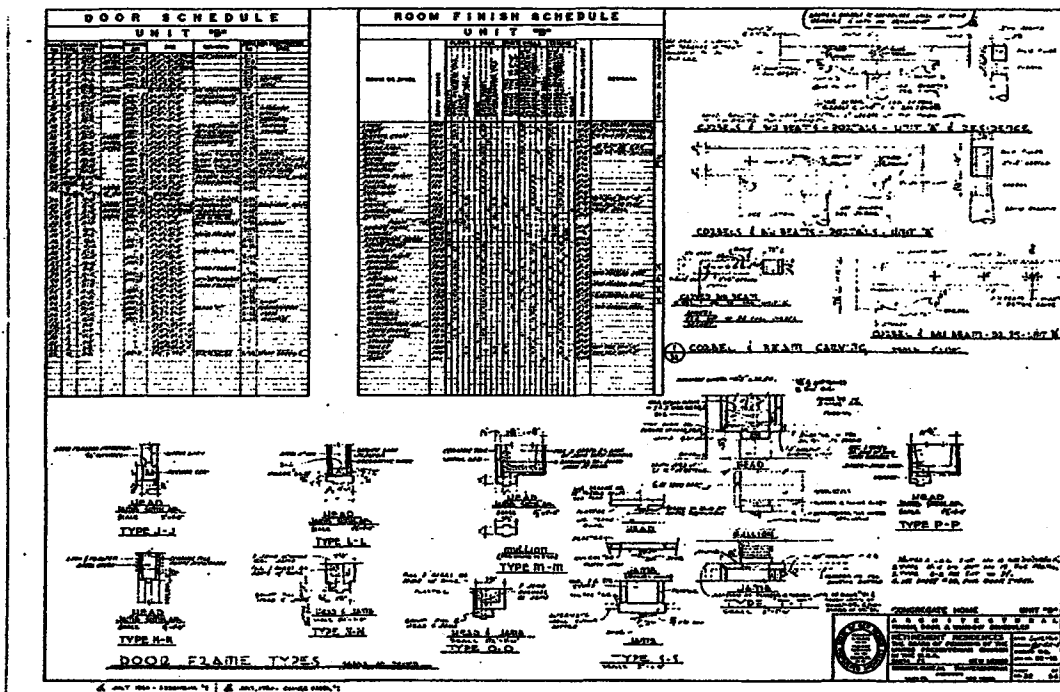
HCPI Continuation Sheet (continued)



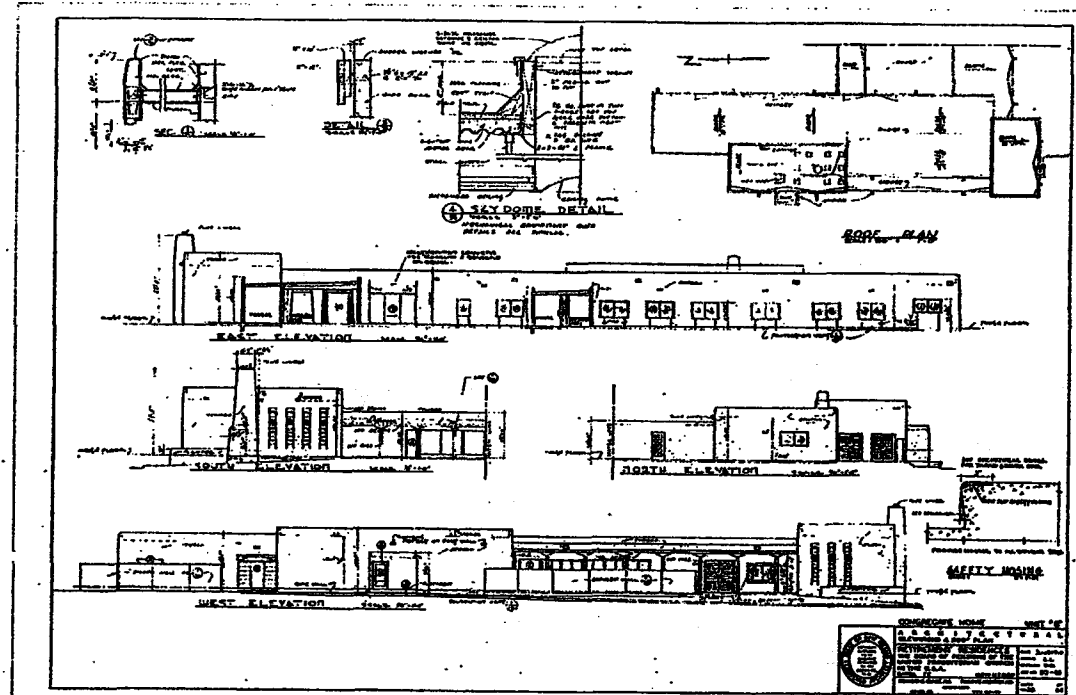
SHEET 18 DOOR TYPES AND DETAILS FROM CONTRACT DOCUMENTS BY KENNETH S. CLARK AND PHILIPPE REGISTER FOR RETIREMENT RESIDENCES THE BOARD OF PENSIONS OF THE UNITED PRESBYTERIAN CHURCH IN THE USA, DATE JUNE 1960;



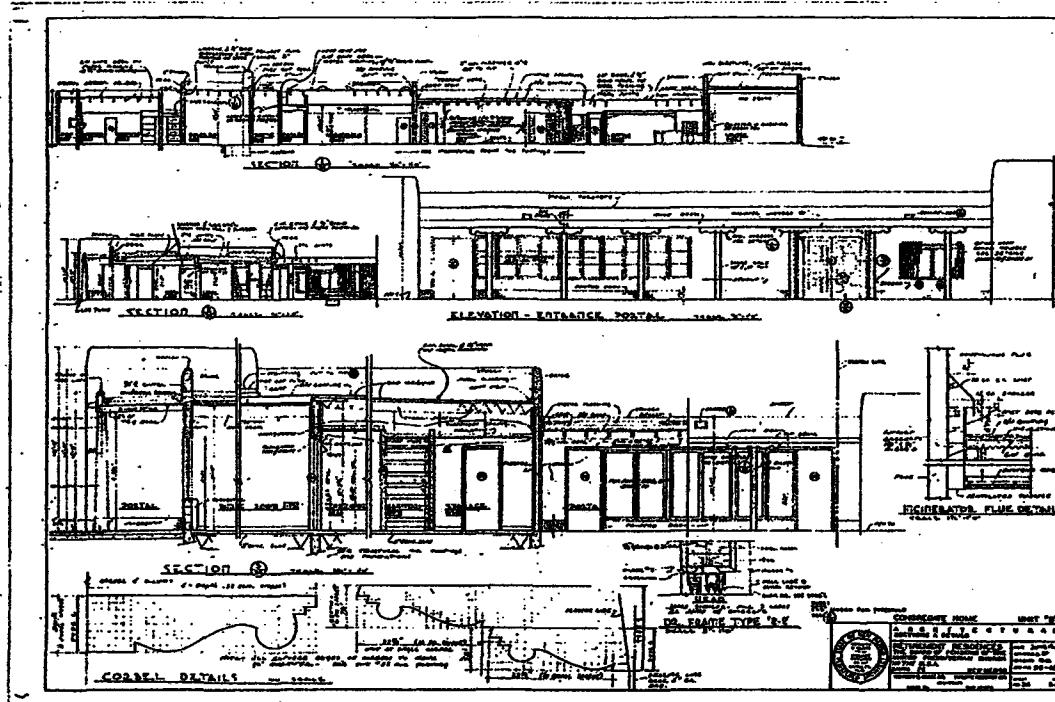
HCPI Continuation Sheet (continued)



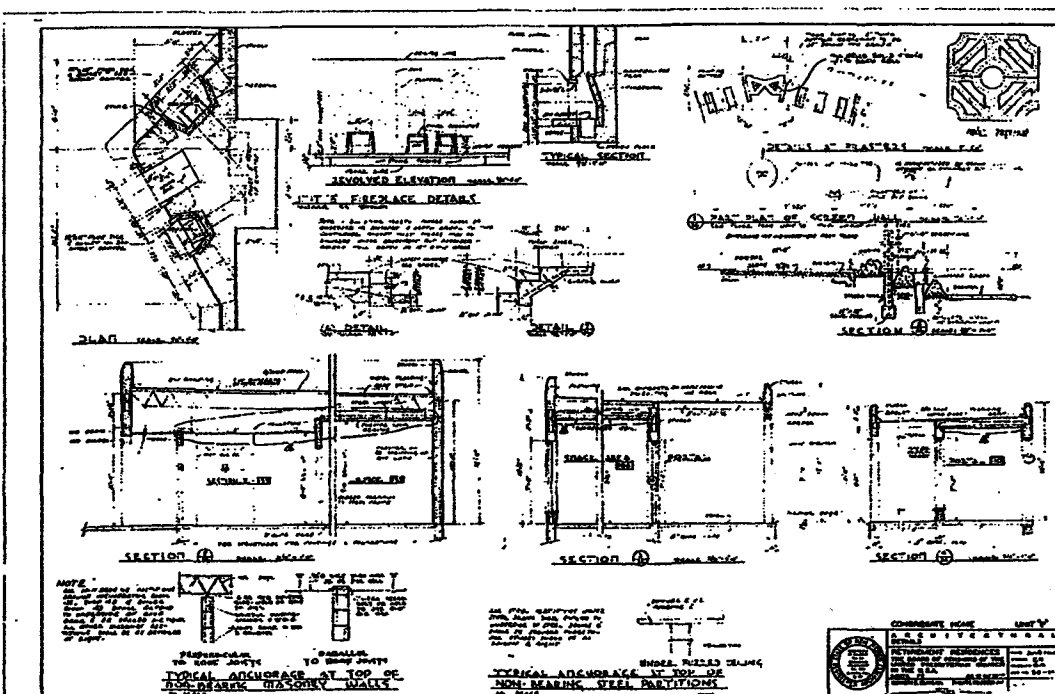
SHEET 32 FROM CONTRACT DOCUMENTS BY KENNETH S. CLARK AND PHILIPPE REGISTER FOR RETIREMENT RESIDENCES THE BOARD OF PENSIONS OF THE UNITED PRESBYTERIAN CHURCH IN THE USA, DATE JUNE 1960; NOTE THE CORBEL DETAILS AT UPPER RIGHT



SHEET 33 FROM CONTRACT DOCUMENTS BY KENNETH S. CLARK AND PHILIPPE REGISTER FOR RETIREMENT RESIDENCES THE BOARD OF PENSIONS OF THE UNITED PRESBYTERIAN CHURCH IN THE USA, DATE JUNE 1960

HCPI Continuation Sheet (continued)

SHEET 34 FROM CONTRACT DOCUMENTS BY KENNETH S. CLARK AND PHILIPPE REGISTER FOR RETIREMENT RESIDENCES THE BOARD OF PENSIONS OF THE UNITED PRESBYTERIAN CHURCH IN THE USA, DATE JUNE 1960



SHEET 36 FROM CONTRACT DOCUMENTS BY KENNETH S. CLARK AND PHILIPPE REGISTER FOR RETIREMENT RESIDENCES THE BOARD OF PENSIONS OF THE UNITED PRESBYTERIAN CHURCH IN THE USA, DATE JUNE 1960

HCPI Continuation Sheet (continued)



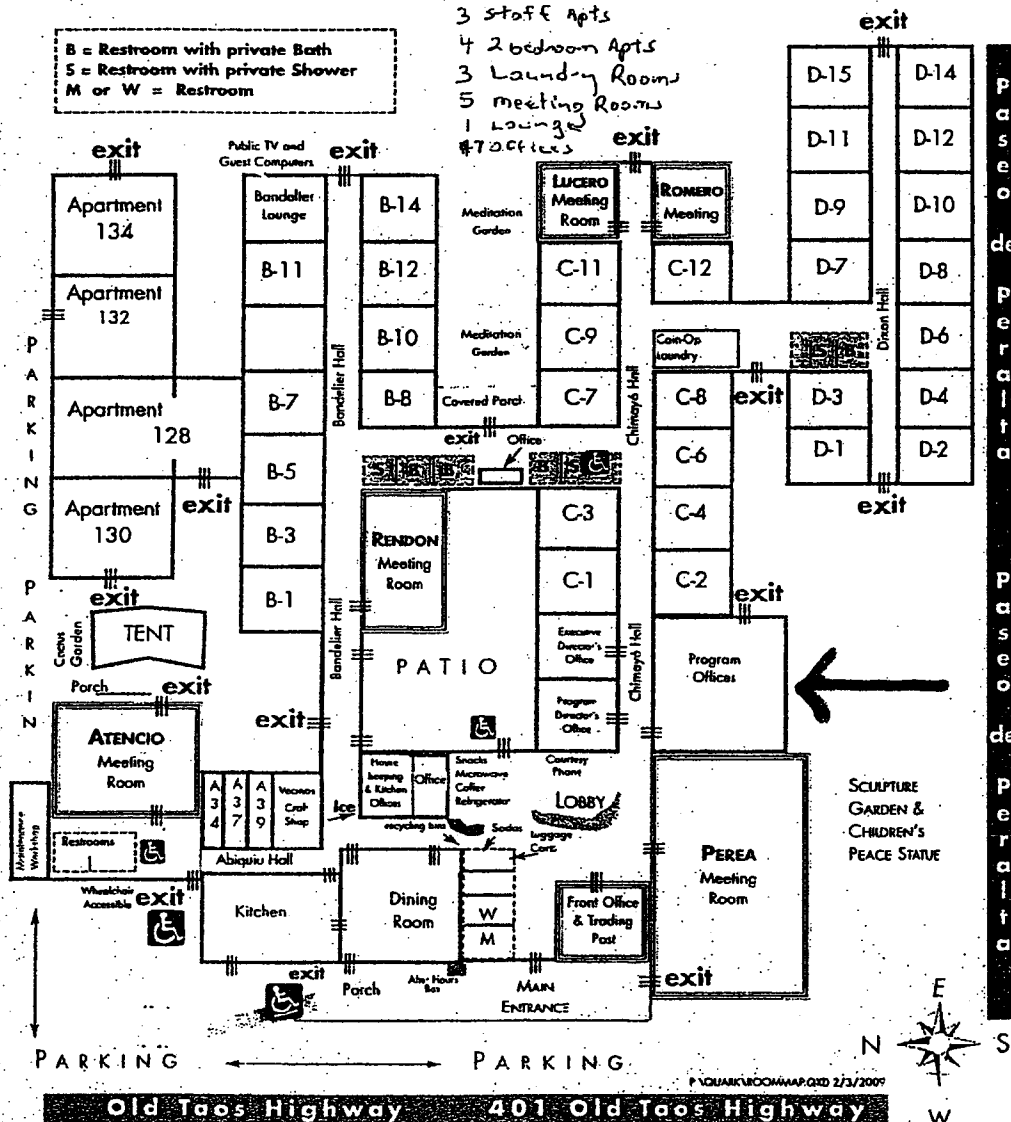
Santa Fe Location

Welcome: _____

Your room # is: _____

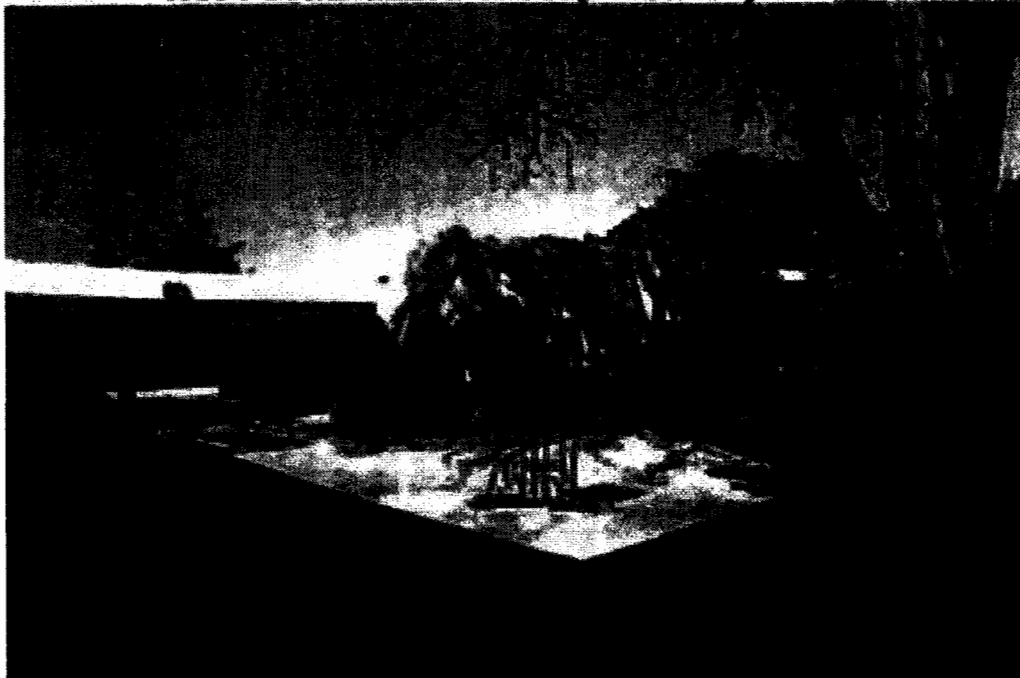
31 rooms
3 staff Apts
4 2 bedroom Apts
3 Laundry Rooms
5 meeting Rooms
1 Lounge
#72 offices

B = Restroom with private Bath
S = Restroom with private Shower
M or W = Restroom



NOTE PEDESTRIAN ENTRY FROM SOUTH LOOKED DIRECTLY INTO COURTYARD AND SHARED THE SAME LOBBY WITH THE CAR ENTRY

HCPI Continuation Sheet (continued)



INTERIOR COURTYARD LOOKING NORTHEAST



ADDITION ADDED ON NORTHEAST OF HOSPITALITY WING

HCPI Continuation Sheet (continued)

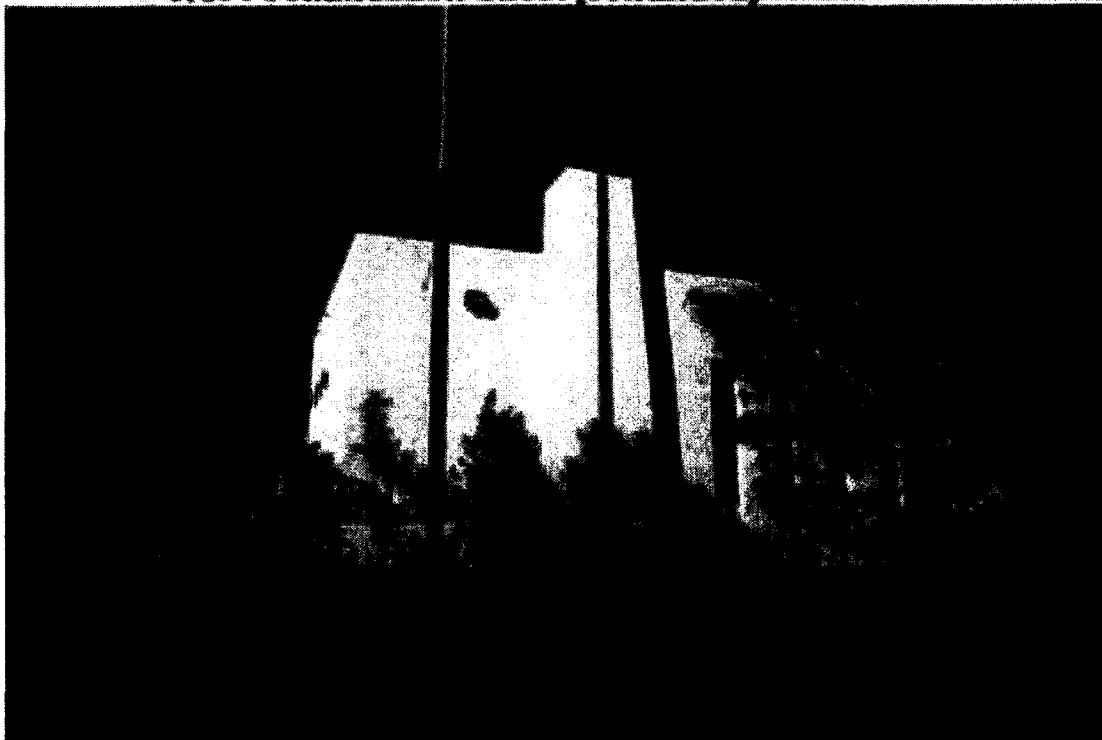


SOUTHWEST CORNER OF LAST WING ADDED AFTER 1968



WEST ENTRY LOOKING FROM THE NORTH

HCPI Continuation Sheet (continued)



SOUTHWEST CORNER AT DOUBLE FIREPLACE AND MEETING ROOM

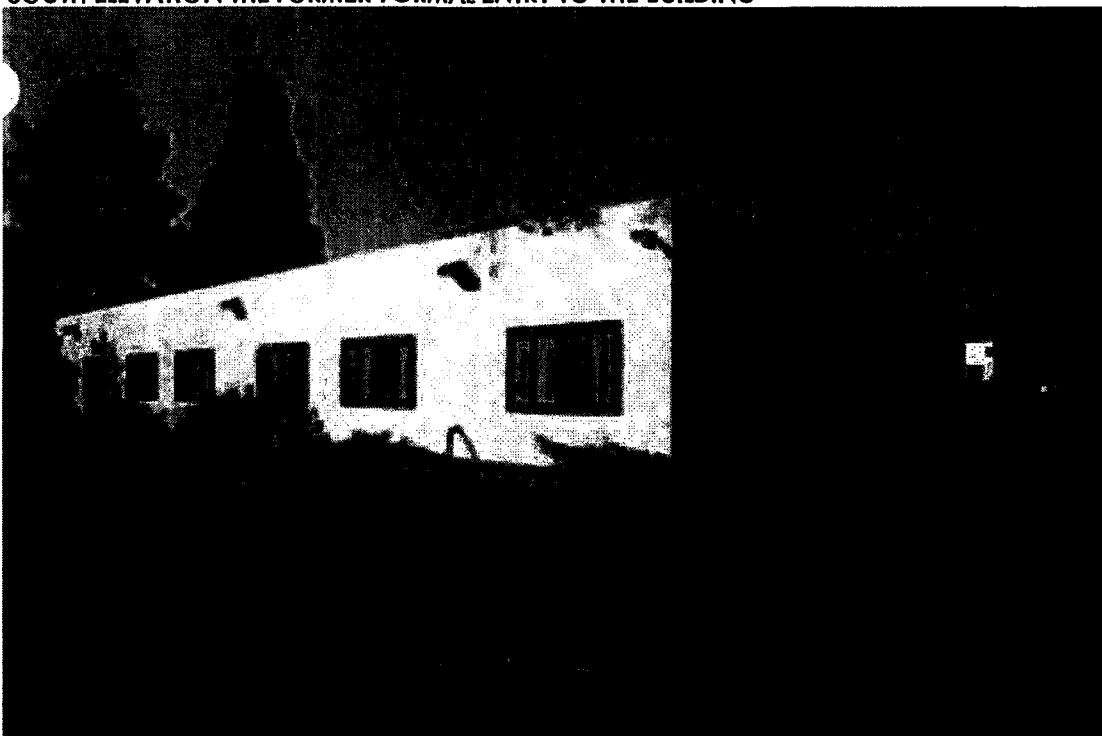


ENTRY TO SOUTHERN MOST DORMITORY WING LOOKING EAST

HCPI Continuation Sheet (continued)



SOUTH ELEVATION THE FORMER FORMAL ENTRY TO THE BUILDING



SOUTHEAST CORNER OF BUILDING WITH OTHER DORMITORY WINGS IN THE BACKGROUND

HCPI Continuation Sheet (continued)



COURTYARD BETWEEN SOUTH AND MIDDLE DORMITORY WINGS SHOWING ORIGINAL WINDOWS



COURTYARD BETWEEN TWO MIDDLE DORMITORY WINGS

HCPI Continuation Sheet (continued)



NORTHWEST ENTRANCE TO THE HOSPITALITY WING



WEST ENTRANCE PORTAL

HCPI Continuation Sheet (continued)



WEST ENTRANCE PORTAL, WOOD BEAMS ARE COMPOSITE WITH 2X FACING



Agenda

DATE 1-2-13 TIME 10:05am
SERVED BY Camille Vane
RECEIVED BY [Signature]

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, January 8, 2013 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, January 8, 2013 at 5:30 P.M.

MAIN LIBRARY - COMMUNITY ROOM

145 Washington Avenue

A M E N D E D

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: December 11, 2012
- E. COMMUNICATIONS
- F. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-11-111 940 A E. Palace Avenue
Case #H-12-094 105 Rim Road
Case #H-12-095 130 Lincoln Avenue
Case #H-12-098 444 Galisteo Street

Case #H-12-099 520 Jose Street, #8
Case #H-12-097A 704 Camino Lejo
Case #H-12-100 1233 Paseo de Peralta

- G. BUSINESS FROM THE FLOOR
- H. ACTION ITEMS

1. Case #H-12-096, 660 Garcia Street. Downtown & Eastside Historic District. Jenkins Gavin, agent for School for Advanced Research, owners, proposes to construct a 4,170 sq. ft. maintenance building to a height of 14' where the maximum allowable height is 18'6" and to construct a 3,219 sq. ft. studio to a height of 16'6" where the allowable height is 23". (David Rasch).
2. Case #H-12-101, 401 Old Taos Hwy. Downtown and Eastside Historic District. Gayla Bechtol, agent for Ghost Ranch Presbyterian Church USA, owner, requests an status review of this non-contributing property. (David Rasch).
3. Case #H-12-102, 524 Camino del Monte Sol. Downtown & Eastside Historic District. Joel Muller, agent for John Camp and Michele Cook, owners, proposes to construct two small additions totaling 117 sq. ft., increase the parapet height to 9'10," replace all windows and doors, and stucco this non-statused guesthouse. (John Murphey).
4. Case #H-12-103, 421 Apodaca Hill. Downtown & Eastside Historic District. Richard Gorman, agent for Arturo and Viola Gonzales, owners, proposes to enclose an existing carport and construct a separate detached 529 sq. f.t., 9'0" high carport, build a portal, replace windows, build a deck, raise yardwalls, and re-stucco at this contributing

EXHIBIT

C

residence. (John Murphey).

5. Case #H-12-104, 156 Lorenzo Road. Downtown & Eastside Historic District. Rad Acton, agent for Greg Stinson and Tim Simmonds, owners, proposes to connect the main house and the guesthouse, raising the parapets to 14'4" where the maximum allowable height is 14'5," reconstruct a portal, replace windows and doors, increase the height of yardwalls and make other alterations at this non-contributing residence. (John Murphey).
6. Case #H-12-106, 451 W. Alameda Street. Westside-Guadalupe Historic District. Stephen Samuelson, agent for Phillip Rosa Limited Partnership, owner, proposes to replace a deck, change a window to a door opening, replace a trellis, and install light fixtures at this non-contributing commercial building. (John Murphey).
7. Case #H-12-107, 1247 Cerro Gordo Road. Downtown & Eastside Historic District. Laban Wingert, agent for Ruth Holmes, owner, proposes to construct an approximately 254 sq. ft., 15'-8" hipped roof attached carport with a 90 sq. ft. storage room at this noncontributing residence. (John Murphey).
8. Case #H-12-105, 156 E. DeVargas Street. Downtown & Eastside Historic District. Galisteo Street, Inc., agent for Two Gallegos Properties, LLC, owner, proposes to replace historic windows on primary and non-primary elevations of a contributing building. An exception is requested to remove historic material (Section 14-5.2(5)(a)(1)). (David Rasch).

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 for more information regarding cases on this agenda.

Persons with disabilities in need of accommodation or an interpreter for the hearing impaired should contact the City Clerk's office at 955-6520 at least five (5) working days prior to the hearing date. Persons who wish to attend the Historic Districts Review Board Field Trip must notify the Historic Preservation Division by 9:00 am on the date of the Field Trip.

August 2012 when there was a conveyance by members of the Howe family to the SAR. They were now in a position to raise an objection to the school's development into areas other than the original property.

Ms. Walker asked if her client would also object to further use of that property by SAR.

Ms. Heatherington said that was correct.

Vice Chair Rios asked Ms. Brennan for her opinion about the status of this project and if it went before zoning and met the zoning requirements.

Mr. Rasch confirmed that it did.

Vice Chair Rios asked then if the Board could make a decision on this case.

Ms. Brennan agreed. The City does not enforce covenants and the court was the proper venue for that.

Vice Chair Rios commented that this forum was sometimes the only one where parties could deal with issues - even those not under the Board's jurisdiction so she often allowed them to speak.

Present and sworn was Mr. Karl Sommer, P.O. Box 2476, Santa Fe. He pointed out on the site map of 660 Garcia that Ms. Heatherington's clients did not reside at the place adjacent to the property at the northwestern boundary where she pointed on the map. He represented the Perrymans who own the property in the area to which she pointed and he didn't want there to be any confusion. The map didn't show what her clients' actual property was. They lived further south and not adjacent to the school proper. The Perrymans owned that property and had no objection to the proposal.

Ms. Mather moved Case #H-12-096 as submitted by the applicant and finishes as indicated verbally and per staff recommendations. Ms. Walker seconded the motion and it passed by unanimous (5-0) voice vote. Dr. Kantner was not present for the vote, having recused himself.

Dr. Kantner returned to the bench after the vote was taken.

2. **Case #H-12-101. 401 Old Taos Hwy. Downtown and Eastside Historic District.** Gayla Bechtol, agent for Ghost Ranch Presbyterian Church USA, owner, requests a status review of this non-contributing property. (David Rasch).

Mr. Rasch presented the staff report for this case as follows:

BACKGROUND & SUMMARY:

401 Old Taos Highway, formerly known as Plaza del Monte and now known as the Ghost Ranch in Santa Fe Conference Center, was designed in the mid-century Spanish-Pueblo Revival style by Phillip Register (d. 2006) and constructed between 1960 and 1964 on the corner of Old Taos Highway and Paseo

de Peralta. The building is listed as non-contributing to the Downtown & Eastside Historic District. There are a number of other structures on this site, but they are not part of this review at this time.

The recent inventory suggests that the building retains high integrity except for three non-historic massing changes. Historic carved woodwork, windows, and doors are intact.

The most significant alteration is the relocation of the front door from the Paseo de Peralta pedestrian façade to the Old Taos Highway and parking lot façade. The other two alterations are not visible from either right-of-way and consist of two small harmonious additions in the courtyards. While the original formal entrance and the present main entry are both on publicly-visible facades, the alterations are harmonious to the original integrity of the building.

The existing structure meets the definition of a contributing structure with its historic age, conforming architectural style, historic association with a well-known mid-century architect, and physical integrity.

NONCONTRIBUTING STRUCTURE

A *structure*, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.

CONTRIBUTING STRUCTURE

A *structure*, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a *contributing structure* is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The *contributing structure* may have had minor *alterations*, but its integrity remains.

SIGNIFICANT STRUCTURE

A *structure* located in a historic district that is approximately fifty years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a *structure* to be designated as significant, it must retain a high level of historic integrity. A *structure* may be designated as significant:

- (A) for its association with events or persons that are important on a local, regional, national or global level; or
- (B) if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

STAFF RECOMMENDATION:

Staff recommends that the Board designate the main building as contributing due to the building's historic date of construction, good integrity, and association with Phillip Register, unless the relocation of the main entry is considered to be an alteration that is not minor. Staff defers to the Board to designate the primary elevation(s) which could be the street-facing south elevations on Paseo de Peralta, or the street-facing west elevations on Old Taos Highway, or both.

Vice Chair Rios asked if there had been changes to the footprint.

Mr. Rasch agreed. The 32,000 footprint was mostly historic but there were 5,000 square feet of additions that were sensitively done.

He read the contributing definition.

Mr. Acton said the staff recommendation for a contributing status had application to all five wings by virtue of links. He asked if there was any precedent for segmenting of parts.

Mr. Rasch agreed. He didn't see significance of the wings.

Mr. Acton asked then if the Board could consider any wings as non-contributing.

Mr. Rasch said no. The Board can recognize non-historic additions but the whole building would have one status.

Ms. Mather asked about the entry way.

Mr. Rasch pointed out the original historic entry. The addition (south elevation) was harmonious.

Ms. Mather referred to page 17 where they were looking at original documents of Mr. Register. The second elevation down indicated another entry.

Mr. Rasch agreed there was another on the west elevation. On the bottom of page 16 it was the long area.

Dr. Kantner pointed out that it said "south elevation below this."

Mr. Katz was confused by the staff's recommendation on the facades that should be considered as primary. He said he understood the west façade but wondered which portion of the south façade would be primary.

Mr. Rasch said he recommended the entire street facing elevations of the south façade including the multi-wing block which was very interesting.

Dr. Kantner asked if the Board could subdivide parts of the side facing Paseo de Peralta and have as primary the southwest corner to the new part to the end on the north side.

Mr. Rasch said any separate façade had to be at least 8' wide separated by a façade of at least 4' so he was not sure.

Present and sworn was Ms. Gayla Bechtol, 1813 Hono Road.

Vice Chair Rios asked if she agreed with the staff recommendation.

Ms. Bechtol said she didn't. This was a watered down Spanish Pueblo and she questioned that it contributed to the district. The building was not quite 50 years old as it was completed in 1964. It was a Philippe Register building but he had much greater buildings in Santa Fé that were more Santa Fé style buildings. She felt this was not quite worthy of contributing status. But if it was designated Contributing the west façade would be the primary façade and especially the southwest corner.

She felt since the main entry was filled in and the address was now changed from Paseo to Old Taos Highway it had become the main entrance. The Paseo façade was just the back of the building because of the wing structure.

Mr. Rasch agreed it was definitely a borderline building. Someone asked him what was historic about 1960 and he would respond that the City was preserving architecture from all times including the 1960's. It was about integrity to its age.

Ms. Mather asked for a description of the original entryway.

Ms. Bechtol said she couldn't because that part of the original drawings was missing. The match line was right at that entry. She was looking for a spatial sequence. The one on the west was clear. It had a nice lobby with rounded edges but the drawings were not as clear.

Ms. Mather asked what made her you think it was the main entry.

Ms. Bechtol said they called it the main entry and she had one photo. The entry would face the important buildings including the plaza. It was similar to John Gaw Meem's design of old St. Vincent's.

Mr. Rasch said the photo was on page 9.

Ms. Mather said the lobby currently was meant to be access to the west portal.

Ms. Bechtol said there was actually infill on the other side of the courtyard. The building had been altered.

Ms. Mather asked if the windows had been altered on the west side. Ms. Bechtol didn't think so. They were similar to the ones in the other wings.

PUBLIC COMMENT

Present and sworn was Ms. Shelly Waxman, 607 Old Taos Hwy where she owned a casita. She said this was interesting because the property was presently for sale and she had concerns about that. She believed this was an important building not just as an edifice but as part of the history of Ghost Ranch. Her concern was that this area was primarily residential on Old Taos Hwy and she would be concerned if all of a sudden it sold and severe remodeling happened because it would be deleterious to the other old properties. It was not particularly distinctive in architectural style but important in Santa Fé.

There were no other speakers from the public regarding this case.

Ms. Mather moved in Case #H-12-101 to designate the building at 401 Old Taos Highway as contributing with the west façade as primary and also the part of the southwest corner comprising the long windows of the auditorium. Ms. Walker seconded the motion.

Mr. Katz asked the mover to base the designation on findings.

Ms. Mather said this was a good example of that 1960's period and that lobby may have just been the last gasp of the formal entry way. While Mr. Register might have other buildings this was a design of a famous architect.

The motion passed by majority voice vote (5-1) with Mr. Acton voting against.

3. **Case #H-12-102** 524 Camino del Monte Sol. Downtown & Eastside Historic District. Joel Muller, agent for John Camp and Michele Cook, owners, proposes to construct two small additions totaling 117 sq. ft., increase the parapet height to 9'10," replace all windows and doors, and stucco this non-stated guesthouse. (John Murphey).

Mr. Murphey presented the staff report for this case as follows:

BACKGROUND AND SUMMARY:

The subject building is an approximately 552 sq. ft. combination adobe and frame, roughly L-plan guesthouse. It is situated behind the main house, a large Spanish-Pueblo Revival-style dwelling constructed in 1928 and contributing to the Downtown and Eastside Historic District.

The origin of the guesthouse is unknown. Based on its design, structural materials and windows and doors, it appears to be mostly of recent construction. The frame section making up the south portion does not appear on a 1960 aerial. The small adobe section containing the bedroom, however, may pre-date this period. The applicant believes the structure received a major update in the 1980s.

Together, the two sections do not retain sufficient integrity of design and material to be recommended as contributing to the district.

Project

The applicant proposes a project to increase living space and to remove the 1980's treatments. This remodeling will bring the guesthouse into closer alignment with the style of the main house, a project reviewed by the Board under H-12-012. Work includes the following items:

Height/Overhang

Increase ceiling height of bedroom from 7'-0" to 8'-6," resulting in a revised parapet height of 9'-10".

ITEM # 13.0036

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case #H-12-101

Address – 401 Old Taos Highway

Owner/Applicant's Name – Ghost Ranch Presbyterian Church USA

Agent's Name – Gayla Bechtol

THIS MATTER came before the Historic Districts Review Board (Board) for hearing on January 8, 2013 upon the application (Application) of Gayla Bechtol, as agent for Ghost Ranch Presbyterian Church USA, owner.

401 Old Taos Highway, formerly known as Plaza del Monte and now known as the Ghost Ranch in Santa Fe Conference Center, was designed in the mid-century Spanish-Pueblo Revival style by Phillip Register (d. 2006) and constructed between 1960 and 1964 on the corner of Old Taos Highway and Paseo de Peralta. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The approximately 32,000 square foot single-story building has five wings that are asymmetrically oriented. The recent inventory suggests that the building retains high integrity except for three non-historic massing changes. Historic carved woodwork, windows, and doors are intact.

The most significant alteration is the relocation of the front door from the Paseo de Peralta pedestrian façade to the Old Taos Highway and parking lot façade. The other two alterations are not visible from either right-of-way and consist of two small harmonious additions in the courtyards. While the original formal entrance and the present main entry are both on publicly-visible facades, the alterations are harmonious to the original integrity of the building.

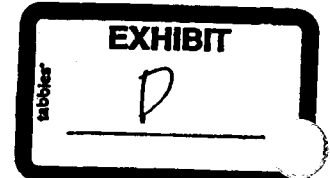
The existing structure meets the definition of a contributing structure with its historic age, conforming architectural style, historic association with a well-known mid-century architect, and physical integrity.

The Staff requested an historic status review of this property.

After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

1. The Board heard testimony from staff, the Applicant, and other people interested in the Application.
2. Board staff recommended that the main building shall be designated as contributing due to the building's historic date of construction, good integrity, and association with Phillip Register, unless the relocation of the main entry is considered to be an alteration that is not minor. Staff deferred to the Board to designate the primary elevation(s) which could be the street-facing south elevations on Paseo de Peralta, or the street-facing west elevations on Old Taos Highway, or both designated as complying with Section 14-5.2(C)(2).



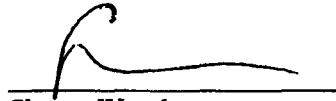
3. The Property is located in the Downtown & Eastside Historic District and is subject to the requirements of the following sections of the Santa Fe Land Development Code:
Section 14-5.2(C)(2), Designation of Status within Historic Districts.
4. The Board finds that the building is a good example of mid-20th century Santa Fe Style, that the architect is recognized for his achievements in Santa Fe, and that the loss of the south elevation entry is not a significant alteration.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

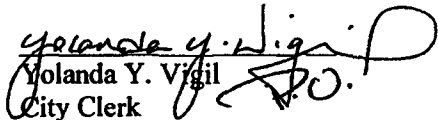
The Board concludes that the building shall be designated as contributing with all Old Taos Highway elevations and the westernmost block of the south elevation on Paseo de Peralta designated as primary (see attached floor plan exhibit).

IT IS SO ORDERED ON THIS 22nd DAY OF JANUARY 2013 THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.


Sharon Woods
Chair

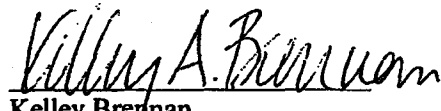
1.22.13
Date:

FILED

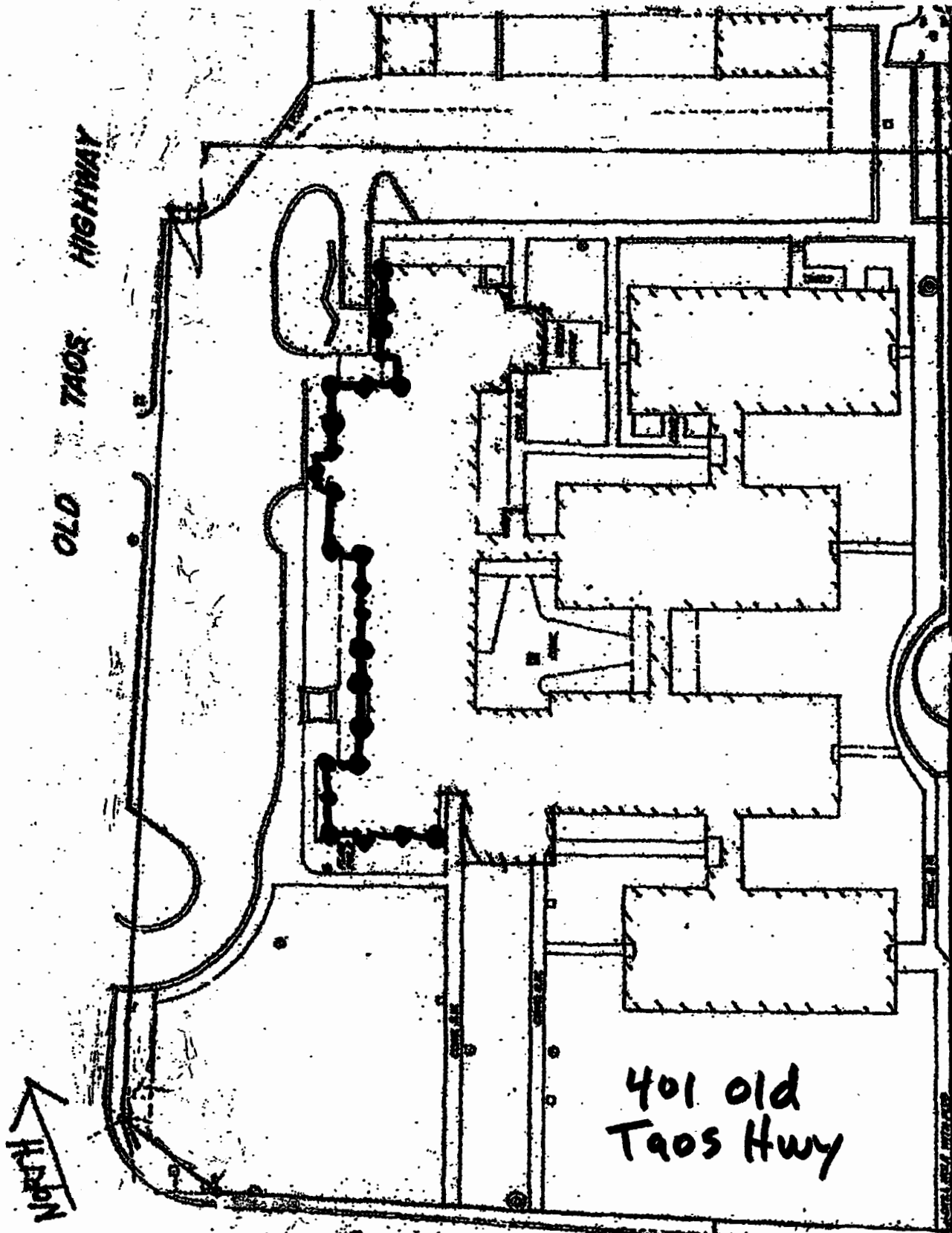

Yolanda Y. Vigil
City Clerk

1.23.13
Date:

APPROVED AS TO FORM


Kelley Brennan
Assistant City Attorney

1/22/13
Date:



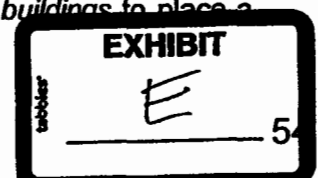
(E) Downtown and Eastside Design Standards

The governing body recognizes that a style of architecture has evolved within the city from the year 1600 to the present characterized by construction with *adobe*, hereafter called "old Santa Fe style", and that another style has evolved, hereafter called "recent Santa Fe style", which is a *development* from, and an elaboration of the old Santa Fe style, with different materials and frequently with added decorations.

(1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with *adobe*, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

- (a) With rare exception, *buildings* are of one *story*, few have three stories, and the characteristic effect is that the *buildings* are long and low. Roofs are flat with a slight *slope* and surrounded on at least three sides by a firewall of the same color and material as the *walls* or of brick. Roofs are never carried out beyond the line of the *walls* except to cover an enclosed *portal* or *porch* formed by setting back a portion of the *wall* or to form an exterior *portal*, the outer edge of the roof being supported by wooden columns. Two-story construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second *story*. *Façades* are flat, varied by inset *portales*, exterior *portales*, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding *walls*;
- (b) All exterior *walls* of a *building* are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under *portales*, or in church-derived designs, inset panels in a *wall* under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;
- (c) Solid *wall* space is always greater in any *façade* than window and door space combined. Single panes of glass larger than thirty (30) inches in any dimension are not permissible except as otherwise provided in this section;
- (d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof *structures*, but such *structures* other than chimneys, flues, vents and aials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the *street* on which the *building* fronts;
- (e) True old Santa Fe style *buildings* are made of *adobe* with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the *adobe* effect can be simulated is permissible; provided, that the exterior *walls* are not less than eight (8) inches thick and that geometrically straight *façade* lines are avoided. Mud plaster or hard plaster simulating *adobe*, laid on smoothly, is required; and
- (f) It is characteristic of old Santa Fe style commercial *buildings* to place a



portal so that it covers the entire sidewalk, the columns being set at the curb line.

(2) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic *buildings* by *retention* of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of *adobe* construction, prescribed as follows:

- (a) No *building* shall be over two stories in height in any façade unless the façade shall include projecting or recessed *portales*, *setbacks* or other design elements;
- (b) The combined door and window area in any *publicly visible* façade shall not exceed forty percent of the total area of the façade except for doors or windows located under a *portal*. No door or window in a *publicly visible* façade shall be located nearer than three (3) feet from the corner of the façade;
- (c) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof *treatment* described below;
- (d) No less than eighty percent of the surface area of any *publicly visible* façade shall be *adobe* finish, or stucco simulating *adobe* finish. The balance of the *publicly visible* façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for *building permits*;
- (e) The *publicly visible* façade of any *building* and of any adjoining *walls* shall, except as otherwise provided, be of one color, which color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. Façade surfaces under *portales* may be of contrasting or complimentary colors. Windows, doors and *portals* on *publicly visible* portions of the *building* and *walls* shall be of one of the old Santa Fe styles; except that *buildings* with *portals* may have larger plate glass areas for windows under *portals* only. Deep window recesses are characteristic; and
- (f) Flat roofs shall have not more than thirty (30) inches overhang.

FORMED HISTORICAL SITE NO. 236, THIS PROPERTY HAS BEEN IN USE BY THE PRESBYTERIANS SINCE 1908.

15. Modifications: ☐ No known modifications

OFFICES REPLACED MAIN ENTRY AFTER 1990 BASED ON SMITH WILLIAMSON SURVEY FOR 1990 LOT SPLIT. THE MAIN ENTRY WAS A PEDESTRIAN ENTRY, AND SCALED SO WITH A LOWER ROOF. THE ENTRY FACING THE PARKING APPEARS MORE MONUMENTAL. THE ARCHITECTURAL PLANS ARE MISSING FROM THE DRAWING SET AND THEREFORE IT IS DIFFICULT TO READ THE ARCHITECTS' INTENTION.

16. Primary Architectural Style ☐ Not Applicable

| | | | | |
|--|---|--|---|--|
| <input type="checkbox"/> Art Deco/Streamline Moderne | <input type="checkbox"/> Gothic Revival | <input type="checkbox"/> Mission Revival | <input type="checkbox"/> Pueblo | <input checked="" type="checkbox"/> Spanish-Pueblo Revival |
| <input type="checkbox"/> Bungalow/Craftsman | <input type="checkbox"/> International | <input type="checkbox"/> Neo-Classical | <input type="checkbox"/> Queen Anne | <input type="checkbox"/> Territorial |
| <input type="checkbox"/> Colonial Revival | <input type="checkbox"/> Italianate | <input type="checkbox"/> Northern NM | <input type="checkbox"/> Ranch | <input type="checkbox"/> Territorial Revival |
| <input type="checkbox"/> Folk Victorian | <input type="checkbox"/> Mediterranean | <input type="checkbox"/> Prairie | <input type="checkbox"/> Spanish-Colonial | <input type="checkbox"/> Tudor Revival |

Notes:

17. Documents Available and Their Locations

PARTIAL SET OF DRAWINGS AVAILABLE FROM PRESBYTERIAN CHURCH, USA VIA PAUL DURAN AT SOTHEBY'S REAL ESTATE. RESEARCH PROVIDED ON DISC TO PRESBYTERIAN CHURCH, USA. AERIAL PHOTOGRAPHS FROM NEW MEXICO DEPARTMENT OF TRANSPORTATION. CENTER FOR SOUTHWEST RESEARCH, UNIVERSITY LIBRARIES, UNIVERSITY OF NEW MEXICO. THE NEW MEXICAN 8.19.2006 OBITUARY FOR PHILIPPE REGISTER. POMONA PUBLIC LIBRARY FRASHER FOTO POSTCARD COLLECTION.

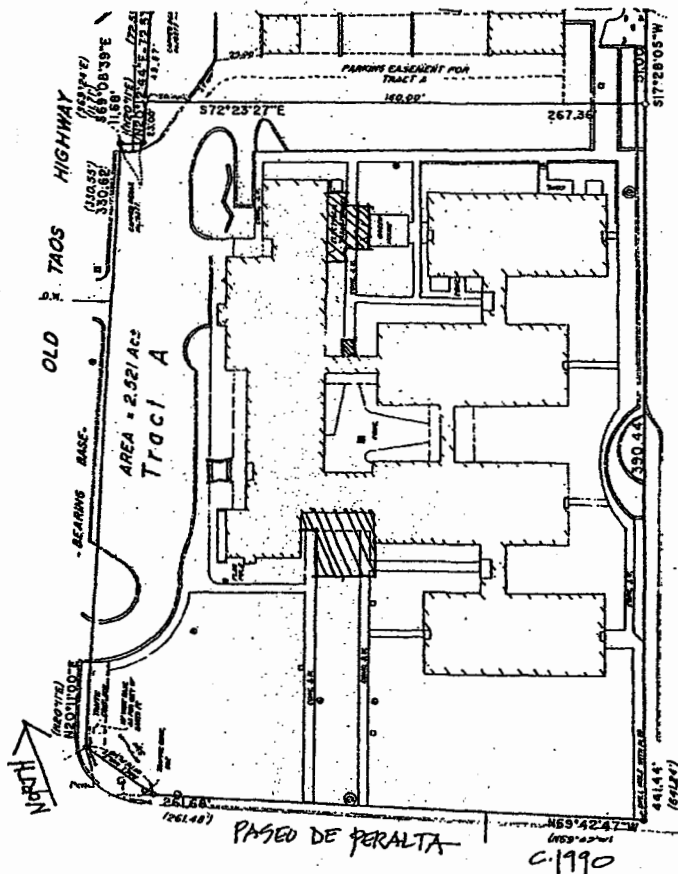
SITE

18. Attached or Associated Properties

RETIREMENT RESIDENCES AND CARPORTS WERE ALSO DESIGNED AND BUILT DURING THE MID-60'S. THEY WERE NOT SURVEYED AS PART OF THIS PROJECT.

Are associated properties eligible for listing? NO

19. Site Plan:



HATCHED AREAS ARE THE ADDITIONS.

EXHIBIT

F

tabbles

401 Old Taos Hwy

3

SW corner
Primary Facades



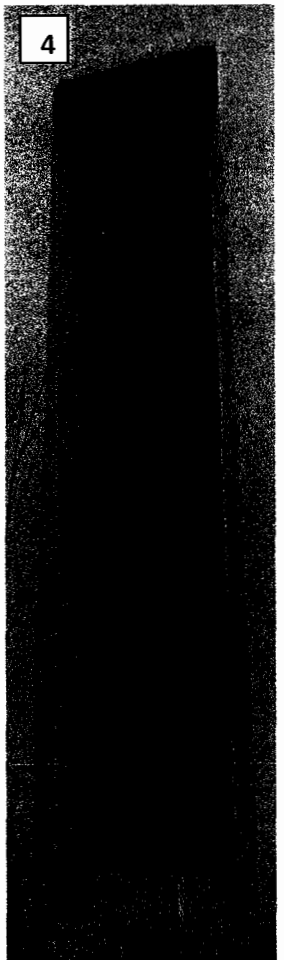
2

addition on S facade



1

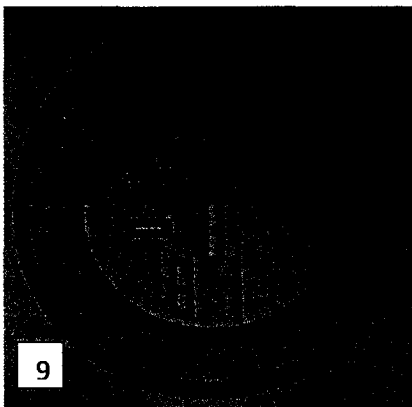
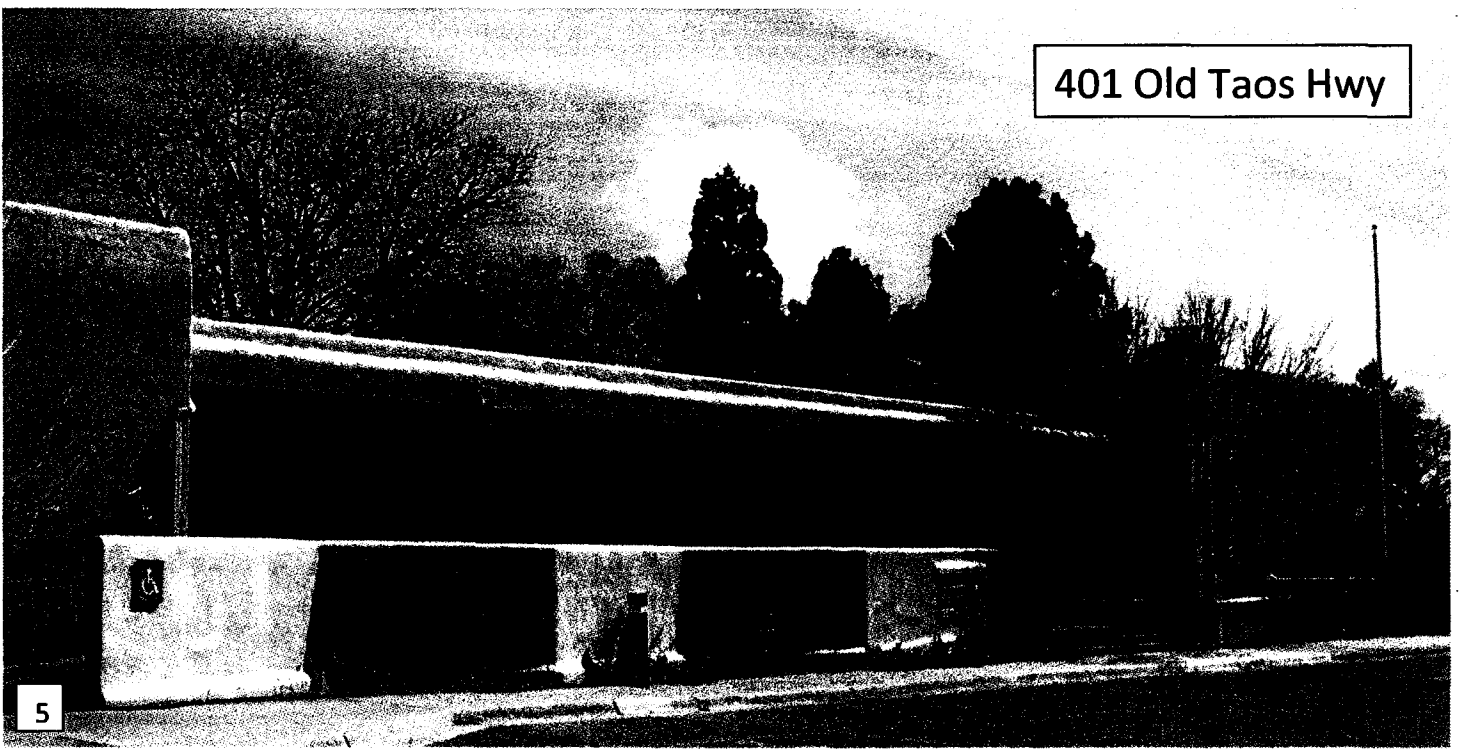
E end of S facade



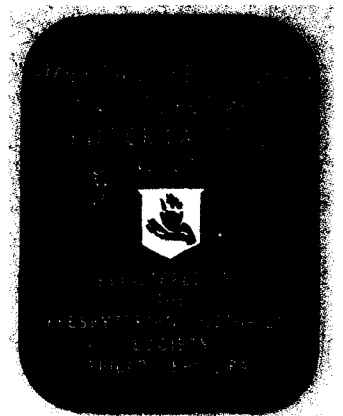
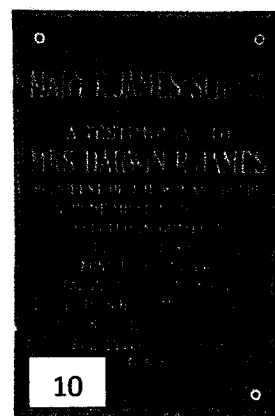
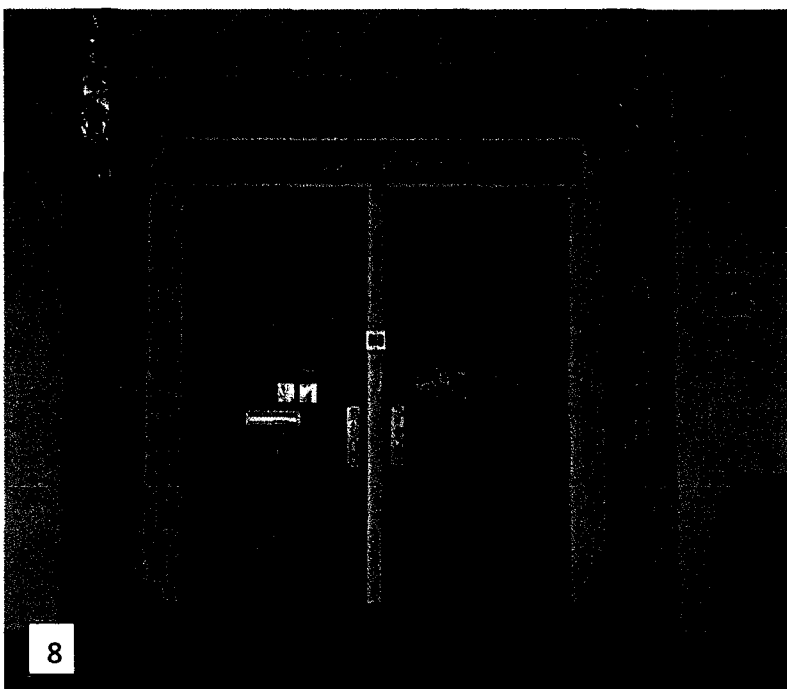
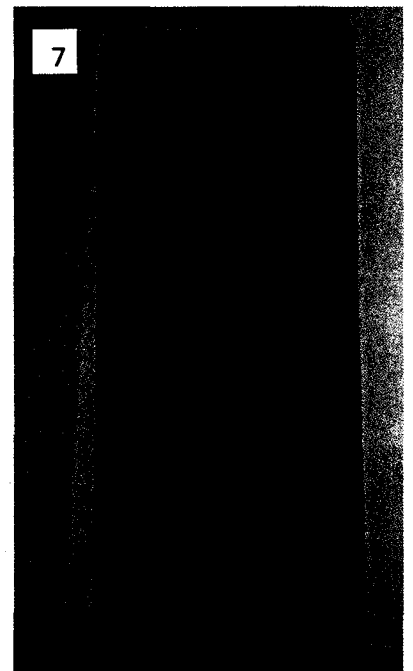
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Exhibit "16"

401 Old Taos Hwy

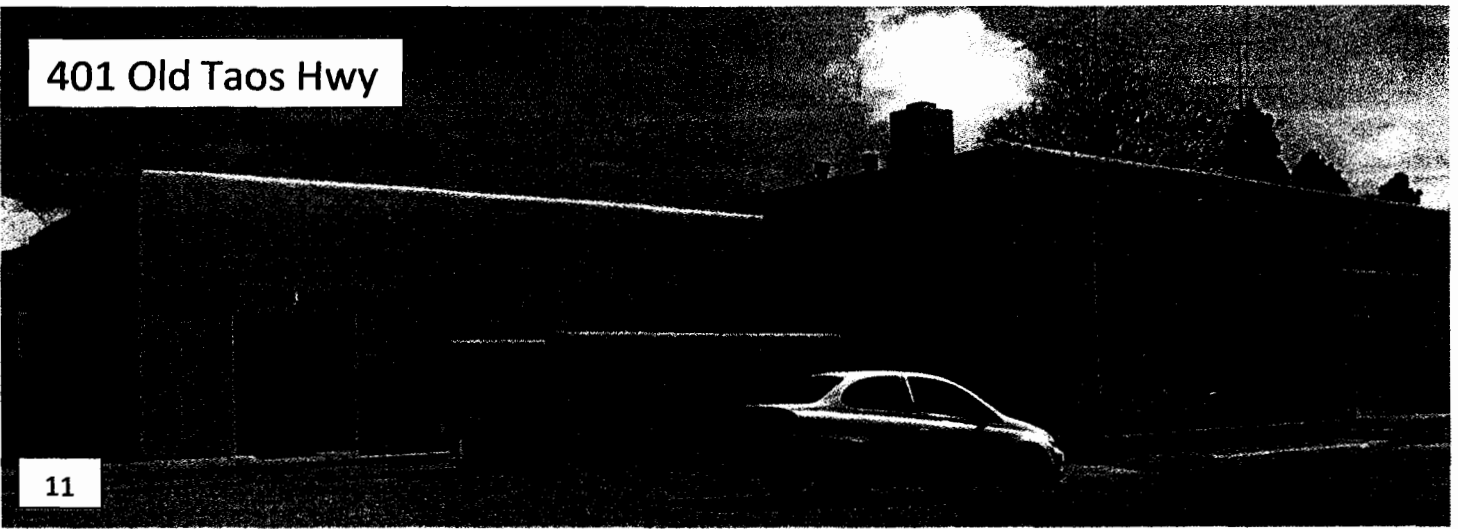


Main Entry Portal
S half of W Primary Facade



401 Old Taos Hwy

11



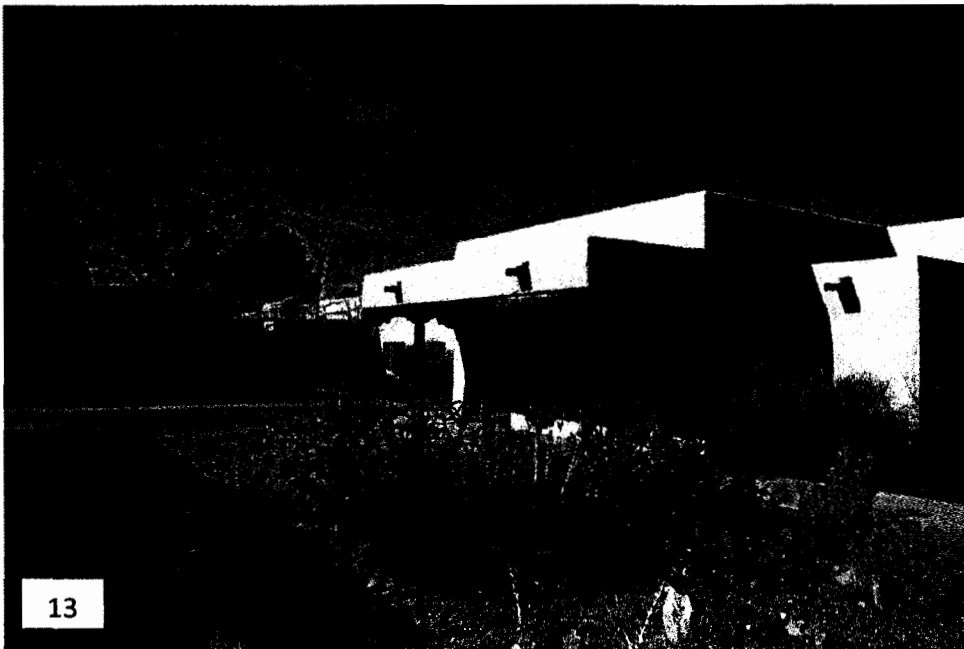
N half of W Primary Facade

12

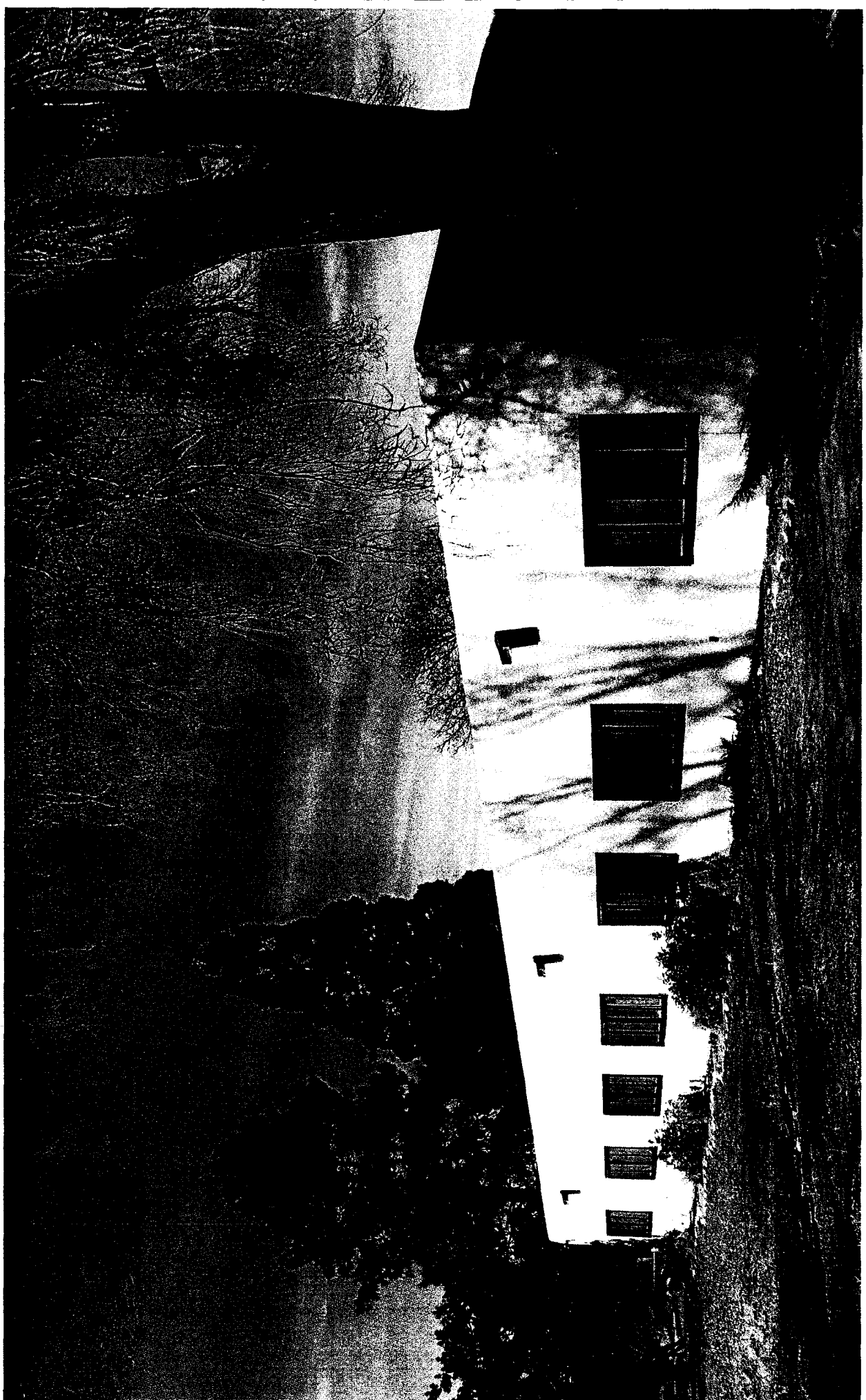


recessed portal entry

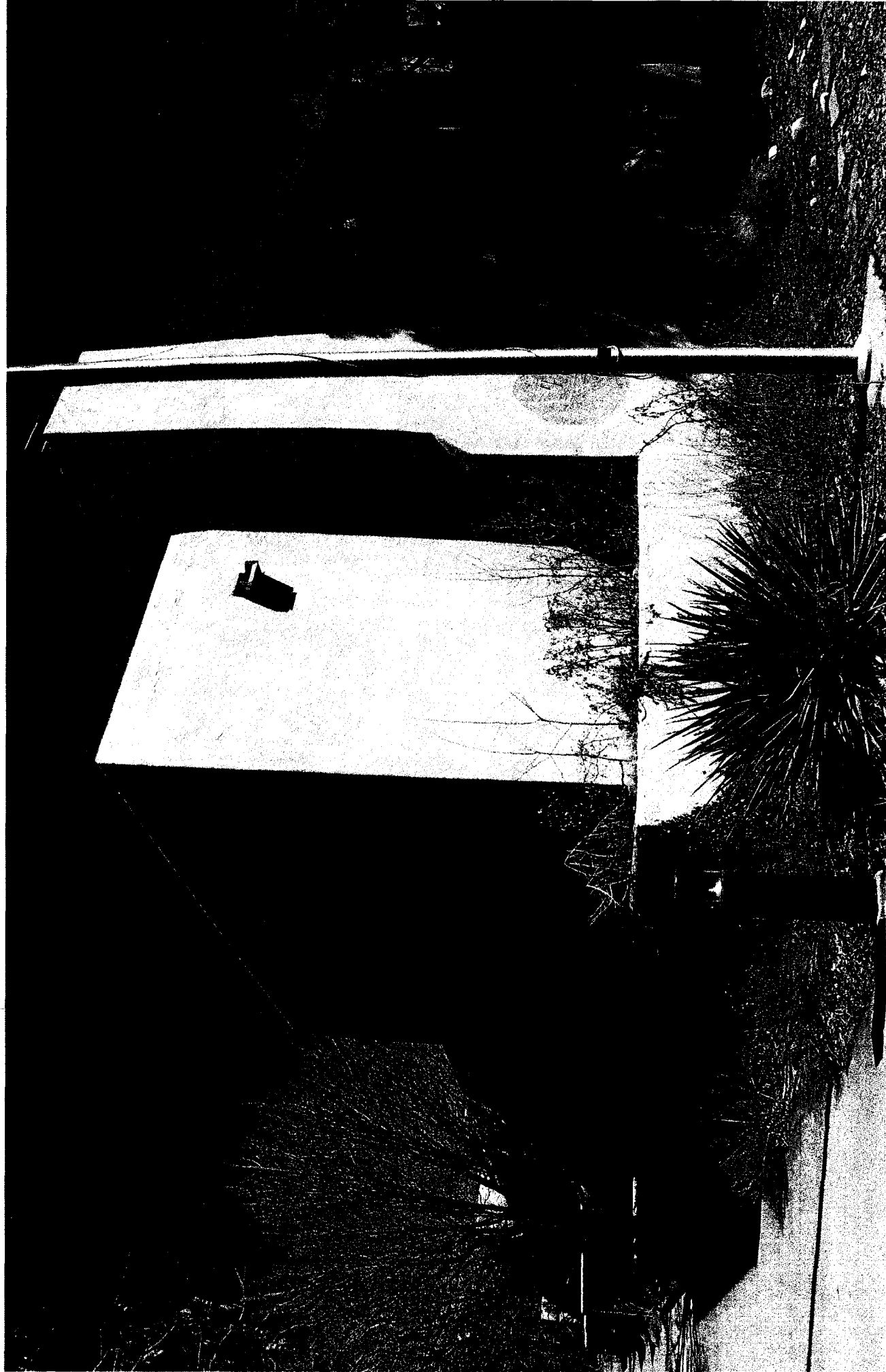
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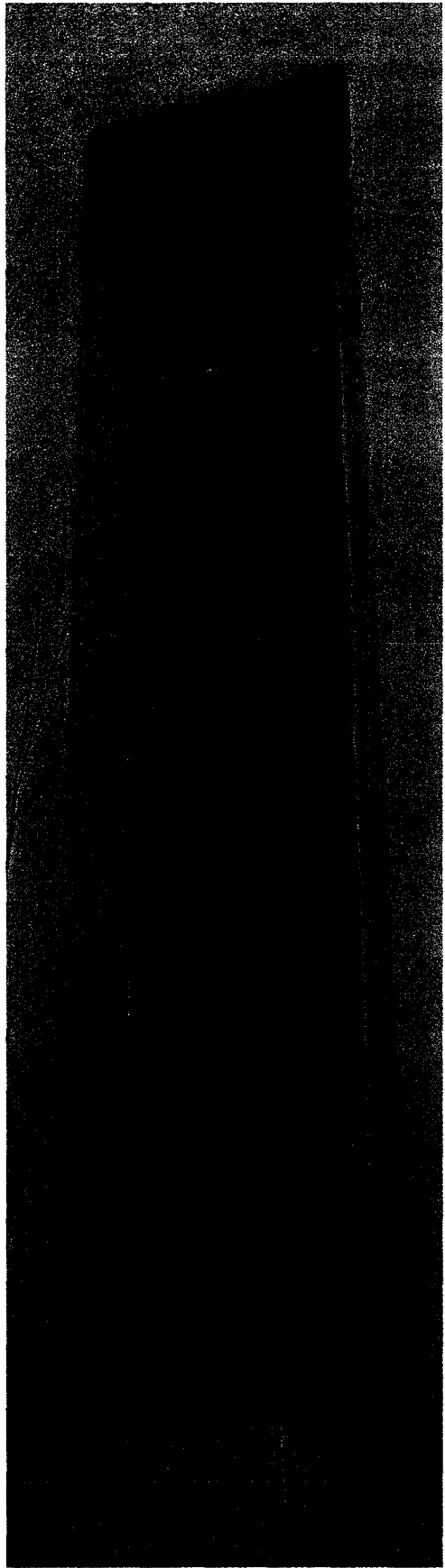
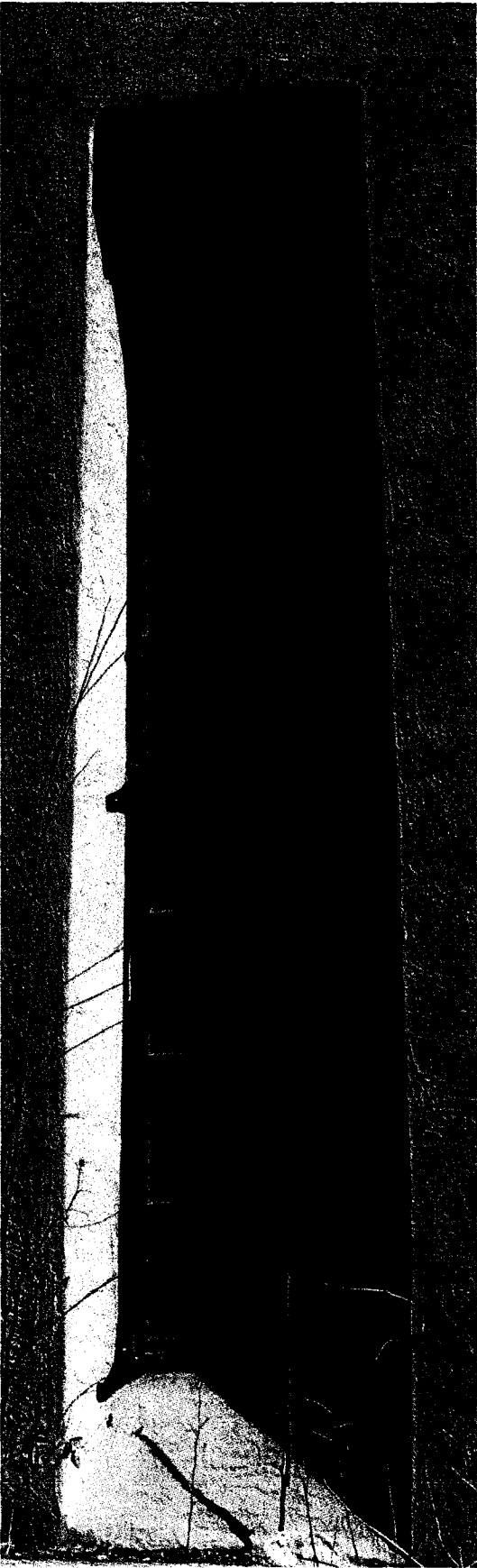


additions at rear

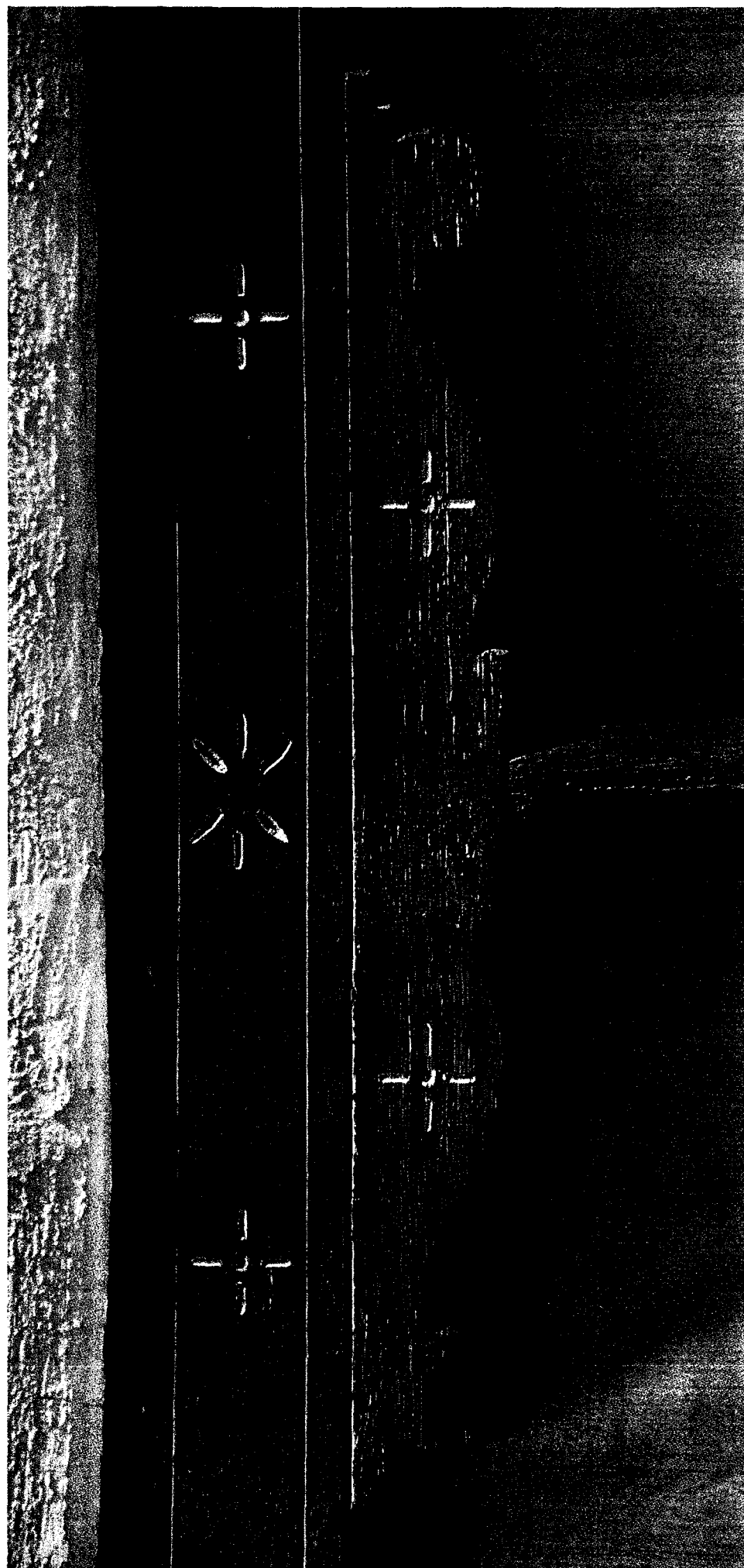


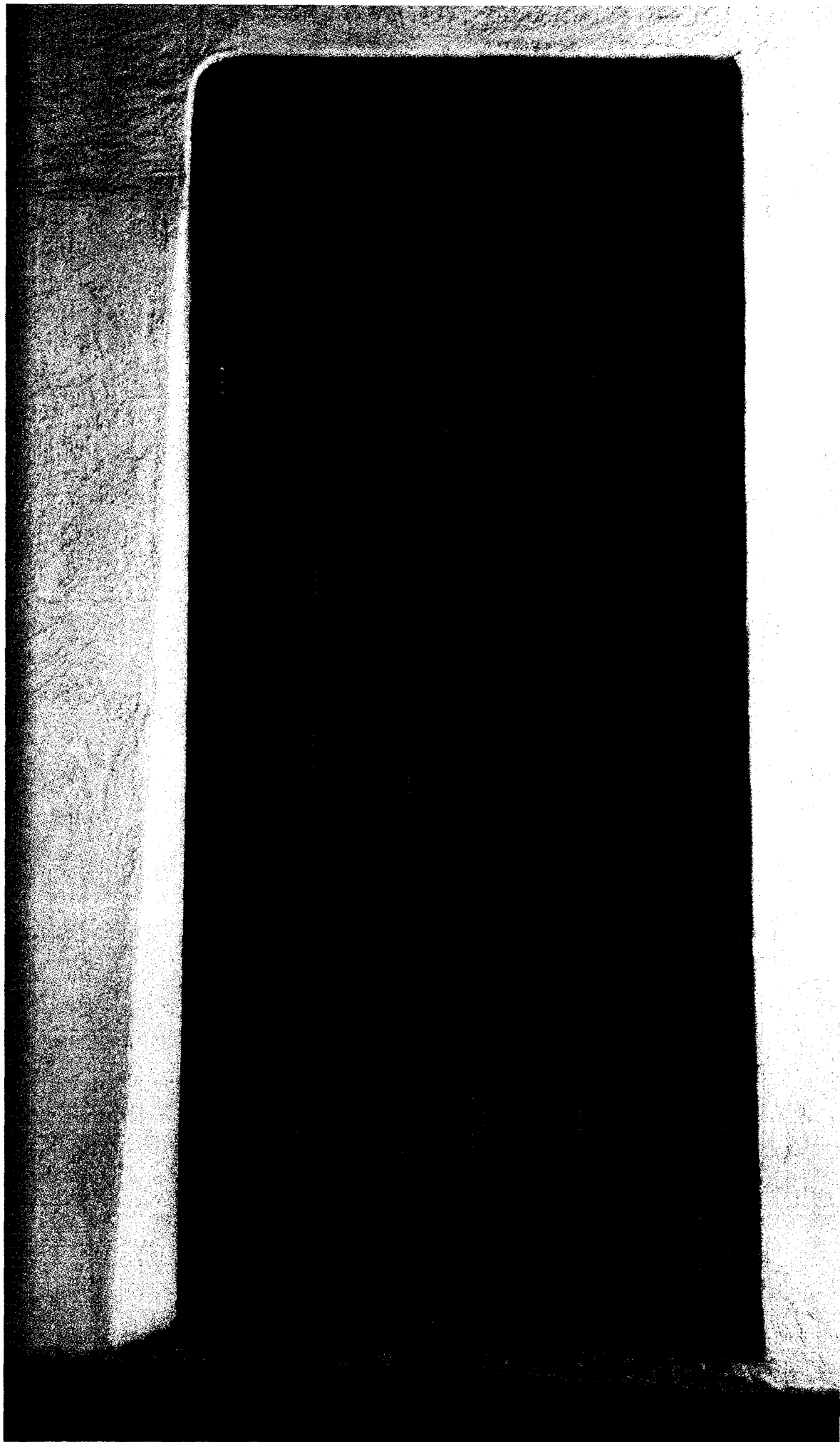




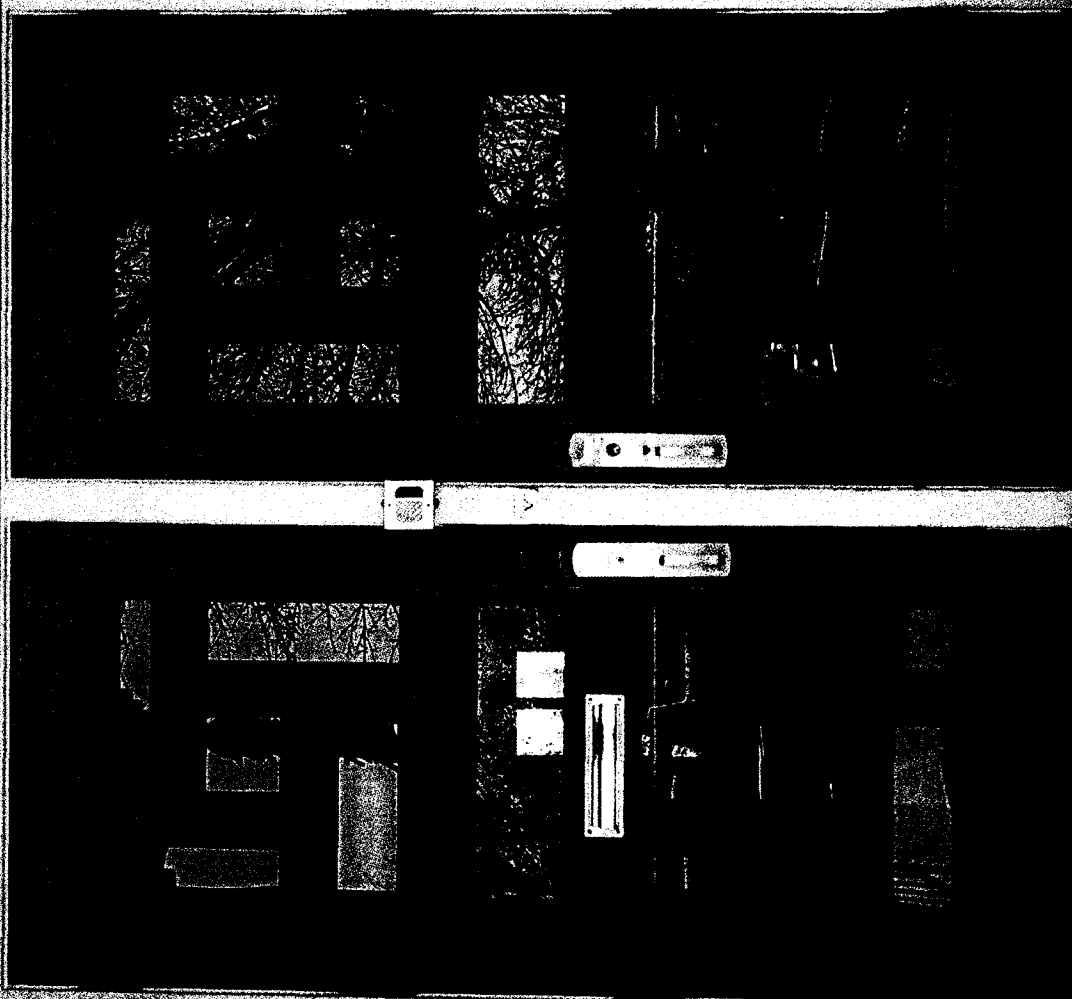


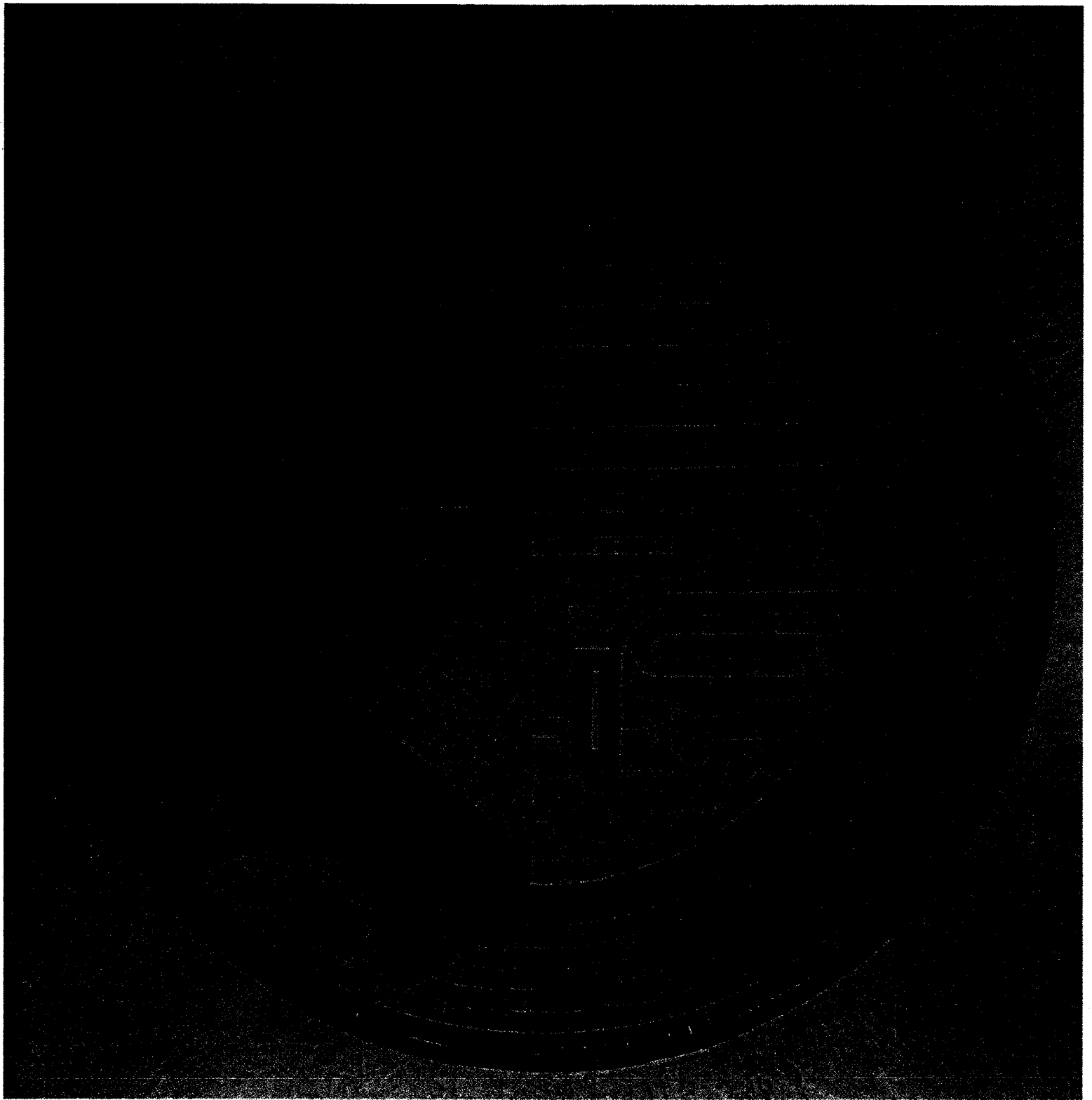






Please to all who enter here





MARY F. JAMES SCHOLM

A TESTIMONIAL TO

MRS. DARWIN R. JAMES

PRESIDENT OF THE WOMAN'S BOARD
OF HOME MISSIONS 1885-1909

ERECTED IN GRATEFUL

RECOGNITION OF

LONG EFFICIENCY AND

LOYAL SERVICE BY THE

WOMAN'S BOARD OF HOME MISSIONS

SOCIETY OF WOMEN

THE BETHLEHEM CHURCH

1914

AMERICAN PRESBYTERIAN
AND REFORMED
HISTORICAL SITE

NO. 222



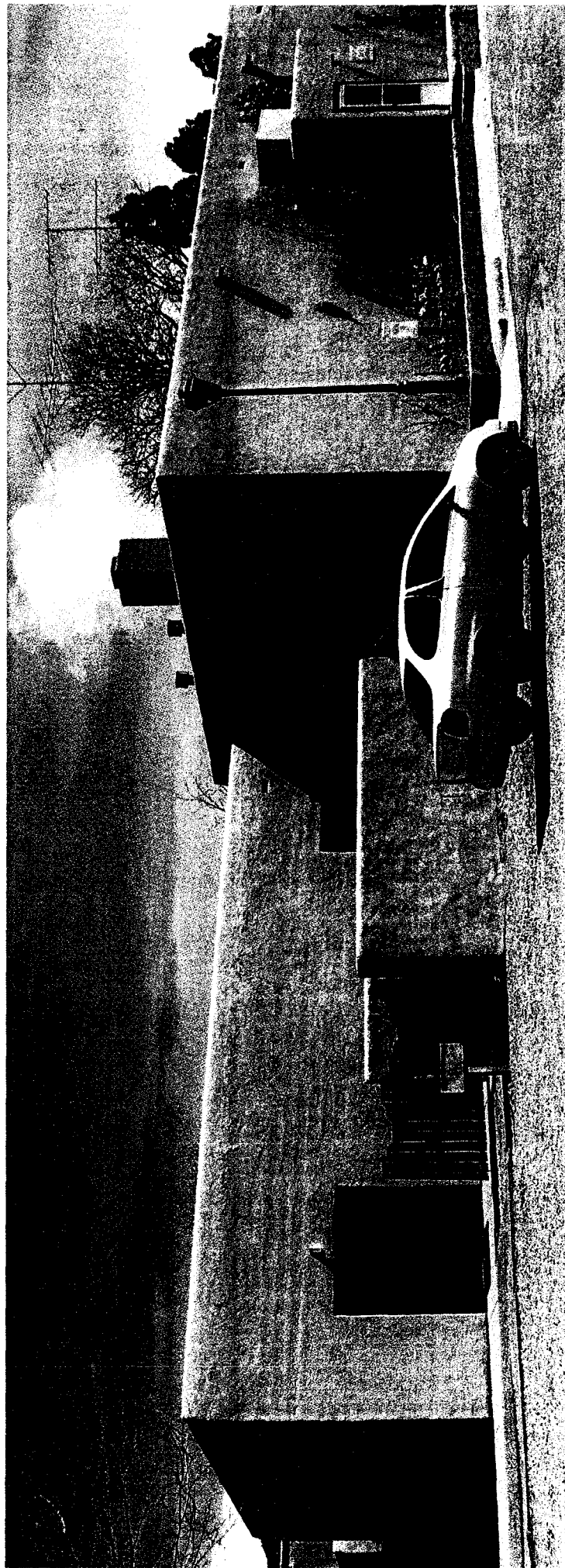
ERECTED BY

THE

AMERICAN PRESBYTERIAN AND REFORMED

CHURCH

OF THE CITY OF BETHLEHEM

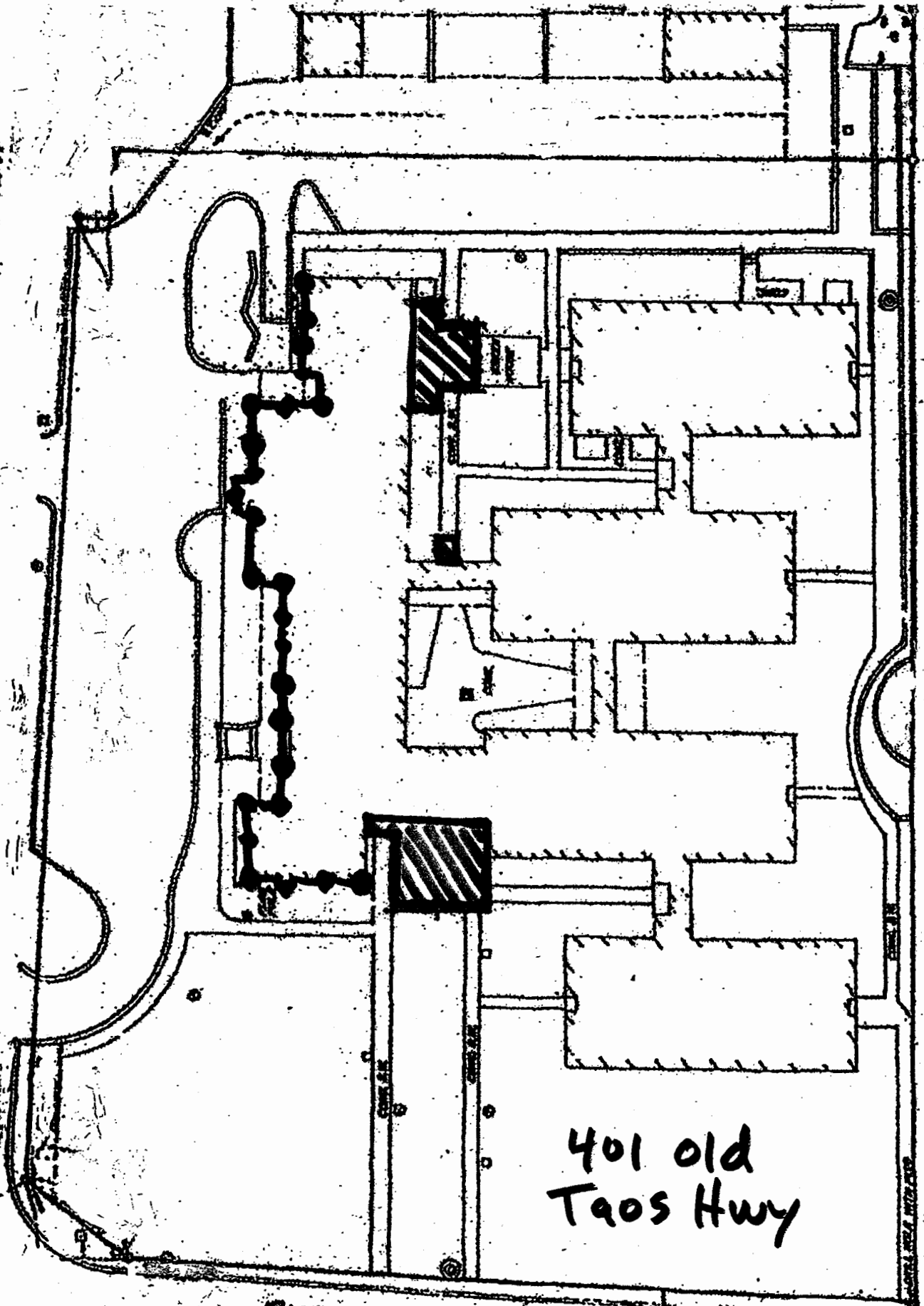






North

OLD TAOS HIGHWAY



401 Old
Taos Hwy

PASEO DE PERALTA

●—●—● = primary elevation

HISTORIC STATUS DEFINITIONS

Non-Contributing

A *structure*, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.

Contributing

A *structure*, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a *contributing structure* is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The *contributing structure* may have had minor *alterations*, but its integrity remains.

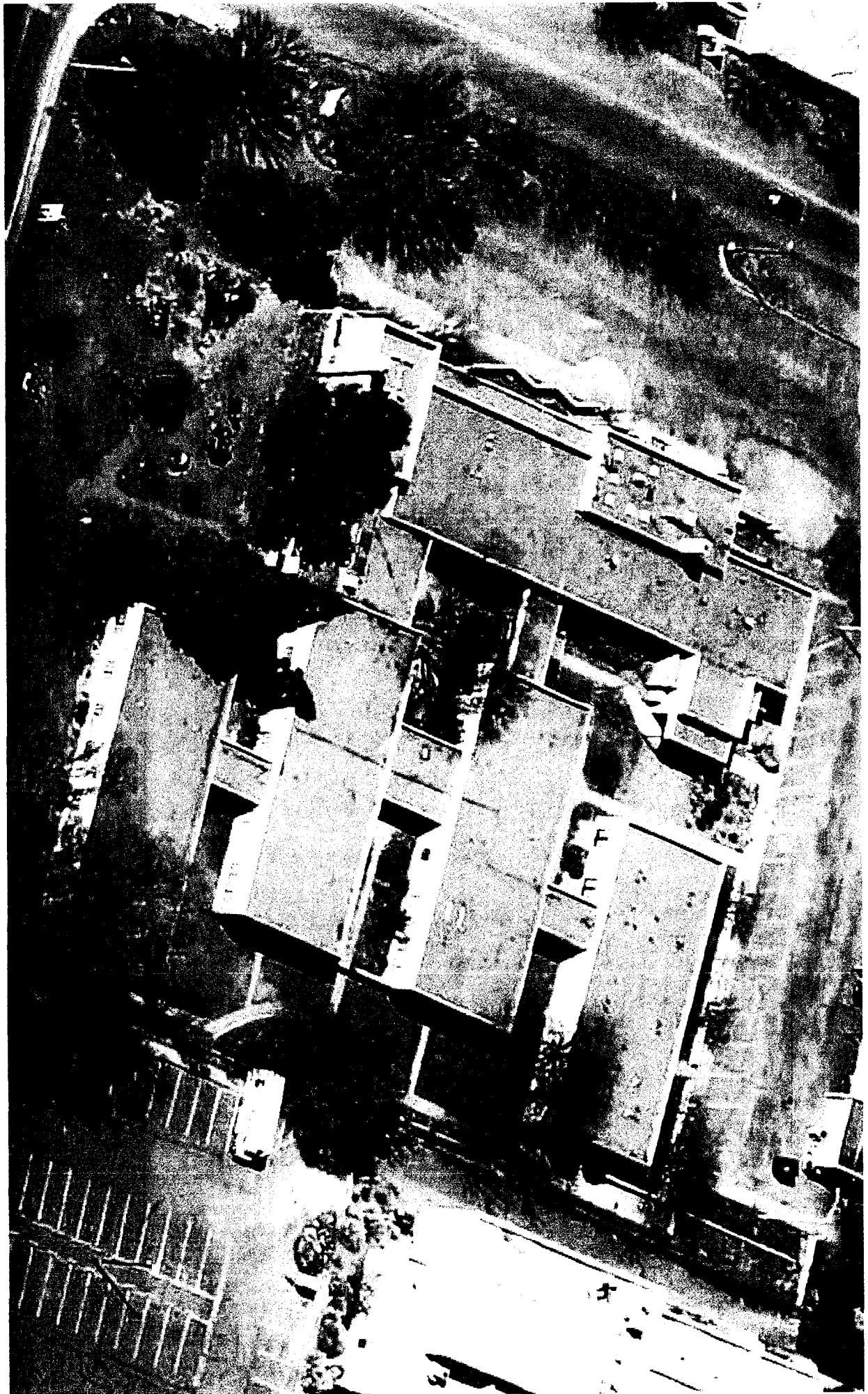
Significant

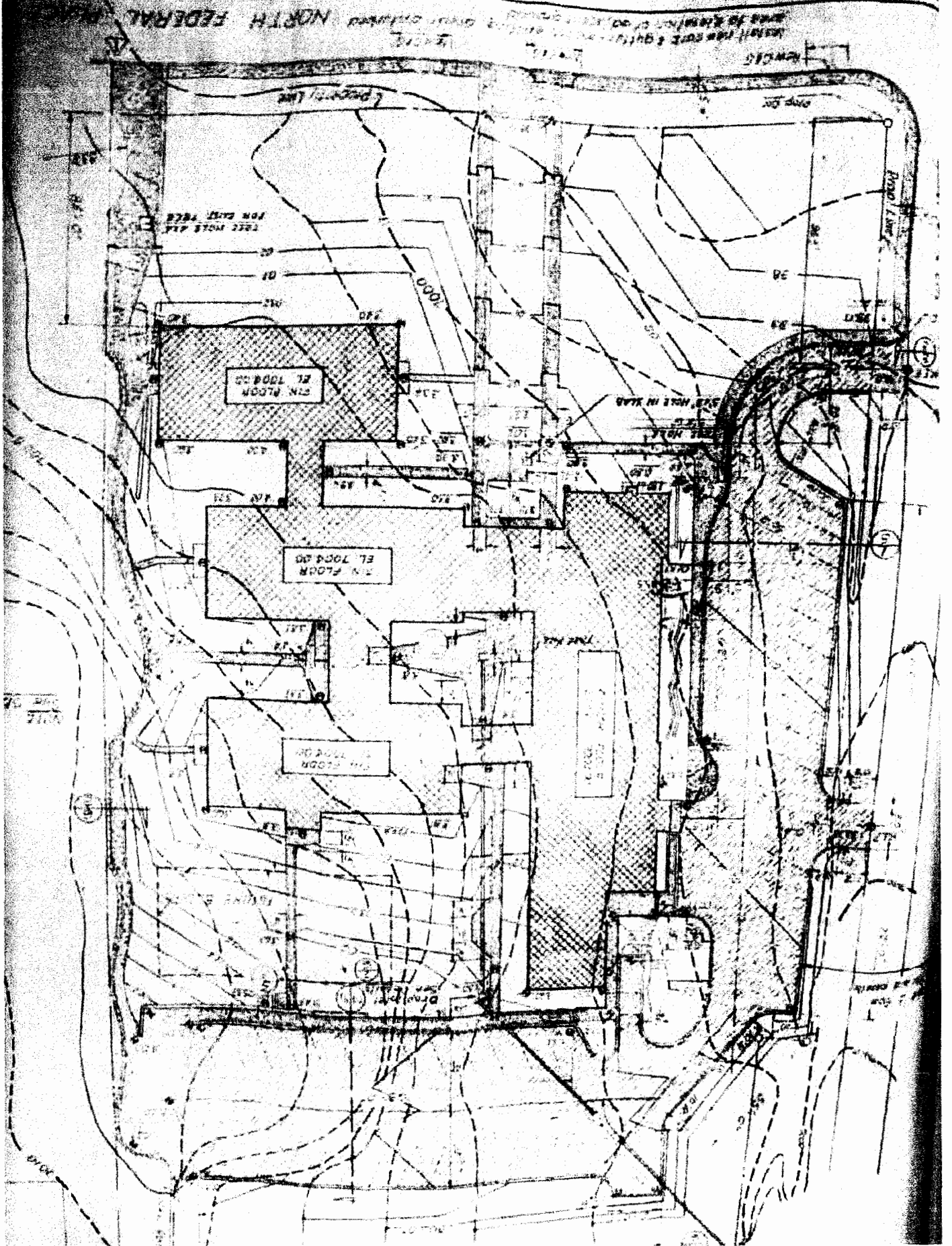
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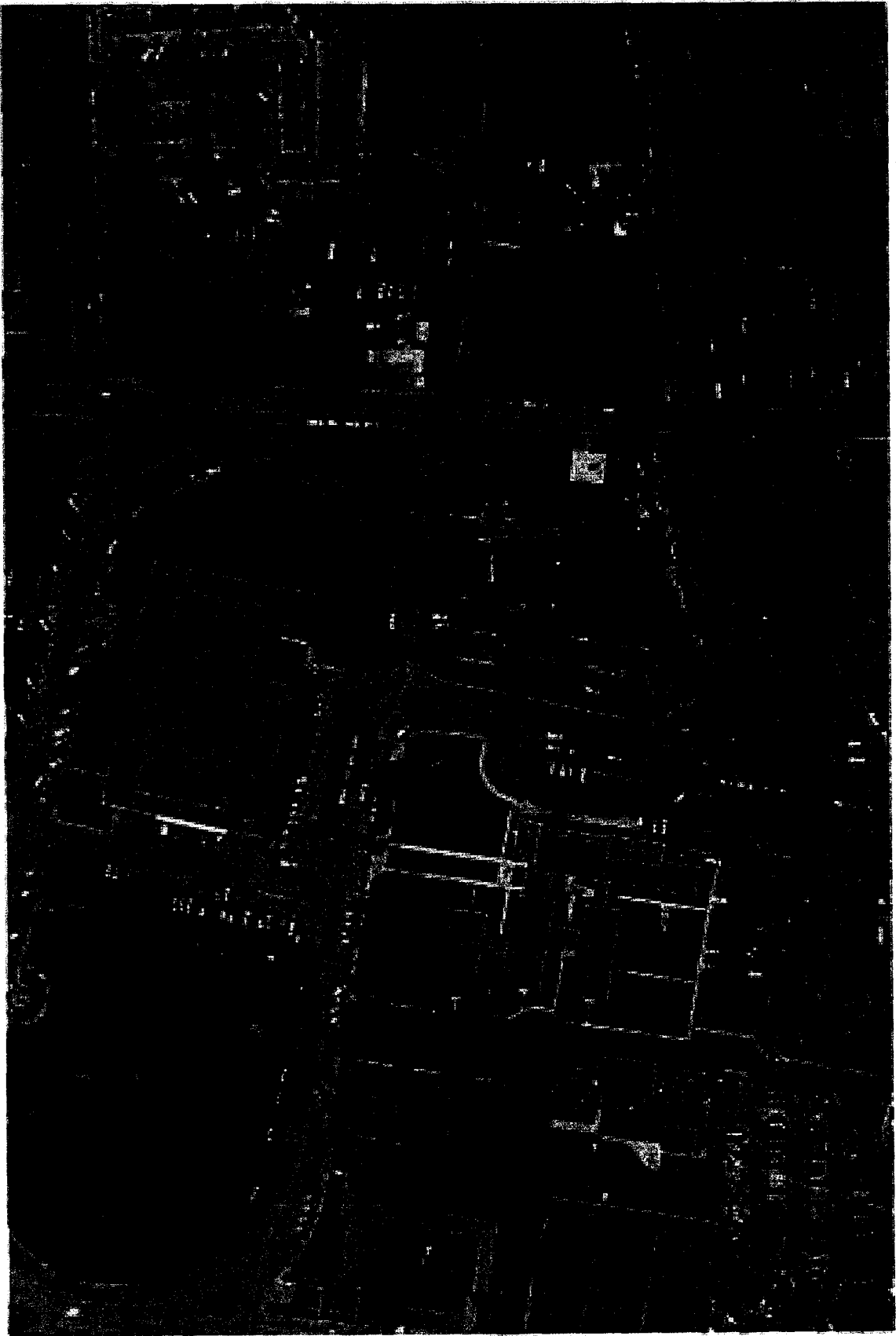
(A) for its association with events or persons that are important on a local, regional, national or global level; or

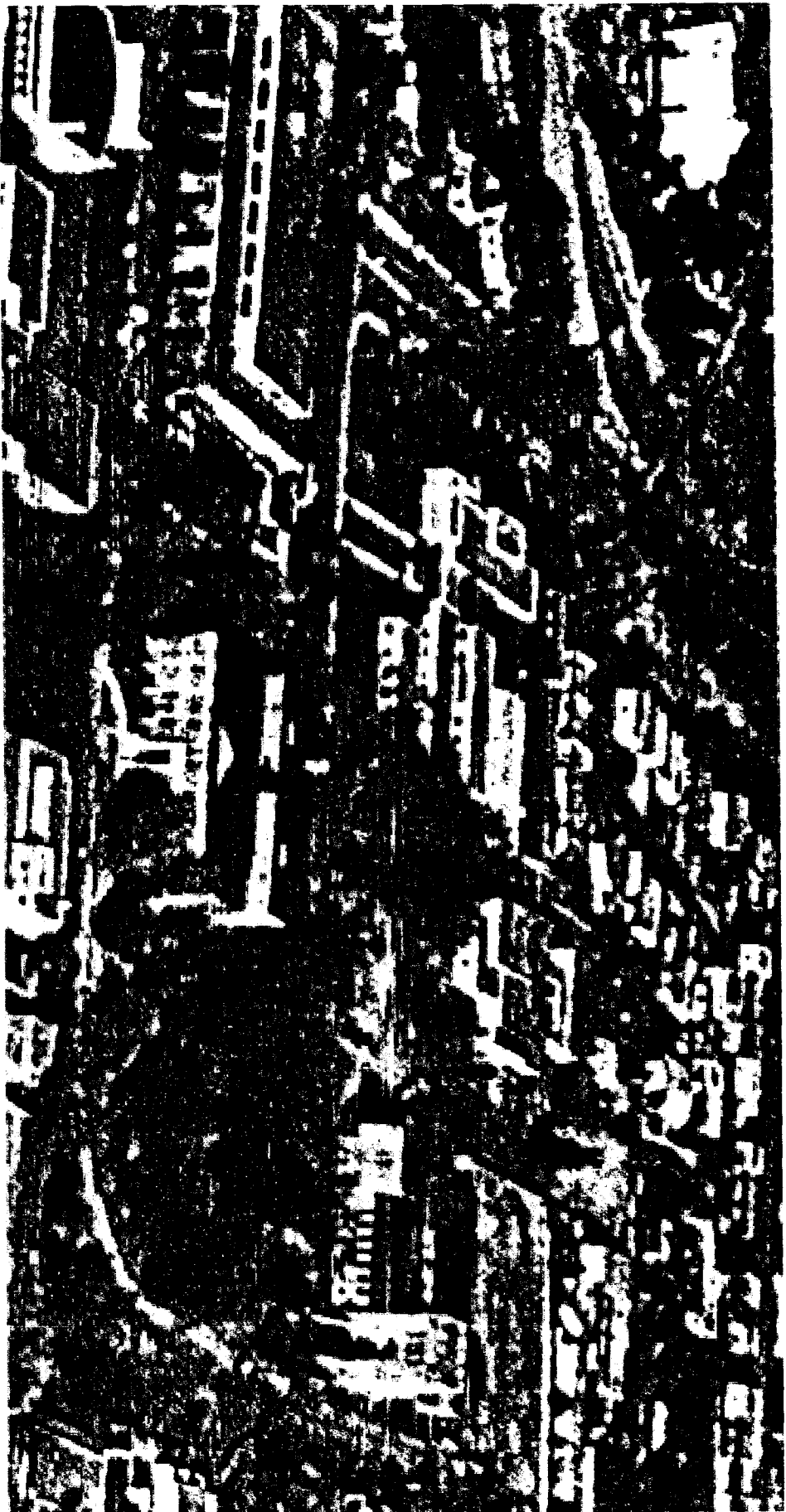
(B) if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

Exhibit 117







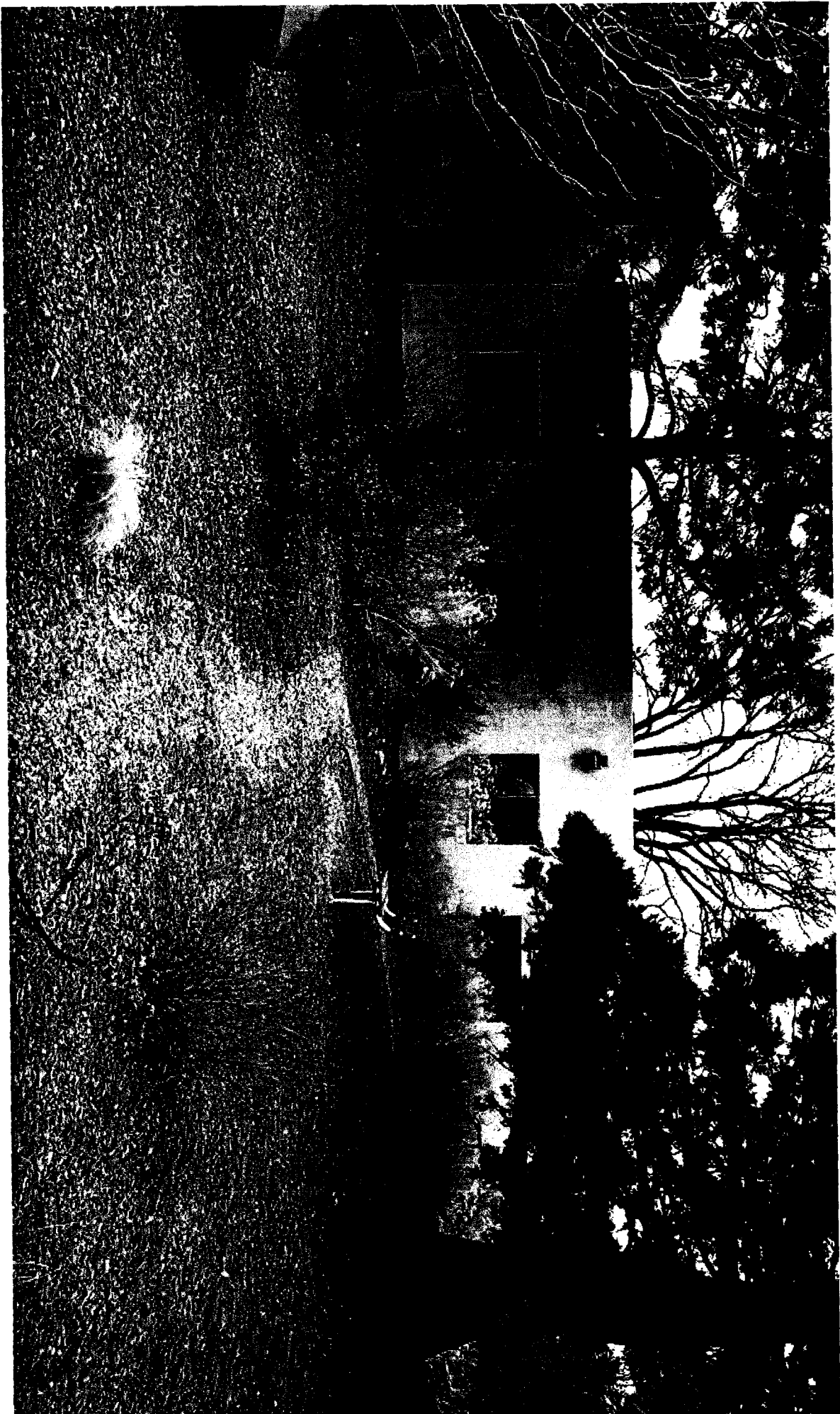


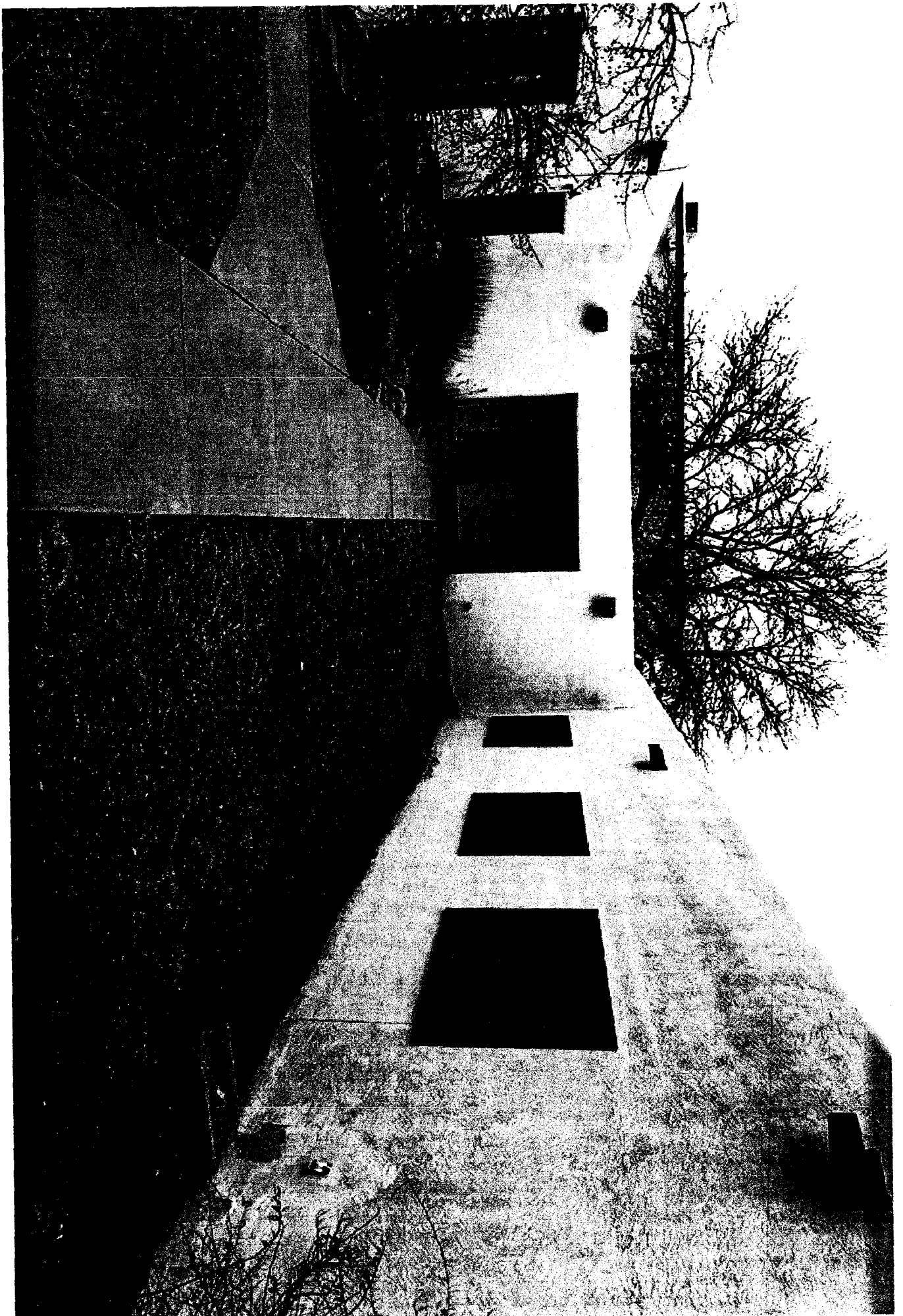
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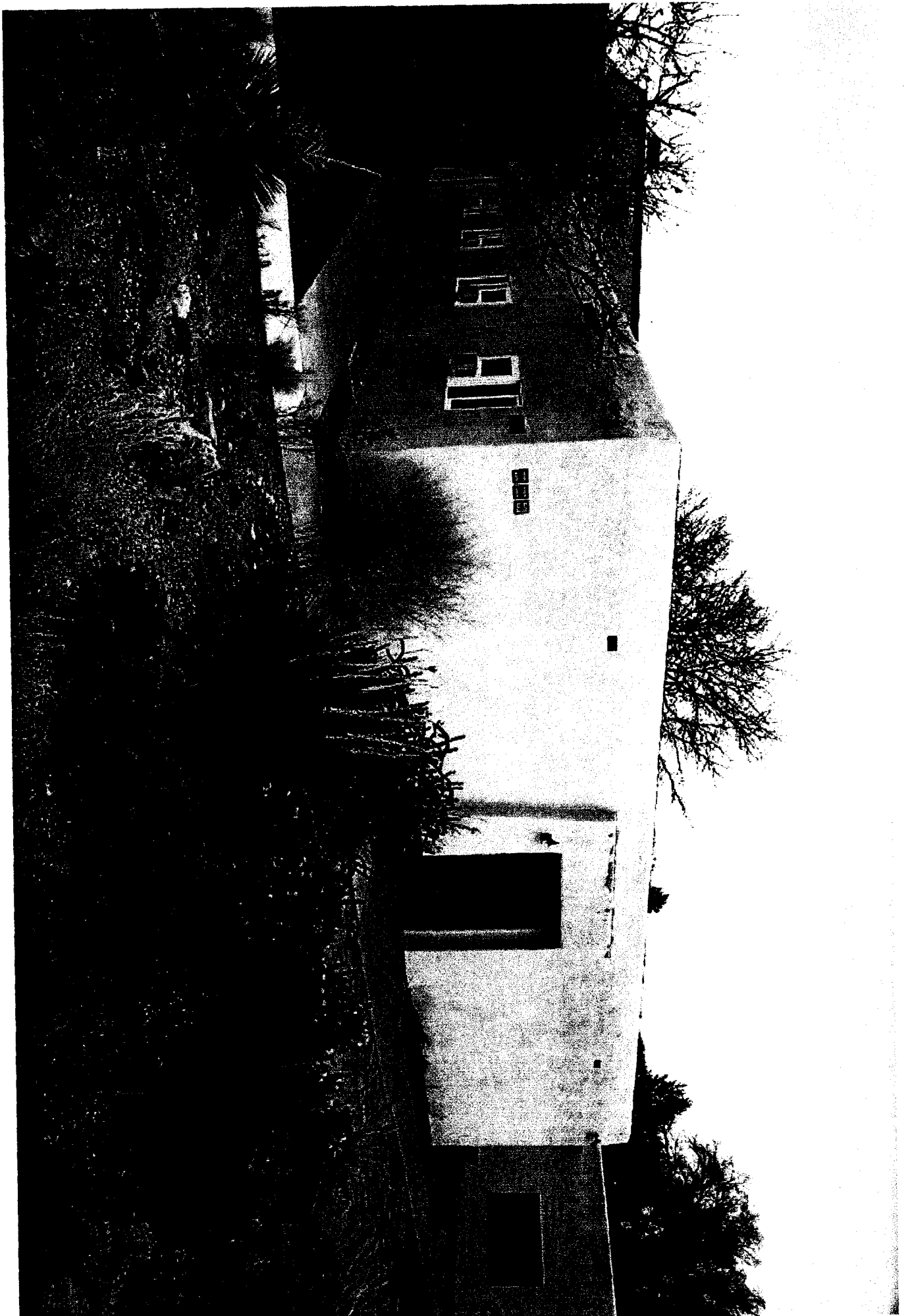


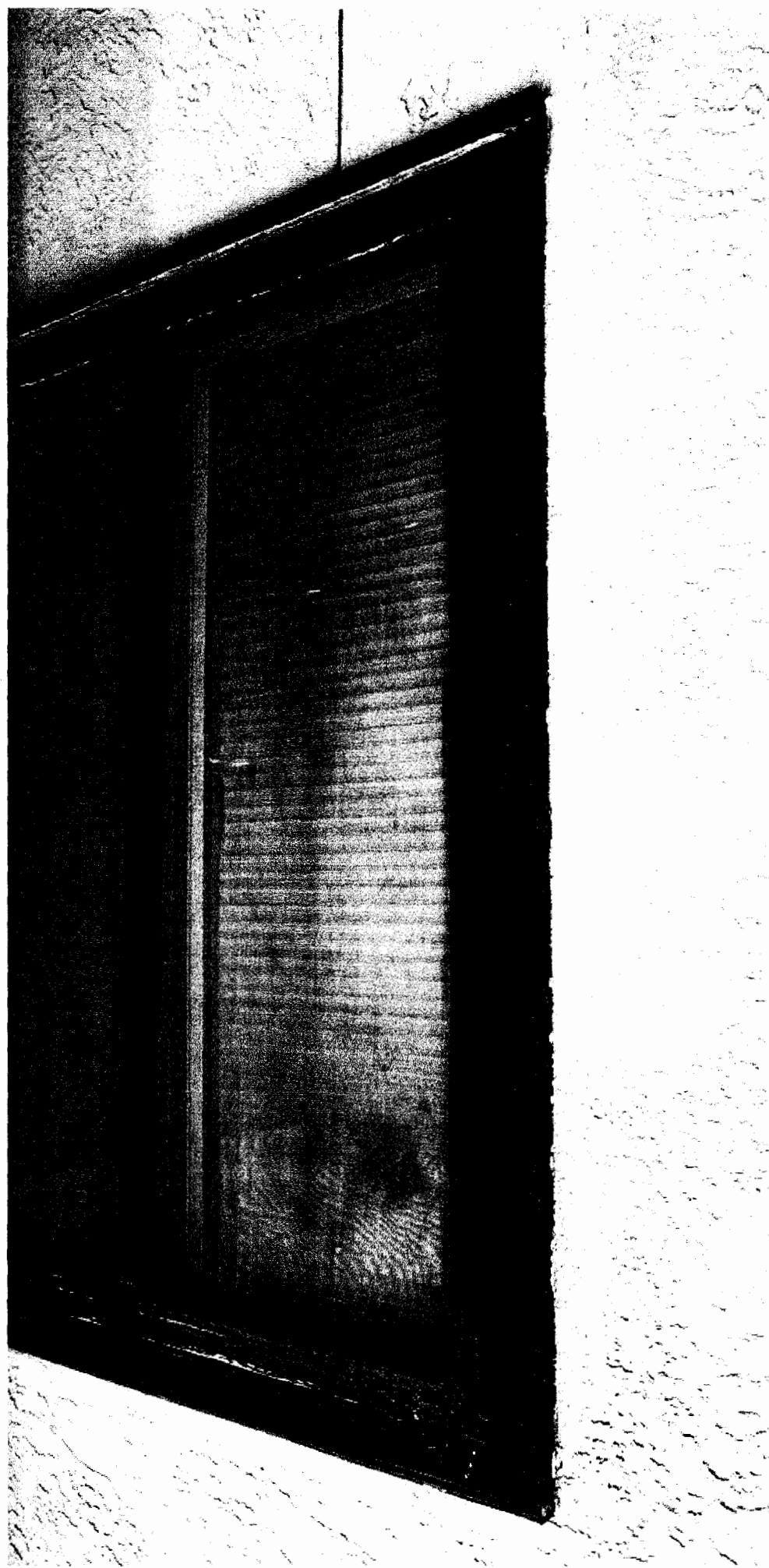


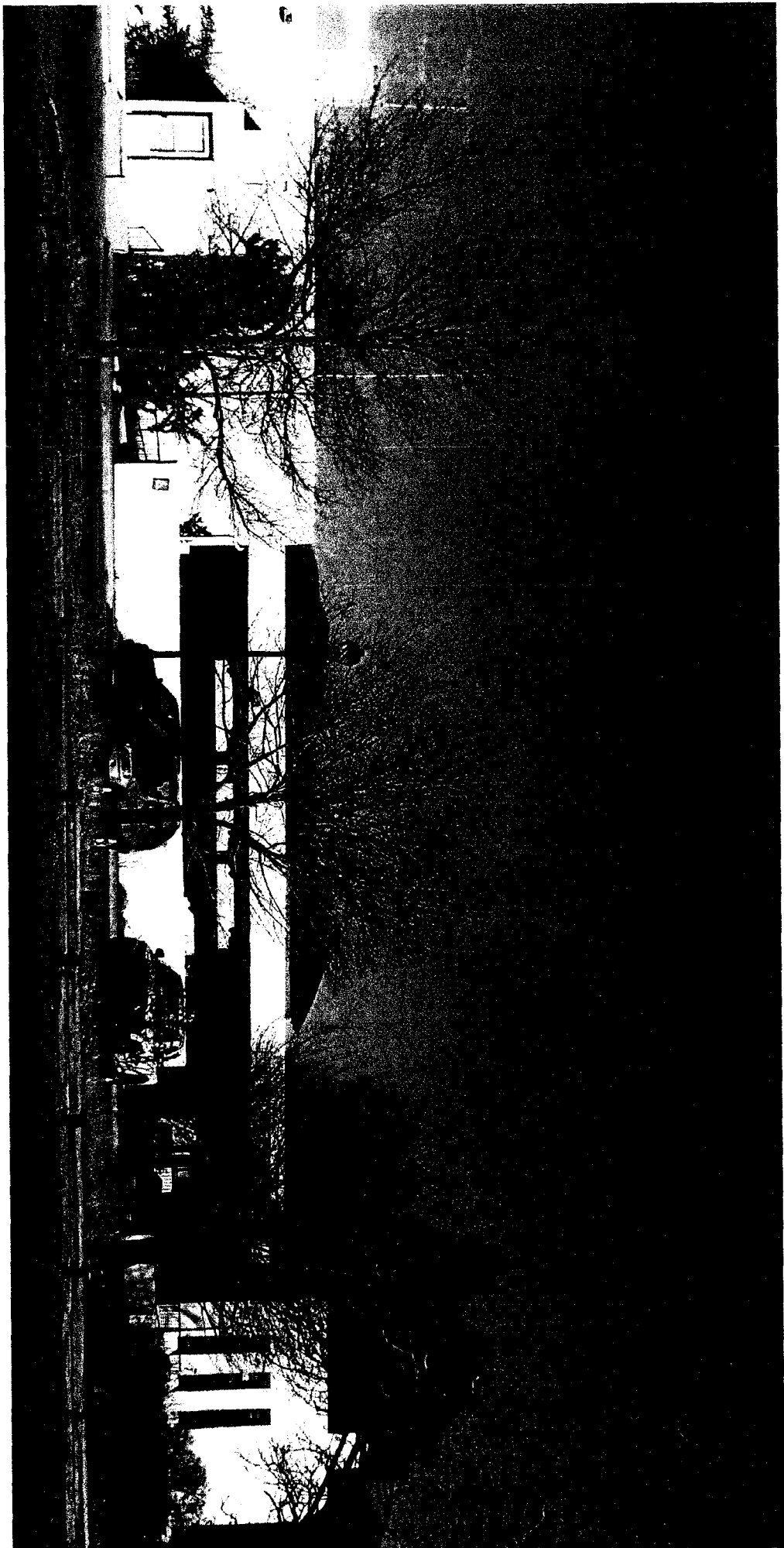


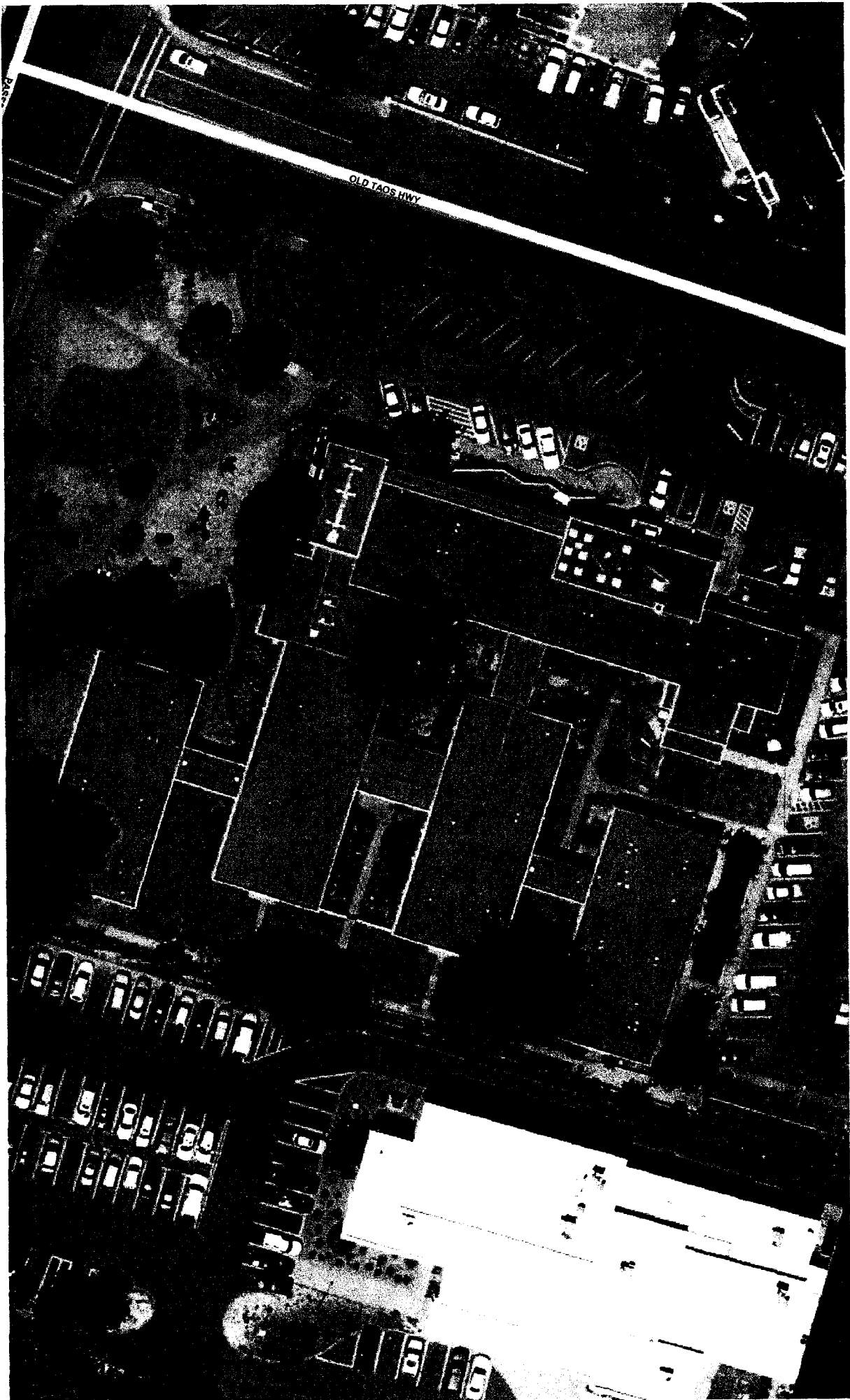


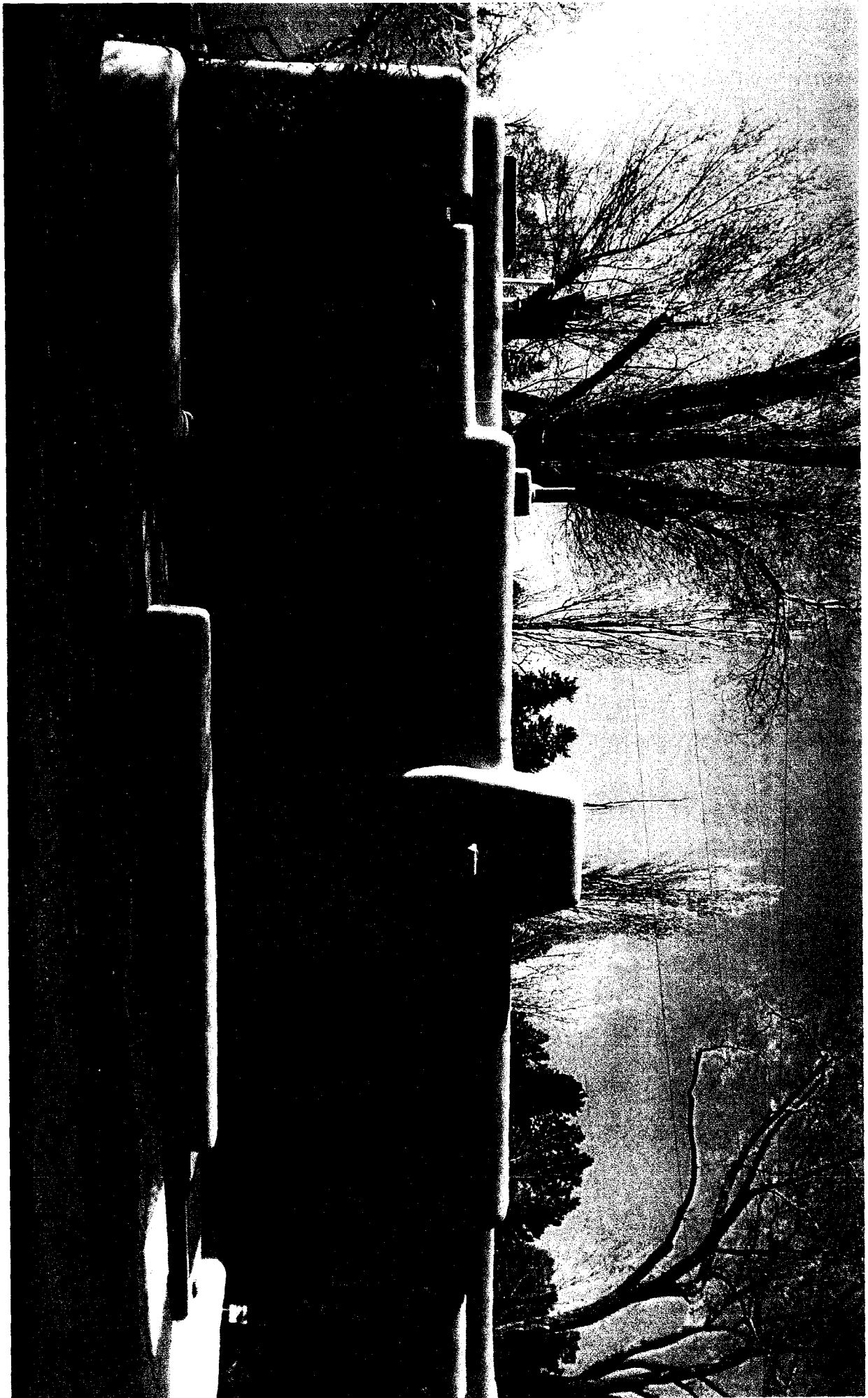




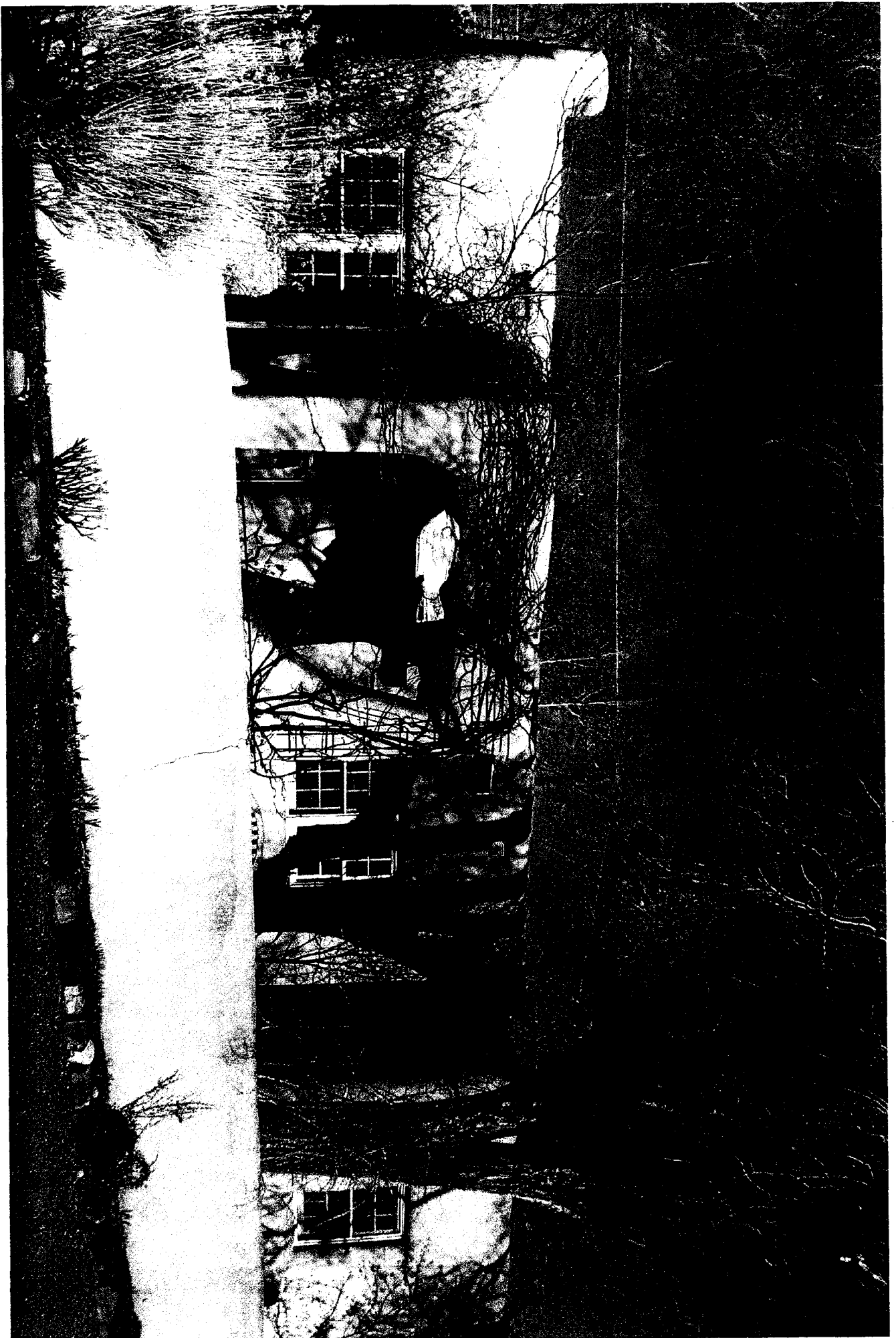


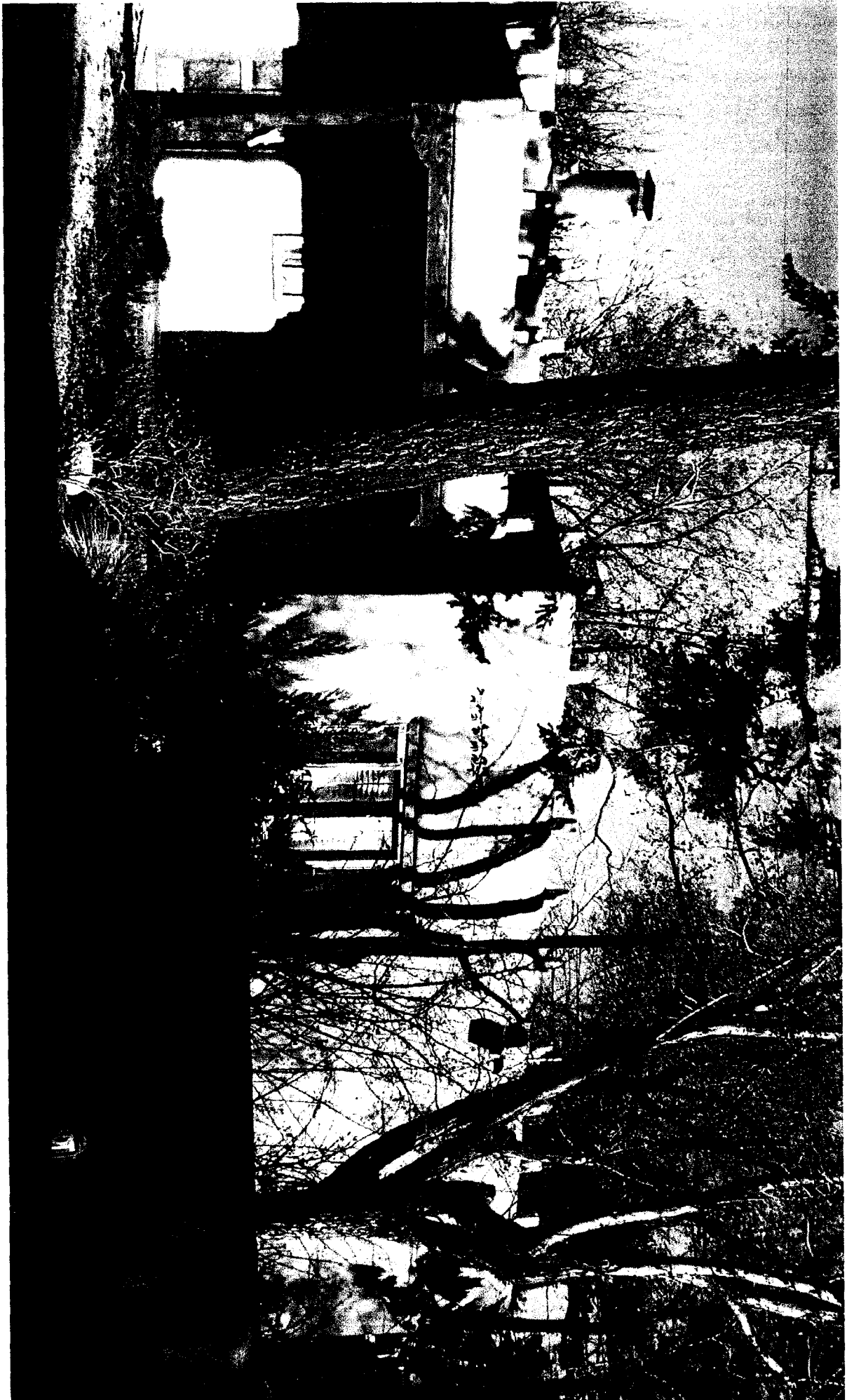


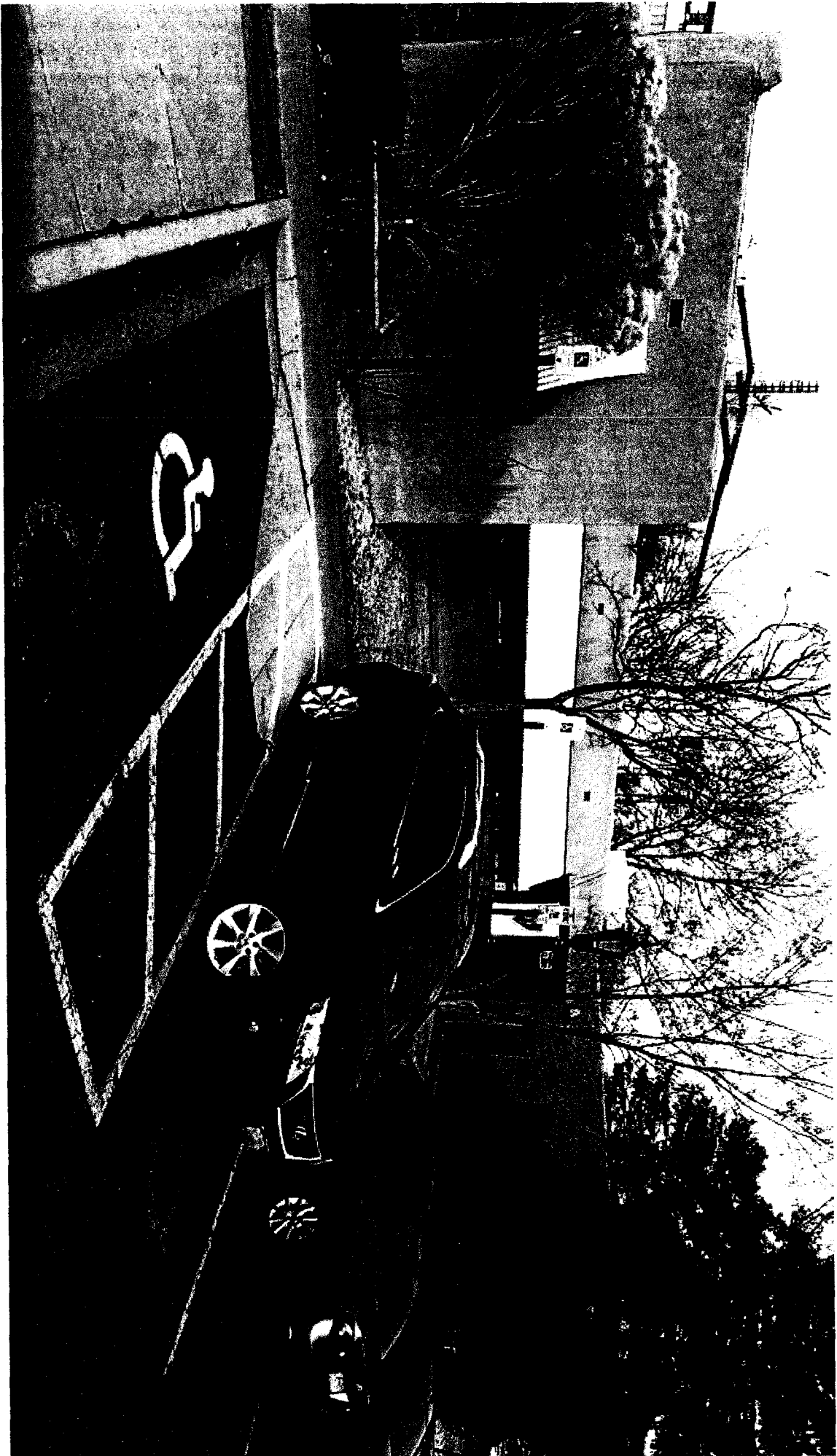


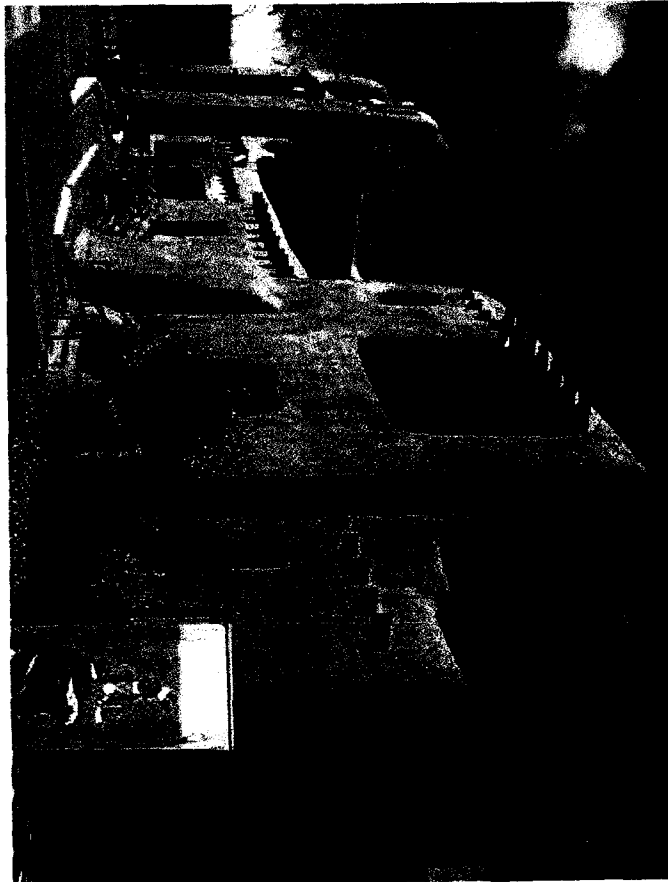
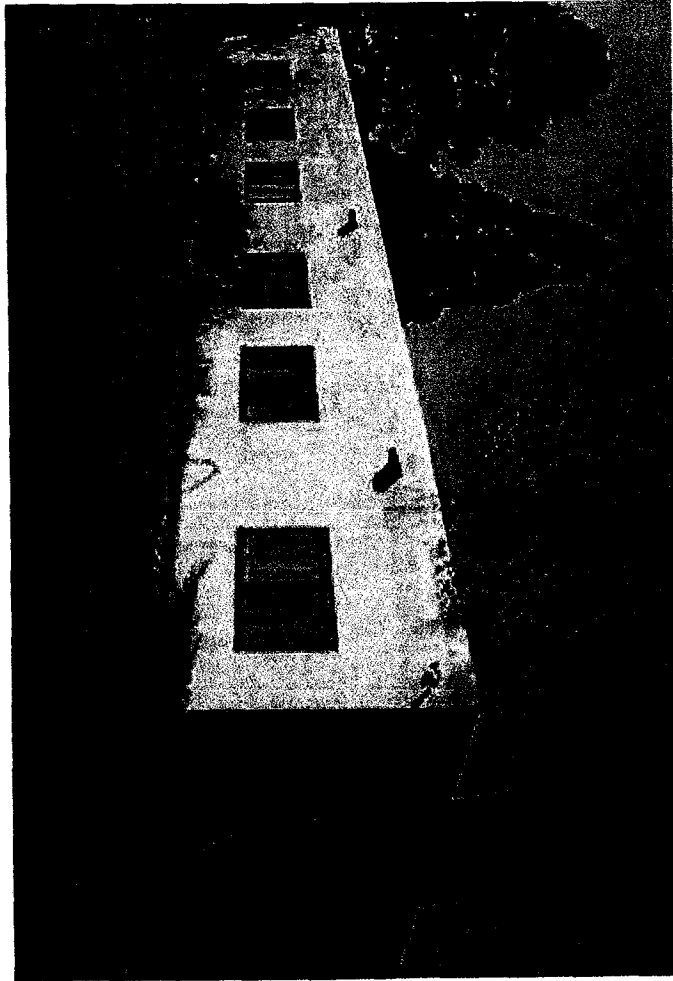


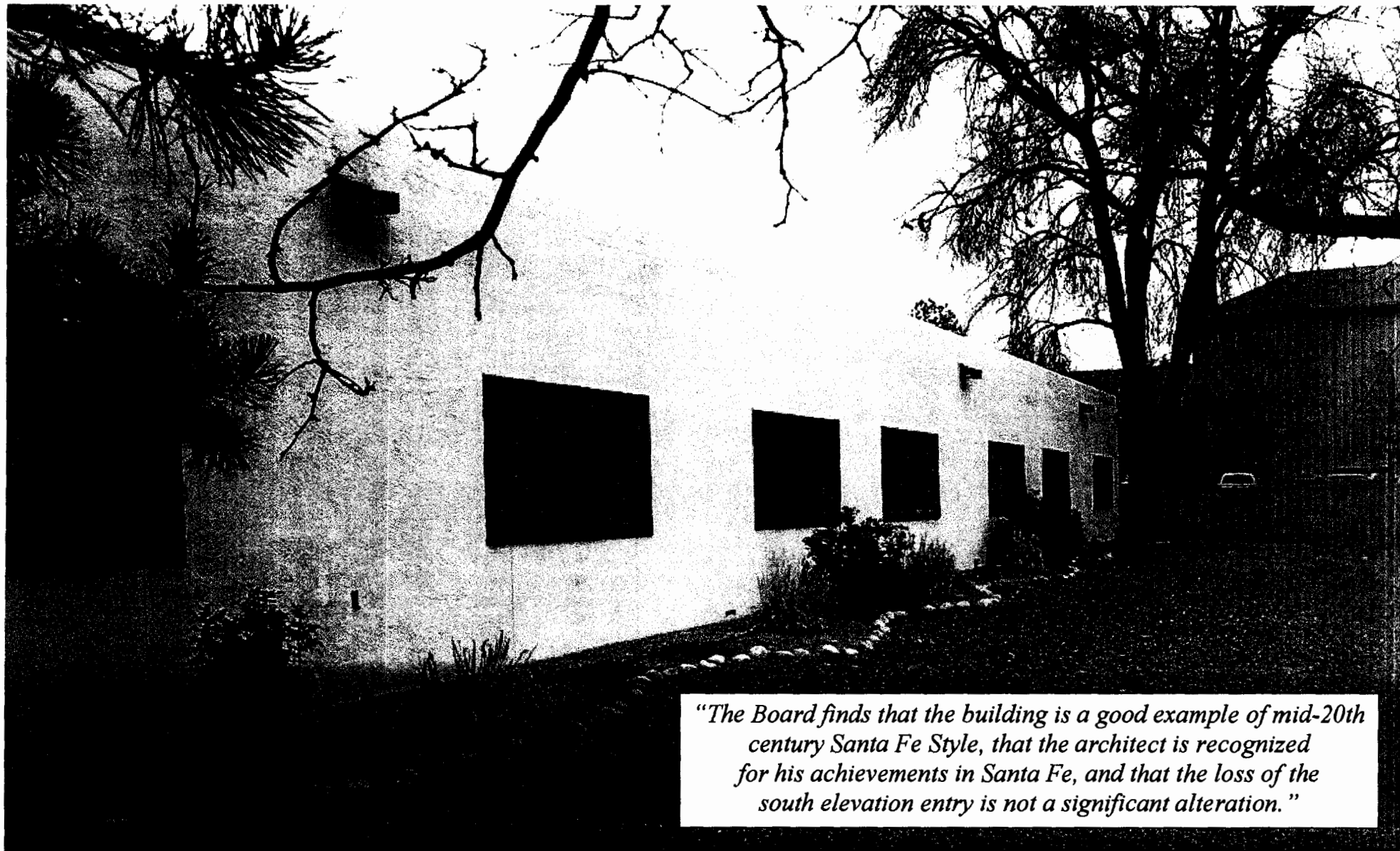












"The Board finds that the building is a good example of mid-20th century Santa Fe Style, that the architect is recognized for his achievements in Santa Fe, and that the loss of the south elevation entry is not a significant alteration."

City of Santa Fe, New Mexico

memo

DATE: Prepared March 19 for March 27, 2013 meeting

TO: Mayor and City Council

VIA: Robert Romero
Robert Romero, City Manager

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

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 SUBSECTION 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

Exhibit "18"

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 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

Adopt the proposed technical and other minor amendments to Chapter 14 SFCC Land Development Code as recommended by the Public Works and Land Use Committee, by the Planning Commission and by staff.

SUMMARY ANALYSIS

These amendments are proposed as part of the follow-up to the Chapter 14 Update process that was adopted by the Governing Body a year ago. At that time, staff noted that implementation of the update amendments would likely reveal the need for various additional technical corrections and clarifications, and the Governing Body asked staff to prepare the additional amendments after the update amendments had been in use for about a year.

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.

These amendments were recommended for approval by the Public Works and Land Use Committee on March 11, and were considered and recommended for approval by the Planning Commission at their meetings on January 10, February 7 and March 7, 2013.

The current version of the bill incorporates the recommendations of the Planning Commission, which appointed a subcommittee to review several of the amendments (minutes attached).

Two amendment sheets are included in this agenda packet. An amendment sponsored by Councilor Calvert would reduce the maximum residential density allowed in the C-4 Limited Office, Retail and Arts and Crafts district. A more detailed discussion of that amendment is included in the following section of the staff report under Bill Section 42.

A staff amendment sheet is also included, which would provide an effective date of March 28 for the various amendments.

Questions raised at the Public Works Committee regarding inactive master plans and home occupations are addressed below under Bill Sections 19 and 33, respectively.

SUMMARY OF PROPOSED AMENDMENTS

Proposed amendments are shown in the attached public hearing draft. New language is underlined, and the current (old) text is shown in “~~strikeout~~” type. The various amendments are briefly described in a summary matrix (attached). Changes to correct cross-references and simple, minor clarifications are included in the attached summary matrix, but are not addressed in more detail in the following sections of this staff report. The amendments are identified by their numbering in the bill (Sections 1-67) as well as by their numbering in Chapter 14. Note that numbering of the bill sections is slightly revised from the original version, due to Commission amendments.

Bill Section 4; §14-3.1(F)(2): Neighborhood notification applicability clarified. As part of the Chapter 14 Update amendments, Early Neighborhood Notification procedures were mistakenly extended to all project applications that are reviewed by the Historic Districts Review Board or the Archaeological Review Committee. This amendment corrects the ENN requirement, which is unnecessary because all major projects considered by those boards already have ENN requirements because of concurrent review by the Governing Body, Planning Commission and/or Board of Adjustment.

Bill Section 5; §14-3.1(H): Minor adjustments to public notice procedures.

- Requirements for mailed notices to nearby owners for various boards are put into a list format, but not changed.
- The requirement is eliminated for applicants to obtain from the post office a “certificate of mailing” that documents to which addresses public hearing notices have been sent. Prior to the Chapter 14 update amendments, notices were required to be sent “certified mail with return receipt,” a process that was costly and often resulted in notices that were never delivered to or picked up by the intended recipient. In the year since the certificate

of mailing requirement was adopted, applicants have reported difficulty in working with the post office to use the certificate of mailing. This amendment would substitute a requirement for the applicant to provide a signed affidavit from the person who mails the notices, eliminating the post office documentation requirement for all cases except certain rezoning cases where state laws require certified mail.

- Clarifies language concerning posting notice of postponements by land use boards.

Bill Section 6; §14-3.3(A)(1): Initiation of Chapter 14 text amendments. The Chapter 14 Update amendments created specific procedures for amendments to the text of Chapter 14, similar to the procedures for initiating an amendment to the zoning map. The amendment recommended by staff and the Planning Commission would clarify that a citizen who wants to initiate a text amendment must “submit a request for a text amendment in writing directly to the governing body or a member thereof.” This clarifies that the procedure for citizen amendments is through the Governing Body, similar to petitioning the Governing Body, and not an application process administered by staff.

Bill Section 8; §14-3.6(E): Special use permits. Clarifies existing provision for expiration of special use permits; changes expiration for discontinued special uses from six months to one year; adds cross-reference to the recent amendment to expiration of use permits for government uses.

Bill Section 9; §14-3.7(A)(6): Court-ordered divisions of land. State statutes allow the courts to divide land by means of a “partition” under certain circumstances, such as a probate or dispute between property owners. Current provisions in Chapter 14 that require a separate hearing at the city’s Summary Committee are replaced, since they may not be enforceable – the proposed amendment would recognize as legal lots of record any court-ordered lots that conform to city standards, without requiring a summary committee hearing.

Bill Section 19; §14-3.19(B)(6): Expiration of inactive master plans. Under the regulations adopted in 2012, approvals for future phases of a master plan expire if there is no development activity for three years, unless there is a specific timetable that was approved as part of the master plan. This amendment would expand the allowed period of inactivity to five years.

It is not clear which, if any of the approved master plans might be affected by either the three-year or five-year rule. Master plans are required for many of the city’s largest development projects, and are typically approved as part of the initial annexation and/or rezoning applications. Major master-planned areas include Las Soleras, The Pavilions (adjacent to the airport), Tierra Contenta, Las Estrellas (Santa Fe Estates), Nava Ade, Las Estancias (on Hyde Park Road). Numerous smaller annexation or rezoning cases also include master plans, including some in the annexation areas.

Bill Section 20; §14-3.19(C)(2): Planning Commission consent agenda review for certain time extensions. The Chapter 14 Update amendments specify that most types of development review approvals expire if the projects are not started within three years after final action by the land use board. Three, one-year administrative extensions are also allowed, but current language states

that all administrative extensions must be approved on the consent agenda of the applicable land use board. The amendment would clarify that consent agenda approval is required only for project approvals that were granted by the Planning Commission or Governing Body – time extensions for “lower-level” project approvals would be granted by the Land Use Director without a consent agenda requirement.

Bill Section 23; § Table 14-6.1-1: Police and fire stations are added to the table of permitted uses. Special use permits required for some types of facilities in residential districts.

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 29; § Table 14-6.1-1: Measurements for special use permit requirements. Certain types of uses are required to obtain a special use permit before locating within 200 feet of a residential district. This amendment simplifies the method of measuring 200 feet by eliminating “excluding rights of way” from the measurement method, similar to the method used for measuring notification distances.

Bill Section 32; §14-6.3(B)(2)(c): Commercial parking prohibited in residential districts. The current prohibition on parking of “commercial or industrial vehicles” is refined to clarify that commercial vehicles such as tow trucks and earthmoving equipment are subject to the city Chapter 14 regulation, whether or not they meet the definition of “commercial motor vehicle” in the state statutes and regulations. As recommended by staff and the Planning Commission subcommittee, pickup trucks are not prohibited.

Bill Section 33; §14-6.3(D)(2)(c): Residency requirement for home occupations. A recent case involved an appeal to the governing body and court action that challenged the City’s enforcement of the requirement that a home occupation be “conducted by a person residing on the premises.” This amendment clarifies the meaning of “residing.”

No change is proposed to the existing provision in subsection 14-6.3(D)(2)(c)(ii) that permits a home occupation to be operated on a commonly-owned lot that is contiguous to the operator’s home. This provision is similar to general provisions elsewhere in Chapter 14 that allow all accessory structures and uses to be located on contiguous, commonly-owned lots. Such arrangements are rare, and staff has not received complaints from the public regarding home occupations on contiguous lots.

Bill Section 36; §14-7.1(B): Lot coverage calculations involving private roads and driveways. Each zoning district has a maximum lot coverage ratio – the percentage of the lot that may be covered by structures. This amendment would exclude private roads and shared driveways from the lot coverage calculation, so that the calculation for lots with private streets is similar to lots with public streets.

Bill Section 38; § Table 14-7.2-1: Lot coverage for Residential Compound districts. The regulations for the RC-5 and RC-8 districts do not specify a lot coverage requirement for developments that do not meet the definition of “compound.” This amendment would make the coverage requirement for non-compound developments the same as in the R-7 – R-9 districts.

Bill Section 42; § Table 14-7.3-1: Residential density in C-1 and C-4 districts. The C-4 district is a “floating zone:” lots eligible to rezone are indicated on an overlay zoning map, but each lot has to go through a rezoning process that includes approval of a development plan at the time of rezoning. The only area that currently has an approved C-4 overlay map comprises lots that abut either side of St. Francis Drive between Alameda and Cerrillos.

Both the C-1 and C-4 districts allow some personal service uses, and the C-4 allows some arts and crafts uses. Both districts also allow residential uses, and the previous regulation stated that allowable density was the “same as in RM” districts. This amendment would apply the established practice of allowing 21 dwelling units per acre, equivalent to the old RM-1 zone. Note that any density above 10 units per acre requires approval of a development plan by the Planning Commission and/or the Governing Body, or approval of a special use permit by the Board of Adjustment. The maximum height in the C-4 district is 24 feet, the same as in adjacent R-8 and lower than adjacent R-10 and R-21 districts.

The amendment proposed by Councilor Calvert would make the maximum density in the C-4 district the same as in the adjacent residential district. Most C-4 lots adjacent to the Juanita Street neighborhood would be limited to eight units per acre, and other lots on the east side of St. Francis Drive would be eligible for up to 21 units per acre with development plan or use permit approvals. Most lots on the west side of St. Francis would be limited to a maximum of ten units per acre. Note that there are very few lots in the C-4 districts that are used for residential uses – property owners do not typically go through the process of rezoning from residential to C-4 unless they intend to develop the property for non-residential uses.

Most of the lots that are eligible for rezoning to C-4 have access directly from St. Francis Drive. Although they abut the contiguous residential neighborhoods, they are in some respects a separate buffer strip rather than a functional part of those neighborhoods.

Bill Section 43; 14-7.4(B)(2): Redevelopment subdistricts without development plans. Most parcels that are located in redevelopment subdistricts of the Business Capitol District have specific development standards established by approved master plans, since a master plan is typically adopted for the entire subdistrict when it is created. There are a few parcels that lie outside the boundaries of an adopted master plan, however, and this amendment requires them to be developed in accordance with the standards that apply to the “adjacent or nearest BCD subdistrict.”

Bill Section 47; §14-8.5(B)(2)(a): Residential fence height abutting non-residential uses. This amendment would allow owners of residential property to build a fence using the non-residential height limit (typically eight feet) where the property abuts a non-residential project, instead of the residential height limit (typically six feet), even though the fence would be located in a

residential zone. Note that the code has been interpreted this way in the past, and that most new non-residential projects are required to erect screen walls or fences on the property lines.

Bill Section 55; §14-8.14(E)(5): Impact fees for outdoor land uses. The impact fees chart is currently based only on “floor area.” This amendment would extend fees to land outside of buildings that is used for similar purposes, creating similar impacts.

Bill Section 56; §14-9.5(A): Private subcollector streets. This amendment would allow the Planning Commission to approve “subcollectors” as private streets if special findings are made, in addition to streets classified as “lanes.”

Bill Section 65; §14-12: Museum definition (new). This term was added to the list of permitted uses effective March 1, 2012; the definition distinguishes it from other types of institutional uses.

Bill Section 66; §14-12: Legal lot of record definition (amended). This definition is expanded to include lots created by court orders or by certificates of compliance.

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 also 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

Summary Matrix

Councilor Calvert Amendment Sheet – C-4 residential density limit

Staff Amendment Sheet – March 28 effective date

Bill 2013-2

FIR

City Council Minutes January 30, 2013

Public Works Committee Action Sheet and Minutes March 11, 2013

Planning Commission Minutes January 10, February 7 and March 7, 2013

| 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. |
| <i>Bill Section 6
§14-3.3(A)(1)(a)</i> | <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. |
| <i>Bill Section 18
§14-3.17(E)(3)</i> | <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. <i>See staff report for discussion of amendment proposed by Councilor Calvert.</i> |
| 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

PROPOSED AMENDMENT(S) TO BILL NO. 2013 – 2 Chapter 14 Technical Corrections and Other Minor Amendments

Mayor and Members of the City Council:

I propose the following amendment to Bill No. 2013-2:

1. Residential density requirements for C-4 district. On page 38, following line 12, *amend* Table 14-7.3-1 Table of Dimensional Standards for Nonresidential Districts as follows:

C-4 District, Minimum District and Lot Size

| TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1) | | | | |
|--|---|---|--|--|
| DISTRICT | 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-4 | [Same as R-21 zoning district including residential density requirements: See Table 14-7.2-1] For residential uses, same as contiguous residential district (See note 10)

[Also] For nonresidential uses, see 14-7.5(D)(8)(d): "Minimum Open Space Requirements" | 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
Rear: 10
Residential Uses:
Same as R-21 zoning district | Nonresidential Uses: 60

Residential Uses: 40 |

NOTE 10: Maximum residential density and minimum residential open space requirements for a C-4 parcel are the same as permitted in the lowest-density contiguous residential district. If there is no contiguous residential district, requirements are the same as for the closest residential district. In no case shall the requirements be more restrictive than for the R-8 district.

Respectfully submitted,

Chris Calvert, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2013-2
Chapter 14 Technical Corrections and Other Minor Amendments

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2013-2:

1. On page 63, line 10, *insert* a new Section 68 that reads as follows:

"Section 68. Effective Date. This ordinance shall become effective on March 28, 2013 and shall be published one time by title and general summary."

Respectfully submitted,

Staff

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

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~~

1 ~~unnecessary hardship~~ as provided in Section 14-3.16.

2 **Section 3.** **Subsection 14-2.8(K) SFCC 1987 (being Ord. No. 2011-37 § 2) is**
3 **amended to read:**

4 (K) Removal of Members

5 A member of the planning commission may be removed for cause as provided in
6 Section 3-19-2 NMSA 1978. A member of any other *land use board* may be removed
7 by the appointing authority with or without cause.

8 **Section 4.** **Subsection 14-3.1(F)(2) SFCC 1987 (being Ord. No. 2011-37, §3) is**
9 **amended to read:**

10 (2) Applicability to Projects Reviewed by [~~Land-Use-Boards~~] the board of
11 adjustment, planning commission or the governing body.

12 (a) ENN is required for the following types of projects, if a public
13 hearing before [~~a land use board~~] the board of adjustment, planning
14 commission or the *governing body* is required by other provisions of
15 Chapter 14:

16 (i) annexations;

17 (ii) master plans;

18 (iii) rezonings;

19 (iv) *development plans*, except final *development plans* for which
20 ENN procedures were followed at the preliminary
21 *development plan* review stage;

22 (v) subdivision *plats*, except final subdivision *plats* for which
23 ENN procedures were followed at the preliminary *plat*
24 review stage;

25 (vi) vacation and dedication of *rights of way*;

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With Planning Commission Amendments Incorporated
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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

1 notice shall be approved by the *land use director*. Neighborhood associations that
2 wish to receive notifications of hearings and meetings and copies of agendas,
3 including email notifications, must register with the *land use director*.

4 (1) Notice of Public Hearing Before Land Use Boards and ENN Meetings.

5 (a) General Notice Requirements

6 ~~[This section applies for all applications and ENN meetings, except~~
7 ~~those initiated by the city described in Subsection 14-3.1(H)(1)(e);~~
8 ~~Archaeological Clearance Permits for which notice shall be provided~~
9 ~~in accordance with Section 14-3.13(C)(3); projects heard before the~~
10 ~~historic districts review board, for which mailed notification in~~
11 ~~accordance with Subsection 14-3.1(H)(1)(d) is not required, and~~
12 ~~appeals described in Subsection 14-3.1(H)(4).]~~ The notice
13 requirements in Subsections 14-3.1(H)(1)(b), (c) and (d) below apply
14 to public hearings required for all applications and ENN meetings,
15 except that:

16 (i) Public hearings concerning development review actions
17 initiated by the city require notification as described in
18 Subsection 14-3.1(H)(1)(e);

19 (ii) Public hearings concerning Archaeological Clearance
20 Permits require notification in accordance with Section 14-
21 3.13(C)(3);

22 (iii) Public hearings concerning projects heard before the historic
23 districts review board shall meet the agenda and posting
24 requirements in Subsections 14-3.1(H)(1)(b) and (c) below,
25 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*

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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~~

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

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 engineer] 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.]~~

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

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 |
|--------------------------|----|-------------------------|-------------------------|---------------|-----------------------|---------------------------|-----|-----|------|---------|---------|---------|----|-----|-------------|-------------|-----|----------|----------|----------|-----------|------------------------------------|
|--------------------------|----|-------------------------|-------------------------|---------------|-----------------------|---------------------------|-----|-----|------|---------|---------|---------|----|-----|-------------|-------------|-----|----------|----------|----------|-----------|------------------------------------|

***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-
Specific
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> | |

1 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
2 the Food and Beverage Category Related for Bar, Cocktail Lounge, Nightclub Use, No Outdoor Entertainment:

| CATEGORY
Specific Use | RR | R-
1
-
6 | R-
7
-
9 | R-
7
-
I
8 | 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 Beverages | | | | | | | | | | | | | | | | | | | | | | |
| Bar, cocktail lounge, nightclub, no outdoor entertainment | | | | | | | | S ³ | S ³ | | P ² | | | P | P | | | P ² | P ² | P ² | P ² | |

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

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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) |

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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*

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

1 the *premises* between the hours of 7:00 p.m. and 8:00 a.m.
2 weekdays and 7:00 p.m. and 10:00 a.m. weekends.
3 Depending on the nature of the *home occupation*, the *land*
4 *use director* may reduce the hours of operation. Deliveries
5 are limited to vehicles that do not exceed eleven (11) feet in
6 height and twenty (20) feet in length.

7 Section 34. Subsection 14-6.4(A) SFCC 1987 (being Ord. No. 2011-37, §8) is
8 amended to read:

9 (A) Temporary Structures and Uses Allowed in All Districts

10 The following *temporary structures* and uses are allowed in all districts: *temporary*
11 *structures* and operations in connection with and on the site of construction
12 [*buildings*] or land *development*, including *grading*, paving, installation of utilities,
13 erection of field offices, erection of *structures* for storage of equipment and building
14 materials and the like; provided that a *permit* shall not be for a period of more than
15 twelve months, renewable for periods of not more than six months. In addition, the
16 area occupied by the *temporary structures* and operations shall be *screened* against
17 fumes, noise and unsightliness.

18 Section 35. Subsection 14-6.4(C) SFCC 1987 (being Ord. No. 2011-37, §8) is
19 amended to read:

20 (C) Temporary Structures Treated as Permanent Structures

21 *Structures* other than temporary structures described in Subsection 14-6.4(A) that
22 remain in place for a period of more than thirty days in a *nonresidential* district or
23 ninety days in a *residential* district are subject to the same provisions of Chapter 14
24 as permanent *structures*, whether or not they are permanently affixed to the ground or
25 constructed of lightweight or nondurable materials.

Section 36. Subsection 14-7.1(B) SFCC 1987 (being Ord. No. 2011-37, §9) is

amended to read:

(B) Dimensional Calculations

(1) Lot Area

Minimum required *lot* area for *residential* subdivisions is calculated excluding *rights of way, street* and driveway easements.

(2) Lot Depth

The depth is measured between the front and rear *lot* lines, perpendicular to the front *lot* line. In the case of irregularly shaped *lots*, the depth shall be the average of all such measurements along the front *lot* line.

(3) Reserved

(4) Lot Coverage

Lot coverage is measured by the total projected area on the ground of all *structures* in relation to the *lot* area, excluding:

(a) the types and portions of *structures* listed in Subsection 14-7.1(D)(2); [and]

(b) eaves and similar roof projections within two (2) feet of the wall of a *building* [-] ; and

(c) the portion of the *lot* occupied by easements for private roads and *lot* 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; <u>may</u>
<u>increase to</u>
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</u>
<u>as provided</u>
<u>for lot size</u>
<u>averaging</u>
<u>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)
<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> |
| RC-5
RC-8 | Gross
Density
Factor:
RC-5=5;
RC-8=8
<small>Note 7</small> | 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 <small>Note 4</small> :
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 Required 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] R-7 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] R-7 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</u>
<u>residential</u>
<u>density and</u>
<u>open space</u>
<u>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</u>
<u>residential</u>
<u>density</u>
<u>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-
7.2-1

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*;

- (ii) stormwater management submittals for master plans, subdivisions and *development* plans shall be prepared and certified by a *professional engineer*. Stormwater management submittals for all other types of *development* shall be prepared by a *professional engineer* or an *architect* or *landscape architect* registered in New Mexico; and
- (iii) site restoration submittals shall be prepared and certified by a *professional engineer, architect or landscape architect* licensed in New Mexico.

Section 45. Subsection 14-8.2(D)(1)(a) SFCC 1987 (being Ord. No. 2011-37, §10) is amended to read:

(D) Standards for All Grading

When a construction *permit* for *grading* is required by this Section 14-8.2, *applications* for the *permit* shall show compliance with the following minimum standards:

(1) Cut and Fill Slopes

- (a) exposed cut *slopes* on a site shall not exceed ten (10) feet in height, except as otherwise permitted by this Section 14-8.2. In no case shall the height of a cut exceed the height of any *building* constructed in the *excavated* area;
- (b) *fill slopes* on a site shall not exceed fifteen (15) feet in height. Retaining walls for *fill slopes* shall be no greater than six (6) feet in height as provided in Section 14-8.5(B)(1), except as otherwise provided in Section 14-5.6(G) (Escarpment Overlay District Landscaping). *Fill slopes* shall be no steeper than 3:1, unless a

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:

- 1 (a) *street trees* shall be located on the subject *property* adjacent to the
2 *property* line, unless location within the *right of way* is approved by
3 the planning commission or the public works director. *Street trees*
4 located within the *right of way* shall be planted in compliance with
5 Chapter 23 SFCC 1987 (Streets, Sidewalks and Public Places) and in
6 compliance with adopted median and parkway standards;
- 7 (b) on major and secondary arterials, trees shall be planted in a
8 minimum ten (10) foot wide [~~*planting-strip*~~] *parkway* that includes
9 the width of the sidewalk or other pedestrian way. If existing
10 *development* precludes provision of the ten (10) foot wide [~~*planting*~~
11 ~~*strip*~~] *parkway*, trees shall be planted in a space no smaller than five
12 (5) feet by thirteen (13) feet and preferably multiple trees in longer
13 *planting strips*;
- 14 (c) *street trees* should be planted to the greatest extent possible in *swales*
15 or basins that collect run-off and precipitation;
- 16 (d) *street trees* shall be located at least fifteen (15) feet from light
17 standards, so as not to impede outdoor illumination;
- 18 (e) *street trees* shall be located at least fifteen (15) feet from fire
19 hydrants so as not to interfere with hydrant operation;
- 20 (f) *street trees* located under utility lines shall be a species that
21 maintains a minimum of five (5) feet of clearance from overhead
22 utility lines at maturity; and
- 23 (g) *street trees* shall not be required on single-family residential lots.

24 Section 49. Section 14-8.5(B)(2)(a) SFCC 1987 (being Ord. No. 2011-37, §10) is
25 amended to read:

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

Section 51. Table 14-8.7-1 SFCC 1987 (being Ord. No. 2011-37, §10) is amended to

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, R-10 - R-29, RC-5, RC-8, PRC, [RM], RAC, AC | 180 |
| I-1, I-2, BIP | 155 |

Section 52. Subsection 14-8.10(D)(5) SFCC 1987 (being Ord. No. 2001-38, §2, as

amended) is amended to read:

- (5) *Signs* for private day-care facilities and kindergartens, the number of which shall not exceed one and the area of which shall not exceed one square foot [as set forth in Section 14-6.2(B)(5)].

Section 53. Subsection 14-8.10(G)(8)(d) SFCC 1987 (being Ord. No. 2001-38, §2, as

amended) is amended to read:

- (d) All free-standing *signs* along Cerrillos Road shall meet the *buildingsetback* requirements set forth in Section [14-5.5(B)(3)(a)] 14-5.5(B)(4)(a). However, in the case of properties flanked on one or both sides by existing *buildings* that encroach into the required *setback* distance, the freestanding *signsetback* may be reduced to correspond to either the average of the adjacent *buildingsetbacks*, or to the average of an adjacent *buildingsetback* and the required *buildingsetback*. Only one freestanding *sign*, meeting the area requirements in Subsections (a) through (c) above, is allowed per *legal lot of record*;

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 | Unit | Roads | Parks | Fire | Police | Total |
|--|--------------|----------|-----------------------------------|-------|--------|--------------|
| Single-Family Detached Dwelling or Manufactured Home | | | | | | |
| | | | | | | <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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(Double-Underlined)

| 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.

Substitute Bill
With Planning Commission Amendments Incorporated
(Double-Underlined)

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 [~~Aceessible~~] 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

1 *street.*

2 (11) Colored concrete shall be required in the *city's* historic districts according to
3 the color palette approved by the historic districts review board available
4 from the *city* historic preservation division. Alternative materials may also
5 be required by the historic districts review board. In addition, the *city*
6 reserves the right to specify sidewalk color or alternative materials in other
7 sections of the *city* as may be appropriate.

8 (12) Construction of sidewalks shall comply with Section 23-3 SFCC 1987
9 (Construction and Maintenance of Curbs, Gutters and Sidewalks).

10 **Section 58.** Section 14-9.2(K) SFCC 1987 (being Ord. No. 2011-37, §12) is amended

11 to read:

12 K. Utilities, *storm drainage facilities* and *street* improvements shall be provided as
13 follows.

14 (1) Standards and Specifications:

15 (a) connection to *city* water service except as provided in Section 25-
16 1.10 SFCC 1987 (Regulations for the Drilling of New Domestic
17 Water Wells);

18 (b) connection to *city* sewer services except as provided in Section 22-
19 3.1 SFCC 1987 (Sewers – Connection to the Public System);

20 (c) approval of storm sewer system and other drainage improvement
21 plans by the *city engineer*;

22 (d) approval of *grading* and centerline gradients by the *city engineer*;

23 (e) approval of major and secondary arterial *street* cross-section by the
24 *city engineer*; provided, however, that the cost of improvement to the
25 [subdivider] developer shall not exceed that which is required for

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 59. 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 |

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>
Note 1 | 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 | Major Arterial | Secondary Arterial | Collector | Collector | Subcollector | | Lane | Lot Access Driveway Note 1 |
|----------|----------------|----------------|--------------------|-----------|-----------|--------------|--------------|------|----------------------------|
| | (6 Lane) | (4 Lane) | | | Mixed Use | 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] determine~~s~~ 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

1 [The part of the ~~street right of way~~ lying between the back of the curb and the edge of the
2 sidewalk.] A linear landscaped area typically located within or adjoining a parkway.

3 **YARD, SPECIAL**

4 In the case of an *irregular lot*, means a yard required to perform the same functions as a *front*,
5 *side or rear yards*, but adjacent to the *lot* line so placed or oriented that the standard
6 requirements are not clearly applicable. In such cases, the *land use director* shall require a
7 special yard with minimum dimensions as would apply for a comparable *front, side or rear*
8 *yards* in the district. Such determination shall be based on the relation of the *lot* in question
9 to the adjoining *lots* with due regard to the orientation and location of required yards,
10 structures and buildable areas on the [lot] lots.

11 **Section 67. Chapter 14, Appendix Exhibit B SFCC 1987 (being Ord. No. 2011-37,**
12 **§16) is amended to include the following notes:**

13 (1) Types of Spaces Allowed

- 14 (a) All parking spaces shall be designated either "standard" or "small
15 car" or "one size fits all," depending on the size of the car space.
16 However, "one size fits all" spaces may not be used with "standard"
17 or "small car" spaces.
- 18 (b) Parking lots with ten vehicles or more may have spaces designated
19 for small car use. Up to [40] 20 percent of the total spaces required
20 of a parking lot may be designated for small car use. Small car
21 spaces shall be clearly identified with signs or pavement markings.

22 (2) Minimum Standards for Surface Preparation

- 23 (a) All parking spaces, driveways and parking lot access aisles shall be
24 constructed with a six-inch subgrade compacted to American
25 Association of State Highway and Transportation Officials

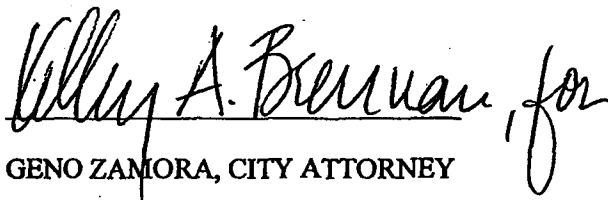
1 (AASHTO) Standard T-180-95%.

2 (b) Parking lots with fewer than 40 spaces must have a four-inch gravel
3 surface and must be graded in such a manner to prevent erosion of
4 the surface or transport of gravel or subsurface material into the
5 public right-of-way or onto adjacent property.

6 (c) Parking lots with 40 or more spaces must have a two inches of
7 asphalt treated material.

8 (c) Parking lots must meet applicable standards for spaces designated for
9 persons with disabilities as provided in Subsection 14-8.6(B)(5).

10 APPROVED AS TO FORM:

11 
12
13 GENO ZAMORA, CITY ATTORNEY

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X 2013-2 Resolution: _____
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): Chapter 14 Technical Amendments and Other Minor Amendments

Sponsor(s): Mayor David Coss

Reviewing Department(s): Land Use Department

Person Completing FIR: Greg Smith, Director of Current Planning Division Date: 1/26/12 Phone: 955-6957

Reviewed by City Attorney: [Signature] Date: 1/24/13

Reviewed by Finance Director: [Signature] Date: 1/24/13

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution.

Amendments to Chapter 14 Development Code that are being done 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.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
 "N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
 "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X Check here if no fiscal impact

| Column #: | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----------|----------------------------|----------|---|---|----------|---|---|---------------|
| | Expenditure Classification | FY _____ | "A" Costs Absorbed or "N" New Budget Required | "R" Costs Recurring or "NR" Non-recurring | FY _____ | "A" Costs Absorbed or "N" New Budget Required | "R" Costs - Recurring or "NR" Non-recurring | Fund Affected |

| | | | | | | | |
|---------------------------|----------|-------|-------|----------|-------|-------|-------|
| Personnel* | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| Fringe** | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| Capital Outlay | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| Land/ Building | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| Professional Services | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| All Other Operating Costs | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| Total: | \$ _____ | | | \$ _____ | | | |

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

| Column #: | 1 | 2 | 3 | 4 | 5 | 6 |
|-----------|-----------------|----------|---|----------|---|---------------|
| | Type of Revenue | FY _____ | "R" Costs Recurring or "NR" Non-recurring | FY _____ | "R" Costs - Recurring or "NR" Non-recurring | Fund Affected |

| | | | | | |
|--------|----------|-------|----------|-------|-------|
| _____ | \$ _____ | _____ | \$ _____ | _____ | _____ |
| _____ | \$ _____ | _____ | \$ _____ | _____ | _____ |
| _____ | \$ _____ | _____ | \$ _____ | _____ | _____ |
| Total: | \$ _____ | | \$ _____ | | |

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

Section D. General Narrative

1. **Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

No conflict will occur; several proposed amendments will eliminate technical conflicts such as cross-referencing errors.

2. **Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

Failure to enact the bill would perpetuate technical drafting errors that currently exist, and would fail to clarify provisions that are addressed by several of the proposed minor amendments.

3. **Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

As noted above, several of the proposed amendments are to correct drafting errors. Staff is not aware of any other amendments or alternatives that should be addressed.

4. **Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Adoption of this bill will help to prevent potential negative impacts that might occur as a result of reliance on inaccurate or unclear provisions in the development code.

~~Mayor Coss congratulated them on the work they do in the community.~~

~~Councilor Ives saluted the group for its good efforts and Councilor Calvert for leadership on this issue which got the ball rolling.~~

CONSENT CALENDAR DISCUSSION

10. CONSENT CALENDAR:

w) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013:

- 1) BILL NO. 2013-2: 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 (MAYOR COSS). (GREG SMITH) NOTE: THIS TITLE MAY BE AMENDED IN ACCORDANCE WITH THE AMENDMENT SHEET PROVIDED IN THE PACKET.

A copy of *Proposed Amendments to Bill No. 2013-____, corrected*, Technical Amendments, is incorporated herewith to these minutes as Exhibit "2."

Councilor Ives said he was not on the City Council when this began as a process. He asked if it is regular that an item like this would come up before it had been considered by the Planning Commission. He understands the Planning Commission will consider this item on February 7, 2013, and thinks they might have clarification and amendments. He said he is curious about the timing.

Mr. O'Reilly said, "Councilor, you are correct. We do generally bring these things through the Planning Commission, even for a Request to Publish at the Council. What happened was the Planning Commission did consider the first half of the bill, and due to a copying error, not all of the bill was included in the packet. They've already reviewed and approved the first 21 sections of the bill, and will be considering the rest of it on February 7, 2013, then it will go through the Public Works Committee and then on to the City Council. So before you consider the bill, it will have gone through the full Planning Commission and the Public Works Committee."

Councilor Ives asked if we have the recommendations from the Planning Commission on the changes based on their review of the first half of the bill. He said there is a short sheet of amendments which isn't very extensive, and asked if that reflects their thinking to date.

Mr. O'Reilly said the Planning Commission unanimously recommended the first 20 sections of the bill with a very minor amendment. He said since that time other issues have arisen which have been added as amendments, and the Planning Commission will see those on February 7, 2013, "as will you, when the Council considers the bill later."

MOTION: Councilor Ives moved, seconded by Councilor Calvert, to approve this request.

DISCUSSION: Yolanda Vigil said, "For clarification, we will be publishing the amended title on this, so it didn't have a repeal clause."

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

10. CONSENT CALENDAR:

1) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013:

2) BILL NO. 2013-3: AN ORDINANCE RELATING TO POSSESSION OF CONTROLLED SUBSTANCES; REPEALING SECTION 16-15.1 SFCC 1987 AND ADOPTING A NEW SECTION 16-15.1 TO PROHIBIT THE INTENTIONAL POSSESSION OF MARIJUANA AND SYNTHETIC CANNABINOIDS (COUNCILOR TRUJILLO, COUNCILOR RIVERA AND COUNCILOR BUSHEE). (ALFRED WALKER)

Councilor Ives said Subsection B beginning on page 1, line 25, states, "It is unlawful for a person intentionally to possess one ounce or less of synthetic cannabinoids for the purpose of causing...." He said it then goes into an explanation of some of the potential effects. He said his question earlier, if there are purposes, other than getting high or inducing these various mental states, that one would possess synthetic cannabinoids "for in the first instance."

Mr. Walker said, "One of the issues with synthetic cannabinoids is that it is often in the form of potpourri, or other items that people might use normally, but then it's been chemically treated to become a synthetic cannabinoid. So, just possessing potpourri for example, would not be a criminal act, but if you are possessing a vegetable matter that's been treated chemically for these purposes, then it would be criminal."

Councilor Ives said he was potentially going to propose an amendment to the end of that provision after the words "synthetic cannabinoids" to make it easier on the Police to divine possession. However, he said he won't make that amendment since there are these other uses which are legal and which we aren't trying to reach, thanking Mr. Walker for the explanation.

MOTION: Councilor Ives moved, seconded by Councilor Trujillo, to approve this request.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MARCH 11, 2013**

ITEM 11

REQUEST FOR APPROVAL OF 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 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 (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 (MAYOR COSS) (GREG SMITH)

PUBLIC WORKS COMMITTEE ACTION: Approved with Amendments**SPECIAL CONDITIONS OR AMENDMENTS:****STAFF FOLLOW UP:**

| VOTE | FOR | AGAINST | ABSTAIN |
|-------------------------------|------------|----------------|----------------|
| CHAIRPERSON WURZBURGER | | | |
| COUNCILOR CALVERT | X | | |
| COUNCILOR IVES | X | | |
| COUNCILOR RIVERA | X | | |
| COUNCILOR TRUJILLO | X | | |

Finance Committee (Scheduled)
Council (Scheduled)

03/18/13
03/27/13

13. REQUEST FOR APPROVAL OF RESOLUTION NO. 2012-76: FINDINGS, CONCLUSIONS AND REQUEST FOR APPROVAL THAT NO FURTHER ACTION was TAKEN REGARDING MONTAÑO STREET (ERIC MARTÍNEZ)

Committee Review:

Finance Committee (Scheduled)
Council (Scheduled)

03/18/13
03/27/13

CONSENT DISCUSSION/ACTION AGENDA

10. CERRILLOS ROAD CONSTRUCTION PROJECT, PHASE II-C FROM CAMINO CARLOS REY TO ST. MICHAEL'S DRIVE/OSAGE AVENUE - COOPERATIVE AGREEMENT
- REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE CITY OF SANTA FÉ TO ENTER INTO A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR PHASE II-C OF THE CERRILLOS ROAD RECONSTRUCTION PROJECT (COUNCILOR DOMINGUEZ) (DESIRAE LUJÁN)
 - REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST (BAR)

Committee Review:

Finance Committee (Approved)
Council (Scheduled)

03/04/13
03/13/13

Councilor Trujillo disclosed his employment with NMDOT and said he was no longer overseeing such projects so he did not have a conflict of interest.

Councilor Trujillo moved to approve the request. Councilor Calvert seconded the motion and it passed by unanimous voice vote.

11. REQUEST FOR APPROVAL OF 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 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 (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 (MAYOR COSS) (GREG SMITH)

Committee Review:

| | |
|---|----------|
| Planning Commission (postponed) | 01/10/13 |
| Council (Request to publish) (Approved) | 01/30/13 |
| Planning Commission (Postponed) | 02/07/13 |
| Planning Commission (Scheduled) | 03/07/13 |
| Finance Committee (Scheduled) | 03/18/13 |
| Council (Public hearing) | 03/27/13 |

Councilor Calvert referred to page 6 in packet regarding C-2 and C-4 Districts. Previously they were zoned as RM Districts and allowed 21 dwelling units/acre. Juanita had been zoned SM-1 and was down zoned but people could rezone at C-4 and have the same old density in new development.

Mr. O'Reilly said the Planning Commission took time with C-4 zones and formed a subcommittee to deal with that concern. Staff checked and there were no residential uses in any of the C-2 or C-4 districts. There were no residential in C-1 either. So it was kind of a moot point but someone could do that.

Councilor Calvert asked then if C-4 didn't allow for residential since much of those lots on St. Francis had been residential properties that were reduced in size when St. Francis was built. He understood they wanted to put in a business now but thought those properties could revert back to residential use.

Mr. O'Reilly agreed they could but had not so far. In theory it was technically possible on that corridor.

They could rezone for the C-4 overlay and then try to put in 21 residential units per acre. It had not happened because almost all of them were very tiny. Maybe they could get one extra unit but not ten because of parking requirements. The lots were just too small.

Councilor Calvert recalled there were condo projects to go in on Juanita. He didn't know about going up three stories but wouldn't want them to get more density than what it was down zoned to be (R-7 or R-8). He would like more assurance there would be no possibility of that more intense use.

Mr. O'Reilly said those were the questions the Planning Commission had and thought about it. A suggestion at the time was what if the residential in C-4 was stated it was equivalent to the adjacent residential district.

Councilor Calvert agreed that would be a good requirement.

Mr. O'Reilly thought there was no reason they couldn't amend that.

Councilor Calvert commented that on the last page on impact fees the calculation was based only on floor area. He noted that the report on the impact fee annual report that doing it strictly on floor area had an impact on affordability and probably should be done on evaluation. The impact was greater on lower income homes. It was bill section 55 on page 6. It regressively affected affordable homes.

Mr. O'Reilly clarified that the City had a gradation for impact fees on residential housing. The bigger ones paid more impact fees but Affordable Housing units had impact fees waived. The impact fee ordinance had to follow the State's statute. Larger homes were likely to have more people living there. A study would be done as part of 5-year impact by the Long Range Planning Division and what the City could do to change impact fees.

Councilor Ives asked to see the Planning Commission minutes where this was considered. He had hoped it would be in the packet but it wasn't.

Chair Wurzbarger was pleased they were doing the impact study at five years and asked what projects that would impact that were out there in the pipeline.

Secondly, in the section on residence for home occupations, she was very concerned about the new language allowing the home office to be on a separate lot. Rather than debate that she would like to sit down and discuss it with Counsel. Any information Mr. O'Reilly could provide from the Planning Commission to justify that would be appreciated.

Councilor Calvert moved to recommend approval of the ordinance with an amendment to C-4 zones disallowing more intense development than adjacent properties. Councilor Rivera seconded the motion and it passed by unanimous voice vote.

12. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, AIRPORT ROAD OVERLAY DISTRICT, SECTION 14-5.5 (C) SFCC 1987, CREATING A

Commissioner Villarreal agreed with her fellow commissioners. If the owner looked at a use that required customers it wouldn't be doing so well because they would not find any parking. She would advise the owners to think about that. But if the Commission recommended this to further study traffic she would be willing to support it. Commercial use was a better option. A resident across the street had a meth lab there at one time.

Commissioner Villarreal moved to recommend to Council approval of the C-4 rezoning in #2012-138 with all staff conditions and to recommend to Council to study traffic solutions and signage including re-engineering of this area.

Chair Spray asked if that was proper form. Ms. Brennan agreed.

Commissioner Harris asked for a friendly amendment to add to the recommendation - closer adherence to the existing measures as well as discussion with NMDOT on signalization sequencing and timing. Commissioner Villarreal accepted it as friendly.

Commissioner Ortiz seconded the motion with alternate language - "a complete traffic analysis of Juanita Street, the intersection of Juanita and St. Francis, including signage, signalization and adherence to current measures.

The amendment was friendly to the maker of the motion and it passed by unanimous roll call vote with Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz and Commissioner Villarreal voting in favor and none voting against.

5. 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 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) SUB-COLLECTOR 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 were NECESSARY. (Greg Smith, Case Manager)

Mr. Greg Smith presented this matter to the Commission.

Commissioner Lindell asked that they only go through Section 20 because that was the last section they had in the packet. He didn't have time to read through the rest that was just handed out tonight before the meeting started.

Chair Spray thought that made sense and they could defer the rest to a future meeting.

Mr. Smith agreed. He didn't discover the error until yesterday.

Mr. Smith reviewed the history of the effort. There would be a shakedown of the issues that they did in the March 30 amendments.

There were a couple of minor things in addition to typos and he agreed to just hit the highlights of the work through Section 20.

The first was section 4 where ENN applicability was clarified. In drafting amendments last year they imposed on types of applications not previously required. The HDRB had a different notification. The big projects still required an ENN but small ones that went to HDRB or Planning Commission did not.

The second issue was in section 6. Prior to the March 30 amendments there was no specific procedure

for amending the text amendments. They wrote it as a draft using zoning initiating language and included a superfluous provision that any citizen could initiate a text change. The petitions from the floor to Council could do that. So they recommended pulling that statement out.

Section 7 was on special use permits and they clarified the language on expiration of permits. It now said that any discontinuance for six months would make it expire and that was too short a time frame so he recommended increasing the inactivity to one year to line up a new tenant. There was also cross referencing to expiration of school use and agency use permits.

Section 9 was about division of land by courts. The New Mexico statutes have an extensive provision for a petition to the court. Previously the code said the City didn't recognize those petitions but with legal advice, the courts do have that authority so this section recognized the right of courts to establish legal lots of record.

Section 18 dealt with Master Plans and the language change made the rules similar to development plans that if you failed to start develop within a certain time after approval it would expire. Development plans also had a provision traditionally that if you stop in the middle of developing your plan it would expire and would require re-approval before continuing. Master Plans would expire after five years also if interrupted. On March 30 they tried to make them similar throughout the code and applied the three year rules to master plans. But looking at it later, it seemed more reasonable for five years to start or five years in the midst of inactivity.

Most of this was new in March 30 and the only new change since was to have five years for Master Plans. This was simply done to make Master Plans similar to each other and protect against a situation after phase 1 was done and then come back 15 or 20 years later without a public hearing process.

The last one was Section 19 regarding time extensions on the Planning Commission agenda. There were different versions and the one adopted was administrative and would go on a consent agenda. But staff believed it should be only for those plans big enough for Planning Commission consideration and just administrative approval by Land use Director instead of being put on the consent agenda.

Mr. O'Reilly had nothing to add except to restate that when the Chapter 14 rewrite was approved in November 2011, it was the Council who asked staff to come back in a year to deal with errors or changes needed.

Chair Spray asked if having the recommendation in pieces was suitable for the time frame.

Mr. O'Reilly agreed. The rewrite was done in pieces. It could have been all done here if the packet had been complete.

Commissioner Lindell referred to Section 6, regarding the citizen's right to make requests for change. If there was anything wrong with leaving Section 6 the way it was already worded. She didn't see a need for a change there. It was clearly said that any person could ask for changes.

Mr. Smith explained that people started asking what the special process was and we didn't have a special process. There was no philosophical objection to that issue. The City didn't need a special process.

Mr. O'Reilly said the Land Use Department dealt with a lot of people who would like to do a lot of different things and some were so far from what the code would allow that they just said no and sent them away. But he thought the proper way for laws to get changed was initiated by the Governing Body after a complaint from one or more citizens. At least once in the last year there were people who wanted to try to force the Land Use Department to take a test amendment of Chapter 14 to force it through the Planning Commission and Council process without any knowledge that a councilor would agree to sponsor it. There was no particular harm in leaving this in if they didn't have a persistent person who wanted to force a change in the law. They could try to convince their councilor to initiate that change.

Commissioner Lindell understood that and could even guess who brought it but in spirit of democracy she would like to find a way.

Mr. O'Reilly suggested leaving it in and say that it should be in writing directly to the Governing Body or a member of the Governing Body so they were not expecting some special land use process. That would solve it for him.

Mr. Smith didn't object to that either.

Chair Spray noted they have that right to petition to the Governing Body now.

Commissioner Lindell liked that it be in writing and asked if the Planning Commission would like to incorporate these changes.

Mr. O'Reilly offered to jot down the changes being proposed and then remind the Commission at the end. Chair Spray agreed.

Commissioner Lindell asked in Section 18 and 19, to clarify what Mr. Smith just talked about if what they were doing was making this now line up with how development plans and master plans were dealt with.

Mr. Smith agreed. Some material was stricken but this just reworded existing provisions and would just adopt a five year inactivity rule for expiration of master plans.

Commissioner Lindell asked in Section 19 why they wouldn't just want to put those on a consent agenda.

Mr. Smith said from a practical perspective it was because it gets to be cumbersome. In the past there were not any expirations with the HDRB nor any request for extension at the Board of Adjustment. Where it usually occurred was in smaller projects where staff's judgment would suffice and would not warrant the

extra steps of public notice and delay of getting it on an agenda.

Commissioner Harris asked Mr. O'Reilly in Section 15 about the temporary certificate of occupancy. To clarify, the temporary certificate could become a can of worms. He asked if the language proposed would work in that it would give the Land Use Director a lot of authority to determine what would happen on that site. He asked if it had worked in the past year.

Mr. O'Reilly said it did work for him. They had seen increased commercial construction including renovations and in a couple of them it took a long time and was quite involved. One of them right now that got approval for renovation by HDRB was a \$20 million renovation of La Fonda. And if they submit a very large permit that involves the entire the hotel and working only on one section, and later wanted to open that section back up, it was not clear that would be doable. They wanted to be able to accommodate the business' desire to be able to continue to operate if it was safe and they had a safety plan that followed the US Building Safety Code which was required. The same thing was going on at the Hilton.

Commissioner Harris thought sometimes a temporary certificate of occupancy lingered longer than it should so he wondered if these provisions were sufficient.

Mr. O'Reilly said that provision helped and the Land Development Code worked in conjunction with Administrative Section 7 which had the Uniform Building Codes where powers were given to the Building Officials. For Santa Fé Mr. Purdy was the chief building inspector. So he has a lot of discretion all based on safety. They have enough discretion to do this and still maintain the public safety.

Commissioner Harris asked if Mr. Smith could elaborate on the language proposed to add for uses not intended to be temporary.

Mr. Smith said the text here has been a long-standing practice of the City's Land Use Development and Public Works Departments. This language would put our practice into writing that would allow a partial occupancy of a project while work was continuing. The only change was that the temporary certificate of occupancy was based on agreements to complete compliance measures for the future and was not applicable for temporary uses but only for construction. There were other types of temporary certificates for things like tent sales or parking lot sales which didn't apply here.

Commissioner Villarreal asked on Section 19 if the code defined "lower level projects" somewhere.

Mr. O'Reilly said the term was Mr. Smith's way of explaining this in a staff report. There is no such term in the actual code.

Chair Spray asked in what form he would like the motion to be.

Mr. O'Reilly said "recommend approval of the amendments to Chapter 14 in Sections 1-20, with the following changes to Section 6, line 22 and 23 which would be amended to read 'any other person who must submit a request for a text amendment in writing directly to a member of the

Governing Body."

Commissioner Villarreal moved to recommend approval as Mr. O'Reilly just stated with that one change. Commissioner Lindell seconded the motion and it passed by unanimous voice vote.

Mr. Smith asked Commissioners to hang on to the packet for the next meeting to consider the pages after page 21 (the items after Section 20) at the February 7 Planning Commission meeting.

F. MATTERS FROM THE COMMISSION

Chair Spray said the Summary Committee met today and asked for a report from Commissioner Harris.

Commissioner Harris reported two cases were considered at the Summary Commission. The first one was very straightforward but the Aguafina rezoning was not as straightforward. It was a follow-up to a case on December 6 rezoning. What came out was that R-3 was recommended for the southern portion of that long parcel - the portion south of Powerline Road. In order for that to go forward to the Governing Body it needed a lot split because a lot cannot have two different zonings. So it was to split the parcel at the southern edge of Powerline easement. It was the same people the Commission saw a month ago. There was a lot of discussion about traffic and reservations about the possible use of property. Ms. Flatt was present and he believed she had a clear understanding of the process and what was to come.

Commissioner Ortiz agreed.

Chair Spray asked if it was R-3 that they were going forward to Council with that.

Mr. O'Reilly clarified that it was only a lot split at Summary Committee and not a rezoning application. The lots were split along zoning lines. It just cleaned that up and rezoning would have to go with the regular rezoning process.

Commissioner Harris asked if they would move forward after the lot split.

Mr. O'Reilly assumed they might want to do that but didn't know for sure. He didn't know if it would come back here or go directly to the Governing Body.

Commissioner Harris said the Commission recommended last month that the southern portion be zoned from R-1 to R-3. He understood that southern portion would come to the Commission for rezoning.

2. **CASE #2012-30. BIENVENIDOS GENERAL PLAN AMENDMENT. JENKINS GAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 7.62± ACRES OF LAND FROM COMMUNITY COMMERCIAL AND TRANSITIONAL MIXED USE TO RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE. (DAN ESQUIBEL, CASE MANAGER) *The Governing Body remanded this case to the Planning Commission for reconsideration.* (To be postponed to March 7, 2013)**
3. **CASE #2012-31. BIENVENIDOS REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS REZONING OF 7.62± ACRES OF LAND FROM R-2 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE. (DAN ESQUIBEL, CASE MANAGER) *The Governing Body remanded this case to the Planning Commission for reconsideration.* (To be postponed to March 7, 2013)**
4. **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)

A Memorandum prepared January 29, 2013, for the February 7, 2013 meeting of the Planning Commission, with attachments, is incorporated herewith to these minutes as Exhibit "13."

A copy of the proposed bill adopting the changes to Chapter 14, is incorporated herewith to these minutes as Exhibit "14."

Mr. Smith noted the Commission reviewed the first 20 sections of the bill at its January meeting. He said the full bill is scheduled for a public hearing at the City Council meeting on February 27, 2013, and recommendations of the Commission will be forward for consideration by the Governing Body.

Mr. Smith said in addition to the bill approved at the January 7th meeting, an amendment sheet has been added, noting there is a matrix in the packet which summarizes every part of the bill. The text of the staff report starting on page 3, gives a little more attention to the minor amendments that are slightly broader in scope than just the typos and correcting the numbering, etc.

Mr. Smith reviewed the Summary of Proposed Amendments on pages 3, 4 and 5 of the Staff Report. Please see Exhibit "14," for specifics of this presentation.

Public Hearing

Speaking to the Request

There was one speaking for or against this request.

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Responding to the Chair, Mr. Smith said the amendments to Bill No. 2013, is the staff amendment sheet to which he is referring.
- Chair Spray asked Mr. O'Reilly and Mr. Smith if they view this as an annual project, noting many are modifications based on the realities and things that have come up over the past year, commenting it seems like a good habit to get into to keep upgrading the Code.

Mr. O'Reilly said he hopes it doesn't become an annual project only because it takes up so much of Greg's and other staffs' valuable time.

Mr. O'Reilly said during the huge overhaul of Chapter 14, the City Council instructed staff to come back in about a year and the reason we are here. He said we will do this over the years as things crop up again. He said over the past 17 years, Greg Smith has kept a running list of things that need to be addressed. He said if there is truly a big problem, they will work to get a bill sponsor and fix the problem. He said they will be bringing back things, but hopefully not in the volume as this one.

- Commissioner Schackel-Bordegary commended Mr. O'Reilly for this project. She thanked him for his leadership and analysis.
- Commissioner Lindell said she does have a couple of things. On page 37 of the bill, in Section 40, RM-1 at 21 units per acre seems dense to her, and asked how we got there.

Mr. Smith said it is his impression that at one point in the 1980's the Code was explicit about permitting 21 units per acre in those two office districts. It had been the practice and was the practice when he started with the City in 1995 and has been a practice continuously since then. He said when you look on a case-by-case basis, you would find where staff concurred that it was relatively high in comparison to the adjacent residential districts. He said it is drafted in a way that says the density provisions are the same as the RM district. It means projects have to come before the Planning Commission or the Board of Adjustment to get a density higher than 12 units per acre – to get permission for more than 12 units per acre. That gives the Planning Commission or the Board of Adjustment the ability to decide at a public hearing whether they will approve up to 21 units per acre in a particular project. So that is a safeguard which is built in.

Mr. Smith said the other issue, if you look in general terms, is lot coverage, building mass, parking, square footages and things like that. Those development standards in a C-1 and C-4 District are roughly comparable to what you might find at 21 units per acre – about the same size building or parking lot as if you built 21 units per acre.

- Commissioner Lindell said that raises a yellow flag for her.

Mr. Smith said there are comments that RM-1 is too high a density in the downtown periphery neighborhoods. The same would occur in the C-1 and C-4, that to get more than 12 units per acre, you have to go through a public hearing process.

- Commissioner Lindell said she has a question on Section 65, beginning on page 61. On line 18, in types of spaces allowed, 1(b) provides "Parking lots with ten vehicles or more may have spaces designated for small car use and up to 40 percent of the total spaces required of a parking lot may be designated for small car use." She asked Mr. Smith to comment on this.

Mr. Smith said they put this back the way it was. He said, "Initially when the work of the subcommittee started, we anticipated being able to get some of the 21st century standards off the shelf, so to speak, with regard to parking space ratios and sizes and other administrative factors, but were unable to do this within the scope of the work that we were doing with the subcommittee." He said it is on the staff's list of things to do to consider refining or modifying those ratios in the future.

- Commissioner Lindell asked if parking spaces for small car use have to be marked, and Mr. Smith said he believes this is correct.

Commissioner Lindell said she is thinking about parking lots like Trader Joe's where the spaces are the smallest by Code. She can't imagine 40% of that parking lot being designated for small car use. She said busy parking lots which have a lot of in-and-out with people, to have 40% designated small car use would make bad situations worse.

Mr. Smith said staff gets numerous complaints about parking spaces which are built to the "one size fits all" standard. He would have to research it, but he believes it is the case at Whole Foods. He said you will see in various parking lots a whole row dedicated to small car parking, pointing out that the balance of the parking spaces have to meet a larger parking space size. He said the choice is 40% small and 60% big, or providing them all at one size fits all.

- Commissioner Lindell said the provision is not workable and she isn't comfortable in seeing it in the Code that way.
- Commissioner Lindell said on page 62, it talks about minimum standards for surface preparation, she assumes the word "minimum" is what she needs to focus on. She said line 1 provides: "(b) Parking lots with fewer than 40 spaces must have a four-inch gravel surface." She said that being a minimum, it does not exclude someone with that parking lot from choosing to use asphalt.

Mr. Smith said that is correct.

- Commissioner Lindell thanked Mr. Smith for slogging through another big section of Chapter 14, the Land Use Code.

- Commissioner Pava expressed thanks for this large housekeeping effort, noting he has two minor questions.
- Commissioner Pava said there is a section in definitions on museums, and asked what promulgated the need to add this definition.

Mr. O'Reilly said there was a case which is still going on, subject to appeal, and there may be a lawsuit involved, where an existing facility wanted to expand and best defined as a museum. There was another very small case on Acequia Madre where someone wanted to establish a collection of items that was not going to be open to the public, but someone would go to by appointment once or twice a year. It's just something that never fit well in the Land Use Code. He said during those cases there was public comment about the reason we didn't have a definition of museum in the Land Use Code. He is unsure how much it will be applied or help us, except in those cases when someone wants to do a museum again. He said this is best classified as housekeeping, and Mr. Smith can speak to where the definition comes from.

Mr. Smith said, "Before March 2012, we didn't officially use the word museum in a way that required a definition. We added it anyway to the list of uses that require special use permits, which triggered its application in these two cases that came through this as essentially adopted from the Planner's Dictionary which a publication that's been rattling around for over a decade now. One of several that we adapted from boilerplate from other Codes that seemed to fit the City's application best."

- Commissioner Pava asked, with regard to Section 53, Impact Fees, if the only change is the change from \$891 to \$892 for accessory dwelling units. And that aside from that, there is a statement at the very end in Section (e) Development outside of buildings.

Mr. Smith said there are two places there are typos, on the bottom of page 46, the \$891 corrected to \$892, which Mr. Pava has referenced. On page 47, row 4, the Parks column is correct from \$97 to \$971. These are the two typos we are correcting on that table. There was no substantive change, just typos.

[NOTE: Commissioner Harris's microphone either was not turned on or he was not speaking into the microphone, and for the most part, is extremely difficult to hear.]

- Commissioner Harris said, regarding Section #53, regarding charge for outdoor land use square footage. He said he came up with a car lot as a possibility. He asked for explanation as to how this would be interpreted.

Mr. O'Reilly said, for example, Home Depot has an outdoor area where it sells plants and landscaping materials which draws lots of customers. The intent of the Impact Fee Ordinance is to gather funds that can be used to offset the impacts that an operation has on streets, parks, and so forth. He said because the Home Depot has a large outdoor storage area where they have goods and materials for sale, it draws more people. He said we wouldn't want to see someone create a

very large outdoor sales area and then install a tiny Kiosk where the cash registers are in an attempt to avoid paying impact fees. He said another example would be I-HOP which has substantial outdoor seating compared to its indoor seating. He said they would draw many more customers if they were to fill up that entire outdoor seating area.

- Commissioner Harris asked if the Impact Fee Schedule speaks to these kinds of situations.

Mr. O'Reilly said the Impact Fee Schedule speaks to uses and it is based on square footage. He said there are sections discussing how to treat certain outdoor areas such as the drive-through lane of a fast food lane. However, it doesn't get into a more general statement about how we deal with outside spaces, and this is what this is attempting to do. It's something that comes up all the time and it is difficult for staff to administer without this clarification.

Mr. Smith said there is also a provision that where the retailer or service provider feels that the formula is unfair, he may petition the administrator of the impact fee to support an alternative calculation. For example, if an auto dealer felt he was unfairly assessed for its outdoor sales area, the dealer could provide data that would allow the fee administrator to charge the appropriate rate based on a case-specific calculation. So, there is an administrative safety valve process built into these tables.

- Commissioner Harris said, "But when we say development of land, we're really not talking about parking lots. For instance, the parking lot for Home Depot. Is that correct. We're not calculating impact fees on that.

Mr. O'Reilly said this is correct. It is calculated on the sales area where retail sales are happening, or seating area in the case of a restaurant.

- Commissioner Harris asked if the definition for development is specific sufficiently to cover the situations described by Mr. O'Reilly.

Mr. O'Reilly said yes, staff thinks it is.

- Commissioner Harris said he really wants to talk about #30, noting Mr. Smith referred to situations with tow trucks which he has seen himself. He said the problem language is on page 28, line 8, as follows, "Commercial or industrial vehicle means vehicles designed for business purposes including vehicles 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 light trucks or other vehicles designed for business purposes."
- Commissioner Harris said historically, Santa Fe is filled with men and women who are operating... they may be a superintendent for a construction company, they're bringing a truck home, they're moving some materials efficiently because competition almost requires that. He said, "So to limit

trailers, light trucks or other vehicles, to me, is burdensome to the general populace, and those people who keep things moving, in something besides tow trucks."

- Commissioner Harris continued, saying it does go on to say in the final sentence on page 28, line 16, "Commercial or industrial vehicles do not include passenger cars and small trailers that may be used for business purposes related to a registered home occupation business." He said, "At the very least, it seems to me that you would put 'light trucks' in that list. I think 'light trucks and trailers' should be struck, or add 'passenger cars, light trucks and small trailers that may be used for business purposes, related to a registered home occupation business'."

Mr. O'Reilly asked Mr. Harris what is his question.

- Mr. Harris said he is asking why the limitation on light trucks.

Mr. O'Reilly said this is a problem throughout the City, so you could describe this as prohibitive, but you could also describe it as solving a problem, because many of these kinds of vehicles do cause problems and a great number of complaints are registered about these kinds of things.

Mr. O'Reilly continued, "The Land Use Department and the City Attorney's Office spent an inordinate amount of time on this language, compared to the rest of what is in your packet tonight. I certainly can understand the concern about trailers and light trucks if they weren't properly defined and to know what they are. The reason for the wording 'designed for business purposes,' as opposed to 'used for business purposes,' is because we tried to recognize the fact that there are people who use a vehicle for business, but it's not what we would generally think of as a commercial vehicle. For example, a carpenter who drives an F-150, and that's a vehicle that can be used for business purposes, but also is used as a family vehicle as well. You might drive your wife and kids to church in your F-150. You're not likely to drive your wife and kids to church in a tow truck, or what we would think of as a light truck, a box truck. And we also wanted for someone who operated a home occupation business, for example, a plumbing business and operated it using an F-150 that when the business shuts down, they should be able to leave their F-150 on their property. On the other hand, if someone has a huge tow truck or some other kind of huge commercial rig, it shouldn't be on their residential property at all."

Mr. O'Reilly continued, "So the second half of this was designed to get at that, the clarification where it talks about what commercial or industrial vehicles to not include. So there are also trailers that are not designed for commercial use. As an example, a trailer to tow your boat, is not a commercial trailer, but there are other kinds of trailers that clearly are meant for commercial use. A trailer that would pull a CAT-950, or something like that, is a commercial size trailer. It's not something you can tow with your boat trailer. So we're trying the best we could, and believe me, I understand your concerns, which is why we spent, as a staff, so much time trying to figure this out."

Mr. O'Reilly continued, "I think that some real care has to be used here in tweaking this language, because as we were developing it, we were trying to find that right fit. And then when we took one

word and changed it, it created a whole different meaning. So I would suggest here, that if this proposed language is not going to be acceptable, that we could take the Commission's comments into account and try and come up with something new, but that we not redesign this language here tonight. Again, just because we spent a lot of time trying to get this exactly right."

Mr. O'Reilly continued, "And again, to go to your point about someone who say, works for the State and drives their pickup truck home, a pickup truck would not be a vehicle designed for commercial uses, that could be used for commercial use, but is also a passenger vehicle, so that wouldn't be prohibited. But if someone brought their backhoe home from work, that's something we wouldn't want."

- Chair Harris said, "I'm sure you have worked on this one, because it's a bit of a can of worms in my opinion, and I do think it creates problems, and I'm sure it solves some problems too, when it speaks to tow trucks and earth moving and grading [equipment]. However, in this scenario that you used where a family may go to church in that F-150. Well, if that F-150 happens to have a tool box on it, somebody may say that now it's designed for business purposes by virtue of having a toolbox. I think that argument could be made. Is there, in your opinion.... why would we not list under that last sentence, 'Commercial or industrial vehicles do not include passenger cars, light trucks and small trailers that may be used for business purposes related to a registered home occupation business.' At the very least, it seems like we should put 'light trucks' in there."

Mr. O'Reilly said, "I think your concern, and I understand it, comes from what is the definition of a light truck, and if a definition of a light truck is a pickup truck, then I agree with you that would be a real concern, half of us drive pickup trucks. If the definition of a 'light truck' and I'll ask Mr. Smith to weigh in on this if he can, I think is not a pickup truck. And it may be that if we're going to change this language, we may need to add a definition of what a light truck is in order to make this work."

- Mr. Harris said an F-350 may not be a light truck, for instance. It's still a pickup truck, but extended cab you know and things. It's very problematic."

Mr. O'Reilly said, "I think we had in our mind, and I admit maybe we have not been specific enough, but we had in our minds that light trucks were what I refer to as box trucks. Things like a moving truck, a small moving truck, or the kind of truck that delivers your couch from the furniture company, not an 18 wheel tractor trailer, but a truck like that. A Ryder Rental Truck. And believe it or not, we have people who park those on their residential lots in the City, sometimes more than one. And like, if they bought an old Ryder Truck, let's say, and we get a lot of complaints from neighborhoods about that. 'I don't want to see this thing in the yard next to me.' So, we could maybe do with a better definition of what a light truck is, because it certainly was not the intent that a light truck be a pickup truck. Or that by virtue of someone putting a tool box in the back, that suddenly that pickup truck would become a prohibited vehicle."

- Commissioner Harris said, "In reviewing this, and I applaud you Mr. Smith, after working with it for a few hours, I end up with a roaring headache, so it's very complex. But I think this, to me is the most difficult... for instance there is a definition of trucks in certain sections that talked about

nothing more than 11 feet high and 20 feet in length. I happen to have a FedEx delivery at our commercial complex. I measured it [and] it happens to be a little under 11 feet. So the Code takes some time to define these things in such a way, it seems that light trucks, as it's used here, would have to be defined, or added back into. If we're restricting them under the first sentence, excuse me, the one that begins 'Commercial or industrial vehicles,' if we're restricting them there, it seems like, as a light truck, it seems like we would need to be fair, would have to add them in the sentence that says, you know, I've read it once already, the final sentence, on line 17, '...do not include passenger cars, light trucks and small trailers..."

Mr. O'Reilly said, "I understand, if we're considering light trucks to be like a box truck kind of a truck, like a Ryder truck or small moving truck, we would not want to allow that to be allowed in a residential neighborhood. When people come forward for a home occupation business, we place a number of different conditions on that use. And, for instance, if someone came by and wanted to do a towing business, one of the conditions would be, yes, you can operate your towing business out of your house. You can have your paperwork there, you can have your phones ring there, you can advertise that address as where the towing business is, but you will not park your tow truck at that location. You have to put that at your storage yard or something. We would do the same thing with what we term a light truck, a box truck. Yes, you can have a moving company and you can run it out of your house, but your truck has to be at a yard stored somewhere else. The reason for that is that the home occupation business, which is the reason that we put the final sentence in, the Home Occupation section of the Code is not designed to allow a residential neighborhood to become like a commercial neighborhood. It's allowed for certain kinds of restricted commercial uses to happen in a residential neighborhood. And based on that, and the kinds of complaints that we receive a lot from neighborhoods, that is the reason to try to nail this down and make it a little tighter."

- Commissioner Harris said, "If I may, you know, we're going in circles a little bit. And I think, at the very least, what we have to do is to define light truck, because it's in the eye of the beholder and the wishes of the interpreter when it comes down to processing an application for home occupation. We don't speak to what a light truck is. Any number of people would interpret it in the future or even now, is a pickup truck is a light truck."

Mr. O'Reilly said, "Greg if you want to add something about the research we did or about light trucks or any of this, go ahead."

Mr. Smith said, "In coming up with this language there were a couple of things we were trying to do. One is trying to balance between going to court on the tow truck. We recognized we were too light on detail with regard to the current provision which just says, 'no commercial vehicles,' arguably, too broad or narrow, depending on which side of the fence you're on. When we went to try and get specific about different terms such as light truck, or personal vehicle, or passenger vehicle, we did not find any useful definitions in the State Statutes, in the Administrative Code or in the Federal Regulations. We considered drafting definitions of the various terms, and stopped short of doing that, recognizing that all of Chapter 14 is a balance between clearly setting a standard for every conceivable condition versus recognizing that there is going to be some

administrative application of these terms. And I think we were comfortable that this was the balance point that we could administer fairly in terms of having a tool that would allow us to respond effectively to complaints from neighborhoods, but not require us to take everybody who has an F-250 with the contractor's logo on the side and make them park someplace else. I understand your concern and you're dealing with the same ones that we did."

- Commissioner Harris said, "Of course, my frame of reference is I've been in the construction business in this town since 1976, and although I don't run trucks and people anymore, there are a lot of people who do and they need the flexibility. City Hall works and Land Use Department works well these days. You should know that. You've heard me say that, and it does work well. But there's situations and I think this is really problematic. And I also understand that of everything you want to go to Council on February, whichever, thirteenth, this is probably fairly close to the top of the list because you have so many situations with tow trucks or commercial vehicles that are problematic."
- Commissioner Harris asked, "How can we address this between now and the time it goes to the Council."
- Chair Spray asked, "If we would make this recommendation, can we attach a recommendation with some suggestions that you might want to consider, so we can move the agenda, of saying we'll approve it as it is here. We would suggest you look at this particular area or that particular one as Commissioner Lindell had suggested."

Mr. O'Reilly said, "If it's the desire of the Commission that tonight, you are wanting to recommend approval of this with the condition that staff add a of light truck, or that kind of thing, then that could be done between now and the time that it goes to Council, if the Commission thinks that's the right thing to do."

- Chair Spray said, "Or to study that. Thank you. So perhaps we could proceed a bit Commissioner Harris, and when we've heard from everybody else, we can come back and move whatever we need to do here and propose any condition that we might want to do. Is that okay with you, Commissioner."
- Commissioner Harris said, "In part. I think the other part would be, once we define light truck, I think it's also appropriate, again, depending on how we define it, because it's in the restricted category in the first sentence I've referred to, but either the definition... well, it may be appropriate to put it in the last sentence as well, depending on the definition."
- Chair Spray asked, "Why would that be different from what I said that we could do."
- Commissioner Harris said, "Again, it's a matter of definition. But once that definition is understood and agreed to, then we have to consider the full language of how light truck determines use, because I think it may need to go into the final sentence I've read twice now."

- Chair Spray said, "If I may, then the administrative aspects of it, if an administrative judgment is made of what a light truck is, and someone doesn't like that, there's an appeal process, I assume, going forward to do this. Would that be correct Director O'Reilly."

Mr. O'Reilly said any final decision of the Land Use Director or Department can be appealed.

- Chair Spray said, "Absolutely, so I think there's a way out for someone who is feeling... that perhaps isn't treated equally under the law, which I think makes a lot of sense. I would like to ask a question about the weight calculation of that, and I don't know much about vehicles or licenses, but it seems to me that most State vehicles are licensed by weight with commercial plates. Isn't that an easy definition for what a light truck is. I don't know."

Mr. O'Reilly said, "In looking at this issue, we looked at it in a lot of different ways. One way we looked at it was maybe commercial or industrial vehicles could be classified by whether you need a commercial drivers license to operate them. It turns out there is a whole huge range of huge, clearly commercial-type vehicles that don't require a CDL to operate. An example would be like the very largest, like Ryder trucks or U-Haul trucks don't require a CDL. And those are clearly the things I think we don't want to see parked in neighborhoods."

- Chair Spray said he doesn't know, and asked if the vehicles have special places which indicate their weight or use, so you just look at it.

Mr. O'Reilly said it varies a lot, and there are certain vehicles that require certain drivers licenses. There are certain vehicles that may have to have a certain kind of a plate based on their gross vehicle weight, noting manufactured homes have to have a plate saying manufactured home. He said he doesn't believe this is sufficient to get to the types of vehicles that I believe we want to keep out of neighborhoods.

- Chair Spray said, "At the end of the way, you would say you have vetted through legal, there is an administrative process where a decision would be made, and of course is appealable, if that choice was made where the definition was not a light truck. So there is recourse of someone who comes and says, I've got a light truck, you say it's not a light truck, they could still go do that, no matter what the definition would be."

Mr. O'Reilly said, "Yes, that is true. And at the risk of shooting down our own ordinance here that we've tried to come up with, it does concern me what Commissioner Harris is saying. And I think I would feel more comfortable, if we had a better definition of a light truck. And in the last sentence I would feel more comfortable if it said, 'Does not include passenger cars, small trailers and pickup trucks that are used as part of a home occupation business. Because again, depending on how you define a light truck, it may be the kind of vehicle we simply would not permit as part of a home occupation business. And so I think you can sense how careful we want to be about this, and I can certainly sense it from the Commission that they want to be careful about it as well. We're not trying to put someone out of business or anything like that. But there are certain kinds of vehicles that, I believe and I believe generally thought, inappropriate in neighborhoods."

- Chair Spray said it's a balance and there's judgments clearly involved in what works. In terms of going forward, I would like if there are any other Commissioners who have any other comments on this, then move to move forward on this particular proposal before us with any amendments or changes we might want to be able to add, at the time that we bring that up, we can do that.
- Schackel-Bordegaray said "I just have a few comments related to the matter at hand that Commissioner Harris has raised, and I can appreciate the difficulty in this. I don't have an answer for it, but it does raise a few more questions for me. One of which, and I don't want to open this all up, but we're talking about something very important... it's symbolic of our community and has to do with class and it has to do with what people do for a living. And home occupations, the fact that they're part of our neighborhoods and integrated is good. I only bring this up because I was at an elementary school basketball last night. They overbooked and Chaparral Parking Lot was overflowing, and we were told in the audience that, by golly, we might get towed. And it was a good night, because the games were good, but there was the threat that we'd be towed, and I just happened to hear one of the other parents say, 'That's okay, I know all the tow truck operators in town. It reminds she is in better shape if she gets towed, than I am.'"

Commissioner Schackel-Bordegary's remarks here are inaudible. She said, "Some of the huge ones shouldn't be parked in neighborhoods, but I guess the symbolic nature of this is what is the message in terms of vehicles that, light trucks that may or may not be acceptable. For instance, in my opinion, I would find, I find in my octogenarian neighborhood, peoples' RV homes parked next to their homes way more objectionable, in terms of interfering with the community nature. And that's an eyesore. It's manufactured housing on wheels that sits there. So I'm injecting my own opinion here that this is not a trivial matter, and it is very important to define and to be clear what we mean as a City."

- Commissioner Schackel-Bordegary asked if RV's are allowed to be parked in front of houses. Okay, right there. This is why I bring this up. They're an eyesore and they stay there. I live in a neighborhood that has, literally, around me there are 5 RV's parked in our wonderful single-family road and City neighborhood that detracts. I support Commissioner Harris in his concern to sort this out, and I think we can sort this out. I think it should be a debate at the Council level though, if we have to do that. It seems like dimensions and weight might be getting to definition by dimensions and weight. We need to give you tools to get the offending vehicles out of the neighborhood once we agree on it. But it strikes me that Ryder trucks are used for moving, so they're going to be parked in the neighborhood overnight. So I don't know where this all came from, and you guys are ones that know what the egregious groups are, like you just pointed out. Ryder trucks parked forever, but a Ryder truck by nature, can be parked on the street for a couple of days while you're moving. Thank you for indulging me. Those are my comments."

Mr. O'Reilly said what the Commission could do if it would like, is to recommend approval of the Ordinance without Section #30. He said the current Code says storage or parking either continues or intermittent of commercial or industrial vehicles, which would put us back where we are today. The Land Use Department or Director is used to dealing with impossible problems, and this will just become another one we are force to deal with. The Planning Commission could set up a

small subcommittee to work with us on this language to get it right, and when we do get it right, we could bring it back at a later date. Or, the Commission could delay all of this to the next meeting, and take it Council a little bit later.

- Chair Spray said he appreciates the direction. He said, "Given what Director O'Reilly has said, is there any more discussion, or does someone wish to make a motion. Anyone."
- Commissioner Lindell said she would suggest we continue on and hear the rest of the concerns before we make a decision on just one, noting she brought up areas where she had concerns. She said, "Shall we proceed and continue with the packet."
- Commissioner Harris said that's what he would like to do, commenting #30 was the most important for him and the most substantive. He would like to be sure all Commissioners have had a chance to comment on any and all of the sections and then consider what the action should be.
- Commissioner Harris said, "With regard to Section #21, there seems to be an anomaly dealing with mixed use, and you have to bounce around different places and eventually you get to 14-7.3. He said it relates to the densities in C-1 to C-4. In mixed use, buildings of 25 feet or less in height shall not exceed a maximum of 12 dwelling units per acre and buildings of between 25 and 35 feet or less in height, shall not exceed 14 dwelling units per acre. This is applicable to mixed use. I just wonder why we were so restrictive on mixed use, as we discussed earlier, in C districts there is potentially a much greater density."

Mr. Smith said, "These regulations on mixed use were adopted in 2003-2004. We didn't re-evaluate them, we simply cross-referenced them in this set of amendments. We were hoping to not to take the lid off that can of worms until we've got a specific proposal to address, in a comprehensive way, the mixed use regulations. So one of the projects that's on the list of projects for both the [inaudible] and the Current Planning Division is to review and/or supplement the mixed use regulations in a comprehensive way. All this amendment does is to change the way it is cross-referenced. It does not attempt to get in the substance at all.

- Commissioner Harris said if we are going to get into this in the near future, he is fine with that.
- Commissioner Harris said Section #23 is amended to "Make Shopping Center district requirements the same as C-2 district requirements for bars and cocktail lounges," and this is specific to no outdoor entertainment.

Mr. Smith said they are adding the asterisks in the Shopping Center District and in the C-2 District.

- Commissioner Harris said the synopsis said "the same as C-2 district requirements." He said, "I went back and looked at the existing table, and the existing C-2 is just the P designation, is permitted. So, basically, we are adding the Special Use Permit in C-2 and the Shopping Center for special use permits. Correct."

Mr. Smith said this is correct, so it would be a more accurate description. The result is that it would bar a cocktail lounge with more outdoor entertainment and is treated the same in all those districts as a restaurant with a bar or cocktail lounge in those corresponding districts.

- Commissioner Harris said, "And just a point of clarification. I know it came up later, but on the measurement for 200 feet. That's basically from property line to property line, not from front door of the bar to the property line for residents. Correct. I'm thinking about, for instance, DeVargas Mall. We've heard before that on the west side there's going to be a major development, and it could be Hooter's. They wouldn't disclose. It could be Hooter's, so how's this is measured, and you've got residences up against that west property line.

Mr. Smith said typically, the measurement is done property line to property line. For example, the DeVargas Shopping Center is at least 3 and possibly 5 underlying lots of record. There is a generic provision that gives the Land Use Director to the authority to do those kinds of calculations on the basis of the premises where a number of lots are kind of compounded into one complex.

- Commissioner Harris said then we are requiring special use permits for C-2 as well as the Shopping Centers, 1, 2 and 3.

Mr. Smith said yes, if the bar is within 200 feet of a residential district.

- Commissioner Harris said these are all of his comments.
- Chair Spray said he wants the Commissioners to have all the time they need to be able to answer all of the questions.
- Chair Spray said the Commission has identified a number of issues that we have with the amendment matrix and other issues as part of that. He said Director O'Reilly said it is up to do whatever we would like. We can recommend approval to the Council with whatever exceptions you would like. The idea is to meet with staff, especially on Section 30, on the definition of light truck, which could be useful. He asked the wishes of the Commission.

Commissioner Bemis said she would like to recommend approval of the entire bill, with the exception of Section 30

Mr. Smith said as a point of order, the Commission approved a motion to recommend approval of Sections 1 through 20, with a specific amendment to Section 6. So if the Commission concurs that is still appropriate, the Commission will recommend approval of Sections 21 through 65, excluding Sections 30, 40 and 65, with the amendment sheet.

MOTION: Commissioner Bemis moved, seconded by Commissioner Schackel-Bordegare, to recommend approval of Sections 21 through 65, excluding Section 30, with the amendment sheet.

DISCUSSION: Commissioner Lindell understands we don't want to accept Section 30 as written, and said we aren't looking to reject it, but for an opportunity to work with the Land Use Department on that Section. If that is the case, she would ask that we also review Sections 40 and 65.

FRIENDLY AMENDMENT: Commissioner Lindell asked to amend the motion to also include Sections 40 and 65 to be excluded from the approval. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSIONS.**

RESTATEMENT OF THE MOTION: Commissioner Bemis moved, seconded by Commissioner Schackel-Bordegary, to recommend approval to the City Council of Sections 21 through 65, excluding Sections 30, 40 and 65, and with the proposed amendments as set out on the amendment sheet, that the Planning Committee will create a subcommittee of not more than 3 members of the Planning Commission, to work with staff on these Sections prior to the next Commission Meeting.

DISCUSSION ON THE RESTATED MOTION: Chair Spray said then this is the intent of the action described by Commissioner Lindell.

[NOTE: Commissioner Lindell's microphone was off and it was difficult to hear her remarks here.]

Commissioner Lindell asked when this is to go to the Governing Body for approval.

Mr. O'Reilly said it goes before the Public Works Committee on Monday, and then to the Governing Body on February 27, 2013.

Chair Spray said he presumes we would need to resolve the issues prior to February 27, 2013.

Mr. O'Reilly said, "No. We can postpone going to the Governing Body if we think it will take longer than a few weeks to figure this out."

Chair Spray thanked Mr. O'Reilly, noting there is a motion to approve Sections 21 through 65, with the exception of Sections 30, 40 and 65, with the proposed amendments, and included in that motion is the creation of a special committee, not to exceed 3 Commissioners to meet with the staff as appropriate on an as expedited a timeline as is possible, to be able to resolve the issues regarding Sections 30, 40 and 65.

Commissioner Villarreal asked if the balance of the Sections will go forward to the Governing Body.

Chair Spray said this is correct.

Mr. Smith said he would hope the motion would include the amendments on the amendment sheet in the packet.

Chair Spray said this is correct.

Commissioner Schackel-Bordegary asked if we would meet to resolve the issues, and then Mr. O'Reilly would present the changes to the three sections.

Mr. O'Reilly said, "It becomes an issue of notice and getting packets ready for the Governing Body. It might be better to simply postpone the decision, and we can take it off the Governing Body's agenda for February 27, 2013, and move it out to the end of March for the Governing Body, just so we have plenty of time to go through this, get it into their packets. I don't want to confuse the Governing Body by bringing them half a bill that has sections missing. It probably would be cleaner if the Commission could work through the subcommittee, come back to the full Commission and be okay with 30, 40 and 65, and take it forward to the Governing Body. So that's not a problem. We can remove it from the Public Works Agenda. We can remove it from the Governing Body's agenda until that is achieved."

Chair Spray asked the maker of the motion about this revision.

Commissioner Bemis asked if there are people on the Commission who are willing to work on this project.

Chair Spray said he can think of 2, perhaps 3 Commissioners.

Mr. O'Reilly said motion could be adopted, and people can be assigned to the Subcommittee under Matters from the Commission.

WITHDRAWAL OF MOTION: Commissioner Bemis withdrew her motion.

MOTION: Commissioner Harris moved, seconded by Commissioner Bemis, to postpone consideration of the Chapter 14 Technical Corrections and other minor amendments, to the Commission meeting of March 7, 2013, subject to review by the subcommittee and consideration by the full Commission.

DISCUSSION: Mr. O'Reilly said this can be postponed to the next Planning Commission and if the work of the subcommittee isn't done by then, we could postpone it again.

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

G. STAFF COMMUNICATIONS

Mr. O'Reilly said Ms. Baer reported what he was going to report about the Aguafina development, so there are no other communications.

Chair Spray asked what will be the upshot of that action.

Mr. O'Reilly said he is unclear, and there is any number of things they could do, based on the Council's decision. They may go ahead and develop it under its current zoning or they could do other things.

H. MATTERS FROM THE COMMISSION

Commissioner Pava said the Long Range Planning Subcommittee met yesterday, and Mr. McPherson and Mr. Liming updated them on their progress. At this point, they are doing outreach and meeting with organizations such as Historic Santa Fe, Old Santa Fe Association and such. They are preparing a survey which would be made widely available using something like *Survey Monkey*, commenting it isn't a scientific survey. He said they got a preview of the questions which they think are good, although there is nothing in it about automobiles and vehicles.

Commissioner Pava asked Ms. Bemis for further comment, and she had none. Commissioner Pava said Mr. Liming mentioned there had been a *Journal North* article about the process, which he was able to find today. He will provide copies to the members of the Commission, noting the article is by Keira Hay and was done in January. He said it is a nice summary of the work to date at that time.

Chair Spray asked Mr. Pava to please scan the article, send it to staff and staff can distribute it to the Commissioners.

Commissioner Villarreal asked if the subcommittee talked about other ways to get public input because some people don't do *Survey Monkey*, or have a computer accessible to do surveys, and if there will be hard copies, and where could the public find them.

Commissioner Pava said staff is open to suggestion. He said Mr. Liming did say if we were to go with Research and Polling, for example to do a random survey of 400 people, it would cost several thousand dollars, while this costs \$200. He thinks they will be going to other organizations and will speak to everybody, service clubs and such. He said if Commissioners have any ideas, please contact them. He said it mostly will be a "staff focused effort."

Chair Spray called for three volunteers who are willing to serve on the subcommittee to review Sections 30, 40 and 65. Commissioner Lindell, Commissioner Harris and Commissioner Schackel-Bordegary volunteered to serve, and were appointed by the Chair.

I. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 8:30 p.m.

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, 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 meeting 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.

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2013-2
Chapter 14 Technical Corrections and Other Minor Amendments

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2013-2:

1. On page 2, line 2, after the word "REFERENCE," *insert* "14-6.3(B)(2)(b) REAR SETBACK FOR ACCESSORY STRUCTURES;"
2. On page 29, line 3, *insert* a new Section 32 that reads as follows:

"Section 32. Subsection 14-6.3(B)(2)(b) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

 - (b) All *accessory* uses and *structures* allowed under Subsection 14-6.3(B)(2)(a) shall:
 - (i) not involve the conduct of *business* on the *premises*, except *home occupations*;
 - (ii) be located on the same *lot* as the permitted *principal* use or *structure* or on a contiguous *lot* in the same ownership; [~~and~~]
 - (iii) not be likely to attract visitors in larger numbers than would normally be expected in a *single-family residential* neighborhood; and
 - (iv) not be less than five feet from a rear lot line except as otherwise allowed in Article 14-7."

[EDITOR'S NOTE: Renumber sections of the bill accordingly]

Respectfully submitted,

Staff

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "19"