City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 5/14/13 TIME 11:45am
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PLANNING COMMISSION
Thursday, June 6, 2013 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS
MINUTES: May 2, 2013
FINDINGS/CONCLUSIONS:
Case #2013-25. Rancho Siringo Residences General Plan Amendment.
Case #2013-26. Rancho Siringo Residences Rezoning to R-9.

E. CONSENT CALENDAR

1. **Case #2013-28. Plaza Pinoñes Final Development Plan Time Extension.** Report of Land Use Department Director's approval of a one year time extension for Plaza Pinoñes Final Development Plan originally approved by the Planning Commission on April 16, 2009. JenkinsGavin Design & Development, Inc., agent for Soñar LLC. (Donna Wynant, Case Manager)

F. OLD BUSINESS
G. NEW BUSINESS

1. Presentation by Richard Czoski, Executive Director, Santa Fe Railyard Community Corporation. Project approval procedures for Railyard Projects and a review of the Railyard Master Plan and history.

2. **Case #2013-32. 2060 Paseo Primero Variance.** Howard Gabor, MD, requests a variance to Table 14-9.2-1: Design Criteria for Street Types. The property is located at 2060 Paseo Primero, in Area 18 of the Annexation and is zoned R-1 (Residential-1 Dwelling Units per Acre). (William Lamboy, Case Manager)

3. **Case #2013-33. 2060 Paseo Primero Lot Split.** Howard Gabor, MD, requests plat approval to divide approximately 5.00 ± acres into two lots. The property is located at 2060 Paseo Primero, in Area 18 of the Annexation and is zoned R-1 (Residential-1 Dwelling Units per Acre). (William Lamboy, Case Manager)

H. STAFF COMMUNICATIONS
I. MATTERS FROM THE COMMISSION
J. ADJOURNMENT

NOTES:

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

SUMMARY INDEX
CITY OF SANTA FE
PLANNING COMMISSION
June 6, 2013

MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
June 6, 2013

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

A. ROLL CALL

MEMBERS PRESENT:
Commissioner Tom Spray, Chair
Commissioner Lisa Bemis
Commissioner Michael Harris
Commissioner Signe Lindell
Commissioner Dan Pava
Commissioner John Padilla
Commissioner Renee Villarreal

MEMBERS EXCUSED:
Commissioner Lawrence Ortiz
Commissioner Angela Schackel-Bordegary

OTHERS PRESENT:
Matthew O'Reilly, Director, Land Use Department
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Heather Lamboy, Senior Planner, Current Planning Division
Melessia Helberg, Stenographer

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

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

Chair Spray welcomed the new member of the Commission, John Padilla, and said the Commission looks forward to working with him and his contributions to our efforts.

Ms. Baer said staff would like to postpone Item E(1) on the Consent Calendar to the next meeting, noting staff wants to look at it further, and it may come back to the Commission at its next meeting on July 11, 2013.

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

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

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case #2013-25 Ranch Siringo Residences General Plan Amendment and Case #2013-26 Rancho Siringo Residences Rezoning to R-9 is incorporated herewith to these minutes as Exhibit "1."

1. MINUTES – MAY 2, 2013

The Following correction was made to the minutes:

Page 8, Paragraph 7, correct as follows: "...Trust does not have a part in this."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Pava, to approve the minutes of the meeting of May 2, 2013, as amended.

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

2. FINDINGS/CONCLUSIONS

A. CASE #2013-25. RANCHO SIRINGO RESIDENCES GENERAL PLAN AMENDMENT.

MOTION: Commissioner Harris moved, seconded by Commissioner Pava, to approve the Findings of Fact and Conclusions of law in Case #2013-25, Rancho Siringo Residences General Plan Amendment, as presented by staff [Exhibit "1"].

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

B CASE #2013-26 RANCHO SIRINGO RESIDENCES REZONING TO R-9

MOTION: Commissioner Harris moved, seconded by Commissioner Villarreal, to approve the Findings of Fact and Conclusions of law in Case #2013-26, Rancho Siringo Residences Rezoning to R-9, as presented by staff [Exhibit "1"].

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

E. CONSENT CALENDAR

1. CASE #2013-28. PLAZA PINONES FINAL DEVELOPMENT PLAN TIME EXTENSION. REPORT OF LAND USE DEPARTMENT DIRECTOR'S APPROVAL OF A ONE YEAR TIME EXTENSION FOR PLAZA PINONES FINAL DEVELOPMENT PLAN, ORIGINALLY APPROVED BY THE PLANNING COMMISSION ON APRIL 16, 2009. JENKINSGAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR SONAR LLC. (DONNA WYNANT, CASE MANAGER.

This case is postponed to the meeting of the Planning Commission on July 11, 2013.

F. OLD BUSINESS

There was no old business.

G. NEW BUSINESS

1. PRESENTATION BY RICHARD CZOSKI, EXECUTIVE DIRECTOR, SANTA FE RAILYARD COMMUNITY CORPORATION. PROJECT APPROVAL PROCEDURES FOR RAILYARD PROJECTS AND A REVIEW OF THE RAILYARD MASTER PLAN AND HISTORY

A power point presentation *Santa Fe Railyard Project – Richard A. Czoski, Executive Director*, is incorporated herewith to these minutes as Exhibit "2."

Mr. Czoski said it appears that the proposed cinema at the Railyard will be brought before the Planning Commission for consideration at its meeting of August 1, 2013. He said he thought he would take this opportunity to provide an update about the Railyard, what makes it different from other projects you may see and some of the other unique aspects of the property.

Richard Czoski presented information via a power point presentation. Please see Exhibit "2 " for specifics of this presentation.

Chair Spray asked Ms. Baer if there is necessity for public input on this item.

Ms. Baer said no, this is just an informational item

The Commissioners commented and asked questions as follows:

- Commissioner Lindell said when Mr. Czoski talked about lease numbers, he said the Railyard is 72% leased.

  Mr. Czoski said 72% of the land parcels are leased.

- Commissioner Lindell said Mr. Czoski said the national tenants are 6%, and asked if that is 6% of the land parcels.

  Mr. Czoski said no. The property, when ultimately developed, will be about 500,000 sq. ft., so it is 6% of the 500,000, so about 30,000 sq. ft. He said he thought the square footage of buildings would be more applicable to that measure than the land parcels. He said, "You could have a land parcel with a 100,000 sq. ft. building or a 5,000 sq. ft. building."

- Commissioner Lindell said the 72% we're talking about now, takes into consideration that the City will be leasing in the very near future, or has leased.

  Mr. Czoski said no. The City is leasing a portion of a privately owned building that is on a ground lease that has been leased since 2005, so their incremental occupancy doesn't impact the 72% number, because it's the number of ground parcels.

- Commissioner Lindell asked the term of ground parcel leases at the Railyard.

  Mr. Czoski said, "In our lease with the City, we're limited to an initial term of 50 years, and we can provide additional options for another 40 years, so a total of 90 years."

- Commissioner Lindell said when you say you have a staff of 3.5 people, she assumes those are not City employees.

  Mr. Czoski said, "We are a private non-profit corporation, and the staff works for the non-profit corporation. So again, our relationship to the City is as a tenant. And we occasionally act as a contractor for the City. For example, when the platform around the depot was rebuilt and a snow melt system put in last fall, the City hired us as a contractor to do that work. So occasionally, we're the contractor, but our primary role is as a tenant."

- Commissioner Lindell said, "It seems to me, and this is just a comment, 15 board members seems like a lot."

  Mr. Czoski said it is a lot of work. He said, "We have to deal with a wide variety of issues, and we are fortunate to have a very active board, but we really have to act as an intermediary between the private sector and the City. We have to deal with a lot of issues that a real estate developer would have to deal with. We have to deal with a lot of community issues because we manage all of the public events that go on in the Railyard. We have to be experts with what you can and cannot do

under the Conservation Easement, which in and of itself, is a 25 page document of dos and don'ts. We have to be able to help our tenants get their projects approved. We've done $20 million worth of construction for the City in this project, so we have to be experts at construction management, design and engineering. And we have to do things like snow removal, so it's a wide variety of things, and our Board members bring different expertise to the table to help us make those decisions."

Commissioner Lindell asked if the 15 member board is a part of the documents of their 501(c)(3).

Mr. Czoski said yes, noting it can be up to 17 members, but they have 15 at this point.

- Commissioner Lindell asked if the Board members are volunteer and Mr. Czoski said yes.

- Commissioner Lindell asked if there is a process for acquiring board members.

  Mr. Czoski said the Board makes nominations, which are vetted by a subcommittee of the Board, and then the Board votes on acceptance.

- Commissioner Lindell said, "In the master plan changes, I see the initial approval comes from the board."

  Mr. Czoski said this is correct.

- Commissioner Lindell asked, "What is the appeal process, if the Board doesn't approve something, what is the appeal process to get to the next step."

  Mr. Czoski said, "Well, if it's one of our tenants and we don't approve it, they could go directly to the City, I guess to Land Use. It's never happened, but I guess that would be the way it would work. The fact is that we are the tenant's landlord, so we have a great deal of discretion, and if the Board has denied a master plan amendment, that means we feel pretty strongly about it. And we would not allow that item to go forward in the lease, because ultimately the tenant has to sign a lease with us. It's an interesting question, Commissioner. It hasn't happened up to now."

- Commissioner Lindell said, "I'm just thinking, because certainly people come in front of this Commission and we may say no to a project, but they have an appeal process to go to the Governing Body. And I'm just wondering if there is that kind of appeal process with this, because it is kind of unique. You're the landlord, but what if a tenant comes to you and wants to come in, and several of your board members say, 'We don't really think that's a business we want to have in the Railyard,' but they're a viable business."

  Mr. Czoski said, "That's different. We have ultimate authority on who we lease to, so there is no appeal process. They could not go to the City Council. We are granted that authority in our lease with the City. One of the challenges we had when we started was that we had to convince the private sector that we were an autonomous organization and we would operate like a business,

and that there were no politics involved. Unfortunately, politics come into play when things are dealt with by the public sector. And we don't have any politics, we operate strictly as a business. And our leases are not of the public record. They're private agreements between two private entities, so that's one of the reasons the City structured it with a private entity between the City and the private sector."

Mr. O'Reilly said, "I want to expand on what Richard is saying. In a lot of ways, the Railyard is similar to Tierra Contenta. In the 20 years since we first built Tierra Contenta, I don't know of a single time when any project in Tierra Contenta came before the City for approval if it didn't have the approval of the Tierra Contenta Corporation and their Architectural Review Committee. It was set up that way for a purpose. The difference is that SFRCC actually has the ability, as Richard said, to enter into leases and would have to approve those leases, whereas Tierra Contenta simply sells tracts of land."

Mr. O'Reilly continued, "There has been a case recently where someone came forward wanting to do something at the Railyard, and the Railyard Corporation strenuously opposed that. Staff went to look at it and staff agreed. I think that case may have come.... I'm speaking of Frank Coppler and his request to use the parking, that may have come before the Planning Commission last year. I can't recall, but it was ultimately denied."

Mr. Czoski said it just went to the Council.

Mr. O'Reilly said the request was denied at Council, "and I think for those very reasons, that SFRCC, like Tierra Contenta is set up to be a pre-filter for compliance with their master plan before it gets to the quasi judicial bodies."

- Commissioner Pava said he previously served on the BCD DRC, and he recalls they dealt with some interesting cases before the BCD DRC was disbanded. He asked, "Are you at liberty to give us any kind of an update on things like the demolition of the New Mexico Lindo building, and the Old Warehouse Shed that the corporation wanted to demolish, but recommended against it. Then there is a status on a signal at Rio Grande and Cerrillos and the Santa Fe Clay situation. Any of that. Are you at liberty to give the Commission an update."

Mr. Czoski said, "Yes Commissioner, I am, and if I miss one, remind me. New Mexico Lindo was demolished as of last Friday, and the tenant next door is ready to sign a lease to expand onto that parcel, so that was the outcome of that. The sheds you're referring to were the Milestones, previously occupied by Milestone. We withdrew our request for demolition, and those buildings are sitting the way they have been. We don't have a tenant for that parcel right now. When we get a tenant, we'll probably come to the Planning Commission and City Council to revisit that question. The new cinema we selected will not impact Santa Fe Clay and they'll be able to stay where they are. I'm working with them right now to relocate a kiln shed that is on the north side of their building to probably on the east side of the building, because we need some area for exiting

of the cinema, but they are comfortable with that change. Although we did have the ability to demolish it, we were fortunate enough to locate a cinema that didn't require demolition of that particular property."

Mr. Czoski continued. "The signal. City Traffic Division has a finite set of requirements based on traffic before a signal can be installed. And I've been waiting for more space to get built out, before I ask them to put the traffic counter in again and see if we've hit that threshold. We did in 2008, and it seems like we were at 35% of the traffic we needed. There's been some development since then, so I believe we're probably closer. I'm not sure we're there yet, because I still have some other parcels to lease there, but it's a very important safety issue. And as soon as we get enough density there, we're going to come back and ask for it."

- Commissioner Pava thanked him for the update. He said, "Just for the record, every time my wife and I drive by the exit onto Baca Street, it reminds me why I shouldn't have voted to keep it only one way."

- Commissioner Padilla thanked Mr. Czoski for his very informative presentation. He said, "Under the City Ordinances, you have a bullet item of affordable housing. Am I correct in assuming that the Baca property is the only site that actually has housing on it or a design for housing."

  Mr. Czoski said, "There is an existing building at the extreme south end of the north Railyard, kind of by St. Elizabeth's Shelter on Alarid Street. It's about a 20,000 sq. ft. building, and there are 9 condominium units in that building. And I believe the prior developer worked out something with the City regarding affordable housing, but that occurred after the building was up, and I'm sorry, I don't have the details of that. That building did go into foreclosure, and is owned by Century Bank at this point."

  Mr. Czoski continued, "In the Baca area, we have three residential units, but there is one building with two units and the other building is an architect's office and his residence. So we don't have any multi-family on Baca, although there has been some interest in multi-family. We have to be careful with the scale. The group that came to us wanted to build 250 units which was a very large building for that area, and the Design & Construction Committee just turned it down. It was just way too big. So, we're hoping to attract some smaller scale multi-family. The land costs in the Baca area are much less expensive than the North Railyard, so it would lend itself more to multi-family."

- Chair Spray asked, "In the cinema coming forward, which one of the methodologies are we working under. Is it a master plan change."

  Mr. Czoski said, "At this point, it's more than 10,000 sq. ft., but we do not anticipate any master plan changes."

- Chair Spray said then we would operate under this particular scenario and Mr. Czoski said this is correct.

- Chair Spray asked staff if that "will involve anything such as a use permit, when we're reviewing this, because I don't think we've ever done anything in the Railyard before. Director O'Reilly."

- Mr. O'Reilly said, "It would come before the Planning Commission. It wouldn't be a use permit, it's an allowed use under the master plan. It would simply come forward as a development plan application."

- Commissioner Pava said, "There was one other application we looked at Mr. Czoski. It was the Mask Studios. Is that no longer viable, or is there another incarnation of that."

  Mr. Czoski said, "Two things happened with that project, and we all spent a great deal of time getting that approved at City Council. We all spent a huge amount of time. Unfortunately, the way the State reimburses movie producers entered into a period of uncertainty. That, combined with the lending environment, resulted in that project being built in Park City, Utah. So we lost 75 very well paying jobs, but it's gone. That's what happened to that one."

- Chair Spray thanked Mr. Czoski for the very informative report, and said the Commission looks forward to seeing him at the August meeting on the theater.

  Mr. Czoski thanked the Commission for the opportunity to make the presentation.

  Mr. O'Reilly said, "I just want to point out a couple of interesting facts. As Mr. Czoski alluded to, as you know in March 2012, this Commission and the City Council voted to do away with the Business Capital District Design Review Committee. The BCD-DRC was somewhat unique as a quasi judicial body in that it required that its members have certain professional qualifications – a real estate person, a contractor, a civil engineer, an architect and I believe a planner was among those. I am happy to say now, that with the addition of Commissioner Padilla, this body now has that same wealth of professional experience and certification. So this Planning Commission can now act in every way like the BCD-DRC did. I also want to point out that the cases you will hear, as former BCD-DRC members Harris and Pava can attest to, your purview is a little wider. You will be able to look at design issues."

  Mr. O'Reilly continued, "And the Land Use Director used to be on BCD-DRC for about 8 years during the mid 2000's, and we certainly did pay a lot of attention to design issues, so you'll get to do a little bit of that too. Which is a segue to my next point, which is in 2005, the BCD-DRC approved a submittal packet that applicants were to follow if they were going to apply to the BCD-DRC. Because they were dealing with design issues, that submittal packet required applicants to submit color renderings of their buildings in 3-dimensional renderings of the buildings to help them decide if they met the intent of the master plan. Unless the Commission directs us otherwise, that is the same kind of information we'll be asking from Violet Crown when they come forward with the cinema so this Commission can better analyze those applications."

- Chair Spray said he believes the Commission members would like to see that level of design, especially on a project like that. He said, "This is where I was going to the use permit, was if there were others that might be involved of a design nature, especially on such a visible project as that."

2. CASE #2013-32. 2060 PASEO PRIMERO VARIANCE. HOWARD GABOR, M.D., REQUESTS A VARIANCE TO TABLE 14-9.2-1: DESIGN CRITERIA FOR STREET TYPES. THE PROPERTY IS LOCATED AT 2-20060 PASEO PRIMERO, IN AREA 18 OF THE ANNEXATION AND IS ZONED R-1 (RESIDENTIAL-1 DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)

Items G(2) and G(3) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum, with attachments, prepared May 20, 2013, for the June 6, 2013 meeting, is incorporated herewith to these minutes as Exhibit "3."

A power point presentation *Gabor Lot Split & Variance Requests*, is incorporated herewith to these minutes as Exhibit "4."

Ms. Lamboy presented information in this case via power point. Please see Exhibit "4," for specifics of this presentation. Ms. Lamboy said in the opinion of staff, all criteria for the variance have been met, and therefore staff recommends approval of the variance and conditional approval of the lot split because the conditions relate to the lot split and not the variance.

Public Hearing

Presentation by the Applicant

Dr. Howard Gabor, 2060 Paseo Primero, owner was sworn. Dr. Gabor introduced his wife Olga and his son Noah. Dr. Gabor said, "To reiterate what Heather said, we live in Hyde Park Estates, it's actually Aztec Springs. It's a beautiful area. We have a large 5 acre lot. We also understand that as we get older, I'm only 50, but as we get older it's going to be tougher to live in the house we live in, and some day, we don't want to leave Santa Fe, but we know that house will not be something we could spend the rest of our lives in, just by access and stairs and so on. We would love to have a piece of land that, when we do leave that area, we could have for our son Noah. We're very attached to that area. It's a very close neighborhood. Aztec Springs is a unique place. It was developed well over 30 years ago, so some of the original owners are still there, Bob Palmer, Laurie Helms is here, we're all close there, and it's not a place I would like to leave. And this would give us the opportunity, even if we need to sell our house at some point, to still have a parcel there and for our son to continue to be there."

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Lindell asked, "If the Gabors had gotten here prior to the Holmes, the Holmes would be asking for what the Gabors are asking for now. Is that correct."

Ms. Lamboy said this is correct.

Commissioner Lindell asked Mr. O'Reilly, "No more than 8 lots can be accessed from a private roadway, why 8. Why not 7, why not 9.

Mr. O'Reilly said, "Commissioner Lindell, I can't answer that question. I don't know."

Commissioner Lindell said that is the answer she thought he would give her.

Commissioner Padilla said, "Heather, question for you please. On the preliminary plat that I see here, the survey, for the lot split, I see an easement that accesses the property. I guess it would be an access easement coming from the southwest. Do we have a width of that proposed easement. And second, or follow-up question, on the site is just a little over an acre. It's very challenging with the terrain. You've got a building that's been identified in the slopes that are below 15 to 20, and 20 to 30% slopes. Could you give me the area of what that proposed building area is. Square footage, or the identified building area."

Ms. Lamboy said, "To start with the easement question, the easement that leads to the property is 50 feet. The roadway itself is much smaller than that. The easement that crosses the property itself is 25 feet. And so it does provide access to the tract to the north, which would otherwise be landlocked. So, that's why you see the connection to the north of this tract."

Ms. Lamboy continued, "With reference to the buildable area, our City Code, Chapter 14, requires that a minimum of 2,000 sq. ft. of buildable area be identified. I haven't scaled this off, but it did meet standards and to estimate, it is approximately 5,000 sq. ft., as shown."

Commissioner Padilla said, "As a follow up, the width, did I understand you correctly to say the width of the easement that accesses the property is 50 feet wide, and the required road width is 38 feet."

Ms. Lamboy said that is correct.

Commissioner Padilla said, "And then, the issue of.... the easement is 25 feet that has been proposed through the subject property, providing access to the north, the easement is 25 feet."

Ms. Lamboy said this is correct.

Commissioner Padilla asked the proposed width of the road.

Ms. Lamboy said, "The roadway itself was identified as needing to be 16 ft. wide, according to Fire Department standards. And so that easement, If a road is developed on that, will have to be a minimum of 16 feet to meet those standards, but it really is just a private drive, so that is what will be required."

Commissioner Padilla said, "In your presentation, you had mentioned that there would be a turnaround. Is that a turnaround to be proposed, or a turnaround that is existing."

Ms. Lamboy said, "There's actually a sort of a hammerhead type of area that currently is illustrated on the plats, and that was a turnaround that is provided currently for the existing residence, and will suffice for the future sites."

Commissioner Padilla said then any development to the north of this property would have to provide the required width of road as well as a turnaround, as they develop the property to the north of the subject property.

Ms. Lamboy said that is correct.

Commissioner Pava said he is a little confused about how access is provided to some of the other newly-created lots. He said, "If it's okay with the Chair, would it be acceptable for Ms. Lamboy to go back to 'this' diagram and point it out."

Chair Spray asked Ms. Lamboy to do so.

Commissioner Pava said, "I want to make sure I understand what this is providing access to and where the other lots that were created are going to get their access from some day."

Ms. Lamboy went back to the diagram in Exhibit "4." Ms. Lamboy said, "Paseo Primero begins at Hyde Park Road and then proceeds to the east. And there is a driveway that, you can see the arrow of Paseo Primero, there's a driveway that continues beyond that. It's sort of difficult, but you can see it faintly through the trees that's on that aerial, if you take a look at the image in front of you."

Commissioner Pava said, "And, if I understood correctly, the lot immediately north of the Gabor's lot or lots would also be serviced by this easement. Now the lot north of that, there are two more lots north of that, and there is a lot that isn't tangent, but almost is, a very large lot to the northwest. How are those accessed."

Ms. Lamboy said, "We did research, Tamara as well as Mr. Lamboy, to determine how access would be, because obviously we don't want to landlock any particular lot. And there are access easements through other tracts of land and through a roadway to the north that provides access to the south."

Commissioner Pava thanked Ms. Lamboy, saying her explanation is very helpful.

Commissioner Pava said, "And this is not specific to this application, in light of the wildfire situation, can staff provide the Commission of an overview of what we do in these heavily forested areas. The reason I ask is that I have lived in, and I do work in Los Alamos. And I see conditions in some of these areas that remind me of pre-Cerro Grande times 2000, and my concern about these areas. And this not specific to bearing on approval or disapproval of this case. In general, could you provide the Commission with some details about fire-wise development and what's done. I realize this is an annexation area, or maybe we should have a presentation at some future time. I think this is a very big concern in Santa Fe."

Mr. O'Reilly said, "The City has adopted the 2009 International Fire Code, and in addition to the standard 2009 International Fire Code, they also have adopted the Wildland's Code. That happened in 2010 or 2011. As to exactly what those Codes contain, we rely on the Fire Department and the Fire Marshal to review things for us. The Land Development Code itself doesn't speak to this very much. It's interesting because the Land Use Code tends to go the other way. We ask people to plant screening vegetation. The Escarpment Ordinance, as an example, requires people to plant extra vegetation to screen their buildings which can sometimes get us crossways with the Fire Marshal who would like that vegetation further away from the buildings. And so sometimes we have to work that our very delicately with the Fire Marshal. We can certainly ask the Fire Marshal to come and make a presentation to the Commission to talk about those issues if you would like."

Mr. Pava thanked Mr. O'Reilly. He said, "And I think it is something that, as a Commission if the Chair so deems, at some future date, it is under the guise of public health, safety and welfare in the planning umbrella and it's going to happen, not if, it's when, and we need to try to be proactive. Thank you."

Ms. Lamboy said, "I would just also like to point out that the defensible area around a structure is really important, and that has gained a lot more attention in New Mexico. The City also about a year ago or less, hired a Hazard Mitigation Officer. His name is Andrew Phelps, and he is currently working on a hazard mitigation plan which the City has never had. So it might be to our benefit to ask him make a presentation. He's been going out to the public and having a series of public workshops, so we can research with him coming to this body."

Chair Spray said, "Ms. Lamboy, just so I can understand here. Thank you for bringing that map up. So, I'm counting, like am I counting 9 lots there in the area we're talking about. Right."

Ms. Lamboy said that is correct.

Chair Spray said, "So Paseo Primero kind of looks like it sort of dead ends right there and becomes a trail at that point. Is that the one you're talking about, the access."

Ms. Lamboy said that is correct.

Chair Spray said, "So, I'll take a crack at why only 8 at that point, because we're worried about people coming in and getting out. How many, given the R-1 status, how many units, what could be developed in this particular area, on these 9 lots. How many homes could be built."

Ms. Lamboy said, "It's one dwelling unit per acre, so, for instance on Dr. Gabor's property, I don't know the total acreage here, but he has 5 acres, so potentially, he could develop 5 homes, plus guest houses."

Chair Spray said, "And all the other ones could also do presumably something similar, as long as they had access to that, right."

Ms. Baer said, "If I could add to that Mr. Chair. There are other constraints that come into it. So, for example, you cannot build on 30% slopes, so that would eliminate on the Gabor lot, a huge percentage – everything to the east of where the current house is located. It's on very steep terrain. Probably, you couldn't build 5 houses there, they wouldn't find a buildable area. The other constraints include the availability of water. This particular subdivision is on a shared well. They're restricted to a certain amount of water total which is not compromised, we believe, by the addition of this one single lot, but may be, when you start adding others. In addition to water, there are septic systems which can't be within a certain number of feet of a well, so there are a number of constraints."

Chair Spray said, "It seems to me when we do that, we trigger something for the rest of the folks within that community and making it more difficult for them to develop that."

Mr. O'Reilly said, "I would just add one final thing which is, until recently, this property didn't have City zoning, and very soon, related to a topic I'm going to speak to you about during Matters from Staff, this area will not be under the City's land use jurisdiction and will lose its City zoning, and then it will go back to whatever the County allows. I'm not exactly sure what their requirements are, but I don't believe that they would allow 5 houses to be built on one lot. So, I think it's probably a non-issue for this parcel and the parcels in this subdivision."

Chair Spray said, "I'm sure that it wouldn't be a buildout at 5 per lot, and I wasn't necessarily thinking of that, because I know there are other restrictions on what could be developed there, and I appreciate that. But it just seems to me that the other ones we approved, the 3 we split, we triggered this. I don't know if our action triggered anything. It was the Gabors who triggered and wanted to go do that, we just pushed it up to what the limit would be. Now, we get to that limit without widening any of the access or changing any of those things. And I assume we prohibit others. If we're at 8, and what if we get to 9. Is the issue the width of the driveway, or whatever we're calling it, the private road."

Ms. Baer said, "This does make 9, and the reason that the variance is required."

Chair Spray said, "Okay, so 10. Say someone else wants to come back and say, the Gabors, and rightfully so, they got a lot split, we hear it's a lot. Well you on the Commission, you made this, you changed this, and then so why don't you change it for me also. What happens next when we go to 10. I realize it's speculative."

Mr. O'Reilly said, "Someone can request a variance to almost anything. The Planning Commission is not obligated to grant a variance for anything. So it would be an individual case, a different case, presumably with different circumstances, and you would analyze it based on that."

Commissioner Padilla said, "Ms. Baer you stated that these are all served by a shared well."

Ms. Baer said this is correct.

Commissioner Padilla said, "Therefore, the requirement in the City of Santa Fe Notes and Conditions, the fact that new construction is equipped with an automatic fire suppression system, and Item E states '... shall have water supply that meets fire flow requirements as per IFC, the International Fire Code, or sprinkle any new construction.' In reference to the new construction, would that include any expansion of the existing residence. Would they be required to provide the fire suppression system to that. That's one question. The second question would be, do we know what the capacity is, or are we concerned with, the capacity of that community well to handle the appropriate needs for the development of future lots."

Ms. Baer said, "The answer to your first question is that any expansion of the existing house would require a building permit and we would make that assessment at that time, and the determination would be that of the Fire Marshal who reviewed the building permit."

Mr. O'Reilly said, "The Fire Marshal has some flexibility in approving things, based on the amount of access, the steepness of the access, the grade of the road, the width of the road, whether there are turnarounds, how far something is from the nearest fire hydrant, things like that. Generally speaking, how the Fire Marshal has been approving things is, if there is an expansion of the dwelling area of a residence in a situation like this, they have asked that that portion of the residence be sprinkled. They haven't asked that someone go back and sprinkle the whole existing house. They haven't required that, if someone is just building a garage, or some kind of an out-building like a shed. But, if they were adding dwelling space, they have required that people sprinkle that portion. And I'm sorry, I also forgot your second question Commissioner."

Commissioner Padilla said, "I saw you deferring to each other, so that's fine. That's quite all right. Do we need to, or are we concerned with the capability and capacity of the existing water system there to truly provide fire protection service, or fire protection capacity."

Ms. Baer said the Fire Marshal has visited the site, and he is in agreement with the lot split, and therefore, he must have had confidence that the fire suppression pressure could be provided."

MOTION: Commissioner Lindell moved, seconded by Commissioner Villarreal, to approve the request for a variance in Case #2013-32.

VOTE: The motion was approved on the following roll call vote:

For: Commissioner Harris, Commissioner Lindell, Commissioner Pava, Commissioner Padilla, and Commissioner Villarreal.

Against: Commissioner Lisa Bemis.

3. CASE #2013-33. 2060 PASEO PRIMERO LOT SPLIT. HOWARD GABOR, M.D., REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 5.00 ± ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT 2060 PASEO PRIMERO, IN AREA 18 OF THE ANNEXATION AND IS ZONED 4-1 (RESIDENTIAL – ONE DWELLING UNITS PER ACRE) (WILLIAM LAMBOY, CASE MANAGER)

MOTION: Commissioner Lindell moved, seconded by Commissioner Villarreal, to approve the proposed Paseo Primero lot split in Case #2013-33, with all conditions of approval as recommended by staff [Exhibit "3"].

VOTE: The motion was approved on the following roll call vote:

For: Commissioner Harris, Commissioner Lindell, Commissioner Pava, Commissioner Padilla, and Commissioner Villarreal.

Against: Commissioner Lisa Bemis.

H. STAFF COMMUNICATIONS

Mr. O'Reilly said, "The City Council and Board of County Commissioners recently reached agreements as to how the City and County will proceed with annexation. The idea is that the next phase of the annexation will take place and become effective on January 1, 2014, and will include all of the areas in Phase 2 and 3 which previously were part of the presumptive City limits, with two exceptions. The first exception is that Area 18, which is the area east of the current City boundary which includes the area where the case you just decided lies, will go back in its entirety to the County, and the City will relinquish all jurisdiction in that area for platting, planning and zoning, all Chapter 14 authority, and likely will relinquish all business licence issuance authority in that area. The other change will be, as I said, everything will be annexed on that date, except for one small area, which is the area that is north of West Alameda, just east of the Agua Fria Traditional Community and west of the Calle Nopal area. It's the area where the Coyote Ridge Subdivision is, places like that. That area will be slated to be annexed in a final third phase, 5 years after January 14, 2014, within 5 years."

Mr. O'Reilly said, "I just wanted to update the Commission on where that is going. It is going to require either an amendment to the SPPAZO Ordinance [Subdivision, Platting, Planning, And Zoning Ordinance] or perhaps a new Ordinance to replace it. That Ordinance will have to be approved by the

ELUC [Extraterritorial Land Use Commission], which is made up of the Planning Commission and the County Development Review Committee, and then finally approved by the ELUA [Extraterritorial Land Use Authority] which is composed of members of the Board of County Commissioners and the City Council. So that's where we're headed on annexation."

Chair Spray asked if the east side also include the 10,000 Waves – is that part of the commercial district which will be going back to the County.

Mr. O'Reilly said 10,000 Waves currently is in Phase 3 in Area 18, and that area will go back into the County.

Ms. Baer said the Commission asked to be updated on the situation with SB 406, where it required all taxes on all properties involved in a lot split or lot line adjustment be paid through the end of the year. She said, "What we heard just today, Ms. Lamboy heard from Vicki Lucero who is the Director of Development Review for the County, is that they had determined that that would not apply to lot line adjustments. And we are able to file an easement plat also to which it didn't apply. I think that will make things a little bit easier. I believe it will still apply to consolidations and splits but no longer to lot line adjustments."

I. MATTERS FROM THE COMMISSION

Commissioner Lindell requested in the future, that when there is a roll call vote, that the names be rotated, so it doesn't start each time with Ms. Bemis.

Chair Spray that is an excellent idea.

Ms. Helberg said she will be happy to set that up, although she has never done that before.

Commissioner Villarreal asked who was selected for the ELUC.

Mr. O'Reilly said the City Council did appoint the people who wanted to be on ELUC, but he can't remember who they are, so most of the Commissioners are on ELUC.

Commissioner Villarreal asked who wasn't appointed, noting she got a letter of appointment.

Ms. Baer said, "I believe that Commissioner Bemis was an alternate and Commissioner Padilla would... we needed 7 and we had 9, so there would have been 2 alternates. And I think there was another alternate because we only had 8 members at the time."

Mr. O'Reilly said staff will send an email to the Commissioners in this regard.

Commissioner Padilla expressed his gratitude to Director O'Reilly and Mayor Coss and staff who were tenacious in staying after him to consider serving on this board, and thanked Mayor Coss for

appointing him. He looks forward to serving, commenting it is good to be back on this side of the table, noting he served several years on the Historic Design Review Board. He said he looks forward, years in the future, to seeing Noah's house being built. He is honored to be the newest member of the Planning Commission, and hopes to be the voice of the people of Santa Fe in deliberating on the future and the development plans for the City.

Chair Spray said it is good to have him on the Commission, commenting that he brings a great deal of expertise to the Commission.

Commissioner Pava said they had a Long Range Planning Committee yesterday, and were updated by staff on progress of the Long Range Plan. He understands they have been meeting with Mr. O'Reilly and staff, and "understands the plan is now 7 chapters down from 14 separate chapters, plus or minus thirty 11 x 17 pages, so there has been a combining and shortening of the draft." He said more importantly of note yesterday, it was related to us yesterday that "the future land use map, that you have discussed that at some length and come to some agreement that would maybe lead to some changes. At this stage it is too early to tell. And we'll learn more about that as it develops." He heard it was a good philosophical discussion about the role of the future land use map with regard to amendments, the development process and development review and having to amend that map and then having to amend the zoning map and so on and so forth.

Commissioner Pava continued, "On a related matter, the on-line survey done by Mr. McPherson and Mr. Liming. I believe they got about 560 responses. You may have heard about this already in my absence. The major issues were water and education. And I guess 70% of those who responded... now this wasn't a scientific survey, you could respond if you were able and aware of the survey. 70% of those responded cited education as being the big concern, how the City interferes with the School District and so on and so forth. We could go on over many beers on that. And Mr. O'Reilly talked about the Phase 2 annexation, and that will have some impacts. We talked about that yesterday, but I believe that's 4,100 acres. And I'm just taking this off the map that Mr. Liming had. 13,251 people more or less, 4,455 dwelling units and mostly in Council District 3, so that could have some big impacts down the road. And that's what I wanted to report."

Commissioner Harris reported on the Summary Committee meeting today. He said the Committee continues to be very active, noting there were 5 cases on the agenda, and one of the cases was postponed. He said there was an interesting family transfer, and the question had to do with the ability to round up. There was 1.79 acres, noting the Family Transfer portion of the Land Use Code allows rounding up, commenting it clearly was a family transfer. He said the Summary Committee was very active and staff did a good job.

J. ADJOURNMENT

There was no further business to come before the Commission.

MOTION: Commissioner Padilla moved, seconded by Commissioner Harris, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 7:30 p.m.

for TS

Tom Spray, Chair

7-11-13

Melessia Helberg, Stenographer

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

Case #2013-25
Rancho Siringo Residences General Plan Amendment
Case #2013-26
Rancho Siringo Residences Rezoning to R-9

Owner's Name – Forrest Thomas
Applicant's Name – Santa Fe Civic Housing Authority and Casas de Buena Ventura
Agent's Name – Duty & Germanas Architects

THIS MATTER came before the Planning Commission (Commission) for hearing on May 2, 2013 upon the application (Application) of Duty & Germanas Architects as agent for the Santa Fe Civic Housing Authority and Casas de Buena Ventura (Applicant).

The subject site is comprised of two parcels of land identified as Tract A and Tract B located at the southwest corner of Siringo Road and Yucca (collectively, the Property) totaling 3.44± acres zoned R-1 (Residential – 1 dwelling unit/acre).

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Low Density Residential (3-7 dwelling units/acre) to Medium Density Residential (7 to 12 dwelling units/acre) and (2) to rezone the Property from R-1 to R-9 (Residential – 9 dwelling units/acre).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early

Exhibit "1"

Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.

5. A pre-application conference was held on January 17, 2013.
6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
7. An ENN meeting was held on the Application at 5:30 p.m. on February 13, 2013 at the Oliver LaFarge Public Library on 1730 Llano Street. A follow-up meeting was held on April 8, 2013.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant, City staff and members of the public from the neighborhood.
10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning, subject to the conditions set out in the Staff Report (Conditions).

The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
    (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*
    The proposed amendment is consistent with growth projections for the City and makes efficient use of existing infrastructure. Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property, with access via Siringo Road and Yucca Street.
    (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*
    The proposed amendment is consistent with provisions of the General Plan that call for multifamily residential uses in the area and for a gradation of housing densities from Siringo Road and institutional uses north of Siringo Road to the lower densities in the south.
    (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*
    The amendment will not allow a use or change that is inconsistent with the prevailing uses of the area and the proposed amendment addresses an area of more than two acres.

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

(d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage of justification [§14-3.2(E)(1)(d)].*
This is not applicable, as, based upon paragraph 13(d) above, the proposed amendment conforms with Code §14-3.2(E)(1)(c).

(e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*
This is not applicable.

(f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(e)].*
The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City in that it is consistent with the policies of the Plan as set forth in paragraph 13(a)-(c) above.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
16. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
17. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:

(a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*
There was not a mistake in the original zoning for the Property. Since the City annexed the Siringo Road area in 1965, it has developed into residential uses of varying density to the south of Siringo Road and office and educational uses to the north. The Plan anticipates residential uses on the Property at a higher density than current R-1 zoning.

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

(c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(A)(c)].*
The proposed rezoning is consistent with the Plan as set forth in the Staff Report.

(d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [SFCC §14-3.5(C)(1)(d)].*

The Property consists of 3.44± acres and its proposed use is consistent with the cited City polices in that its development to allow for medium density residential use provides for an efficient use of City infrastructure and provides convenient vehicular, bicycle and pedestrian access to nearby employers, including the City, State of New Mexico, Santa Fe Public Schools and the Santa Fe University of Art and Design.

(e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)]*;
Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property, with access via Siringo Road and Yucca Street.

CONCLUSIONS OF LAW

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

General

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

The General Plan Amendment

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

The Rezoning

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

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

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

[SIGNATURES APPEAR ON FOLLOWING PAGE]

_____ _____

Thomas Spray
Chair

Date:

FILED:

_____ _____

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

_____ _____

Kelley Brennan
Assistant City Attorney

Date:

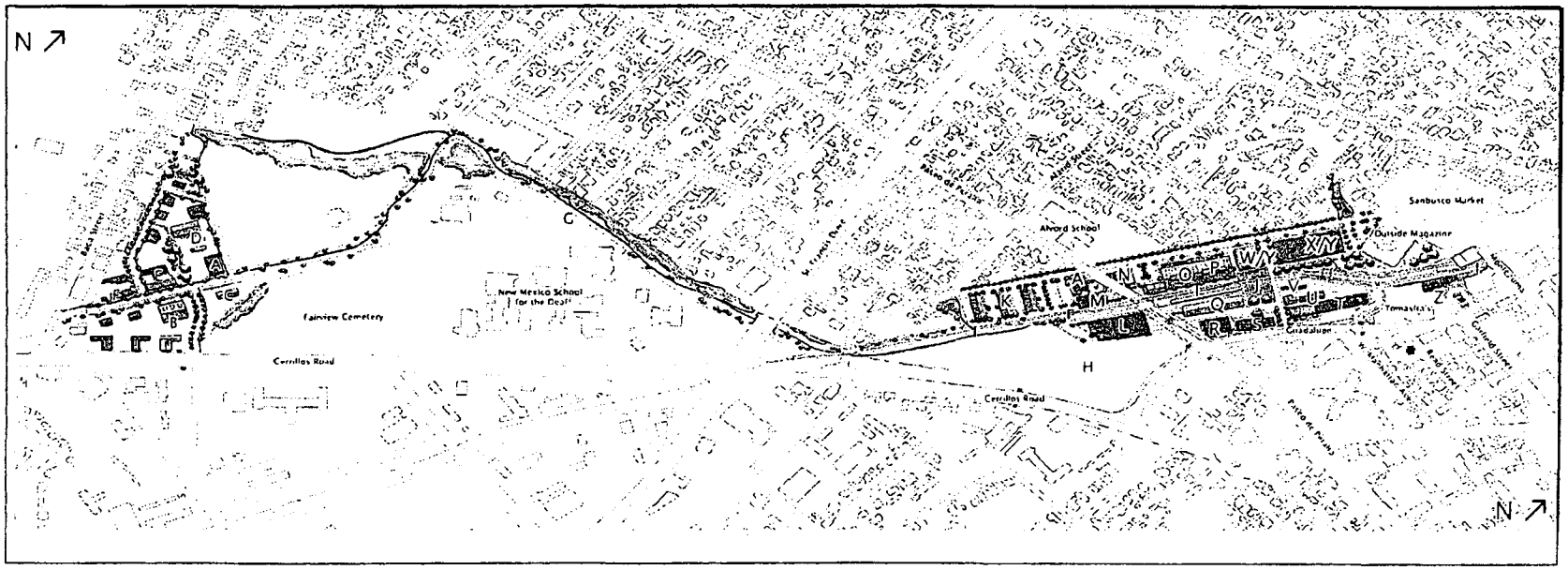
Santa Fe Railyard Project

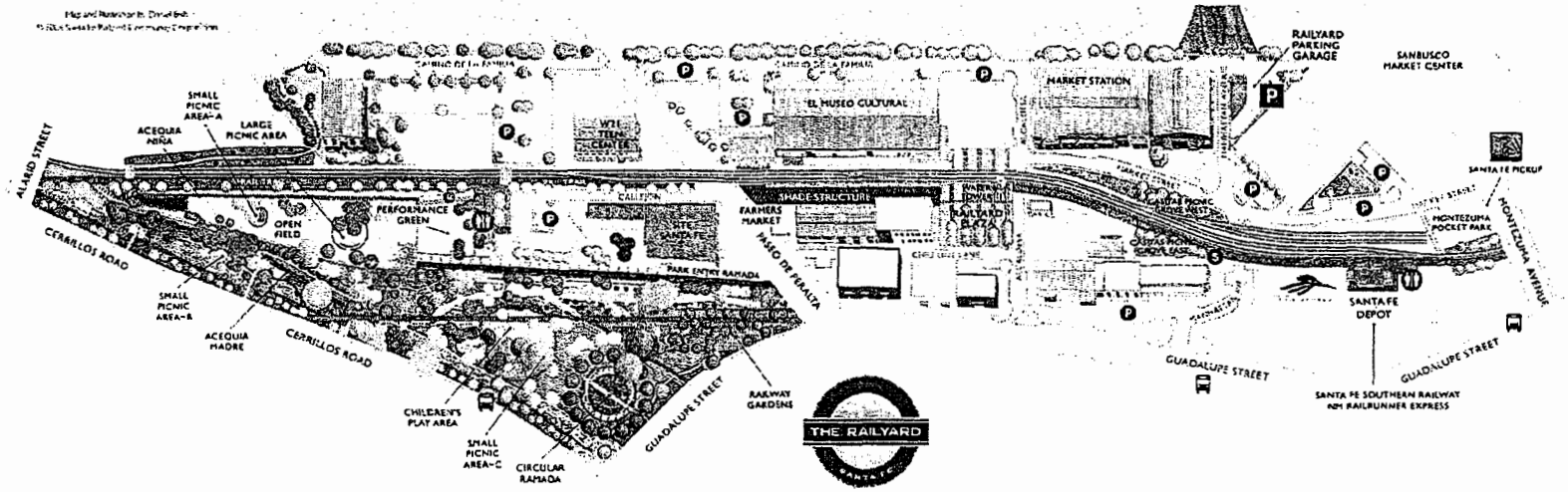
Richard A. Czoski,

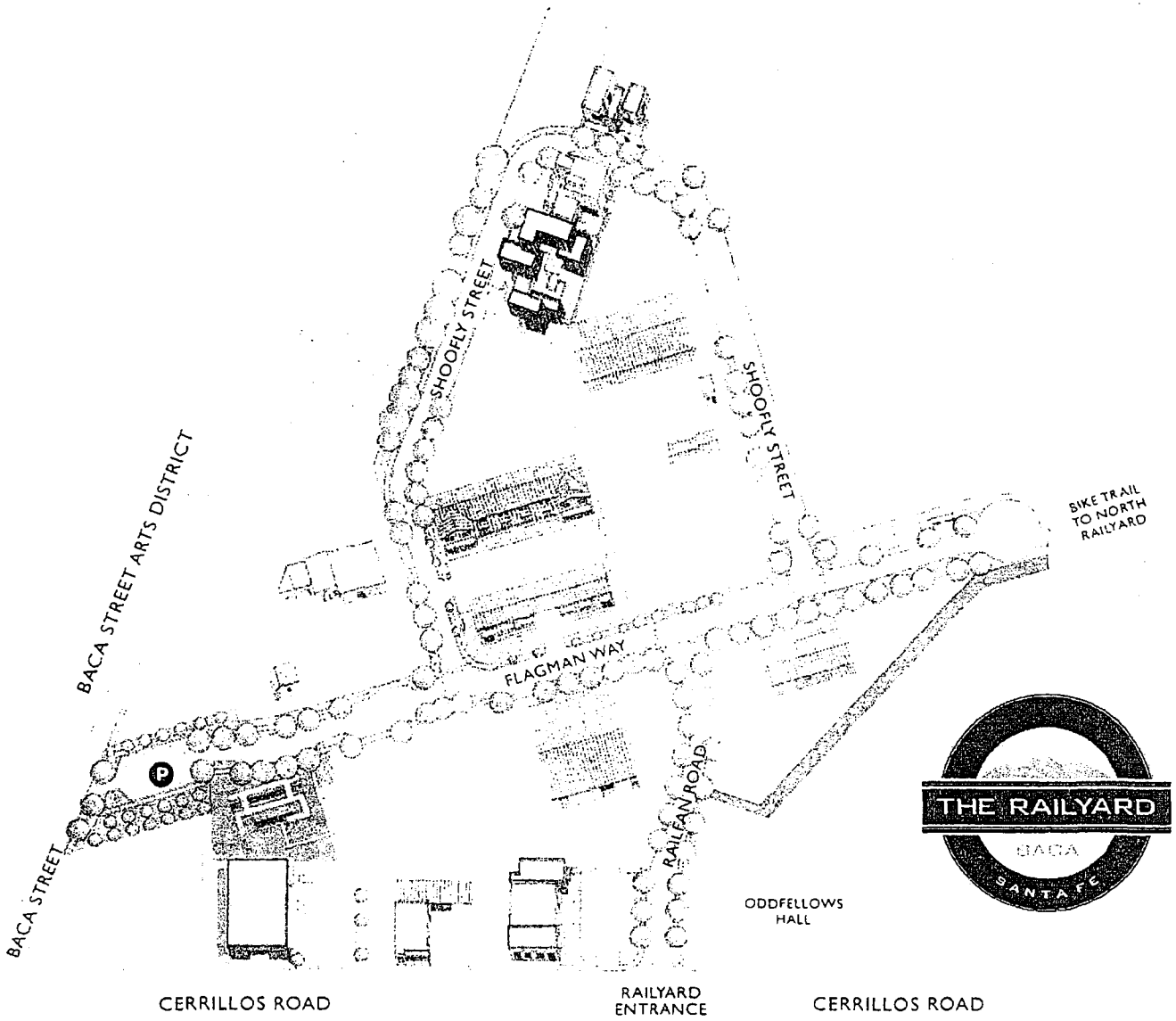
Executive Director

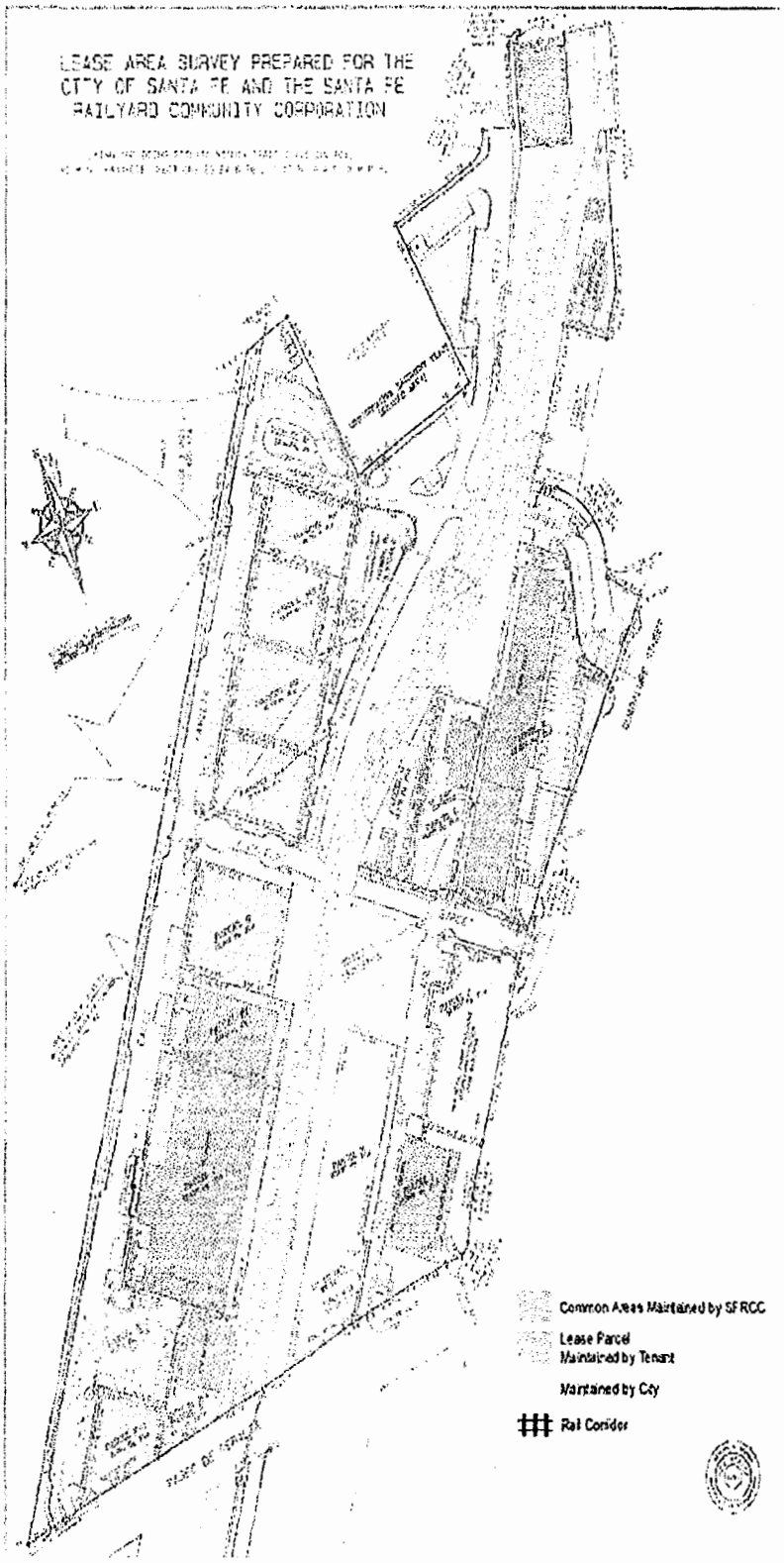
Exhibit "2"

SANTA FE RAILYARD

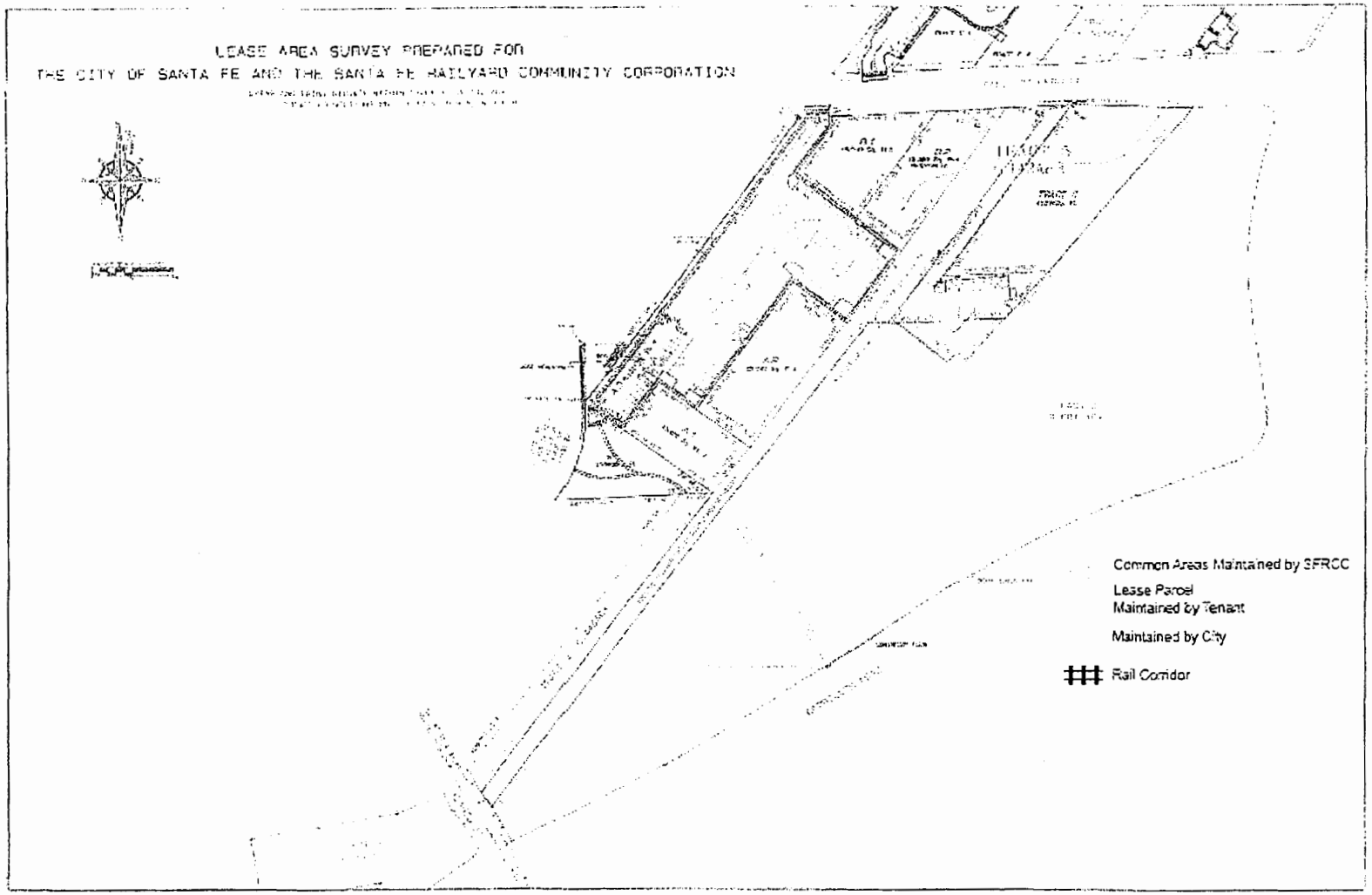



ALAMEDA STREET
CERRILLOS ROAD
SMALL PICNIC AREA-A
ACEQUIA NIÑA
LARGE PICNIC AREA
OPEN FIELD
PERFORMANCE GREEN
SMALL PICNIC AREA-B
ACEQUIA MADRE
CERRILLOS ROAD
CHILDREN'S PLAY AREA
SMALL PICNIC AREA-C
CIRCULAR RAMADA
GUADALUPE STREET
RAILWAY GARDENS
PARK ENTRY RAMADA
PASEO DE PERALTA
FARMERS MARKET
SHADE STRUCTURE
EL MUSEO CULTURAL
MARKET STATION
RAILYARD PARKING GARAGE
SANBUSCO MARKET CENTER
SANTA FE PICKUP
MONTEZUMA POCKET PARK
MONTEZUMA AVENUE
SANTA FE DEPOT
GUADALUPE STREET
GUADALUPE STREET
SANTA FE SOUTHERN RAILWAY
NM RAILRUNNER EXPRESS
THE RAILYARD
SANTA FE


SHOOFLY STREET
SHOOFLY STREET
BACA STREET ARTS DISTRICT
BIKE TRAIL TO NORTH RAILYARD
FLAGMAN WAY
RAILEAN ROAD
BACA STREET
P
ODDFELLOWS HALL
THE RAILYARD
BACA
SANTA FE
CERRILLOS ROAD
RAILYARD ENTRANCE
CERRILLOS ROAD

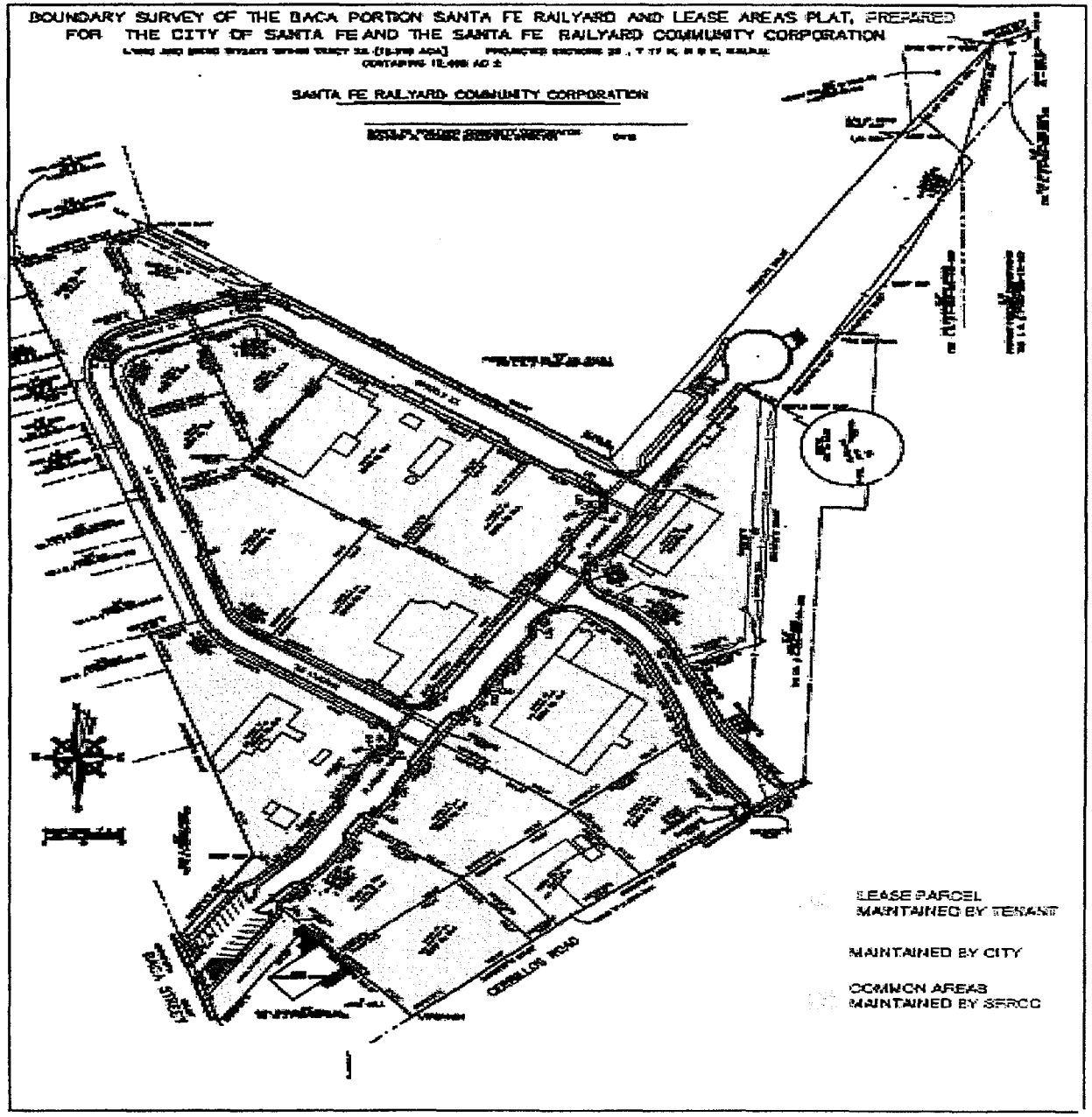

LEASE AREA SURVEY PREPARED FOR THE
CITY OF SANTA FE AND THE SANTA FE
RAILYARD COMMUNITY CORPORATION
Common Areas Maintained by SFRCC
Lease Parcel
Maintained by Tenant
Maintained by City
Rail Corridor

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



BOUNDARY SURVEY OF THE BACA PORTION SANTA FE RAILYARD AND LEASE AREAS PLAT, PREPARED FOR THE CITY OF SANTA FE AND THE SANTA FE RAILYARD COMMUNITY CORPORATION

SANTA FE RAILYARD COMMUNITY CORPORATION



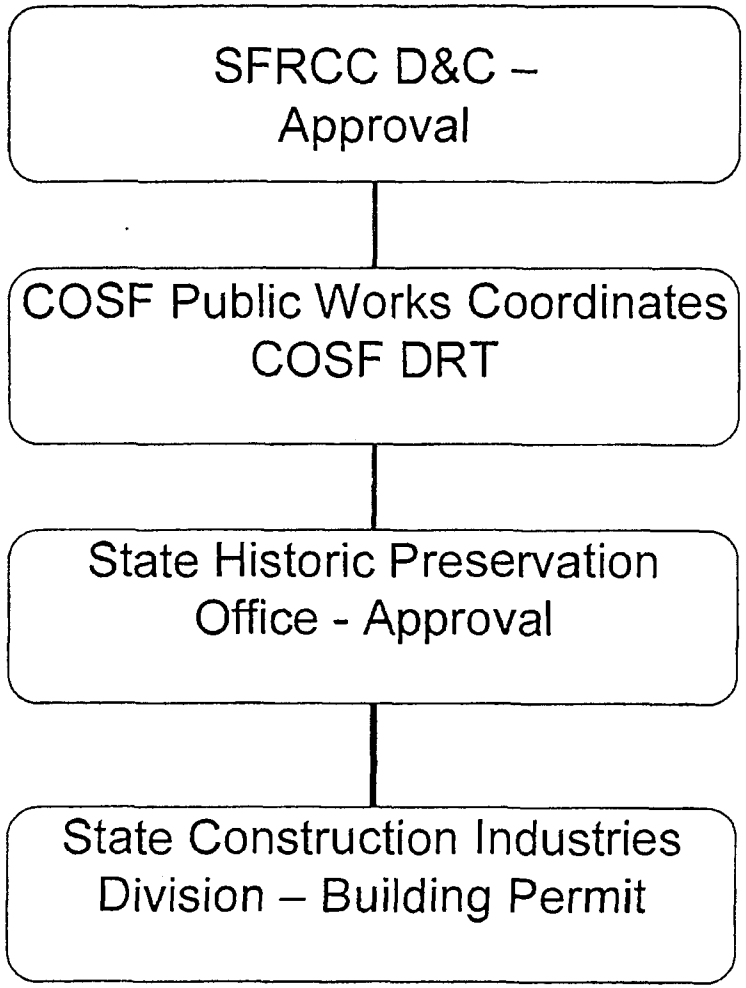
Railyard Master Plan

- Adopted by the City in 2002
- Railyard is not in a Historic DIstrict
- Pueblo Revival Architecture is not allowed
- Has been amended 9 times
- MP lists what changes must be Amendments approved by City Council
- Grants SFRCC some discretion regarding design approval and tenants

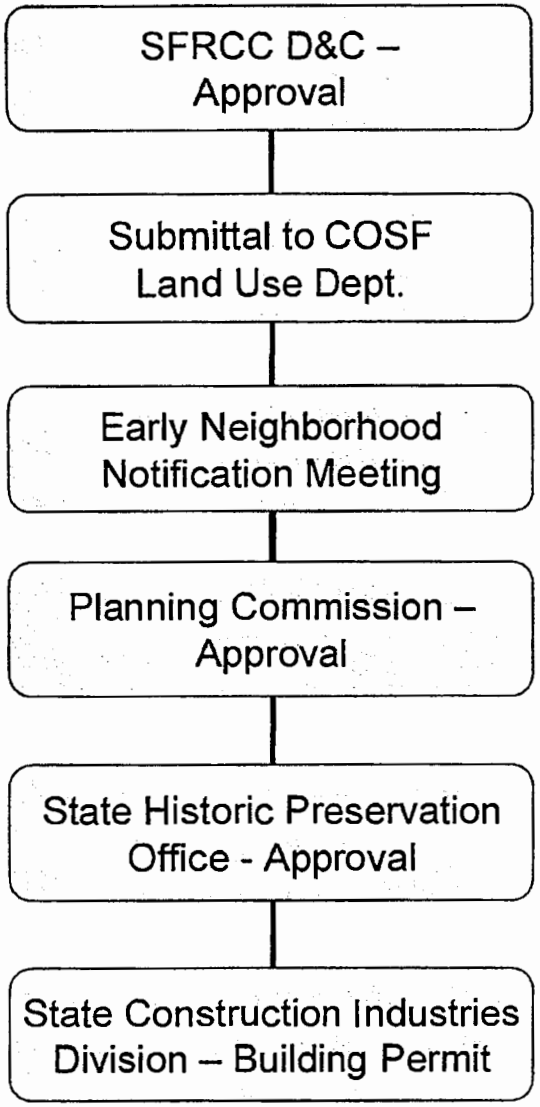
SFRCC

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

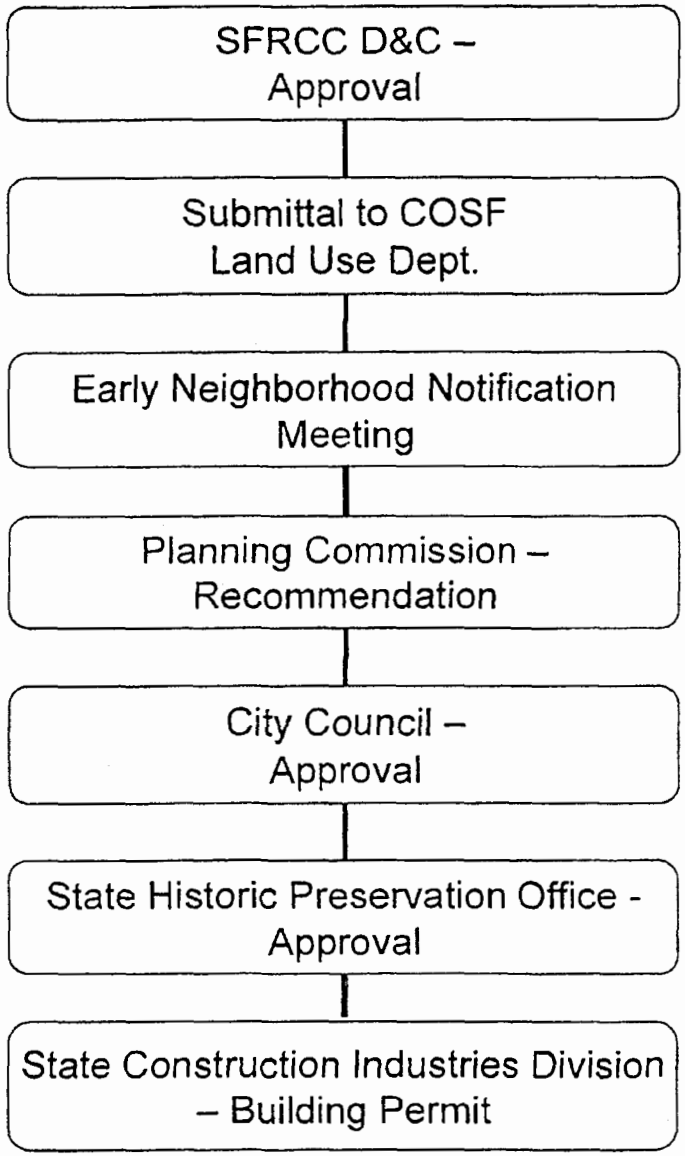
Buildings Less than 10,000SF
No Master Plan Change



Buildings Larger than 10,000SF
No Master Plan Change



Master Plan Change
Regardless of Building Size



City Ordinances

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

Santa Fe Railyard Websites

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

City of Santa Fe, New Mexico

memo

DATE: May 20, 2013, for the June 6, 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

FROM: William Lamboy, AICP, Senior Planner, Current Planning Division for WAL

2060 PASEO PRIMERO VARIANCE & LOT SPLIT

Case #2013-32. 2060 Paseo Primero Variance. Howard Gabor, MD, requests a variance to *Table 14-9.2-1: Design Criteria for Street Types*. The property is located at 2060 Paseo Primero, in Phase III of the Annexation Agreement and is zoned R-1 (Residential-1 Dwelling Units per Acre). (William Lamboy, Case Manager)

Case #2013-33. 2060 Paseo Primero Lot Split. Howard Gabor, MD, requests plat approval to divide approximately 5.00 acres into two lots. The property is located at 2060 Paseo Primero, in Phase III of the Annexation Agreement and is zoned R-1 (Residential-1 Dwelling Units per Acre). (William Lamboy, Case Manager)

RECOMMENDATION

The Land Use Department recommends **Approval** with the Conditions of Approval as outlined in this report.

I. SUMMARY

Proposal
The applicant proposes to divide approximately 5 acres into two residential tracts for the benefit of his son. In order to be able to subdivide the property, a variance to *Table 14-9.2-1: Design Criteria for Street Types* is required.

Exhibit "3"

Zoning
The property is zoned R-1, (Residential-1 dwelling unit per acre) and is part of the Aztec Springs neighborhood. The property is located east of the current City limits in the County's Mountain Special Review District.

The proposed land division would create two residential lots: Tract A, 2060 Paseo Primero, containing approximately 3.98 acres; and Tract B, 2062 Paseo Primero, containing 1.04 acres. Tract A contains a single-family residence and studio, Tract B is vacant.

Early Neighborhood Notification
An Early Neighborhood Notification meeting was held on April 15, 2013. No concerns or opposition to the lot split were expressed by the single neighbor in attendance.

II. BACKGROUND

History
On February 22, 1994, Santa Fe County adopted the Hyde Park Neighborhood Plan which includes Aztec Springs, where the subject property is located. The County's Mountain Special Review District specifically excludes the area encompassed by the Hyde Park Neighborhood Plan.

The lots are accessed from Paseo Primero, a private, 800-foot ±, unimproved driveway within a 50-foot roadway easement. If the lot split is approved, nine lots under individual ownership will be accessed from Paseo Primero. Where the maximum number of lots accessed via a lot access driveway exceeds 8 lots, a variance is required. The unimproved stretch of Paseo Primero cuts across steep topography that does not lend itself to widening. The Fire Marshal requires the lot owners to maintain the lot access driveway as an all-weather drivable surface. In addition, all new construction must be equipped with an automatic fire suppression system subject to the Fire Department's approval.

There are no City services in the immediate vicinity. A community well serving Aztec Springs is located on Tract B, along with a 15-foot utility easement extending from the access easement. The community well serves 5 properties including the subject property. The community well is allocated 3 acre feet and according to the State Engineer's Office, maximum total consumption for all the lots served averages approximately 1.5 acre feet per year. Prior to new construction on Lot B, a septic system approved by the State Environment Department will be required.

III. VARIANCE
In accordance with Section 14-3.16(A), *Variances may be granted to provisions regulating the size, location and appearance of structures; the location and extent of open space; the extent of grading;* ***the width and configuration of public and***

***private roads**, driveways and trails; and to similar standards for development established by this chapter.* [Emphasis added.]

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

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

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

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

Applicant's Response:
"There is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1.7. No more than eight lots can be accessed from a private roadway. (Currently eight lots are accessed by the private roadway). Variance is from Table 14-9.2-1: Design Criteria for Street Types."

Staff Response:
The suitable response would be to widen the access drive to meet Code requirements and accommodate the traffic generated by nine residential properties. However, the nature of the terrain presents difficulty in terms of widening the access driveway from the point where it adjoins the public roadway to the subject property, and would have a significant visual and environmental impact. The existing driveway was cut into the side of a mountain, with steep topography dropping off on either side. Additionally, 2 of the lots the access drive serves were created in the last year with the Holmes Subdivision. Due to the topographical limitations the only practical recourse is a variance to the access driveway standards.

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

Applicant's Response:
The access road to Aztec Springs is limited in width by the existing topography making it geographically impossible to expand the road width. Therefore I am requesting variance from 14-9.2-1 Design Criteria for Street Types.

Staff Response: To expand the cut into the side of the mountain for a roadway that will serve 9 residences is not environmentally sound nor would it be visually appealing. The purpose of the City's Terrain Management standards call for the orderly development of natural terrain, which is free from hazardous or improper cuts and fills, thereby minimizing erosion and destruction of the natural landscape, and protecting the scenic character of Santa Fe (Section 14-8.2(A) SFCC 1987). The special circumstances presented by this application align with the overall intent of the City's Terrain Management standards.

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

Applicant's Response:
The intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

Staff Response: Staff agrees with the applicant – the intensity of development proposed will not exceed that permitted by zoning and found in the general area.

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

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

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

Applicant's Response:
The variance is the minimum variance that will make possible the reasonable use of the land.

Staff Response: The use for the property will not change if this variance is granted – the property owner is simply requesting to add an additional dwelling unit, where the density is permitted by the R-1 zoning. Even with the reduction of density as required Mountainous and Difficult Terrain standards, the site is 5.03± acres, which would permit up to 3 dwelling units for the land. Only 2 dwelling units are proposed in this case, the existing residence and the eventual construction of a residence on the new lot.

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

Applicant's Response:
The variance is not contrary to the public interest.

Staff Response: The proposed variance is not contrary to the public interest. The request does not affect the level of service for transportation, water and wastewater infrastructure. By having a smaller cut in the hillside for the access drive for this and 8 other properties, there will be a smaller impact on the terrain and help to maintain the scenic character of the Aztec Springs neighborhood.

IV. LOT SPLIT

The proposed land division would create two residential tracts: Tract A, 2060 Paseo Primero, containing approximately 3.98 acres; and Tract B, 2062 Paseo Primero, 1.04 acres.

The lots are accessed from Paseo Primero, a private, 800-foot ±, unimproved driveway within a 50-foot roadway easement. If the lot split is approved, nine lots under individual ownership will be accessed from Paseo Primero.

There are no City services on the site. The site is served by a community well and a septic system. It is not anticipated that City services will be provided to the site in the future.

The only comment of consequence came from the Fire Department, which commented that any new construction must have its own fire suppression system and that the road must be maintained, and the applicant must accommodate a Fire Department turnaround on the site.

V. CONCLUSION

The Land Use Department recommends approval of the variance and the lot split as requested. There will be minimal impact to the neighborhood and no foreseeable negative consequences. Staff redline comments will be provided to the surveyor for final corrections prior to recordation of the plat. The only other conditions of approval recommended by staff are those of the Fire Marshal and will pertain primarily at the time of new construction on the property.

VI. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda
1. Fire Marshal Memorandum, Rey Gonzales
2. City Engineer for Land Use Memorandum, R. B. Zaxus
3. Waste Water Division Engineer Memorandum, Stan Holland

EXHIBIT C: Maps
1. Zoning
2. Aerial View

EXHIBIT D: Applicant Materials
1. Letter of Application

EXHIBIT E: ENN Meeting Notes & Guidelines

EXHIBIT F: Photographs

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval

Gabor Access Variance Request–Conditions of Approval
Planning Commission
Case #2013-32 – 2060 Paseo Primero Lot Split and Access Variance Request

Conditions	Department	Staff
Prior to any new construction these requirements must be met: 1. Fire Department access shall not be less than 16 feet width to any new construction equipped with an automatic suppression system. 2. The road shall have a drivable surface that will bear the weight of a fire engine and kept maintained in all weather conditions. 3. The maximum distance to any portion of the building shall be 150 feet on any new construction. 4. The site shall have water supply that meets fire flow requirements as per IFC, or sprinkle any new construction.	Fire	Rey Gonzales
Staff recommends the following conditions of approval: Staff redline comments will be provided to the surveyor who shall address all issues and submit the corrected plat in Mylar.	Land Use	Heather Lamboy

City of Santa Fe, New Mexico

Exhibit B

Development Review Team Memoranda

City of Santa Fe, New Mexico

memo

DATE: **May 8, 2013**

TO: **William Lamboy , Case Manager**

FROM: **Reynaldo Gonzales, Fire Marshal** RDG

SUBJECT: **Case #2013-32** 2060 Paseo Primero Variance

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

Prior to any new construction these requirements must be met:

1. Fire Department Access shall not be less than 16 feet width to any new construction equipped with an automatic suppression system.

2. Shall have a drivable surface that will bear the weight of a fire engine and kept maintained in all weather like conditions.

3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

4. Shall have water supply that meets fire flow requirements as per IFC, or sprinkle any new construction.

City of Santa Fe, New Mexico

memo

DATE: May 7, 2013

TO: William Lamboy
Case Manager

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

RE: Case # 2013-33
2060 Paseo Primero Lot Split

The following review comments are to be considered conditions of approval:

- Revise the floodplain note to reflect information from the current effective (12/4/2012) FIRM.
- Add a street address forTract B.
- Revise the hatch type indicating the slopes, as the distinction between 20%-30% and over 30% slopes is not decipherable as shown.

LAMBOY, WILLIAM A.

From: KASSENS, SANDRA M.
Sent: Monday, May 06, 2013 5:16 PM
To: LAMBOY, WILLIAM A.
Cc: ROMERO, JOHN J
Subject: RE: 2013-33 - 2060 Paseo Primero Lot Split

Bill,
The Traffic Engineering Division has no comments on the lot split at 2060 Paseo Primero, case No. 2013-33.

Sandy Kassens
505-955-6697

From: LAMBOY, WILLIAM A.
Sent: Monday, April 29, 2013 3:25 PM
To: GONZALES, REYNALDO D.; ROMERO, JOHN J; HOLLAND, TOWNSEND S.; TRUJILLO, ANTONIO J; MARCO, RANDALL V.; MARTINEZ, ERIC B.
Cc: BAER, TAMARA; SARGENT, MARISA G.; KASSENS, SANDRA M.
Subject: 2013-33 - 2060 Paseo Primero Lot SPlit

Good afternoon!

The above referenced Lot Split transmittal and plat are attached. Please review and return your comments to me by May 13, 2013. Thank you!

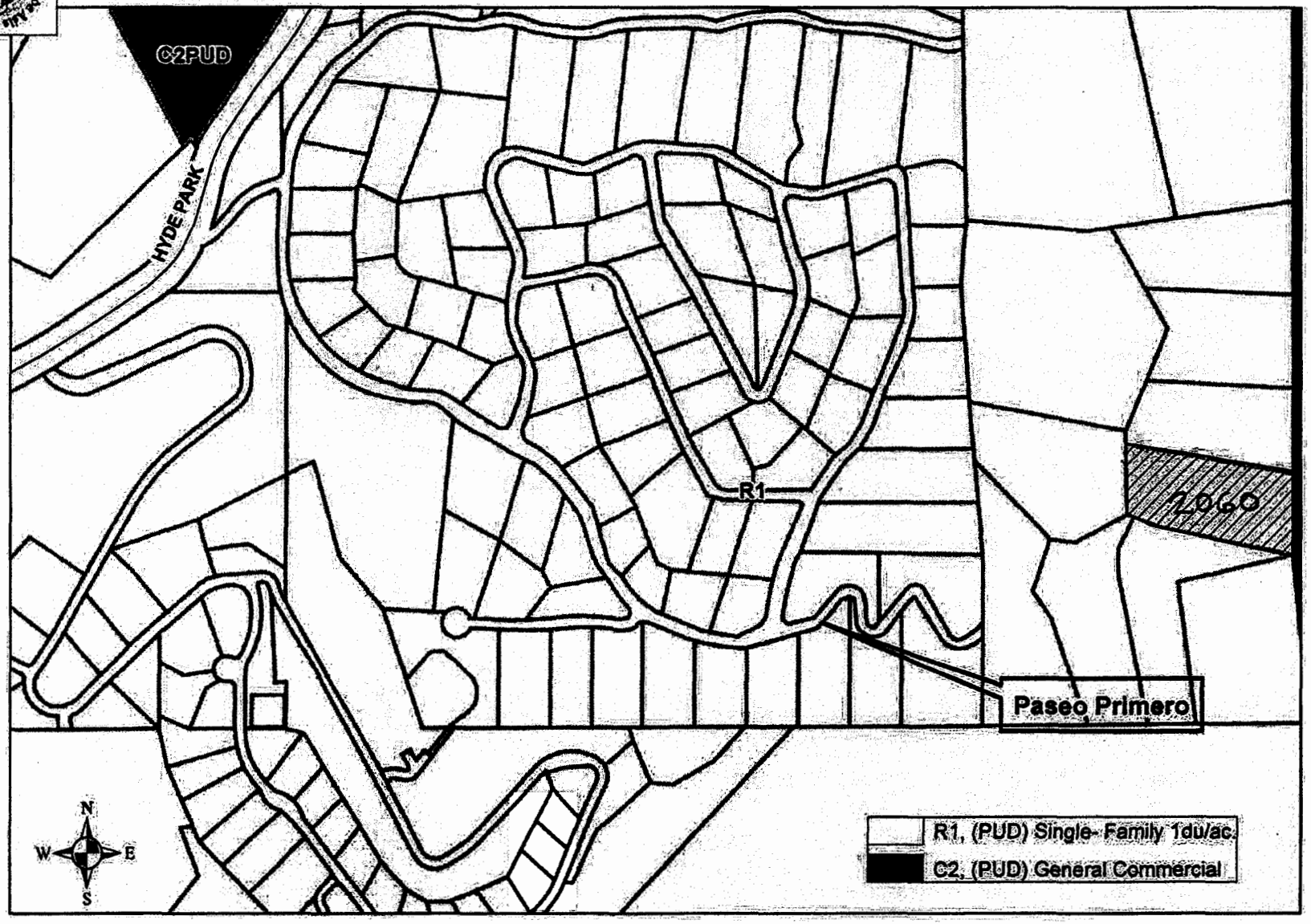
William Lamboy, AICP
Senior Planner
Current Planning Division
505-955-6888
P.O. Box 909
Santa Fe, NM 87504-0909

City of Santa Fe, New Mexico

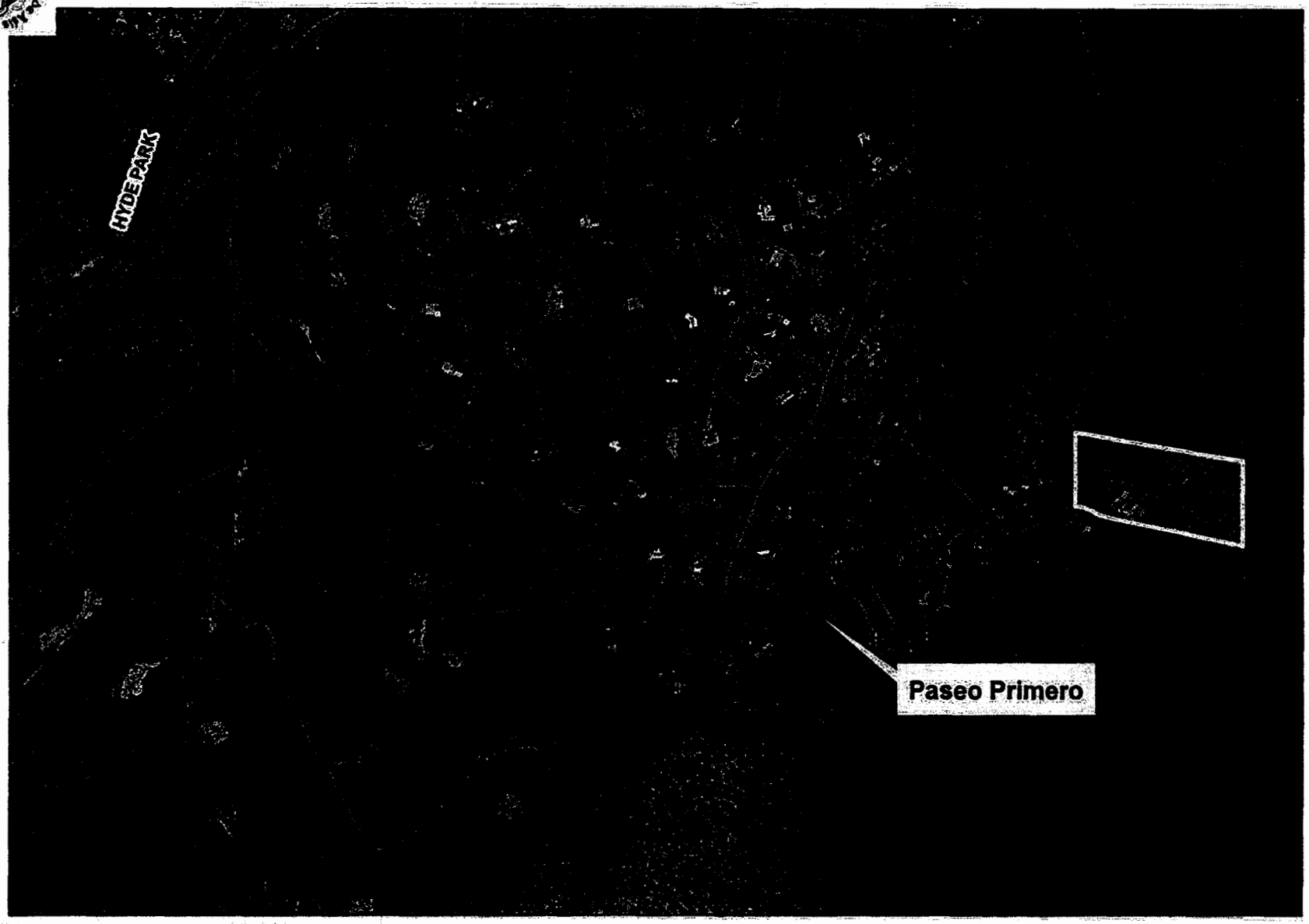
Exhibit C

Maps

Gabor Zoning Map (2060 Paseo Primero)



Gabor Aerial (2060 Paseo Primero)



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Gabor Aerial Detail (2060 Paseo Primero)

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City of Santa Fe, New Mexico

Exhibit D

Applicant Materials

Gabor Lot Split
Howard Gabor
2060 Paseo Primero
Santa Fe, NM 87501

April 23, 2013

Gabor Lot Split – Letter of Intent

To Whom It May Concern:

I have been a resident of Santa Fe for the past 20 years and have lived at my current property in Aztec springs since 1994. I am married and have a 13 year old son. My wife, Olga, and I recognize that in time we will eventually need to downsize from our current living situation. Our house is fairly large, has many steps and will not be suitable for us when we are an elderly couple. Aztec Springs is in a beautiful location and we desire the opportunity to maintain some ownership of property here when the time eventually comes for us to leave our home. We in particular would like to create a situation where we can have some part of our property to pass on to our son Noah who was born and raised at our current location and is very attached to the area.

Therefore, we are respectfully requesting that we are granted approval for a lot split and variance, design criteria for street types, of our current lot in Aztec Springs. The request is to divide our 5 acre property into two lots. The larger lot where our existing house is now will be reduced to four acres and the new smaller lot will be just over one acre in size. This lot split will allow us to maintain ownership in Aztec Springs and more importantly, create a property that we will someday be able to pass on to our son Noah.

Thank you for your consideration,

Howard Gabor

Howard Gabor
2060 Paseo Primero
Santa Fe, NM 87501

April 26, 2013

Re: Gabor Lot Split...Development Review Contacts

Dear Mr. Lamboy,

This memo is to inform you that I have contacted the following parties regarding my request for a lot split.

Reynaldo Gonzales (Fire Marshall) – Mr. Gonzales has visited my property and informed me that he will approve a variance for my requested lot split. He has stated that he will add the necessary comments for the variance to the new survey plat that is currently being prepared.

Antonio Trujillo (Engineer Water Division) – Mr. Trujillo has reviewed the location of my property as related to city water access and confirms that my lot does not have access to city water. He will be sending you a memo regarding this issue.

Jim Vincent (Liquid Waste Program Manager) – Mr. Vincent has reviewed my survey and plans for the requested lot split. He has confirmed that the proposed site will be adequate to install a septic system without need for variance. He will be sending you a memo regarding this issue.

Thank you,

Howard Gabor

Gabor Lot Split
Howard Gabor
2060 Paseo Primero
Santa Fe, NM 87501

April 23, 2013

Variance Statement for Gabor Lot Split

1. There is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1.7. No more than eight lots can be accessed from a private roadway. (Currently eight lots are accessed by the private roadway). Variance is from table 14-9.2-1: Design Criteria for Street Types. Dwelling Unit Access. New Lot in Aztec Springs would create a 9th lot.
2. The requested lot split requires special circumstances make it infeasible to develop the property in compliance with the standards of Chapter 14. The access road to Aztec Springs is limited in width by the existing topography making it geographically impossible to expand the road width. Therefore I am requesting variance 14-9.2-1 for Design Criteria for Street Types.
3. The intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.
4. The variance is the minimum variance that will make possible the reasonable use of the land.
5. The variance is not contrary to the public interest.

Howard Gabor

City of Santa Fe, New Mexico

Exhibit E

ENN Notes and Guidelines

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

Project Name	Gabor Lot Split & Variance to Access Standards
Project Location	2060 Paseo Primero
Project Description	Request to divide 5 acres into two lots and variance to access standards.
Applicant / Owner	Howard & Olga Gabor
Agent	Howard Gabor
Pre-App Meeting Date	14 February 2013
ENN Meeting Date	15 April 2013
ENN Meeting Location	Main Library – 145 Washington Avenue
Application Type	Planning Commission – Variance and Lot Split
Land Use Staff	Tamara Baer
Other Staff	None
Attendance	5, including staff

Notes/Comments:

In addition to the Gabor family, Howard, Olga and son Noah, only one neighbor –Mr. Robert Palmer of 2068 Paseo Primero- attended the ENN.

There was friendly discussion regarding the history of the neighborhood. Dr. Gabor explained the nature of his application for a lot split to benefit his son, and staff explained the reason for a need for a variance to the access standards. Doctor Gabor also pointed out various easements on the plat.

There was some discussion of water quality and uranium content in the local water.

The existing community well provides water to five properties, including the Gabors and Mr. Palmer. The original well was drilled in 1977 and was allowed 3 acre feet per year. Each property is allocated 0.6 acre feet per year. The well is not currently separately metered, however the well agreement provides that there could be separate meters should the parties decide to do so.

Mr. Palmer stated that he did not object to the proposed lot split and the meeting ended at approximately 6:30 pm.

Following Mr. Palmer's departure, Dr. Gabor pointed out that he had contacted the Office of the State Engineer and all five properties in total historically use between 1.25 and 1.5 acre-feet of water per year.

ENN GUIDELINES

Applicant Information

Project Name: Gabor - Lot Split

Name: Gabor Howard
Last First M.I.

Address: 2060 Paseo Primero
Street Address Suite/Unit #

Santa Fe, NM 87501
City State ZIP Code

Phone: (505) 690 - 4994 E-mail Address: HGABORMD@aol.com

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

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

At time of construction will be residential scale structure - should not interfere w character.

(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.***

At this time not proposing physical changes.

(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.***

NA.

(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.***

Complies with Zoning and future land use requirements.

(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.***

No 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.***

NA

(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.***

NA..

(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.***

Fire Marshall Requires any future Construction will be fully sprinkled.

(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.***

Each Aztec Spring lot allowed .6 Acre Feet/year. water use would be divided between these two lots.

(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.***

NA

(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.***

NA

(l) ADDITIONAL COMMENTS (optional)

City of Santa Fe, New Mexico

Exhibit F

Photographs

NEW BUSINESS #2&3

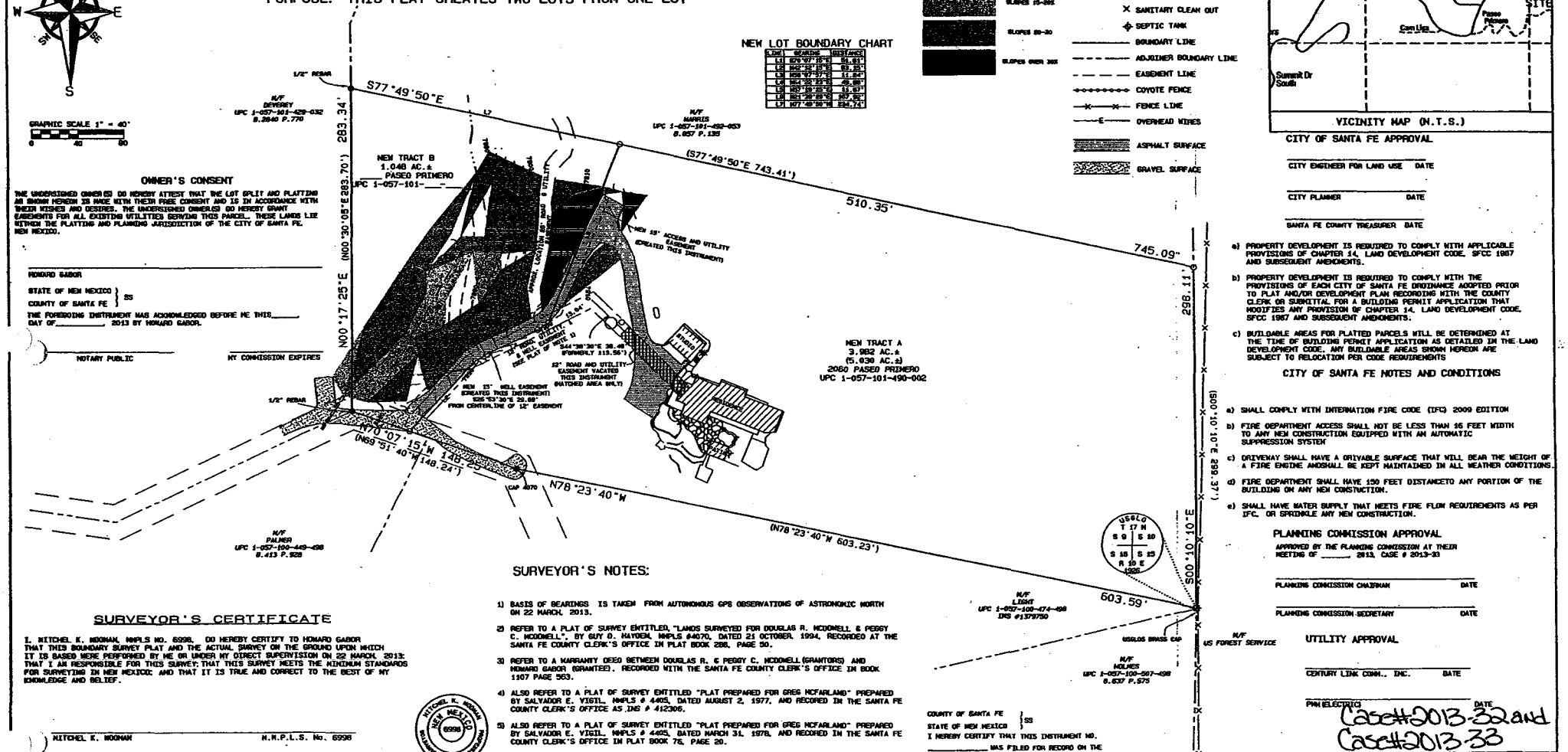
LOT SPLIT SURVEY FOR HOWARD GABOR OF A 5.030± TRACT OF LAND

LYING AND BEING SITUATE WITHIN SECTION 9,
TOWNSHIP 17 NORTH, RANGE 10 EAST, N.M.P.M.
CITY & COUNTY SANTA FE , NEW MEXICO

PURPOSE: THIS PLAT CREATES TWO LOTS FROM ONE LOT

GRAPHIC SCALE 1" = 40'

0 40 80



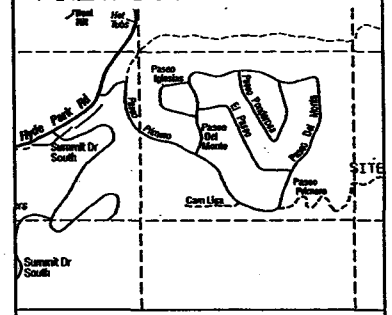
LEGEND:

- SURVEY MONUMENT FOUND (AS NOTED)
- 1/2" REBAR w/ CAP 6998 SET
- ELECTRIC TRANSFORMER
- WELL HEAD
- ELECTRIC METER
- SANITARY CLEAN OUT
- SEPTIC TANK
- BOUNDARY LINE
- ADJOINER BOUNDARY LINE
- EASEMENT LINE
- COYOTE FENCE
- FENCE LINE
- OVERHEAD WIRES
- ASPHALT SURFACE
- GRAVEL SURFACE
- SLOPES BELOW 15%
- SLOPES 15-20%
- SLOPES 20-30
- SLOPES OVER 30%

NEW LOT BOUNDARY CHART

LINE	BEARING	DISTANCE
L1	S26°07'25"E	54.81'
L2	N42°24'25"E	69.25'
L3	N58°07'57"E	31.24'
L4	N54°22'27"E	49.98'
L5	N57°09'25"E	16.67'
L6	N31°29'09"E	407.92'
L7	N77°49'50"E	234.74'

VICINITY MAP (N.T.S.)



OWNER'S CONSENT

THE UNDERSIGNED OWNER(S) DO HEREBY ATTEST THAT THE LOT SPLIT AND PLATTING AS SHOWN HEREON IS MADE WITH THEIR FREE CONSENT AND IS IN ACCORDANCE WITH THEIR WISHES AND DESIRES. THE UNDERSIGNED OWNER(S) DO HEREBY GRANT EASEMENTS FOR ALL EXISTING UTILITIES SERVING THIS PARCEL. THESE LANDS LIE WITHIN THE PLATTING AND PLANNING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

HOWARD GABOR

STATE OF NEW MEXICO }
COUNTY OF SANTA FE } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS_____ DAY OF_____, 2013 BY HOWARD GABOR.

NOTARY PUBLIC MY COMMISSION EXPIRES

SURVEYOR'S CERTIFICATE

I, MITCHEL K. MOONAN, NMPLS NO. 6998, DO HEREBY CERTIFY TO HOWARD GABOR THAT THIS BOUNDARY SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION ON 22 MARCH, 2013; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MITCHEL K. MOONAN N.M.P.L.S. No. 6998

STATE OF NEW MEXICO }
COUNTY OF SANTA FE } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS_____ DAY OF_____, 2013 BY MITCHEL K. MOONAN.

MITCHEL K. MOONAN NEW MEXICO 6998 PROFESSIONAL LAND SURVEYOR

SURVEYOR'S NOTES:

1) BASIS OF BEARINGS IS TAKEN FROM AUTONOMOUS GPS OBSERVATIONS OF ASTRONOMIC NORTH ON 22 MARCH, 2013.

2) REFER TO A PLAT OF SURVEY ENTITLED, "LANDS SURVEYED FOR DOUGLAS R. MCDONELL & PEGGY C. MCDONELL", BY GUY O. HAYDEN, NMPLS #4070, DATED 21 OCTOBER, 1994, RECORDED AT THE SANTA FE COUNTY CLERK'S OFFICE IN PLAT BOOK 288, PAGE 50.

3) REFER TO A WARRANTY DEED BETWEEN DOUGLAS R. & PEGGY C. MCDONELL (GRANTORS) AND HOWARD GABOR (GRANTEE). RECORDED WITH THE SANTA FE COUNTY CLERK'S OFFICE IN BOOK 1107 PAGE 563.

4) ALSO REFER TO A PLAT OF SURVEY ENTITLED "PLAT PREPARED FOR GREG MCFARLAND" PREPARED BY SALVADOR E. VIGIL, NMPLS # 4405, DATED AUGUST 2, 1977, AND RECORED IN THE SANTA FE COUNTY CLERK'S OFFICE AS INS # 412306.

5) ALSO REFER TO A PLAT OF SURVEY ENTITLED "PLAT PREPARED FOR GREG MCFARLAND" PREPARED BY SALVADOR E. VIGIL, NMPLS # 4405, DATED MARCH 31, 1978, AND RECORED IN THE SANTA FE COUNTY CLERK'S OFFICE IN PLAT BOOK 76, PAGE 20.

6) LANDS SHOWN HEREON LIE WITHIN OTHER AREAS "ZONE 'X'-AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY OFIRM MAP 35049C0405E DATED DECEMBER 4, 2012.

7) THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND COVENANTS, BOTH RECORDED AND UNRECORDED.

8) BEARINGS AND DISTANCES SHOWN HEREON IN PARENTHESIS ARE TAKEN FROM PLAT(S) PER NOTE 2.

COUNTY OF SANTA FE }
STATE OF NEW MEXICO } SS

I HEREBY CERTIFY THAT THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD ON THE _____ DAY OF_____, A.D. 20_____, AT _____ O'CLOCK AND WAS DULY RECORDED IN PLAT BOOK _____ PAGE_____ OF THE RECORDS OF SANTA FE COUNTY.

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

DEPUTY

CITY OF SANTA FE APPROVAL

CITY ENGINEER FOR LAND USE DATE

CITY PLANNER DATE

SANTA FE COUNTY TREASURER DATE

a) PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 1987 AND SUBSEQUENT AMENDMENTS.

b) PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO PLAT AND/OR DEVELOPMENT PLAN RECORDING WITH THE COUNTY CLERK OR SUBMITTAL FOR A BUILDING PERMIT APPLICATION THAT MODIFIES ANY PROVISION OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 1987 AND SUBSEQUENT AMENDMENTS.

c) BUILDABLE AREAS FOR PLATTED PARCELS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS DETAILED IN THE LAND DEVELOPMENT CODE. ANY BUILDABLE AREAS SHOWN HEREON ARE SUBJECT TO RELOCATION PER CODE REQUIREMENTS

CITY OF SANTA FE NOTES AND CONDITIONS

a) SHALL COMPLY WITH INTERNATION FIRE CODE (IFC) 2009 EDITION

b) FIRE DEPARTMENT ACCESS SHALL NOT BE LESS THAN 16 FEET WIDTH TO ANY NEW CONSTRUCTION EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM

c) DRIVEWAY SHALL HAVE A DRIVABLE SURFACE THAT WILL BEAR THE WEIGHT OF A FIRE ENGINE AND SHALL BE KEPT MAINTAINED IN ALL WEATHER CONDITIONS.

d) FIRE DEPARTMENT SHALL HAVE 150 FEET DISTANCE TO ANY PORTION OF THE BUILDING ON ANY NEW CONSTRUCTION.

e) SHALL HAVE WATER SUPPLY THAT MEETS FIRE FLOW REQUIREMENTS AS PER IFC, OR SPRINKLE ANY NEW CONSTRUCTION.

PLANNING COMMISSION APPROVAL

APPROVED BY THE PLANNING COMMISSION AT THEIR MEETING OF _____, 2013, CASE # 2013-33

PLANNING COMMISSION CHAIRMAN DATE

PLANNING COMMISSION SECRETARY DATE

UTILITY APPROVAL

CENTURY LINK COMM., INC. DATE

PNM ELECTRIC DATE

Case#2013-32 and Case#2013-33

INDEXING INFORMATION FOR COUNTY CLERK

NAME: HOWARD GABOR
FILED: BOOK 1107, PAGE 563
SUBDIVISION: N/A
SECTION 9, T17N, R10E

SOUTHWEST MOUNTAIN SURVEYS
1114 HICKOX ST., SANTA FE, N.M. 87505

Gabor Lot Split & Variance Requests

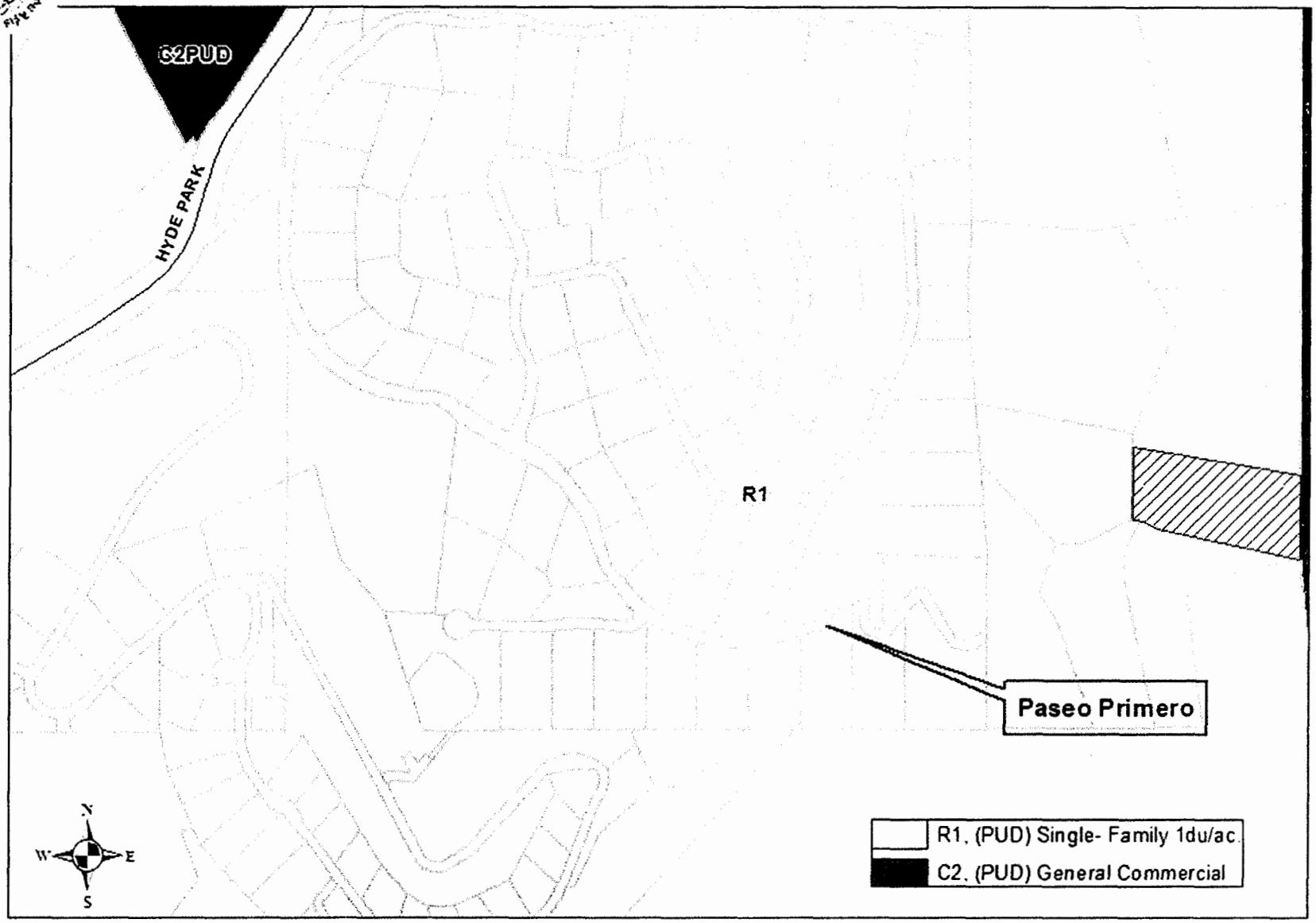
Exhibit "4"

Gabor

Request:

- Variance to Design Criteria for Street Types
- Paseo Primero is a private road
- Roadway easement is 50 feet
- Variance is required, greater than 8 lots
- Lot split to benefit applicant's son

Gabor Zoning Map (2060 Paseo Primero)



Gabor Aerial (2060 Paseo Primero)

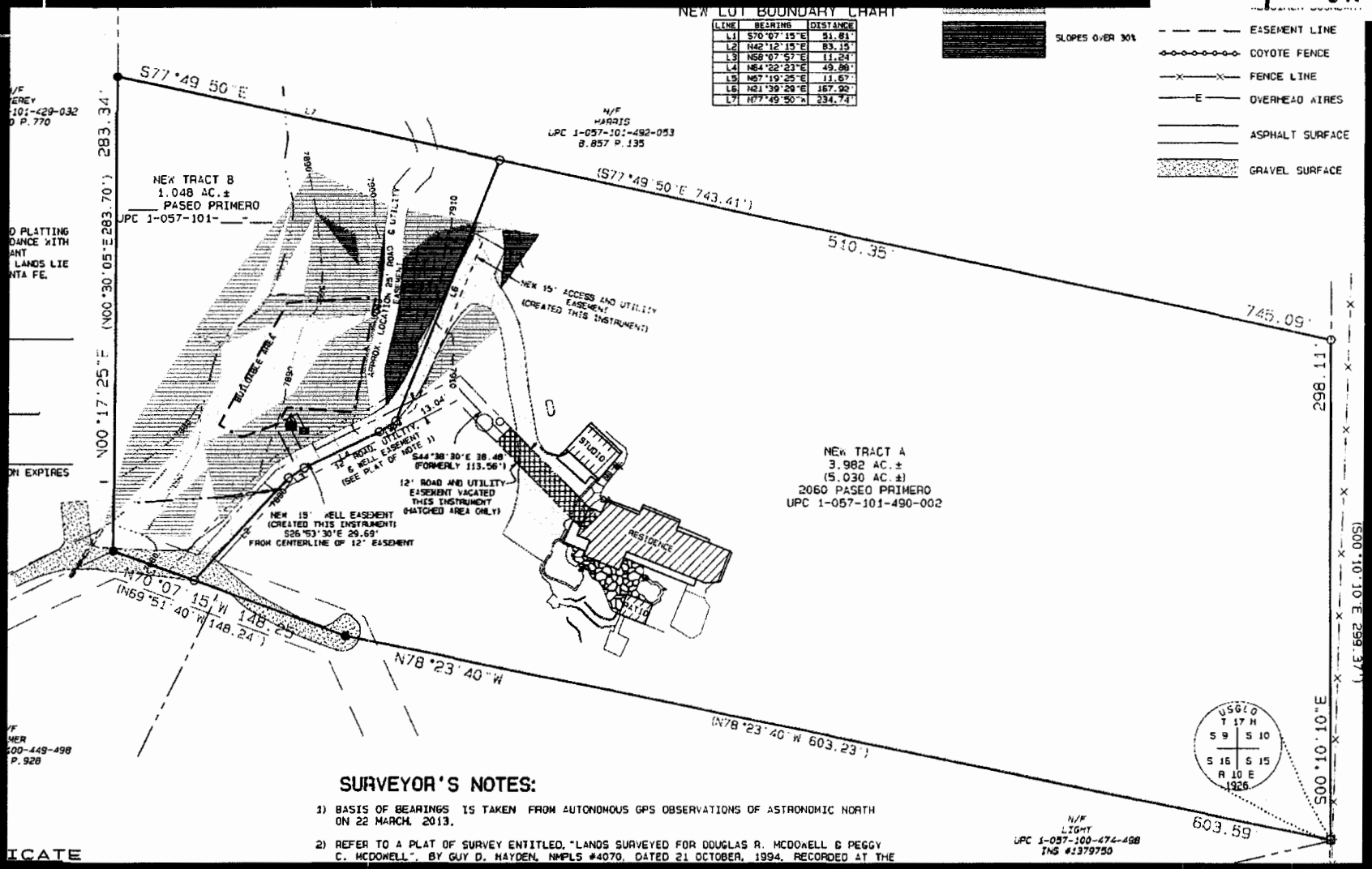
Gabor Aerial Detail (2060 Paseo Primero)

Gabor

Existing Conditions:

- Existing driveway crosses steep terrain
- Holmes Family Transfer Subdivision created 4 lots along driveway, thereby causing need for this Variance
- Part of the Mountain Special Review District

Gabor


NEW LOT BOUNDARY CHART
LINE | BEARING | DISTANCE
L1 | S70°07'15"E | 51.81'
L2 | N42°12'15"E | 83.15'
L3 | N58°07'57"E | 11.24'
L4 | N64°22'23"E | 49.86'
L5 | N67°19'25"E | 11.67'
L6 | N21°39'29"E | 167.92'
L7 | N77°49'50"W | 234.74'
SLOPES OVER 30%
EASEMENT LINE
COYOTE FENCE
FENCE LINE
OVERHEAD WIRES
ASPHALT SURFACE
GRAVEL SURFACE
S77°49'50"E
(S77°49'50"E 743.41')
510.35'
745.09'
298.11'
(S00°10'10"E 298.37')
S00°10'10"E
603.59'
(N78°23'40"W 603.23')
N78°23'40"W
N70°07'15"W 148.25'
(N69°51'40"W 148.24')
N00°17'25"E
(N00°30'05"E 283.70')
283.34'
N/F
HARRIS
UPC 1-057-101-492-053
8.857 P.135
NEW TRACT B
1.048 AC.±
PASEO PRIMERO
UPC 1-057-101-___
NEW 15' ACCESS AND UTILITY EASEMENT (CREATED THIS INSTRUMENT)
APPROX. LOCATION 25' ROAD & UTILITY EASEMENT
12' ROAD, UTILITY & WELL EASEMENT (SEE PLAT OF NOTE 1)
S44°38'30"E 38.48' (FORMERLY 113.56')
12' ROAD AND UTILITY EASEMENT VACATED THIS INSTRUMENT (HATCHED AREA ONLY)
NEW 15' WELL EASEMENT (CREATED THIS INSTRUMENT) S26°53'30"E 29.69' FROM CENTERLINE OF 12' EASEMENT
NEW TRACT A
3.982 AC.±
(5.030 AC.±)
2060 PASEO PRIMERO
UPC 1-057-101-490-002
STUDIO
RESIDENCE
PATIO
USGLO
T 17 N
S 9 S 10
S 16 S 15
R 10 E
1926
N/F
LIGHT
UPC 1-057-100-474-498
INS #1379750
SURVEYOR'S NOTES:
1) BASIS OF BEARINGS IS TAKEN FROM AUTONOMOUS GPS OBSERVATIONS OF ASTRONOMIC NORTH ON 22 MARCH, 2013.
2) REFER TO A PLAT OF SURVEY ENTITLED, "LANDS SURVEYED FOR DOUGLAS R. MCDOWELL & PEGGY C. MCDOWELL", BY GUY D. HAYDEN, NMPLS #4070, DATED 21 OCTOBER, 1994, RECORDED AT THE

Gabor

Criteria for judging whether a variance is appropriate:

- Unique physical characteristics
- Conflict in regulations
- Special circumstances make it infeasible to develop property otherwise

Gabor

- Intensity of development will be comparable to vicinity
- Will make possible the reasonable use of the land
- Will not be contrary to public interest
  - All criteria for the variance has been met

Gabor

Lot Split:

- Agency Comments addressed future construction on the site
- Fire Department requested turn around on the site, on-site fire suppression for all buildings

Gabor

STAFF RECOMMENDS:

- APPROVAL OF THE VARIANCE
- CONDITIONAL APPROVAL OF THE LOT SPLIT