



# Agenda

CITY CLERK'S OFFICE

DATE 9.12.14 TIME 11:50am

SERIALIZED BY Geraldine Grubbs

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**PLANNING COMMISSION**  
**Thursday, October 2, 2014 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

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

**MINUTES:** September 11, 2014

**FINDINGS/CONCLUSIONS:**

**Case #2014-71. 5704 Agua Fria Road General Plan Amendment.**

**Case #2014-72. 5704 Agua Fria Road Rezoning.**

**Case #2014-76. 17 Dos Hermanos Final Subdivision Plat.**

**Case #2014-79. 27 Ridgeline Road Variance.**

**Case #2013-98. 27 Ridgeline Road Lot Split.**

- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. An ordinance relating to Early Neighborhood Notification (ENN); amending subsection 14-3.1(F)(3) SFCC 1987 to require that an ENN be conducted for new parks or reconstruction or expansion of existing parks; and making such other changes as are necessary to carry out the intent of this ordinance. (Councilors Dominguez and Bushee) (David Pfeifer)
2. **Case #2014-05. Villas de Sophia Amended Development Plan and Preliminary Subdivision Plat.** Monica Montoya, agent for Ted Chagaris, requests amended Development Plan and Preliminary Subdivision Plat approval to create 6 single family lots on 1.00± acre. The property is zoned R-7/PUD (Residential, 7 dwelling units per acre, Planned Unit Development) and is located at 1840 Siringo Road. (Donna Wynant, Case Manager)

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
- I. ADJOURNMENT**

**NOTES:**

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

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CITY OF SANTA FE  
PLANNING COMMISSION  
October 2, 2014

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**MINUTES OF THE MEETING  
OF THE  
PLANNING COMMISSION  
October 2, 2014**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Vice-Chair Renee Villarreal, at approximately 6:00 p.m., on Thursday, October 2, 2014, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

Commissioner Renee Villarreal, Vice-Chair  
Commissioner Lisa Bemis  
Commissioner Brian Patrick Gutierrez  
Commissioner Lawrence Ortiz  
Commissioner John Padilla  
[Vacancy]

**MEMBERS EXCUSED:**

Commissioner Michael Harris, Vice-Chair  
Commissioner Dan Pava, Secretary  
Commissioner Angela Schackel-Bordegary

**OTHERS PRESENT:**

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

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

**Introduction of New Planning Commission Member**

Vice-Chair Villarreal introduced Brian Gutierrez, the newest member of the Planning Commission, and welcomed him on behalf of the Commission.

Mr. Gutierrez said he was born and raised in Santa Fe off Agua Fria Street. He is self employed. He has 3 children, 2 boys and a girl. He said he welcomes the opportunity to work with the Commission.

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA**

**MOTION:** Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the Agenda as published.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

**D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**1. MINUTES – SEPTEMBER 11, 2014**

The following corrections were made to the minutes:

Page 30, in the caption for G(1), correct "Don Hermanos," to "Dos Hermanos."

**MOTION:** Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the minutes of the meeting of September 11, 2014, as amended.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

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

A copy of the Findings of Fact and Conclusions of Law in Case #2014-71, 5704 Agua Fria Road General Plan Amendment to Industrial and Case #2014-72, 5704 Agua Fria Road Rezoning to I-1, is incorporated herewith to these minutes as Exhibit "1."

A copy of the Findings of Fact and Conclusions of Law in Case #2014-76, 17 Dos Hermanos Final Subdivision Plat, is incorporated herewith to these minutes as Exhibit "2."

A copy of the Findings of Fact and Conclusions of Law in Case #2014-79, 27 Ridgeline Road Variance and Case #2013-98, 27 Ridgeline Road Lot Split, is incorporated herewith to these minutes as Exhibit "3."

a) **CASE #2014-71. 5704 AGUA FRIA ROAD GENERAL PLAN AMENDMENT.**

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Padilla, to approve the Findings of Fact and Conclusions of Law in Case #2014-71, 5704 Agua Fria Road General Plan Amendment to Industrial as presented by staff.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

b) **CASE #2014-72. 5704 AGUA FRIA ROAD REZONING.**

**MOTION:** Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2014-72, 5704 Agua Fria Road Rezoning to I-1, as presented by staff.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

c) **CASE #2014-76. 17 DOS HERMANOS FINAL SUBDIVISION PLAT.**

**MOTION:** Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2014-76, 17 Dos Hermanos Final Subdivision Plat, as presented by staff.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

d) **CASE #2014-79. 27 RIDGELINE ROAD VARIANCE.**

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Padilla, to approve the Findings of Fact and Conclusions of Law in Case #2014-79, 27 Ridgeline Road Variance, as presented by staff.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

e) **CASE #2014-98. 27 RIDGELINE ROAD LOT SPLIT.**

**MOTION:** Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2014-98, 27 Ridgeline Road Lot Split, as presented by staff.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

**E. OLD BUSINESS**

There was no Old Business.

**G. NEW BUSINESS**

1. **AN ORDINANCE RELATING TO EARLY NEIGHBORHOOD NOTIFICATION (ENN); AMENDING SUBSECTION 14-3.1(F)(3) SFCC 1987, TO REQUIRE THAT AN ENN BE CONDUCTED FOR NEW PARKS OR RECONSTRUCTION OR EXPANSION OF EXISTING PARKS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE (COUNCILORS DOMINGUEZ AND BUSHEE). (DAVID PFEIFER)**

A Legislative Summary for this bill, with attachments, is incorporated herewith to these minutes as Exhibit "4"

David Pfeifer, Facilities Division Director, Public Works Department, presented information in this case from the materials in the Commission packets. Please see Exhibit "4," for specifics of this presentation.

**Public Hearing**

**Marian Schruben, representing her Neighborhood Association,** said she is here in favor of the proposed Ordinance. She said if this had been in place and they had notice they were planning to rebuild the pocket park, it would have saved the City a lot of money, because they had to go back redesign after neighbors saw the diggers in the yard. She said, "I would just like to caution you that this may come up again, even though you have set some *[inaudible]* – the lighting and noise, and other kinds of things like that are appropriate. And I've heard the discussions that we have had twice at the Parks and Open Space Meetings, and all of these things have been thoroughly thrashed out, so I do encourage you to include an ENN in as many parks as possible."

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

Commissioner Padilla said Ms. Schruben gave testimony that this would not have included pocket parks.

Ms. Schruben said this correct. Their pocket park is less than one acre, and the remodeling cost \$197,000, so it wouldn't have qualified for an ENN, but they still had a complete renovation of their park, and initially the neighbors were distraught. They thought the pocket park was going to be removed, so it



was really good for them. She said, "The pocket parks across town are in various states, and it's going to be a challenge for you all, but I'm sure Public Works and Parks are on it. I hope this helps."

Commissioner Padilla asked if the criteria, 2 acres or \$250,000, would apply to all parks or only to City Parks.

Mr. Pfeifer said it would impact only City owned parks.

Commissioner Padilla asked for an example of the location for the smaller parks.

Mr. Pfeifer said Colonial Prisma, located near the Southside Library, is a 2½ -3 acre park, and would be the kind of park that would fall into this category, because it is a little more than 2 acres.

Commissioner Padilla said any development that requires open space, a park for its development, would be reviewed under the review and approval guidelines through development plan review. He asked if this is a correct statement.

Ms. Baer said, "That is correct. So you would be seeing that as either a subdivision or development plan, probably a subdivision, which would be a park. If it was to be dedicated to the City after it was built, you would see it at that time. And obviously, there also would be public notification and the opportunity for public comment through review of the subdivision."

Commissioner Bemis asked how the parks are watered.

Mr. Pfeifer said, "That varies so immensely that I couldn't even answer the question. It depends on whether we put all dry landscape in and some park benches, or if we do grass, or if we do some plants. So drip irrigation, the bubblers for any kinds of plants that are planted, spray irrigation for any grass. And most of the parks use City water, unless you can get some effluent water in different locations like SWAN Park will be, that great big giant park. But most of it will be City water, and it totally depends on the structure of the park. The smaller the park, probably the less water usage, probably. Does that answer your question."

Ms. Bemis said it does, but she has more questions about the water later.

Vice-Chair Villarreal reminded the Commission that this is a recommendation to the Governing Body from the Planning Commission, and the motion should be so stated.

**MOTION:** Commissioner Padilla moved, seconded by Commissioner Ortiz, to recommend approval to the Governing Body for the proposed Ordinance relating to Early Neighborhood Notification (ENN), amending Subsection 14-3.1(F)(3), to require an ENN to be conducted for new parks or reconstruction or expansion of existing parks.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

2. **CASE #2014-05. VILLAS DE SOPHIA AMENDED DEVELOPMENT PLAN AND PRELIMINARY SUBDIVISION PLAT. MONICA MONTOYA, AGENT FOR TED CHAGARIS, REQUESTS AMENDED DEVELOPMENT PLAN AND PRELIMINARY SUBDIVISION PLAT APPROVAL TO CREATE 6 SINGLE FAMILY LOTS ON 1.00± ACRE. THE PROPERTY IS ZONED R-7/PUD (RESIDENTIAL, 7 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT) AND IS LOCATED AT 1840 SIRINGO ROAD. (DONNA WYNANT, CASE MANAGER)**

A Memorandum, with attachments, prepared September 18, 2014, for the October 2, 2014 meeting, regarding this case, is incorporated herewith to these minutes as Exhibit "5."

A Memorandum dated October 2, 2014, to the Planning Commission from the Current Planning Division, regarding additional information on Case #2014-05, Villas de Sophia Amended Development Plan and Preliminary Subdivision Plan, with attachments as noted, is incorporated herewith to these minutes as Exhibit "6."

The Villas de Sophia Development Plan and Subdivision Plat, dated August 14, 2014, is incorporated herewith to these minutes by reference, and copies are on file in, and can be obtained from, the City of Santa Fe Land Development Department.

Donna Wynant presented information in this case. Please see Exhibits "5" and "6" for specifics of this presentation.

**RECOMMENDATION:** The Land Use Department recommends approval with conditions as outlined in the Staff Report [Exhibit "5"].

## **Public Hearing**

### **Presentation by the Applicant**

**Monica Montoya, 726 Gregory Lane, Montoya Land Use Consulting, Agent for the owner was sworn.** Ms. Montoya introduced the Project Team, Oralynn Guerrerortiz, Project Engineer and Ted Chagaris, owner of the property. She thanked staff, noting Donna Wynant and Tamara Baer have been very helpful to them throughout the design process.

Ms. Montoya presented information and answered questions using an enlarged drawing of the subject site. Ms. Montoya said, "Donna did a wonderful job of describing the project to us. I'll just point out a couple of things for you on our boards. 'This' top one 'here,' is our development plan, Siringo Road is 'here.' We provide a public access as requested by the Traffic Engineer into the subdivision. From that public access, you enter a driveway into the center of our units. So there will be two units 'here,' two units on the east side of the property and two units on the south side of the property."

Ms. Montoya continued, "The little interesting fact that I wanted to share with you is that Villa Sophia is Ted Chagaris's mother, and so the subdivision is named after his mother which I think was kind of cool."

Ms. Montoya continued, "And so, as Donna mentioned, each one of these lots, several of them will provide private open space, but we do have portals on the back yards of each of the ones and those are what you are seeing in the front of the elevation at 'this' point. This elevation does show a row of trees between the sidewalk and the front wall of the subdivision along Siringo Road. We will be moving those trees to the north side of the sidewalk. We don't have a problem with that at all, and we agree that it would make the character and the streetscape of Siringo Road very nice. Architectural style, of course, is Pueblo Style as you can see 'here.' Our rendering does show a single story rendition of what we're thinking these will look like. We would like to reserve the right to build a two-story unit as long as we are in the requirements of R Codes. And so I just wanted to mention that, at some future time when we're in for building permit and a buyer wants a two-story home, we reserve the right to build one if we comply with the R-Codes."

Ms. Montoya continued, "We did a lot of work with the neighbors. We had the Neighborhood Notification meeting which Donna mentioned. Our neighbor, Mr. Mares is very happy with us and he has submitted a letter of support. His property is right 'here.' He's happy with us because he's going to get access to his land at some future point when and if he develops the property. Our neighbors to the south 'here,' will also have the ability to connect to Siringo Road through our public right of way. So that's basically our contribution to connectivity to otherwise landlocked properties to the south of us. Basically, we feel this is a very nice infill, median income development. We're very happy with it and hope you are too, and with that we stand for any questions."

Vice-Chair Villarreal asked Ms. Montoya, if anyone from her team would like to speak.

Ms. Montoya said if there are questions with regard to design, Ms. Guerrerortiz is available.

Mr. Chagaris said he has no remarks at this time.

### **Speaking to the Request**

There was no one speaking to the request.

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

Commissioner Ortiz said in John Romero's comments, he asked for 25 feet of slope as it approaches Siringo Road, but on the plans it has 20 feet. He asked if this is going to be corrected, noting someone highlighted that.

**Oralynn Guerrerortiz, 1427 Luisa Street, Suite A, Owner of Design Enginuity [previously sworn]**, said, "I have had several discussions with John Romero. ... I'm pulling out my notes to find out how it landed in the end here, because I know I did some redlines to this project. What we talked about

was that we have to come up to keep the water in Siringo Road, so the water wouldn't flow down our driveway. And so, I think it's 4 or 5 feet related to that rise, and then we're going to have 20 feet at 2%.. So, together it's 25 feet between the two where it's coming up just 6 inches and then going 2%, and he was okay with that. And I'm not sure if the plans in front of you reflect that final decision from him. But I think how I left it with John was we were going to take care of it before we went to final before you all."

Commissioner Ortiz said, regarding the drainage easement, your drainage runs from southeast to the southwest, and there is an existing 24 inch culvert, and you are going to hook up to that. He asked what is the width of the easement on the west side.

Ms. Guerrerortiz said, "The actual width is really narrow, it's only 5 feet if I recall correctly, for where the CMP pipe is. Are you concerned about if they have to dig it up and it will disturb more than 5 feet."

Commissioner Ortiz said a few years ago, we had a field trip to that area on another case and he recalls that easement looked really shabby and not too defined. He hopes that they will define the easement a little better to get the drainage to flow properly. He said, "And I know, at your southwest corner you plan on sheet flowing that through the riprap pad and everything. So I'm hoping it is well defined, not only throughout the whole west side, but a little bit to the south side. I just remember it wasn't really defined, the drainage system through there."

Ms. Guerrerortiz said, "The 5 foot easement is to incorporate a 15 inch CMP, which is the outlet of the drainage pond. My feeling is, when Mares develops he will want to continue the pipe through the public easement out of his property. But because we're not in a position to do work on his property, and there isn't any clear defined drainage way, it really is a sheet flow now situation. We were requested by staff to leave it as a sheet flow situation. But the reality is, when Mr. Mares wants to develop, he will make it more of a storm drain to connect it and get it passing through his property. He does have... it's an unusual property. I don't know if you remember Mr. Mares, but it's like a bowl, but he has an exit CMP drainage pipe that would make a lot of sense to connect this line to."

Commissioner Padilla said Ms. Montoya mentioned that the public access is down the walk and then through the driveway. He said, "If I understood the testimony earlier, there are two gates that are going to be there."

Ms. Montoya said yes.

Commissioner Padilla asked how that is a public access with two retractable gates.

Ms. Montoya, pointing to the enlarged drawing, said, "Public right of way. Siringo Road. Public right of way. Our driveway. That retractable gate will enclose a driveway and it will retract back 'this' way, so it won't encroach or impede into the public right of way at all."

Commissioner Padilla said, "So public access, that's vehicular access to me. If somebody was walking to the property, I can see where they've got a sidewalk coming from north to south, and if they were walking there, they would get to that gate and they wouldn't have access in. Is there public access for both vehicular and pedestrian, and if so, how is it addressed here."

Ms. Baer said, "I think the public access was not referring to the private development aspect of this proposal, only to the vehicular and pedestrian access which will access further to the south, if and when that property develops. So the private part of this development does not have public access. It's private."

Ms. Montoya said, "If this helps, Mr. Padilla, 'this' is private."

Commissioner Padilla said, "Understood. So, if I was, I'm just going to ask a general question then to Ms. Montoya. If I am an owner of Lot 2 and I wanted to take my bike out, how do I get out."

Ms. Montoya said, "You would have access from the parking lot, through the gate.."

Commissioner Padilla said, "So it's a controlled gate."

Ms. Montoya said, "It's a controlled gate for use by the residents."

Commissioner Padilla said, "Then question for staff. As we look to, as was mentioned in the testimony, connectivity to the south as it develops in the future, and then also thinking about a case we had last Commission meeting, the road is only developed up to, and the sidewalk only developed up to the entrance to this private development. What is the guarantee, or how are we guaranteed that the improvements do happen on the south portion of this development for future connectivity. Can you address that."

Ms. Baer said, "There's an irrevocable offer to dedicate. So if and when that road does develop and the need for it happens, on the plat there will be an irrevocable offer to dedicate. And we will accept it once that road has been constructed."

Commissioner Padilla said, "So the developer, or the developer now, ultimately if these are condominiums or however they are conveyed or sold, they would be responsible for the expansion. There is an irrevocable letter."

Ms. Baer said, "No. It is an irrevocable offer to dedicate, which means it's on the plat and the City could, and presumably would take over that roadway, Villa Sophia, once it becomes access to properties developed further to the south. There is no obligation on the part of the current owner to develop the remaining portion to the edge of their property. So, depending on how the development happens, it could be that, say someone came in with a lot of apartments to the south here, they would be responsible for making that final connection."

Commissioner Padilla said, "Thank you, that's the clarification I wanted. Thank you staff, thank you Ms. Montoya."

Commissioner Padilla continued, "The other question is in reference to... off Siringo Road we have a wide, I'm looking at your landscape plan, sheet 20, there is the existing sidewalk. And I can understand and appreciate not tearing up an existing sidewalk to widen it to 5 feet, when everything else is 4 feet. What is happening between the back of the sidewalk and the balance of the right of way to this property. Is that being improved at all. Is there any proposed landscaping, or is it just a wall. And then the second question on that. That wall, I'm looking at your engineering plans, and I'm seeing a wall that varies from about 1 foot to about 4 feet. Am I reading that correctly. That's your Grading Plan 9."

Ms. Montoya said, "With regard to your question with regard to what is happening in the right of way along Siringo Road, behind this sidewalk our rendering is showing a bit of a difference from what it will actually look like. But 'these' trees will actually be placed. So what you're seeing 'here,' are some trees that are located between the sidewalk and the fence, or the wall. But these trees actually will be at the request of staff, and we'll place 'these' trees between the sidewalk and the street."

Ms. Wynant said, "I would like to make a correction if it is appropriate. I think I can answer this. I did talk to Monica, Ms. Montoya, earlier today. And what I was saying is that as it is portrayed on the colored development plan, the top image there with all the green 'there,' in our discussions, we really felt that that was not enough room for street trees. And we felt that it was more important to put street trees between the sidewalk and the front property line. So I think there was that misunderstanding over the phone was that this is what was at fault. And since we are showing it to you this evening, I should have mentioned that earlier, but the street trees, typically they're between sidewalk and curb. But we looked at Siringo Road. It didn't fit the character, and there were no other street trees there. And where they did exist in that area, they were between the sidewalk and the curb, and we thought that was good way to soften or add some landscaping to the site, along with... what's required is some of these thorny types of plants, we should have a better word for that, some kind of barrier type thorny plants along the, well it's a bit of a retaining wall and a coyote fence on top. And 'this' right here, that's actually portrayed it correctly. So that rendering is just fine. Probably, with the exception of on the side 'there,' for the rendering Monica is holding, is that there should be some street trees... there are some street trees along where they're showing some shrubs."

Commissioner Padilla said, "Thank you Ms. Wynant, that was my confusion. I saw where it would seem more appropriate in that back of the sidewalk to the property line to accommodate the landscaping better in that area."

Ms. Montoya said, "The trees 'there' actually work better for our residents and will cause shade in their back yard, so we like that idea better."

Commissioner Padilla said, "Then I guess the follow-up question for Ms. Guerrerortiz is, I'm seeing the low wall and I was like, that's not much of a yard wall. And now that I'm aware there's a rendering down there, I see you're doing a coyote fence on top of that."

Ms. Guerrerortiz said, "And if I could just enunciate a little further. You are right. Most of that wall is 3-4 feet, it just dies down at the end to be one foot. And the other thing that we added, which you might have noticed on the grading plan, is that there is actually an ADA wheelchair passing space, which is

something staff suggested, because it is a 4 foot wide sidewalk for the most part, to create a small section that was 5 feet wide on our property so there was a little bit more room to go around. I just wanted you to be aware that at least there would be a small zone that would be 5 feet wide."

Commissioner Padilla said, "My last question is... you state in the Staff Report that two parking spaces are provided, each in an attached garage, and three additional spaces in front of each garage of Lots 1, 2, 5 and 6. If we've got two cars in the garage, and you are parking two behind in tandem, where is the third car parked. It's obviously not behind the garage. Is it in front of the residence."

Ms. Montoya said, "That is correct. The distance, if you're looking at our development plan, the distance 'here,' is equal to three cars for Lot 1, and three cars for Lot 2, tandem cars behind the two parking spaces in the garage."

Commissioner Padilla said, "So the Staff Report is that the three are... you're calling that behind the garage, or rather in front of the garage."

Ms. Montoya said that is correct.

Commissioner Padilla said, "Question for staff. Is that a parking requirement for this development."

Ms. Baer said, "There is a provision for a certain number of units. If you have a certain number of units, you have to provide some guest parking. I have to check and I'm happy to do that, to see what that threshold is, but generally each house, each dwelling unit, is required to provide two parking spaces. So let me check to see exactly what that threshold is."

Commissioner Padilla said, "And then the follow up question as far as access to the property. If I am a visitor to the owner of Lot 2, is there a call box that I pull up to, and if that is the case, if I'm a visitor, will I be sticking out into the driveway or the road, Villa Sophia. Is there enough room for a car or cars to queue up in front of that gate."

Ms. Montoya said, "20 feet. We can look at that very closely before Final Development Plan. We'll make a note that we need to have 20 feet. Yes, that's a good question."

Commissioner Padilla said, "I would just make a recommendation that staff take a look at that, because of the fact that, well I'm visiting Lot 2, but there's also someone for Lots 4 and 6 there and we're stacking up. Granted there is no continual traffic in there, but in the event that the development to the south does indeed proceed or happen in the future, we want to make sure that we don't have queuing problems in that area."

Ms. Montoya said, "Thank you. We'll take a look at that more closely and have a response to that before Final."

Commissioner Padilla said, "Last question. The Staff Report states that 'The applicant is not providing affordable units, but instead is providing a contribution to the Santa Fe Homes Program in line with the requirements for the program.' At some point, would we be able to see what that requirement is, and the amount of contribution."

Ms. Baer said, "It may be in the Memorandum from Alexandra Ladd, included in your Staff Report. The requirement changed to say that if you're building under 10 residential units, you are not required to build affordable. You can make a contribution instead. Are you seeing it."

Commissioner Padilla said, "Yes. I see it there now. \$24,000."

Vice-Chair Villarreal said, "I had a follow up on the concern about the gate. I was curious, I don't know the design you're thinking about, but wouldn't it make sense if someone was a pedestrian, that maybe they have a code for a door that actually accesses the property, versus having to go through a gate that cars are going through. I'm just trying to visualize this, and if you have thought about that. Because I just can't imagine standing there and having to call in and I'm waiting and cars are behind me like Commissioner Padilla was describing. I know you said you would address that."

Ms. Montoya said, "Yes. I've got a note here. We'll take a closer look at that."

Ms. Baer said, "And I do have an answer for you. Per Section 14-8.6 Off-Street Parking and Loading, C(1) Off Street Visitor Parking in Single Family Development. 'In single family, residential developments, depending on the size and layout of the development, and if driveways are located in such proximity to each other that adequate visitor parking is unavailable on the street, the Planning Commission may require that additional visitor parking of up to one-half space per dwelling unit be accommodated within the development.' So, it's not a requirement. The Planning Commission has the discretion to require it, if you think it's necessary...."

Vice-Chair Villarreal thanked Ms. Baer, and asked Commissioner Padilla if this answered his question, and Commissioner Padilla indicated that it did.

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Bemis, to approve Case #2014-05, Villas de Sophia Amended Development Plan, with all conditions of approval as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Padilla, to approve Case #2014-05, Villas de Sophia Preliminary Subdivision Plat, with all conditions of approval as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].



## **G. STAFF COMMUNICATIONS**

Ms. Baer said, "I distributed to you some notes from a power point presentation that was given at the APA Conference Training for Planning Commissions about a week and half ago. I would say that most of the material that is covered here is something that those of you who have been on the Commission are probably already familiar with. It's not a bad refresher. And for people who perhaps have not been to planning commissioner training in the past, it's worth taking a look at. I would keep in mind that the presenter was from Texas and so there are some things that they do differently there. It wasn't specific to New Mexico or Santa Fe. For example, they have procedures that are followed. We don't necessarily have a written handbook of procedures. And they have certain forms that we just don't have. But in general, there are very useful things here, and reminders about what to do, what not to do, what's appropriate, what isn't appropriate. So I would recommend that you take a look at that. And if you have any questions, feel free to call me or Zach, Mr. Shandler or anyone else."

Ms. Baer said, "And then I've also distributed...."

Vice-Chair Villarreal said, "I was wondering if any of the Commissioners actually made the training or could attend."

Ms. Baer said, "No. And I apologize, because we let you know about it so late. We weren't sure that the Department was going to be able to cover the cost. It was not very much, but we did invite everyone except, I'm sorry, but Mr. Gutierrez wasn't on the Commission yet. We were hoping Commissioner Padilla was going to make it, but I think we let you know too late, so I'm sorry about that. I think that Commissioner Pava must have been there, but I didn't see him. He wasn't at the training. It was actually a very small group and it diminished as the time went by."

Ms. Baer continued, "And then also, I did distributed the most recent list, including Commissioner Gutierrez, of contact information for your use and information. And I would just caution you that this is an internal list. It's not for public distribution. We don't give out your cell phones to the public. We have another list to the public. We encourage the public, if they have comment on any cases, to provide them to the staff and then we would make sure that everyone on the Commission received the same information. So we discourage people from contacting you directly. And that's all."

## **H. MATTERS FROM THE COMMISSION**

Commissioner Padilla welcomed Commissioner Gutierrez, and asked if there is a vacancy on one of the committees in which he could serve.

Ms. Baer said she believes that would be an appropriate time to make that appointment, and asked Commissioner Gutierrez if there is a desire on his part to serve on one of these committees. She said currently two subcommittees have vacancies – the Summary Committee which Commissioner Ortiz chairs and on which Commissioner Padilla serves, noting that Commissioner Harris attended the last meeting, but he is ready to retire from that Committee. And there also is an opening on the Long Range Planning Committee, on which Commissioner Bemis serves.

Chair Villarreal asked Commissioner Gutierrez if he would like to serve on a Committee.

Commissioner Gutierrez said, "We spoke about it briefly, and if I'm correct on the meeting time for the Summary Committee, it's the same day as the Planning Commission, that would work better for me."

Responding to the Vice-Chair, Ms. Baer said there also is a vacancy on the Summary Committee on which Commissioner Harris was filling-in.

Vice-Chair Villarreal asked what the Commission needs to do to get Commissioner Gutierrez on the Summary Committee.

*[Ms. Bemis's remarks about the Long Range Planning Committee are inaudible here because her microphone wasn't turned on]*

Ms. Baer said, "The Code does specify that it is by election, so 'Three members of the Planning Commission shall be elected by majority vote of the Planning Commission to serve one year terms on the Summary Committee.' So we can post that on the next agenda and have that take place that way."

Commissioner Ortiz said, "If we don't take care of that business tonight, then at the next Summary Committee it will be just Commissioner Padilla and myself. So, if it was up to me, I would like to take care of that business tonight if we can."

Mr. Shandler said, "Commissioner, Commission Chair Harris will serve until he is replaced, so he could still attend that next Committee meeting and vote."

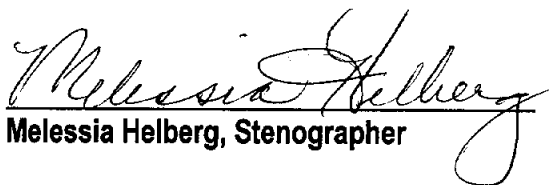
Vice-Chair Villarreal pointed out that we have to wait until the item is posted on the agenda, so we will do that at the next meeting.

## **I. ADJOURNMENT**

There was no further business to come before the Commission, and the meeting was adjourned at approximately 7:05 p.m.



**Michael Harris, Chair**



**Melessia Helberg, Stenographer**

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

Case #2014-71

5704 Agua Fria Road General Plan Amendment to Industrial

Case #2014-72

5704 Agua Fria Road Rezoning to I-1

Owner's Name – Paul & Rosina Gallegos

Agent's Name – James W. Siebert & Associates Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 7, 2014 and September 11, 2014 upon the application (Application) of James W. Siebert Associates Inc., as agent for BFFM (Applicant).

The property is currently vacant and located at the intersection of San Felipe Road and Agua Fria Road. The property is a remainder of a 3.076 acre lot that was split into two lots as a result of the City taking 0.417 acres for the Rufina Street right-of-way. Establishment of the right-of-way created a northerly tract of 1.79 acres and a southerly tract of 0.87 acres. The northerly tract has a General Plan Future Land Use Designation of Neighborhood Center and is within the SC-1 (Planning Shopping Center) zoning district. The southerly tract has a General Plan Future Land Use Designation of Industrial and is within the I-1 (Light Industrial) zoning district.

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 1.79 acre Property from Neighborhood Center to Industrial; and (2) to rezone the Property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff and the Applicant.
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).

*Exhibit "1"*

4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. A pre-application conference was held on March 6, 2014.
6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
7. An ENN meeting was held on the Application on April 29, 2014 at the Southside Library.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there were no members of the public in attendance and no concerns were raised.
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.

#### 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)].*

While the existing land use designation does not preclude development of the property, the request to change the future land use designation from Neighborhood Center to Industrial is consistent with current Industrial land use designation of property to the north and south of the property. Any future development would be required to develop access for the property within the 0.471 acre right-of-way south of the property.
  - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*

The subject property is currently vacant and bordered on two sides by Industrial land use designations. The proposed change will not create inconsistencies with the General Plan. General Plan Policy 5-3-G-6 speaks directly to the need to achieve compatibility between industrial development and surrounding neighborhoods. Chapter 14 implements this policy through development standards that address the residential and nonresidential interface.
  - (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)].*

There is a residential mobile subdivision to the west of the subject site. However, the subdivision is surrounded on three sides by Industrial designated land. The subject site is also bordered on the north and south sides by Industrial designated land with no conflict. The prevailing use and character of the area is industrial. Although the property is less than 2 acres in size, it is an expansion of the I-1 district across Agua Fria Road and well as across the right-of-way south of the property, and therefore qualifies as an adjustment in the boundaries of the I-1 zoning district. This request to amend the General Plan Future Land Use Map does not benefit the property owner at the expense of the surrounding landowners or 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 or justification [§14-3.2(E)(1)(d)].*

The amendment does conform with Subsection 14-3.2(E)(1)(c) as it is not inconsistent with the prevailing use or character of the area, is not less than 2 acres as it is adjusting the boundary of adjacent industrial land and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.

- (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)(f)].*

While other development of the property is feasible, the site will not likely, in the foreseeable future, be developed as a Neighborhood Center as anticipated by the land use designation and zoning. Land immediately to the east that is zoned SC-1 (Planned Shopping Center) has been developed and operates as Santa Fe County social service facilities and is designated as Public/Institutional by the General Plan Future Land Use Map.

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

The proposed amendment is consistent with the policies of the Plan as set forth in paragraph 13(a)-(d) 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 [Code §14-3.5(C)(1)(a)].*

The SC-1 zoning district was given to the subject site and immediately adjacent properties to the east in 2009. The SC-1 zoning district was not consistent with the existing use of County social service facilities, which was developed in phases from approximately 2004 through 2008. The SC-1 zoned property to the east has been developed as County social service facilities making it unlikely that the subject property and adjacent properties would be developed as a shopping center as originally anticipated by the Southwest Area Master Plan. The immediate vicinity is largely dominated by Industrial designated land. The proposed Land Use Amendment and Rezone essentially close a small gap in the surrounding industrial land.

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

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

- (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(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 [Code §14-3.5(C)(1)(d)].*

There is a substantial amount of commercial zoned property in close proximity to the subject site. The subject site is better suited for I-1 zoning as it is largely surrounded by I-1 zoned land and is bordered on the east by County social service facilities. The General Plan Policies speak to the importance of maintaining a supply of land suitable for industrial use.

- (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)(1)(e)].*

Infrastructure and public facilities are available to serve future development of the property. Any new development will require connection to the City water and sewer. The requested zoning will not impact infrastructure to a greater degree than would already occur under the existing SC-1 zoning.

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

- (1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*  
(2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

Basic infrastructure including: streets (no sidewalk), water, and sewer, are available to adequately serve the site as it currently exists. A condition has been proposed to require the developer to dedicate sufficient right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads.

19. This is a unique situation as the Governing Board of the City of Santa Fe in Resolution 1999-46 stated that it would not support the construction of a westerly extension of Rufina Street.
20. This is a unique situation because requiring the Applicant to build an access road 220 feet to the easterly boundary of the Right-of-Way Tract would be a waste of resources due to Resolution 1999-46.
21. The Commission adopts Staff conditions along with the following modifications:
  - (1) City Traffic Engineer's Condition #3 is modified to read: "The access road shall connect to San Felipe on the west side and extend easterly within the Right-of-Way tract to an approved development access point."
  - (2) MPO/Roadway and Trails Division's Condition #1 is modified to read: "At the time of development of the property, the Developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property in conjunction with the access road as amended by the Planning Commission in the City Traffic Engineer's condition # 3. The design of all trail/side paths shall be reviewed and approved by the Roadway & Trails Engineering Division and shall be built to City of Santa Fe standards. At the time of future approval of a Subdivision or Development Plan, the Developer shall develop all trails consistent with the Metropolitan Bicycle Master Plan as required by SFCC 14-8.15."

#### 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

4. The Applicant has the right under the Code to propose the rezoning of the Property.
5. 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 2nd DAY OF OCTOBER, 2014 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.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to I-1.

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

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

FILED:

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

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

APPROVED AS TO FORM:

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

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



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

Case #2014-76

17 Dos Hermanos Final Subdivision Plat

Owner's Name – Dos Hermanos Trust

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

THIS MATTER came before the Planning Commission (Commission) for hearing on September 11, 2014 upon the application (Application) of JenkinsGavin Design & Development, Inc., as agent for Dos Hermanos Trust (Applicant).

The Applicant is requesting Final Subdivision Plat approval to subdivide 5 acres into five residential lots. Each lot will be one acre in area. The property is zoned R-1 (Residential-1 dwelling unit per acre), and was annexed into the City on January 1, 2014 as part of Phase 2 of the City-Initiated Annexation. Preliminary Subdivision Plat approval was granted on July 10, 2014. Findings for that case were approved by the Planning Commission on August 7, 2014.

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant; there were no members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats and development plans.
3. Pursuant to Code §14-3.7(A)(1)(b) subdivisions of land must be approved by the Commission.
4. Code §14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [Code §14-3.7(B)(4)] and criteria for the Commission's approval [Code §14-3.7(C)] (collectively, the Applicable Requirements).
5. Code §14-9 sets out infrastructure design, improvement, and dedication standards and requirements.
6. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code §14-3.1(F) for subdivision plats.
7. Code §14-3.1(F)(2)(a)(v) requires an ENN for subdivision plats, except for final subdivision plats for which ENN procedures were followed at the preliminary plat review stage.
8. An ENN meeting on the Applicant's application for preliminary plat approval was held at 5:30 p.m. on May 7, 2014 at the Southside Library at 6599 Jaguar Drive; therefore no ENN is required for final subdivision plat approval in this case.
9. The preliminary subdivision plat was approved by the Commission on August 7, 2014.

*Exhibit "2"*

10. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
11. The condition for the note on the plat should reflect that the Right-of-Way shall extend the length of the western boundary of Lot 2A-1-1 and 2A-1-2.
12. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

#### CONCLUSIONS OF LAW

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

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

**WHEREFORE, IT IS ORDERED ON THE 2nd OF OCTOBER 2014 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

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

\_\_\_\_\_  
Michael Harris  
Chairperson

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

FILED:

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

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

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

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

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

Case #2014-79 – 27 Ridgeline Road Variance  
Case #2013-98 – 27 Ridgeline Road Lot Split  
Owner/Applicant's Name – Alan Reeves  
Agent's Name – Liaison Planning Services, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on September 11, 2014 upon the application (Application) of Liaison Planning Services, Inc. agent for Alan Reeves (Applicant).

The Applicant seeks (1) a variance to Santa Fe City Code (SFCC) §14-9.1(B)(8) (connections and extensions of sewer mains) and SFCC §14-9.2(K)(1)(b) (connections to city sewer services), for the property located at 27 Ridgeline Road (Property) (the Variance) and (2) divide the Property into two lots of 1.55± acres (Tract A) and 0.95± acres (Tract B) respectively (the Subdivision).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant; and there were no members of the public in attendance to speak.
2. SFCC §14-2.3(C)(3) authorizes the Commission to hear and decide as part of a request for subdivision approval requests for variances pursuant to SFCC §14-3.16.
3. SFCC §14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the Variance based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
4. SFCC §14-3.1(F)(2)(a)(vii) requires an Early Neighborhood Notification (ENN) meeting for variances.
5. Under SFCC §14-2.3(C)(1) the Commission has the authority to review and approve or disapprove subdivision plats.
6. Pursuant to SFCC §14-2.3(E)(1), the Commission has delegated to the Summary Committee its authority to hear and decide applications for the division of land into two lots (a Lot Split), except for those powers retained by the Commission.
7. Where a Lot Split is part of another request requiring Commission review, the Commission retains its authority to review and approve or disapprove the subdivision.
8. Pursuant to SFCC §14-3.7(D), Lot Splits are subject to the procedural requirements, approval criteria and development standards that apply to other subdivisions, except that no

*Exhibit "3"*

preliminary plat hearing is required and certain other exceptions that do not apply in this matter.

9. SFCC §14-3.7(B) sets out certain procedures required for the review and approval of Lot Splits.
10. SFCC §14-3.7(C) sets out the approval criteria for subdivisions, including Lot Splits (Subdivision Approval Criteria).
11. SFCC § 14-3.1 (F)(2)(a) (vii) requires an ENN for Variances.
12. SFCC 14-3.16 (C) sets out certain approval criteria required for the review and approval of Variances.12. SFCC §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:
  - (a) Scheduling and notice requirements [SFCC §14-3.1(F)(4) and (5)];
  - (b) Regulating the timing and conduct of the meeting [SFCC §14-3.1(F)(5)]; and
  - (c) Setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
13. A pre application conference was held on December 12, 2013.
14. An ENN meeting was held on the Application on July 1, 2014 at the Southside Library at 6599 Jaguar Drive.
15. Notice of the ENN meeting was properly given.
16. The ENN meeting was attended by the Applicant and City staff and discussion followed the guidelines set out in SFCC §14-5.3.1(F)(6).
17. Commission staff provided the Commission with a report (the Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the Variance and the Subdivision, subject to those conditions contained in the Staff Report (the Conditions).

#### The Variance

18. The information contained in the Staff Report and the testimony and evidence presented at the hearing are sufficient to establish with respect to the Applicant's request for the Variance from the requirements of SFCC §14-9.1(B)(8) (connections and extensions of sewer mains) and SFCC §14-9.2(K)(1)(b) (connections to city sewer services), that (a) unusual physical characteristics exist that distinguish the Property from others in the vicinity that are subject to the same regulations, in that the lot is an unusual configuration, which is more like two separate lots joined by a long, narrow strip and is also divided in half by the Arroyo Chamiso whereas the other lots are either not affected at all or have the arroyo in the southern half of their property; (b) special circumstances make it infeasible, for reasons other than financial cost, to develop the Property in compliance with applicable standards because an extension of a sewer main to the southerly lot would cause substantial disruption to the property and the presence of the arroyo; (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the same regulations, in that the intensity of proposed development will not exceed that permitted by applicable zoning and found in the vicinity; (d) the variance is the minimum variance that will make possible the reasonable use of the Property because the southern portion of the property could not be developed without a variance to the requirement to connect to City sewer; (e) the variance is not contrary to the public interest, in that the density is permitted by applicable zoning and wells and septic systems are regulated by the State, whose regulations are responsible for ensuring public safety and thereby securing the public interest.

The Lot Split

19. The Applicant has complied with the submittal requirements of SFCC §14-3.7(B)(4)(b).
20. Based upon the information contained in the Staff Report, the Lot Split complies with the Approval Criteria, subject to the Conditions. If City water or wastewater becomes available to the new lot, prior to development of that lot, new development will be required to connect to either or both water or sewer, whichever is available at such time.

CONCLUSIONS OF LAW

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

General

1. The Variance and Lot Split were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with SFCC requirements.
2. The ENN meeting complied with the requirements established under the SFCC.

The Variance

3. The Commission has the power and authority at law and under the SFCC to hear and decide the Variance.
4. The Variance meets the approval criteria set forth in SFCC §14-3.16(C).

The Lot Split

5. The Lot Split plat is approved, subject to the Conditions.

**WHEREFORE, IT IS ORDERED ON THE 2nd OF OCTOBER 2014 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 approves the Variance.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the Lot Split, subject to the Conditions.

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

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

[REMAINING SIGNATURES APPEAR ON FOLLOWING PAGE]

FILED:

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

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

APPROVED AS TO FORM:

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

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

# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

BILL NO. 2014\_\_

ENN Parks

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**SPONSOR(S):** Councilors Dominguez and Bushee

**SUMMARY:** The bill relates to Early Neighborhood Notification (ENN) and amends Subsection 14-3.1(F)(3) SFCC 1987 to require that an ENN be conducted for new parks or reconstruction or expansion of existing parks; and makes such other changes as are necessary to carry out the intent of the ordinance.

The proposed amendment went before the Parks and Open Space Advisory Commission (POSAC) on September 16, 2014. Pursuant to the discussion at POSAC, Councilor Dominguez has proposed an amendment to the bill that would include ENN requirements for new buildings, structures and lighting systems at parks, that exceed \$250,000.

**PREPARED BY:** Melissa Byers, Legislative Liaison

**FISCAL IMPACT:** No

**DATE:** September 24, 2014

**ATTACHMENTS:** Amendment Sheet – Councilor Dominguez  
Bill  
FIR

*Exhibit "4"*

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2014-\_\_**  
**ENN FOR PARKS**

---

**Mayor and Members of the City Council:**

**I propose the following amendment(s) to Bill No. 2014-\_\_:**

1. On page 2, *delete* lines 6 through 8 and *insert* the following, in lieu thereof:

(v) any new park or reconstruction or expansion of an existing park that exceeds two acres in size or two hundred and fifty thousand dollars (\$250,000) in cost; construction of a new building or structure at a park or placement of new lighting at a park that exceeds two hundred and fifty thousand dollars (\$250,000) in cost.

Respectfully submitted,

\_\_\_\_\_  
Carmichael Dominguez, City Councilor

ADOPTED: \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_

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



1 CITY OF SANTA FE NEW MEXICO

2 BILL NO. 2014-\_\_\_\_

3 INTRODUCED BY:

4  
5 Councilor Carmichael Dominguez

6 Councilor Patti Bushee

7  
8  
9  
10 AN ORDINANCE

11 RELATING TO EARLY NEIGHBORHOOD NOTIFICATION (ENN); AMENDING  
12 SUBSECTION 14-3.1(F)(3) SFCC 1987 TO REQUIRE THAT AN ENN BE CONDUCTED  
13 FOR NEW PARKS OR RECONSTRUCTION OR EXPANSION OF EXISTING PARKS;  
14 AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE  
15 INTENT OF THIS ORDINANCE.

16  
17 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

18 Section 1. Subsection 14-3.1(F)(3) SFCC 1987 (being Ord. No. 2011-37 § 3) is  
19 amended to read:

20 (3) Applicability to City Capital Improvement Projects

21 (a) ENN is required for certain types of *city capital improvement*  
22 projects requiring review by the *governing body* as follows:

23 (i) facility plans for municipal facilities or services, including  
24 wastewater, solid waste, potable water and airport facilities;

25 (ii) new projects or projects to expand or extend service to new

1 service areas included in the *capital improvement plan* or  
2 *general plan*;

3 (iii) any new road construction or reconstruction of an existing  
4 road that materially expands capacity; and

5 (iv) projects funded out of capital impact fee funds.

6 (v) any new park or reconstruction or expansion of an existing  
7 park that exceeds two acres in size or two hundred and fifty  
8 thousand dollars (\$250,000) in cost.

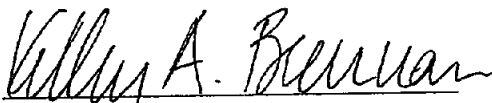
9 (b) The following types of *capital improvement* projects do not require  
10 ENN:

11 (i) *replacement*, repair or maintenance of underground facilities  
12 where such activity does not represent a material expansion  
13 of existing facilities;

14 (ii) road maintenance, repair, surfacing or resurfacing, striping,  
15 curb and gutter or sidewalk repair or maintenance, *sign*  
16 maintenance, signal repair, shoulder work, bridge or culvert  
17 maintenance work; and

18 (iii) special assessment districts covered by *state* law or *city*  
19 ordinance.

20 APPROVED AS TO FORM:

21   
22

23 KELLEY A. BRENNAN, CITY ATTORNEY

## City of Santa Fe Fiscal Impact Report (FIR)

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

### Section A. General Information

(Check) Bill: X Resolution: \_\_\_\_\_  
(A single FIR may be used for related bills and/or resolutions)

**Short Title(s):** AN ORDINANCE RELATING TO EARLY NEIGHBORHOOD NOTIFICATION (ENN); AMENDING SUBSECTION 14-3.1(F)(3) SFCC 1987 TO REQUIRE THAT AN ENN BE CONDUCTED FOR NEW PARKS OR RECONSTRUCTION OR EXPANSION OF EXISTING PARKS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

Sponsor(s): Councilors, Domiguez and Bushee

Reviewing Department(s): City Attorney's Office

Person Completing FIR: Rebecca Seligman Date: August 15, 2014 Phone: 955-6501

Reviewed by City Attorney: Vallin A. Brennan Date: 8/19/14  
(Signature)

Reviewed by Finance Director: [Signature] Date: 09/22/2014  
(Signature) FOR TERESITA GARCIA

### Section B. Summary

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

The purpose of the ordinance is to include in the existing ENN requirements that an ENN be conducted for any new park or reconstruction or expansion of an existing park that exceeds two acres in size or two hundred and fifty thousand dollars (\$250,000) in cost.

### Section C. Fiscal Impact

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

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

#### 1. Projected Expenditures:

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

X   Check here if no fiscal impact

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

Personnel\*      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Fringe\*\*      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Capital  
Outlay      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Land/  
Building      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Professional  
Services      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

All Other  
Operating  
Costs      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Total:      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

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

## 2. Revenue Sources:

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

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

\_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

\_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

\_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Total:      \$ \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

### 3. Expenditure/Revenue Narrative:

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

Not applicable

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### Section D.      **General Narrative**

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

None staff is aware of.

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

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

Without ENN participation, neighborhoods would not have input on any new park or reconstruction or expansion of an existing parks.

### **3. Technical Issues:**

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

None that staff is aware of.

### **4. Community Impact:**

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

The major positive effect this ordinance would have is that through ENN, neighborhoods would be able to have input on any new park or reconstruction or expansion of an existing park which could potentially benefit their neighborhood park and the community at large.

Form adopted: 01/12/05; revised 8/24/05; 4/17/08






# City of Santa Fe, New Mexico

## memo

**DATE:** September 18, 2014 for the October 2, 2014 Meeting

**TO:** Planning Commission

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

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

---

**Case #2014-05. Villas de Sophia Amended Development Plan and Preliminary Subdivision Plat.** Monica Montoya, agent for Ted Chagaris, requests amended Development Plan and Preliminary Subdivision Plat to create 6 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, 7 dwelling units per acre, Planned Unit Development) and is located on Siringo Road and south of the intersection of Calle Contento and Siringo Road. (Donna Wynant, case manager)

### I. RECOMMENDATION

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

*Two motions will be required in this case, one each for the Development Plan and the Preliminary Subdivision Plat.*

### II. APPLICATION OVERVIEW

In 2008 the Planning Commission granted rezoning, development plan and subdivision approval for Villas de Sophia, an 8 unit residential development, which was not subsequently constructed. (Cases #M2007-40 and #S2007-16) The current application retains the approved zoning with changes to the original development plan. It was submitted in January 2014 and again in August 2014 with revisions made in response to Development Review Team (DRT) comments.

Significant changes from the original design are primarily to the access layout and to the number of units. The Traffic Engineering Division required the access from Siringo into the development to be built to City standards in order to provide for future City street access to currently undeveloped lots behind this subdivision. This meant increasing the right-of-way to 36 feet to provide a 20 foot travel lane, with sidewalk and planting strip. To accommodate the

wider right of way, the applicant shifted the development further to the east, reducing the number of units from 8 to 6. Common open space previously located in the northeast corner of the site was also eliminated.

The property is 1 acre in size (43,553 square feet) and is zoned R-7/PUD (Residential, 7 dwelling units per acre/Planned Unit Development), which is consistent with its General Plan designation of 'Residential – Low Density (3 to 7 dwellings per acre).' PUD is a zoning overlay, adopted as part of the rezoning in 2008. Rezoning to PUD requires a Preliminary Development Plan, which was submitted and approved at that time. The amended Development Plan submitted with the current application reduces the number of units from 8 to 6. The purpose of the PUD is to allow variations to development standards through review of the development plan.

**14-5.7 (E): Standards**

*(1) The development, design and landscaping standards permitted in the PUD may vary from the standards of the underlying district, provided that findings of fact are made that such variation:*

- (a) meets the PUD purpose and intent set forth in Subsection 14-5.7(A) by creating a unified development that is superior to what would otherwise be attainable,*
- (b) is appropriate in relation to the overall development, and*
- (c) minimizes the impact on surrounding properties.*

*(2) The density of population and intensity of land use allowed by the underlying zoning district shall be the overall density and intensity in the PUD. As long as the overall PUD density and intensity remain unchanged, the density and intensity of different local sites within the PUD may vary;*

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

The proposal consists of six single family homes, each 1,762 square feet with two car attached garages. Two attached units are located on the north side of the property, two on the east and two on the south. Lots range from 5,411 to 6,879 square feet in size and all are oriented towards the parking court at the center of the site. Although building elevations were not provided with this application, the applicant stated that the homes will be designed in a traditional pueblo style or similar historic variation and anticipated to all be single story. The maximum height allowed is 24 feet, and the applicant requests to reserve the right to build second stories in the future as allowed by code in keeping with all other code requirements, including the second story setbacks and any changes to private open space requirements, that may be triggered.



Access is from a private drive, Via Sophia, from Siringo Road, into the site to the parking court at the center of the 6 lots. The applicant proposes to keep it private until such time as the City accepts it as a public street. A portion of land to the south of Via Sophia is reserved for future potential access to properties south of the proposed subdivision as an "irrevocable offer to dedicate". The 24 foot wide retractable gate, located at the entrance to the parking lot, will be designed to allow access to emergency vehicles and is subject to final approval by the Fire Department.

The development standards to which changes are proposed are the following:

- Sheds and portals may encroach into yard setbacks.
- Landscape requirements pertaining to yard walls facing the street may be implemented within the right of way between the sidewalk and the property line.

The Land Use Department supports the easing of these development standards without which it would be difficult, if not impossible, to achieve the approved R-7 density on this site, especially with one story structures. The proposal is a modest infill development that will create additional moderate income housing in a centrally located part of the City. With the access drive built to City standards, it will also provide access to several larger undeveloped tracts to the south, thereby promoting an integrated and better planned development of a larger area. Landscape development in the right of way adjoining Siringo will further enhance the roadway, both for motorists and pedestrians, and promote walkability in the area.

Two parking spaces are provided in each of the attached garages, with 3 additional spaces in front of the garages for lots #1, 2, 5 and 6. Lot 3 and 4 provide one extra space. The Development Plan shows a total of 26 spaces exceeding the requirement of 12 by 14 spaces. All drive and parking areas will be surfaced with asphalt.

The previous layout provided open space at the northeast corner for the residents of the subdivision. The revised plan does not provide any common open space, and instead provides private open space on each of the 6 lots which are fenced with coyote fencing and adobe walls for privacy. Street trees are shown along Siringo in a 4 foot planting strip. Staff recommends the trees be placed along the south side of the sidewalk allowing the trees more room for growth. Street trees are also provided along the east side of Via Sophia and landscaping is provided at the entrance to the parking lot and in the drainage pond.

Drainage is primarily directed towards the southeast corner of the site to a landscaped drainage pond on Lot 4. The development will have access to existing City water, power, sewer and other facilities.

The applicant is not providing any affordable units, but instead is providing a contribution to the Santa Fe Homes program in line with the requirements of that program. Santa Fe Public Schools have been notified of the proposed development and have not indicated any concerns in accommodating the small number of children to be expected from this development.

The Early Neighborhood Notification (ENN) meeting was held on January 16, 2014. Eight neighbors reviewed the application, and expressed their support of the development. Most of

the discussion focused on surrounding development and access issues. For additional detailed information regarding the meeting, refer to the ENN Meeting Summary in Exhibit B.

### **III. DEVELOPMENT PLAN**

According to 14-3.8(B)(2), a development plan is required in conjunction with certain districts. In this case, a development plan is required for the R-7 district and PUD Overlay district. The rezoning approval of the property from 2008 to R-7 is still intact. However, the development plan (and subdivision plat) have expired and shall therefore be reviewed by the Planning Commission.

The layout as shown in the Development Plan meets minimum setback requirements, except for portals that extend into the 15 foot rear yard. The maximum lot coverage is not exceeded since it may be increased from 40% to 55% on lots 1, 2, 5 & 6 since private open space is provided on those lots. The number of parking spaces provided exceeds the minimum number of spaces required.

Landscaping is required in front of the fence, facing Siringo Road per Section 14-8.5(J)(2)(b). Plant material is to consist of *"predominantly thorny or other barrier plantings that will cover a minimum of seventy-five percent of the face of the fence or wall at maturity."* This recent addition to the screening and buffering requirements of Chapter 14 was intended to provide space between the sidewalk along the street and the wall/fence by planting barrier types of plants to provide some protection against tagging.

### **IV. SUBDIVISION PLAT**

The subdivision plat meets the requirements for the R-7 zoning district and the approval criteria listed in Section 14-3.7(C) for subdivision plats.

The driveway that gives access to the site from Siringo Road (Via Sophia) will operate as a private drive and be maintained by the development's homeowner association until such time that the City accepts the drive as a public street. The aisle through the parking lot is incorrectly labeled as Via Sophia and will be corrected on the Final Subdivision Plat.

Via Sophia is designed to public standards per Table 14-9.2-1: Design Criteria for Street Types. An "irrevocable offer to dedicate" extra space south of the drive will provide good connectivity to other properties to the south, particularly giving access to the east/west easement that connects the property to Calle Ensenada, further to the west.

The plat complies with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards). The existing 4' wide sidewalk along Siringo Road does not meet the minimum 5 foot width requirement, but is an existing sidewalk in good condition, and therefore acceptable to remain at its 4 foot width.

## **V. CONCLUSION**

The Land Use Department recommends approval of the Development Plan and the Preliminary Subdivision Plat subject to minor redline corrections from Traffic and Engineering and to standard conditions of approval from Fire, as well as revisions to the landscape plans. The Final Development Plan and Final Subdivision Plats will come before the Planning Commission for final review and approval.

## **VI. ATTACHMENTS**

### **EXHIBIT A: Development Review Team Memoranda**

1. Traffic Engineering Comments, Sandra Kassens
2. Technical Review Division Memorandum, Risana "RB" Zaxus
3. Fire Marshal Comments, Reynaldo Gonzales
4. Wastewater Division Email, Stan Holland
5. Solid Waste Division Email, Eric Lucero
6. Santa Fe Public Schools- Response to Notification, Shirley McDougall
7. Affordable Housing Comments, Alexandra Ladd

### **EXHIBIT B: ENN Meeting Materials**

1. ENN 11 Conditions
2. ENN Meeting Notes

### **EXHIBIT C: Maps**

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

### **EXHIBIT D: Applicant Submittals**

1. Transmittal Letter
2. Proposed Development Plan
3. Proposed Subdivision Plat

EXHIBIT A  
p 1 of 2

Conditions	Department	Staff
<ol style="list-style-type: none"> <li>1. The Developer shall revise the grade of the roadway, "Via Sophia" to have a slope of 2% or less for the first 25 feet from where it accesses Siringo Road with a 20 ft. vertical curve in the road profile adjacent to this level area.</li> <li>2. On sheet 6 of the plan set, the Developer shall make the following corrections to the irrevocable offer to dedicate note: <ol style="list-style-type: none"> <li>a. Change the width from 26 to 36; and</li> <li>b. Complete the wording from "C" to "City of Santa Fe".</li> </ol> </li> <li>3. On Sheets 9 and 10 A: <ol style="list-style-type: none"> <li>a. Correct the typo on the ADA wheelchair passing space note; the note reads "ADD" but should read "ADA".</li> </ol> </li> </ol>	Traffic Engineering	Sandra Kassens
<p>The following review comments are to be considered conditions of approval:</p> <ol style="list-style-type: none"> <li>1. On Subdivision Plat Dedication and Affidavit (sheet 5), revise "private unit development" to read "planned unit development." Also, remove "private" in describing the ingress, egress, and public utility and drainage easement.</li> <li>2. On sheet 6, revise the designation "Roadway" to read "ingress, egress, and public utility and drainage easement."</li> <li>3. Maximum retaining wall height is 6 feet. Revise sheet 12 to reflect this.</li> </ol>	Technical Review	Risana "R.B." Zaxus
<ol style="list-style-type: none"> <li>1. Shall Comply with International Fire Code (IFC) 2009 Edition. Shall meet fire department access which would require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, conditions of terrain, climatic conditions or other factors that could limit access as per IFC 2009 Edition section 503.1.2.</li> <li>3. Shall meet water supply requirements as per IFC 2009 Edition.</li> <li>4. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.</li> <li>5. Fire Department Access shall not be less than 20 feet width minimum to any new construction.</li> <li>6. Shall have a fire department turn around as per IFC 2009 edition if driveway exceeds 150ft or sprinkle any new construction.</li> <li>7. Shall have a drivable surface that will bear the weight of a fire engine and kept maintain in all-weather like conditions.</li> </ol>	Fire Dept.	Reynaldo Gonzales

**Villas de Sophia-**  
**Preliminary Subdivision Plat and Amended Development Plan**  
**Conditions of Approval**  
Case #2014-05

Conditions	Department	Staff
<p>The fee (\$24,480) must be paid when the final subdivision documents are recorded or in situations where these documents are not required, at the time of building permit application.</p> <ol style="list-style-type: none"> <li>1. Place street trees along Siringo Road along the south side of the sidewalk, not in the narrow planting strip between sidewalk and curb, allowing the trees more room for growth.</li> <li>2. Provide a lighting plan for the development.</li> <li>3. Provide building elevations with the final subdivision plat submittal.</li> <li>4. Provide a water budget, as required by Section 14-8.13.</li> <li>5. Provide in front of the fence, facing Siringo Road per Section 14-8.5(J)(2)(b) to consist of predominantly thorny or other barrier plantings that will cover a minimum of seventy-five percent of the face of the fence or wall at maturity.</li> </ol>	<p>Affordable Housing</p> <p>Current Planning</p>	<p>Alexandra Ladd</p> <p>Donna Wynant</p>

EXHIBIT A  
(P 2 of 2)

# City of Santa Fe, New Mexico

# memo

**DATE:** September 19, 2014

**TO:** Donna Wynant, Land Use Division

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

**FROM:** Sandra Kassens, Engineer Assistant

**SUBJECT:** Villas de Sophia Amended Development Plan & Preliminary Subdivision Plat  
(Case# 2014-05.)

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**ISSUE:**

Monica Montoya, agent for Ted Chagaris, requests amended Development Plan and Preliminary Subdivision Plat approval to create 6 single family lots on 1.00± acres. The property is zoned R-7 (Residential, 7 dwelling units per acre, Planned Unit Development) and is located on Siringo Road and south of the intersection of Calle Contento and Siringo Road.

**RECOMMENDED ACTION:**

Review comments are based on submittals received on August 28, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

1. The Developer shall revise the grade of the roadway, "Via Sophia" to have a slope of 2% or less for the first 25 feet from where it accesses Siringo Road with a 20 ft. vertical curve in the road profile adjacent to this level area.
2. On sheet 6 of the plan set, the Developer shall make the following corrections to the irrevocable offer to dedicate note:
  - a. Change the width from 26 to 36; and
  - b. Complete the wording from "C" to "City of Santa Fe".
3. On Sheets 9 and 10 A:
  - a. Correct the typo on the ADA wheelchair passing space note; the note reads "ADD" but should read "ADA".

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

EXHIBIT A-1

# City of Santa Fe, New Mexico

# memo

DATE: September 19, 2014  
TO: Donna Wynant, Case Manager  
FROM: Risana B "RB" Zaxus, PE, City Engineer for Land Use  
SUBJECT: Case # 2014-05: Villas de Sophia Amended DP & Prelim SD Plat

---

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

\*On Subdivision Plat Dedication and Affidavit (sheet 5), revise "private unit development" to read "planned unit development." Also, remove "private" in describing the ingress, egress, and public utility and drainage easement.

\*On sheet 6, revise the designation "Roadway" to read "ingress, egress, and public utility and drainage easement."

\*Maximum retaining wall height is 6 feet. Revise sheet 12 to reflect this.

# City of Santa Fe, New Mexico

## memo

**DATE:** September 18, 2014  
**TO:** Case Manager: Donna Wynant  
**FROM:** Reynaldo D Gonzales, Fire Marshal *R.D.G.*  
**SUBJECT:** 2014-05 Villas De Sophia Amended Development Plan

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I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Shall meet fire department access which would require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, conditions of terrain, climatic conditions or other factors that could limit access as per IFC 2009 Edition section 503.1.2.
3. Shall meet water supply requirements as per IFC 2009 Edition.
4. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.
5. Fire Department Access shall not be less than 20 feet width minimum to any new construction.
6. Shall have a fire department turn around as per IFC 2009 edition if driveway exceeds 150ft or sprinkle any new construction.
7. Shall have a drivable surface that will bear the weight of a fire engine and kept maintain in all weather like conditions.



**WYNANT, DONNA J.**



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**From:** WYNANT, DONNA J.  
**Sent:** Tuesday, September 16, 2014 2:29 PM  
**To:** HOLLAND, TOWNSEND S.  
**Subject:** RE: Villas de Sophia

Thanks Stan

---

**From:** HOLLAND, TOWNSEND S.  
**Sent:** Tuesday, September 16, 2014 12:19 PM  
**To:** WYNANT, DONNA J.  
**Subject:** RE: Villas de Sophia

 Donna  
Hope this helps. They look go to go from our perspective 

Stan Holland, P.E.  
Wastewater Division  
73 Paseo Real  
Santa Fe, New Mexico 87507  
505-955-4637  
[tsholland@santafenm.gov](mailto:tsholland@santafenm.gov)

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**From:** WYNANT, DONNA J.  
**Sent:** Tuesday, September 16, 2014 11:04 AM  
**To:** HOLLAND, TOWNSEND S.  
**Subject:** Villas de Sophia

Hi Stan

**Could you send me your memo regarding the Villas de Sophia development ASAP?** They originally submitted their application back in January, and then finally submitted there revised drawings on August 25th based on the DRT comments from back then. Below is some background info and a link to all the drawings on the shared drive. I attached the Development Plan and the SAS plan sheet from the full set that is on the shared drive. Your memo from 2/4/14 is also attached for your info.

Please feel free to call Monica Montoya (412-1016) or me if you have any questions.

Thanks!

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

**WYNANT, DONNA J.**

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**From:** LUCERO, ERIC J.  
**Sent:** Tuesday, September 09, 2014 10:42 AM  
**To:** WYNANT, DONNA J.  
**Subject:** Comments- Villas de Sophia

Good morning Donna,

I have reviewed the materials for the Villas de Sophia subdivision. Based on the fact that there is a minimal number of homes in this subdivision, we would be able to arrange for a small collection vehicle to service the refuse and recycling in this area. I feel that I can approve the plans as is.

Thanks,

**Eric J Lucero**  
**City of Santa Fe**  
**Environmental Services**  
**Operations Manager**  
**505-955-2205 office**  
**505-670-6562 cell**  
**[ejlucero@santafenm.gov](mailto:ejlucero@santafenm.gov)**

---

**From:** WYNANT, DONNA J.  
**Sent:** Friday, August 29, 2014 5:09 PM  
**To:** [ejlucero@santafenm.gov](mailto:ejlucero@santafenm.gov)  
**Subject:** FW: NO DRT Meeting tomorrow, Wednesday, August 27th

Hi Eric

Let me know if you cannot access the shared drive through the (blue) hyperlink below for the pdf materials on the Villas de Sophia.

Have a great weekend.

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

**#S2007-16). He now proposes 6 units – since he has removed the two affordable (Habitat for Humanity) units.**

Monica Montoya brought in the application 1/27/14. This plan is a revision in response to DRT comments, particularly from traffic engineering regarding access into the site, resulting in the development shifting to the right (east) to accommodate a 20' wide asphalt roadway, sidewalk, and planting strip. The DRT comments are attached (revised) Letter of Application.



## Santa Fe Public Schools

### Property & Asset Management

### Residential Development Impact Information Form

School Notification as required by City Ordinance 14-8.18 AFCC 1987

1. Project Name: Villas de Sophia
2. Location of Property: Siringo Road
3. Owner/Agent Name: Ted Chagaris, owner / Montaya Land Use Consulting, Inc.  
Mailing Address: 726 Gregory Lane, Santa Fe, NM 87505  
Phone & Fax: (505) 412 1016 monix@mntya.com
4. Unit Matrix

#### PROJECT EFFECT ON STUDENT POPULATION

Unit Type	Unit Quantity	Average Price
Single Family (detached) Single Family (attached) Townhome/ Apartment Multi-Family Commercial	3 duplexes	

5. Elementary School Zone for Proposed Development: Piñon Elementary
6. Middle School Zone for Proposed Development: Capshaw
7. High School Zone for Proposed Development: Santa Fe High School
8. Build out Rates (Year/s; #/yr): 2015

Educational Services Center  
610 Alta Vista  
Santa Fe, NM 87505  
Telephone (505) 467-2000  
www.sfps.info

For questions & submittal, contact:  
Santa Fe Public Schools, Property & Asset Management,  
2195 Zia Road, Santa Fe NM 87505  
505 467 3400

EXHIBIT A6

**WYNANT, DONNA J.**

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**From:** \* LADD, ALEXANDRA G.  
**Sent:** Tuesday, September 16, 2014 10:38 AM  
**To:** WYNANT, DONNA J.  
**Cc:** Monica Montoya (monica@mnty.com)  
**Subject:** RE: Villas de Sophia  
**Attachments:** Villas Sophia Corrected.pdf; Proposal Villas de Sophia Feb 5.pdf

Donna --

Here's the memo. Once you've approved the revised documents, the applicant will need to sign an affordable housing agreement and pay the fee of \$24,480 before recording their final subdivision documents.

Thanks!

-Alexandra

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**From:** WYNANT, DONNA J.  
**Sent:** Tuesday, September 16, 2014 10:35 AM  
**To:** LADD, ALEXANDRA G.  
**Cc:** Monica Montoya (monica@mnty.com)  
**Subject:** Villas de Sophia

Hi Alexandra

Could you please send me your memo regarding the Villas de Sophia development? This proposal was submitted in January by Monica Montoya for Ted Chagaris and they finally submitted their revised plans on 8/25/14. The info below was sent out by Geraldine regarding this DRT case and I attached your memo regarding the fractional fee for this development back in February for your review. Thanks Alexandra.

***Donna J. Wynant, AICP***

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

**Case #2014-05. Villas de Sophia Amended Development Plan and Preliminary Subdivision Plat.** Monica Montoya, agent for Ted Chagaris, requests amended Development Plan and Preliminary Subdivision Plat approval to create 6 single family lots on 1.00± acre. The property is zoned R-7/PUD (Residential, 7 dwelling units per acre/Planned Unit Development) and is located at 1840 Siringo Road. (Donna Wynant, Case Manager)

Here's the link to the plan set and letter of application for the case:

[\\file-svr-1\Public\\$\Land Use\2014-5 Villas de Sophia- Amended Dev Plan & Prelim Sub Plat](file-svr-1\Public$\Land Use\2014-5 Villas de Sophia- Amended Dev Plan & Prelim Sub Plat)

**BACKGROUND TO THIS SUBMITTAL:**

The applicant, Ted Chagaris received rezoning, development plan and subdivision approval for an 8 unit development in 2008 for Villas de Sophia but was never built. (Case #M2007-40 &

## SANTA FE HOMES PROGRAM

### HOME SALES PRICING SCHEDULE

Effective January 2013\*

<i>Income Range</i>	<i>Two Bedrooms 1-2 person HH (900 sq min)</i>	<i>Three Bedrooms 3-4 person HH (1,150 sq ft min)</i>	<i>Four Bedrooms 4-5 person HH (1,250 sq ft min)</i>
<b>2 (50-65%AMI)</b>	Max. Price: \$122,750 __0__ Units	Max. Price: \$138,000 __0__ Units	Max. Price: \$153,250 __0__ Units
<b>3 (65-80%AMI)</b>	Max. Price: \$159,500 __0__ Units	Max. Price: \$179,500 __0__ Units	Max. Price: \$199,250 __0__ Units
<b>4 (80-100%AMI)</b>	Max. Price: \$196,250 __0__ Units	Max. Price: \$220,750 __0__ Units	Max. Price: \$245,250 __0__ Units

Prices reflect 2013 HUD median incomes.

Refer to Section 26-1.16 (B) and the SFHP Administrative Procedures. For specific requirements contact The Office of Affordable Housing.

### FRACTIONAL FEE SCHEDULE - 2013

#### **20% Requirement 2013**

Based on Income Tier 2 three BR Home (\$138,000)

# of units in development	2	3	4	5	6	7	8	9	10
20% unit fraction	0.4	0.6	0.8	1	1.2	1.4	1.6	1.8	2
<b>70% Reduced Fee</b>	<b>\$8,280</b>	<b>\$12,420</b>	<b>\$16,560</b>	<b>\$20,700</b>	<b>\$24,840</b>	<b>\$28,980</b>	<b>\$33,120</b>	<b>\$37,260</b>	<b>\$41,400</b>

Formula=\$69,000\*X unit fraction X.3 (70% Reduction)

**NOTE:** The home prices and fractional fee schedule are modified by the City according to Section 8.7.3 of the SFHP Administrative Procedures to reflect annual changes in the median income levels. The SFHP Home prices shown in this SFHP Agreement are the prices in effect at the time this Agreement is made. The current SFHP prices that are in effect at the time the SFHP Home is made available for sale or the fractional fees are paid, determines the actual SFHP Home Price and/or amount of fractional fee. The prices are updated annually. **After June 8, 2014, the SFHP reverts to its pre-amendment requirement of 30% affordable units, 10% each in Income Ranges 2, 3 and 4.**

### SFHP FOR SALE UNIT CALCULATION WORKSHEET

The project has an area of approximately 1 acre(s), zoned R-7/PUD, permitting 7 dwelling units per acres. The project proposes 6. Because the development is comprised of fewer than ten (10) units, the SFHP does not require construction of any SFHP Homes.

#### CALCULATION for the fractional unit fee:

= Half the Price for a Tier 2, 3 BR Home X Unit Fraction X .30 (70% Reduction)  
 = \$69,000 X 1.2 percent X .3 = \$24,480 fractional fee

**AFTER JUNE 8, 2014, the SFHP requirement will revert to 30% of total units so that the calculation will be the following:**

= Total number of units multiplied by (0.3) = Total number of SFHP units required.  
 = 6 Total Units X 0.3 = 1.8 SFHP units required  
 = 1 unit(s) constructed and fractional fee due for 0.8 unit.

---

NOTE: The home prices and fractional fee schedule shall be modified by the City according to Section 8.7.3 of the SFHP Administrative Procedures to reflect annual changes in the median income levels. The SFHP Home prices and Fractional Fees shown in this SFHP Proposal are the prices in effect at the time this Proposal is made. The current SFHP prices, which are in effect at the time the SFHP Home is made available for sale or the fractional fees are paid, determines the actual SFHP Home Price and/or amount of fractional fee. The prices are updated annually. **After June 8, 2014, the SFHP reverts to its pre-amendment requirement of 30% affordable units, 10% each in Income Ranges 2, 3 and 4.**

**EXHIBIT 1**




# City of Santa Fe, New Mexico

## memo

DATE: February 3, 2014

TO: Donna Wynant, Senior Planner  
Tamara Baer, Planning Manager  
RB Zaxus, Engineer Supervisor

FROM: Alexandra Ladd   
Housing Special Projects Manager

RE: Applicability of SFHP requirements to the proposed "Villas de Sophia" subdivision

---

The proposed subdivision, "Villas de Sophia" will be composed of six (6) for-sale homes. The attached proposal, signed in January of 2014, outlines the requirement to pay a fee in lieu of providing units. This is allowed under the provision in the Santa Fe Homes Program (SFHP) that projects of two - ten units are not required to provide units.

The fee is calculated as follows:

$$\begin{aligned} &= 6 \times .20 = 1.2 \\ &= \$69,000^* \times 1.2 \times .30 \text{ (70\% fee reduction)} = \$24,480 \text{ fractional fee} \\ &\text{*1/2 price of Tier 2, 3 BR home} \end{aligned}$$

The fee (\$24,480) must be paid when the final subdivision documents are recorded or in situations where these documents are not required, at the time of building permit application.

**ACTION REQUIRED:**

See attached proposal; Exhibit B provides fee schedule and Exhibit C provides methodology for calculating requirement.

City of Santa Fe  
SANTA FE HOMES PROGRAM

P R O P O S A L

"Villas de Sophia"  
Located off Siringo Rd (addressing pending), Santa Fe, New Mexico

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this 24 day of January, 2014 by Pez Espada, LLC ("SFHP Developer").

RECITALS

- A. SFHP Developer is the developer of Located off Siringo Rd (addressing pending) hereinafter referred to as the "Property".
- B. SFHP Developer desires to subdivide and develop the Property.
- C. It is understood that all representations made herein are material to the City and that the City will rely upon these representations in permitting or approving development of the Property.

PROPOSAL

SFHP Developer proposes to comply with the SFHP requirements as follows:

- A. DEVELOPMENT REQUEST.
    - 1. SFHP Developer seeks preliminary and final subdivision plat and revised development plan approval.
    - 2. The Property is to be developed as 6 for-purchase homes.
  - B. SFHP PLAN. SFHP Developer proposes to build six (6) dwelling units.
- Developer agrees to comply with the Santa Fe Homes Program ordinance. Because the development is comprised of fewer than ten (10) units, the SFHP does not require construction

of any SFHP Homes. The SFHP Developer agrees to make a payment of \$24,840 for the fractional portion of a SFHP Home, as calculated pursuant to SFHP. The payment shall be made to the City of Santa Fe Affordable Housing Trust Fund (AHTF) for affordable housing.

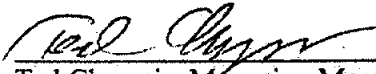
C. SUCCESSORS IN TITLE. SFHP Developer proposes to develop the Property consistent with this SFHP Proposal. In the event that SFHP Developer sells, assigns, leases, conveys, mortgages, or encumbers the Property to any third party, the third party shall be required to execute a SFHP Agreement consistent with this Proposal prior to obtaining any City approvals.

D. MONITORING. SFHP Developer proposes to provide such information and documentation as the City may reasonably require in order to ensure that the actual sales were in compliance with the SFHP Agreement.

E. REVISIONS, MODIFICATIONS AND SUPPLEMENTATION OF THIS PROPOSAL. In the event that the SFHP Developer or the City make material modifications, including modifications to the number of lots or units or the area covered by the Proposal, a revised SFHP Proposal shall be promptly submitted to the Office of Affordable Housing in order to provide a SFHP Proposal that is current and reflects the intended development.\_

IN WITNESS WHEREOF, this Proposal is made the day and year first written above.

SFHP DEVELOPER:

  
\_\_\_\_\_  
Ted Chagaris, Managing Member

STATE OF NEW MEXICO )  
                                  )ss.

COUNTY OF SANTA FE )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of  
January, 2014, by Theodore 'Ted' Chagarris.

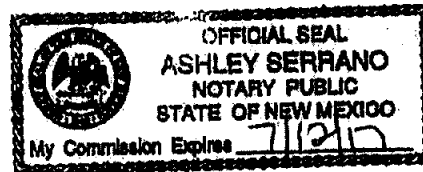
[Signature]  
NOTARY PUBLIC

My Commission Expires:

7/12/17

REVIEWED BY:

[Signature]  
OFFICE OF AFFORDABLE HOUSING



1/31/14  
DATE

Attach:      Exhibit 1 - Subdivision layout (proposed)  
                 Exhibit 2 - Pricing Schedule  
                 Exhibit 3 - SFHP calculation worksheet



## ENN GUIDELINES

### Applicant Information

Project Name: **VILLAS DE SOPHIA**

Name: **Monica** **Montoya**

Last

First

M.I.

Address: **726 Gregory Lane**

Street Address

Suite/Unit #

**Santa Fe**

**NM**

**87505**

City

State

ZIP Code

Phone: **505 412-1016**

E-mail Address: **monica@mnty.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.*

Villas de Sophia is a proposed 6 lot residential subdivision located on Siringo Road, south and east of the intersection of Calle Contento and Siringo Road. The property is vacant and known as Tract C of the Amended Plat for Lands Surveyed for Josefita Chavez de Santana done by Walter G. Turley and dated January 24, 1951.

The development is 1 acre in size. Access is provided off Siringo Road via a driveway entrance which provides access to parking in the center of the 6 lots. The driveway entrance will remain private and serve as primary access to Villas de Sophia. A portion of land is reserved for potential future access to properties south of the development.

Careful attention has been given to the design of the development to create an attractive view from Siringo Road. Open space is intentionally designed as a usable space for residents.

The architectural design will be pueblo with earth tone stucco and pueblo style like features.

The proposed residential use is compatible with adjacent land uses on the north, east, south and west of the subject property. These are either developed residential subdivisions or vacant land all of which are zoned residential with varying densities. Adjacent properties include R-5, single family residential to the north, vacant R-1, single family residential to the east, south and west and RMLD to the north east. Property beyond adjacent property to the west is R-5. Proposed density is compatible with the current zone district of the property and the Santa Fe General Plan.

Any site lighting will be designed in accordance with City ordinances including no glare from fixtures at the property line.

- (b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT** *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

The project will be designed within the limits of the City's terrain management and landscape ordinances. The site is generally flat without floodplains. The property is not located in the escarpment district.

EXHIBIT B-1

- (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.*

The subject property does not fall within the City's historic districts although it does though fall within the Suburban Archeological Review district. If necessary, testing will be done to determine the existence of historical artifacts.

- (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.*

The number of proposed dwelling units falls within the densities prescribed by the City's General Plan which permits 3-7 dwelling units per acre. Adjacent densities include R-5, RMLD, R1 which are all within the limits of the City's General Plan.

- (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.*

Each dwelling will have 2 or more parking spaces which is within code requirements. Access is proposed off Siringo Road. Residents will have access to existing transportation facilities such as the Santa Fe Trails as well as existing City parks in the area. It is anticipated that traffic from the subdivision will have little impact on Siringo Road.

- (f) **IMPACT ON THE ECONOMIC BASE OF SANTA FE** *For example: availability of jobs to Santa Fe residents, market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

The construction process will provide jobs to local surveyors, engineers, contractors, sub-contractors. Residents will shop at local stores and patronize local businesses.

- (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.*

Villas de Sophia will comply with City of Santa Fe Ordinances.

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

The development will have access to existing public services such as police and fire protection, school services, City water, power, sewer and other facilities. It is anticipated that the development will have little impact on the existing overall infrastructure.

- (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.*

Development will comply with ordinances pertaining to water conservation and off-set programs.

- (j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS** *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

The proposed development will integrate with existing surrounding land uses. This residential development will be linked to existing neighborhoods and have access to the same recreational activities and employment centers.

- (k) EFFECT ON SANTA FE'S URBAN FORM** *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

The development design will fit in with Santa Fe's urban form which includes the architectural design, density, access pattern as well as other site design elements. It is intended that the development be designed as a small quiet residential community with little impact on existing neighborhoods rather than a high density development.

- (l) ADDITIONAL COMMENTS (optional)**



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

<i>Project Name</i>	Villas de Sophia
<i>Project Location</i>	Syringo Road
<i>Project Description</i>	Preliminary Subdivision Plat & Development Plan
<i>Applicant / Owner</i>	Ted Chagaris
<i>Agent</i>	Monica Montoya
<i>Pre-App Meeting Date</i>	October 11, 2013
<i>ENN Meeting Date</i>	January 16, 2014
<i>ENN Meeting Location</i>	Chavez Center
<i>Application Type</i>	Subdivision Plat & Development Plan
<i>Land Use Staff</i>	Donna Wynant
<i>Other Staff</i>	No other staff.
<i>Attendance</i>	8 neighbors

### Notes/Comments:

Meeting started at 5:33 pm. Monica Montoya introduced herself as the representative to the developer and owner of the property and gave a brief overview of the proposal. Donna Wynant then introduced as City staff and passed out her business cards. Ms. Wynant gave an overview of the purpose of ENNs and the prospective timeframe of the proposal with a possible public hearing before the Planning Commission on March 6<sup>th</sup>.

Monica said the property was rezoned to R-7 in 2008. The approved Development Plan and Subdivision Plat, however, had expired and was therefore the subject of their request which featured 6 units instead of the 8 originally proposed and eliminated the two affordable units.

The north/south easement into the development was designed as a 25 foot wide drive and was their "fair share" for their portion of the drive into the development.



Sam Mares who owns the neighborhood property to the west said he would be agreeable to give up his easement on the west side of his property. He brought in several maps showing easements in the overall area, which generated some further discussion by the neighbors about various easements in the overall area.

Ms. Montoya gave an overview of the site layout. Each of the lots will provide 5 parking spaces. Common open space will be provided in the northeast corner of the site and ponding in the southeast corner. The neighbors in attendance asked questions about the size and approximate price of the units.

Question was raised regarding drainage, whether or not it would slope towards the southwest towards Mr. Mare's property, and found that it will not. The property will slope more towards the southeast corner of the property.

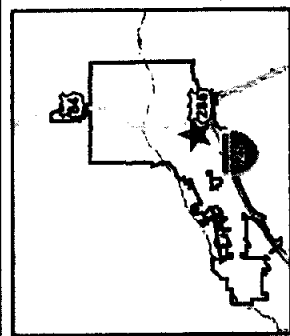
Mr. Mares asked about whom to contact about the type of fill allowed on site. Staff instructed him to contact the Technical Review Division of the Land Use Department. One of the neighbors asked if there were any other ways to capture water other than the detention pond.

Everyone at the meeting appeared to be satisfied with the proposed development and complemented the developer on a good proposal.

The meeting adjourned at 6:25 pm.



# Villas de Sophia- Aerial Map



Villas de Sophia

- Legend**
- City Limits
  - Address Points
  - Parcels
  - Airport Clear Zones
  - Santa Fe River
  - Major Roads and Highways
  - Other Roads and Streets
  - 2011 Aerial Photography - 1 foot resolution

Scale: 1:5,468

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers shown on this map may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

# Future Land Use Map

Villas de Sophia-  
Future Land Use  
Designation- Low  
Density (7-9 du/ac)

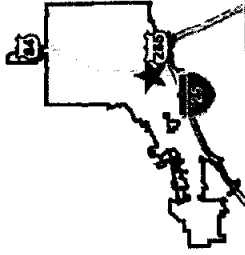
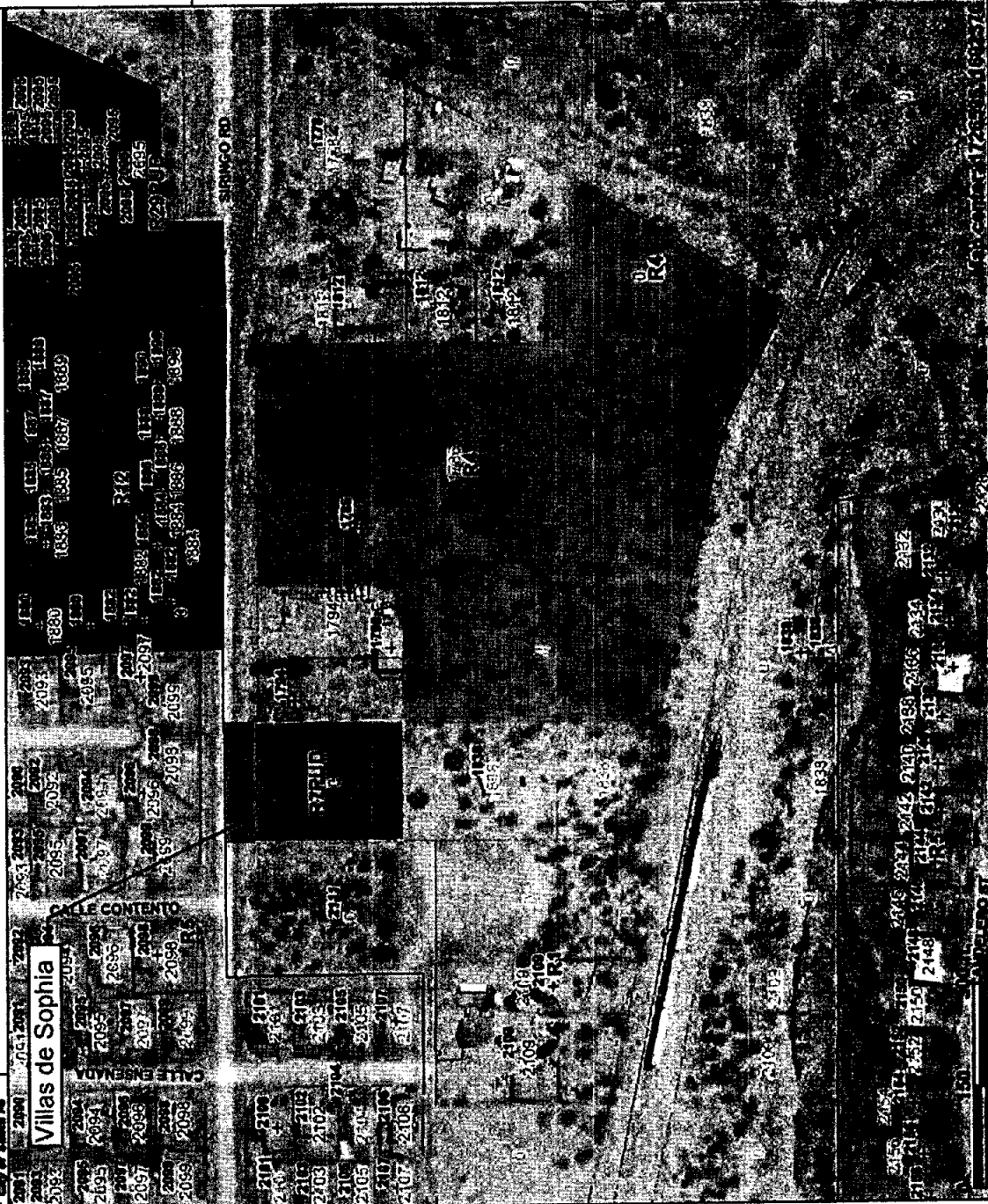
- Legend**
- City Limits
  - Address Points
  - Parcels
  - Airport Clear Zones
  - Future Land Use
    - Mountain/Corridor (1 dwelling per 10+ acres)
    - Very Low Density (1-3 dwellings per acre)
    - Low Density (3-7 dwellings per acre)
    - Moderate Density (7-9 dwellings per acre)
    - Medium Density (7-12 dwellings per acre)
    - High Density (12-28 dwellings per acre)
    - Regional Commercial
    - Community Commercial
    - Neighborhood Center
    - Transitional Mixed Use
    - Business Park
    - Office
    - Industrial
    - Public/Institutional
    - Open Space

Scale: 1:2,671

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



## Zoning Map



- Legend**
- City Limits
  - Address Points
  - Parcels
  - Airport Clear Zones
  - Zoning
  - RR Rural Residential
  - R1, (PUD) Single-Family 1d/1e
  - R2, (DT), (PUD), (AC) Single-Family 2d/1e
  - R3, (PUD) Single-Family 3d/1e
  - R4 Single-Family 4d/1e
  - R5, (DT), (PUD), (AC), R8 Single-Family 5d/1e
  - R7, (PUD), R8 Single-Family 7-8d/1e
  - RCS, RCSAC Compound 8d/1e
  - RCS, RCSAC Compound 8d/1e
  - R10, (PUD) Multiple-Family 10d/1e
  - R12, (PUD) Multiple-Family 12d/1e
  - R21, (PUD) Multiple-Family 21d/1e
  - R22, (PUD), (AC) Multiple-Family 22d/1e
  - RAC Residential Arts & Crafts
  - MHP Mobile Home Park
- Scale: 1:2,671

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



MONICA MONTROYAL and Use Consultant, Inc

August 14, 2014

Donna Wynant  
Senior Planner  
Current Planning Division  
Permit & Development Review  
200 Lincoln Avenue  
Santa Fe, N.M. 87502

Subj: Villas de Sophia/DRT Comments

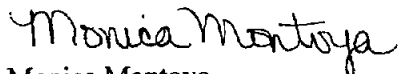
Dear Donna:

Enclosed are revised plans for the Villas de Sophia development project reflecting all comments received by the DRT.

These are submitted in accordance with the Planning Commission 2014 schedule to qualify for a Planning Commission hearing date of October 2, 2014.

As always, thank you for your unending assistance. Please feel free to contact me with any questions at (505) 412-1016, or at [Monica@mnty.com](mailto:Monica@mnty.com).

Sincerely,



Monica Montoya  
Montoya Land Use Consulting Inc.  
726 Gregory Lane  
Santa Fe, N.M. 87505  
Phone: (505) 412-1016  
E fax 1(505) 214-5400  
[monica@mnty.com](mailto:monica@mnty.com)

xc: Ted Chagaris, Managing Member  
Oralynn Guerrerortiz, Project Engineer  
Allen Curtis, Project Surveyor

Enclosures:

- A. DRT Comments received to date
- B. Revised Project Plans

726 Gregory Lane, Santa Fe, NM 87505, Phone: (505) 412 1016, [Monica@mnty.com](mailto:Monica@mnty.com)

EXHIBIT D-1

MONICA MONTROYAL and Use Consultant, Inc

January 2014

Planning Commission Members  
C/O Donna Wynant  
Land Use Senior Planner  
Current Planning Division  
200 Lincoln Avenue  
Santa Fe, N.M. 87502

RE: Villas de Sophia Revised Development Plan and Preliminary and Final Subdivision.

Dear Donna,

On behalf of Mr. Ted Chagaris, this letter is submitted to request approval by the Planning Commission for Revised Development Plan and Preliminary and Final Subdivision approval for the Villas de Sophia development.

The subject property is located on Siringo Road, south and slightly east of the intersection of Calle Contento and Siringo Road. The property is vacant and known as Tract C of the Amended Plat for Lands Surveyed for Josefita Chavez de Santana done by Walter G. Turley and dated January 24, 1951.

BACKGROUND AND SUMMARY

Villas de Sophia received rezoning, development plan and subdivision approval for an 8 unit development in 2008. The project was never built. Today, the project is being revived with one modification which affects the original design; a reduction in density from 8 units to 6 units. The general development design does not change from that originally approved.

The tract consists of 1 acre (43,553 square feet) and is zoned R7PUD, Single Family Residential; 7du/ac. The layout of the homes are consistent with the original approved layout including two attached units on the north side of the property, two attached units at the east end of the property and two attached units at the south end. Access is the same off Siringo Road via a private driveway entrance which leads to a parking lot in the center of the 6 lots. The driveway entrance remains private and serves as primary access to the proposed subdivision development. A portion of land to the south of the driveway is reserved for future potential access to properties south of the proposed subdivision should it be needed. This dedication was part of the original approval resulting from the City's desire to provide access to future potential development.

Open space is intentionally been preserved at the northeast corner of the development for use by residents of the subdivision.



# MONICA MONTROYAL and Use Consultant, Inc

January 2014  
Villas de Sophia  
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## DEVELOPMENT CRITERIA

Lot of Record: Tract C of the Amended Plat for Lands Surveyed for Josefitia Chavez de Santana done by Walter G. Turley and dated January 24, 1951.

Density: 6 units

Setbacks: Established by the PUD  
Front: 7' for residence, 20' garage access points  
Side: 5' and 0'  
Rear: 15' for residence, 5' for portal  
Walls/Fences: 0' in all cases

Lot Coverage: 40% allowed, 55% with private open space.

Landscaping: Please note that the landscaping plan is the same plan submitted and approved with the 2008 application. We propose that designed landscaping will be the same although the final plan will be updated to reflect 6 lots rather than 8 lots. Not shown on the plan is proposed landscaping between the north property line of the subdivision and Siringo Road in order to provide screening and buffering between the back yards of lots 1 and 3 and Siringo Road.

---

Parking: Parking requirements are exceeded. Each home has 2 garage spaces plus 2-3 spaces in front of the garage.

Height: Twenty four feet allowed.

Walls and fences: Six feet allowed. A six foot high block wall will separate units at side property lines to provide privacy for residences. Coyote fences are proposed at the rear property lines of each residence. A wrought iron fence at common open space area will be 3' high.

# MONICA MONTROYAL Land Use Consultant, Inc

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**Access/ingress and egress:** Primary access is provided off Siringo Road via a private driveway. From this driveway, an additional driveway leads to the center of the development and to the front yards and driveways of each of the 6 dwellings. A portion of land to the south of the main entrance driveway is reserved for future potential access to properties south of the Villas de Sophia should it be needed. This dedication was part of the City's desire to provide access to future potential development.

Other potential access points to potential future development to the south include a 40' easement dedicated via an earlier survey of the subdivision to the west of Villas de Sophia. These surveys became available at the ENN meeting and copies of these will be acquired from the neighbors. It appears that there are several potential options for access in addition to the land dedicated by the Villas de Sophia plat. In any event, whichever the City chooses, the subdivision design provides for a fair share dedication should the City desire to use it.

**Pedestrian circulation, ingress and egress:** Pedestrian circulation begins at the center of the development from the parking area. A pathway leads to the common open space area which is designed as a peaceful area with a picnic table and landscaping for the residents.

**Maintenance:** Homeowner's documents will be adopted to govern continual maintenance of common areas including the retention areas, common open space, pedestrian areas, driveway, and parking areas.

**Private Drive:** The private drive is 20' wide with 2 auto lanes 9' wide which meets the minimum standards for a private drive. The private drive will be soft and meet the construction criteria of SFCC.

**Sidewalk:** A 4' public sidewalk exists along Siringo Road. It is understood that current standards may warrant an upgrade.

## **UTILITIES:**

**Water:** A 12-inch water line lies under Siringo Road. This line will be tapped with an 8-inch public main located within a 25-foot wide public utility easement. A fire hydrant will be installed within the Siringo Road right of

# MONICA MONTROYAL and Use Consultant, Inc

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way on the east side of the project access driveway. The 8-inch line will terminate at the south end of the property with a 2-inch flushing hydrant. The six individual water meters for the project will be bundled within 2 project medians which also will be dedicated as public utility easements. The service lines to the individual homes will lie within a private water easement placed in the project parking areas. The entire project is expected to use 1.07 acre-feet of water per year.

**Sewer:** Wastewater from the 6 proposed homes will be collected in a new proposed public gravity sewer main extension. Each home will have a separate sewer service line off of the public sewer. Two new manholes will be installed on the project, and one manhole will be installed on the existing public sewer main located within Siringo Road. All new lines will be 8-inches and meet all City standards.

**Dry Utilities:** Along the south side of Siringo Road lie cable, phone, gas and electric lines. The electric line is an overhead line. New Mexico Gas also exists along the southern boundary of the project site. It is anticipated that all dry utilities will be fed to the project via a joint trench stemming from Siringo Road and passing through the common open space and Lot 3. Transformers, phone and cable boxes will be placed in medians in the project parking area. Gas meters will be bundled and electric meters will be on the individual homes. Final dry utility plans will be determined by the utility companies.

## **Description of Terrain Management**

The project set of drawings includes the existing topography of the project site. The site's slope analysis indicates areas of 0-20%, 20-30% and 30% or greater slopes. The slopes are primarily less than 10%, with an average grade of 5% towards the west and south. There is 379 square feet of 30% slope which will be disturbed by this project. Near the project entrance there are manmade steep slopes created by the construction of Siringo Road improvements. These steep slopes will also be disturbed. There are no known hazardous conditions on the property. An existing drop inlet exists at the planned project entrance. This drop inlet will be relocated up gradient (to the east) 42-feet. A new stormwater manhole will be installed at

# MONICA MONTROYAL and Use Consultant, Inc

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the current drop inlet location which will be connected to the new drop inlet and the drop inlet located on the north side of Siringo Road by 24-inch corrugated metal pipes.

The site vegetation coverage is of moderate density, primarily grasses and weeds with some juniper and pinion trees. The Soil Conservation Services has mapped the project site as Panky fine sandy loam is generally pale brown and is typically found on the flatter terrain. Permeability is slow due to the clay content and the shrink-swell potential is high.

There are no offsite flows or FEMA flood zones impacting the project site. To mitigate the increase in post-development storm water flow rate leaving the site, drainage will be directed into a 2700 cubic foot detention pond. This pond will have a controlled release less than the natural peak discharge from the site. The pond will drain into a 15-inch corrugated metal pipe that discharges to another small pond filled with rock. This pond will serve to slow the flows and have them leave the site as sheet flow. The reason for this non-typical discharge is that there are no drainage easements on the neighboring property; therefore, the design mimics the natural condition of sheet flow discharge from this project site.

During construction operations silt fences and a rock lined construction entrance will be installed to prevent soil from leaving the site. Grading operations will be completed quickly while the roads and any disturbed areas will be stabilized immediately, to limit the exposure of disturbed soils. All cut slopes will be 2:1 and fill slopes will be 3:1 or gentler. All disturbed areas will be stabilized and revegetated with a native grass seed mixture. In addition, extensive landscaping is planned. Construction notes included in the drawings address all clearing and grading requirements.

## **EARLY NEIGHBORHOOD NOTIFICATION**

An early neighborhood notification meeting was held on Thursday, January 16, 2014. Eight neighbors reviewed the application, participated in discussion and asked questions regarding how the development would impact their living conditions. Seven of these folks owned property within the 300' radius. City staff was present to assist in the discussion. None of those present opposed the project.

Notice of the meeting was given to registered property owners and tenants within 300' of the subject property via first class mail and a poster on the property. There were no registered neighborhood associations for this area.

# MONICA MONTROYAL and Use Consultant, Inc

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Most of the discussion focused on surrounding development and access issues. It appears there are 3 potential avenues for access to future potential development south as follows:

- 1) Via a 40' dedicated access easement from the west
- 2) Via a 40' dedicated access easement along the west and south boundary of the Mares property
- 3) Via a 25' easement dedicated through this application.

## **SANTA FE HOMES PROGRAM**

A Santa Fe Homes Proposal has been implemented which provides for a contribution to the program. Because the project is comprised of less than ten (10) units, the SFHP ordinance does not require construction of SFHP homes. Instead, a payment of \$24,840 will be contributed for a fractional fee portion of a home in accordance with the adopted schedule.

## **PUD DESIGN FLEXIBILITY VS. VARIANCE.**

Subsequent to the approval of the Villas de Sophia development plan and PUD zoning, a code provision has been adopted for new developments which creates screening and buffering from residential properties to secondary arterials. Section 14-8.4J(2)(b)(i) states:

### ***14-8.4 LANDSCAPE AND SITE DESIGN***

(Ord. No. 2011-37 § 10)

#### **(J) Screening and Buffering**

##### **(2) Residential Developments**

- (b) Walls and fences that are provided as subdivision improvements for a *residential* subdivision or at the time of initial *development* of a multi-family *residential development* comprising four or more *lots* or units, shall comply with the following:

- (i) Any wall or fence that is more than three (3) feet in height above finished grade on the side facing the street, shall be set back from the street right

# MONICA MONTOYAL and Use Consultant, Inc

January 2014  
Villas de Sophia  
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## of way line a distance equal to or greater than that height.

- (ii) The setback area required by Subsection (b)(i) shall be *landscaped* with plant material that consists of predominantly thorny or other barrier plantings that will cover a minimum of seventy-five percent of the ground area of the planter and that will screen a minimum of seventy-five percent of the face of the fence or wall at maturity.

The approved development plan for Villas de Sophia included a coyote fence at the Siringo Road property line for lots 1 and 2. These fences are an important part of quality of life for the residents and with that, it is detrimental that we be able to keep them.

With that, we ask for kind consideration that an interpretation be made that the new code does not apply to the current application for several reasons:

1. The PUD zoning provides for flexibility to create design standards "as a unit of cohesive *development*...to allow and encourage innovative site planning and design" to ensure that the development creates an attractive, healthful, sustainable and stable environment for living. The PUD allows for the creation of standards which are pertinent to the cohesiveness of development. We propose that the PUD permits the creation of a design standard to permit a 6' coyote fence at the Siringo Road property line as a unit of cohesive development.
2. The PUD zoning discusses specific design and landscaping standards which are **variable** including yards and setbacks. "Examples of the *development*, design and *landscaping* standards **variable in the PUD** include *lot* size, housing type, housing configuration, *yards/setbacks*, height, *lot* coverage, distance between *buildings*, terrain management and *mountainous and difficult terrain*. Where no variation of a *development*, design or *landscaping* standard has been approved, the *development*, design or *landscaping* standard at issue shall be the same as in the underlying district."
3. The code is intended for very specific cases where private property lines directly abut a sidewalk or street in order to create a 6' buffer between the street and back yard fences such as the case further west on Siringo Road near Avenida de las Campanas.
4. The 20' ROW which exists between the property line and the street is 2.5 times more buffer than a scenario in which we propose the code applies.

# MONICA MONTROYAL and Use Consultant, Inc

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Should an interpretation be made that Section 14-8.4J(2)(b)(i) is applicable, we propose that conditions exist which meet the variance approval criteria of the code.

## 14-3.16 VARIANCE CRITERIA

(A)

(B)

(C) **Approval Criteria**

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

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

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

*Physical characteristics exist that do not fit the mold in which the requirement tries to regulate. The purpose and intent of the regulation states, "Residential developments contiguous to major or secondary arterials shall be screened from those streets to mitigate noise and to promote residential privacy". We submit that the regulation intends to create distance and a means by which residential properties will be separated by the traffic and pedestrian activity. We submit that this rule is intended for layouts where no ROW exists between the property line and the sidewalk such as those further west on Siring Road in the vicinity of the intersections of Avenida de las Campanas. In these cases, the walls of private properties directly abut the sidewalk and inevitably, these circumstances create undesired noise to private properties. In the case of Villas de Sophia, the width of ROW between lots 1 and 2 and Siringo Road is greater than 6' which is the height of the proposed fences for lots 1 and 2. In fact, the existing buffer is approximately 20' and sufficient enough to create the design scenario intended by the regulation.*

*The subdivision design, including the layout of the lots is complicated by the loss of land which was dedicated for potential future development to the south. It is unclear at this point whether*

MONICA MONTOYAL and Use Consultant, Inc

January 2014  
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*the easement will ever be used because there are at least 2 other options for access to the south. Without the easement, some relief could be provided along Siringo Road.*

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

*We submit that a nonconformity exists with the lot line abutting Siringo Road. The buffer rule was adopted for a scenario where private property abuts a public sidewalk in order to create distance between residential properties and the street. A 20' distance already exists in the ROW; 14' more than the code dictates. Taking an additional 6' of private property does not accomplish anything.*

- (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or
- (d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

*The subject is not in the Historic District.*

- (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.

*A very special circumstance exists in this case which makes compliance infeasible to comply with the rule. We submit that the existing 20' buffer between the property line abutting Siringo Road and the Siringo Road is more than adequate to satisfy the intent of Section 14-8.4J(2)(b). We believe the rule was created for circumstances where a property line directly abuts the street and where zero buffer exists between a development and the street. The intent of the rule is more than accommodated by the existing buffer between the property line and the street.*

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



January 2014  
Villas de Sophia  
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*The intensity of development is not increased by the granting of the variance. The visual affect is not compromised by the granting of the variance. In fact, the intent of the rule is more than complied with which is to have a buffer of 6' (height of wall equal to width of buffer) from the back yard walls of lots 1 and 2 to the street. The design provides 20'.*

- (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;

*The variance will provide residents of lots 1 and 2 of Villas de Sophia to have privacy from Siringo Road which ironically is what the rule itself tries to create. The intent of the rule is met regardless of whether the proposed yard wall is placed at the property line or a distance back equaling the height of the wall.*

- (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.

*We submit that granting the variance is consistent with the intent of the purpose and intent of Section 14-8.4J(2)(b) in is to create distance between residential properties and the street. A greater distance already exists between the two than the rule could ever accomplish. 20' is much greater than 6'.*

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

*The variance is not contrary to the public interest. The public will see a buffer distance from the street to the back yards of lots 1 and 2 which is what the rule attempts to accomplish.*

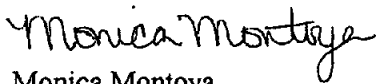
MONICA MONTOYA and Use Consultant, Inc

January 2014  
Villas de Sophia  
Page 11 of 11

CONCLUSION:

Thank you for your consideration of our application. Please feel free to contact me with any questions at (505) 412-1016.

Sincerely,



Monica Montoya  
Montoya Land Use Consulting, Inc.  
726 Gregory Lane  
Ph: (505)412-1016  
Monica@mntya.com

xc: Ted Chagaris, Property owner  
Oralynn Guerreroortiz, Project Engineer  
Bob Kreger, Project Architect

Attachments:

- A. 1-6 Application Forms
- B. 1 Vicinity Map/2011 Image
- C. 1-2 Lot of Record
- D. 1-13 ENN packet, May 1 2007 meeting
- E. 1 City of SF Sewer Service Technical Evaluation Form
- F. 1 Santa Fe Public Schools Impact Information
- G. 1-6 Santa Fe Homes Program Proposal
- H. Plans: Separate from Application Report

\*Full size copy available in the Clerk's Office.\*



VILLAS DE SOPHIA 2014-OS

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\*Full size copy available in the clerk's office.\*

# City of Santa Fe, New Mexico

## memo

**DATE:** October 2, 2014  
**TO:** Planning Commission  
**FROM:** Current Planning Division  
**RE:** Additional Information

---

The attached information is not in your October 2, 2014 Planning Commission packet.  
The information is in the following order:

**Case #2014-05. Villas de Sophia Amended Development Plan and Preliminary Subdivision Plat.**

- Letter of support from Mr. Sam Mares dated September 20, 2014.
- Colored 8½"x11" Development Plan.

*Exhibit "6"*

9/20/14

Ted Chazaris  
c/o 726 Gregory Lane  
Santa Fe, NM 87505

Ted, I wish you success  
in the approval of your  
project on Swinger Rd. I know  
it is well planned and will  
a positive and stabilizing  
effort to the area. I  
support and endorse its  
approval.

Sincerely  
Sam A. Mares

Mr. Sam Mares  
3300 La Mancha Dr. NW  
Albuquerque, NM 87104

Ph. 505 247-2875  
Cell 328-7707

Mr. Sam Mares  
3300 La Mancha Dr. NW  
Albuquerque, NM 87104

ALBUQUERQUE NM 870

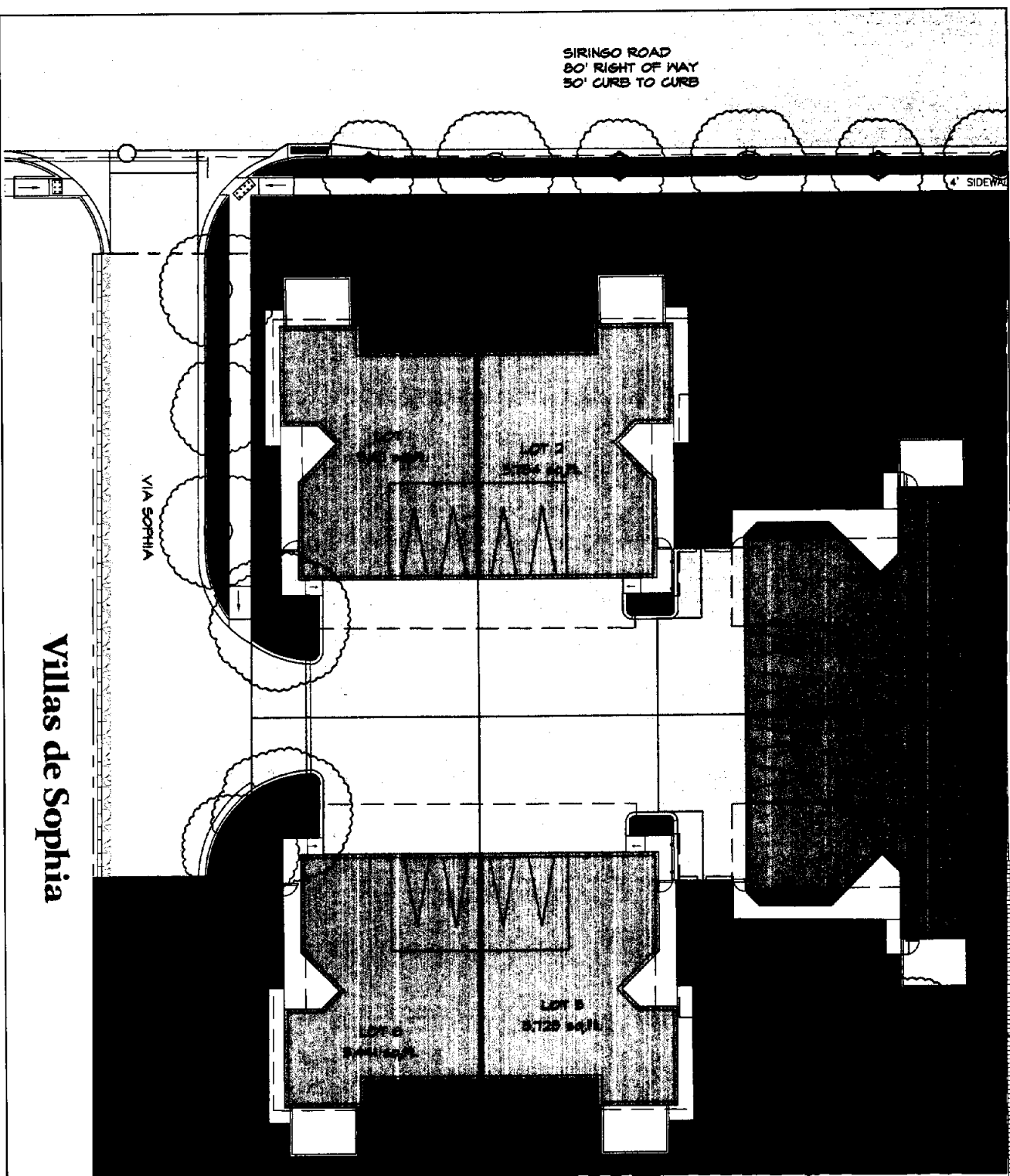
20 SEP 2014 PM 3 L



Ted Chazaris  
c/o Monica Montoya  
726 Gregory Lane  
Santa Fe, NM 87505

City of San Diego, Planning & Economic Development Department, 1201 K Street, San Diego, CA 92101, (619) 594-7000

# Villas de Sophia



**DESIGN ENLIGHTEN**

10' 0" 20' 0" 30' 0" 40' 0" 50' 0" 60' 0" 70' 0" 80' 0" 90' 0" 100' 0"

Scale: 1" = 10'

DATE: 11/11/2011

BY: [Signature]