



# Agenda

**AMENDED**  
**PLANNING COMMISSION**  
**February 7, 2013**

~~Field Trip - 4:00pm~~

~~Villas Di Toscana Subdivision Meet on Viale Tresana at Viale Court~~

**FIELD TRIP CANCELLED**

**Regular Meeting - 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: January 10, 2013**

**FINDINGS/CONCLUSIONS:**

**Case #2012-43 - Holmes Family Transfer Subdivision**

**Case #2012-125 - 504 S. St. Francis Drive Rezoning to C-4**

**Case #2012-137 - 4327 Airport Road Rezoning to C-2**

**Case #2012-138 - 554 Juanita Street Rezoning to C-4**

**E. NEW BUSINESS**

- 1. Case #2012-149 - 417 and 419 East Palace Avenue Final Subdivision Plat.** JenkinsGavin Design and Development, agent for Palace Avenue Office Suites, LLC, requests Final Subdivision Plat approval for 2 lots on 0.78± acres. The property is zoned BCD (Business Capitol District)/ East Marcy/East Palace Subdistrict. (Dan Esquibel, Case Manager)
- 2. Case #2012-148 - Windmill Hill at Las Placitas Compound Final Subdivision Plat.** JenkinsGavin Design and Development, agent for Doug and Peggy McDowell, requests Final Subdivision Plat approval for four single-family residential lots on 1.48± acres. The property is located at 623 ½ Garcia Street, and is zoned R-3 (Residential, three dwelling units per acre). (Donna Wynant, Case Manager)
- 3. Case #2012-146 - 2823 Industrial Road General Plan Amendment.** Jim W. Siebert and Associates, Inc., agent for Los Alamos National Bank, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Business Park. The property is located north of the PNM substation at 2823 Industrial Road. (Heather Lamboy, Case Manager)

4. **Case #2012-147 - 2823 Industrial Road Rezoning.** Jim W. Siebert and Associates, Inc. agent for Los Alamos National Bank, requests rezoning of 0.38± acres of land from R-2 (Residential, 2 dwelling units per acre) to I-1 (Light Industrial). The property is located north of the PNM substation at 2823 Industrial Road. (Heather Lamboy, Case Manager)
5. **Case #2012-150 - Santana Rezoning to R-4.** Josie Santana requests rezoning of 3.19± acres from R-1 (Residential, 1 dwelling unit per acre) to R-4 (Residential, 4 dwelling units per acre). The property is located west of St. Francis Drive and south of Siringo Road, in the vicinity of 1786 Siringo Road. (Heather Lamboy, Case Manager)

## **F. OLD BUSINESS**

1. **Case #2012-109 - Villas Di Toscana Development Plan Amendment.** Jon Paul Romero, agent for Vistancia, LLC, requests an Amendment to the Development Plan to privatize the streets, street lighting, landscaping and approved trails. The property is zoned R-3 PUD (Residential, 3 dwelling units per acre, Planned Unit Development) and is located between Governor Miles Road and I-25, east of Camino Carlos Rey. (Dan Esquibel, Case Manager) ***(TO BE POSTPONED TO MARCH 7, 2013)***
2. **Case #2012-30 - Bienvenidos General Plan Amendment.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 7.62± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) ***The Governing Body remanded this case to the Planning Commission for reconsideration. (TO BE POSTPONED TO MARCH 7, 2013)***
3. **Case #2012-31 - Bienvenidos Rezoning to R-5.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, 3 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) ***The Governing Body remanded this case to the Planning Commission for reconsideration. (TO BE POSTPONED TO MARCH 7, 2013)***
4. Chapter 14 Technical Corrections and Other Minor Amendments. Consideration of various amendments to Chapter 14 as a follow-up to the Chapter 14 Rewrite project (Ordinances Nos. 2011-37 and 2012-11), including technical corrections such as typographical and cross-referencing errors and other minor amendments:

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(C) CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT

REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; REPEAL 14-3.17(E)(3); 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(c) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS; 14-7.2(F) CLARIFY SPECIAL USE PERMIT IN R12 – R-29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY REDEVELOPMENT SUBDISTRICT; 14-8.2(C)(2) TERRAIN MANAGEMENT SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(d) CORRECT REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES ; 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-9.5(A) DEDICATIONS TO HOMEOWNER'S ASSOCIATIONS; 14-9.5(D) EXTENSION OF INFRASTRUCTURE WARRANTY; 14-10.1(C) NONCONFORMING TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (Greg Smith, Case Manager)

## **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.**



DATE 1-17-13 TIME 1:55  
SERVED BY Geraldine Quintana  
RECEIVED BY [Signature]

# Agenda

## PLANNING COMMISSION

February 7, 2013

Field Trip – 4:00pm

Villas Di Toscana Subdivision Meet on Viale Tresana at Viale Court

Regular Meeting - 6:00pm

City Council Chambers

City Hall 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: January 10, 2013

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SUMMARY INDEX  
CITY OF SANTA FE  
PLANNING COMMISSION  
February 7, 2013

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER/ROLL CALL	Quorum	1
APPROVAL OF AMENDED AGENDA	Approved	1
<u>APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS</u>		
MINUTES – JANUARY 10, 2013	Approved [amended]	2
FINDINGS/CONCLUSIONS		
<u>CASE #2012-43. HOLMES FAMILY TRANSFER SUBDIVISION</u>	Approved	2
<u>CASE #2012-125. 504 S. ST. FRANCIS DRIVE REZONING TO C-4</u>	Approved	3
<u>CASE #2012-137. 4327 AIRPORT ROAD REZONING TO C-2</u>	Approved	3
<u>CASE #2012-138. 554 JUANITA STREET REZONING TO C-4</u>	Approved	3
<u>NEW BUSINESS</u>		
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<u>CASE #2012-148. WINDMILL HILL AT LAS PLACITAS COMPOUND FINAL SUBDIVISION PLAT. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR DOUG AND PEGGY McDOWELL, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR FOUR SINGLE-FAMILY RESIDENTIAL LOTS ON 1.48± ACRES. THE PROPERTY IS LOCATED AT 623 ½ GARCIA STREET AND IS ZONED 4-3 (RESIDENTIAL, THREE DWELLING UNITS PER ACRE)</u>	Approved	4-5

**ITEM****ACTION****PAGE**

**CASE #2012-146.** 2823 INDUSTRIAL ROAD  
GENERAL PLAN AMENDMENT. JIM W. SIEBERT  
AND ASSOCIATES, INC., AGENT FOR LOS ALAMOS  
NATIONAL BANK, REQUESTS APPROVAL OF A  
GENERAL PLAN FUTURE LAND USE MAP  
AMENDMENT TO CHANGE THE DESIGNATION  
OF 0.38± ACRES OF LAND FROM RESIDENTIAL  
LOW DENSITY (3-7 DWELLING UNITS PER ACRE)  
TO BUSINESS PARK. THE PROPERTY IS LOCATED  
NORTH OF THE PNM SUBSTATION AT 2823  
INDUSTRIAL ROAD

Recommend approval

7-11

**CASE #2012-147.** 2823 INDUSTRIAL ROAD  
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FROM R-2 (RESIDENTIAL, 2 DWELLING UNITS PER  
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Recommend approval

7-11

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

Recommend approval

11-14

**STAFF COMMUNICATIONS**

Information/discussion

14

**OLD BUSINESS**

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

Postponed to 03/07/13

14

**ITEM****ACTION****PAGE**

**CASE #2012-30. BIENVENIDOS GENERAL PLAN AMENDMENT. JENKINS GAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 7.62± ACRES OF LAND FROM COMMUNITY COMMERCIAL AND TRANSITIONAL MIXED USE TO RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE**

**Postponed to 03/07/13**

**15**

**.CASE #2012-31. BIENVENIDOS REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS REZONING OF 7.62± ACRES OF LAND FROM R-2 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE**

**Postponed to 03/07/13**

**15**

**CHAPTER 14 TECHNICAL CORRECTIONS AND OTHER MINOR AMENDMENTS. CONSIDERATION OF VARIOUS AMENDMENTS TO CHAPTER 14 AS A FOLLOW-UP TO THE CHAPTER 14 REWRITE PROJECT, ETC.**

**Postponed to 03/07/13**

**15-30**

**STAFF COMMUNICATIONS**

**Information/discussion**

**30-31**

**MATTERS FROM THE COMMISSION**

**Information/discussion**

**31**

**ADJOURNMENT**

**31**

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

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

**A. ROLL CALL**

**MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

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

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

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AMENDED AGENDA**

Ms. Baer said staff has no changes to the agenda, noting they did put New Business before Old Business just for this evening's meeting.

**MOTION:** Commissioner Villarreal moved, seconded by Commissioner Harris, to approve the Amended Agenda as presented.

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

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

**1. MINUTES – JANUARY 10, 2013**

The following correction was made to the minutes:

Page 17, paragraph 4, line 4, correct as follows: "... to Paseo so as to ~~as to~~ minimize..."

**MOTION:** Commissioner Harris moved, seconded by Commissioner Bemis, to approve the minutes of the meeting of January 10, 2013, as amended.

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

*Commissioner Schackel-Bordegary arrived at the meeting*

**2. FINDINGS/CONCLUSIONS**

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case #2012-43, Holmes Family Transfer – Final Subdivision Plat, is incorporated herewith to these minutes as Exhibit "1."

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case #2012-125, 504 St. Francis Drive Rezoning, is incorporated herewith to these minutes as Exhibit "2."

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case #2012-137, Airport Road Rezoning, is incorporated herewith to these minutes as Exhibit "3."

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case #2012-138, 554 Juanita Street Rezoning, is incorporated herewith to these minutes as Exhibit "4."

**a) CASE #2012-43. HOLMES FAMILY TRANSFER SUBDIVISION.**

**MOTION:** Commissioner Pava moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2012-43, Holmes Family Transfer Subdivision, as presented by staff.

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

**b) CASE #2012-125. 504 S. ST. FRANCIS DRIVE REZONING TO C-4.**

**MOTION:** Commissioner Lindell moved, seconded by Commissioner Villarreal, to approve the Findings of Fact and Conclusions of Law in Case #2012-125, 504 S. St. Francis Drive Rezoning to C-4, as presented by staff.

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

**c) CASE #2012-137. 4327 AIRPORT ROAD REZONING TO C-2.**

**MOTION:** Commissioner Harris moved, seconded by Commissioner Villarreal, to approve the Findings of Fact and Conclusions of Law in Case #2012-137, 4327 Airport Road Rezoning to C-2, as presented by staff.

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

**d) CASE #2012-138. 554 JUANITA STREET REZONING TO C-4.**

**MOTION:** Commissioner Bemis moved, seconded by Commissioner Villarreal, to approve the Findings of Fact and Conclusions of Law in Case #2012-138, 554 Juanita Street Rezoning to C-4, as presented by staff.

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

**E. NEW BUSINESS**

- 1. CASE #2012-149. 417 AND 419 EAST PALACE AVENUE FINAL SUBDIVISION PLAT. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR PALACE AVENUE OFFICE SUITES, LLC, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR 2 LOTS ON 0.78± ACRES. THE PROPERTY IS ZONED BCD (BUSINESS CAPITOL DISTRICT) /EAST MARCY/EAST PALACE SUBDISTRICT. (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum prepared January 23, 2013 for the February 7, 2013 Planning Commission meeting, with attachments, to the Planning Commission, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

The Staff Report was presented by Tamara Baer. Please see Exhibit "5," for specifics of this presentation. Ms. Baer said the Land Use Department recommends final subdivision plat approval.



## **Public Hearing**

**Jennifer Jenkins, JenkinsGavin Design and Development, 130 Grant Avenue, Suite 101, Agent for the Applicants, was sworn.** Ms. Jenkins said she has nothing to add, noting they have satisfied all of the conditions of approval.

## **Speaking to the Request**

There was no one speaking for or against this request.

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

Chair Spray asked, with regard to the conditions of approval, Condition #8 provides, "Improve required open space area to meet the intent for a yard or courtyard..." he presumes that is a small area, and presumes the Landscape Plan attached is for that courtyard, and Ms. Baer said this is correct.

Chair Spray said it appears they added bicycle parking, and asked if that satisfies Condition #7.

Ms. Baer said this is correct, this was also a requirement.

**MOTION:** Commissioner Pava moved, seconded by Commissioner Harris, to approve Case #2012-149, 417 and 419 East Palace Avenue Final Subdivision Plat, with all conditions of approval as recommended by staff.

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

2. **CASE #2012-148. WINDMILL HILL AT LAS PLACITAS COMPOUND FINAL SUBDIVISION PLAT. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENT FOR DOUG AND PEGGY McDOWELL, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR FOUR SINGLE-FAMILY RESIDENTIAL LOTS ON 1.48± ACRES. THE PROPERTY IS LOCATED AT 623 ½ GARCIA STREET AND IS ZONED 4-3 (RESIDENTIAL, THREE DWELLING UNITS PER ACRE). (DONNA WYNANT, CASE MANAGER)**

A Memorandum prepared January 23, 2013 for the February 7, 2013 Planning Commission meeting, with attachments, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "6." The Final Subdivision Plat is on file with, and copies can be obtained from, the City of Santa Fe Land Use Department.

The Staff Report was presented by Tamara Baer. Please see Exhibit "6," for specifics of this presentation. Ms. Baer said all conditions have been satisfied and staff recommends approval of this Final Subdivision Plat.

### **Public Hearing**

#### **Presentation by the Applicant**

Chair Spray reminded Ms. Jenkins that she is still under oath.

**Jennifer Jenkins, JenkinsGavin Design and Development, 130 Grant Avenue, Suite 101**  
**Agent for the Applicants, previously sworn.** said she has nothing to add.

#### **Speaking to the Request**

There was no one speaking for or against the request.

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

Commissioner Bemis commended this group for going into the community and speaking to all of the people. She said it makes a big difference when the neighbors are considered, and said, "I just wish you well."

Commissioner Harris said he wasn't in attendance at the December meeting when this was considered. He asked, "When the Fire Marshal says that the variance is granted due to automatic sprinkler system installed in all residences existing and new construction," is the existing residence just the one residence, and not the one that abuts the new lane."

Ms. Jenkins said, "No, it is internal to the property and it's up on the hill. It's a little casita that's existing. So one of the lots we are creating will encompass that, and then there will be 3 vacant lots."

Commissioner Ortiz said he would like to ask Ms. Guerrerortiz, the Engineer, a couple of questions.

#### **Oralynn Guerrerortiz, Design Enginuity, was sworn.**

Commissioner Ortiz said he was looking at the plans and there were comments on the site about you intend to put in permeable pavers, and Ms. Guerrerortiz said that is correct.

Commissioner Ortiz said you had a maintenance plan for the permeable pavers, which provides, "Should be vacuumed with a vacuum sweeper such as one manufactured by the Elgin Sweeper Company on a low power level." He is concerned about that. He understands the concept and how it has to be done, but thinks it is a little difficult to find people locally that have that type of vacuum sweeper. He said the City had 6 sweepers, but this will be private and that could be a high maintenance with the permeable

pavers trying to keep the infiltration ring going. This has him concerned, and asked Ms. Guerrerortiz her ideas on this.

Ms. Guerrerortiz said what they presented was what the manufacturer recommended. She wants to defer to Mr. McDowell who has done this on another project.

**Douglas McDowell, 1317B Cerro Gordo, Santa Fe**, said, "The answer to your question is... and I'm a big fan of permeable pavers, because I think they're great for maintaining water on the properties and distribution of that. What we do, is what the manufacturer recommends. You also have alternative methods. One is power washing, so if you have a certain level of size of power washer you can hand power wash them and get the mud and the silt out of that so you expose the gravel again. If you get too far into the gravel, it's in between the permeable pavers, and you can then lay a new layer in between as well. So typically, what we do is power wash. And we've found that they do get caked up with mud sometimes in the winter. And the three homes we just serviced about a week ago, we power washed and it cleaned out very nicely."

Commissioner Ortiz asked if he is correct that there is about 385 feet of permeable pavers.

Mr. McDowell said he thinks that's correct, noting those also are tied into underground pumice wicks as well, so the water is also moved into distribution areas as well.

Commissioner Ortiz asked him to explain a little about the pumice wicks.

Mr. McDowell said they basically are like a leach field, commenting it's another name for the same thing, except it has water in it.

Commissioner Ortiz asked Mr. McDowell if he is confident that the underlying soil is sufficiently permeable to be able to accept the infiltration.

Mr. McDowell said, "Absolutely, and we've actually oversized the system for the percolation there."

Commissioner Ortiz said he hasn't seen this particular concept and he would like to see it work.

Mr. McDowell invited to come and "check it out."

**MOTION:** Commissioner Lindell moved, seconded by Commissioner Villarreal, to approve Case #2012-148, Windmill Hill at Las Placitas Compound Final Subdivision Plat, with all conditions of approval as recommended by staff.

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

3. **CASE #2012-146. 2823 INDUSTRIAL ROAD GENERAL PLAN AMENDMENT. JIM W. SIEBERT AND ASSOCIATES, INC., AGENT FOR LOS ALAMOS NATIONAL BANK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.38± ACRES OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO BUSINESS PARK. THE PROPERTY IS LOCATED NORTH OF THE PNM SUBSTATION AT 2823 INDUSTRIAL ROAD. (HEATHER LAMBOY, CASE MANAGER)**

*Agenda Items E(3) and E(4) were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.*

A Memorandum dated January 18, 2013 for the February 7, 2013 Planning Commission meeting, with attachments, to the Planning Commission, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "7."

A power point presentation *Industrial Road General Plan Amendment & Rezoning*, dated February 7, 2013, is incorporated herewith to these minutes as Exhibit "8."

An aerial photograph of the area *Agua Fria Compound: Looking south and emergency access in southwest corner*, with attached aerial map from Google Earth Pro, entered for the record by Jim W. Siebert, is incorporated herewith to these minutes as Exhibit "9."

The Staff Report was presented by Heather Lamboy via power point. Please see Exhibits "7" and "8," for specifics of this presentation.

## **Public Hearing**

### **Presentation by the Applicant**

**Jim Siebert, 915 Mercer, Santa Fe, was sworn.** Mr. Siebert said, "This is a rather a unique situation that you have a commercial building that is not zoned, either for C-2 General Commercial or I-1 Light Industrial purposes. It was interesting. We did the research to try to find out exactly when this structure was built. Unfortunately, the City has a gap in their aerial photography. We estimate it was somewhere in the mid-1990's, so the age of this particular building, looks like it's about 20 years old. We did find, and it said in the packet, a Certificate of Occupancy that dated to 2001. We couldn't find anything before that, and we couldn't find anything in terms of building permit records, because they only maintain them for ten years, and then they destroy them."

Mr. Siebert said, "I can explain to you some of the prior uses. We did talk to, we could find some of the prior owners and kind of went back on the prior uses for the property. And they included a plumbing supply and plumbing contractor's shop, an auto repair shop and then most recently, it was a carpentry shop."

Mr. Siebert said, "I think you need a better idea how this fits into the industrial area, and I'm going to have Joaquin hand out some aerial photos, one of which may actually be in your packet [Exhibit "9"]... well, it's another one, that was supplied by staff. What the first photograph shows is the subject property. The two metal roofed buildings you see there in the foreground. And to the right, is an auto dismantling operation, which is rather extensive in terms of the storage of the vehicles. And directly in front of it, is the PNM Gas Distribution Station. I don't know how many had the opportunity actually to go to the site, but I've been there few times. And what happens is during the daytime, from 7:00 a.m. on, there is a constant noise that takes place in the process of smashing the vehicles up and getting them ready to take off. And, frankly, it's hard to describe, and this is a very heavy industrial area that is immediately adjacent to it. Across the street is a concrete batch plant. So, actually, what I'm trying to say is, because this is a small operation and kind of historically, it had smaller businesses located in it, it seemed like it was a pretty good transition between what is rather heavy industrial to what would be either mixed use or residential behind it."

Mr. Siebert continued, "Ms. Lamboy raised the particular issue of economic development, and the fact that this particular area is an area of economic development. But the thing that I think I would like to emphasize, that over the years it really has been a building where a small business could get a start, and hopefully grow their business, and then locate in other places that are larger and have the ability to continue and expand their business. It is served by City water and sewer, and it does have a platted access easement back to the site adjacent to the Gas Company distribution area. And with that, I'll answer any questions you may have."

### **Speaking to the Request**

There was no one speaking for or against this request.

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

*The Commission commented and asked questions as follows:*

- Commissioner Schackel-Bordegare said, "In the staff report, page 3 of 3, of the ENN questionnaire, the statement, the questions about the effect on the opportunities for community integration and social balance through mixed land use, pedestrian oriented design, and linkages among neighborhoods, this sentence just jumped out at me: '..Residential development is situated north of this lot, but pedestrian interaction between the commercial uses and residential neighborhoods has been restricted.' She asked, "Does that mean there's literally fencing up or no possible way to get through. I'm just curious what that means."

Mr. Siebert said, "What I meant by "restricted," is that within the entire kind of industrial subdivision, you don't see pedestrian access that would take you from say Industrial Road to Agua Fria. That just was never part of the platting process that took place at the time."

- Commissioner Schackel-Bordegare asked Mr. Siebert, "And in your opinion, and I would understand that, is it possible someone can walk in the area, like you just described. And the

reason I'm asking, I'm just thinking bigger picture, global, people who don't have cars. I'm just curious about circulation and possibilities. I don't know the site, and it could be very well that there isn't."

Mr. Siebert said, "I don't think, in this particular area, it's been an issue. It's always been commercial and major [?], and I think probably the pedestrian access would be, I would assume it would be toward Agua Fria. It does have access, obviously, pedestrian and vehicular access to Industrial Road."

- Commissioner Villarreal asked Mr. Siebert, "I'm just curious if you all had an idea in mind of what would actually relocate there. Is there a business already active that would continue."

Mr. Siebert said it is under contract and the purchaser is here tonight if you want to ask him what the business would be.

- Commissioner Villarreal said she is curious, because of the access issue, the only way to get is Industrial, and it's so close to Agua Fria. She said, "I don't that will ever open out. That's what Commissioner Schackel-Bordogary was talking about. Just curious about what kind of business and if they've thought what this means for business access."

**Jesse Cassler, owner, was sworn.** He said, "The company is A & E Stoneworks, 1018 Siringo Rondo East, Santa Fe, New Mexico. Basically, we're a construction company and we'd basically just use the property to store equipment. We also do rain catchment, that kind of stuff, but it would just basically be for storage of construction equipment."

Ms. Lamboy said, "I would like to just remind the Commission, when Corazon Santo came through for its approval process, there was a right of way that was going to be dedicated as part of that plat off Harrison Road, which eventually would come just north of this property. So ultimately, there may be opportunity for that pedestrian connectivity, because sidewalks are required as part of any type of road. So hopefully, in the long term, maybe there will be some opportunities along the northern part of this property to have some access, better access that there is now."

- Commissioner Pava noted the mixed use zoning which is adjacent to this property, and asked Ms. Lamboy if there is a development plan, or something pending on the use of that land, and if it is going to be residential at some point – do we know..

Ms. Lamboy said, "There is an approval that was granted, but it is due to expire in this year, so we are not sure what's going to happen with that project. It's been on hold. As to the numbers in terms of how exactly that development plan looked, it was before me, so maybe Tamara can help you with that one."

Ms. Baer said, "I happen to know the property is for sale. It's on the market right now, so I don't anticipate that development plan is going to come to fruition, but I don't know that."

- Commissioner Harris noted that no one was in attendance at the ENN meeting, other than Mr. Siebert and the bank and staff. He asked if there been any contact with Corazon Santo to have a discussion generally about what's being proposed.

Mr. Siebert said they sent it to the property owner, but it is his understanding the property is in foreclosure right now.

Ms. Baer said, "I was talking about the mixed use property, but I can verify what Mr. Siebert says about Corazon Santo as well."

- Chair Spray asked staff about the criteria, with respect to zoning approvals, since this is less than two acres. He quoted from pages 8-9 in packet, "... we cannot do anything that affects an area of less than two acres, which this is, unless adjusting boundaries between districts." He said the response is, "We're adjusting the boundary between Industrial and R-2 zoning districts. He asked if there is another way to change the boundary other than changing what the zoning would be. Is there another way to do that. Because it appears to me that when you change the zoning, you've changed the boundary, so what is the purpose of the criteria, unless I'm missing something there."

Ms. Lamboy said, "The other opportunity here that would present itself is, potentially, if they wanted to adjust the R-6 boundary, they could do that, because that abuts [their property], or the mixed use boundary, they could do that as well."

- Chair Spray asked who is "they."

Ms. Lamboy said it is these applicants.

- Chair Spray said, "If you're adjusting the boundary, how else would you adjust it, short of drawing a different plat map, or acquiring another piece of the property. Would that be likely to happen."

Ms. Lamboy said, "That would be shifting the zoning district boundary, not necessarily changing the shape of the property itself, or expanding the property, just the particular zoning district boundary."

- Chair Spray said, "In that case, it seems to me that every time you would make... , to justify this, all you would have to say is, 'I am adjusting the boundary, because this was R-2 and now I'm adjusting it to I-1, and I've met the criteria.' So you have to do the change before you can justify the change."

Ms. Baer said, "What you're getting at is that this is one of the criteria for rezoning. And this one speaks to the size of the parcel for which you're asking for the rezoning under 2 acres. And if it's under 2 acres, it can be under two acres as long as the adjacent property has the same zoning that you're asking for. And so what Ms. Lamboy was getting at, an applicant, an owner of this parcel could have asked for this to be rezoned to any of the adjacent districts, and it wouldn't have to be two acres in size. If, for example, they wanted to rezone to I-2, as an example, then you

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

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

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

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

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

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

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

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

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

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



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

## **Public Hearing**

### **Presentation by the Applicant**

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

### **Speaking to the Request**

There was no one speaking for or against this request.

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

*The Commission commented and asked questions as follows:*

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

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

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

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

- Commissioner Harris asked when the lot consolidation occurred.

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

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

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

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

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

- Commissioner Lindell said she received an email from Mr. Vigil, and he doesn't put his title or who he is on his emails, and as far as she knew, he could have been a neighbor. She suggested Mr. Vigil's emails should include his title.
- Chair Spray asked if there previously was a proposal for a larger development on the south part of this property, between the R-5 Subdivision and St. Francis.

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

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

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

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

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

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

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

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

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

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## **G. STAFF COMMUNICATIONS**

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

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

## **F. OLD BUSINESS**

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

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

2. **CASE #2012-30. BIENVENIDOS GENERAL PLAN AMENDMENT. JENKINS GAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 7.62± ACRES OF LAND FROM COMMUNITY COMMERCIAL AND TRANSITIONAL MIXED USE TO RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE. (DAN ESQUIBEL, CASE MANAGER) *The Governing Body remanded this case to the Planning Commission for reconsideration.* (To be postponed to March 7, 2013)**
3. **CASE #2012-31. BIENVENIDOS REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS REZONING OF 7.62± ACRES OF LAND FROM R-2 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE. (DAN ESQUIBEL, CASE MANAGER) *The Governing Body remanded this case to the Planning Commission for reconsideration.* (To be postponed to March 7, 2013)**
4. **CHAPTER 14 TECHNICAL CORRECTIONS AND OTHER MINOR AMENDMENTS. CONSIDERATION OF VARIOUS AMENDMENTS TO CHAPTER 14 AS A FOLLOW-UP TO THE CHAPTER 14 REWRITE PROJECT (ORDINANCES NOS. 2011-37 AND 2012-11), INCLUDING TECHNICAL CORRECTIONS SUCH AS TYPOGRAPHICAL AND CROSS-REFERENCING ERRORS AND OTHER MINOR AMENDMENTS: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(C) CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS; 14-07-2(F) CLARIFY SPECIAL USE PERMIT IN 412 – R-**

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

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

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

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

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

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

### **Public Hearing**

#### **Speaking to the Request**

There was one speaking for or against this request.

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

*The Commission commented and asked questions as follows:*

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

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

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

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

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

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

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

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

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

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

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

Commissioner Lindell said she is thinking about parking lots like Trader Joe's where the spaces are the smallest by Code. She can't imagine 40% of that parking lot being designated for small car use. She said busy parking lots which have a lot of in-and-out with people, to have 40% designated small car use would make bad situations worse.

Mr. Smith said staff gets numerous complaints about parking spaces which are built to the "one size fits all" standard. He would have to research it, but he believes it is the case at Whole Foods. He said you will see in various parking lots a whole row dedicated to small car parking, pointing out that the balance of the parking spaces have to meet a larger parking space size. He said the choice is 40% small and 60% big, or providing them all at one size fits all.

- Commissioner Lindell said the provision is not workable and she isn't comfortable in seeing it in the Code that way.
- Commissioner Lindell said on page 62, it talks about minimum standards for surface preparation, she assumes the word "minimum" is what she needs to focus on. She said line 1 provides: "(b) Parking lots with fewer than 40 spaces must have a four-inch gravel surface." She said that being a minimum, it does not exclude someone with that parking lot from choosing to use asphalt.

Mr. Smith said that is correct.

- Commissioner Lindell thanked Mr. Smith for slogging through another big section of Chapter 14, the Land Use Code.

- Commissioner Pava expressed thanks for this large housekeeping effort, noting he has two minor questions.
- Commissioner Pava said there is a section in definitions on museums, and asked what promulgated the need to add this definition.

Mr. O'Reilly said there was a case which is still going on, subject to appeal, and there may be a lawsuit involved, where an existing facility wanted to expand and best defined as a museum. There was another very small case on Acequia Madre where someone wanted to establish a collection of items that was not going to be open to the public, but someone would go to by appointment once or twice a year. It's just something that never fit well in the Land Use Code. He said during those cases there was public comment about the reason we didn't have a definition of museum in the Land Use Code. He is unsure how much it will be applied or help us, except in those cases when someone wants to do a museum again. He said this is best classified as housekeeping, and Mr. Smith can speak to where the definition comes from.

Mr. Smith said, "Before March 2012, we didn't officially use the word museum in a way that required a definition. We added it anyway to the list of uses that require special use permits, which triggered its application in these two cases that came through this as essentially adopted from the Planner's Dictionary which a publication that's been rattling around for over a decade now. One of several that we adapted from boilerplate from other Codes that seemed to fit the City's application best."

- Commissioner Pava asked, with regard to Section 53, Impact Fees, if the only change is the change from \$891 to \$892 for accessory dwelling units. And that aside from that, there is a statement at the very end in Section (e) Development outside of buildings.

Mr. Smith said there are two places there are typos, on the bottom of page 46, the \$891 corrected to \$892, which Mr. Pava has referenced. On page 47, row 4, the Parks column is correct from \$97 to \$971. These are the two typos we are correcting on that table. There was no substantive change, just typos.

*[NOTE: Commissioner Harris's microphone either was not turned on or he was not speaking into the microphone, and for the most part, is extremely difficult to hear.]*

- Commissioner Harris said, regarding Section #53, regarding charge for outdoor land use square footage. He said he came up with a car lot as a possibility. He asked for explanation as to how this would be interpreted.

Mr. O'Reilly said, for example, Home Depot has an outdoor area where it sells plants and landscaping materials which draws lots of customers. The intent of the Impact Fee Ordinance is to gather funds that can be used to offset the impacts that an operation has on streets, parks, and so forth. He said because the Home Depot has a large outdoor storage area where they have goods and materials for sale, it draws more people. He said we wouldn't want to see someone create a



very large outdoor sales area and then install a tiny Kiosk where the cash registers are in an attempt to avoid paying impact fees. He said another example would be I-HOP which has substantial outdoor seating compared to its indoor seating. He said they would draw many more customers if they were to fill up that entire outdoor seating area.

- Commissioner Harris asked if the Impact Fee Schedule speaks to these kinds of situations.

Mr. O'Reilly said the Impact Fee Schedule speaks to uses and it is based on square footage. He said there are sections discussing how to treat certain outdoor areas such as the drive-through lane of a fast food lane. However, it doesn't get into a more general statement about how we deal with outside spaces, and this is what this is attempting to do. It's something that comes up all the time and it is difficult for staff to administer without this clarification.

Mr. Smith said there is also a provision that where the retailer or service provider feels that the formula is unfair, he may petition the administrator of the impact fee to support an alternative calculation. For example, if an auto dealer felt he was unfairly assessed for its outdoor sales area, the dealer could provide data that would allow the fee administrator to charge the appropriate rate based on a case-specific calculation. So, there is an administrative safety valve process built into these tables.

- Commissioner Harris said, "But when we say development of land, we're really not talking about parking lots. For instance, the parking lot for Home Depot. Is that correct. We're not calculating impact fees on that."

Mr. O'Reilly said this is correct. It is calculated on the sales area where retail sales are happening, or seating area in the case of a restaurant.

- Commissioner Harris asked if the definition for development is specific sufficiently to cover the situations described by Mr. O'Reilly.

Mr. O'Reilly said yes, staff thinks it is.

- Commissioner Harris said he really wants to talk about #30, noting Mr. Smith referred to situations with tow trucks which he has seen himself. He said the problem language is on page 28, line 8, as follows, "Commercial or industrial vehicle means vehicles designed for business purposes including vehicles requiring a commercial driver's license to operate; tour buses, school buses, tow trucks, earthmoving or grading equipment, tractors (except lawn tractors) or other motorized construction or agricultural equipment; trailers light trucks or other vehicles designed for business purposes."
- Commissioner Harris said historically, Santa Fe is filled with men and women who are operating... they may be a superintendent for a construction company, they're bringing a truck home, they're moving some materials efficiently because competition almost requires that. He said, "So to limit

trailers, light trucks or other vehicles, to me, is burdensome to the general populace, and those people who keep things moving, in something besides tow trucks."

- Commissioner Harris continued, saying it does go on to say in the final sentence on page 28, line 16, "Commercial or industrial vehicles do not include passenger cars and small trailers that may be used for business purposes related to a registered home occupation business." He said, "At the very least, it seems to me that you would put 'light trucks' in that list. I think 'light trucks and trailers' should be struck, or add 'passenger cars, light trucks and small trailers that may be used for business purposes, related to a registered home occupation business'."

Mr. O'Reilly asked Mr. Harris what is his question.

- Mr. Harris said he is asking why the limitation on light trucks.

Mr. O'Reilly said this is a problem throughout the City, so you could describe this as prohibitive, but you could also describe it as solving a problem, because many of these kinds of vehicles do cause problems and a great number of complaints are registered about these kinds of things.

Mr. O'Reilly continued, "The Land Use Department and the City Attorney's Office spent an inordinate amount of time on this language, compared to the rest of what is in your packet tonight. I certainly can understand the concern about trailers and light trucks if they weren't properly defined and to know what they are. The reason for the wording 'designed for business purposes,' as opposed to 'used for business purposes,' is because we tried to recognize the fact that there are people who use a vehicle for business, but it's not what we would generally think of as a commercial vehicle. For example, a carpenter who drives an F-150, and that's a vehicle that can be used for business purposes, but also is used as a family vehicle as well. You might drive your wife and kids to church in your F-150. You're not likely to drive your wife and kids to church in a tow truck, or what we would think of as a light truck, a box truck. And we also wanted for someone who operated a home occupation business, for example, a plumbing business and operated it using an F-150 that when the business shuts down, they should be able to leave their F-150 on their property. On the other hand, if someone has a huge tow truck or some other kind of huge commercial rig, it shouldn't be on their residential property at all."

Mr. O'Reilly continued, "So the second half of this was designed to get at that, the clarification where it talks about what commercial or industrial vehicles to not include. So there are also trailers that are not designed for commercial use. As an example, a trailer to tow your boat, is not a commercial trailer, but there are other kinds of trailers that clearly are meant for commercial use. A trailer that would pull a CAT-950, or something like that, is a commercial size trailer. It's not something you can tow with your boat trailer. So we're trying the best we could, and believe me, I understand your concerns, which is why we spent, as a staff, so much time trying to figure this out."

Mr. O'Reilly continued, "I think that some real care has to be used here in tweaking this language, because as we were developing it, we were trying to find that right fit. And then when we took one

word and changed it, it created a whole different meaning. So I would suggest here, that if this proposed language is not going to be acceptable, that we could take the Commission's comments into account and try and come up with something new, but that we not redesign this language here tonight. Again, just because we spent a lot of time trying to get this exactly right."

Mr. O'Reilly continued, "And again, to go to your point about someone who say, works for the State and drives their pickup truck home, a pickup truck would not be a vehicle designed for commercial uses, that could be used for commercial use, but is also a passenger vehicle, so that wouldn't be prohibited. But if someone brought their backhoe home from work, that's something we wouldn't want."

- Chair Harris said, "I'm sure you have worked on this one, because it's a bit of a can of worms in my opinion, and I do think it creates problems, and I'm sure it solves some problems too, when it speaks to tow trucks and earth moving and grading [equipment]. However, in this scenario that you used where a family may go to church in that F-150. Well, if that F-150 happens to have a tool box on it, somebody may say that now it's designed for business purposes by virtue of having a toolbox. I think that argument could be made. Is there, in your opinion.... why would we not list under that last sentence, 'Commercial or industrial vehicles do not include passenger cars, light trucks and small trailers that may be used for business purposes related to a registered home occupation business.' At the very least, it seems like we should put 'light trucks' in there."

Mr. O'Reilly said, "I think your concern, and I understand it, comes from what is the definition of a light truck, and if a definition of a light truck is a pickup truck, then I agree with you that would be a real concern, half of us drive pickup trucks. If the definition of a 'light truck' and I'll ask Mr. Smith to weigh in on this if he can, I think is not a pickup truck. And it may be that if we're going to change this language, we may need to add a definition of what a light truck is in order to make this work."

- Mr. Harris said an F-350 may not be a light truck, for instance. It's still a pickup truck, but extended cab you know and things. It's very problematic."

Mr. O'Reilly said, "I think we had in our mind, and I admit maybe we have not been specific enough, but we had in our minds that light trucks were what I refer to as box trucks. Things like a moving truck, a small moving truck, or the kind of truck that delivers your couch from the furniture company, not an 18 wheel tractor trailer, but a truck like that. A Ryder Rental Truck. And believe it or not, we have people who park those on their residential lots in the City, sometimes more than one. And like, if they bought an old Ryder Truck, let's say, and we get a lot of complaints from neighborhoods about that. 'I don't want to see this thing in the yard next to me.' So, we could maybe do with a better definition of what a light truck is, because it certainly was not the intent that a light truck be a pickup truck. Or that by virtue of someone putting a tool box in the back, that suddenly that pickup truck would become a prohibited vehicle."

- Commissioner Harris said, "In reviewing this, and I applaud you Mr. Smith, after working with it for a few hours, I end up with a roaring headache, so it's very complex. But I think this, to me is the most difficult... for instance there is a definition of trucks in certain sections that talked about

nothing more than 11 feet high and 20 feet in length. I happen to have a FedEx delivery at our commercial complex. I measured it [and] it happens to be a little under 11 feet. So the Code takes some time to define these things in such a way, it seems that light trucks, as it's used here, would have to be defined, or added back into. If we're restricting them under the first sentence, excuse me, the one that begins 'Commercial or industrial vehicles,' if we're restricting them there, it seems like, as a light truck, it seems like we would need to be fair, would have to add them in the sentence that says, you know, I've read it once already, the final sentence, on line 17, '...do not include passenger cars, light trucks and small trailers..."

Mr. O'Reilly said, "I understand, if we're considering light trucks to be like a box truck kind of a truck, like a Ryder truck or small moving truck, we would not want to allow that to be allowed in a residential neighborhood. When people come forward for a home occupation business, we place a number of different conditions on that use. And, for instance, if someone came by and wanted to do a towing business, one of the conditions would be, yes, you can operate your towing business out of your house. You can have your paperwork there, you can have your phones ring there, you can advertise that address as where the towing business is, but you will not park your tow truck at that location. You have to put that at your storage yard or something. We would do the same thing with what we term a light truck, a box truck. Yes, you can have a moving company and you can run it out of your house, but your truck has to be at a yard stored somewhere else. The reason for that is that the home occupation business, which is the reason that we put the final sentence in, the Home Occupation section of the Code is not designed to allow a residential neighborhood to become like a commercial neighborhood. It's allowed for certain kinds of restricted commercial uses to happen in a residential neighborhood. And based on that, and the kinds of complaints that we receive a lot from neighborhoods, that is the reason to try to nail this down and make it a little tighter."

- Commissioner Harris said, "If I may, you know, we're going in circles a little bit. And I think, at the very least, what we have to do is to define light truck, because it's in the eye of the beholder and the wishes of the interpreter when it comes down to processing an application for home occupation. We don't speak to what a light truck is. Any number of people would interpret it in the future or even now, is a pickup truck is a light truck."

Mr. O'Reilly said, "Greg if you want to add something about the research we did or about light trucks or any of this, go ahead."

Mr. Smith said, "In coming up with this language there were a couple of things we were trying to do. One is trying to balance between going to court on the tow truck. We recognized we were too light on detail with regard to the current provision which just says, 'no commercial vehicles,' arguably, too broad or narrow, depending on which side of the fence you're on. When we went to try and get specific about different terms such as light truck, or personal vehicle, or passenger vehicle, we did not find any useful definitions in the State Statutes, in the Administrative Code or in the Federal Regulations. We considered drafting definitions of the various terms, and stopped short of doing that, recognizing that all of Chapter 14 is a balance between clearly setting a standard for every conceivable condition versus recognizing that there is going to be some

administrative application of these terms. And I think we were comfortable that this was the balance point that we could administer fairly in terms of having a tool that would allow us to respond effectively to complaints from neighborhoods, but not require us to take everybody who has an F-250 with the contractor's logo on the side and make them park someplace else. I understand your concern and you're dealing with the same ones that we did."

- Commissioner Harris said, "Of course, my frame of reference is I've been in the construction business in this town since 1976, and although I don't run trucks and people anymore, there are a lot of people who do and they need the flexibility. City Hall works and Land Use Department works well these days. You should know that. You've heard me say that, and it does work well. But there's situations and I think this is really problematic. And I also understand that of everything you want to go to Council on February, whichever, thirteenth, this is probably fairly close to the top of the list because you have so many situations with tow trucks or commercial vehicles that are problematic."
- Commissioner Harris asked, "How can we address this between now and the time it goes to the Council."
- Chair Spray asked, "If we would make this recommendation, can we attach a recommendation with some suggestions that you might want to consider, so we can move the agenda, of saying we'll approve it as it is here. We would suggest you look at this particular area or that particular one as Commissioner Lindell had suggested."

Mr. O'Reilly said, "If it's the desire of the Commission that tonight, you are wanting to recommend approval of this with the condition that staff add a of light truck, or that kind of thing, then that could be done between now and the time that it goes to Council, if the Commission thinks that's the right thing to do."

- Chair Spray said, "Or to study that. Thank you. So perhaps we could proceed a bit Commissioner Harris, and when we've heard from everybody else, we can come back and move whatever we need to do here and propose any condition that we might want to do. Is that okay with you, Commissioner."
- Commissioner Harris said, "In part. I think the other part would be, once we define light truck, I think it's also appropriate, again, depending on how we define it, because it's in the restricted category in the first sentence I've referred to, but either the definition... well, it may be appropriate to put it in the last sentence as well, depending on the definition."
- Chair Spray asked, "Why would that be different from what I said that we could do."
- Commissioner Harris said, "Again, it's a matter of definition. But once that definition is understood and agreed to, then we have to consider the full language of how light truck determines use, because I think it may need to go into the final sentence I've read twice now."

- Chair Spray said, "If I may, then the administrative aspects of it, if an administrative judgment is made of what a light truck is, and someone doesn't like that, there's an appeal process, I assume, going forward to do this. Would that be correct Director O'Reilly."

Mr. O'Reilly said any final decision of the Land Use Director or Department can be appealed.

- Chair Spray said, "Absolutely, so I think there's a way out for someone who is feeling... that perhaps isn't treated equally under the law, which I think makes a lot of sense. I would like to ask a question about the weight calculation of that, and I don't know much about vehicles or licenses, but it seems to me that most State vehicles are licensed by weight with commercial plates. Isn't that an easy definition for what a light truck is. I don't know."

Mr. O'Reilly said, "In looking at this issue, we looked at it in a lot of different ways. One way we looked at it was maybe commercial or industrial vehicles could be classified by whether you need a commercial drivers license to operate them. It turns out there is a whole huge range of huge, clearly commercial-type vehicles that don't require a CDL to operate. An example would be like the very largest, like Ryder trucks or U-Haul trucks don't require a CDL. And those are clearly the things I think we don't want to see parked in neighborhoods."

- Chair Spray said he doesn't know, and asked if the vehicles have special places which indicate their weight or use, so you just look at it.

Mr. O'Reilly said it varies a lot, and there are certain vehicles that require certain drivers licenses. There are certain vehicles that may have to have a certain kind of a plate based on their gross vehicle weight, noting manufactured homes have to have a plate saying manufactured home. He said he doesn't believe this is sufficient to get to the types of vehicles that I believe we want to keep out of neighborhoods.

- Chair Spray said, "At the end of the way, you would say you have vetted through legal, there is an administrative process where a decision would be made, and of course is appealable, if that choice was made where the definition was not a light truck. So there is recourse of someone who comes and says, I've got a light truck, you say it's not a light truck, they could still go do that, no matter what the definition would be."

Mr. O'Reilly said, "Yes, that is true. And at the risk of shooting down our own ordinance here that we've tried to come up with, it does concern me what Commissioner Harris is saying. And I think I would feel more comfortable, if we had a better definition of a light truck. And in the last sentence I would feel more comfortable if it said, 'Does not include passenger cars, small trailers and pickup trucks that are used as part of a home occupation business. Because again, depending on how you define a light truck, it may be the kind of vehicle we simply would not permit as part of a home occupation business. And so I think you can sense how careful we want to be about this, and I can certainly sense it from the Commission that they want to be careful about it as well. We're not trying to put someone out of business or anything like that. But there are certain kinds of vehicles that, I believe and I believe generally thought, inappropriate in neighborhoods."

- Chair Spray said it's a balance and there's judgments clearly involved in what works. In terms of going forward, I would like if there are any other Commissioners who have any other comments on this, then move to move forward on this particular proposal before us with any amendments or changes we might want to be able to add, at the time that we bring that up, we can do that.
- Schackel-Bordegary said "I just have a few comments related to the matter at hand that Commissioner Harris has raised, and I can appreciate the difficulty in this. I don't have an answer for it, but it does raise a few more questions for me. One of which, and I don't want to open this all up, but we're talking about something very important... it's symbolic of our community and has to do with class and it has to do with what people do for a living. And home occupations, the fact that they're part of our neighborhoods and integrated is good. I only bring this up because I was at an elementary school basketball last night. They overbooked and Chaparral Parking Lot was overflowing, and we were told in the audience that, by golly, we might get towed. And it was a good night, because the games were good, but there was the threat that we'd be towed, and I just happened to hear one of the other parents say, 'That's okay, I know all the tow truck operators in town. It reminds she is in better shape if she gets towed, than I am.'"

*Commissioner Schackel-Bordegary's remarks here are inaudible.* She said, "Some of the huge ones shouldn't be parked in neighborhoods, but I guess the symbolic nature of this is what is the message in terms of vehicles that, light trucks that may or may not be acceptable. For instance, in my opinion, I would find, I find in my octogenarian neighborhood, peoples' RV homes parked next to their homes way more objectionable, in terms of interfering with the community nature. And that's an eyesore. It's manufactured housing on wheels that sits there. So I'm injecting my own opinion here that this is not a trivial matter, and it is very important to define and to be clear what we mean as a City."

- Commissioner Schackel-Bordegary asked if RV's are allowed to be parked in front of houses. Okay, right there. This is why I bring this up. They're an eyesore and they stay there. I live in a neighborhood that has, literally, around me there are 5 RV's parked in our wonderful single-family road and City neighborhood that detracts. I support Commissioner Harris in his concern to sort this out, and I think we can sort this out. I think it should be a debate at the Council level though, if we have to do that. It seems like dimensions and weight might be getting to definition by dimensions and weight. We need to give you tools to get the offending vehicles out of the neighborhood once we agree on it. But it strikes me that Ryder trucks are used for moving, so they're going to be parked in the neighborhood overnight. So I don't know where this all came from, and you guys are ones that know what the egregious groups are, like you just pointed out. Ryder trucks parked forever, but a Ryder truck by nature, can be parked on the street for a couple of days while you're moving. Thank you for indulging me. Those are my comments."

Mr. O'Reilly said what the Commission could do if it would like, is to recommend approval of the Ordinance without Section #30. He said the current Code says storage or parking either continues or intermittent of commercial or industrial vehicles, which would put us back where we are today. The Land Use Department or Director is used to dealing with impossible problems, and this will just become another one we are force to deal with. The Planning Commission could set up a



small subcommittee to work with us on this language to get it right, and when we do get it right, we could bring it back at a later date. Or, the Commission could delay all of this to the next meeting, and take it Council a little bit later.

- Chair Spray said he appreciates the direction. He said, "Given what Director O'Reilly has said, is there any more discussion, or does someone wish to make a motion. Anyone."
- Commissioner Lindell said she would suggest we continue on and hear the rest of the concerns before we make a decision on just one, noting she brought up areas where she had concerns. She said, "Shall we proceed and continue with the packet."
- Commissioner Harris said that's what he would like to do, commenting #30 was the most important for him and the most substantive. He would like to be sure all Commissioners have had a chance to comment on any and all of the sections and then consider what the action should be.
- Commissioner Harris said, "With regard to Section #21, there seems to be an anomaly dealing with mixed use, and you have to bounce around different places and eventually you get to 14-7.3. He said it relates to the densities in C-1 to C-4. In mixed use, buildings of 25 feet or less in height shall not exceed a maximum of 12 dwelling units per acre and buildings of between 25 and 35 feet or less in height, shall not exceed 14 dwelling units per acre. This is applicable to mixed use. I just wonder why we were so restrictive on mixed use, as we discussed earlier, in C districts there is potentially a much greater density."

Mr. Smith said, "These regulations on mixed use were adopted in 2003-2004. We didn't re-evaluate them, we simply cross-referenced them in this set of amendments. We were hoping to not to take the lid off that can of worms until we've got a specific proposal to address, in a comprehensive way, the mixed use regulations. So one of the projects that's on the list of projects for both the [inaudible] and the Current Planning Division is to review and/or supplement the mixed use regulations in a comprehensive way. All this amendment does is to change the way it is cross-referenced. It does not attempt to get in the substance at all.

- Commissioner Harris said if we are going to get into this in the near future, he is fine with that.
- Commissioner Harris said Section #23 is amended to "Make Shopping Center district requirements the same as C-2 district requirements for bars and cocktail lounges," and this is specific to no outdoor entertainment.

Mr. Smith said they are adding the asterisks in the Shopping Center District and in the C-2 District.

- Commissioner Harris said the synopsis said "the same as C-2 district requirements." He said, "I went back and looked at the existing table, and the existing C-2 is just the P designation, is permitted. So, basically, we are adding the Special Use Permit in C-2 and the Shopping Center for special use permits. Correct."



Mr. Smith said this is correct, so it would be a more accurate description. The result is that it would bar a cocktail lounge with more outdoor entertainment and is treated the same in all those districts as a restaurant with a bar or cocktail lounge in those corresponding districts.

- Commissioner Harris said, "And just a point of clarification. I know it came up later, but on the measurement for 200 feet. That's basically from property line to property line, not from front door of the bar to the property line for residents. Correct. I'm thinking about, for instance, DeVargas Mall. We've heard before that on the west side there's going to be a major development, and it could be Hooter's. They wouldn't disclose. It could be Hooter's, so how's this is measured, and you've got residences up against that west property line.

Mr. Smith said typically, the measurement is done property line to property line. For example, the DeVargas Shopping Center is at least 3 and possibly 5 underlying lots of record. There is a generic provision that gives the Land Use Director to the authority to do those kinds of calculations on the basis of the premises where a number of lots are kind of compounded into one complex.

- Commissioner Harris said then we are requiring special use permits for C-2 as well as the Shopping Centers, 1, 2 and 3.

Mr. Smith said yes, if the bar is within 200 feet of a residential district.

- Commissioner Harris said these are all of his comments.
- Chair Spray said he wants the Commissioners to have all the time they need to be able to answer all of the questions.
- Chair Spray said the Commission has identified a number of issues that we have with the amendment matrix and other issues as part of that. He said Director O'Reilly said it is up to do whatever we would like. We can recommend approval to the Council with whatever exceptions you would like. The idea is to meet with staff, especially on Section 30, on the definition of light truck, which could be useful. He asked the wishes of the Commission.

Commissioner Bemis said she would like to recommend approval of the entire bill, with the exception of Section 30

Mr. Smith said as a point of order, the Commission approved a motion to recommend approval of Sections 1 through 20, with a specific amendment to Section 6. So if the Commission concurs that is still appropriate, the Commission will recommend approval of Sections 21 through 65, excluding Sections 30, 40 and 65, with the amendment sheet.

**MOTION:** Commissioner Bemis moved, seconded by Commissioner Schackel-Bordegary, to recommend approval of Sections 21 through 65, excluding Section 30, with the amendment sheet.

**DISCUSSION:** Commissioner Lindell understands we don't want to accept Section 30 as written, and said we aren't looking to reject it, but for an opportunity to work with the Land Use Department on that Section. If that is the case, she would ask that we also review Sections 40 and 65.

**FRIENDLY AMENDMENT:** Commissioner Lindell asked to amend the motion to also include Sections 40 and 65 to be excluded from the approval. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSIONS.**

**RESTATEMENT OF THE MOTION:** Commissioner Bemis moved, seconded by Commissioner Schackel-Bordegary, to recommend approval to the City Council of Sections 21 through 65, excluding Sections 30, 40 and 65, and with the proposed amendments as set out on the amendment sheet, that the Planning Committee will create a subcommittee of not more than 3 members of the Planning Commission, to work with staff on these Sections prior to the next Commission Meeting .

**DISCUSSION ON THE RESTATED MOTION:** Chair Spray said then this is the intent of the action described by Commissioner Lindell.

*[NOTE: Commissioner Lindell's microphone was off and it was difficult to hear her remarks here.]*

Commissioner Lindell asked when this is to go to the Governing Body for approval.

Mr. O'Reilly said it goes before the Public Works Committee on Monday, and then to the Governing Body on February 27, 2013.

Chair Spray said he presumes we would need to resolve the issues prior to February 27, 2013.

Mr. O'Reilly said, "No. We can postpone going to the Governing Body if we think it will take longer than a few weeks to figure this out."

Chair Spray thanked Mr. O'Reilly, noting there is a motion to approve Sections 21 through 65, with the exception of Sections 30, 40 and 65, with the proposed amendments, and included in that motion is the creation of a special committee, not to exceed 3 Commissioners to meet with the staff as appropriate on an as expedited a timeline as is possible, to be able to resolve the issues regarding Sections 30, 40 and 65.

Commissioner Villarreal asked if the balance of the Sections will go forward to the Governing Body.

Chair Spray said this is correct.

Mr. Smith said he would hope the motion would include the amendments on the amendment sheet in the packet.

Chair Spray said this is correct.

Commissioner Schackel-Bordegary asked if we would meet to resolve the issues, and then Mr. O'Reilly would present the changes to the three sections.

Mr. O'Reilly said, "It becomes an issue of notice and getting packets ready for the Governing Body. It might be better to simply postpone the decision, and we can take it off the Governing Body's agenda for February 27, 2013, and move it out to the end of March for the Governing Body, just so we have plenty of time to go through this, get it into their packets. I don't want to confuse the Governing Body by bringing them half a bill that has sections missing. It probably would be cleaner if the Commission could work through the subcommittee, come back to the full Commission and be okay with 30, 40 and 65, and take it forward to the Governing Body. So that's not a problem. We can remove it from the Public Works Agenda. We can remove it from the Governing Body's agenda until that is achieved."

Chair Spray asked the maker of the motion about this revision.

Commissioner Bemis asked if there are people on the Commission who are willing to work on this project.

Chair Spray said he can think of 2, perhaps 3 Commissioners.

Mr. O'Reilly said motion could be adopted, and people can be assigned to the Subcommittee under Matters from the Commission.

**WITHDRAWAL OF MOTION:** Commissioner Bemis withdrew her motion.

**MOTION:** Commissioner Harris moved, seconded by Commissioner Bemis, to postpone consideration of the Chapter 14 Technical Corrections and other minor amendments, to the Commission meeting of March 7, 2013, subject to review by the subcommittee and consideration by the full Commission.

**DISCUSSION:** Mr. O'Reilly said this can be postponed to the next Planning Commission and if the work of the subcommittee isn't done by then, we could postpone it again.

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

## **G. STAFF COMMUNICATIONS**

Mr. O'Reilly said Ms. Baer reported what he was going to report about the Aguafina development, so there are no other communications.

Chair Spray asked what will be the upshot of that action.

Mr. O'Reilly said he is unclear, and there is any number of things they could do, based on the Council's decision. They may go ahead and develop it under its current zoning or they could do other things.

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

Commissioner Pava said the Long Range Planning Subcommittee met yesterday, and Mr. McPherson and Mr. Liming updated them on their progress. At this point, they are doing outreach and meeting with organizations such as Historic Santa Fe, Old Santa Fe Association and such. They are preparing a survey which would be made widely available using something like *Survey Monkey*, commenting it isn't a scientific survey. He said they got a preview of the questions which they think are good, although there is nothing in it about automobiles and vehicles.

Commissioner Pava asked Ms. Bemis for further comment, and she had none. Commissioner Pava said Mr. Liming mentioned there had been a *Journal North* article about the process, which he was able to find today. He will provide copies to the members of the Commission, noting the article is by Keira Hay and was done in January. He said it is a nice summary of the work to date at that time.

Chair Spray asked Mr. Pava to please scan the article, send it to staff and staff can distribute it to the Commissioners.

Commissioner Villarreal asked if the subcommittee talked about other ways to get public input because some people don't do *Survey Monkey*, or have a computer accessible to do surveys, and if there will be hard copies, and where could the public find them.

Commissioner Pava said staff is open to suggestion. He said Mr. Liming did say if we were to go with Research and Polling, for example to do a random survey of 400 people, it would cost several thousand dollars, while this costs \$200. He thinks they will be going to other organizations and will speak to anybody, service clubs and such. He said if Commissioners have any ideas, please contact them. He said it mostly will be a "staff focused effort."

Chair Spray called for three volunteers who are willing to serve on the subcommittee to review Sections 30, 40 and 65. Commissioner Lindell, Commissioner Harris and Commissioner Schackel-Bordegary volunteered to serve, and were appointed by the Chair.

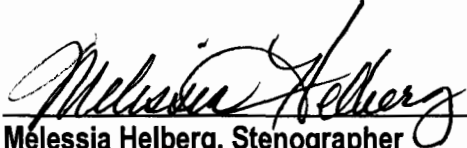
## **I. ADJOURNMENT**

There was no further business to come before the Commission, and the meeting was adjourned at approximately 8:30 p.m.



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Tom Spray, Chair



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Melessia Helberg, Stenographer

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

Case #2012-43

Holmes Family Transfer – Final Subdivision Plat

Owner's Name – Laurie Holmes

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

THIS MATTER came before the Planning Commission (Commission) for hearing on January 10, 2013 upon the application (Application) of JenkinsGavin Design & Development, Inc., on behalf of Laurie Holmes (Applicant).

The Applicant seeks the Commission's approval of the final subdivision plat to divide 5.08± located at 2071 Paseo Pimero (Property) into 3 lots to transfer to her children. The Property is within the Presumptive City Limits as defined in The Santa Fe Extraterritorial Land Use Authority Ordinance No. 2009-01, entitled "*An Ordinance Establishing Subdivision, Platting, Planning and Zoning Rules within the Presumptive City Limits and within Unincorporated Areas of the County that are Subject to the Extraterritorial, Subdivision, Platting, Planning and Zoning Jurisdiction of the City of Santa Fe; Establishing Definitions; Providing for Transitional Provisions; Repealing Ordinance Nos. 1997-4, 1997-3, 1999-1, 1999-5, 1999-6, 2000-01, 2000-03.*" (SPPaZo) The Property is within Phase 3 of the Areas to be Annexed as defined in SPPaZo Section Six.F. The Property is zoned R-1 (Residential – 1 dwelling unit/acre) and is in the Mountainous/Difficult Terrain Overlay and Mountain Special Review District.

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and members of the public interested in the matter.
2. Pursuant to Santa Fe City Code (SFCC) §14-2.3(B) the Commission has the authority for approving subdivision plats within the corporate boundaries of the City.
3. SFCC §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 [SFCC §14-3.7(B)(4)] and criteria for the Commission's approval [SFCC §14-3.7(C)] (collectively, the Applicable Requirements).
4. SFCC §14-3.7(F)(2)(b) permits the creation of subdivisions by family transfer (Family Transfer Subdivisions) where the purpose of the subdivision is the transfer from a father or mother to his or her children upon the fulfillment of certain conditions.
5. SFCC §14-3.7(F)(4) requires applications for Family Transfer Subdivisions creating two or more additional lots to be submitted to the Commission for its approval and provides that only final plat approval in accordance with the procedures outlined in SFCC §14-3.7(B) is required.

*Exhibit "1"*

6. SFCC §§14-3.7(F)(3) and (6) set out certain restrictions, requirements and standards applicable to Family Transfer Subdivisions, including compliance with SFCC §14-8.2 terrain management regulation submissions requirements and SFCC §14-9.2 subdivision design standards (collectively, the FTS Requirements).
7. Pursuant to SFCC §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
8. A pre-application conference was held on January 26, 2012 in accordance with the procedures for subdivisions set out in SFCC §14-3.1(E)(2)(a) and (c).
9. SFCC §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of SFCC §14-3.1(F) for Family Transfer Subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of SFCC §§14-3.1 (H) and (I) respectively.
10. SFCC §14-3.1(F)(2)(a)(v) requires an ENN for Family Transfer Subdivision plats and SFCC §§14-3.1(F)(4) and (5) establish procedures for the ENN.
11. The Applicant conducted an ENN meeting on the Application on March 22, 2012 at 5:30 p.m. at the Santa Fe Public Library Main Branch on Washington Avenue in accordance with the notice requirements of SFCC §14-3.1(F)(3)(a).
12. The ENN meeting was attended by the Applicant and City staff; approximately four members of the public were in attendance.
13. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the Family Transfer Subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
14. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements and the FTS 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 SFCC to approve the Family Transfer Subdivision plat for the Property.
2. The Applicable Requirements and the FTS Requirements have been met.

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_\_ OF FEBRUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That the Family Transfer Subdivision plat for the Property is approved, subject to the Conditions.

\_\_\_\_\_  
Thomas Spray  
Chair

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

FILED:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Kelley Brennan  
Assistant City Attorney

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



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

Case #2012-125 – 504 St. Francis Drive Rezoning  
Owner Applicant's Name – Gil Gonzales  
Agent – Michelle LaBounty

THIS MATTER came before the Planning Commission (Commission) for hearing on January 10, 2013 upon the application (Application) of Gil Gonzales, represented by Michelle LaBounty (Applicant).

The Applicant seeks to rezone 0.12± acres of land (Property) located at 504 St. Francis Drive between Agua Fria Street and Hickox Street within the C-4 zoning eligibility area shown on the City's official zoning map. The Property is zoned R-10 (Residential – 10 dwelling units/acre). The Applicant seeks to rezone the Property from R-10 to C-4 (Limited Office, Retail and Arts and Crafts District) to allow him to lease the existing 500 square-foot building originally constructed as a residence for an office use. The Applicant has erected a fence on the Property along St. Francis Drive and added a 5-space gravel parking lot, where a minimum 2-3 spaces is required for a medical or business office use.

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

FINDINGS OF FACT

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Under SFCC §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. SFCC §§14-3.5(B)(1) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.5(C).
4. SFCC §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. 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 (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on February 23, 2012.
7. SFCC §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:  
(a) Scheduling and notice requirements [SFCC §14-3.1(F)(4) and (5)];  
(b) Regulating the timing and conduct of the meeting [SFCC §14-3.1(F)(5)]; and  
(c) Setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
8. An ENN meeting was held on the Application at 5:30 p.m. on October 1, 2012 at the Santa Fe Public Library Main Branch on Washington Avenue.

*Exhibit "2"*

9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in SFCC §14-3.1(F)(6).
11. Commission staff provided the Commission with a report (the Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the Rezoning, subject to those conditions contained in the Staff Report (the Conditions).
12. The Commission has considered the Rezoning Criteria and finds, subject to the Conditions, the following facts:
  - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

There has been a change in the surrounding area due to the widening in the past of St. Francis Drive, which adversely affected adjacent residential property owners through takings that reduced the size of lots fronting on St. Francis and through increases in traffic. The Property is located in the C-4 zoning eligibility area, which was specifically created to protect residential property owners adversely affected by heavily trafficked city roads and to maintain the residential character of the area surrounding those roads, by serving as a transitional buffer between those roads and residential areas. The rezoning would be more advantageous to the community in that it would allow uses identified as appropriate buffering between the heavily-trafficked St. Francis and the residential neighborhood to the west of the Property, while permitting the directly-impacted owner to utilize the Property in a manner more appropriate to its frontage on St. Francis.
  - (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

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

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

The proposed rezoning is consistent with the Plan's "Office" future land use designation for the Property and with the General Plan policies supporting the preservation of the scale and character of established neighborhoods and a mix of land uses in all new and existing neighborhoods of the City to assure that commercial services are located close to residents.
  - (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)];*

Existing infrastructure, including water and sewer is sufficient to serve the minimal impact resulting from the rezoning.

CONCLUSIONS OF LAW

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

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

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_\_ OF FEBRUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

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

\_\_\_\_\_  
Thomas Spray  
Chair

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

FILED:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Kelley Brennan  
Assistant City Attorney

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

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

Case #2012-137 – 4327 Airport Road Rezoning  
Owner Applicant's Name – Robert Horne

THIS MATTER came before the Planning Commission (Commission) for hearing on January 10, 2013 upon the application (Application) of Robert Horne (Applicant).

The Applicant seeks to rezone 0.33± acres of land located west of Calle Atajo at 4327 Airport Road (Property) from R-1 (Residential – 1 dwelling unit/acre) to C-1 (Office and Related Commercial) to bring the Property into zoning conformance, which will allow him to lease part of the existing building for an office use. The Property has historically been used for commercial purposes, including a Bridgestone/Firestone tire store from the mid-1950s, pre-dating City zoning, to 1999 and from 1999 to the present, the Applicant's photography business, "Images by Davids", formerly "David's Photography Studio". In 2001 the Board of Adjustment (BOA) granted the Applicant a Special Exception to convert the nonconforming use from general commercial to office, together with a parking variance from the 7 spaces required to 3.

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

FINDINGS OF FACT

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Under SFCC §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. SFCC §§14-3.5(B)(1) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.5(C).
4. SFCC §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. 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 (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on September 11, 2012.
7. SFCC §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:  
(a) Scheduling and notice requirements [SFCC §14-3.1(F)(4) and (5)];  
(b) Regulating the timing and conduct of the meeting [SFCC §14-3.1(F)(5)]; and  
(c) Setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
8. An ENN meeting was held on the Application on October 9, 2012 at the Southside Public Library on Jaguar Drive.
9. Notice of the ENN meeting was properly given.

*Exhibit "3"*

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

- (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

The Property was annexed in 1981 with R-1 zoning, which is applied to all property upon annexation, but with an existing nonconforming general commercial use which continued from the 1950s until 1999, when it was converted to a less-intense office commercial use, which became conforming with respect to the Applicant's business in 2001 with BOA approval of a Special Exception permitting that use and related parking variance. Throughout this period many properties fronting on Airport Road have been rezoned for commercial and office uses, altering the character of Airport Road from a largely residential area to a commercial corridor serving the needs of the area's fast-growing residential development. Rezoning the Property to C-1 will be more advantageous to the community in that it will permit as a conforming use an existing business that has served the community from the Property since 1999 and will provide space for another business serving the local community consistent with the continuing development of Airport Road as a commercial corridor serving the area's growing residential development.

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

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

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

The proposed rezoning is consistent with the General Plan's future land use designation for the Property as "Transitional Mixed Use".

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

The proposed rezoning is consistent with the Plan's "Transitional Mixed Use" future land use designation for the Property and will permit as a conforming use an existing business that has served the community from the Property since 1999 and will provide space for another business serving the local community consistent with the continuing development of Airport Road as a commercial corridor serving the area's growing residential development.

- (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)];*

While the Property is not currently connected to City water or sewer, existing infrastructure, including water and sewer, is sufficient to serve the minimal impact resulting from the rezoning.

CONCLUSIONS OF LAW

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

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

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_\_ OF FEBRUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

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

\_\_\_\_\_  
Thomas Spray  
Chair

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

FILED:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Kelley Brennan  
Assistant City Attorney

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

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

Case #2012-138 – 554 Juanita Street Rezoning  
Owner Applicant's Name – Ignatios Patsalis  
Agent – David Schutz

THIS MATTER came before the Planning Commission (Commission) for hearing on January 10, 2013 upon the application (Application) of David Schutz as agent for Ignatios Patsalis (Applicant).

The Applicant seeks to rezone 0.165± acres of land (Property) located at 554 Juanita Street from R-8 (Residential – 8 dwelling units/acre) to C-4 (Limited Office, Retail and Arts and Crafts District). The Property is bounded by Paseo de Peralta on the south and St. Francis Drive on the west and is within the C-4 zoning eligibility area shown on the City's official zoning map. It is improved with a 1,150 square-foot building constructed as a residence and can accommodate 6 parking spaces in accordance with requirements for the proposed office use, with space for cars to turn around so they do not have to back onto Juanita Street when exiting the Property.

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

FINDINGS OF FACT

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Under SFCC §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. SFCC §§14-3.5(B)(1) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.5(C).
4. SFCC §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. 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 (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on August 15, 2012.
7. SFCC §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:  
(a) Scheduling and notice requirements [SFCC §14-3.1(F)(4) and (5)];  
(b) Regulating the timing and conduct of the meeting [SFCC §14-3.1(F)(5)]; and  
(c) Setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
8. An ENN meeting was held on the Application at 5:30 p.m. on September 19, 2012 at Warehouse 21 at 1614 Paseo de Peralta. A follow-up meeting was held at Warehouse 21 on October 17, 2012. Of particular concern to attendees at the ENN were issues relating to

*Exhibit "4"*

congestion arising at the intersection of Juanita Street and the Paseo as a result of ineffective signage and of traffic backing up from the signal at the intersection of the Paseo with St. Francis Drive due to a short signal, effectively blocking Juanita Street at high-traffic times.

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

(a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

There has been a change in the surrounding area as properties along the St. Francis Drive corridor in the immediate vicinity have been rezoned from residential to C-4, with the trend likely to continue as properties immediately adjacent to St. Francis become less desirable for residential use due to high traffic and related impacts. The Property is located in the C-4 zoning eligibility area, which was specifically created to protect residential property owners adversely affected by heavily trafficked city roads and to maintain the residential character of the area surrounding those roads, by serving as a transitional buffer between those roads and residential areas. Due to its location on a corner bounded by streets on three sides and its high visibility from St. Francis, the Property is more suited to a limited office, retail and arts and crafts use than a residential use. The rezoning would be more advantageous to the community in that it would allow uses identified as appropriate buffering between the heavily-trafficked St. Francis and Paseo and the Juanita Street residential neighborhood to the north and east of the Property, while permitting the directly-impacted owner to utilize the Property in a manner more appropriate to its high-visibility location on two heavily-trafficked streets.

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

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

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

The proposed rezoning is consistent with the General Plan's future land use designation for the Property as "Office".

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

The proposed rezoning is consistent with the Plan's "Office" future land use designation for the Property and with the General Plan policies supporting a compact urban form and a mix of land uses in all new and existing neighborhoods of the City to assure that commercial services are located close to residents.



- (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)];*  
Existing infrastructure, including water and sewer is sufficient to serve the minimal impact resulting from the rezoning.

#### CONCLUSIONS OF LAW

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

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

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_\_ OF FEBRUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

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

The Commission further recommends that the Governing Body direct staff to undertake a complete traffic analysis of Juanita Street, the intersection of Juanita Street with the Paseo de Peralta and the intersection of the Paseo de Peralta with St. Francis Drive, including an evaluation of signage, signalization and adherence to existing measures available to mitigate traffic concerns at those intersections and on Juanita Street.

\_\_\_\_\_  
Thomas Spray  
Chair

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

FILED:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Kelley Brennan  
Assistant City Attorney

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

# City of Santa Fe, New Mexico

# memo

**DATE:** January 23, 2013 for the February 07, 2013 Planning Commission Meeting

**TO:** Planning Commission

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

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

## 417 AND 419 EAST PALACE AVENUE FINAL SUBDIVISION PLAT

**Case #2012-124.** 417 and 419 East Palace Avenue Preliminary Subdivision Plat. JenkinsGavin Design and Development agent for Palace Avenue Office Suites, LLC, requests Final Subdivision Plat approval for 2 lots on 0.783± acres. The property is zoned BCD (Business Capitol District)/ East Marcy/East Palace Subdistrict. (Dan Esquibel, Case Manager)

The Planning Commission at the December 06, 2012 meeting approved this case for preliminary subdivision plat approval subject to conditions. The applicant has addressed all conditions and is requesting final subdivision plat **APPROVAL**.

### RECOMMENDATION:

The Land Use Department recommends final subdivision plat **APPROVAL**.

### **I. ATTACHMENTS**

Exhibit A - December 06, 2012 Planning Commission minutes

Exhibit B - December 06, 2012 Planning Commission Packet

Exhibit C - Vicinity Map

Packet Attachment -Plans and Maps

*Exhibit "5"*

February 07, 2013  
Planning Commission  
Case # 2012-109  
**417 and 419 East Palace Avenue Subdivision  
Plat**

# **EXHIBIT A**

December 06, 2012 Planning Commission Minutes
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*City of Santa Fe*  
**memo**

**DATE:** November 14, 2012  
**TO:** Dan Esquibel, Land Use Planner, Land Use Department  
**FROM:** Antonio Trujillo, <sup>✓</sup>Water Division Engineer  
**SUBJECT:** Case # 2012-124 417-419 East Palace

---

The resulting lots will have to be separately metered for water service. All service lines require a service line easement

# City of Santa Fe, New Mexico

# memo

**DATE:** November 13, 2012  
**TO:** Dan Esquibel, Senior Planner  
**FROM:** Stan Holland, Engineer, Wastewater Division  
**SUBJECT:** Case #2012-124 417&419 East Palace Ave Preliminary Subdivision Plat

---

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

**Additional Comments:**

1. Add note to the plat that each lot shall be served by a separate sewer service line.
2. The property owner shall provide a letter to the Wastewater Division verifying that each lot is served by a separate sewer service line.

**ESQUIBEL, DANIEL A.**

---

**From:** MARCO, RANDALL V.  
**Sent:** Monday, October 22, 2012 2:13 PM  
**To:** ESQUIBEL, DANIEL A.  
**Subject:** Case # 2012-124

Dan,  
In this case owners must bring trash & recycling to Palace Ave.

Randall Marco  
Community Relations / Ordinance Enforcement  
Environmental Services Division  
Office : 505-955-2228  
Cell : 505-670-2377  
Fax : 505-955-2217

DATE: November 20, 2012  
TO: Dan Esquibel, Case Manager  
FROM: Risana "RB" Zaxus  
City Engineer for Land Use  
RE: Case # 2012-124  
417 and 419 East Palace Avenue Preliminary Subdivision

---

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

1. Provide an extension to the easement ("Ingress-Egress, Parking, Drainage and Utility Easement, by this instrument") to accommodate stormwater flow from Tract 1-A that will enter the stormwater holding area at the extreme south end of Tract 1-B. Include the stormwater holding area in this drainage easement.
2. Add to the Plat the following stormwater agreement:

**STORMWATER AGREEMENT:** Property Owner(s) hereby agree that all stormwater easements and any other drainage and stormwater management improvements are on private property and will be maintained and kept fully functional as originally designed and constructed within private property boundaries by the property owner and subsequent heirs, assigns, and future owners. The City is hereby granted the following: (1) access for inspection of said improvements; (2) in the event of drainage and stormwater management improvement maintenance deficiency and after ten (10) days written notice to the respective



property owner, to enter and restore full functional capacity of the drainage and stormwater management improvements; and (3) to lien the property for both direct and indirect costs associated with such work. By signature affixed to this instrument, the property owner(s) approve and agree that this AGREEMENT is binding perpetually, running with the land, on present and future owners, heirs, and assigns.

\_\_\_\_\_  
Owner's Printed Name

\_\_\_\_\_  
Owner's Signature / Date

The foregoing instrument was acknowledged before me this \_\_\_\_ day of

\_\_\_\_\_, 200\_\_\_\_. (or equal)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

Traffic.txt

From: KASSENS, SANDRA M.  
Sent: Tuesday, November 06, 2012 1:30 PM  
To: ESQUIBEL, DANIEL A.; BAER, TAMARA  
Cc: ROMERO, JOHN J  
Subject: 417 and 419 East Palace Avenue Prelim SD plat

Dan,  
The Traffic Division has no comments on the preliminary SD plat located at 417 and 419 East Palace Avenue, case #2012-124.

Sandy

Sandra Kassens, Engineer Assistant  
Public Works Dept., Traffic Engineering  
City of Santa Fe  
PO Box 909  
Santa Fe, NM 87504

(505) 955-6697  
fax (505) 955-6439  
smkassens@ci.santa-fe.nm.us

December 6, 2012  
Planning Commission  
Case # 2012-124  
**417 AND 419 EAST PALACE AVENUE**  
**PRELIMINARY SUBDIVISION PLAT**

# **EXHIBIT B**

Applicant Report
------------------



**jenkinsgavin**  
DESIGN & DEVELOPMENT INC

October 15, 2012

Dan Esquibel  
Current Planning Division  
City of Santa Fe  
200 Lincoln Avenue  
Santa Fe, NM 87501

**RE: 417-419 E. PALACE AVENUE SUBDIVISION  
APPLICATION FOR PRELIMINARY SUBDIVISION PLAT**

Dear Dan:

This letter is respectfully submitted on behalf of Palace Avenue Office Suites, LLC in application for Preliminary Subdivision Plat for a two-lot subdivision, for consideration by the Planning Commission at their meeting of December 6, 2012. The  $\pm 0.783$ -acre subject property is zoned BCD, East Marcy/East Palace subdistrict.

**History and Current Status**

The subject property was split into two lots, Tract 1 and Tract 2, in May of 2011 (see attached lot of record). Tract 2 is not a part of the current application. A second lot split is now proposed for Tract 1, currently a condominium. In accordance with Land Development Code §14-3.7(A)(4), due to the recent lot split, the applicant must follow the procedures for a subdivision and receive preliminary and final plat approval from the Planning Commission.

**Project Description**

Tract 1 comprises  $\pm 0.783$  acres and contains three separate office buildings. The proposed land division will create Tract 1-A, comprising  $\pm 0.664$  acre, and Tract 1-B, comprising  $\pm 0.119$  acre. Tract 1-A will contain the two office buildings at 417 E. Palace Avenue, and Tract 1-B will contain the building at 419 E. Palace Avenue (see attached Preliminary Subdivision Plat). The condominium will be dissolved upon recordation of the subdivision, and a draft of the dissolution documents will be submitted along with the Final Subdivision Plat application. Each property is already metered separately for utilities, and appropriate utility easements are in place or are being created by this plat.

**Access and Parking**

Access to both lots will be via the shared access driveway, with the requisite easements as shown on the plat. As drainage from the northern portion of Tract 1-A flows into the drainage pond in

Tract 1-B, a drainage easement has also been created along the driveway and pond. Parking for both tracts is provided as follows:

Tract 1-A: Gross s.f. 5,594; Net Leasable Area 5,324 s.f. Required parking spaces: 12. Spaces provided: 25.

Tract 1-B: Gross s.f. 2,862; Net Leasable Area 2,360 s.f. Required parking spaces: 5. Spaces provided: 5. The spaces for this lot are located on Tract 1-A per a perpetual easement. The spaces are within 600 feet of the property line, in accordance with Santa Fe Land Development Code §14-8.6(C)(b).

An additional parking easement has been modified for access by the owner of Tract 2.

#### Open Space

In accordance with BCD standards for the East Marcy/East Palace subdistrict per SFCC § 14-7.4(A)-1, 10% open space for each tract has been provided adjacent to the front property line as follows:

Tract 1-A: Total lot area 28,958 s.f.; 4,778 s.f. open space provided adjacent to front property line

Tract 1-B: Total lot area 5,200 s.f.; 540 s.f. open space provided adjacent to front property line

#### Subdivision Approval Criteria

Following are our responses to the Subdivision Approval Criteria from SFCC §14-3.7(C).

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

This subdivision divides two developed lots with existing improvements. The lots currently demonstrate due regard for natural features, historical sites and structures, and community assets. No new development is proposed with this application.

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

N/A; please see answer to (1) above.

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

N/A; no new infrastructure improvements are proposed or required as part of this application.

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

N/A; no nonconformities are created with this submittal.

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

N/A; see answer to (4) above.

Early Neighborhood Notification

An Early Neighborhood Notification ("ENN") meeting was held on October 3, 2012. Four neighbors attended the meeting. Questions related mainly to allotted parking for 419 E. Palace Avenue. It was explained that per BCD regulations, 5 parking spaces are provided.

In support of this request, the following documentation is submitted herewith for your review:

1. Preliminary Subdivision Application
2. Authorization Letter
3. Warranty Deed
4. Lot of Record
5. Preliminary Subdivision Plan (6 plans and a CD)
6. Application fees totaling \$460.00
  - Subdivision: \$400.00
  - Two Public Notice Posters: \$60.00

Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

  
Hillary Welles

December 6, 2012  
Planning Commission  
Case # 2012-124

**417 AND 419 EAST PALACE AVENUE  
PRELIMINARY SUBDIVISION PLAT**

# **EXHIBIT C**

Code Criteria
---------------

#### 14-4.3(E) BCD Business-Capitol District

(1) Purpose

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

(2) Boundaries

- (a) The BCD is composed of *townscape* subdistricts and redevelopment subdistricts. The district and its subdistricts are defined by the official zoning map.
- (b) Changes to boundaries of the *townscape* subdistricts or redevelopment subdistricts, including designations of new *townscape* and redevelopment subdistricts, are considered rezonings and must follow the procedures set forth in Section 14-3.5. Designations of new *townscape* subdistricts are also considered Chapter 14 text amendments and shall comply with the procedures set forth in Section 14-3.3.

(3) Townscape Subdistricts

- (a) The existing *townscape* subdistricts include: Alameda Street, Barrio de Analco, Cerrillos Road, Don Gaspar, East Marcy/East Palace, Loretto, Marcy, McKenzie Street, Old Santa Fe Trail, Plaza/San Francisco, Rosario Boulevard/NW Paseo de Peralta, Sandoval/Montezuma, State Capitol and Westside.
- (b) The *townscape* subdistricts are intended to:
  - (i) preserve the overall aesthetic quality of the BCD;
  - (ii) maintain diversity among the various subdistricts; and
  - (iii) protect the unique features, recognizable historic character and other common identifying characteristics of each subdistrict.



(A) Table of Dimensional Requirements for Townscape Subdistricts

14-7.4(A)-1 Table of Dimensional Requirements for Townscape Districts <sup>Note 1</sup>

Maximum Height of Structure (feet); Stepback Note 2	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum On-site Space Requirements	Landscaping Treatment in Yards	Height of Walls and Fences (feet)	Placement of On-Street Parking	Parking
East Marcy/East Palace							
27	No requirements	Building Setback Requirements: Street: Note 4 Side: 5 Rear: 10	Open space of no less than 10 percent of the lot area shall be located adjacent to the front property line to serve as yard or courtyard	Landscaping treatment required in yards and open space. Street trees and landscaping treatment required if planting strip exists. Asphalt or concrete pavement prohibited in planting strip. Note 3.	Walls, fences, and hedges permitted to maximum of 4 feet	Parking prohibited in required front yard	Prohibited within ROW

Notes:

1. Provisions of overlay districts including historic, escarpment or neighborhood districts may override standards in this table. Refer to Article 14-5 Overlay Districts and zoning map.

2. Wall setbacks are expressed as ratio of increased horizontal *setback* required to vertical height increase, above a specified *building* height. Example: 1' Horiz: 2' Vert. above 36' means that a wall setback equivalent to one horizontal foot for each two vertical feet over thirty-six feet is required. The setback required shall be measured horizontally from the face of the *building facade* or *portal*. Wall setbacks shall be measured vertically from grade for all walls except those that directly abut another *zero lot line building*, in which case the vertical measurement may be taken from the roof plane of the abutting *building*; and those to which a *portal* is attached, in which case the vertical measurement may be taken from the roof plane of the *portal*.

3. On-site parking must be separated from public sidewalks by a solid *wall* no less than three feet in height or by a *landscaped* area no less than four feet in width measured from the back of the sidewalk; or, in the absence of a sidewalk, from the *property* line, and planted with plant materials whose mature height is at least three feet six inches. *Landscaping* must be

protected from vehicular damage by placement of physical barriers.

4. There is a ten-foot *building setback* requirement in the East Marcy/East Palace Subdistrict, except (a) on the north side of Marcy Street between Otero Street and Paseo de Peralta; and (b) both sides of Palace Avenue between Paseo de Peralta and Delgado Street, where a *front required yard building setback* equal to the average depth of existing *front yards* on the block is required.

5. No portion of a *building* shall exceed sixty-five vertical above a point at grade level at the center of the site. The part of a *building* exceeding thirty-six vertical feet above a point at grade level at the center of the site shall be set back from each abutting public *street right-of-way* line at least one foot for each two feet of *building* height above thirty-six feet.

6. No restrictions, except that for a depth of forty feet from the *property* line for that portion of the Old Santa Fe Trail frontage from Water Street to a line drawn directly west from the northern-most wall of Loretto chapel, there shall be no parking.

7. *Front required yard* equal to the average depth of existing *front yards* on the block shall be required for (a) the east side of Washington Avenue between Place Avenue and Paseo de Peralta (Hillside); and the west side of Grant Avenue between Place Avenue and Paseo de Peralta. Elsewhere in the subdistrict there are no *required yards*.

8. *Landscape treatment* required in *required yards* and *open space*. *Street trees* and *landscape treatment* required if *planting strip* exists. The *planting strip* should have a minimum width of three feet. Asphalt or concrete pavement prohibited in *planting strip*.

9. *Buildings* fronting San Francisco Street between Sandoval and Cathedral Place shall be built to the *street property* line. *Buildings* elsewhere in the subdistrict should also be built to the *street property* line, but where a *building* is set back from the *street right of way*, a solid wall shall be built at the *street property* line unless at least eighty percent of the yard is paved and designated for public pedestrian use. There are no *required yards* in this subdistrict.

comply with the master plan.

#### 14-7.4(B)(3) Design Objectives for Individual Townscape Subdistricts

The best existing qualities of the individual *townscape* subdistricts should be preserved, while encouraging diversity of design in the individual *townscape* subdistricts. New *development* should be harmonious with the specific physical characteristics and *development* and design objectives listed below:

- (e) East Marcy/East Palace Subdistrict:
  - (i) maintain the continuity of *blockfaces*, including *street trees* and *yards*;
  - (ii) retain the *residential* scale of the area by limiting *building* heights and requiring *yards*;
  - (iii) encourage low *walls* that are compatible with the characteristic open *yards*; and
  - (iv) encourage a sense of openness.

December 6, 2012  
Planning Commission  
Case # 2012-124

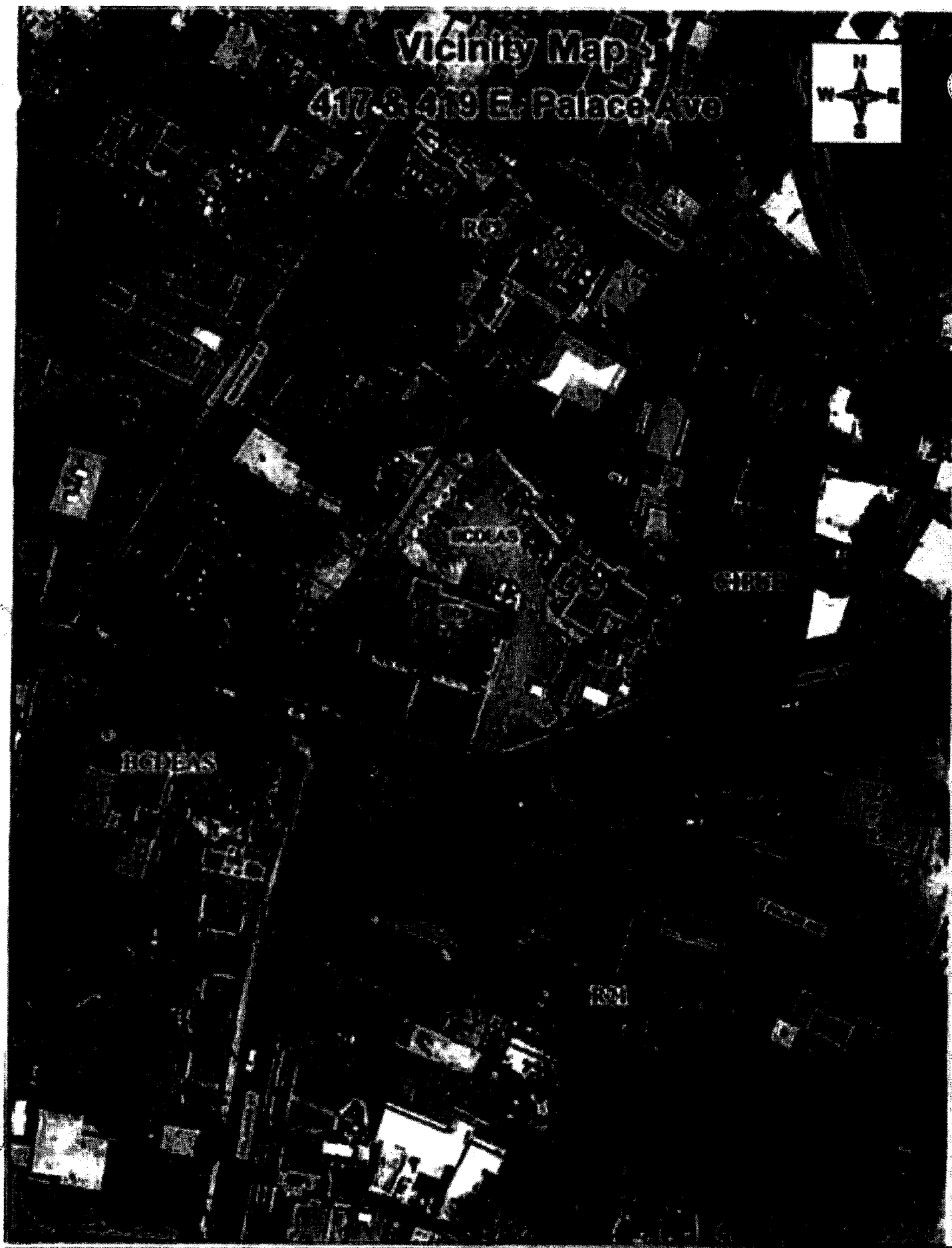
**417 AND 419 EAST PALACE AVENUE  
PRELIMINARY SUBDIVISION PLAT**

# **EXHIBIT D**

Vicinity map and Picture
--------------------------

# Vicinity Map

417 & 419 E. Palace Ave





December 6, 2012  
Planning Commission  
Case # 2012-124

**417 AND 419 EAST PALACE AVENUE  
PRELIMINARY SUBDIVISION PLAT**

# **EXHIBIT E**

ENN Application and Notes



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

Project Name: 417-419 E. Palace Subdivision

Meeting Date: October 3, 2012

Meeting Place: First Presbyterian Church, 208 Grant Avenue

Meeting Time: 5:30 p.m.

Applicant or Representative Check Box below

	Name	Address	Email
<input checked="" type="checkbox"/>	1 Hilary Keller	130 Grant Ave, Ste 101	hilary@jenkinsagain.com
<input checked="" type="checkbox"/>	2 Jennifer Jenkins	" "	jennifer@jenkinsagain.com
<input type="checkbox"/>	3 Joe Eason	408 Hillside	
<input type="checkbox"/>	4 Raymond M. Levens	329 Hillside Ave. S.E. N. Ms 7501	
<input type="checkbox"/>	5 Paul Butis	123 1/2 Martiney St. S.E.	embhousecomp@earthlink.net
<input type="checkbox"/>	6 Rita Butis	123 1/2 Martiney St. S.E.	embhousecomp@earthlink.net
<input type="checkbox"/>	7		
<input type="checkbox"/>	8		
<input type="checkbox"/>	9		
<input type="checkbox"/>	10		
<input type="checkbox"/>	11		
<input type="checkbox"/>	12		

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Dan Esquibel

Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

10-3-12

Date

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



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

<i>Project Name</i>	417-419 E. Place Subdivision
<i>Project Location</i>	417-419 E. Place
<i>Project Description</i>	Subdivision of Tract 1, a $\pm 0.78$ -acre parcel, into Tract 1-A, $\pm 0.59$ acre, and Tract 1-8, $\pm 0.19$ acre, to Project accommodate existing offices on Tract 1-A and a casita on Tract 1-8.
<i>Applicant / Owner</i>	Palace Ave. Office Suites, LLC
<i>Agent</i>	JenkinsGavin
<i>Pre-App Meeting Date</i>	September 13, 2012
<i>ENN Meeting Date</i>	October 3, 2012
<i>ENN Meeting Location</i>	First Presbyterian Church
<i>Application Type</i>	Subdivision
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	None
<i>Attendance</i>	6

**Notes/Comments:**

There were six in attendance aside from the applicant's agents. Question about the project were asked of the applicant with concern over parking. All questions were answered by the applicant.





Print Form

# Early Neighborhood Notification Meeting

## Request for Staff Attendance

Submittals must be completed before the City will schedule the meeting date and staff for an ENN meeting. Meetings should be coordinated with the Land Use Department to ensure staff attendance, and meetings will not be scheduled on public hearing days including Board of Adjustment, BCD-DRC, Planning Commission and City Council hearing days.

DEVELOPMENT/PROJECT NAME: 417-419 E. Palace Subdivision

(The same name shall be used throughout the ENN & application submittal process)

PROJECT LOCATION/ADDRESS: 417-419 E. Palace Ave.

(Attach vicinity map and site plan)

### APPLICATION TYPE:

- ☐ General Plan Amendment: From: \_\_\_\_\_ To: \_\_\_\_\_ ☐ Annexation: \_\_\_\_\_
- ☐ Rezoning From \_\_\_\_\_ To: \_\_\_\_\_ ☒ Preliminary Subdivision: Number of lots 2
- ☐ Preliminary Development Plan ☐ Final Subdivision: Number of lots \_\_\_\_\_
- ☐ Final Development Plan ☐ Variance \_\_\_\_\_
- ☐ Development Plan ☐ Special Exception \_\_\_\_\_
- ☐ Amended Development Plan ☐ Other \_\_\_\_\_

Detailed Subdivision of Tract 1, a  $\pm 0.78$ -acre parcel, into Tract 1-A,  $\pm 0.59$  acre, and Tract 1-B,  $\pm 0.19$  acre, to  
Project accommodate existing offices on Tract 1-A and a casita on Tract 1-B.  
Description: \_\_\_\_\_

### DEVELOPMENT/PROJECT INFORMATION:

Neighborhood Association(s) w/in 200' of project (exclude R-O-W): Historic Hillside N.A.

Acreage:  $\pm 0.78$  Zone District: BCD Future Land Use: Office/Moderate Density Res.

Date of Pre-application meeting: September 13, 2012

### AGENT/OWNER INFORMATION:

AGENT: Jenkins Gavin Address: 130 Grant Avenue, Suite 101  
City: Santa Fe State: NM Zip Code: 87501 Phone: 505-820-7444  
OWNER: Palace Ave. Office Suites, LLC Address: 417-419 E. Palace Avenue, Santa Fe, NM 87501

### PROPOSED ENN MEETING DATES: (Provide three (3) options)

	Preferred Option	Alternative 1	Alternative 2
DATE:	Wednesday, October 3, 2012		
TIME:	5:30 p.m.		
LOCATION:	419 Palace Avenue Santa Fe, NM 87501		

Received by LUD on: Current Date 9/11/12

LUD Initials: \_\_\_\_\_

September 10, 2012

RE: 417 & 419 E. Palace Avenue  
Tract 1

To Whom It May Concern:

This letter shall serve as authorization for JenkinsGavin Design & Development, Inc. to act on my behalf with respect to the referenced property regarding land use applications to be submitted to the City of Santa Fe.

Please call should you have any questions or need additional information.

Thank you.

Sincerely,

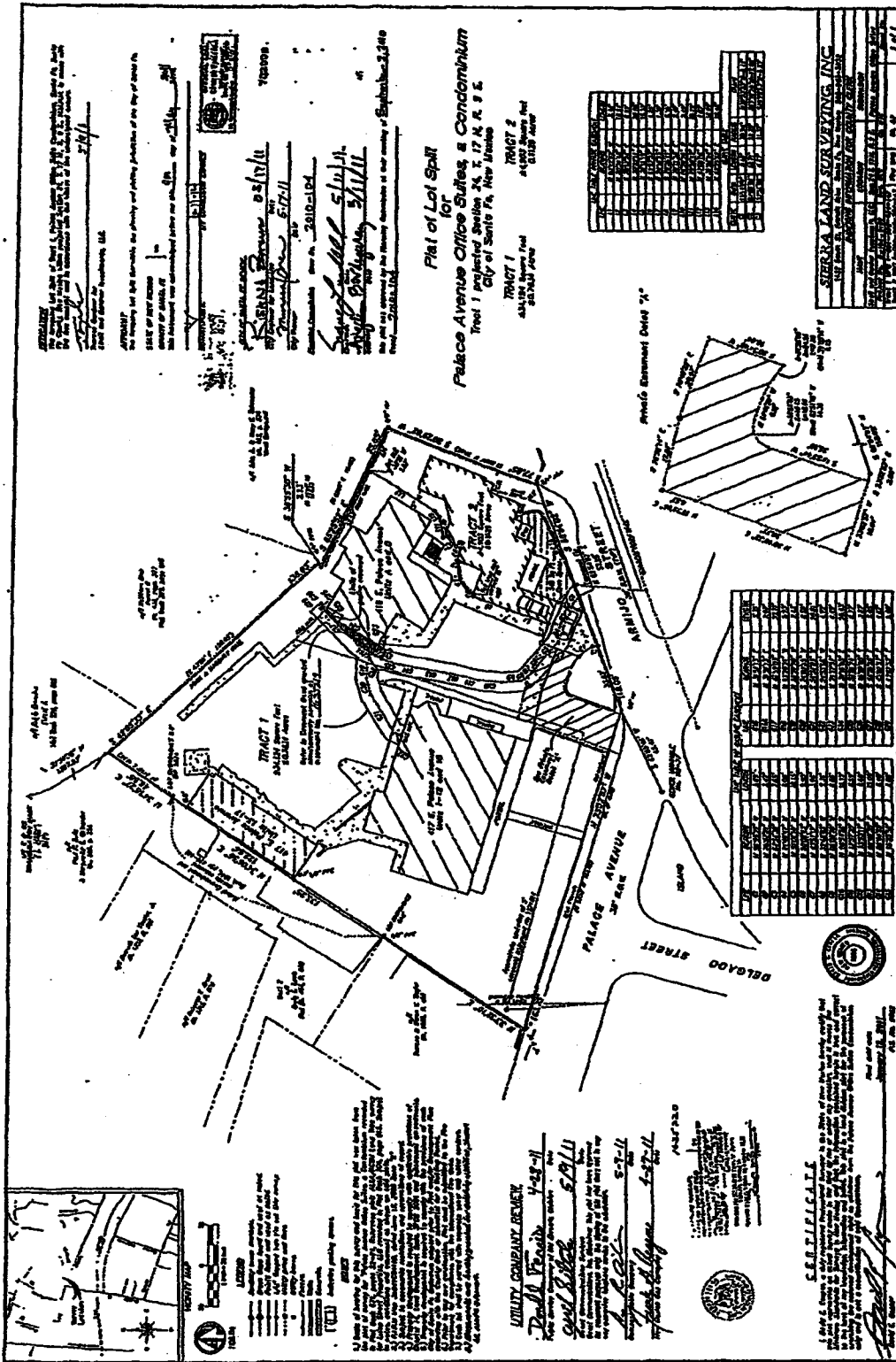


Tommy Gardner  
Managing Partner  
Palace Avenue Office Suites, LLC

And



Tommy Gardner  
Managing Partner  
Streit & Gardner Investments, LLC



115010 T  
SEC CLERK RECORDED 02/25/2008

Warranty Deed

Striet & Gardner Investments, LLC, a New Mexico limited liability company, for valuable consideration grant to Palace Avenue Office Suites, LLC, a New Mexico limited liability company, whose address is 223 North Guadalupe, #469, Santa Fe, NM 87501, the following described real estate located in Santa Fe County, New Mexico, more particularly described as follows:

Units A, B and 1-18, in Palace Avenue Office Suites, a Condominium, the Declaration for which was recorded in the office of the Santa Fe County Clerk as instrument #1509317 on December 12, 2007.

with warranty covenants.

Witness our hands this day of February 22, 2008


Striet & Gardner Investments, LLC,  
a New Mexico limited liability company

By:   
Manager

Acknowledgment

State of New Mexico  
County of Santa Fe

The foregoing instrument was acknowledged before me on the 22<sup>nd</sup> day of February, 2008, by Tommy Gardner, Manager, Striet and Gardner Investments, LLC, on behalf of said limited liability company

  
Notary Public

My Commission Expires: 5/22/10



COUNTY OF SANTA FE  
STATE OF NEW MEXICO

WARRANTY DEED  
PAGES: 1

Herby Certify That This Instrument Was Filed for  
Record On The 23<sup>rd</sup> Day Of February, A.D., 2008 at 11:54  
and Was Duly Recorded as Instrument # 1515398  
in The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

Correction Warranty Deed

Streit and Gardner Investments, LLC, a New Mexico Limited Liability company, Declarant under the Declaration for Palace Avenue Office Suites, a Condominium, the Declaration for which was recorded as Instrument #1509317 in the office of the Santa Fe County Clerk (Condominium) for consideration paid, grants to Park Company of New Mexico, Inc., a New Mexico corporation whose address is 6800 Oakland Avenue, N.E., Suite B, Albuquerque, NM 87122, the reserved Development Right to create one unit within the Condominium within the following described real estate in Santa Fe County, New Mexico:

Beginning at a point marked by rebar at the southeast corner of the tract herein described, whence Santa Fe Sanitary Sewer Manhole W3-27 bears S 69°34'02" W, 118.05; thence S62°59'46" W, 45.41';

Thence running from said point of beginning,  
N01°15'39"W, a distance of 6.86 feet to a point;  
Thence S67°15'45"W, a distance of 61.05 feet to a point;  
Thence S70°24'41"W, a distance of 23.45 feet to a point;  
Thence N22°19'40"E, a distance of 8.42 feet to a point;  
Thence N68°59'55"E, a distance of 9.07 feet to a point;  
Thence N21°28'22"E, a distance of 46.64 feet to a point;  
Thence N23°23'49"E, a distance of 11.23 feet to a point;  
Thence S72°18'31"E, a distance of 3.87 feet to a point;  
Thence N76°43'28"E, a distance of 18.51 feet to a point;  
Thence N17°16'31"W, a distance of 3.64 feet to the point;  
Thence N31°33'37"E, a distance of 12.51 feet to a point;  
Thence S58°49'27"E, a distance of 6.79 feet to a point;  
Thence N31°33'37"E, a distance of 23.00 feet to a point;  
Thence N25°35'07"E, a distance of 13.99 feet to a point;  
Thence S64°24'53"E, a distance of 27.06 feet to a point;  
Thence S20°15'39"W, a distance of 74.65 feet to a point;  
and place of beginning of the parcel of land herein described.

Subject to patent reservations, restrictions, and easements of record and taxes for the year 2009 and subsequent years.

with warranty covenants

Note: this deed is given to correct a deed recorded as Instrument #1523936 in the office of the Clerk of Santa Fe County, which was void for failure of the Grantee to execute the same, as required by §47-7C-4(A) of the New Mexico Condominium Act

Witness my hand and seal this 12<sup>th</sup> day of April, 2010

Streit and Gardner Investments, LLC  
a New Mexico Limited Liability company

By:

  
Darlene Streit, Manager

By:

  
Tommy Gardner, Manager

Palace Avenue Office Suites  
Correction Warranty Deed  
Page 1 of 2





Submit by Email

Print Form

## Early Neighborhood Notification (ENN) Guidelines

Section 14-3.1(F)(5) SFCC 1987, as Amended

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 1987, 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 each criterion, 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, architectural style, landscaping, lighting, access to public places, open spaces and trails. (Ord. No. 2008-29 § 3)

The proposed two-lot subdivision will have no effect on the character and appearance of the surrounding neighborhoods, as no new development is proposed. The intent of the subdivision is to divide the existing  $\pm 0.78$ -acre lot into Tract 1-A,  $\pm 0.59$  acre, and Tract 1-B,  $\pm 0.19$  acre. Tract 1-A contains two existing office buildings, and Tract 1-B contains one existing office building.

(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.

N/A

**(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.*

N/A

**(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 existing improvements are consistent with the development pattern of the neighborhood.



**(e) EFFECTS UPON 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.*

There will be no impact on traffic patterns. The site provides adequate parking for both lots.

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

The property houses offices for local businesses, which supports the local economy.

**(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. (Ord. No. 2005-30(A) § 4)*

N/A

**(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 property is served by existing 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.*

N/A

**(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 existing improvements promote community integration and social balance by providing professional offices adjacent to a moderate density residential zone.

**(K) EFFECT UPON 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? The project's effect on intra-city travel; and between employment and residential centers.*

The property has already been developed in accordance with the City's General Plan and promotes a compact urban form through appropriate infill development.

**ADDITIONAL COMMENTS (Optional)**



**jenkinsgavin**  
DESIGN & DEVELOPMENT INC

## EARLY NEIGHBORHOOD NOTIFICATION MEETING

September 18, 2012

**RE: 417 & 419 Palace Avenue (Tract 1)**

Dear Neighbor:

This letter is being sent as notice of a neighborhood meeting to discuss an application for a two-lot subdivision at 417-419 Palace Avenue. The  $\pm 0.78$ -acre property is located in the Business Capital zoning district (BCD). The proposed subdivision will divide the property into Tract 1-A, comprising  $\pm 0.59$  acre, and Tract 1-B, comprising  $\pm 0.19$  acre. The intention of the subdivision is to create separate lots for the two existing office buildings on Tract 1-A and the existing office building on Tract 1-B, as shown on the attached site plan. No further development is proposed as part of this application.

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

**Time:** 5:30 PM  
**When:** Wednesday, October 3, 2012  
**Where:** 417-419 Palace Avenue (Meeting will be held upstairs in # 419,  
the back right building)  
Santa Fe, NM 87501

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

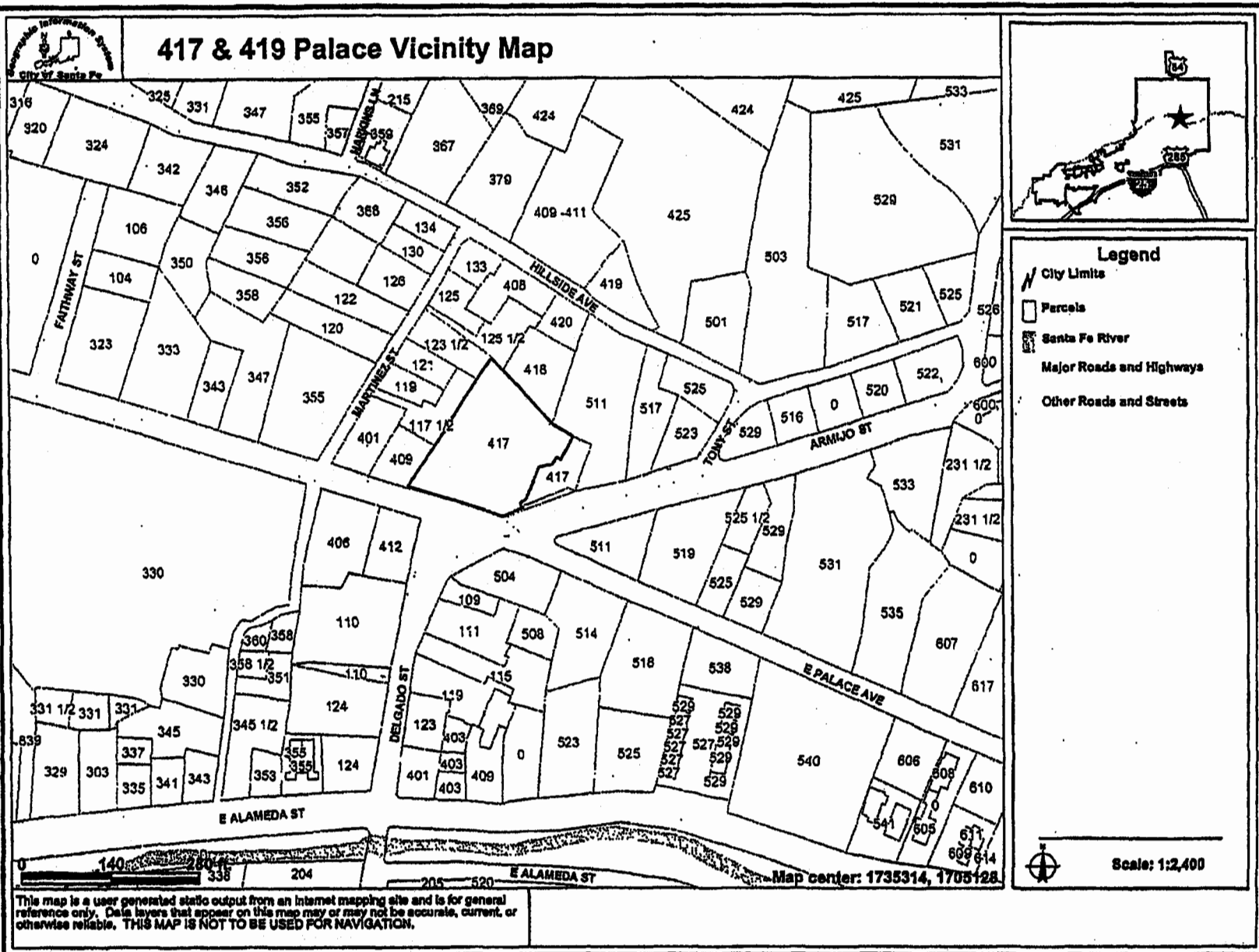
Attached please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Jennifer Jenkins at 505-820-7444 or [jennifer@jenkinsgavin.com](mailto:jennifer@jenkinsgavin.com).

Sincerely,

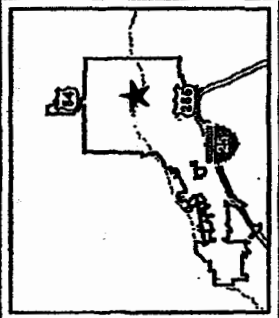
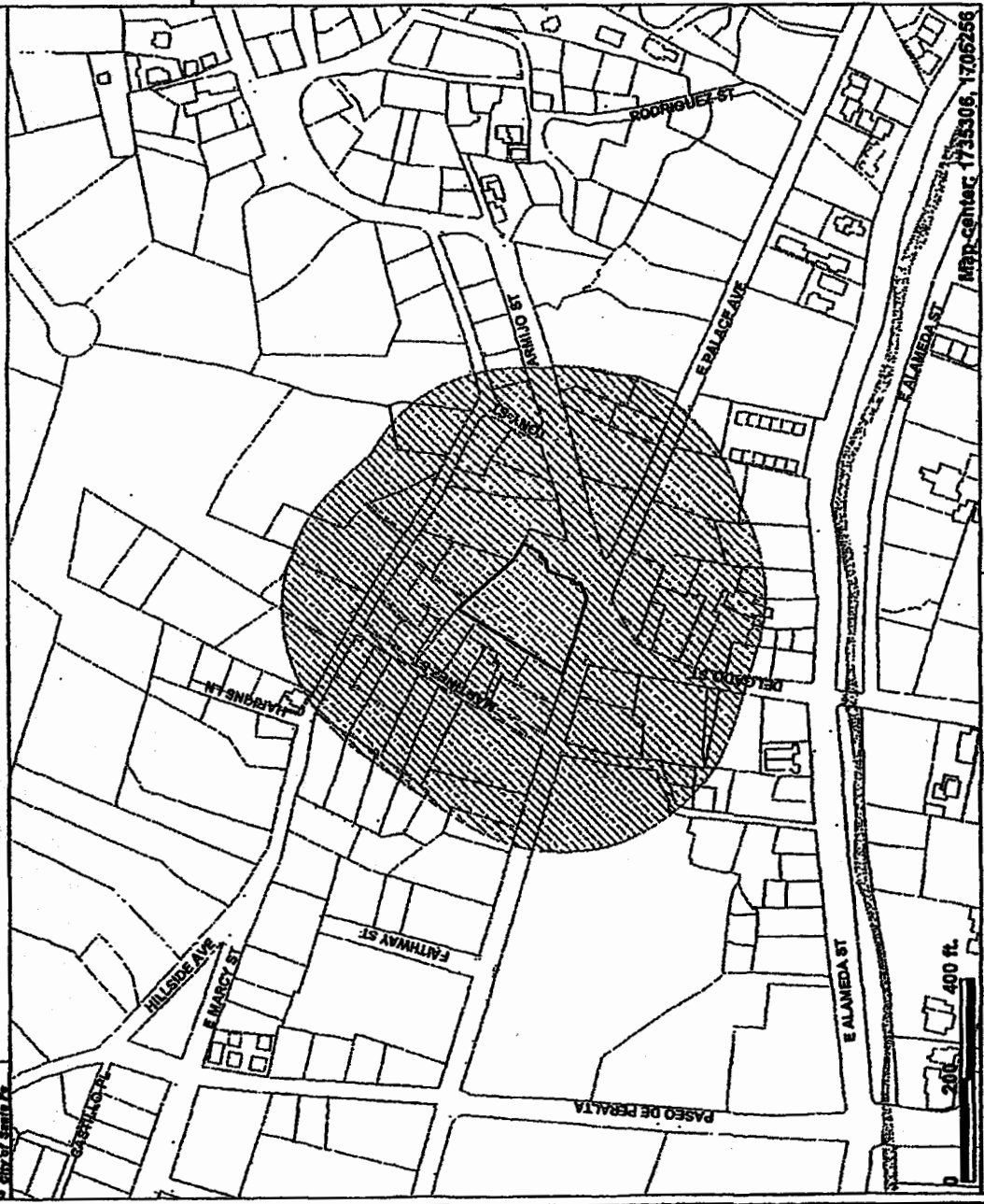
Attachments: Vicinity map  
Site plan

[illegible]

**Private**



ENN Mailing 350 Feet



- Legend**
- City Limits
  - Percels
  - Santa Fe River
  - Major Roads and Highways
  - Other Roads and Streets

Neighborhood Assoc.  
Historic Hillside N.A.

Scale: 1:3,800

This map is a user generated data output from an internet mapping site and is for general reference only. Do not rely on this map for navigation. This map is NOT TO BE USED FOR NAVIGATION.



**February 07, 2013  
Planning Commission  
Case # 2012-109  
417 and 419 East Palace Avenue Subdivision  
Plat**

# **EXHIBIT C**

Vicinity Map
--------------

# Vicinity Map



SITE

HARKINS LN

MARTINEZ ST

TOWNS ST

ARMILLO ST

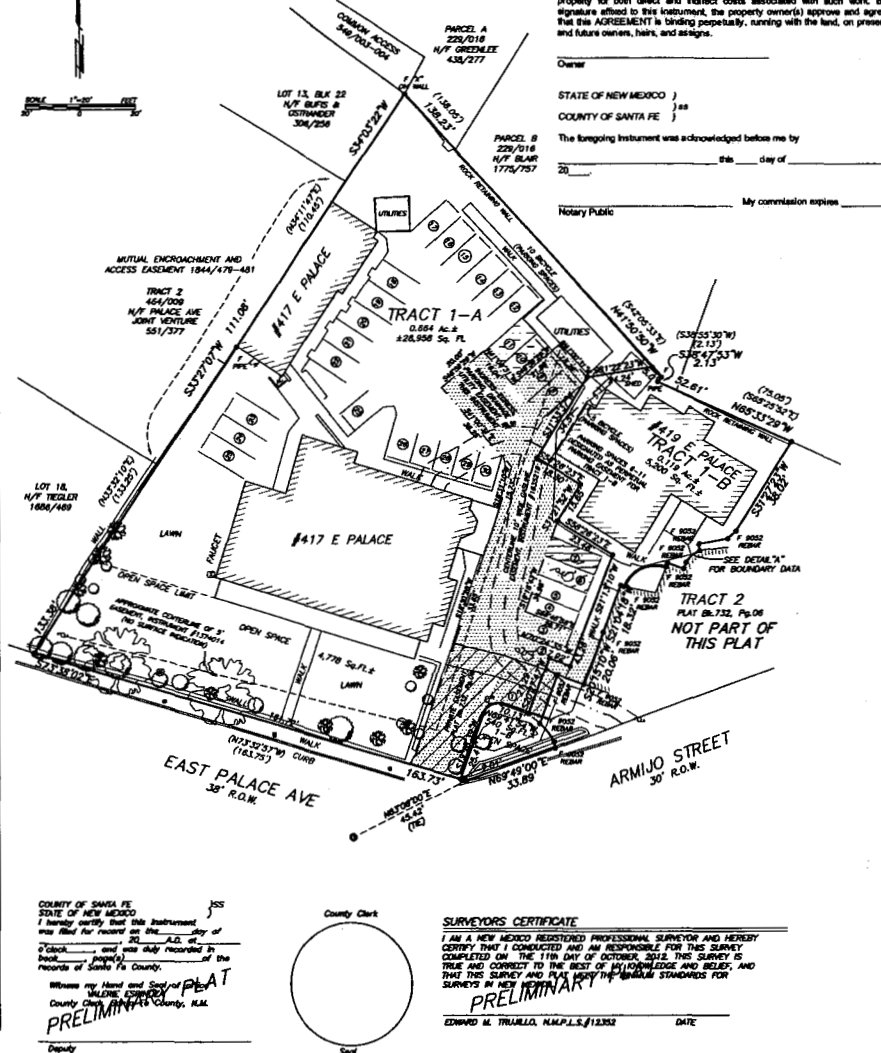
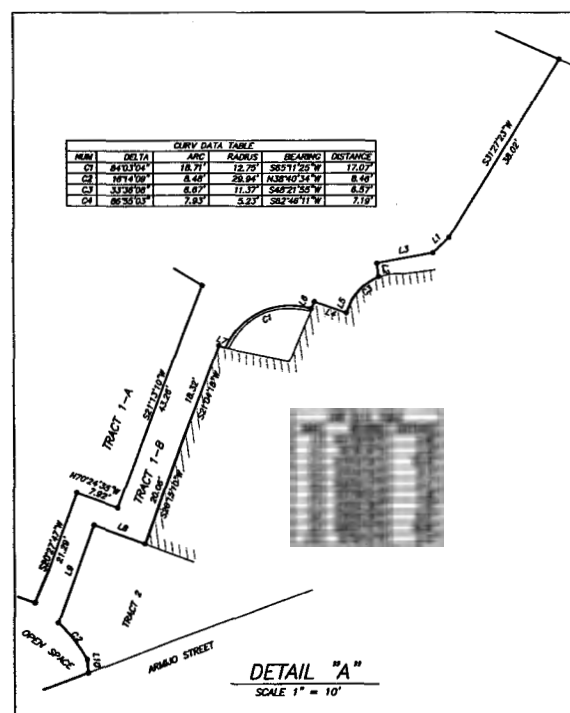
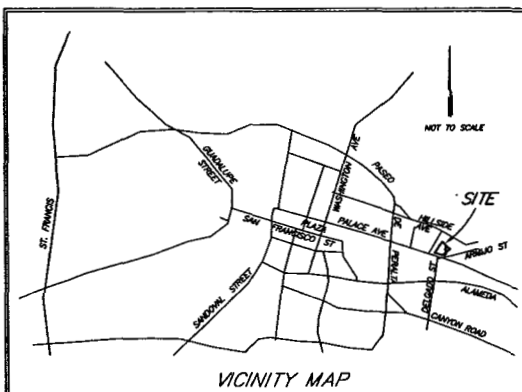
DEL CADOST

E PALACE AVE

E ALAMEDA ST

E ALAMEDA ST





## AFFIDAVIT

KNOW ALL PERSONS BY THESE PRESENTS:

THAT THE UNDERSIGNED OWNERS AND PROPRIETORS HAS CAUSED TO BE REPLATED THE LANDS SHOWN HEREON, 1980 AND BEING SITUATE WITHIN THE CITY OF SANTA FE, NEW MEXICO, ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER THESE LANDS LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

OWNER: TRACT 1

THOMAS GARDNER DATE \_\_\_\_\_

STATE OF NEW MEXICO

COUNTY OF SANTA FE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY THE SIGNING INDIVIDUALS APPEAR ABOVE.

NOTARY PUBLIC COMMISSION EXPIRES \_\_\_\_\_

CITY OF SANTA FE REVIEW

SUBDIVISION ENGINEER DATE \_\_\_\_\_

CITY PLANNER DATE \_\_\_\_\_

PLANNING COMMISSION

CHAIRMAN DATE \_\_\_\_\_

SECRETARY DATE \_\_\_\_\_

THIS PLAT WAS APPROVED BY THE PLANNING COMMISSION AT THEIR MEETING OF \_\_\_\_\_ CASE # 2012-124

## NOTES:

1. PARKING SPACES 6-11 DESIGNATED AS PERPETUAL PARKING EASEMENT FOR TRACT 1-B.
2. OPEN SPACE SHOWN WITHIN TRACT 1-B IS ALSO DRAINAGE EASEMENT FOR TRACT 1-A.
3. "WIDENESS-EXPRESS, PARKING, DRAINAGE AND UTILITY EASEMENT, BY THIS INSTRUMENT TO ACCOMMODATE STORMWATER FLOW FROM TRACT 1-A THAT WILL ENTER THE STORMWATER HOLDING AREA AT THE EXTREME SOUTH END OF TRACT 1-B.
4. EACH LOT SHALL BE SERVED BY A SEPARATE SEWER SERVICE LINE.
5. DATA IN (PARENTHESES) FROM PRIOR RECORDED DOCUMENTS.

## LEGEND

BOUNDARIES ARE NEW MEXICO STATE PLAT, CENTRAL ZONE DERIVED FROM GPS OBSERVATIONS.  
DISTANCES ARE GROUND, GROUND TO GRID SCALE FACTOR = 0.999564.

- RF DENOTES REBAR (OR AS SHOWN) FOUND
- UD DENOTES UTILITY POLE
- UD DENOTES UTILITY SERVICE/PIPESTOCK/XTM/ETC
- FD DENOTES FIRE HYDRANT
- MD DENOTES MANHOLE
- DENOTES HORIZONTAL BOUNDARY LIMIT
- DENOTES PARKING FOR TRACT 1-B PER EASEMENT IN NOTE #1.
- DENOTES PRIVATE EASEMENT PER PLAT BL.732, Pg.08
- DENOTES WIDENESS-EXPRESS, PARKING, DRAINAGE & UTILITY EASEMENT, SEE NOTE #3.

DIVISION, EASEMENT PLAT OF  
**TRACT 1, PALACE AVENUE OFFICE**  
TRACT 1, BOOK 732, PAGE 08  
#417 & 419 EAST PALACE  
PROJECTED SECTION 24 117N, 109E, NMPN  
CITY OF SANTA FE, NEW MEXICO

UPC 1-054-099-494-147

DAWSON SURVEYS, INC.  
PROFESSIONAL LAND SURVEYORS  
2500 CHERRY CREEK  
SANTA FE, N.M. 87505-0101  
TEL: 505-833-1111 FAX: 505-833-1112

PLANT LIST					
X	BOTANICAL NAME	COMMON NAME	#	INST.	MAT.
E	EXISTING	ASPEN TREE	9	-	-
P	FRAXINUS PENNSYLVANICA	PATHORSE ASH	1	2 1/2"	16'x20'
A	FALLUGIA PARADOXA	APACHE PLUME	3	5 GAL.	25'x5'
C	CARYOPUS LEDFOLINS	CUP-LEAF MANOGANY	3	5 GAL.	6'x6'
M	MISCANTHUS SINENSIS	MAIDEN HAIR GRASS	5	1 GAL.	2'x2'

### LANDSCAPE NOTES:

- 1) TREES MUST BE PLANTED SUCH THAT THE TRUNK FLARE IS VISIBLE AT TOP OF ROOT BALL.
- 2) UTILIZE PASSIVE WATER HARVESTING INCLUDING SURFACE COLLECTION.
- 3) STAKE TREES UPON APPROVAL OF LANDSCAPE ARCHITECT.
- 4) PROVIDE 2" MULCH BED OVER PLANTING HOLE.
- 5) PLACE ROOTBALLS ON UNEXCAVATED OR TAMPED SOIL.
- 6) CUT & REMOVE BURLAP & WIRE ON UPPER 6" OF ROOTBALL BASKET.
- 7) PROVIDE MIN. 1/2" GRAVEL MULCH AT ALL AREAS OUTSIDE OF ROOTBALLS OVER FILTER FABRIC/WEED BARRIER.

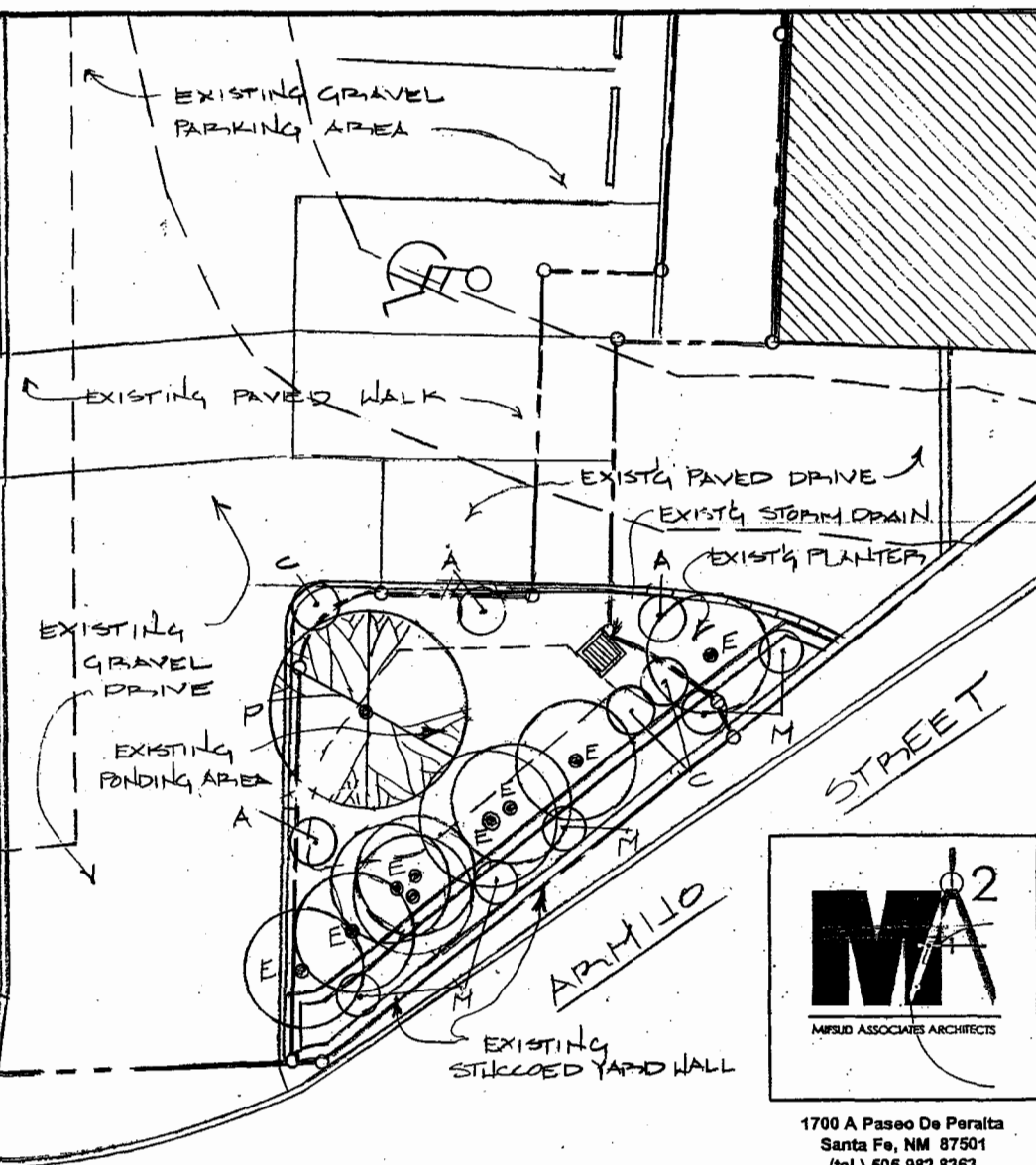
LANDSCAPE PLAN @ 1/8" = 1'-0"

417 & 419 EAST PALACE AVE.

SUBDIVISION

PALACE AVE.

DECEMBER 6, 2012



MAFSUD ASSOCIATES ARCHITECTS

1700 A Paseo De Peralta  
Santa Fe, NM 87501  
(tel.) 505.982.8363  
(fax) 505.989.3311  
sfarchitect@comcast.net  
www.santafearchitects.com

SUMMARY INDEX  
CITY OF SANTA FE  
PLANNING COMMISSION  
December 6, 2012

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER/ROLL CALL	Quorum	1
<u>APPROVAL OF AGENDA</u>		
Consideration of the Consent Agenda	Item Removed	2
Approval of the Agenda	Approved [amended]	2
<u>APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS</u>		
MINUTES – NOVEMBER 1, 2012	Approved [amended]	3
FINDINGS/CONCLUSIONS: NONE	None	3
<u>CONSENT CALENDAR</u>		
CASE #2012-122. HIGH SUMMIT MASTER PLAN AND FINAL DEVELOPMENT PLAN TIME EXTENSION. REVIEW OF LAND USE DEPARTMENT DIRECTOR'S APPROVAL OF A ONE YEAR TIME EXTENSION FOR THE HIGH SUMMIT DEVELOPMENT AND MASTER PLANS ORIGINALLY APPROVED BY THE EXTRATERRITORIAL ZONING COMMISSION IN 2003. SIEBERT AND ASSOCIATES, AGENTS FOR YVETTE J. GONZALES, TRUSTEE	Recommend approval	3-5
<u>OLD BUSINESS</u>		
CASE #2012-30. BIENVENIDOS GENERAL PLAN AMENDMENT. JENKINS GAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 7.62± ACRES OF LAND FROM COMMUNITY COMMERCIAL AND TRANSITIONAL MIXED USE TO RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE	Postponed to 01/10/13	5
<u>CASE #2012-31. BIENVENIDOS REZONING</u>		

**ITEM****ACTION****PAGE**

TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS REZONING OF 7.62± ACRES OF LAND FROM R-2 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE

Postponed to 01/10/13

5

**NEW BUSINESS**

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING AIRPORT ROAD, CREATING A NEW SECTION 14-5.11 SFCC 1987 TO ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY

Recommended approval [amended] 5-17

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

Postponed to February 2013

17-31

**CASE #2012-124.** 417 AND 419 EAST PALACE AVENUE PRELIMINARY SUBDIVISION PLAT. JENKINS GAVIN DESIGN AND DEVELOPMENT AGENT FOR PALACE AVENUE OFFICE SUITES, LLC, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 2 LOTS ON 0.78± ACRES. THE PROPERTY IS ZONED BCD (BUSINESS CAPITOL DISTRICT) EAST MARCY/EAST PALACE SUBDISTRICT

Recommended approval

31-33

Ms. Baer said, "That's on the trail. And then there also are some City easements that the City already has accepted, that are on parts of the road. They're utility and access easements that have been turned over and accepted by the City. And it's not clear whether they want those back or not."

- Chair Spray asked Ms. Baer if staff has discussed any of this with the applicant.

Ms. Baer said yes.

- Commissioner Pava said in light of what we've heard for the last hour, he thinks there is merit to some of this proposal. However, he doesn't think this is fully ready for consideration. He said we've gained an appreciation of some of the complexities with the situation as it is. He said "It is what it is at this point." He believes there probably is an opportunity for further work between the Applicant and City staff to come to something amenable that we actually can "get our hands around." He said with this being said, there has been progress, but this Commission would be diligent if we were to postpone consideration of the case to allow adequate time for staff and the applicant to come a little closer on the proposal.

**MOTION:** Commissioner Pava moved, seconded by Commissioner Bemis, to postpone Case #2012-109, the Villas Di Toscana Development Plan Amendment, to the first Planning Commission meeting in February 2013.

**FRIENDLY AMENDMENT:** Commissioner Ortiz said he would also like staff to schedule a field visit as well so we can see what currently exists. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COMMISSIONERS.**

**VOTE:** The motion, as amended, was approved on a voice vote, with Commissioners Bemis, Ortiz, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and Commissioner Lindell voting against [5-1].

3. **CASE #2012-124. 417 AND 419 EAST PALACE AVENUE PRELIMINARY SUBDIVISION PLAT. JENKINS GAVIN DESIGN AND DEVELOPMENT AGENT FOR PALACE AVENUE OFFICE SUITES, LLC, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 2 LOTS ON 0.78± ACRES. THE PROPERTY IS ZONED BCD (BUSINESS CAPITOL DISTRICT) EAST MARCY/EAST PALACE SUBDISTRICT. (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum dated November 26, 2012, for the Planning Commission meeting of December 6, 2012, with attachments, to the Planning Commission, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit "7."

An aerial color photograph of the subject site, entered for the record by Daniel Esquibel, is incorporated herewith to these minutes as Exhibit "8."

A copy of the documents used by Hillary Wells in her presentation is incorporated herewith to these minutes collectively as Exhibit "9."

The Easement Plat is on file with and may be obtained from the Land Use Department.

The Staff Report was presented by Daniel Esquibel. Please see Exhibits "7" and "8" for specifics of this presentation. Mr. Esquibel said, with regard to the condition to the open space, the applicant has presented a landscaping plan to which the City has agreed.

**RECOMMENDATION:** The Land Use Department recommends approval with conditions as outlined in this report and more specifically outlined in Exhibit A [Exhibit "7"]

### Public Hearing

#### Presentation by the Applicant

**Hillary Wells and Jennifer Jenkins, JenkinsGavin Design and Development, 130 Grant Avenue,** agents for the applicant were sworn.

Ms. Wells presented information via power point. Please see Exhibit "9" for specifics of this presentation. She said, "As you can see here, we have an aerial of the subject property, Palace Avenue is here to the South and Armijo Street. There are 3 buildings on the property, 417 East Palace Avenue comprises the two buildings on the west and 419 East Palace is this building in the rear. And the proposed lot line will split off 419 from 417 into two properties. As you can see from the aerial, this property really functions as a compound. It really, from the street, reads as a single property and this will not change. The property will maintain its character and basically there will be an invisible line separating these two properties."

Ms. Wells continued, "Here you can view from Palace Avenue and you can see that this is the building at 417. Access is between 417 and the neighboring property. 419 is in the rear. And you can really see from this photo that 417 presents basically the front yard for the entire property and that the property does read as a compound. Here we have the entrance. Here is 419. You can see some of the parking spaces here, and this again is a neighboring property. Here, we have the open space for 419 and we will be landscaping this open space as Dan mentioned, in accordance with City conditions. We do have a landscape plan. It's a conceptual plan at this point that we have just generated. We will submit a final landscape plan at final subdivision."

Ms. Wells continued, "We are in agreement with all staff conditions. And I just want to point out again on this aerial, you can see that 417 has abundant open space that already has established landscaping and street trees. And again, we will be improving the landscaping for 419 which will really improve the experience from the street as well. So I'm happy to stand for any questions."



February 07, 2013  
Planning Commission  
Case # 2012-109  
**417 and 419 East Palace Avenue Subdivision  
Plat**

# **EXHIBIT B**

December 06, 2012 Planning Commission Packet

# City of Santa Fe, New Mexico

## memo

**DATE:** November 26, 2012 for the December 06, 2012 Planning Commission Meeting

**TO:** Planning Commission

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

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

### 417 AND 419 EAST PALACE AVENUE PRELIMINARY SUBDIVISION PLAT

**Case #2012-124.** 417 and 419 East Palace Avenue Preliminary Subdivision Plat. JenkinsGavin Design and Development agent for Palace Avenue Office Suites, LLC, requests Preliminary Subdivision Plat approval for 2 lots on 0.783± acres. The property is zoned BCD (Business Capitol District)/ East Marcy/East Palace Subdistrict. (Dan Esquibel, Case Manager)

#### RECOMMENDATION:

The Land Use Department recommends APPROVAL WITH CONDITIONS as outlined in this report and more specifically outlined in Exhibit A.

#### I. APPLICATION

This subdivision is appearing before the Planning Commission as a Serial Subdivision:

##### *14-3.7(A)(4) Serial Subdivisions*

*A proposed subdivision that occurs within five years after the approval of an earlier subdivision of any part of the affected land shall be subject to the same standards and shall follow the same procedures as though the cumulative number of lots created by the successive plats were created by the currently proposed subdivision.*

On May 11, 2011, the Planning Commission approved a two lot subdivision with a variance to setback at the proposed location creating Tract 1 (.78± acres) and Tract 2 (.11± Acres). The applicants are now requesting to subdivide Tract 1 creating Tract 1-A (.66± acres) and Tract 1-B (.12± Acres). The proposed subdivision has been submitted within five years from their subdivision on May 2011 and is being processed as a subdivision instead of a summary subdivision. The reason for the proposed subdivision is to continue the division of interest amongst the property owners.

The applicant's proposed subdivision creates an irregularly shaped tract (Tract 1-B) to address BCD East Marcy/East Palace Subdistrict standards:

14-7.4(A)-1 Table of Dimensional Requirements for Townscape Subdistrict							
Maximum Height of Structures (feet) Step back Note 2	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Parking within Front Yard	Prohibited within ROW
East Marcy/East Palace							
27	No requirements	Building Setback Requirement Street: Note 4 Side: 5 Rear: 10	Open space of no less than 10 percent of the lot area shall be located adjacent to the front property line to serve as yard or courtyard	Landscape treatment required in yards and open space. Street trees and landscape treatment required if planting strip exists. Asphalt or concrete pavement prohibited in planting strip. See Note 3.	Walls, fences, and hedges permitted to maximum of 4 feet	Parking prohibited in required front yard	Prohibited within ROW

## II. BCD Staff Analysis

Tract 1-B is an irregularly shaped tract. Proposed infrastructure support for access, utilities and parking on is proposed on Tract 1-A instead of Tract 1-B. The applicant is proposing the irregular design in order to resolve open space issues required by the BCD Subdistrict for open space size and location. Additionally, the property is located in the "Downtown and Eastside" Historic District. Existing historic yard walls pose constraints which limit access onto the property to the existing ingress/egress location. BCD parking standards allow offsite parking within 600 feet of the property with a five year lease agreement. The proposed parking for the subdivision includes notes on the plat to establish easements in perpetuity for Tract 1-B on Tract 1-A to satisfy parking requirements and demand for the existing building and current use (office).

### A. Parking

Existing Gross Square feet	Net Leasable Area	Use	BCD Parking Standard	Proposed Parking	Required Parking
5,594	5,324	Office	One space per each 500 square feet of net leasable area	12	11
2,862	2,360	Office		5	5

#### **B. Bicycle Parking**

The required off street bicycle parking per Exhibit C "Off-Street Bicycle Parking Table 14-8.6-3" SFCC is 5 bicycle parking spaces for less than 10 automobile parking spaces required and 10 bicycle spaces for 11-50 automobile parking spaces required. This requires Tract 1-A to install 10 off-street bicycle parking spaces and Tract 1-B to install 5 off-street bicycle parking spaces. The applicant's proposal did not address dedication or installation of bike rack bicycle parking.

#### **C. Open Space**

The open space requirement for the BCD East Marcy/East Palace Subdistrict requires no less than 10% of the total lot area placed adjacent to the front property line to serve as a yard or courtyard. The applicants limited square footage to Tract 1-B to 5,200 square feet. This created an irregular shaped Tract but resulted in the 10% minimum open space fitting within the existing available space located to the front of the property. The available area located to the front of Tract 1-B is bound by the adjacent property to the east and driveway with historic walls to the west. A larger Tract would require an increase to the open space minimums beyond the existing available area requiring a variance to open space. Currently the area designated for open space is developed as a drainage pond. The applicant will need to improve this area to meet the intent for a yard or courtyard within the East Marcy/East Palace BCD Subdistrict. One drainage facility for all properties may also be considered. Tract 1-A exceeds the 10% open space minimum standards by 60% and is developed as a yard and meets the intent for the Subdistrict.

#### **D. Water**

The property is currently serviced by city water. Comments received from the City Water Division require that both tracts be separately metered for water service and that all service lines require a service line easement. The subdivision plat identifies a private ingress/egress utility easement.

#### **E. Sewer**

The property is currently serviced by city sewer. Comments received from the City Wastewater Management Division require separate sewer service line to each Tract with a letter of verification of such submitted to the Wastewater Division.

#### **F. Solid Waste**

Comments received from Solid Waste require trash and recycling containers to be brought to Palace Avenue for pick up.

#### **G. Land Use Technical Review and City Traffic Division**

No Comments

#### **H. 14-3.7(C) Approval Criteria-Subdivision**

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

***Applicant Response:***

*This subdivision divides two developed lots with existing improvements. The lots currently demonstrate due regard for natural features, historical sites and structures, and community assets. No new development is proposed with this application.*

***Staff Analysis***

The property is developed and has been held in common via condominium declaration. The subdivision provides a division of interest in assets for the owners. The property is located in the Downtown and Eastside Historic District where preservation of historical sites is built into the ordinance. The proposed subdivision will have no adverse effect on existing historic buildings within the proposed subdivision.

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

***Applicant Response:***

*N/A; please see answer to (1) above.*

***Staff Analysis***

The proposal has been reviewed by all pertinent public agencies, and comments have been included in the packet. The land is suitable for construction, and all proposed development must meet the requirements of the Land Development Code.

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

***Applicant Response:***

*N/A; no new infrastructure improvements are proposed or required as part of this application.*

***Staff Analysis***

No new development is proposed on the property; however, DRT comments received, require utility infrastructure separation and easements identification and placement where required. If existing utilities have not been separated improvements to this area will be required to meet City Ordinance.

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

***Applicant Response:***

*N/A; no nonconformities are created with this submittal.*

**Staff Analysis**

The applicant's proposed open space for 1-B has been developed as a Drainage pond for the whole property. The BCD Subdistrict objectives and standards intend for a yard or court yard. While open space and drainage easements have coincided in residential districts, the BCD strives to maintain established street character for the District. As a single lot the existing and established open space provided the substantial compliance with the ordinance. The subdivision separates the established open space and yard from Tract 1-B. The proposed opens space fails to meet the requirements for yard or courtyard as a drainage pond. Approval of lot 1-B without significant improvements to meet the objective of the Subdistrict would create a nonconformity for lot 1-B for open space in the Marcy/East Palace BCD Subdistrict.

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

***Applicant Response:***

*N/A; see answer to (4) above.*

**Staff Analysis**

As stated in No. 4 above approval of lot 1-B without significant improvements to meet the objective of the Subdistrict would create a nonconformity for lot 1-B for open space in the Marcy/East Palace BCD Subdistrict.

### **III. EARLY NEIGHBORHOOD NOTIFICATION (ENN)**

An ENN meeting was held on October 3, 2012 at 5:30 PM at the First Presbyterian Church. There were six in attendance aside from the applicant's agents. Question about the project were asked of the applicant, with concerns over parking. All questions were answered by the applicant.

### **IV. RECOMMENDATIONS AND CONDITIONS OF APPROVAL**

In sum, the subdivision is at a preliminary state acceptable for preliminary subdivision plat approval. All conditions of approval have been listed in Exhibit A. The conditions provide direction to the applicant to submit application for Final Plat review and approval before the Planning Commission.

**V. ATTACHMENTS:**

**Exhibit A Conditions and DRT comments**

- A1: November 14, 2012 Water Division
- A2: November 13, 2012 Wastewater Division
- A4: October 22, 2012 Environmental Services Division
- A5: November 13, 2012 Technical Review Division
- A6: November 6, 2012 Public Works Department Traffic Engineering

**Exhibit B - Applicant submittal**

- B1: Applicants Report

**Exhibit C- Chapter 14 Criteria**

**Exhibit D- Vicinity map and Picture**

**Exhibit E-ENN and correspondence**

**Packet Attachment -Plans and Maps**

December 6, 2012  
Planning Commission  
Case # 2012-124

**417 AND 419 EAST PALACE AVENUE  
PRELIMINARY SUBDIVISION PLAT**

# **EXHIBIT A**

Conditions and DRT comments
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EXHIBIT A  
Conditions of Approval  
Case 2012-124

417 and 419 East Palace Avenue Preliminary Subdivision Plat

	Condition	Department	Staff
1	The resulting lots will have to be separately metered for water service. All service lines require a service line easement	Water Division	Antonio Trujillo November 14, 2012
2	Add note to the plat that each lot shall be served by a separate sewer service line.	Wastewater Division Wastewater Division	Stan Holland November 13, 2012
3	The property owner shall provide a letter to the Wastewater Division verifying that each lot is served by a separate sewer service line.		
4	In this case owners must bring trash & recycling to Palace Ave.	Environmental Services Division	Randall Marco October 22, 2012
5	Provide an extension to the easement ("Ingress-Egress, Parking, Drainage and Utility Easement, by this instrument") to accommodate stormwater flow from Tract 1-A that will enter the stormwater holding area at the extreme south end of Tract 1-B. Include the stormwater holding area in this drainage easement.	City Engineer for Land Use	Risana "RB" November 20, 2012)
6	Add to the Plat the following stormwater agreement: <b>STORMWATER AGREEMENT:</b> Property Owner(s) hereby agree that all stormwater easements and any other drainage and stormwater management improvements are on private property and will be maintained and kept fully functional as originally designed and constructed within private property boundaries by the property owner and subsequent heirs, assigns, and future owners. The City is hereby granted the following: (1) access for inspection of said improvements; (2) in the event of drainage and stormwater management improvement maintenance deficiency and after ten (10) days written notice to the respective property owner, to enter and restore full functional capacity of the drainage and stormwater management improvements; and (3) to lien the property for both direct and indirect costs associated with such work. By signature affixed to this instrument, the property owner(s) approve and agree that this AGREEMENT is binding perpetually, running with the land, on present and future owners, heirs, and assigns.		

EXHIBIT A  
Conditions of Approval  
Case 2012-124

417 and 419 East Palace Avenue Preliminary Subdivision Plat

6 Cont.	<p>_____ Owner's Printed Name</p> <p>_____ The foregoing instrument was acknowledged before me this ____ day of _____, 200____. (or equal)</p> <p>_____ Notary Public Commission Expires</p> <p>My</p>		
7	Bicycle parking shall be installed for Tracts 1-A and B	Current Planning	Dan Esquibel 12/06/12 (PC Staff Memo)
8	Improve required open space area to meet the intent for a yard or courtyard within the East Marcy/East Palace BCD Subdistrict.		

# City of Santa Fe, New Mexico

# memo

**DATE:** Prepared January 23, 2013 for the February 7, 2013 meeting

**TO:** Planning Commission

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

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

Case #2012-148. Windmill Hill at Las Placitas Compound Final Subdivision Plat. JenkinsGavin Design and Development, agent for Doug and Peggy McDowell, requests Final Subdivision Plat approval for four single-family residential lots on 1.48± acres. The property is located at 623 ½ Garcia Street, and is zoned R-3 (Residential, three dwelling units per acre). (Donna Wynant, Case Manager)

## RECOMMENDATION

Staff recommends **APPROVAL** of the Final Subdivision Plat to divide the subject site into four lots, subject to the conditions of approval as outlined in the attached Development Review Team memoranda.

## EXECUTIVE SUMMARY

The applicant is requesting Final Subdivision Plat approval of a 1.48± acre tract into four (4) lots, located at 623 ½ Garcia Street. The subject property is zoned R-3 (Residential, three dwellings per acre) in the Downtown and Eastside Historic District. The Planning Commission approved the Windmill Hill Preliminary Plat and Variance for the 29 foot and 20 foot off-site access easements at its December 6, 2012 meeting subject to conditions (see Exhibit D-1: PC Minutes).

The proposed subdivision is comprised of four single family lots: Lot 1: 14,345.5 sq. ft. (0.33 acre); Lot 2: 12,008.75 sq. ft. (0.28 acre); Lot 3: 11,560.5 (0.27 acre); and Lot 4: 19,645.75 sq. ft. (0.45 acre) which includes the existing 1,527 sq. ft. residence and the historic windmill which the applicant plans to preserve and maintain.

Access into the proposed subdivision is at its northwest corner with emergency access at the north entrance. The Fire Marshal required the lot access driveway in the subdivision to have a 16 foot

wide all-weather drivable surface within the 20 foot wide access and utility easement (an increase from the previous 15 foot width shown on the Preliminary Plat) and for all homes to have an automatic sprinkler system. (See Exhibit A-7, Fire Marshall's memorandum)

New water service lines will be extended to the lots from the existing water main. The private septic system will be abandoned and all the homes will be connected to the City sewer system.

The fractional fee of \$15,964, as stated in the Santa Fe Affordable Homes Proposal, will be paid upon recordation of the Final Plat.

In conclusion, the proposed Final Subdivision Plat conforms substantially with the Preliminary Plat as approved. The conditions of approval are generally of a technical nature and can be met at time of subdivision plat recordation.

#### **ATTACHMENTS:**

##### **EXHIBIT A: Development Review Team Conditions and Documentation:**

1. DRT Summary Chart of Conditions of Approval
2. Technical Review Division – City Engineer memorandum, Risana Zaxus
3. Technical Review Division – Landscape memorandum, Noah Berke
4. Solid Waste Division email, Randall Marco
5. Engineering Division email, Sandra Kassens
6. Wastewater Management Division memorandum, Stan Holland
7. Fire Marshall memorandum, Rey Gonzales

##### **EXHIBIT B: Maps**

1. Aerial Photo

##### **EXHIBIT C: Applicant Materials**

1. Applicant's Letter of Application
2. Windmill Hill Final Subdivision Site Plan
3. Windmill Hill Final Subdivision Landscape Plan
4. Windmill Hill Final Subdivision Plat

##### **EXHIBIT D:**

1. 1/10/13 Planning Commission meeting minutes

**Windmill Hill Final Subdivision Plat**  
Case #2012-148

DRT Conditions of Approval	Department	Staff
<ol style="list-style-type: none"> <li>1. Preliminary floodplain maps have now become official. Accordingly, change the effective date of the (correctly referenced) FIRM to 12/04/12.</li> <li>2. Add to note 3 that the shared driveway will be maintained by the Homeowners' Association.</li> </ol> <p><u>Grading and Drainage (Sheet 7):</u></p> <ol style="list-style-type: none"> <li>3. Include a detail and installation procedures for the permeable pavers.</li> </ol>	Tech Review Div/Land Use	Risana Zaxus
Case 2012-148 must bring refuse and recycling to an area currently being serviced by the City of Santa Fe Environmental Services Division / Solid Waste.	Solid Waste/Public Works	Randall Marco
Remove the details for the terminal and 4 inch sewer service connection from the City of Santa Fe Wastewater Standard Details. Show these details on another appropriate sheet in the plan sheet.	Wastewater Management/Pubic Works	Stan Holland
<p><u>The Fire Marshal's conditions for the Preliminary Plat made 10/25/12 still apply to the Final Plat:</u></p> <ol style="list-style-type: none"> <li>1. Shall Comply with International Fire Code (IFC) 2009 Edition.</li> <li>2. Variance granted due to automatic sprinkler system installed in all residences existing and new construction. 16 feet driveway with 20 feet easement.</li> </ol>	Fire Marshal	Rey Gonzales

EXHIBIT A-1

DATE: January 24, 2013

TO: Donna Wynant, Land Use Senior Planner  
Case Manager

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

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

---

I reviewed a plan set dated 12/15/12. The following review comments are to be considered conditions of approval:

Plat, sheet 1 of 2:

\*Preliminary floodplain maps have now become official. Accordingly, change the effective date of the (correctly referenced) FIRM to 12/04/12.

\*Add to note 3 that the shared driveway will be maintained by the Homeowners' Association.

Grading and Drainage (Sheet 7):

\*Include a detail and installation procedures for the permeable pavers.

# City of Santa Fe, New Mexico

# memo

**DATE:** December 31, 2012  
**TO:** Donna Wynant, AICP, Land Use Planner Senior  
**FROM:** Noah Berke, CFM, Planner Technician Senior  
**SUBJECT:** Landscape Comments for Windmill Hill at Las Placitas Compound Final Subdivision  
Plat. Case #2012-148

---

The following comments are for Landscape requirements for the Windmill Hill at Las Placitas Final Subdivision and are based on the plans dated December 12, 2012.

All Landscape and Site Design appears to be in compliance with Article 14-8.4 "Landscape and Site Design Standards" as presented in the plan set. An Irrigation Plan will be required to be submitted at time of Construction Permit Submittal.

**WYNANT, DONNA J.**

---

**From:** MARCO, RANDALL V.  
**Sent:** Friday, December 21, 2012 8:19 AM  
**To:** WYNANT, DONNA J.  
**Subject:** Case 2012-148

Donna,  
Case 2012-148 must bring refuse and recycling to an area currently being serviced by the City of Santa Fe Environmental Services Division / Solid Waste.

Randall Marco  
Community Relations / Ordinance Enforcement  
Environmental Services Division  
Office : 505-955-2228  
Cell : 505-670-2377  
Fax : 505-955-2217  
[rvmarco@santafenm.gov](mailto:rvmarco@santafenm.gov)



**WYNANT, DONNA J.**

---

**From:** KASSENS, SANDRA M.  
**Sent:** Tuesday, January 08, 2013 9:19 AM  
**To:** WYNANT, DONNA J.  
**Cc:** ROMERO, JOHN J  
**Subject:** Windmill Hills Final SD plat case 2012-148

Donna,  
The Traffic Engineering Division has no comments on the Windmill Hills Final Subdivision Plat, case # 2012-148.

Sandy

*Sandra Kassens, Engineer Assistant  
Traffic Engineering Division, PWD  
City of Santa Fe  
PO Box 909  
Santa Fe, NM 87504*

*Office 505-955-6697  
Fax 505-955-6439*

# City of Santa Fe, New Mexico

# memo

**DATE:** December 31, 2012  
**TO:** Donna Wynant, Senior Planner  
**FROM:** Stan Holland, Engineer, Wastewater Division  
**SUBJECT:** Case #2012-123 Windmill Hill at Las Placitas Compound Final Subdivision Plat

---

The plan set dated December 12, 2012 has been reviewed and the Applicant shall address the following Comments:

1. Remove the details for the terminal and 4 inch sewer service connection from the City of Santa Fe Wastewater Standard Details. Show these details on another appropriate sheet in the plan set.

EXHIBIT A-6

# City of Santa Fe, New Mexico

## memo

**DATE:** October 25, 2012

**TO:** Case Manager: Donna Wynant

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

**SUBJECT:** Case # 2012-123 Windmill Hill at Las Placitas Compound Preliminary

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. Variance granted due to automatic sprinkler system installed in all residences existing and new construction. 16 feet driveway with 20 feet easement.

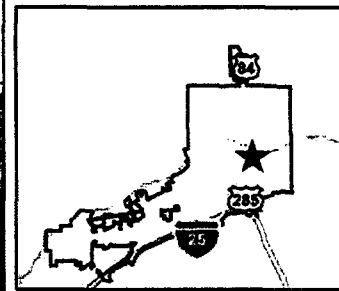
EXHIBIT

*A-7*



## Aerial Photo

623 1/2 Garcia St.-  
Proposed 4 lot  
Windmill Hill  
Subdivision



### Legend

City Limits

Parcels

Airport Clear Zones

Santa Fe River

Major Roads and Highways

Other Roads and Streets

2011 Aerial Photography - 1 foot  
resolution



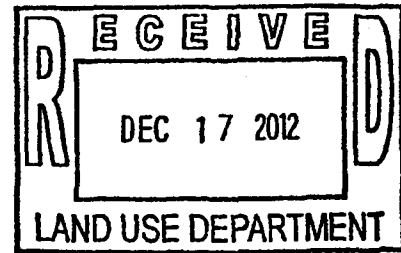
Scale: 1:2,329

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.

EXHIBIT B-1



**jenkinsgavin**  
DESIGN & DEVELOPMENT INC



December 17, 2012

Donna Wynant  
Current Planning Division  
City of Santa Fe Land Use Department  
200 Lincoln Ave.  
Santa Fe, NM 87501

**RE: WINDMILL HILL AT LAS PLACITAS COMPOUND  
FINAL SUBDIVISION PLAT APPLICATION**

Dear Donna:

This letter is submitted on behalf of Doug and Peggy McDowell in application for Final Subdivision Plat approval to create four single family lots on  $\pm 1.48$  acres, located at 623  $\frac{1}{2}$  Garcia Street. The subject property is zoned R-3 (Residential, three dwellings per acre) in the Downtown and Eastside Historic District. This application is submitted for consideration by the Planning Commission at their meeting of February 7, 2013.

Project Summary

The proposed subdivision comprises four single family lots on  $\pm 1.48$  acres. The largest lot, which includes an existing home, will comprise  $\pm 0.45$  acres, while the three additional lots will range in size from 0.27 to 0.33 acres. The layout is intended to reflect the pattern of traditional compounds found throughout this historic neighborhood. All staff conditions are addressed on the attached Final Subdivision Plans.

Access

The property is accessed from Garcia Street via a series of private easements as described below.

1. A 29-foot easement from Garcia Street adjacent to the Las Placitas Compound.
2. A 20-foot easement to the edge of the Spier properties, comprised of adjacent 15-foot and 5-foot easements.
3. A 15-foot easement to the northwest corner of the subject property.

At the Planning Commission meeting on December 6, 2012, a Variance was granted for the 29-foot and 20-foot off-site access easements. In addition, secondary emergency access is available at the north property boundary via the below described easement:

An access and utility easement through the Alire Compound ranging in width from 20 to 38 feet implemented in a Grant of Easements and Setback Agreement dated June 17, 2005.

The lots will be served by a Lot Access Driveway that will connect to the above described 15-foot easement at the northwest corner of the property. The driveway has a 15-foot drivable surface within a 20-foot access and utility easement.

#### Water

New service lines will be extended to the lots from the existing water main at the northwest corner of the property. Please refer to the Water and Fire Protection Plan for full details.

#### Wastewater

The existing house is currently on a private septic system, which will be abandoned in accordance with NMED requirements. The house and the three new lots will be connected to the City sewer system via a new private sewer main connecting to the existing 6" sewer main north of the property. A new manhole will be installed at the connection point. Please refer to the attached Sewer Plan and Profile for further information.

#### Terrain Management and Drainage

The subject property's terrain slopes gently from south to north with an average grade of approximately 10 percent. Per the City Code, no ground disturbance or development shall occur on natural slopes of 30 percent or greater. Any future buildings can be located at any location on the site as the grades are clearly less than 30 percent. There is only one minor occurrence of 30 percent slopes along the west boundary of the property.

The driveway will be constructed with a combination of permeable pavers and gravel, allowing for significant storm water percolation. In addition, storm water is collected in bar ditches and drop inlets, which feed a series of pumice wicks that provide detention and percolation. Please refer to the attached Grading and Drainage Plan and Drainage Analysis for further information.

Each new home will be equipped with a 2,000 – 3,000 gallon cistern irrigation system. Canales will be hard piped to the cisterns and on-lot ponds/swales will overflow to the cisterns. These efforts are all part of a sustainable water harvesting design.

#### Archaeology

The subject property lies within the River and Trails Archaeological District. The River and Trails District does not require an archaeological survey for properties of less than two acres; therefore, no archaeological survey will be required.

Santa Fe Homes Program

In accordance with the Santa Fe Homes Program, a fractional fee in the amount of \$15,964.00 will be paid upon recordation of the Final Plat.

Subdivision Approval Criteria

Following are our responses to the Subdivision Approval Criteria from Santa Fe Land Development Code §14-3.7(C).

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

The subdivision is designed to highlight the property's natural features such as the gently sloping terrain, existing trees, and other vegetation. The historic windmill after which the subdivision is named will be restored and maintained as a central feature of the property. In addition, the existing rock walls and coyote fences will be restored. Such measures will ensure that the property retains its uniqueness and remains an asset to the neighborhood.

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

The subject property is situated on gently sloping terrain that is well suited for the proposed 4-lot subdivision. Furthermore, the subdivision has been designed to mirror the historic compounds in the neighborhood and preserve the unique character of the area.

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

The plat complies with the standards of Chapter 14, Article 9, except for the above referenced variance request.

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

At their meeting on December 6, 2012, the Planning Commission approved a Variance from SFCC §14-9.2-1, Design Criteria for Street Types, for off-site roadway access.

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

No new non-conformities are created with this plat.

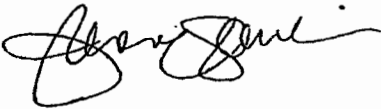
In support of this request, the following documentation is submitted herewith for your review:

- |   |                                      |
|---|--------------------------------------|
| 1. Subdivision Application              | 4. Application Fees in the amount of |
| 2. Letters of Authorization             | \$490.00, as follows:                |
| 3. Final Subdivision Plans (6 sets +CD) | Preliminary Plat \$400; Posters \$90 |

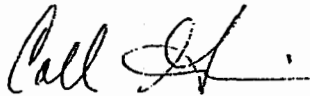
Please contact me should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,



Jennifer Jenkins



Colleen Gavin, AIA



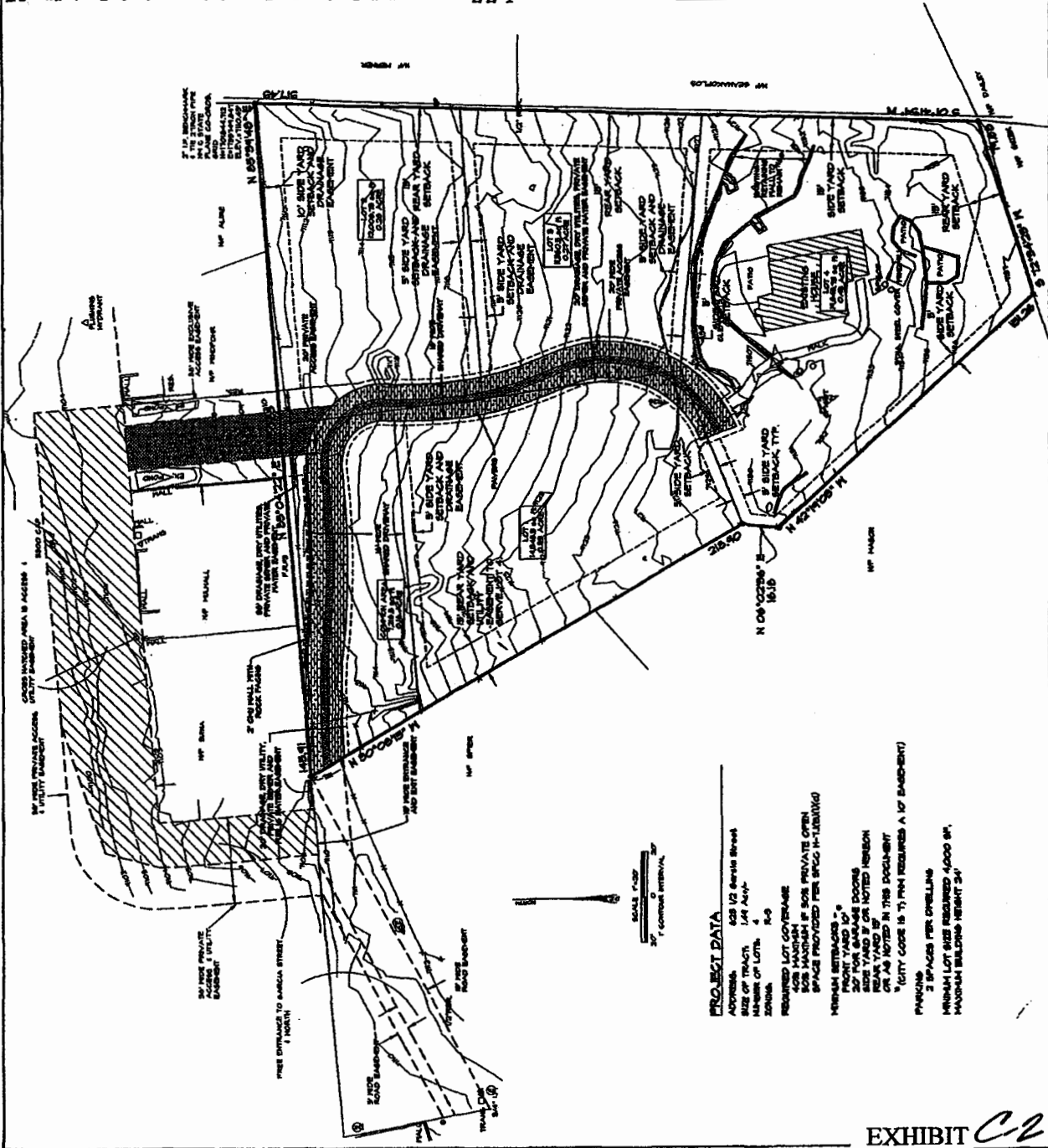
1. ALL PROPOSED CHANGES TO THE APPROVED IMPROVEMENT PLAN SHALL RECEIVE PRIOR APPROVAL BY THE CITY OF SANTA FE'S PLANNING AND LAND USE DEPARTMENT BEFORE CONSTRUCTION.
2. COMPLY WITH THE CURRENT CODE WATER CONSERVATION STAGE.

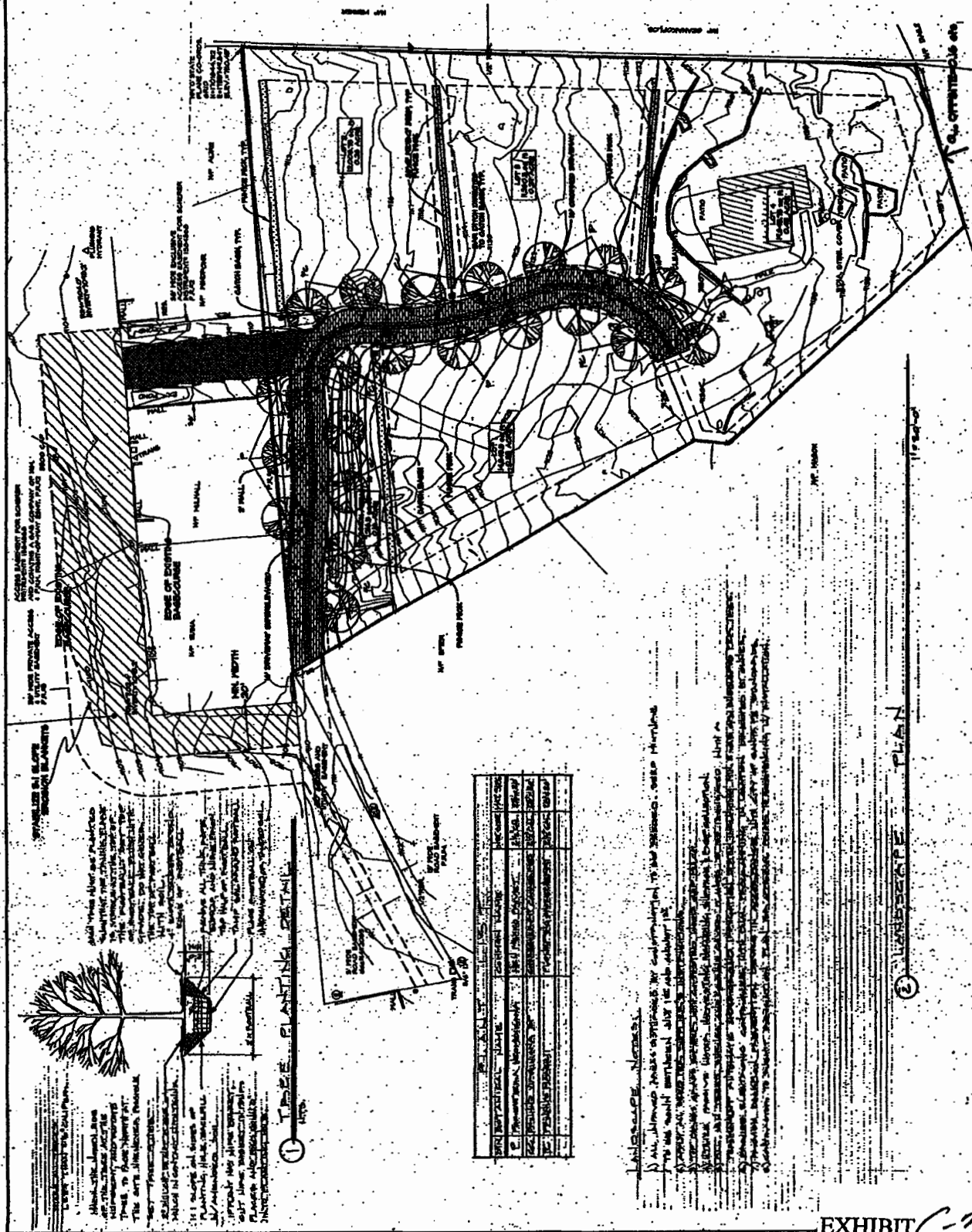
- [illegible]

**DRAINAGE FACILITY MAINTENANCE SCHEDULE (+ 30 DAYS) SHALL BE AS FOLLOWS:**

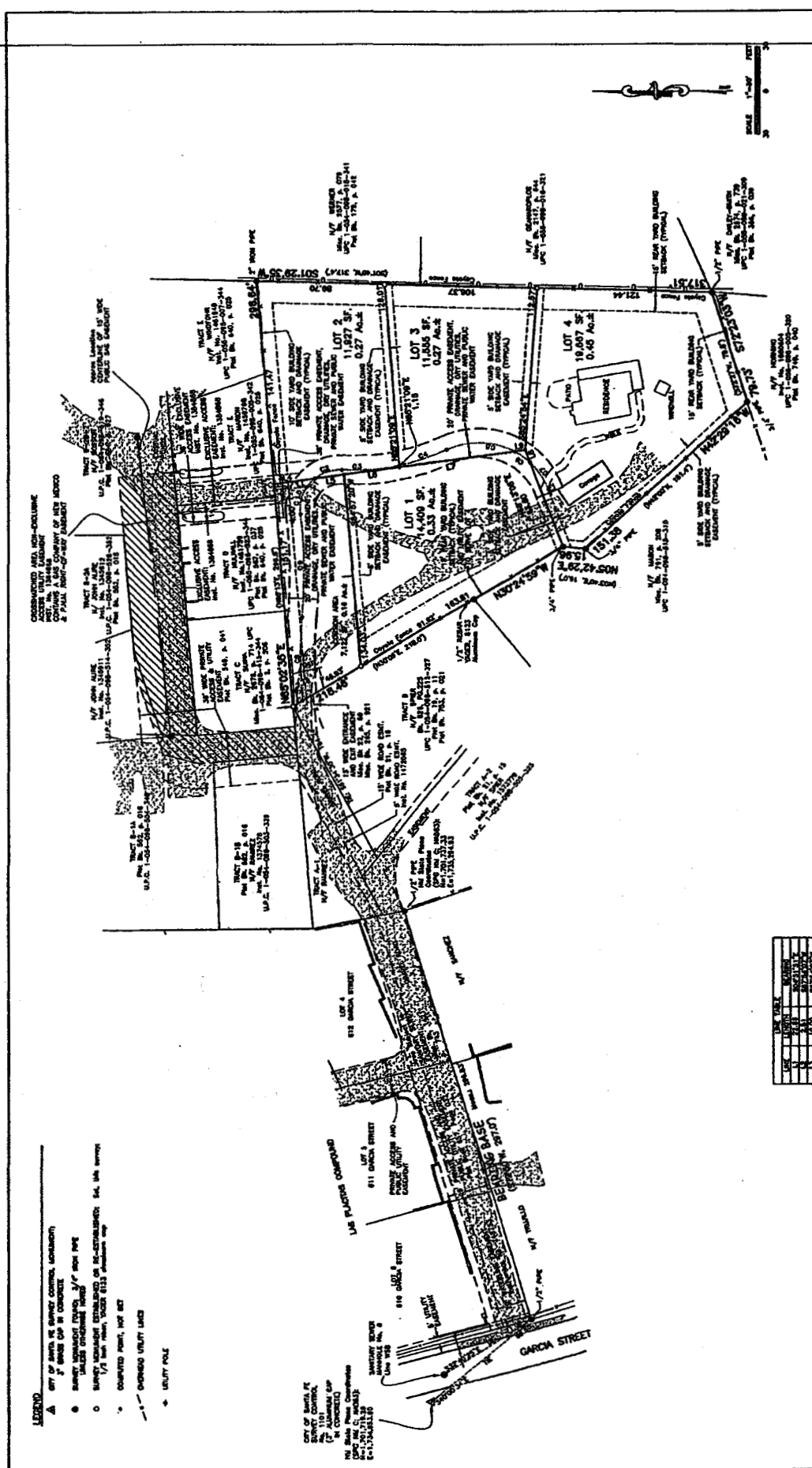
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LOT	ADDRESS
1	025 1/2 GARCIA STREET
2	025 1/2 GARCIA STREET
3	025 1/2 GARCIA STREET
4	025 1/2 GARCIA STREET

[illegible]



③ JUNE 1947 PLAN



SUBDIVISION PLAT OF	
25	WINDMILL HILL AT LAS PLACITAS
17N	Formerly Tract J of Monticito G. Albre Lot 34, Block 84-4, 1954 Official Map Plat Book 2, Page 206
9E	1/2 1/2 GARCIA STREET SANTA FE, NEW MEXICO
2 of 2	

EXHIBIT C-A

Commissioner Pava said, "Since you asked, it's late, but okay. I heard that there's 220 lots proposed on Cielo Azul, for example. And when I look at this as a planner, from my training, I see this as the last piece in a puzzle. And it's not altogether a great puzzle at this point, based on what we've been hearing, whether you think parks are over subscribed, or there are cruisers or this and that. And I've heard this throughout my career, that it's too many people, over-subscribed and what are we going to do about the street and this and that. And yet, something here rings true to me that there's a problem. This is unique because it is about the last piece in the puzzle. If I could wave a magic wand I would probably say, let the City buy it. Wouldn't that be nice. And we'll extend and make this part of a park and a parkway, but that's not going to happen. Absent that, what I think I would like to propose, Chair Spray, is to make a motion based on Ms. Jenkins' response.

**MOTION:** Commissioner Pava moved, seconded by Commissioner Schackel-Bordegary, to recommend the approval of Case #2012-104, Aquafina Rezoning to R-5, with a recommendation for R-3 zoning, with all conditions of approval as recommended by staff.

**VOTE:** The motion was approved on a roll call vote, with the Chair voting in favor of the motion to break the tie vote, [4-3] as follows:

**For:** Commissioner Ortiz, Commissioner Pava, Commissioner Schackel-Bordegary and Chair Spray.

**Against:** Commissioner Bemis, Commissioner Lindell and Commissioner Villarreal.

6. **CASE #2012-123. WINDMILL HILL AT LAS PLACITAS COMPOUND PRELIMINARY SUBDIVISION PLAT WITH VARIANCE. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR DOUG AND PEGGY McDOWELL, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR FOUR SINGLE FAMILY RESIDENTIAL LOTS ON 1.48± ACRES. A VARIANCE IS REQUESTED TO REDUCE THE MINIMUM STREET WIDTH FROM 38 FEET TO THE WIDTH OF EXISTING ACCESS EASEMENTS OF 29 FEET AND 20 FEET. THE PROPERTY IS LOCATED AT 623½ GARCIA STREET, AND IS ZONED R-3 (RESIDENTIAL, THREE DWELLING UNITS PER ACRE). (DONNA WYNANT, CASE MANAGER)**

A Memorandum dated November 26, 2012 for the December 6, 2012 meeting, with attachments, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "18."

A copy of a power point presentation *Windmill Hill Preliminary Subdivision Plat*, is incorporated herewith to these minutes as Exhibit "19."

The Preliminary Subdivision Plat with attachments, is incorporated herewith to these minutes by reference, and copies are on file with and can be obtained from the Planning and Land Use Department.

The Staff Report was presented by Donna Wynant via power point, please see Exhibits "18" and "19" for specifics of this presentation. Ms. Wynant noted she mis-labeled the maps, and it needs to be changed for the record to 623 ½ Garcia Street.

**RECOMMENDATION:** Staff recommends approval of the Preliminary Subdivision Plat to divide the subject site into four lots, subject to the conditions of approval as outlined in the attached Development Review Team memoranda (See Exhibits A-1 through A-7) [Exhibit "18"].

### Public Hearing

#### Presentation by the Applicant

Jennifer Jenkins, JenkinsGavin, Agent for the Applicant [previously sworn] said she is here on behalf of Doug and Peggy McDowell, who will be developing this compound off Garcia Street. She said they are in agreement with all staff conditions, and they will stand for questions. She said Mr. McDowell would like to speak briefly.

Doug McDowell, 1317B Cerro Gordo Road, owner was sworn. Mr. McDowell said they have met at length with the neighbors in the area to discuss the different issues with the water problems they have been experiencing downhill to the north on this property. He said he remediated some of the water problems on some of the older adobes there which had been renovated in the past, but for which there had been no water remediation. He said they have come up with some creative ways to capture all of the water on the property and distributing it laterally over the property, so over time the nature of the property will improve with the plantings there and the water capture being distributing underground. He said they did similar water catchments on-site, and as part of the subdivisions at Las Placitas Compound which is at the beginning of Garcia Street, which they are just finishing developing now, where all the water is kept on site. He said no water runs off the site, and it is set up for a 100 year flood at a certain amount of time, one after another. He said those are the first houses in the Historic District to receive leadership in environmental and energy design LEED gold certification. The first two have been approved, the second two are in for approval now by the United States Green Building Council, of which they are very proud to show this can be done in the Historic District and not be seen.

Mr. McDowell said they would like to do the same thing, with Commission approval, to Windmill Hill. They would all be LEED certified, noting they are doing smaller homes than those they are building now, in the 2,200 sq. ft. range, maybe 2,500 sq. ft. He said they all will be photovoltaic, solar powered, solar domestic hot water, and go for LEED certification as well. He said they have made very good friends with the Hispanic neighbors who have lived for generations in the neighborhood, who have become his guiding direction when he tells them what he is thinking of doing and asks them what they think. He said when they did Las Placitas Compound, the size of the road was big going in. He said Johnson Lane, Plaza Fatima and places in the neighborhood, are quite small and lend to the real character of the historic area. He said the arterial off Garcia is starting to look smaller due to the amount of plantings they've done, but "it will always look bigger than what is around there." He said they feel the 20 feet is plenty to "get in there," and they have addressed the neighbors concerns about coming in with a 38 feet easement, and they are using that for nothing but emergency access. He said he believes they have addressed

everyone's concerns, believes, as do the neighbors, that it is a good thing to have a 20 foot easement as opposed to a 38 foot easement. He said he hopes the Commission sees the benefit of it as well.

#### Speaking to the Request

There was no one speaking for or against the request.

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

*The Commission commented and asked questions as follows:*

Responding to Commissioner Lindell, Mr. McDowell said there are two gates there now. There is the main entry, the 38 foot easement which was the metal gate you saw with the cutouts which is to the north of the property. There is a coyote covered automatic gate on the NW corner of the property. He said the NW corner where the gate would be with the coyote fencing on it will be the main entrance to the property.

Commissioner Lindell said then that is existing now and is in use.

Mr. McDowell said they are both in use, they are both operational and have been so for about 5 years.

Commissioner Lindell said Mr. McDowell said the gate helps to slow traffic as well as to keep traffic out. She asked if he is speaking of the coyote gate.

Mr. McDowell said yes. He said concerns were expressed at the ENN meeting about the speed of the traffic coming through the road to Garcia Street. He said, having worked and lived in these areas for years, he finds that people who speed in small areas are the people that live there. He said the nice thing about having the gate is that people have to stop coming out of the subdivision and let the gate open before going again, so it does cause a certain amount of slow down as well. He agrees with many people that he doesn't like the concept of gates because they say, keep out, we're in here, we're not a part of your neighborhood. However, if enough attention is paid in designing something and working with nearby neighbors, you make the work you are doing within the neighborhood to be in consideration of the neighborhood and the gate doesn't have that much effect. He said if you create a subdivision which integrates itself harmoniously with the neighborhood, the gate doesn't become that big of a deal.

Mr. McDowell said at the ENN meeting he said he doesn't know whether he is going to keep the gate, and he really doesn't know what he is going to do. He reiterated that the benefit of the gate is that it slows traffic down, so he doesn't see a reason to get rid of it at this point.

Commissioner Schackel-Bordegary asked if the access to Garcia itself is gated.

Mr. McDowell said no.

Commissioner Schackel-Bordegary said she is firmly in the camp of no gates, but we have gates all over town.

Mr. McDowell said he has felt that over the years, because this was my clientele. He said in 2008 everyone's life changed a lot, especially in the construction industry. However, this is no longer his clientele. He said 4 of the 5 homes sold in Las Placitas are permanent residents, two of which were born here. His approach now is to do universal design homes, small, close to downtown, for people who want to live close to downtown. He said very few people who live here or were born here live downtown, although there are quite a few Hispanic families living close in. He said he was trying to appeal to people in his age group or older that wanted to stay in Santa Fe, had lived here a long time, and were retiring or slowing down and were right-sizing. He said it is a pleasure to be doing work the way they do now, reiterating his clientele are people who either live here, were born here or staying here.

Commissioner Villarreal commended the type of building Mr. McDowell does, and is hopeful that this kind of construction and green design, energy efficient homes will happen eventually on the south side. She is hopeful that some day green will become affordable. She said she is appreciative that he didn't say the gate was to keep out the cruisers.

Mr. McDowell said he wouldn't say that, because he remembers the cruisers downtown and they did go somewhere, and they're part of our town, whether good or bad.

**MOTION:** Commissioner Villarreal moved, seconded by Commissioner Lindell, to recommend to the City Council the approval of Case #2012-123, Windmill Hill at Las Placitas Compound Preliminary Subdivision Plat with variances, finding that the applicant meets the variance criteria as set out in the Staff Report, with all conditions of approval as recommended by staff.

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

Mr. McDowell introduced Trevor McDowell, an assistance dog from Assistance Dogs of the West, who works with his wife doing hospice work in Santa Fe, and he is a Hospice Assistance Dog, and thanked the Commission for allowing him to attend the meeting.

#### **G. STAFF COMMUNICATIONS.**

Ms. Baer said they are looking for volunteers for ELUC [Extraterritorial Land Use Committee]. She said when the City and County entered into a Settlement Agreement in 2008, the result was the Subdivision Planning Platting And Zoning Ordinance [SPPAZO] in 2009, which established the Extraterritorial Zoning Authority and the Extraterritorial Land Use Committee. ELUC, which

# City of Santa Fe, New Mexico

# memo

**DATE:** January 18, 2013 for the February 7, 2013 Planning Commission meeting

**TO:** Planning Commission Members

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

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

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**Case #2012-146 - 2823 Industrial Road General Plan Amendment.** Jim W. Siebert and Associates, Inc., agent for Los Alamos National Bank, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Business Park. The property is located north of the PNM substation at 2823 Industrial Road. (Heather Lamboy, Case Manager)

**Case #2012-147 - 2823 Industrial Road Rezoning.** Jim W. Siebert and Associates, Inc. agent for Los Alamos National Bank, requests rezoning of 0.38± acres of land from R-2 (Residential, 2 dwelling units per acre) to I-1 (Light Industrial). The property is located north of the PNM substation at 2823 Industrial Road. (Heather Lamboy, Case Manager)

## I. RECOMMENDATION

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

*The application meets all code criteria for a General Plan Amendment and Rezoning, as discussed below. No redevelopment of the building or property is anticipated at this time.*

*Two motions will be required in this case, one for the General Plan Amendment and another for the Rezoning.*

## II. APPLICATION OVERVIEW

### A. Application Request Summary

The applicant is requesting to rezone the property from R-2 (Residential, 2 dwelling units per acre) to I-1 (Light Industrial). The applicant states that this property has been used for small scale local businesses from the early 1990s. The 0.38-acre site is surrounded by a variety of uses, residential to the north, a Public Utility Company of New Mexico (PNM) substation to the south,

*Exhibit "7"*



a vehicle dismantling and crushing operation to the west, and a vacant residential tract to the east (which was recently approved as the Corazon Santo rezoning and development plan).

### ***B. History***

An analysis of the zoning maps for this tract reveals that, although there is a functional relationship with the tract to the south which is zoned I-1, this tract has always held an R-2 zoning designation. The industrial zoning district to the south of the site developed between 1981 and 1985, when the current zoning district boundary was established. Despite the fact that the subject property is located in an R-2 zoning district, a Business License was granted for an auto repair shop at the site in 2001. Subsequent non-residential users operated without benefit of business licenses or Certificates of Occupancy.

The Southwest Sector Plan, Plan 83, and the 1999 Santa Fe General Plan all discuss this area in terms of a mix of uses, with both housing and employment opportunities. The 1999 General Plan discusses the Siler Road Redevelopment District as "intended to allow this industrial area, located in close proximity to expanding residential areas, to develop uses compatible with housing...". An implementing policy, intended to address the unique situation found in the Siler Road area, was to create a special infill zoning classification for small tracts of land that can include employment opportunities in addition to residential uses (Policy 3-I-3).

In addition, Policy 5-3-G-4 discusses how it is important to provide for appropriately located areas for a broad range of manufacturing, warehousing, and service uses to strengthen the city's economic base and provide employment opportunities for residents. The General Plan discusses the Siler Road area as a major employment center, and estimates that approximately 3,400 jobs are located in the area (which may have fluctuated since 1999 due to the changes in the economy).

### ***C. Early Neighborhood Notification***

An Early Neighborhood Notification (ENN) meeting was held on November 26, 2012. No members of the public attended the meeting, and no comments were received regarding this case.

## **III. CHAPTER 14 GENERAL PLAN AMENDMENT CRITERIA**

Section 14-3.2 of the Land Development Code establishes approval criteria for general plan amendments. These are addressed below.

### **Section 14-3.2 (E) (1) Criteria for All Amendments to the General Plan**

#### **(1) Criteria for All Amendments to the General Plan**

The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:

- (a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;

a vehicle dismantling and crushing operation to the west, and a vacant residential tract to the east (which was recently approved as the Corazon Santo rezoning and development plan).

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The Southwest Sector Plan, Plan 83, and the 1999 Santa Fe General Plan all discuss this area in terms of a mix of uses, with both housing and employment opportunities. The 1999 General Plan discusses the Siler Road Redevelopment District as "intended to allow this industrial area, located in close proximity to expanding residential areas, to develop uses compatible with housing...". An implementing policy, intended to address the unique situation found in the Siler Road area, was to create a special infill zoning classification for small tracts of land that can include employment opportunities in addition to residential uses (Policy 3-I-3).

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#### **(1) Criteria for All Amendments to the General Plan**

The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:

- (a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;

**Applicant Response:** Since the property with the building has been in existence for at least 20 years the proposed rezoning would have been part of a data base dating back to approximately 1990. This building has provided an opportunity for small scale, local business to start or grow their business. The various businesses that have occupied the building include a plumbing supply and yard for a plumbing business, auto repair shop, and most recently a carpentry shop.

**Staff Response:** This property is oriented to and accessed from the existing industrial property located on Industrial Road. The size of the site (0.38 acre) limits the potential uses that can occur on the site, as is evidenced by the history provided by the applicant. The Santa Fe General Plan acknowledges the mix of uses in the Siler Road area and encourages the continued development of compatible businesses to provide employment opportunities within close proximity to residential uses. Infrastructure is available for this site.

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

**Applicant Response:** The City General Plan shows this property as residential, low density, 3-7 dwelling units per acre. Since this industrial use has been around since at least 1990, either this was a mistake in the mapping or an oversight on the use that existed on the property when the existing land uses were compiled in 1999. The parcels of land on either side have received a general plan amendment, with the tract on the east being designated medium density residential and the tract of the west being designated mixed use.

**Staff Response:** Staff does not concur with the applicant's assertion that there was a mistake in the mapping or an oversight when the General Plan was formulated. This property has been designated as residential since Plan 83 due to its R-2 zoning category (which has been in place since 1966, when this property was annexed into the City). The current zoning boundary of the industrial district was established in 1981. However, the General Plan calls for redevelopment and employment opportunities in the Siler Road Redevelopment Area (Policy 3-I-3 and Policy 5-3-G-4); therefore, the proposal is consistent with other parts of the General Plan.

- (c) the amendment does not:

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

**Applicant Response:** The building on this property has been used for commercial purposes since the early 1990s. Rezoning of the property to I-1, Light Industrial would make the property consistent with the uses that have occupied the land for over 20 years.

**Staff Response:** The proposed use will not be significantly different from the prevailing uses in the area. If there is any change in use, buffering will be required to the adjacent residential uses/zoning district.

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

**Applicant Response:** *This property is less than two acres. It is an extension of the existing, contiguous I-1, light industrial zoning and does adjust the boundary between the light industrial and single family residential zoning districts.*

**Staff Response:** *Staff agrees with the applicant that this request simply adjusts the boundaries between the existing light industrial and single family zoning districts.*

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

**Applicant Response:** *Any rezoning will have some benefit to a single landowner or the land owner would not request the rezoning. In this case the benefit is to bring the zoning in line with the use that has existed on the property for over 20 years. The landowners to the west and east have rezoned their properties to a higher density knowing that this use existed adjacent to their property boundaries.*

**Staff Response:** *The proposed use for the property and category is not significantly different from that found in the area. Although the property is less than 2 acres, the Code makes provision for a rezoning when the boundary between districts is adjusted. This request will adjust the Business Park Boundary northward, providing more flexibility for this tract of land which is oriented to Industrial Road through its access and infrastructure. The proposed change will not benefit one landowner at the expense of the public, because if there is a change in use, additional buffering and other site improvements may be required.*

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

**Applicant Response:** *There is a proven need for land and buildings for small scale industrial uses located in areas with adequate access and utilities. This building has been used by a variety of small businesses over the last 20 years.*

**Staff Response:** *Providing for additional opportunity for small scale business and redevelopment in the Siler Road area is an advantage in that it will provide additional job opportunities in close proximity to transportation, housing, and retail uses.*

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

**Applicant Response:** *This criterion is no longer relevant since the adoption of SPaZZO and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City. This property has been part of the City limits since 1966.*

**Staff Response:** *Not applicable.*

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and

**Applicant Response:** Since the building on this property has been in existence for more than 20 years the development of the property will have little to do with the "coordinated, adjusted and harmonious development of the municipality." Failure to rezone the property will deprive the small scale business the opportunity to start a business or grow a business at this location. The property is served with City water and sewer and all municipal utilities and services are available for this site. Additional fire stations or police substations are not required in order to serve the existing use.

**Staff Response:** This type of development was envisioned for the Siler Road Redevelopment Area as outlined in the Santa Fe General Plan. Economy is provided in the process of development as this is an infill site that already has all infrastructure and City services, and this site would provide opportunity for small scale business to grow and flourish with easy access to all parts of Santa Fe.

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

**Staff Response:** The proposed change to Business Park will conform to all land use policies and City plans, including Economic Development Plan policies that call for the diversification of Santa Fe's economy to provide for all different types and sizes of businesses in Santa Fe. The Economic Development Strategy for Implementation calls for the creation of high-wage jobs and startups. This property is well situated to provide the opportunity for higher wage startup business.

#### IV. CHAPTER 14 REZONING CRITERIA

Section 14-3.5 (C) of the Land Development Code sets forth approval criteria for rezoning as follows:

##### (C) Approval Criteria

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

- (a) one or more of the following conditions exist:
- (i) there was a mistake in the original zoning;

**Applicant Response:** When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize this industrial use that existed as of the date of the adoption of the General Plan. It is our contention that the General Plan land use designated was applied in error for this property.

**Staff Response:** No mistake was made in the original zoning for the subject site. After annexation in 1966, the Siler Road area transformed over 20 years into becoming

*predominately industrial in character. The General Plan provides for a mix of uses in order to provide flexibility for employment and housing opportunities in the future.*

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

**Applicant Response:** *Over the last 20 years the Siler Road industrial area has filled in to the point that very little vacant land remains for building construction. There is a greater need and demand for land in the Siler Road industrial area than existed when the building was originally constructed over 20 years ago.*

*The properties to the east and west of this subject parcel have been rezoned. At the time of the rezoning the property owners were aware that this building was used for industrial uses and in particular that it was used as a carpentry shop. Although the properties to the east and west have been rezoned they are currently vacant and subsequent development plans have not been submitted to the City.*

**Staff Response:** *The Siler Road area has long been considered a transition area, where both employment and housing opportunities exist. The character of the surrounding area is mixed in nature, as explained in the introduction to this report. The change in zoning will not alter the character of the area, and it will only provide more flexibility of uses. The I-1 zoning district also provides for live/work opportunities.*

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

**Applicant Response:** *Based on aerial photography commercial/light industrial uses have existed on this property since approximately 1985. A City business license for a commercial use has been issued by the City although the current business license has not been renewed due to foreclosure action; there is a certificate of occupancy from 2001. A longer history of business licenses is not possible since that is the limit of the archive for this type of license. The issuance of a business license provides proof of a legal lot of record and conformance with the use with the underlying zoning. One can assume that the usual city inspection and review was conducted at the time of issuance of the first business license. In rezoning the property to I-1 the applicant is requesting to maintain the same use of the property, that use which has existed since the issuance of the first business license. A rezoning to I-1 would recognize the use that has existed on this property for over 20 years.*

**Staff Response:** *Staff does not concur with the applicant that the issuance of the business license verifies the conformance of the use with the zoning. If the use is permitted in the R-2 zoning district, then the conformance to the zoning district is verified. Staff does not find this as sufficient evidence to justify the rezoning.*

*On the other hand, the I-1 zoning category provides for both employment and live/work opportunities on the site. The General Plan articulates the need for employment opportunities in a variety of locations within the city, and also calls for the efficient use of land through infill development. Allowing for a diversity of uses on this property will provide flexibility in how it is used in the future.*

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

**Applicant Response:** *Currently the existing zoning is R-2, Single Family Residential, two dwelling units per acre. Rezoning of the property to I-1, Light Industrial would bring the use into conformance with the historic uses that have taken place on this property.*

**Staff Response:** *No deficiencies to Chapter 14 compliance were identified by the Development Review Team.*

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

**Applicant Response:** *The City General Plan shows this tract as "Low Density Residential, 3-7 dwellings/acre," which is inconsistent with the use of the property and the surrounding uses for the area. An amendment to the City General Plan has been approved for the parcel to the west, changing the General Plan status from "Low Density Residential" to "Transitional Mixed Use." Given this parcel's adjacency to the auto and scrap metal salvage yard and other industrial/commercial uses this would be a reasonable land use recommendation for this area. The properties to the south of the subject parcel have a "Business Park" Future Land Use Map designation.*

*A request for a Business Park designation is consistent with the City General Plan land use recommendation and the commercial uses of this property for 20 plus years.*

**Staff Response:** *This request is consistent with the following General Plan Themes:*

**Quality of Life:** *Enhance the quality of life of the community and ensure the availability of community services for residents.*

**Economic Diversity:** *Permitting business and live/work opportunities on the site increases job opportunities and promotes diversification and startup of small businesses.*

**Character:** *Maintain and respect Santa Fe's unique personality, sense of place, and character. The personality of the Siler Road area is mixed; it is anticipated as the market value of these properties increase over time due to its close proximity to transportation corridors and the town center the properties will redevelop to higher wage uses and/or live/work uses.*

**Community-Oriented Development:** *Orient new development to the community; foster public life, vitality, and community spirit.*

**Mixed-Use:** *Providing a mix of uses in existing neighborhoods affirms Santa Fe's traditional development pattern.*

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

**Applicant Response:** This 0.38-acre tract would have little impact on the availability and sufficiency of commercial and industrial land in the City, especially since this property has historically been included in that land use category. The availability of land for light industrial uses has significantly diminished over the last 10 years, with such Business Parks as the Valdes Park and Rodeo Road Business Park beginning to approach a built-out condition. This property provides an affordable opportunity for smaller, local companies to start their business and grow their business. The plumbing supply, auto repair and carpentry shop are examples of the small local businesses that have previously occupied this property.

**Staff Response:** Staff agrees that the subject parcel would have little impact on the availability of industrial land in the City. However, the site is located adjacent to one of the city's major employment centers, the Siler Road area, and the General Plan calls for a mix of uses, including housing and employment.

Staff disagrees with the assertion that the amount of industrial land has decreased – on the contrary, industrial lands have increased with the approvals of Las Soleras (10.7 acres), Pavilion (285 acres), and others. On the other hand, no additional industrial land has been approved in the Siler Road area, which is centrally located and has ready access to infrastructure and services. This site would provide an opportunity for a startup business to locate centrally and proximate to other established industries. Therefore Staff finds that this proposal is consistent with city policy regarding the provision of urban land for efficient growth in the business industrial park sector.

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

**Applicant Response:** The impact from this development occurred several years ago, most likely when there was minimal infrastructure. Currently, developed infrastructure is in place with improved roads, water and sewer serving the area and this property. The closest fire station to this site is located on Cerrillos Road near Third Street within a five minute service radius to this property. Since this is a commercial use the proximity to parks is not a significant consideration from a policy standpoint.

**Staff Response:** Staff concurs with the applicant.

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

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

**Staff Response:** The use will not change the character of the neighborhood.

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



**Staff Response:** *The proposed rezoning will affect an area of 0.38 acres, and proposes to adjust a boundary between the I-1 and R-2 zoning districts.*

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

**Staff Response:** *This application, although it will benefit one landowner, does not do so at the expense to the surrounding landowners or the general public.*

**(D) Additional Applicant Requirements**

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

**Staff Response:** *The proposed development is accommodated by existing utility infrastructure. Any further development on the property will be required to assess all impacts and make any required improvements to on-site or off-site infrastructure as determined at that time.*

- (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.

**Staff Response:** *There is no need for additional streets, sidewalks or curbs associated with this rezoning request. If there is additional development on the site, further analysis will be required to determine whether public improvements are required.*

**VI. CONCLUSION**

Based on the analysis above, Staff recommends **APPROVAL** for the proposed General Plan Amendment and Rezoning.

## **ATTACHMENTS:**

### **EXHIBIT A: List of Uses, Development Review Team (DRT) Memoranda**

1. List of Industrial (I-1) Uses
2. Traffic Engineering Memorandum, Sandra Kassens
3. City Engineer for Land Use, RB Zaxus
4. Wastewater Division Memorandum, Stan Holland
5. Solid Waste Division Memorandum, Randall Marco

### **EXHIBIT B: Maps**

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

### **EXHIBIT C: ENN Materials**

1. ENN Meeting Notice
2. ENN Responses to Guidelines
3. ENN Meeting Summary 11-26-2012

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

1. Transmittal Report

**City of Santa Fe, New Mexico**

# **Exhibit A**

**List of I-1 Uses  
Development Review Team Memoranda**

## **I-1 Light Industrial District**

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

### **Permitted Uses**

1. Antique stores
2. Art supply stores
3. Arts & crafts schools
4. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
5. Automobile service & repair establishments including filling stations & repair
6. Banks, credit unions (without drive-through)
7. Banks, credits unions (with drive-through) ✖
8. Bar, cocktail lounge, nightclub (no outdoor entertainment)
9. Bar, cocktail lounge, nightclub with outdoor entertainment ✖
10. Barber shops & beauty salons
11. Bed & breakfast
12. Bookshops
13. Cabinet shops (custom)
14. Clubs & lodges (private) ✖
15. Colleges & universities (non-residential)
16. Commercial parking lots & garages
17. Commercial recreational uses & structures; theaters; bowling alleys, pool-rooms, driving ranges, etc
18. Dance studios
19. Daycare; preschool; for infants & children (6 or fewer)
20. Department & discount stores
21. Electrical distribution facilities
22. Electrical substation
23. Electrical switching station
24. Electrical transmission lines
25. Exercise, spas or gym facilities
26. Flea markets
27. Florist shops
28. Funeral homes or mortuaries
29. Furniture stores
30. Hotels, motels, residential suite hotels
31. Human service establishments ✖
32. Kennels
33. Laboratories; research, experimental & testing
34. Light assembly & manufacturing
35. Lodging facilities, conference & extended stay

36. Medical & dental offices & clinics
37. Mini-storage units
38. Museums
39. Non-profit theaters for production of live shows
40. Office equipment sales & service; retail sale of office equipment
41. Offices; business & professional, excluding medical, dental & financial services
42. Outdoor storage lots & yards, except wrecking yards, junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts
43. Personal care facilities for the elderly
44. Personal service establishments including cleaning & laundry, appliance repair & similar services
45. Pharmacies or apothecary shops
46. Photographers studios
47. Public parks, playgrounds & playfields
48. Religious Assembly (all)
49. Religious educational & charitable institutions (no schools or assembly uses) ☼
50. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
51. Restaurant with drive-through or drive-up ☼
52. Restaurant; fast service, take out, no drive-through or drive-up
53. Restaurant; full service with or without incidental alcohol service
54. Retail & service uses intended to serve the primary uses & do not exceed 5,000 square feet
55. Retail establishments not listed elsewhere
56. Sexually oriented businesses (all)
57. Storage areas – individual within a completely enclosed building
58. Tailoring & dressmaking shops
59. Time share vacation projects
60. Tire recapping & retreading
61. Transit transfer facilities
62. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
63. Veterinary establishments, pet grooming
64. Vocational & trade schools (light industrial)
65. Vocational & trade schools (non-industrial)
66. Wholesaling & distribution operations; 3,000 square feet or less of storage
67. Wholesaling & distribution operations; over 3,000 square feet of storage

☼ Requires a **Special Use Permit** if located within 200 feet, excluding rights-of-way, of residentially zoned property.

### **Special Use Permits**

The following uses may be conditionally permitted in I-1 districts subject to a Special Use Permit:

1. Daycare & preschool for infants & children
2. Schools; Elementary & secondary (public & private)

### **Accessory Uses**

The following accessory uses are permitted in I-1 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use

### ***Dimensional Standards***

<b>Minimum district size</b>	None; except as may be needed to satisfy other I-1 district limitations
<b>Maximum height:</b>	65; provided that any part of the building exceeding 36 feet in height shall be set back from each yard line at least one foot for each two feet of additional building height above 36 feet
<b>Minimum setbacks:</b>	Street 5; side 0, rear 10 Where rear yard abuts a residential neighborhood no less than 25 feet rear yard setback shall be provided or 20% of the depth of the lot, whichever is less. A 15 foot buffer is required for non-residential uses adjacent to residential uses.
<b>Max lot cover:</b>	50

**LAMBOY, HEATHER L.**

---

**From:** KASSENS, SANDRA M.  
**Sent:** Monday, January 14, 2013 2:33 PM  
**To:** LAMBOY, HEATHER L.  
**Cc:** ROMERO, JOHN J  
**Subject:** 2823 Industrial Road

Heather,  
The Traffic Engineering Division has no comments on the 2823 Industrial Road Rezoning and General Plan Amendment, case # 2012 – 146/147.

*Sandra Kassens, Engineer Assistant  
Traffic Engineering Division, PWD  
City of Santa Fe  
PO Box 909  
Santa Fe, NM 87504*

*Office 505-955-6697  
Fax 505-955-6439*

**LAMBOY, HEATHER L.**

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**From:** ZAXUS, RISANA B.  
**Sent:** Friday, January 18, 2013 10:36 AM  
**To:** LAMBOY, HEATHER L.  
**Subject:** 2823 Industrial Road

Heather,

I have no review comments on the 2823 Industrial Road General Plan Amendment and Rezoning, case # 2012-146/7.

RB Zaxus



# City of Santa Fe, New Mexico

# memo

**DATE:** December 31, 2012  
**TO:** Heather Lamboy, Senior Planner  
**FROM:** Stan Holland, Engineer, Wastewater Division  
**SUBJECT:** Case #2012-146 & 147 2823 Industrial Road General Plan Amendment and Rezoning

---

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

**Additional Comments:**

None.

**LAMBOY, HEATHER L.**

---

**From:** MARCO, RANDALL V.  
**Sent:** Friday, December 21, 2012 9:20 AM  
**To:** LAMBOY, HEATHER L.  
**Subject:** Cases

Heather,  
Cases 2012-146 & 2012-147 "no solid waste issues at this time.

Randall Marco  
Community Relations / Ordinance Enforcement  
Environmental Services Division  
Office : 505-955-2228  
Cell : 505-670-2377  
Fax : 505-955-2217  
[rvmarco@santafenm.gov](mailto:rvmarco@santafenm.gov)

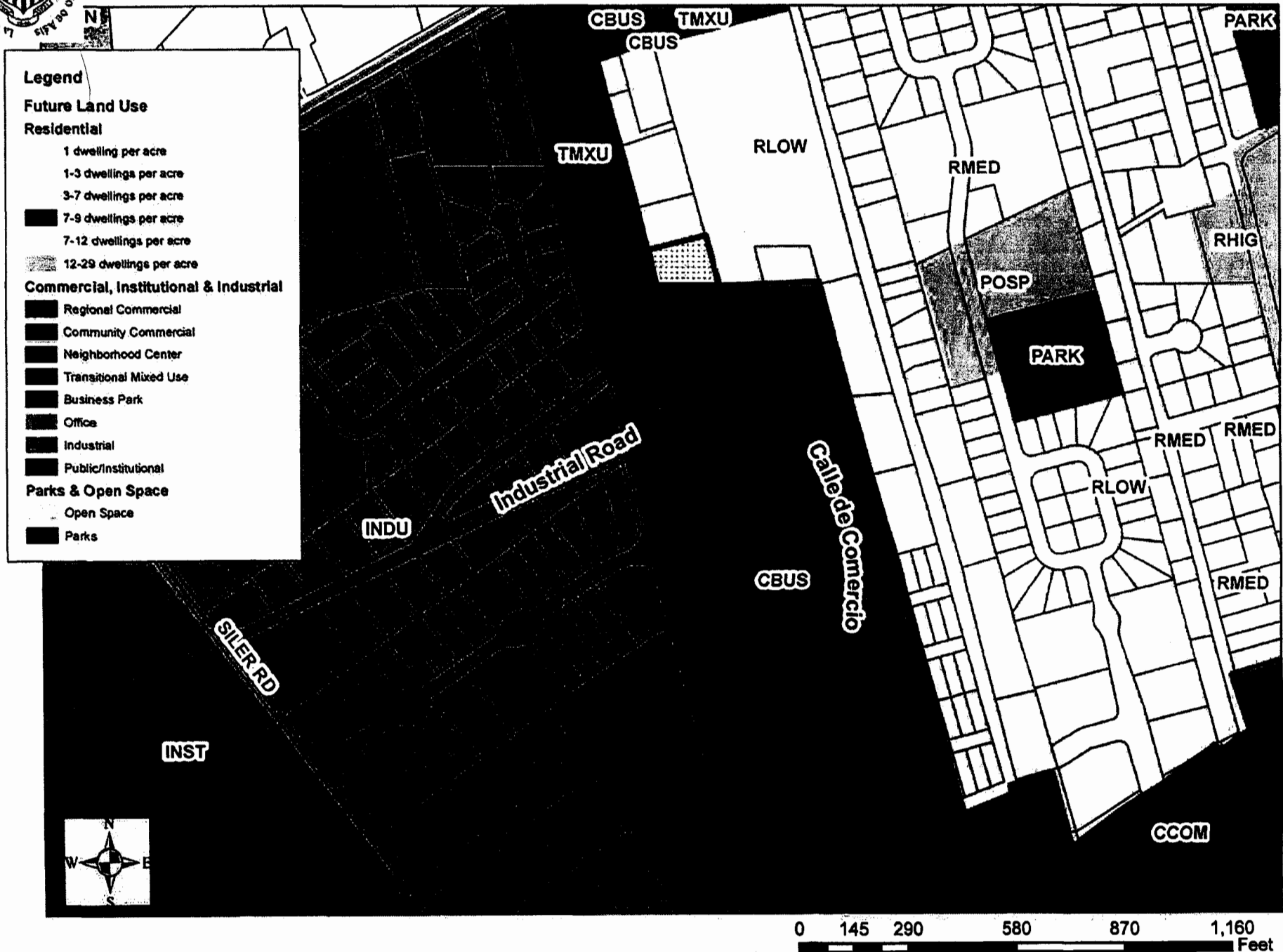
**City of Santa Fe, New Mexico**

# **Exhibit B**

**Maps**

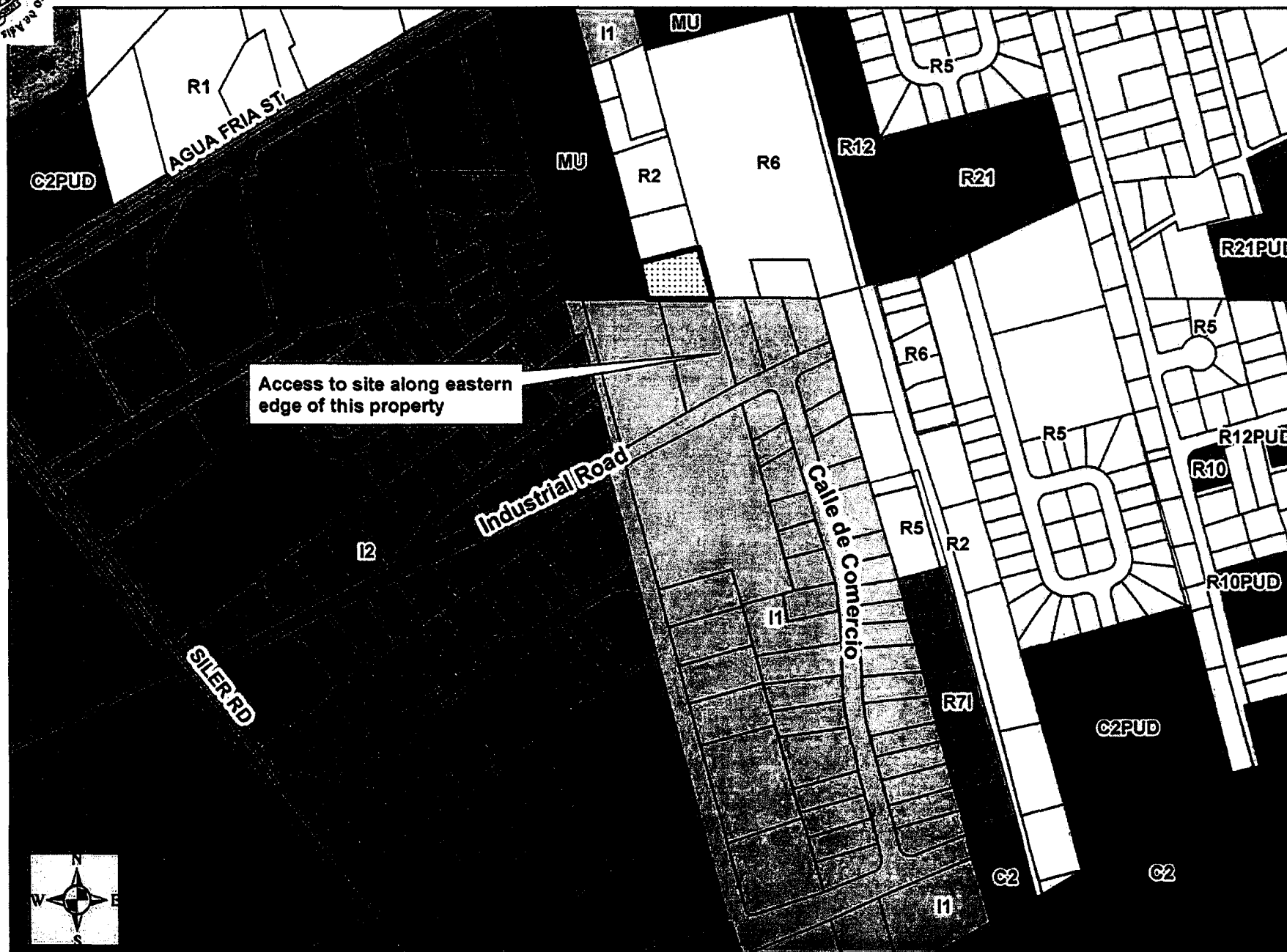


# Case #2012-146: 2823 Industrial Road Future Land Use Map





# Case #2012-147: 2823 Industrial Road Zoning Map



0 145 290 580 870 1,160 Feet



# Case #2012-146 & 147: 2823 Industrial Road Aerial



Area outlined in pink is part of the Phase 3 Annexation Area

0 145 290 580 870 1,160 Feet

**City of Santa Fe, New Mexico**

# **Exhibit C**

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



## EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information		
Project Name:	2823 Industrial Road General Plan Amendment and Rezoning <i>Boliminary Dev Plan</i>	
Address:	2823 Industrial Road	Parcel Size: 0.38 Acres
Zoning:	R-2	Future Land Use: R-Low
Preapplication Conference Date:	November 8, 2012	
Detailed Project Description:	Request for General Plan Amendment from R-Low to Business Park (CBus) and to rezone property from R-2 to I-1	
Property Owner Information		
Name:	Las Alamos National Bank	
Address:	301 Griffin Street. Santa Fe, NM 87501	
Phone:	E-mail Address:	
Applicant/Agent Information (if different from owner):		
Name:	James W. Siebert & Assoc. Inc	
Address:	915 Mercer Street Santa Fe, NM 87504	
Phone:	(505) 983-5588	E-mail Address: jim@wsiebert.com
Agent Authorization (if applicable):		
I am/We are the owner(s) and record title holder(s) of the property located at: 2823 Industrial Road		
I/We authorize <i>James W. Siebert &amp; Assoc. Inc</i> to act as my/our agent to execute this application.		
Signed:	Date:	
Signed:	Date:	
Proposed ENN Meeting Dates:		
Provide 2 options:	Preferred Option	Alternative
DATE:	November 26 <sup>th</sup> , 2012	
TIME:	6:00-7:00	
LOCATION:	Southside Public Library	





## ENN GUIDELINES

### Applicant Information

Project Name: 2823 Industrial Road General Plan Amendment and Rezoning *Prelim Dev Plan*  
Name: Las Alamos Natl. Bank  
C/O James W. Siebert & Associates  
Address: 915 Mercer Street  
Santa Fe  
Phone: (   ) 983-5588 E-mail Address: jim@jwsiebert.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.

The building housing the various commercial and light industrial uses has existed on this site since 1985. This is a single story structures which is in keeping with other uses in the area. The property to the southwest consists of an auto and metals salvage yard. A PNM substation is located immediately south of the subject site. To the southeast of the requested rezoning is a storage yard for rocks and recycled lumber and a plumbing supply shop. All of the above properties are zoned I-1, light industrial. The land to the east, north and west is currently vacant with the closest residential building situated approximately 330 feet from the subject property line. The land to the north is currently R-2 and the land to the east R-6, single family residential, six dwellings per acre. The land to the west is zoned MU, mixed use. The building has limited exterior lighting, including an absence of pole-mounted lighting. There are no public parks, open space or trails within close proximity to this property.

- (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.

There is an access easement to the property adjacent to the PNM substation from Industrial Road to the property.

- (c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN** *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

*There are no acequias located on the property. An archaeological survey has not been prepared for this property nor, given the size of the lot, would it be required. The entire property has been disturbed at some point in its history. This area is a heavily used industrial area with intensive land uses permitted to the south of this lot. There are no known historic or cultural sites to the north of the subject property.*

- (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 City General Plan recommends lower density residential uses for this property with one to three dwellings per acre. Given the intensity and types of uses in the area the land use recommendation is inconsistent with the other uses in the area. The property has been used for commercial and industrial purposes for 25+ years with commercial business licenses issued by the City on a regular basis.*

- (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.*

*There is a platted access easement from Industrial Road to the property that allows for access from a public road. The prior user for the property was a carpentry shop and prior to that occupant it was used as a yard and shop for a plumbing contractor. These uses have lower traffic generation patterns, since there are few clients that visit the site and workers are often off the site working on jobs around the City. There is not a sidewalk on Industrial Road and this area is auto oriented.*

- (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.*

*This building has served as an affordable base for small local businesses. Research indicates that a wood shop and plumbing contractor previously occupied the building. Since the building has not been occupied for 180 days and the business license is not current its legal non-conforming status has been revoked. In order to permit small local businesses to occupy the building a rezoning is necessary. Several small local businesses have expressed an interest in the building, but a business license and occupation permit will not be issued until the zoning status is resolved.*

- (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.*

*Since this building has always been used for commercial purposes and a light industrial (I1) zoning designation along with business park General Plan Amendment is requested. The availability of affordable housing does not apply to this rezoning and General Plan Amendment request.*

- (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.*

*There will be no impact on the school system since the proposed project does not generate children of school age that attend Santa Fe's public schools. The City has been providing police and fire protection and solid waste pick to this building and the general area for several years. City water, sewer, electric and gas is available on Industrial Road. A bus route does not currently serve Industrial Road.*

- (i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

*The need for water offsets will have to be determined at such time that there is an occupant for the building. It is assumed that given the historical uses for this building the water use will be limited, but until such time as a business occupies the building it will be impossible to estimate annual water use. This property does have a water meter and is served by City water from a water line located in the Industrial Road right-of-way.*

- (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 area east of Rufina Street has historically been a commercial and industrial area, including such uses as auto salvage yards, concrete plants and warehousing. Residential development is situated north of this lot but pedestrian interaction between the commercial uses and residential neighborhoods has been restricted and easements do not exist that would allow for future interaction between the two land uses.*

- (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.*

*This building and lot existed prior to the adoption of the current City General Plan adopted in 1997. It would be unrealistic to apply the City General Plan policies to a building that pre-dated the current General Plan. This would be considered an infill property since it is served by existing water and sewer and dry utilities and a public roadway from Industrial Road. There is an interconnectedness of roadways through the access to Siler and Industrial Road.*

- (l) ADDITIONAL COMMENTS (optional)**

# Mailing Log

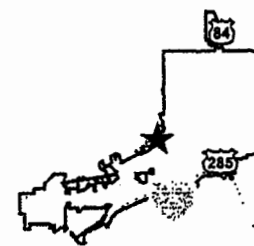
## 2823 Industrial Road Rezoning Adjoiners

UPC #	Physical Address	Assessed Property Owner	Property Owner Mailing Address	Property Occupancy Status
1-051-097-292-322	2820 Industrial Road Santa Fe, NM 87501	Clark Street Business Park LLC	Same as Physical	Same as Assessed owner
1-051-097-341-326	1142 Harrison Road Santa Fe, NM 87501	Murray Norbeck	Same as Physical	Same as Assessed owner
1-051-097-288-364	Unassigned	Public Service Company NM	PO Box 1268 Santa Fe, NM 87504	Same as Assessed owner
1-051-097-279-359	Unassigned	Robert R Witt (Trustee)	2549 Avenida de Isidro Santa Fe, NM 87505	Vacant
1-051-097-280-409	2765 Agua Fria Street Santa Fe, NM 87501	Lawrence Boyd	1453 Diolinda Road Santa Fe, NM 87505	Vacant
1-051-097-278-421	Unassigned	Santa Montoya ETAL	1638 Camino McMillin Santa Fe, NM 87507	Vacant
1-051-097-275-431	Unassigned	Marc Bertram ETAL	906 Trail Cross Court Santa Fe, NM 87505	Vacant
1-051-097-285-395	2764 Agua Fria St.	Lawerence Boyd	1453 Diolinda Rd	Vacant
1-051-097-280-430	Rt 6 Box 144 Agua Fria Santa Fe, NM 87501	Maclovio Montoya	2746 Auga Fria Street Santa Fe, NM 87507	Occupied
1-051-097-257-387	1162 Cooks Lane Santa Fe, NM 87507	Robert R. Witt (Trustee)	2549 Avenida Isidro	Occupied
1-051-097-256-320	1162 Cooks Lane Santa Fe, NM 87505	Robert R. Witt (Trustee)	2549 Avenida Isidro	Occupied
1-051-097-248-401	1162 Cooks Road Santa Fe, NM 87505	Robert R. Witt (Trustee)	2549 Avenida Isidro	Vacant
1-051-097-254-394	1162 Cooks Road Santa Fe, NM 87505	Robert R. Witt (Trustee)	2549 Avenida Isidro	Vacant
1-051-097-313-349	2818 Industrial Road Santa Fe, NM 87501	John & Betty Onstad	P.O Box 8363 Santa Fe, NM 87504	Occupied

UPC #	Physical Address	Assessed Property Owner	Property Owner Mailing Address	Property Occupancy Status
1-051-097-263-335	2871 Industrial Road Santa Fe, NM 87507	Heritage Trust Company of NM	630 Paseo del Pueblo Sur Ste170 Taos, NM 87571	Occupied
1-051-097-246-351	2871 All Trades Road Santa Fe, NM 87505	Robert R. Witt (Trustee)	2549 Avenida Isidro	Occupied
1-051-097-328-356	2810 Industrial Road Santa Fe, NM 87505	Marie, Joseph & Angelo Turiciano Trustees	6409 Rogers NE Albuquerque, NM 87110	Occupied
1-051-097-256-365	Unassigned	Robert R. Witt (Trustee)	2549 Avenida Isidro	Vacant
1-051-097-264-364	Unassigned	Robert R. Witt (Trustee)	2549 Avenida Isidro	Vacant
1-051-097-255-358	2871 All Trades Road	Robert R. Witt (Trustee)	2549 Avenida Isidro	Occupied
1-051-097-315-369	2815 Industrial Road Santa Fe, NM 87501	Dealers Electrical Supply Co	2320 Columbus Avenue Waco TX, 76702	Occupied
1-051-097-307-368	Unassigned	431 LLC C/O Varela Real Estate Inc.	1526 Cerrillos road Santa Fe, NM 87505	Vacant
1-051-097-324-372	2811 Industrial Road Santa Fe, NM 87501	Ben Mendiola	P.O. Box 6160 Santa Fe, NM 87502	Occupied
1-051-097-320-380	Unassigned	Anasazi MVJV LLC	PO Box M Santa Fe, NM 87504	Vacant

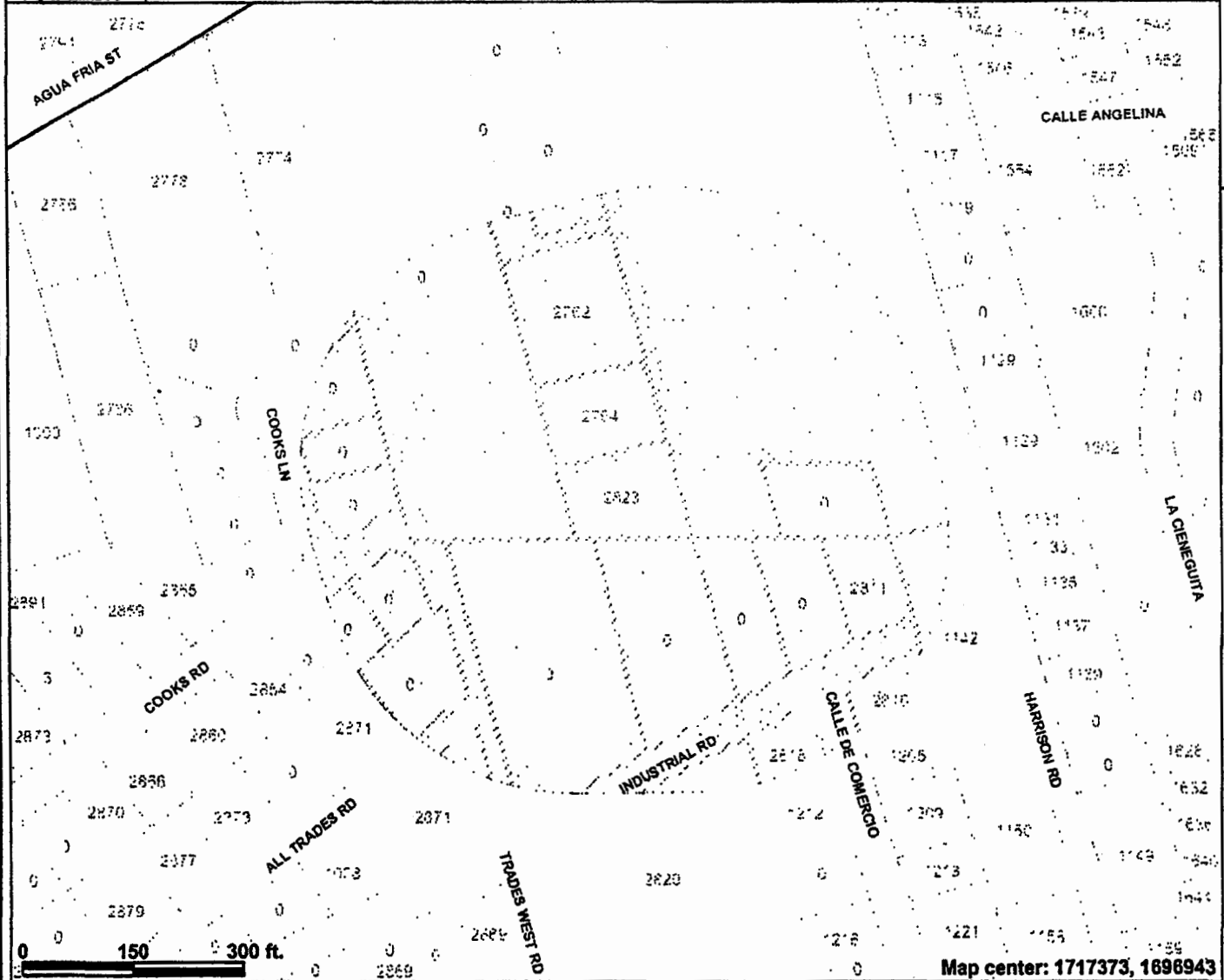


# City of Santa Fe



## Legend

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



0 150 300 ft.

Map center: 1717373, 1696943



Scale: 1:2,526

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.



**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

---

**915 MERCER STREET \* SANTA FE, NEW MEXICO 87501**  
**(505) 983-5588 \* FAX (505) 989-7313**  
**siebert.associates@comcast.net**

November 9, 2012

RE: EARLY NEIGHBORHOOD NOTIFICATION MEETING

Dear Resident;

In accordance with the requirements of the City of Santa Fe's Neighborhood notification ordinance, this is to inform you that a meeting is scheduled for Monday, November 26<sup>th</sup> at 6:00 p.m. at **Southside Public Library** located at 6599 Jaguar Drive, Santa Fe NM 87507. The meeting will consist of a request for a general plan amendment to amend the existing land uses from Residential Low Density to Business Park and to rezone 0.38 acres of land from R-2 (two dwellings per acre) to I-1 (light industrial).

The subject property consists of .38± acres and is located at 2823 Industrial Road.

The Early Neighborhood Notification ordinance provides for an exchange of information between applicants for development projects and the people who will be neighbors to the project.

Attached, please find a vicinity map. If you have any questions or comments, please contact James W. Siebert & Associates at (505)983-5588.

Sincerely,

Attachments:

Vicinity Map (reverse side)

# SITE

AGUA FRIA ROAD

SILER ROAD

CERRILLOS ROAD

JAMES W. SIEBERT  
AND ASSOCIATES, INC.

815 MERCER STREET • SUITE 101 NEW MEXICO 87501



1712-688 (505) 761 1111 1800-738 (800) 424-7388

2823 INDUSTRIAL ROAD

VICINTY MAP

SCALE  
1" = 1,000'





## **Legal Lot of Record Documentation**

1369494

# The United States of America

To all whom these presents shall come, Greeting:

NMNM 92939

COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed for  
record on the 3 day of March A.D.  
19 77 at 2:30 o'clock P.m. and  
was duly recorded in book 1369 page  
191-493 of the records of Santa Fe County.  
Witness my Hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, NM

WHEREAS

Wilderness Estates Development

in exchange for certain land conveyed to the United States, has selected

and is entitled to a Land Patent pursuant to Section 206 of the Act of

October 21, 1976 (43 U.S.C. 1716), as amended by the Federal Land Exchange

Facilitation Act of August 20, 1988, for the following described land:

New Mexico Principal Meridian, New Mexico.

T. 17 N., R. 9 E.,

sec. 33, lot 38.

Containing 4.22 acres.



together with an existing road right-of-way, 30 ft. wide and 1500 ft. long,  
Serial No. NMNM 71438, within SWSE, sec. 24, as reserved in Patent No.  
30-88-0073 dated September 8, 1988.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES  
unto the above-named claimant(s) the land above described; TO HAVE AND TO  
HOLD the said land with all the rights, privileges, immunities and appurtenances,  
of whatsoever nature, thereunto belonging unto the said claimant(s), and its  
successors and assigns forever, and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way  
thereon for ditches or canals constructed by the authority of the United States pursuant  
to the Act of August 30, 1890 (43 U.S.C. 945).

SUBJECT TO:

1. Valid existing rights-of-way and easements;

Patent Number **30-97-0014**

NMNM 92939

1369495

2. Those rights for highway purposes granted to the Federal Highway Administration, its successors or assigns, by right-of-way NMNM 83356, pursuant to the Act of August 27, 1958, (23 U.S.C. 317 (A)) as to lot 38, sec. 33, T. 17 N., R. 9 E.



Patent Number 30-97-0014

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 stat. 476), has, in the name of the United States, caused these letters to be made patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Santa Fe, New Mexico the TWELFTH day of DECEMBER in the year of our Lord one thousand nine hundred and NINETY-THREE and of the Independence of the United States the two hundred and TWENTY-FIRST.

By Stephen L. Fosberg  
Stephen L. Fosberg  
Acting Deputy State Director  
Resource Planning, Use and Protection





KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS, HAVE CAUSED TO BE ADJUSTED THOSE LARCS SHOWN HEREON THIS ADJUSTMENT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNERS. VULTY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS ADJUSTING CONTAINS 0.007 AC.--, AND LIES WITHIN THE  
PLANNING AND PLASTING JURISDICTION OF THE CITY OF  
SANTA FE, NEW MEXICO.

AMUSED BIRD LLC.

11/1/13

BY: MICHAEL WANDA, ENGINEER

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT HAS SHOWN, ACKNOWLEDGED AND  
SIGNED BEFORE ME, MELVIN VARELA, PRESIDENT AMBROS WYNN LLC.

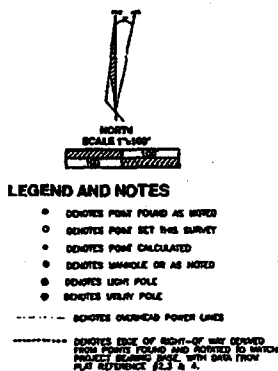
WTS 15-6 ONLY OF 77' 344 701T. 752-21-1-2-1-1

MY COMMISSION EXPIRES 3-21-75 NOTARY PUBLIC

*Rene Sapien* *c 2/17/11*  
CITY ENGINEER FOR LAND USE DATE  
*James J. ...* *5.9.11*  
CITY PLANNER DATE

732009

1. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD HEREIN PERTAIN.
2. THE PROPERTY LIES WITHIN ZONE C-1  
CONFORMING TO 12.15. PLANNING REGULATIONS (DATE MAP  
PANEL NO. 200-99-1110, 6/17/78)
3. RECORDING OF THIS PLAN NEEDS NOT AGGRAVATE THE APPROVAL  
BY THE CITY OF ANY ENDEAVORS TO ENDORSE PROPOSED IMPROVEMENTS.
4. EACH LOT SHALL BE SERVED BY SEWERAGE DRAINAGE AND WATER  
SERVICE.
5. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE  
PROVISIONS OF CHART. 16, LAND DEVELOPMENT CODE 200C 2001,  
AND SUBSEQUENT AMENDMENTS.
6. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS  
OF CHART. 16, LAND DEVELOPMENT CODE 200C 2001 AND FOR  
DEVELOPMENT PLANS ACCORDING WITH THE COUNTY CLERK OR SUBSTITUT  
FOR A BUILDING PERMIT APPLICATION THAT INDICATES ANY PROVISION OF  
CHART. 16, LAND DEVELOPMENT CODE 200C 2001 AND SUBSEQUENT  
AMENDMENTS.
7. BUILDABLE AREAS FOR PLANNED PHASES WILL BE DETERMINED AT THE TIME  
OF BUILDING PERMIT APPLICATION AS SPECIFIED IN THE LAND DEVELOPMENT CODE.

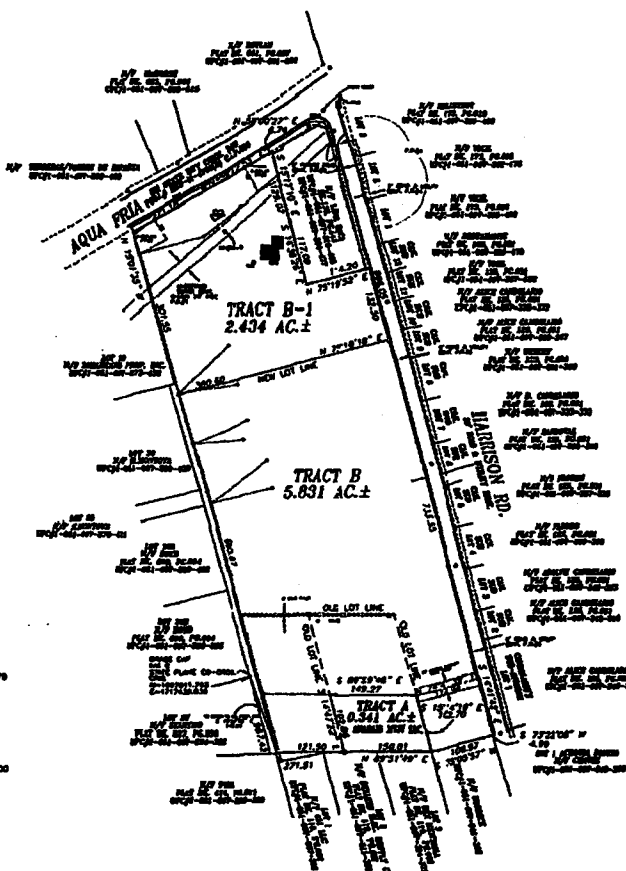


1. BASE OF BURNING IS CPE ORIGINATOR WGS 84 COORDINATE

1. "PLAT OF SURVEY FOR ANGELO BROWN LOT," BY PAUL S. WELCH, MAPS 70970 AND RECORDED FIRST IN PLAIN DE REG. CO. 6140, ON 6/10/77 AND LATER RECORDED ON 6/10/77 IN PLAIN DE REG. CO. 6140.
2. "NEW WINDS ESTATE MAPS, COASTAL FRONT OF WAY MAP AND NEW BEACH FRONT MAP, NE 1/4 - 179042, C&G, 963 SOUTH 7E COUNTY SECT 3 OF 6 AND LAST DATED DEC. 10TH, 1980.
3. "MANGLAVILLE'S SUB-SUBDIVISION OF COTTONWOOD MAPS/SECTIONS AND RECORDED IN PLAIN BOOK 120, PG. 881.
4. "PLAT OF SURVEY FOR CARLOS A. LOPEZ TRACT" BY MONTE A. APONTE RECORDED AND RECORDED IN PLAIN BOOK 172, PG. 1018.
5. "PLAT SHOWING IMPROVEMENTS OF TRACT 'B' AND TRACT 'C' FOR RALPH L. WILSON" BY DONALD C. WILSON, RECORDED IN PLAIN BOOK 172, PG. 1018 AND RECORDED 2/29/78 IN PLAIN DEPARTMENT OF LAND AND SURVEY COUNTY CLERK'S OFFICE.

I, RICHARD A. CHATROFF, A NEW MEXICO PROFESSIONAL SURVEYOR NO. 11011, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL FIELD SURVEY UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECTION ON DEC. 21ST, 2010; THAT I AM RESPONSIBLE FOR THE SURVEY AND THAT IT MEETS THE USUAL STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

RICHARD A. CHATROOP N.M.P.S. #11011



**LOT LINE ADJUSTMENT  
TRACTS ,B &  
TRACT B-1 FORMER TRACT B  
HAILE SUBDIVISION  
FOR  
ANASAZI MVJV LLC,**

LYING DOWN SECTION 33, 177A, 202.  
MAYBE SANTA FE CO. 194

**RICK CHATROOP**  
PROFESSIONAL LAND SURVEYOR  
NEW MEXICO REGISTRATION NO. 11011

(202) 675-6037 170 EAGON TRAIL NE. CHICKEN, GA. 37010

## ENCOURAGING THE ROLLOUT OF THE COUNTRY CLUB

LOCATION CYING BEHIND SECTION 32, T77N, R9E,  
MADON, SANTA FE CO., NM.





LEGEND AND NOTES

- 1. BOUNDARY LINE
- 2. BOUNDARY LINE WITH ADJACENT PROPERTY
- 3. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE
- 4. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING
- 5. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING AND AREA
- 6. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING AND AREA AND BEARING
- 7. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING AND AREA AND BEARING AND AREA AND BEARING
- 8. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING AND AREA AND BEARING AND AREA AND BEARING AND AREA AND BEARING
- 9. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING AND AREA AND BEARING AND AREA AND BEARING AND AREA AND BEARING
- 10. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING AND AREA AND BEARING AND AREA AND BEARING AND AREA AND BEARING

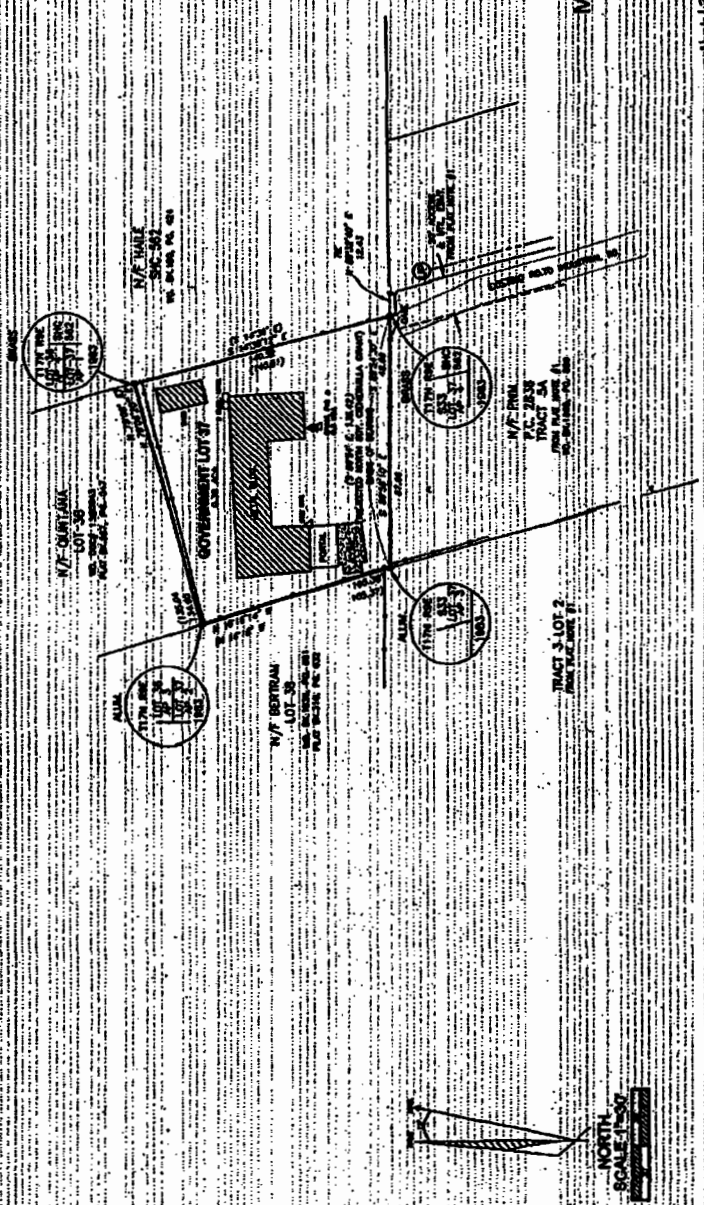
PUBLIC NOTICE

THIS SURVEY IS BASED ON THOSE RECORDED DOCUMENTS NOTED HEREON. CITY OF SANTA FE STAFF MUST APPROVE ALL DOCUMENTS SUBMITTED WITH AN APPLICATION FOR A BUILDING PERMIT AND MAY REQUIRE SUBMITTAL OF ADDITIONAL DOCUMENTATION TO PROVE LEGAL LOT OF RECORD.

1. NAME OF BOUNDARY LINE  
2. BOUNDARY LINE WITH ADJACENT PROPERTY  
3. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE  
4. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING  
5. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING AND AREA  
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10. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING AND AREA AND BEARING AND AREA AND BEARING AND AREA AND BEARING

PLAT REFERENCE

1. NAME OF BOUNDARY LINE  
2. BOUNDARY LINE WITH ADJACENT PROPERTY  
3. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE  
4. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING  
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10. BOUNDARY LINE WITH ADJACENT PROPERTY AND DISTANCE AND BEARING AND AREA AND BEARING AND AREA AND BEARING AND AREA AND BEARING



BOUNDARY SURVEY FOR  
MONTAÑA IRREVOCABLE CHILDRENS  
INSURANCE TRUST

AND  
MONTAÑA IRREVOCABLE GRANDCHILDRENS  
INSURANCE TRUST

GOVERNMENT LOT 37

105° 31' 14.29" 1991

SURVEYORS CERTIFICATE

1. NAME OF SURVEYOR  
2. SURVEYOR'S LICENSE NUMBER  
3. DATE OF SURVEY  
4. LOCATION OF SURVEY  
5. NAME OF CLIENT  
6. ADDRESS OF CLIENT  
7. CITY OF CLIENT  
8. STATE OF CLIENT  
9. COUNTY OF CLIENT  
10. ZIP CODE OF CLIENT



*Rick Chatroop*

RICK CHATROOP  
PROFESSIONAL LAND SURVEYOR  
NEW MEXICO REGISTRATION NO. 11011  
1991-1992



VICINITY MAP

# DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED SURVEYOR HAS CAUSED TO BE SURVEYED THOSE LOTS SHOWN HEREON AND HAS CAUSED TO BE LAYED OUT THE PRELIMINARY PLAT IN ACCORDANCE WITH THE POWER AND DUTY OF SAID SURVEYOR. UTILITY CONVEYANCES AND EASEMENTS ARE SHOWN AND FOR EXISTING UTILITIES, OTHER EASEMENTS ARE GRANTED AS SHOWN.

THE SURVEYOR CERTAINS AS TO ALL AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

*Richard A. Chatroop*  
 SURVEYOR

STATE OF NEW MEXICO  
 COUNTY OF SANTA FE  
 I, the undersigned, being duly sworn, acknowledge and subscribe before me this *10th* day of *May*, *1993*, that the above is a true and correct copy of the original plat of the above described land, as the same appears in the public records of the County of Santa Fe, New Mexico.



SCALE 1"=100'

# SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY HEREON ARE AN ACCURATE REPRESENTATION OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY SUPERVISION ON *10th* day of *May*, *1993*, AND THAT THE SURVEYOR HAS CAUSED TO BE LAYED OUT THE PRELIMINARY PLAT IN ACCORDANCE WITH THE POWER AND DUTY OF SAID SURVEYOR. UTILITY CONVEYANCES AND EASEMENTS ARE SHOWN AND FOR EXISTING UTILITIES, OTHER EASEMENTS ARE GRANTED AS SHOWN.

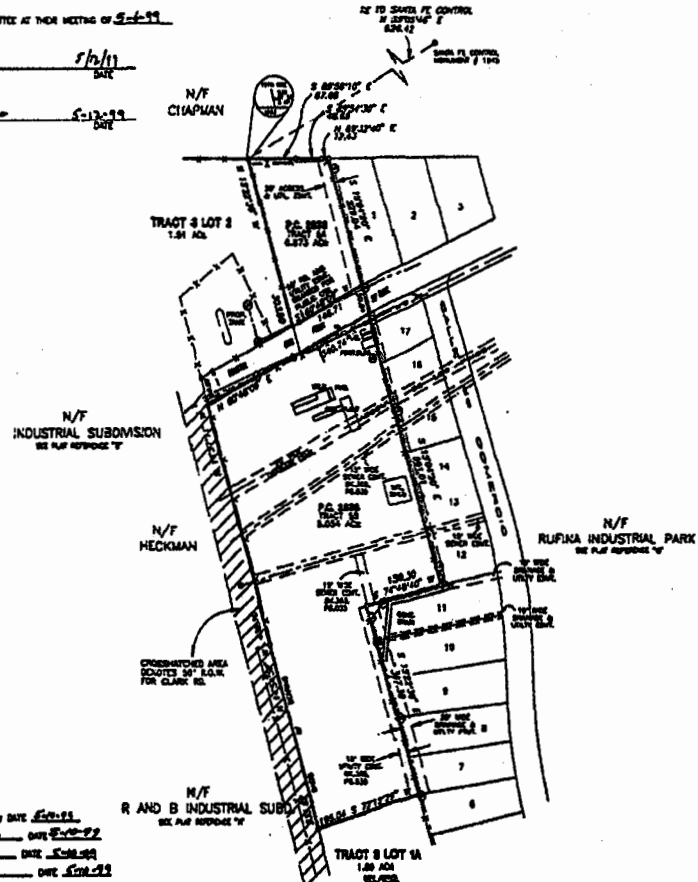
*Richard A. Chatroop*  
 SURVEYOR

# CITY OF SANTA FE REVIEW

*Paul J. ...* *5/17/99*  
 SUBCOMMISSIONER  
*...* *5/13/99*  
 CITY MANAGER

APPROVED BY THE SUBCOMMITTEE AT THEIR MEETING OF *5-1-99*

*L. ...* *5/2/99*  
 SUPERVISOR  
*...* *5-12-99*  
 SECRETARY



# LEGEND AND NOTES

- DOTTED FENCE FLOOD
- DOTTED 11011 DOTTED FENCE SET THE SURVEY
- DOTTED FENCE CALCULATED
- DOTTED FENCE CALCULATED 0414011
- DOTTED UTILITY POLE
- DOTTED TELEPHONE FENCE
- DOTTED ONE METER
- DOTTED 25 METER

- DOTTED EDGE OF DRAINAGE
- DOTTED OVERHEAD LINES
- DOTTED FENCE LINE

1. NAME OF RECORD IS FROM PLAT ENTITLED "LOT LINE ADJUSTMENT OF TRACT 3 LOT 2, TRACT 3 LOT 1A, AND PC 2838 TR. 5" 1983, AND BY SHOWING A CHATROOP MAPS 11011 DATED MAY 1991, 1993, AND BEING FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN S.C. 283, P.C. 283.
2. DATA IN ( ) IS FROM PLAT OF NOTE #1.
3. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

# CITY NOTES

1. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD WHEN PERMANENT.
2. NO PART OF THIS PROPERTY LIES WITHIN ANY DESIGNATED FLOOD ZONE ACCORDING TO F.E.A.A. FLOOD INSURANCE RATE MAP NO. 10.
3. RECORDING OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL BY THE CITY OF ANY EASEMENTS AND PRIVATE IMPROVEMENTS.
4. EACH LOT SHALL BE SERVED BY SEWAGE SEWER AND WATER SERVICE AT THE TIME OF DEVELOPMENT.
5. TYPICAL IMPROVEMENT SPECIFICATIONS 14-10, SHALL BE COMPLIED WITH AT THE TIME OF BUILDING PERMIT APPLICATION.
6. PURSUANT TO SPEC 14-10, A CAPITAL IMPACT FEE HAS BEEN ASSESSED ON THIS LOT. ANYONE INTENDING TO BUILD SHOULD CONTACT STAFF AT CITY HALL.

# PLAT REFERENCES

- A. "N AND S INDUSTRIAL SUBDIVISION" BY GEORGE BROWN AND FILED IN PLAT 283, P.C. 283, IN THE OFFICE OF THE SANTA FE CO. CLERK.
- B. "INDUSTRIAL SUBDIVISION" BY GEORGE BROWN AND FILED IN PLAT 283, P.C. 283, IN THE OFFICE OF THE SANTA FE CO. CLERK.
- C. "RUFINA INDUSTRIAL PARK" BY RAY WATSON AND FILED IN PLAT 283, P.C. 283, IN THE OFFICE OF THE SANTA FE CO. CLERK.

LOT SPLIT FOR  
 MONTAÑA CHILDREN AND GRANDCHILDREN  
 IRREVOCABLE TRUST OF  
 PC 2838 TR. 5

LYING WITHIN SECTION 33, T17N, R2E, N1/4, SANTA FE COUNTY, NEW MEXICO.

**RICK CHATROOP**  
 PROFESSIONAL LAND SURVEYOR  
 NEW MEXICO REGISTRATION NO. 11011  
 (505) 470-0007 422 E. SAN FRANCISCO ST. SANTA FE, NM 87501

ADDRESS: LYING WITHIN SECTION 33, T17N, R2E, N1/4, SANTA FE CO., N.M.



COUNTY OF SANTA FE  
 STATE OF NEW MEXICO  
 I, *Kim Chatroop*, being duly sworn, certify that the above is a true and correct copy of the original plat of the above described land, as the same appears in the public records of the County of Santa Fe, New Mexico.  
*Kim Chatroop*  
 SURVEYOR





# CITY OF SANTA FE

## EARLY NEIGHBORHOOD NOTIFICATION MEETING SIGN-IN SHEET

Development Name	2823 Industrial Rd Bezone & General Plan Amendment		
Meeting Date	11/26/12	Time:	6:00
Meeting Location	Southside Public Library		

	Name	Address	Phone # / E-mail
<input checked="" type="checkbox"/> If Applicant's Representative	James Siebert	915 Mercer St. SF. NM. 87505	983-5588 Jim@jwsiebert.com
<input type="checkbox"/>	Joaquin Sanchez	301 Griffin St. 87501	662-1062 joaquin3@cnb.com
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

**FOR CITY USE:** I hereby certify that the ENN meeting for the above named development took place at the time and place indicated.

Donna Wynant  
Print Name of City Staff in Attendance

[Signature]  
Signature of City Staff in Attendance

11/26/12  
Date



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

<i>Project Name</i>	2823 Industrial Road
<i>Project Location</i>	2823 Industrial Road
<i>Project Description</i>	Rezone from R-2 to I-1
<i>Applicant / Owner</i>	Las Alamos National Bank
<i>Agent</i>	Jim Siebert
<i>Pre-App Meeting Date</i>	11/26/12
<i>ENN Meeting Date</i>	9/26/12
<i>ENN Meeting Location</i>	Southside Library
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Donna Wynant, AICP
<i>Other Staff</i>	
<i>Attendance</i>	Owner's rep (from LANB), Agent & City Staff

**Notes/Comments:**

Meeting started at 5:30.

No neighbors attended the meeting. The representative from Las Alamos National Bank (owner of the subject property), his agent and City Staff discussed the property and the approvals of various other developments in the area (i.e Corazon Santo to the north and Agua Fria Compound to the northwest).

The meeting ended at 6:00.

**City of Santa Fe, New Mexico**

# **Exhibit D**

**Applicant Submittals**

**2823 INDUSTRIAL ROAD  
GENERAL PLAN AMENDMENT  
&  
REZONING REPORT**

**PREPARED FOR  
LANB**

**PREPARED BY**

**JAMES W. SIEBERT & ASSOC., INC**

**DECEMBER 2012**

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<i>Sewer</i>	
<i>Dry Utilities</i>	
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## FIGURES

Figure 1                      Vicinity map

## APPENDICES

Appendix A	Warranty deed
Appendix B	Proof of Legal Lot of Record through Exclusion
Appendix C	ENN Sign-in Sheet
Appendix D	Photos of Building & Property
Appendix E	Access Easement Plat
Appendix F	Aerial Description of Location & Subject Tract
Appendix G	Certificate of Occupancy

### **Project Description and Location**

The subject property is located at 2823 Industrial Road and consists of approximately .38 acres. The property is currently zoned R-2 with an existing metal building that has been used several years for commercial purposes. The applicant is requesting a general plan amendment to amend the existing land uses from Residential Low Density to Business Park and to rezone the subject .38 acres from R-2 (two dwellings per acre) to I-1 (light industrial).

Figure 1 is a vicinity map indicating the location of the subject property relative to the City street system and other land marks.

### **Ownership and Legal Lot of Record**

The subject property is owned by Los Alamos National Bank (LANB). A warranty deed for the property in the name of LANB can be found in Appendix A to this report.

The legal lot of record for this property is through exclusion. Reductions of the adjoining plats that have been approved and signed by the City are found in Appendix B to this report. This property is surrounded on all sides by legal lots of record, which by default or "exclusion" make this property a legal lot of record.

### **Development Request**

The application includes a rezoning of the property from R-2, (two dwellings per acre) to I-1, (light industrial). A request for an amendment to General Plan, Future Land Use Map also accompanies this application. The change to the Future Land Use Map is from Residential Low Density 3-7 dwellings per acre, to Business Park.

### **ENN**

An Early Neighborhood Notification (ENN) meeting was held on November 26, 2012 at the Tierra Contenta Library. None of the land owners notified of the meeting attended the ENN. No comments were received either orally or in writing on the requested general plan amendment or rezoning. The sign in sheet for the meeting is provided in Appendix C.

# SITE

AGUA FRIA ROAD

SILER ROAD

CERRILLOS ROAD

**JAMES W. SIEBERT**  
AND ASSOCIATES, INC.

815 MONCKEN STREET • SANTA FE, NEW MEXICO 87501



(505) 963-3500 FAX (505) 966-7333

2823 INDUSTRIAL  
ROAD

## VICINTY MAP

**SCALE**  
**1"=1,000'**



### **Existing Conditions**

The property consists of .38 acres of land and a metal building approximately 3,263 square feet in size. The exterior of the building is clad in sheet metal and the windows are metal casement type. Los Alamos National Bank, which is the current owner of the property, after acquiring it through foreclosure, is cleaning up the exterior of the building. Various photos of the building and property are included in the report in Appendix D.

The access to the property is from a 20 foot access and utility easement adjacent to and parallel to the PNM substation. This easement is recorded in Book 414 Page 011 the plat for which is attached as Appendix E.

### **Archaeology**

This tract of land is located in the River and Trails district. Per City code an archaeological study is not required for parcels of land more than two acres in size. An archaeology study is not required for a lot of this size.

### **Adjoining Land Uses**

A PNM substation is located immediately south of the subject property. A vehicle dismantling and crushing operation is located to the southwest of the requested rezoning. This is an exceptionally intensive operation with a considerable amount of noise associated with the moving and crushing of vehicles. A storage yard for recycled lumber and rocks is the most adjacent tract of land to the southeast. The property to the east and northeast is the Corazon Santo project, which is zoned R-6. This property is vacant. The land immediately north of this lot is vacant and zoned R-2, single family residential. The property to the west and northwest is vacant but has been approved for Mixed Use zoning as part of an approved master plan. Appendix F is an aerial photograph describing the location of the subject tract and adjoining land uses.

### **Utilities**

#### Water

An 8 inch water line is located in Industrial Road. Apparently a yard line has been extended to the building for water service. The location and size of the yard line is unknown. The knowledge about City water service is based on a telephone conversation with billing section of the City Water Division that an account does exist for water service to this address.

#### Sewer

There is an 8 inch sewer line in Industrial Road. This line is a dedicated City sewer line. There is a lateral line to the 2823 building that provides sewer service to building. The knowledge about City sewer service is based on a telephone conversation with the billing section of the City Water Division that an account does exist for sewer service to this address.



## Response to General Plan Amendment Criteria

The Land Development Code lists the criteria for addressing an amendment to the General Plan. Each of these criteria is addressed below.

**(1) Criteria for all amendments to the general plan:**

- (a) Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with 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.*

Since the property with the building has been in existence for at least 20 years the proposed rezoning would have been part of a data base dating back to approximately 1990. This building has provided an opportunity for small scale, local business to start or grow their business. The various businesses that have occupied the building include a plumbing supply and yard for a plumbing business, auto repair shop, and most recently a carpentry shop.

- (b) Consistency with other parts of the General Plan.*

The City General Plan shows this property as residential, low density, 3-7 dwellings per acre. Since this industrial use has been around since at least 1990, either this was a mistake in mapping or an over-sight on the use that existed on the property when the existing land uses were compiled in 1999. The parcels of land on either side have received a general plan amendment, with the tract on the east being designated medium density residential and the tract of the west being designated mixed use.

- (c) The amendment does not:*

- (i) Allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or*

The building on this property has been used for commercial purposes since the early 1990's. Rezoning of the property to I-1, Light Industrial would make the property consistent with the uses that have occupied the land for over 20 years.

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

This property is less than two acres. It is an extension of the existing, contiguous I-1, light industrial zoning and does adjust the boundary between the light industrial and single family residential zoning districts.

- (iii) *Benefit one or a few landowners at the expense of the surrounding landowners of the general public.*

Any rezoning will have some benefit to a single landowner or the land owner would not request the rezoning. In this case the benefit is to bring the zoning in line with the use that has existed on the property for over 20 years. The landowners to the west and east have rezoned their properties to a higher density knowing that this use existed adjacent to their property boundaries.

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

There is a proven need for land and buildings for small scale industrial uses located in areas with adequate access and utilities. This building has been used by a variety of small businesses over the last 20 years.

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans;*

This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City. This property has been part of the City limits since 1966.

- (f) *Contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and*

Since the building on this property has been in existence for more than 20 years the development of the property will have little to do with the "coordinated, adjusted and harmonious development of the municipality". Failure to rezone the property will deprive the local small scale business community the opportunity to start a business or grow a business at this location. The property is served with City water and sewer and all municipal utilities and services are available for this site. Additional fire stations or police substations are not required in order to serve the existing use.

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

**(2) Additional Criteria for Amendments to Land Use Policies**

*In addition to complying with the general criteria set forth in Subsection 14-3.2E(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback landscaping or other means, and a finding must be made that:*

- a) *The growth and economic projections contained within the plan are erroneous or have changed; or:*

When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize this industrial use that existed as of the date of the adoption of the General Plan. It is our contention that the General Plan land use designated was applied in error for this property.

- b) *No reasonable locations have been provided for certain land uses for which there is demonstrated need; or*

There is a proven need for land and buildings for small scale industrial uses located in areas with adequate access and utilities. This building has been used by a variety of small businesses over the last 20 years.

- c) *Conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market, and building technology; and*

Over the last 20 years the Siler Road industrial area has filled in to the point that very little vacant land remains for building construction. There is a greater need and demand for land in the Siler Road industrial area than existed when the building was originally constructed over 20 years ago.

The properties to the east and west of this subject parcel have been rezoned. At the time of the rezoning the property owners were aware that this building was used for industrial uses and in particular that it was used as a carpentry shop. Although the properties to the east and west have been rezoned they are currently vacant and subsequent development plans have not been submitted to the City.

The properties to the east and west of this subject parcel have been rezoned. At the time of the rezoning the property owners were aware that this building was used for industrial uses and in particular that it was used as a carpentry shop. Although the properties to the east and west have been rezoned they are currently vacant and subsequent development plans have not been submitted to the City.

#### **Response to Criteria for Rezoning of the Property**

This section of the report addresses the rezoning criteria set forth in Section 14-3.5(C) of the Land Development Code.

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

(iii) *A different use category is more advantageous to the community as articulated in the general plan or other adopted plans.*

Based on aerial photography commercial/light industrial uses have existed on this property since approximately 1985. A City business license for a commercial use has been issued by the City although the current business license has not been renewed due to the foreclosure action, there is a certificate of occupancy from 2001, found in Appendix G. A longer history of business licenses is not possible since that is the limit of the City's archive for this type of license. The issuance of a business license requires proof of a legal lot of record and conformance with the use with the underlying zoning. One can assume that the usual city inspection and review was conducted at the time of issuance of the first business license. In rezoning the property to I-1 the applicant is requesting to maintain the same use of the property that use which has existed since the issuance of the first business license. A rezoning to I-1 would recognize the use that has existed on this property for over 20 years.

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

Currently the existing zoning is R-2, Single Family Residential, two dwellings per acre. Rezoning of the property to I-1, Light Industrial would bring the use into conformance with the historic uses that have taken place on this property.

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

The City General Plan shows this tract as "Low Density Residential, 3-7 dwellings/acre", which is inconsistent with the use of the property and the surrounding uses for the area. An amendment to the City General Plan has been approved for the parcel to the west, changing the General Plan status from "Low Density Residential" to "Transitional Mixed Use". Given this parcel's adjacency to the auto and scrap metal salvage yard and other industrial/commercial uses this would be a reasonable land use recommendation for this area. The properties to the south of the subject parcel have a "Business Park" Future Land Use Map designation.

A request for a Business Park designation is consistent with the City General Plan land use recommendation and the commercial uses of this property for 20 plus years.

*(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.*

This .38 acre tract would have little impact on the availability and sufficiency of commercial and industrial land in the City, especially since this property has historically been included in that land use category. The availability of land for light industrial uses has significantly diminished over the last 10 years, with such Business Parks as the Valdes Park and Rodeo Road Business Park beginning to approach a built-out condition. This property provides an affordable opportunity for smaller, local companies to start their business or grow their business. The plumbing supply, auto repair and carpentry shop are examples of the small local businesses that have previously occupied this property.

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

The impact from this development occurred several years ago, most likely when there was minimal infrastructure. Currently, developed infrastructure is in place with improved roads, water and sewer serving the area and this property. The closest Fire Station to this site is located on Cerrillos Road near Third Street within a five minute service radius to this property. Since this is a commercial use the proximity to parks is not a significant consideration from a policy standpoint.

**APPENDIX A**

**WARRANTY DEED**

**WARRANTY DEED**

ANDRAS SZANTHO, a married man dealing in his sole and separate property, for good and valuable consideration, the receipt of which is hereby acknowledged, grants to LOS ALAMOS NATIONAL BANK, a National Bank, whose address is 1200 Trinity Drive, Los Alamos, New Mexico, 87544, the following real property located in Santa Fe County, New Mexico at 2823 Industrial Road, Santa Fe, NM 87507, more particularly described as follows:

Government Lot 37, as shown on plat entitled "Boundary Survey for Montoya Irrevocable Children's Insurance Trust and Montoya Irrevocable Grandchildren's Insurance Trust...lying within Section 33, T17N, R9E, N.M.P.M.,..." filed in the office of the County Clerk, Santa Fe County, New Mexico on June 27, 2006 in Book 627, Page 36 as Document No. 1439459,

with warranty covenants.

SUBJECT TO patents, reservations, restrictions, encroachments and easements of record, and property taxes.

WITNESS my hand and seal as of the date indicated below.

Andras Szantho  
Andras Szantho

10-22-12  
Date

**ACKNOWLEDGMENT**

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

On October 22<sup>nd</sup>, 2012, before me Andras Szantho personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in his individual authorized capacity.

Witness my hand and official seal

Karen E. Abeysa  
Notary Public

My commission expires:

5/30/2014



OFFICIAL SEAL  
KAREN E. ABEYSA  
NOTARY PUBLIC - STATE OF NEW MEXICO  
5/30/2014



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

WARRANTY DEED  
PAGES: 2

I Hereby Certify That This Instrument Was Filed for  
Record On The 22ND Day Of October, 2012 at 03:44:01 PM  
And Was Duly Recorded as Instrument # 1885385  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy Valerie Espinosa County Clerk, Santa Fe, NM



## **APPENDIX B**

### **PROOF OF LEGAL LOT OF RECORD THROUGH EXCLUSION**



1369494

# The United States of America

To all whom these presents shall come, Greeting:

NMNM 92939

COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this document was filed for  
record on the \_\_\_\_\_ day of \_\_\_\_\_ A.D.  
19 \_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and  
was duly recorded in Book \_\_\_\_\_ page  
\_\_\_\_\_ of the records of Santa Fe County.  
Witness my Hand and Seal of Office  
Florence Bustamante  
County Clerk, Santa Fe County, NM

## WHEREAS

Wilderness Estates Development

Alexandra Clough

Deputy

in exchange for certain land conveyed to the United States, has selected  
and is entitled to a Land Patent pursuant to Section 206 of the Act of  
October 21, 1976 (43 U.S.C. 1716), as amended by the Federal Land Exchange  
Facilitation Act of August 20, 1988, for the following described land:

New Mexico Principal Meridian, New Mexico.

T. 17 N., R. 9 E.,

sec. 33, lot 38.

Containing 4.22 acres.



together with an existing road right-of-way, 30 ft. wide and 1500 ft. long,  
Serial No. NMNM 71438, within SWSE, sec. 24, as reserved in Patent No.  
30-88-0073 dated September 8, 1988.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES  
unto the above-named claimant(s) the land above described; TO HAVE AND TO  
HOLD the said land with all the rights, privileges, immunities and appurtenances,  
of whatsoever nature, thereunto belonging unto the said claimant(s), and its  
successors and assigns forever, and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way  
thereon for ditches or canals constructed by the authority of the United States pursuant  
to the Act of August 30, 1890 (43 U.S.C. 945).

## SUBJECT TO:

1. Valid existing rights-of-way and easements;

Patent Number **30-97-0014**

NMNM 92939

1369495

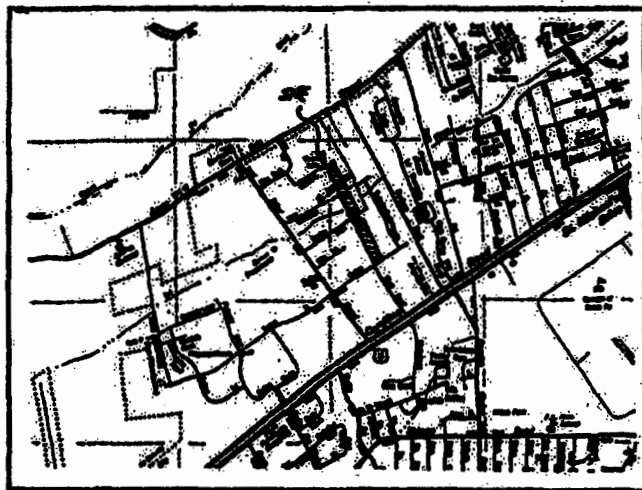
2. Those rights for highway purposes granted to the Federal Highway Administration, its successors or assigns, by right-of-way NMNM 83356, pursuant to the Act of August 27, 1958, (23 U.S.C. 317 (A)) as to lot 38, sec. 33, T. 17 N., R. 9 E.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1890 (26 Stat. 476), has, in the name of the United States, caused these letters to be made patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Santa Fe, New Mexico the TWELFTH day of DECEMBER in the year of our Lord one thousand nine hundred and NINETY-SEVEN and of the Independence of the United States the two hundred and TWENTY-FIRST.

*Stephen L. Paulsen*  
Stephen L. Paulsen  
Acting Deputy State Director  
Resource Planning, Use and Protection



VICINITY MAP

N/F  
COOKS INDUSTRIAL SUBDIVISION  
SEE PLAT REFERENCE "C"

N/F  
CHAPMAN

LOT 1 BLK 2  
7926 50-77

TRACT 3 LOT 2  
1.81 AC.

N/F  
INDUSTRIAL SUBDIVISION  
SEE PLAT REFERENCE "C"

N/F  
HECKMAN

N/F  
R AND B INDUSTRIAL SUB  
SEE PLAT REFERENCE "C"

CITY

SUBDIVISION

CITY PLAT

DEDICATION

1. CROSSHATCHED AREA
2. DEDICATED TRACT

RUFINA II  
SEE I

### DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS, HAVE CAUSED TO BE REPLICATED THOSE LANDS SHOWN HEREON, THIS REPLAY IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNERS, UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES OTHER EASEMENTS ARE GRANTED AS SHOWN, THE 57.84M. FOR INDUSTRIAL RD. IS HEREBY DEDICATED TO THE CITY OF SANTA FE.

THIS REPLAY CONTAINS 9.71 AC. AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

*Phyllis Capling Austin*  
OWNER TRACT 3 LOT 2 AND PG 2536 TR. 5

STATE OF NEW MEXICO

COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY

THIS 22nd day of April, 1998 *Isabella Chavez*

MY COMMISSION EXPIRES 11-21-2000 NOTARY PUBLIC

*Clay*  
OWNER TRACT 3 LOT 1A

STATE OF NEW MEXICO

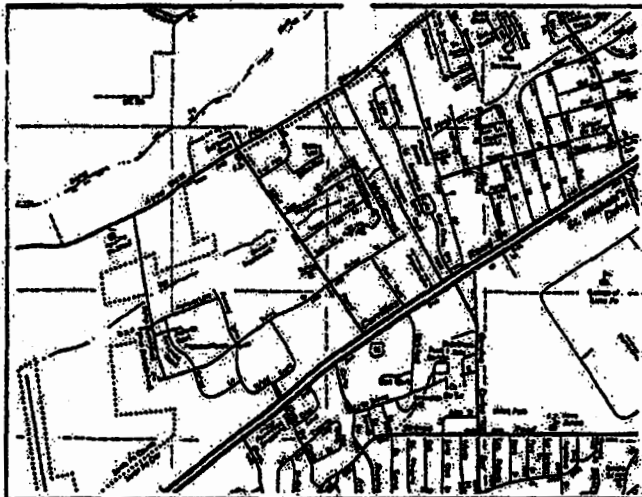
COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS SHOWN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY

THIS 22nd day of April, 1998 *Isabella Chavez*

MY COMMISSION EXPIRES 11-21-2000 NOTARY PUBLIC

SCALE 1"=100'



VICINITY MAP

## DEDICATION AND AFFIDAVIT

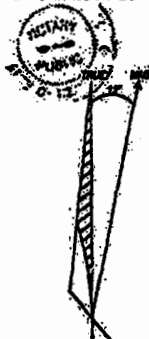
KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE DEDICATED THOSE LANDS SHOWN HEREON. THIS DEDICATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS DIVISION CONTAINS 5.93 AC., AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

*Charlotte M. Caplin*  
OWNER PO 2838 TR. 5 OF TRACT 8 PERSONAL REPRESENTATIVE

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY *Charlotte M. Caplin* THIS 10th DAY OF May, 1999. *Justin M. Ortiz*  
MY COMMISSION EXPIRES 11-11-2000 NOTARY PUBLIC



SCALE 1"=100'

## CITY OF SANTA FE REVIEW

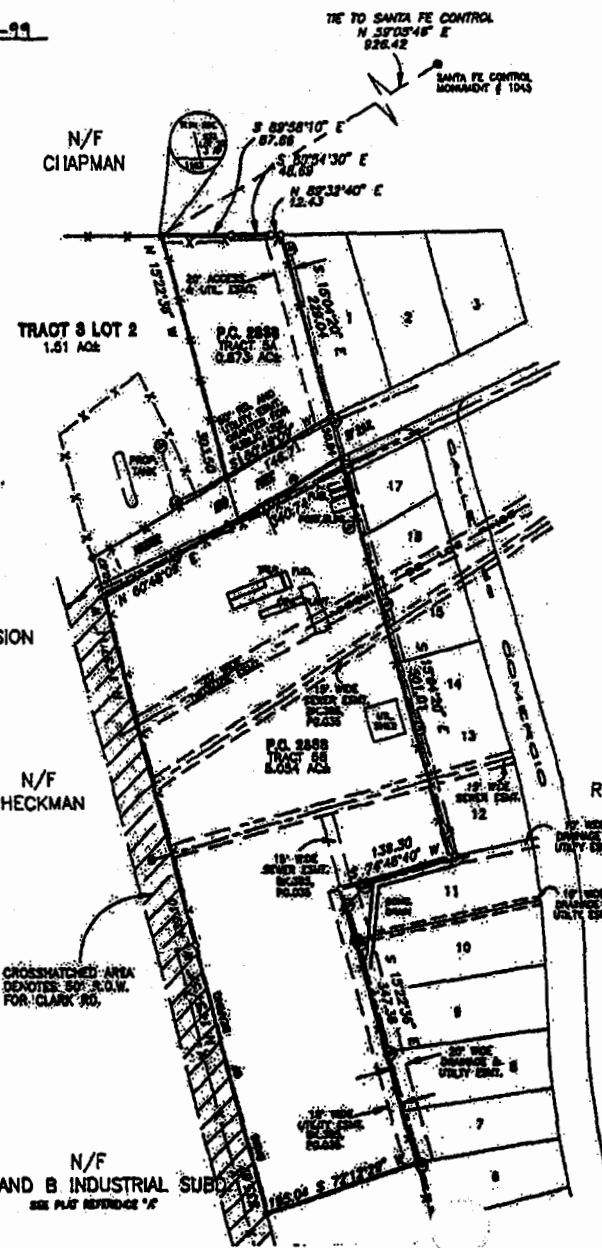
*[Signature]* 5/17/99  
SUBDIVISION ENGINEER REVIEW DATE

*[Signature]* 5/13/99  
CITY PLANNER DATE

APPROVED BY THE SUMMARY COMMITTEE AT THEIR MEETING OF 5-6-99

*[Signature]* 5/12/99  
CHAIRPERSON DATE

*[Signature]* 5-12-99  
SECRETARY DATE



SANGRE DE CRISTO WATER CO. *[Signature]* DATE 5-10-99  
U.S. WEST COMMUNICATIONS *[Signature]* DATE 5-10-99



# LOT SPLIT SURVEY FOR LAWRENCE BOYD OF LOT 36

LYING AND BEING SITUATE IN PROJECTED SECTION 33,  
TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M.,  
CITY AND COUNTY OF SANTA FE, NEW MEXICO



GRAPHIC SCALE 1" = 40'  
0 20 40

CITY OF SANTA FE APPROVAL  
*Risana Barrios* 09/15/08  
SUBDIVISION REVIEWER DATE  
*Sharon Bone* 09/11/08  
CITY PLANNER DATE

SUMMARY COMMITTEE APPROVAL  
APPROVED BY THE SUMMARY COMMITTEE AT THEIR  
MEETING OF 09/11/08, PLAT 007-007-08  
*R. J.* 8-1-08  
SUMMARY COMMITTEE CHAIRMAN DATE  
*R. J.* 7-14-08  
SUMMARY COMMITTEE SECRETARY DATE

- PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 1987 AND SUBSEQUENT AMENDMENTS.
- PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO PLAT AND/OR DEVELOPMENT PLAN RECORDING WITH THE COUNTY CLERK OR SUBMITTAL FOR A BUILDING PERMIT APPLICATION THAT MODIFIES ANY PROVISION OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 1987 AND SUBSEQUENT AMENDMENTS.
- BUILDABLE AREAS FOR PLATTED PARCELS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS DETAILED IN THE LAND DEVELOPMENT CODE. ANY BUILDABLE AREAS SHOWN HEREON ARE SUBJECT TO RELOCATION PER CODE REQUIREMENTS. EACH LOT SHALL BE SERVICED WITH SEPARATE SEWER AND WATER SERVICES.
- AS OUTLINED BY THE FIRE MARSHAL'S REPORT (BARBARA SALAS), A CONDITION OF APPROVAL FOR THE CITY OF SANTA FE FIRE DEPARTMENT IS: PRIOR TO NEW CONSTRUCTION, A FIRE ACCESS ROAD IN ACCORDANCE WITH CHAPTER 12 OF SANTA FE CITY CODE SHALL BE PROVIDED. FIRE ACCESS ROAD REQUIREMENTS SHALL ADDRESS WIDTH, GRADE AND REQUIRED TURN AROUND WHERE REQUIRED.
- THE PROPERTY OWNER IS REQUIRED TO CONSTRUCT AND COMPLETE A PUBLIC SEWER MAIN EXTENSION, WHICH REQUIRES A PLAN SET PREPARED BY A LICENSED ENGINEER, POSTING OF FINANCIAL GUARANTEE WITH THE CITY AND FINAL ACCEPTANCE BY THE WASTEWATER MANAGEMENT DEPARTMENT FOR PERMANENT MAINTENANCE.

## OWNER'S CONSENT

THE UNDERSIGNED OWNER(S) DO HEREBY ATTEST THAT THE LOT SPLIT AND PLATTING AS SHOWN HEREON IS MADE WITH THEIR FREE CONSENT AND IS IN ACCORDANCE WITH THEIR WISHES AND INTENTS. THE UNDERSIGNED OWNER(S) DO HEREBY GRANT EASEMENTS TO ALL EXISTING PUBLIC UTILITY. THESE LOTS LIE WITHIN THE PLATTING AND PLANNING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

LAWRENCE BOYD

STATE OF NEW MEXICO

COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 25  
DAY OF JUNE 2008, BY LAWRENCE BOYD.

*Sharon E. Larkin*  
NOTARY PUBLIC

*Sharon E. Larkin*  
NOTARY PUBLIC

AGUA FRIA STREET  
PAPER FRONT  
& CONC. SIDEWALK

1 STORY BUILDING

1 STORY BUILDING

N/T  
MONTANA, SANTIAGO  
UPC 1-051-007-273-431  
0.180 P.001  
PLAT 0.316 P.032

N/T  
MONTANA, SANTIAGO  
UPC 1-051-007-273-431  
0.180 P.001  
PLAT 0.316 P.032

USBLN  
L35  
APR  
L35  
T 32.4  
1903

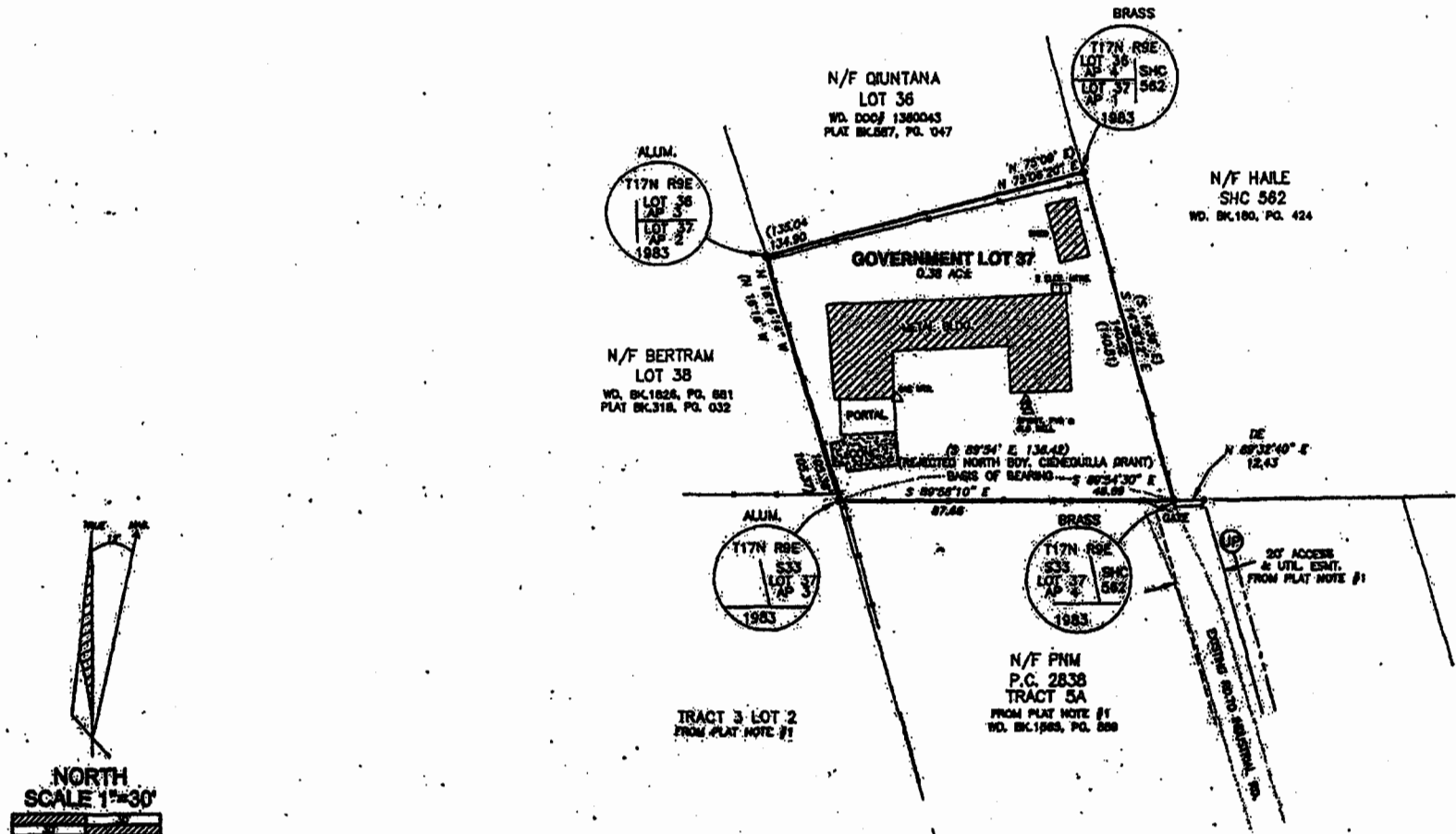
N/T  
HALL  
UPC 1-051-007-302-432  
0.180 P.424

LOT 36A  
0.482 ACRES  
(21,438 SQ. FT.)  
2745 AGUA FRIA STREET  
(VACANT LOT)



PUBLIC NOTICE

THIS SURVEY IS BASED ON THOSE RECORDED DOCUMENTS NOTED HEREON. CITY OF SANTA FE STAFF MUST APPROVE ALL DOCUMENTS SUBMITTED WITH AN APPLICATION FOR A BUILDING PERMIT AND MAY REQUIRE SUBMITTAL OF ADDITIONAL DOCUMENTATION TO PROVE LEGAL LOT OF RECORD.



## **APPENDIX C**

### **ENN SIGN IN SHEET**



# CITY OF SANTA FE

## EARLY NEIGHBORHOOD NOTIFICATION MEETING SIGN-IN SHEET

Development Name	2823 Industrial Rd. Rezone & General Plan Amendment		
Meeting Date	11/26/12	Time:	6:00
Meeting Location	Southside Public Library		

	Name	Address	Phone # / E-mail
<input checked="" type="checkbox"/> If Applicant's Representative	James Siebert	915 Meeker St. SE. NM. 87505	983-5588 Jim@jwsiebert.com
<input type="checkbox"/>	Joaquin Sanchez	301 Griffin St. 87501	662-1062 joaquin.s@lanb.com
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

FOR CITY USE: I hereby certify that the ENN meeting for the above named development took place at the time and place indicated.

Donna Wymant  
Print Name of City Staff in Attendance

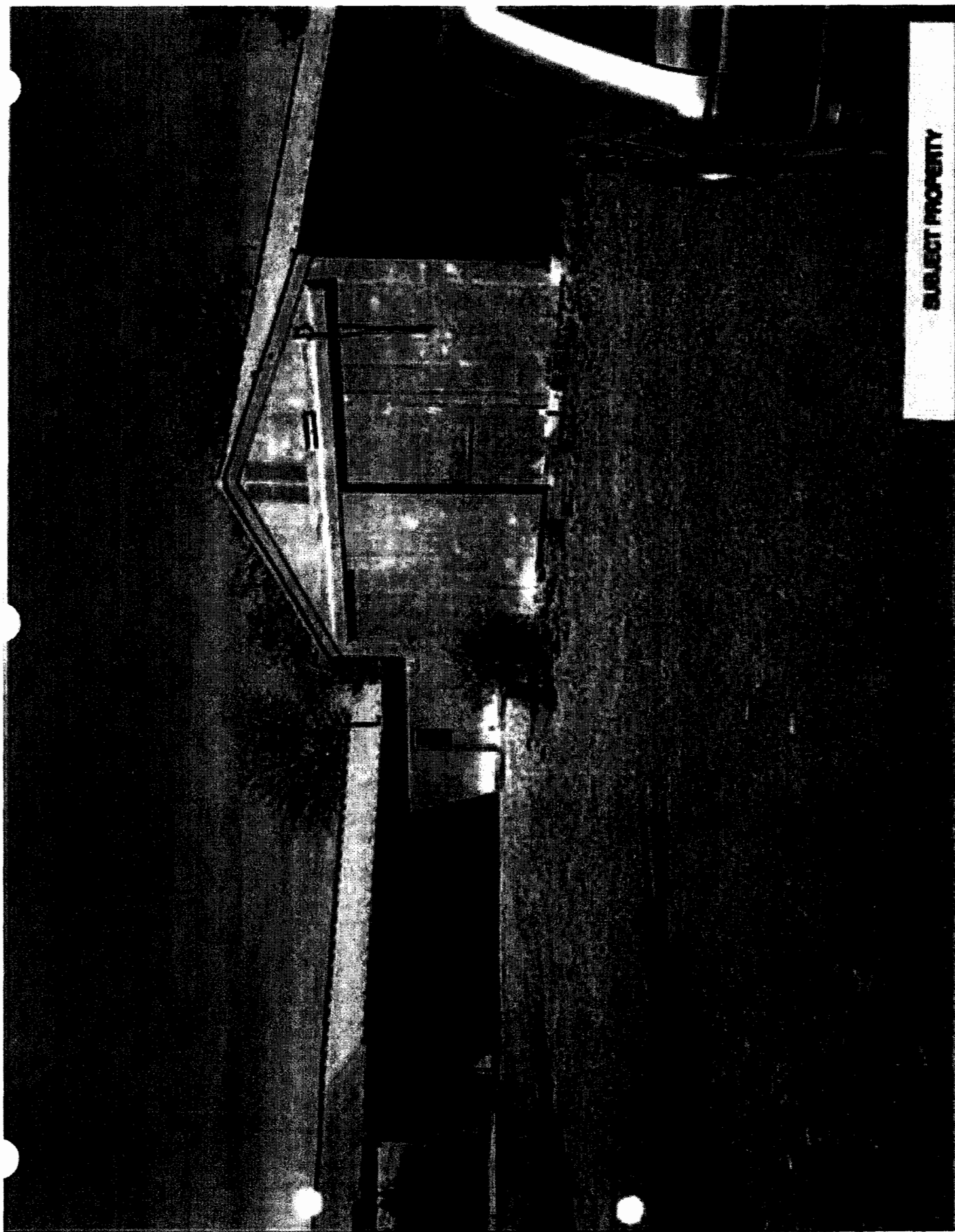
[Signature]  
Signature of City Staff in Attendance

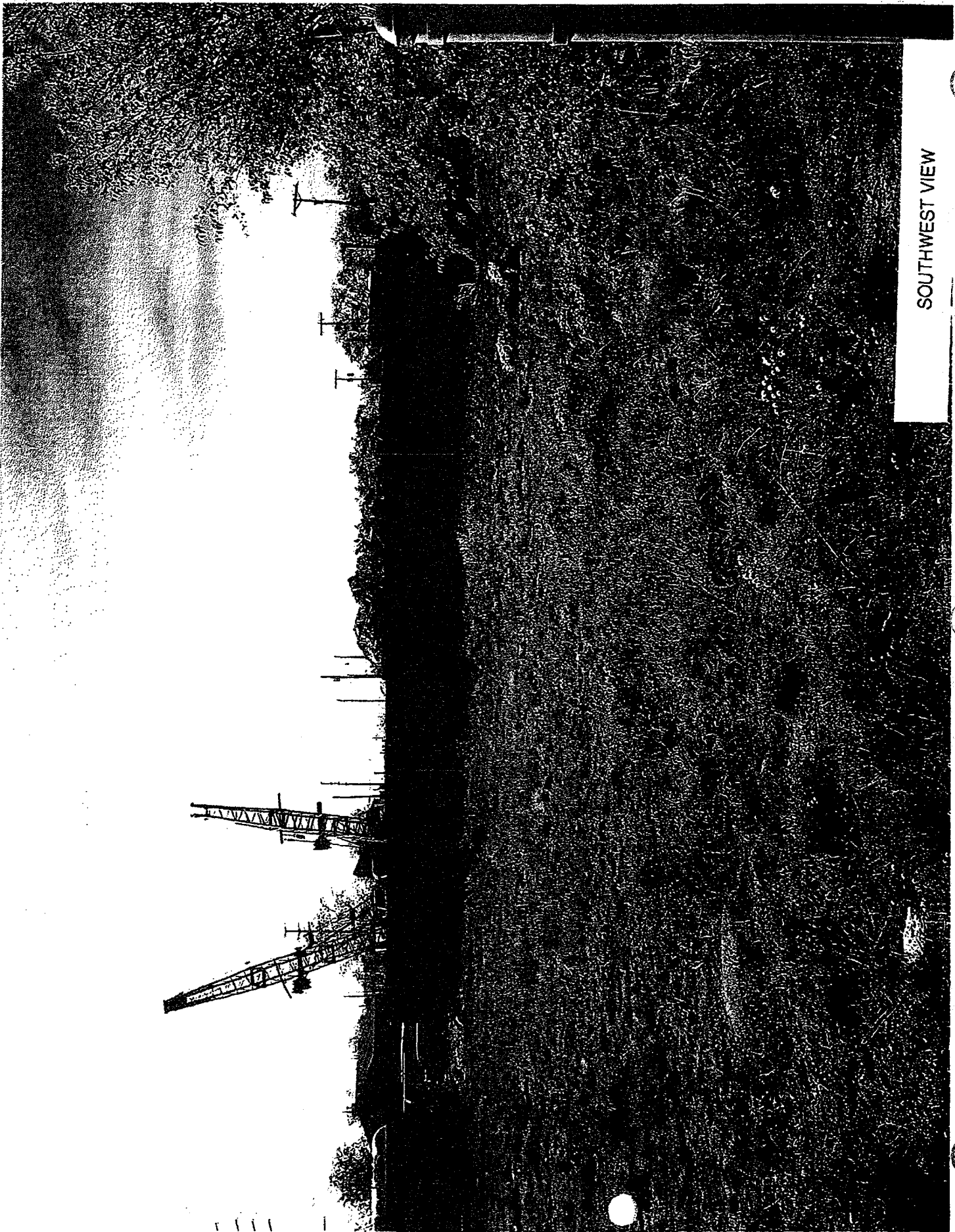
11/26/12  
Date

## **APPENDIX D**

### **PHOTOS OF BUILDING & PROPERTY**

SUBJECT PROPERTY

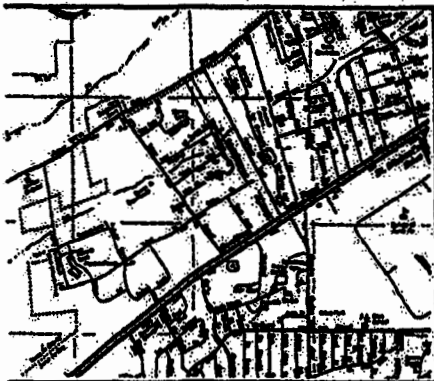




SOUTHWEST VIEW

## **APPENDIX E**

### **ACCESS EASEMENT PLAT**



VICINITY MAP

# CITY OF SANTA FE REVIEW

*[Signature]* 5/17/99  
 SUPERVISOR, ENGINEERING DEPARTMENT  
*[Signature]* 5/13/99  
 CITY MANAGER

APPROVED BY THE SANITARY COMMITTEE AT THEIR MEETING OF 5-6-99

*[Signature]* 5/17/99  
 CHAIRPERSON  
*[Signature]* 5-12-99  
 MEMBER

## DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED CHAIRMAN, HAVE CAUSED TO BE DEDICATED THESE LOTS WITHIN THE CITY OF SANTA FE, NEW MEXICO.

THIS DEDICATION BEING THE SAME AS THE ONE MADE BY THE PLANNING AND PLATTING COMMISSION OF THE CITY OF SANTA FE, NEW MEXICO.

*[Signature]*  
 CHAIRMAN OF THE PLANNING AND PLATTING COMMISSION

STATE OF NEW MEXICO  
 COUNTY OF SANTA FE

THE FOREGOING INSTRUMENT WAS DEDICATED AND SUBMITTED BEFORE ME BY *[Signature]*  
 THIS 10th DAY OF May, 1999, at Santa Fe, New Mexico.  
 MY COMMISSION EXPIRES 11/12/99.

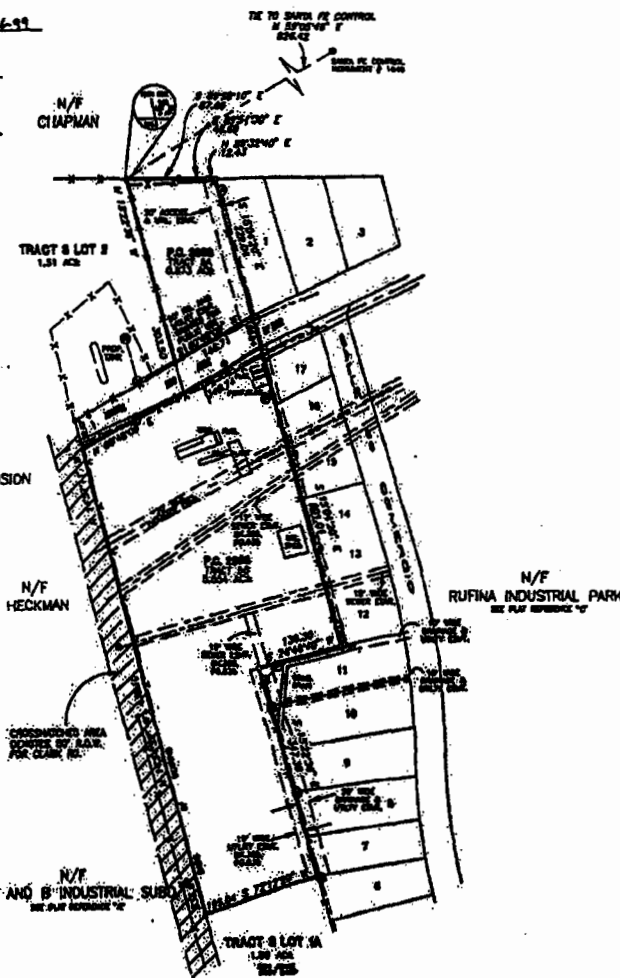


SCALE 1"=100'

## SURVEYORS CERTIFICATE

WE HEREBY CERTIFY THAT THIS PLAN AND THE NOTES HEREON ARE AN ACCURATE REPRESENTATION OF A FIELD SURVEY COMPLETED BY US OR UNDER MY DIRECTION ON MARCH 1ST, 1999, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS' PRACTICES IN NEW MEXICO.

*[Signature]* RICK CHATROOP  
 RICK CHATROOP



## LEGEND AND NOTES

- DEDICATED POINT FOUND
- DEDICATED 11011 DIPPED REBAR SET THIS SURVEY
- DEDICATED POINT CALCULATED
- DEDICATED BRASS MONUMENT 0614011
- DEDICATED UTILITY POLE
- DEDICATED TELEPHONE POLE
- △ DEDICATED GAS METER
- DEDICATED DE MANHOLE

- DEDICATED EDGE OF EASEMENT
- DEDICATED OVERHEAD LINES
- DEDICATED FENCE LINE

1. BASIS OF RECORDS IS FROM PLAT ENTITLED "LOT LINE ADJUSTMENT OF TRACT 8 LOT 2, TRACT 3 LOT 1A, AND PG 2838 TR 5 1983, AND BY EDWARD A. CHATROOP SURVEY 11011 DATED MAY 1ST, 1983, AND BEING FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN S.F. 2838, P. 5, 1983.
2. DATA IN ( ) IS FROM PLAT OF NOTE #1.
3. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

## CITY NOTES

1. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD WHICH PERTAIN.
2. NO PART OF THIS PROPERTY LIES WITHIN ANY DESIGNATED FLOOD ZONE ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP PAGE 10.
3. RECORDS OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF THE CITY OF ANY DISORDERS INTO PRIVATE PROPERTIES.
4. EACH LOT SHALL BE SERVED BY SEWERAGE SEWER AND WATER SERVICE AT THE TIME OF DEVELOPMENT.
5. TERMINAL MANAGEMENT REGULATIONS, SFD 16-40, SHALL BE COMPLIED WITH AT THE TIME OF BUILDING PERMIT APPLICATION.
6. PURSUANT TO SFD 14-20, A CANTON IMPACT FEE HAS BEEN ASSESSED ON THESE LOTS. ANYONE INTENDING TO BUILD SHOULD CONTACT STAFF AT CITY HALL.

## PLAT REFERENCES

- A. "R AND B INDUSTRIAL SUBDIVISION" BY GEORGE HAYES AND FILED IN PLAT 2838, IN THE OFFICE OF THE SANTA FE CO. CLERK.
- B. "INDUSTRIAL SUBDIVISION" BY GEORGE HAYES AND FILED IN PLAT 2838, IN THE OFFICE OF THE SANTA FE CO. CLERK.
- C. "RUFINA INDUSTRIAL PARK" BY GUY HAYES AND FILED IN PLAT 2838, IN THE OFFICE OF THE SANTA FE CO. CLERK.

LOT SPLIT FOR  
 MONTOYA CHILDREN AND GRANDCHILD  
 IRREVOCABLE TRUST OF  
 PC 2838 TR. 5

LYING WITHIN SECTION 33, T17N, R9E, NMPM, SANTA FE CO. NEW MEXICO.

RICK CHATROOP  
 PROFESSIONAL LAND SURVEYOR  
 NEW MEXICO REGISTRATION NO. 116  
 (1995) 470-0007 420 N. 2ND STREET S.F. SANTA FE

CHARTERED SURVEYOR  
 LOCATION LYING WITHIN SECTION 33, T17N, R9E, NMPM, SANTA FE



COUNTY OF SANTA FE  
 BOOK OF NEW RECORDS  
 I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN THE OFFICE OF THE COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO, ON MAY 17, 1999, AT 1:00 PM.

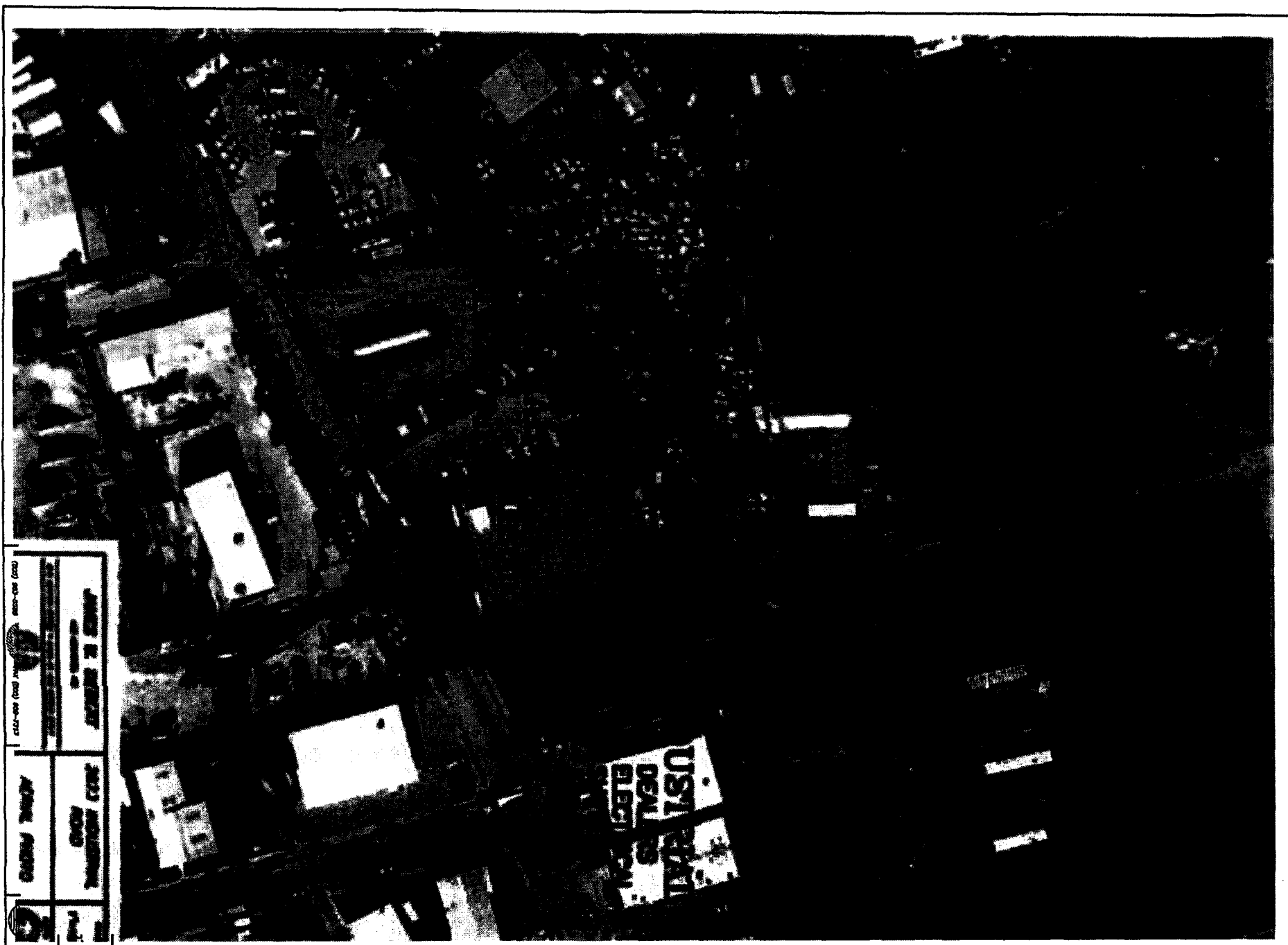
Witness my Hand and Seal of Office  
 County Clerk, Santa Fe County, N.M.

*[Signature]*  
 County Clerk



## **APPENDIX F**

### **AERIAL DESCRIPTION OF LOCATION AND SUBJECT TRACT**



**APPENDIX G**

**CERTIFICATE OF OCCUPANCY**

OL500U01

City of Santa Fe \*LIVE\*  
Business Miscellaneous Information Maintenance

11/07/12  
09:31:48

Business: GILS PROFESSIONAL AUTO REPAIR  
Type information, press Enter.

41858

Seq	Code (F4)	Freeform Information	Date	Display in BP			
				AP	PP	IN	CR
1.00	SRVC	CO ON FILE FOR 2823 INDUSTRIAL RD	81501	-	-	-	-
2.00	SIC	75	81501	-	-	-	-
3.00				-	-	-	-
4.00				-	-	-	-
5.00				-	-	-	-
6.00				-	-	-	-
7.00				-	-	-	-
8.00				-	-	-	-
9.00				-	-	-	-
10.00				-	-	-	-
11.00				-	-	-	-
12.00				-	-	-	-
13.00				-	-	-	-
14.00				-	-	-	-

More...

F3=Exit F4=Prompt F12=Cancel

! XL error

Subsystem: GE\_VECTOR

Error: GEEEmptyClipPath      Warning: IllegalMediaSize



## Industrial Road General Plan Amendment & Rezoning

- General Plan Amendment from Residential Low Density to Business Park
- Rezone from R-2 to I-1



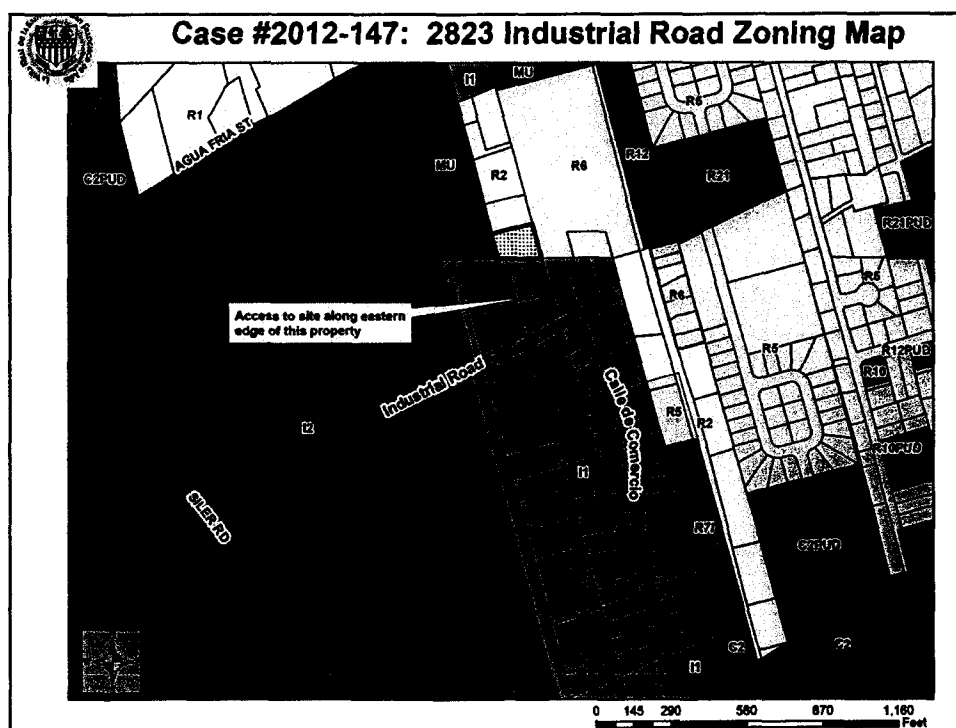
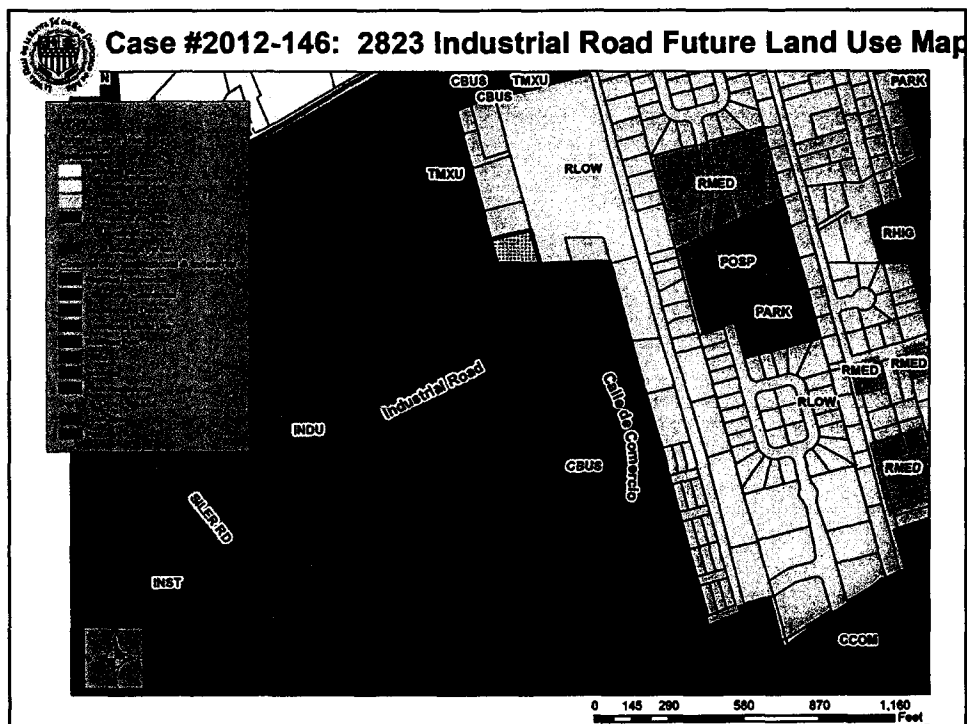
## Industrial Road

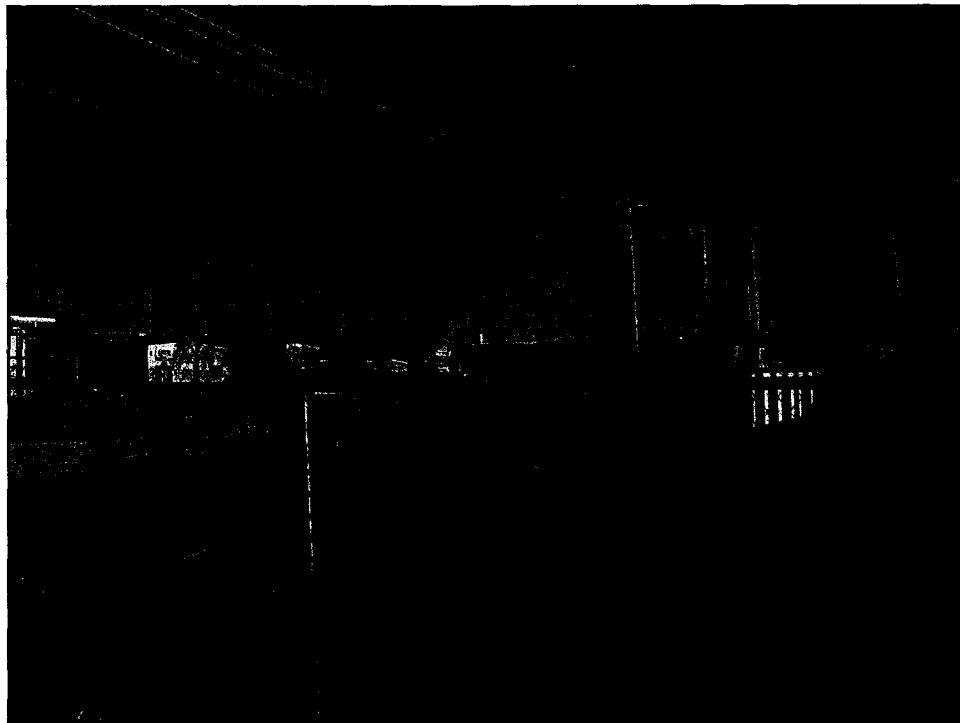
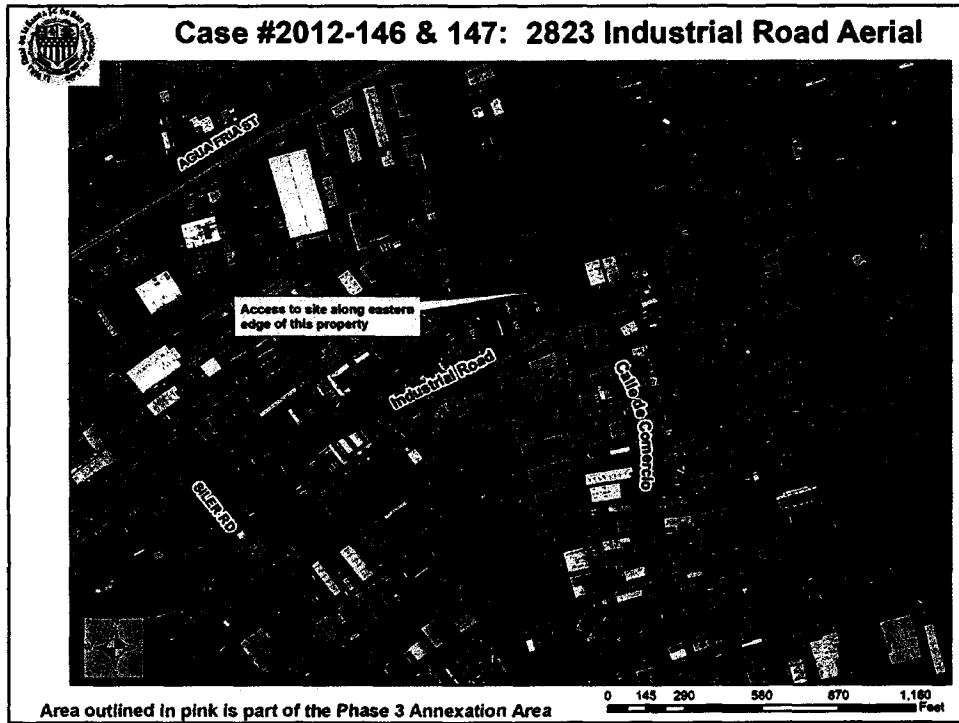
+

### Request:

- 0.38± acre site
- Located in vicinity of Industrial Road and Calle de Comercio
- Accessed via a tract owned by Public Utility Company of NM (PNM)









## Industrial Road



- +
  - No comments of substance from the Development Review Team
  - Site is currently served by water, wastewater, and road infrastructure

## Industrial Road



### Criteria for a General Plan Amendment:

1. Consistency with growth projects, economic development goals
2. Consistency with other parts of the plan
  - a. Southwest Master Plan

## Industrial Road



### + Criteria General Plan (Con't):

3. Uses significantly different from character of the area;
4. Adjusts boundaries between districts
5. Contributes to coordinated development in Santa Fe
6. Considers other city policies and plans

## Industrial Road



### + Criteria for judging whether a rezoning is appropriate:

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

## Industrial Road

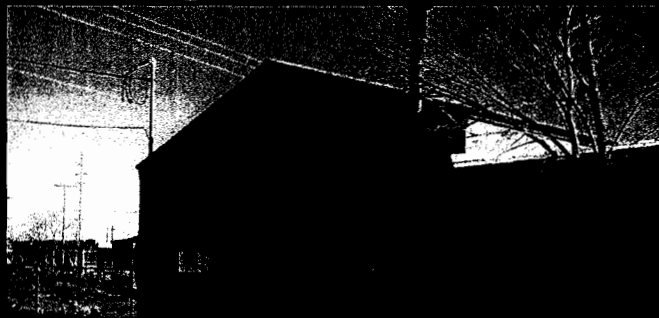


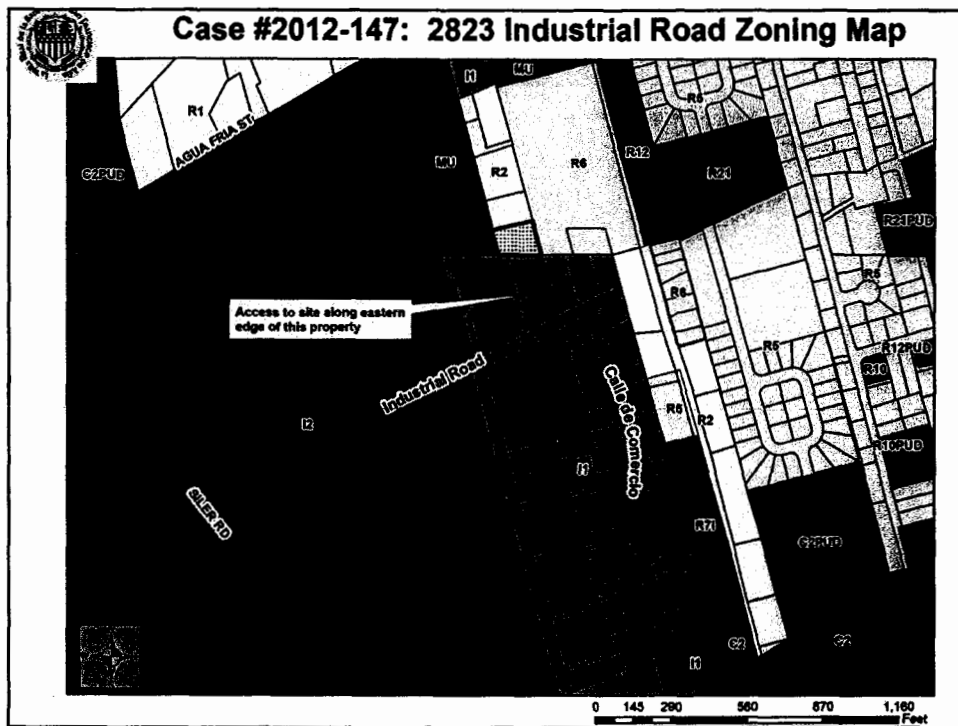
- +
  - Consistent with General Plan
  - Infrastructure can accommodate proposed uses
- ✓ All criteria for a rezoning have been met

## Industrial Road



+  
Staff recommends **APPROVAL** to  
the Planning Commission





**Agua Fria Compound:**  
Looking south and emergency access in southwest corner.



*Slide 19"*



Google Earth Pro

feet  
km

4000  
1



# City of Santa Fe, New Mexico

# memo

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

TO: Planning Commission

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

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

---

**Case #2012-150 - Santana Rezoning to R-4.** Josie Santana requests rezoning of 3.19± acres from R-1 (Residential, 1 dwelling unit per acre) to R-4 (Residential, 4 dwelling units per acre). The property is located west of St. Francis Drive and south of Siringo Road, in the vicinity of 1786 Siringo Road. (Heather Lamboy, Case Manager)

## I. RECOMMENDATION

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

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

## II. APPLICATION OVERVIEW

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

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

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

*Exhibit "10"*

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

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

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

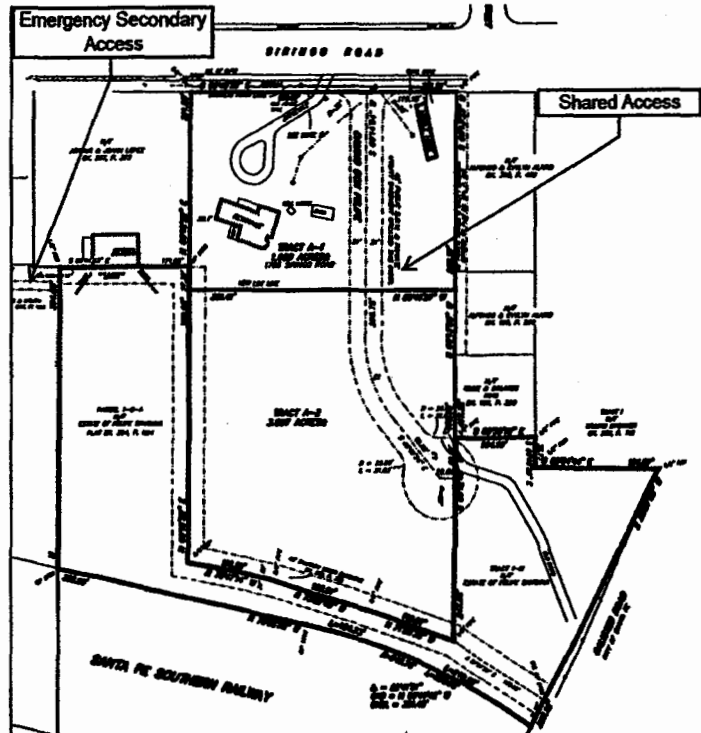


Figure 1: Lot Split Plat  
1786 Siringo Road (Case #2012-48), illustrating access via existing right-of-way. Area requested for rezoning highlighted in red.

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

### III. APPROVAL CRITERIA

#### 14-3.5 REZONINGS

##### (C) Approval Criteria

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



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

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

**Staff Response:** *There was no mistake in the original zoning.*

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

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

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

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

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

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

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

**Applicant Response:** *Yes.*

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

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

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

**Staff Response:** *In addition to the applicant's response, the following General Plan policy supports this rezoning, Policy 4-4-1-3, which states, "Ensure that all residential development within the future growth areas is built at a minimum gross density*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### IV. CONDITIONS OF APPROVAL

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

#### V. ATTACHMENTS:

##### EXHIBIT A: Conditions of Approval

1. Conditions of Approval

##### EXHIBIT B: Development Review Team Memoranda

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

##### EXHIBIT C: ENN Meeting Materials

1. ENN Public Notice Materials
2. ENN Meeting Notes

##### EXHIBIT D: Maps

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

##### EXHIBIT E: Applicant Submittals

1. Transmittal Letter
2. Plat

**City of Santa Fe, New Mexico**

# **Exhibit A**

**Conditions of Approval**

**Santana Rezoning to R-4 Conditions of Approval**  
 Planning Commission  
 Case #2012-150 – Santana Rezoning to R-4

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> <li>1. The Owner/Agent shall revise the Irrevocable Offer to Dedicate as public ROW the 42' wide public access and utility easement, created Aug. 27, 2012 per plat book 749, page 018, in order to: provide access to Siringo Road from the proposed consolidated tract; and to vacate that portion of the easement located south of the existing boundary of Tract A-1.</li> <li>2. The existing driveways that directly access Siringo Road shall be relocated so as to provide access via the road labeled "Camino Don Felipe" after construction of said roadway.</li> <li>3. Implementation of these conditions is subject to review and approval by the Traffic Engineering Division.</li> </ol>	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> <li>1. Shall Comply with International Fire Code (IFC) 2009 edition.</li> <li>2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access.</li> </ol>	Fire	Rey Gonzales
<p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland

**City of Santa Fe, New Mexico**

# **Exhibit B**

**Development Review Team Memoranda**

# City of Santa Fe, New Mexico

# memo

**DATE:** January 18, 2013

**TO:** Heather Lamboy, Planning and Land Use Department

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

**FROM:** Sandra Kassens, Traffic Engineering Division *SK*

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

---

## ISSUE

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

## RECOMMENDED ACTION:

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

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

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

# City of Santa Fe, New Mexico

# memo

DATE: January 16, 2013

TO: Heather Lamboy, Case Manager

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

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

---

I have no review comments on this rezoning.



# City of Santa Fe, New Mexico

# memo

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

---

No solid waste concerns at this time.

# City of Santa Fe, New Mexico

# memo

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

---

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

**Additional Comments:**

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

**LAMBOY, HEATHER L.**

---

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

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

**City of Santa Fe, New Mexico**

# **Exhibit C**

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



## EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information	
Project Name:	
Address:	<u>1786 Divisadero Road</u> Parcel Size: <u>32 Acre</u>
Zoning:	<u>R-1</u> Future Land Use: <u>R-4</u>
Preapplication Conference Date:	<u>11-8-12</u>
Detailed Project Description:	<u>Rezone from R-1 to R-4</u>

Property Owner Information	
Name:	<u>Josie M. Santana</u>
Address:	<u>PO Box 23674 Santa Fe, NM 87502</u>
Phone:	<u>505-980-6530</u> E-mail Address: <u>JmSantana@SaludUniv.edu</u>

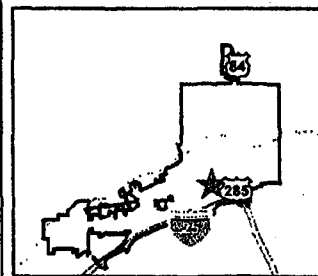
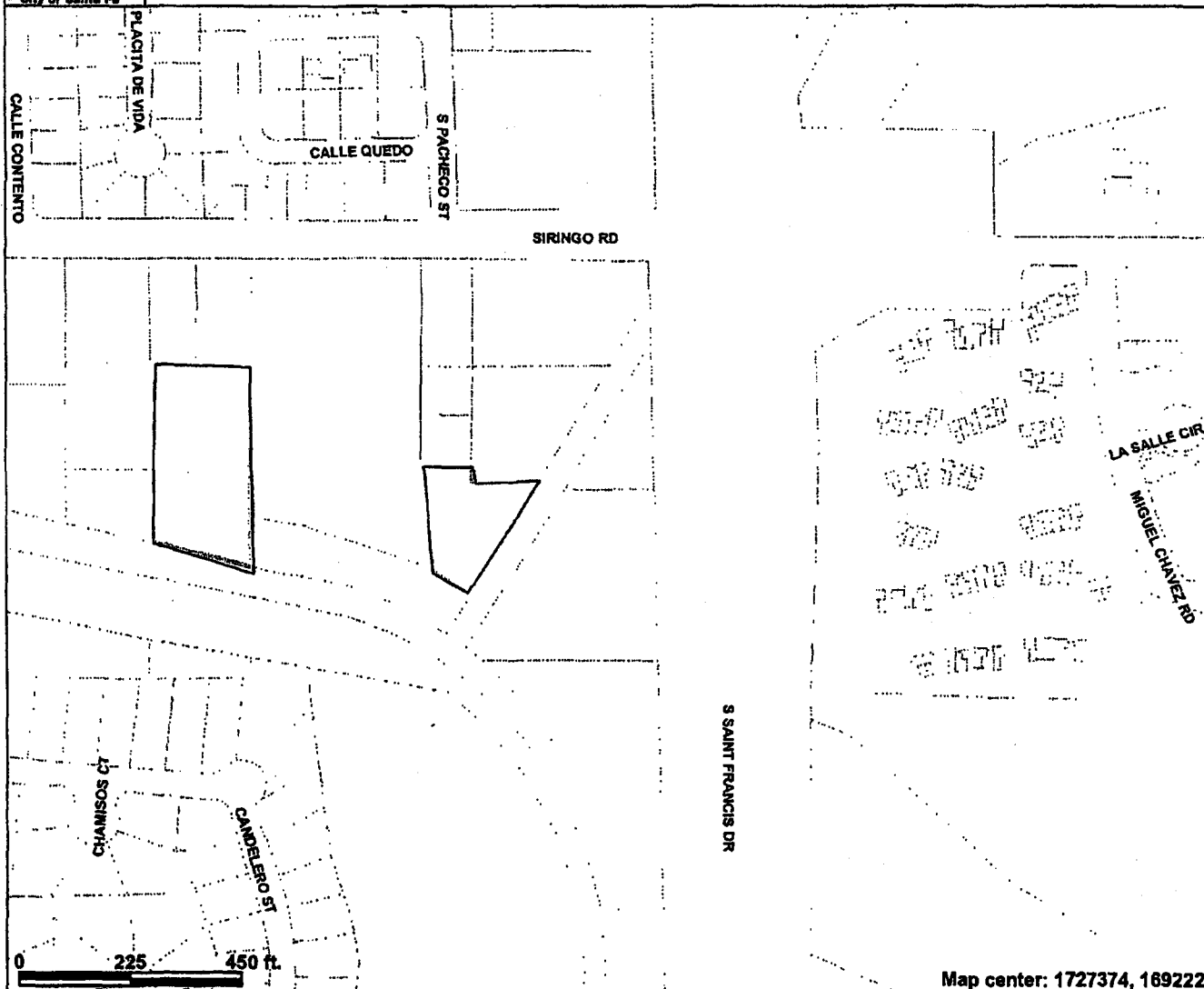
Applicant/Agent Information (if different from owner):	
Name:	
Address:	
Phone:	E-mail Address:

Agent Authorization (if applicable):	
I am/We are the owner(s) and record title holder(s) of the property located at: _____	
I/We authorize _____ to act as my/our agent to execute this application.	
Signed: _____	Date: _____
Signed: _____	Date: _____

Proposed ENN Meeting Dates:		
Provide 2 options:	Preferred Option	Alternative
DATE:	<u>11/29/12</u>	
TIME:	<u>4:30 - 6 pm</u>	
LOCATION:	<u>Lafarge Library</u>	



## Santana Rezoning - Vicinity Map



### Legend

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



Scale: 1:3,785

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

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

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

**BROMMER, FAITH**  
PO BOX 24061  
SANTA FE, NM  
87502

**ALARID, ALFONSO & EVELYN K**  
1812 SIRINGO RD  
SANTA FE, NM  
87506

**FEDERAL NATIONAL MORTGAGE ASSOC**  
PO BOX 650043  
DALLAS, TX  
85265

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

**ZIA STATION LLC**  
PO BOX 5735  
SANTA FE, NM  
87502

**SCHRADER, HORST & PATRICIA**  
16 CAMINO CABALLOS SPUR  
LAMY, NM  
87540

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

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

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

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

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

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

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

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

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

**SANTANA, JOSEFITA MAGDALENA**  
PO BOX 23674  
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2144 CANDELERO ST  
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FIRST NATIONAL INVESTMENT PROP  
13210 HARBOR BLVD # 188  
GARDEN GROVE, CA  
92843

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18 FALLING STAR CIR  
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1812 SIRINGO RD  
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BELIAN, RICHARD D & MARY  
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TESUQUE, NM  
87574

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PO BOX 23674  
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GOMEZ, MARTIN P SR & EVELYN M  
2099 CALLE CONTENTO  
SANTA FE, NM  
87501

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

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

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

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

BURBANK, SUSAN A  
1884-A CALLE QUEDO  
SANTA FE, NM  
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NPH GROUP, LLC  
1468 S ST FRANCIS DR  
SANTA FE, NM  
87505

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



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

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

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

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

GIVENS, PATRICIA A  
PO BOX 432  
REGINA, NM  
87046

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

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

Resident  
1838 Siringo RD  
SANTA FE, NM  
87505

Resident  
1778 SIRINGO RD  
SANTA FE, NM  
87505

Resident  
1838 SIRINGO RD  
SANTA FE, NM  
87505

Resident  
1794 SIRINGO RD  
SANTA FE, NM  
87505

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

Resident  
1838 SIRINGO RD  
SANTA FE, NM  
87505

Resident  
1786 SIRINGO RD  
SANTA FE, NM  
87505

Resident  
2098 PLacita DE Vida  
SANTA FE, NM  
87505

Resident  
2099 PLacita DE Vida  
SANTA FE, NM  
87505

Resident  
1812 SIRINGO RD  
SANTA FE, NM  
87505

Resident  
1812 SIRINGO RD  
SANTA FE, NM  
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Resident  
1812 SIRINGO RD  
SANTA FE, NM  
87505

Resident  
1790 SIRINGO RD  
SANTA FE, NM  
87505



## ENN GUIDELINES

### Applicant Information

Project Name: Rezoning R-1 to R-4

Name: Santana, Josie M

Last

First

M.I.

Address: 1786 Siringo Rd (PO Box 23674)

Street Address

Suite/Unit #

Santa Fe, NM 87502

City

State

ZIP Code

Phone: ( 505 ) 980-6530

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

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

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

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

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

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

**(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN** For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.

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

**(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN** *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

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

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

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

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

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

**(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS** *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

*N/A not sure how to answer this question*

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

*The infrastructure is already in place.*

**(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

*N/A at this time*

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

*N/A*

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

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

**(l) ADDITIONAL COMMENTS (optional)**

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

## **EARLY NEIGHBORHOOD NOTIFICATION MEETING**

November 9, 2012

Dear Neighbor:

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

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

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

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

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

Sincerely,

**Josie Santana**

Attachments:  
Vicinity map  
Site plan





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

Project Name: Rezone R-1 to R-4 1786 Spring Rd. Meeting Date: 11-29-12 <sup>error</sup> ~~163~~  
Meeting Place: LA Farge Library Meeting Time: 1630

Applicant or Representative Check Box below

	Name	Address	Email
<input type="checkbox"/>	1 Catherine C. Rinsler	330 Alvarado Rd	R4475C@msn.com
<input type="checkbox"/>	2 Pamela Brommer	1778 Spring Rd	Pbromm12765@aol.com
<input type="checkbox"/>	3 Juan Burbank	1884 A Calle Pineda	sburbank@MSN.com
<input type="checkbox"/>	4 Dan A. Mares	3300 La Marqueta Road	N/A
<input type="checkbox"/>	5 Dalores A. Mares	" " " 8104	N/A
<input type="checkbox"/>	6 Myron D. Collier	2002 Silver Ave SE	N/A
<input type="checkbox"/>	7 Leann Trujillo	2002 Silver Ave SE	N/A
<input type="checkbox"/>	8 Bernadette Roybal	7158 Sereno Loop SE, nm	broybal@yahoo.com
<input type="checkbox"/>	9 Simela Castillo	2134 Candelero	Rcastillo42@msn.com
<input type="checkbox"/>	10 Josie Stanton	PO Box 23674 SE NM	jsoosib@windstream.net
<input type="checkbox"/>	11		
<input type="checkbox"/>	12		

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Daniel A. Englund  
Printed Name of City Staff in Attendance

[Signature]  
Signature of City Staff in Attendance

11-29-12  
Date

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



2948

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

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

BROMMER, FAITH  
PO BOX 24061  
SANTA FE, NM  
87502

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

FEDERAL NATIONAL MORTGAGE ASSOC  
PO BOX 650043  
DALLAS, TX  
85265

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

ZIA STATION LLC  
PO BOX 5735  
SANTA FE, NM  
87502

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

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

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

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

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

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

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

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

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

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

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



1000

U.S. POSTAGE  
PAID  
ALBUQUERQUE, NM  
87106  
NOV 10, 12  
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FLOR DE MARIA OLIVA  
2140 CANDELERO ST  
SANTA FE, NM  
87507

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

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

FIRST NATIONAL INVESTMENT PROP  
13210 HARBOR BLVD # 188  
GARDEN GROVE, CA  
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PO BOX 868  
TESUQUE, NM  
87574

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

PEZ ESPADA LLC  
24 RIDGE RD  
SANTA FE, NM  
87505

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

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

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

MARES, SAM A & DOLORES A  
TRUSTEES OF LIVING TRUST  
3300 LA MANCHA NW  
ALBUQUERQUE, NM  
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GROUP HOME ONE HOUSING CORP  
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BURBANK, SUSAN A  
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SANTA FE, NM  
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RODRIGUEZ, PETER J & ESTER  
2099 PLACITA DE VIDA  
SANTA FE, NM  
87501

*See page 2*

NICHOLSON, BRUCE R & PATRICIA  
33 COYOTE CROSSING  
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GIVENS, PATRICIA A  
PO BOX 432  
REGINA, NM  
87048

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

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



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

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

### Notes/Comments:

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

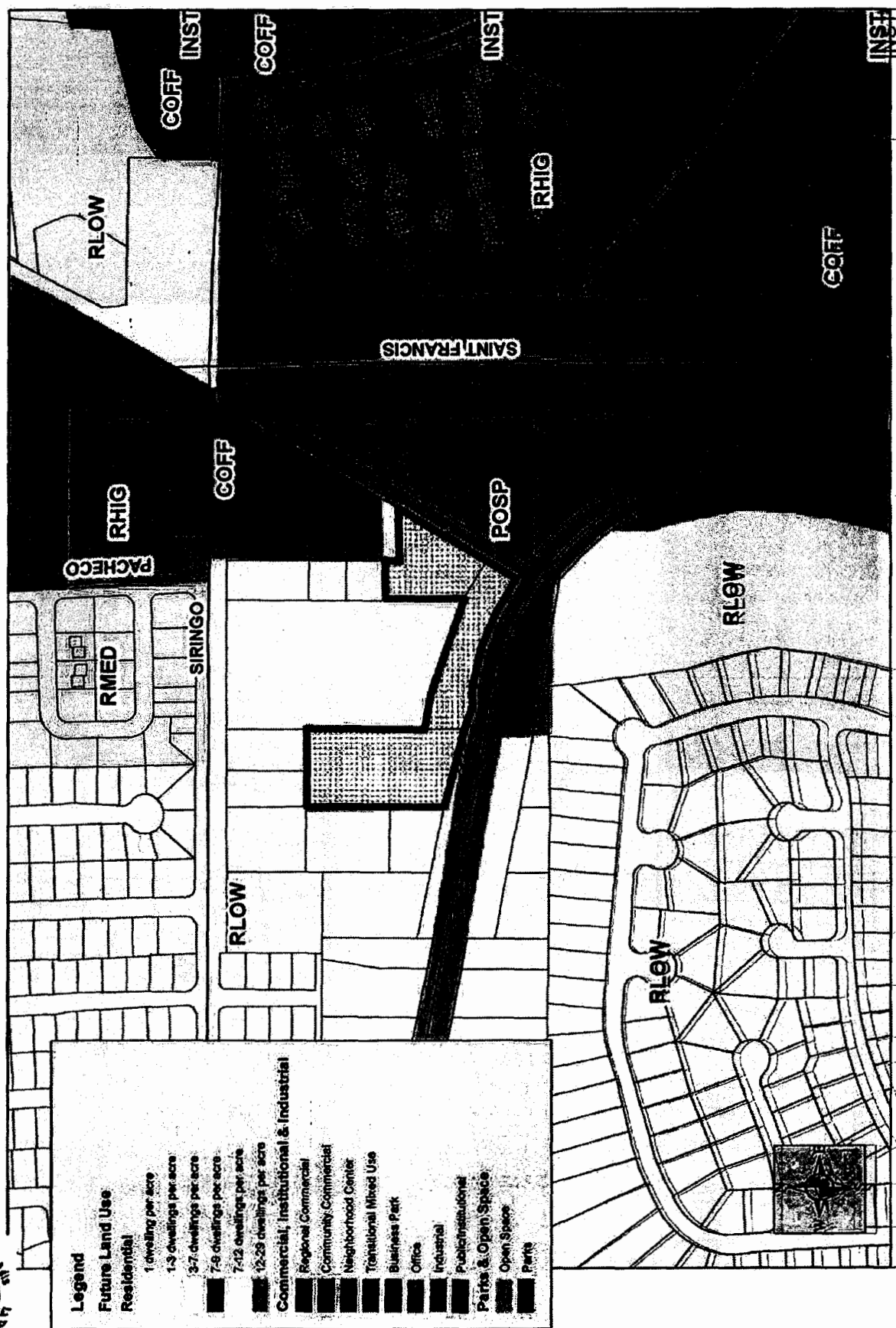
**City of Santa Fe, New Mexico**

# **Exhibit D**

**Maps**



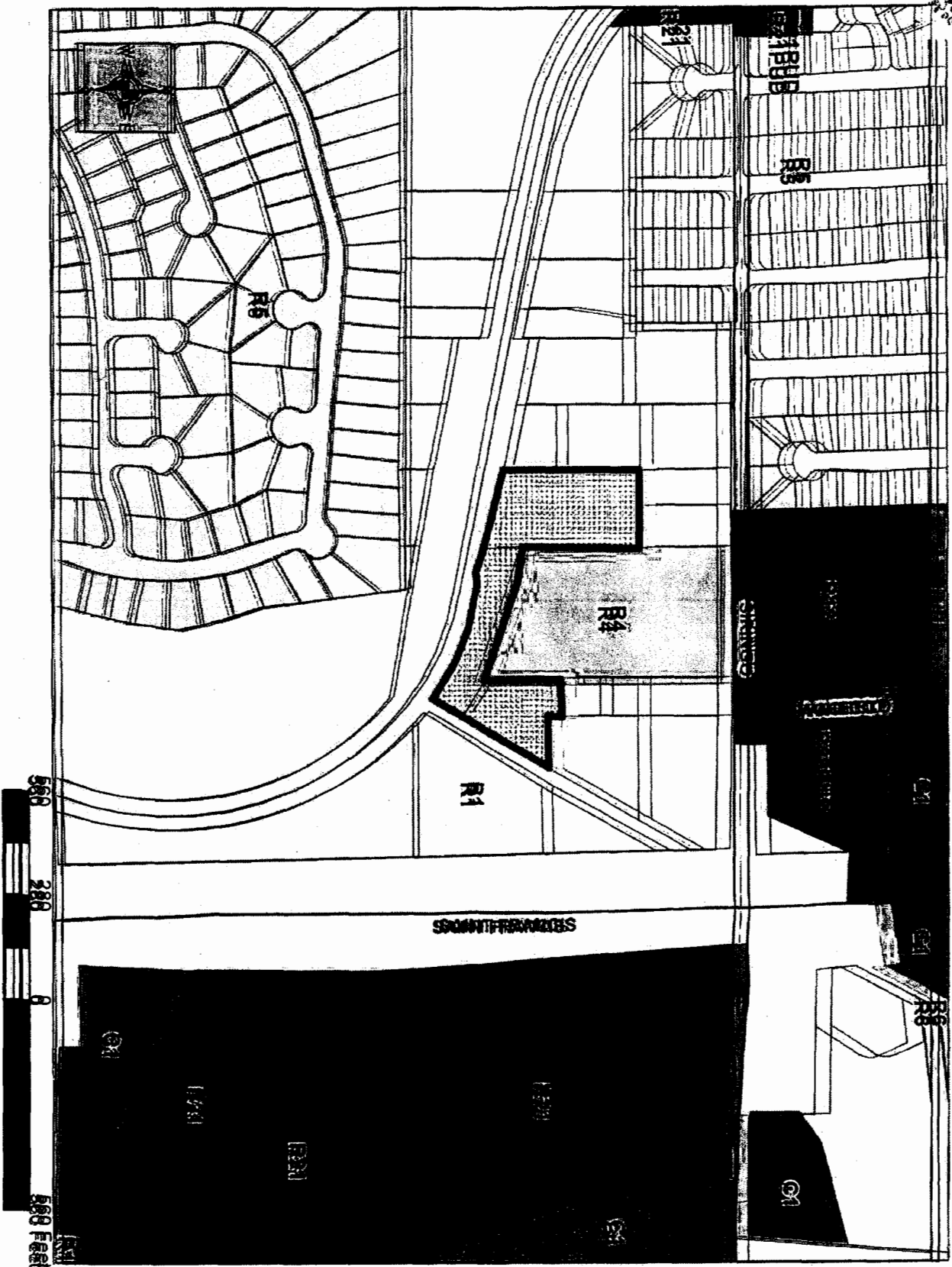
# Case #2012-150: Santana Rezone Future Land Use Map



580 288 8 580 Feet

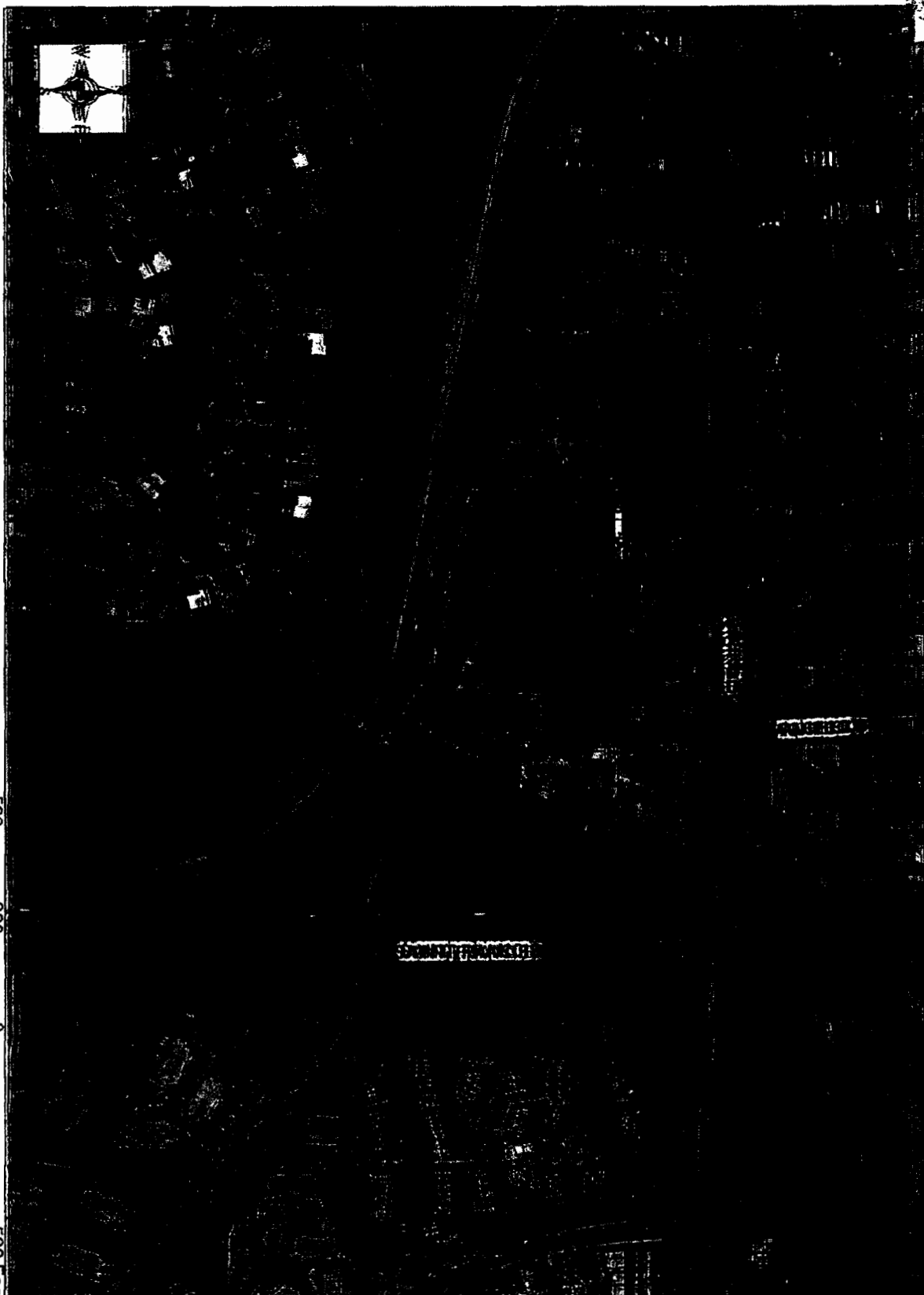


# Case #2012-150: Santana Rezoning Map





# Case #2012-150: Santana Rozene Aerial



550 200 0 550 Feet



**City of Santa Fe, New Mexico**

# **Exhibit E**

**Applicant Submittals**

December 13, 2012

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

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

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

Sincerely,



Josie Santana

December 13, 2012

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

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

C. (1)

a. One or more of the following conditions exist:

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

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

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

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

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

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

C. (2)

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

The requested zoning request would provide for continued residential development.

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

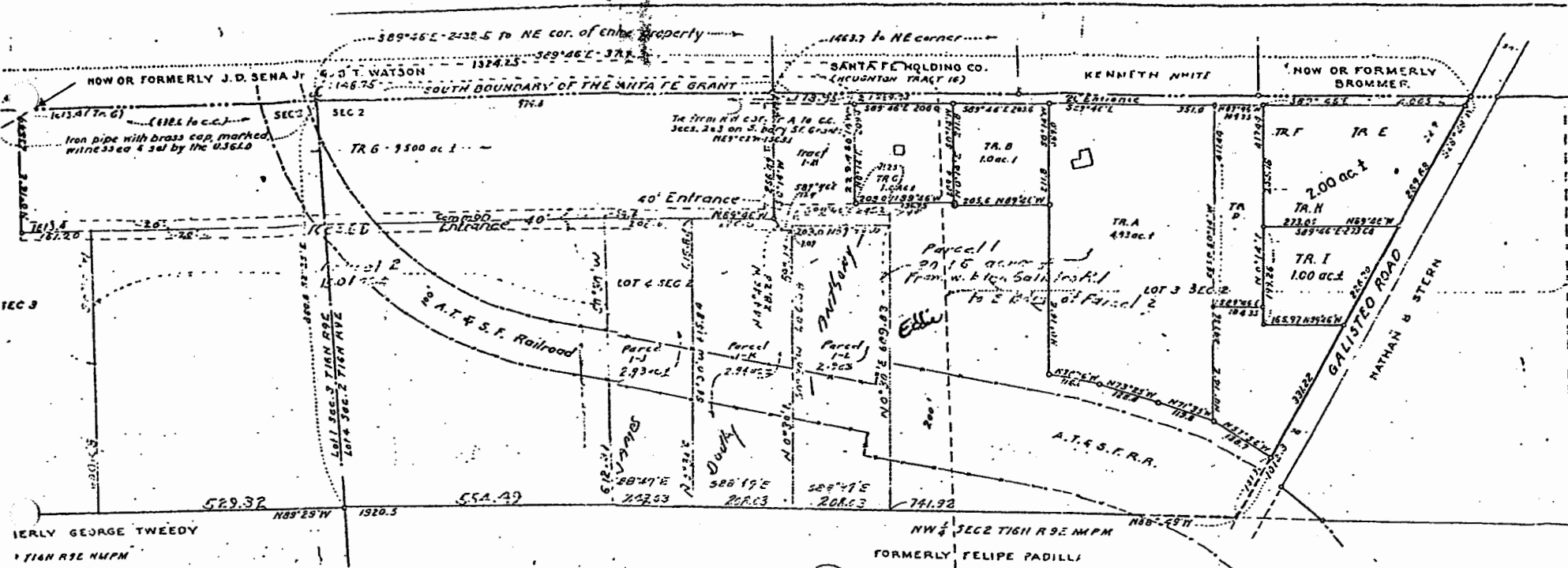
c. The zoning request would not incur expense to the surrounding landowners or the general public.

D.

1. N/A

2. N/A

**\*\* Rezoning Application attached\*\***



**CERTIFICATE**

I HEREBY CERTIFY THAT THE FIELD NOTES HEREON ARE AN ACCURATE TRANSCRIPTION OF THOSE RECORDED DURING FIELD SURVEYS COMPLETED UNDER MY DIRECTION, JAN. 24, 1931; THAT THIS PLAT IS A TRUE AND CORRECT DELINEATION OF SAID SURVEY; THAT THE LINES AS SHOWN HEREON WERE ESTABLISHED IN THE FIELD IN ACCORDANCE WITH INSTRUCTIONS PROVIDED AND PUBLISHED BY THE U.S. BUREAU OF LAND MANAGEMENT (FORMERLY U.S.G.L.O.) AND THAT I AM RESPONSIBLE ONLY FOR THOSE PRODUCTIONS HEREOF TO WHICH I HAVE AFFIXED MY OFFICIAL SEAL.

*Walter G. Turler*  
Reg. Prof. Engineer & Land Surveyor

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

*Walter G. Turler*  
Reg. Prof. Eng. & Land Surveyor #75

**AMENDED PLAT**

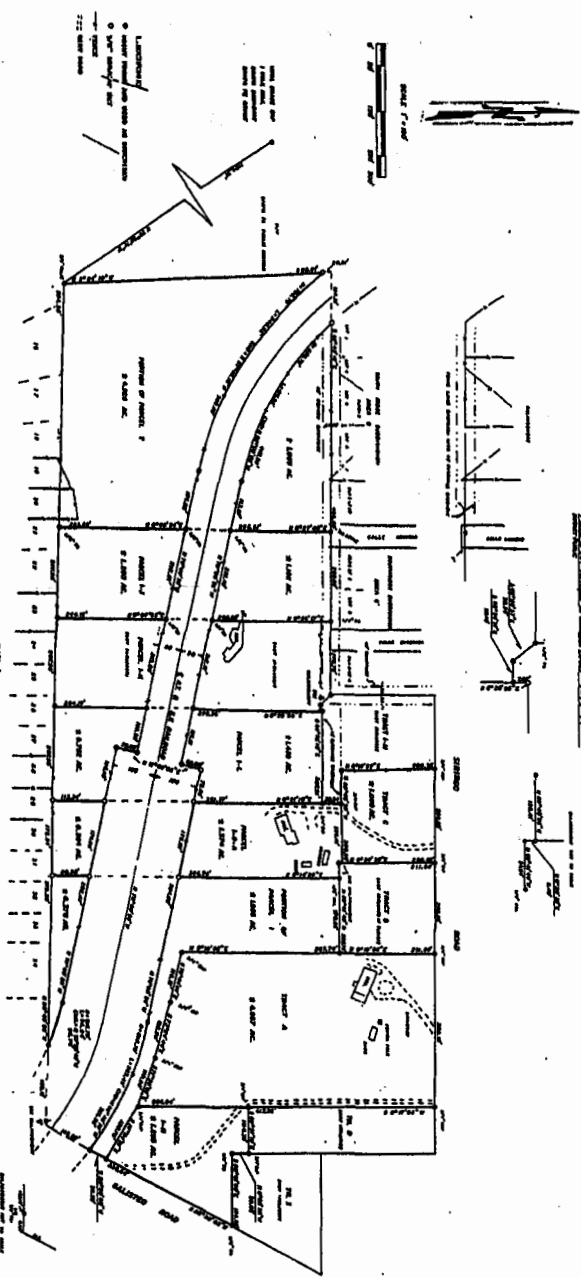
**LANDS SURVEYED FOR  
JOSEFITA CHAVEZ DE SANTANA  
SANTA FE COUNTY N MEX**

G.  
with Tr. H.  
show

1. John D. Anderson  
 2. John D. Anderson  
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**NOTES**

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ASSOCIATED INVESTMENT FUND COMPANY, CLARK  
 STREET, 1515 E. 10TH ST., SPOKANE, IDAHO 83402  
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 LUCKY 777, 1000 W. 10TH ST., SPOKANE, IDAHO 83402  
 208/325-1111  
 CITY OF SPOKANE, 1000 W. 10TH ST., SPOKANE, IDAHO 83402  
 208/325-1111

COUNTY OF SAN DIEGO  
STATE OF NEW MEXICO

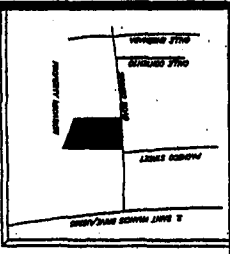
I, John A. Smith, County Clerk of said County, do hereby certify that the within and foregoing is a true and correct copy of the original of said Warrant as the same is on file in my office.

Witness my hand and Seal of Office  
this 15th day of March, 1908.

John A. Smith  
County Clerk







STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
PLAT NO. 100-100-100-100  
PLAT BOOK 100-100-100-100  
PLAT NUMBER 100-100-100-100



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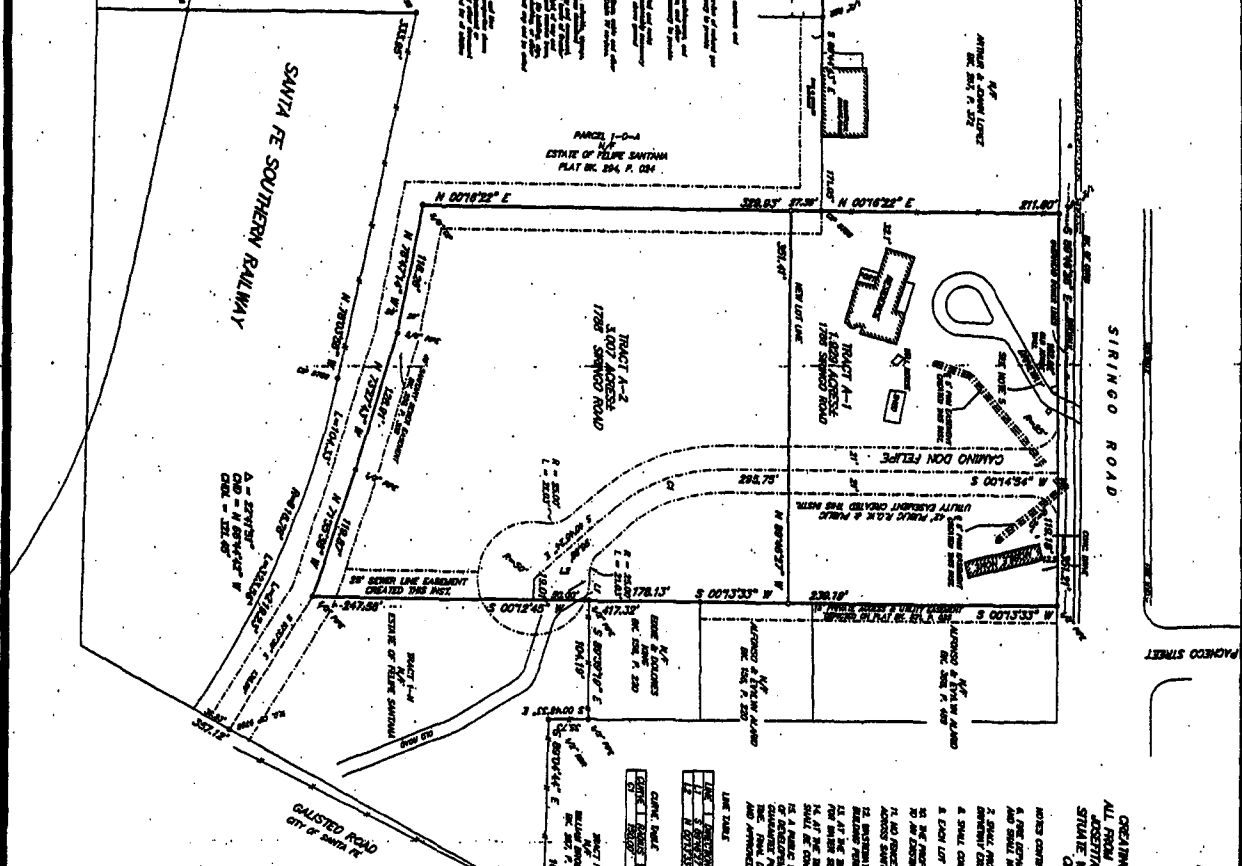
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PLAT OF SUMMARY REVIEW SUBDIVISION

FOR  
JOSE SANTANA

ALL BEING TRACT A-1 & A-2 BY SUMMARY REVIEW SUBDIVISION  
ALL BEING TRACT A-1 & A-2 BY SUMMARY REVIEW SUBDIVISION  
ALL BEING TRACT A-1 & A-2 BY SUMMARY REVIEW SUBDIVISION

ALL BEING TRACT A-1 & A-2 BY SUMMARY REVIEW SUBDIVISION  
ALL BEING TRACT A-1 & A-2 BY SUMMARY REVIEW SUBDIVISION  
ALL BEING TRACT A-1 & A-2 BY SUMMARY REVIEW SUBDIVISION

LINE	BEARING	DISTANCE
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2	S 00°10'00" E	100.00
3	N 00°10'00" E	100.00
4	S 00°10'00" E	100.00
5	N 00°10'00" E	100.00



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## Santana Rezoning

Rezone from R-1 to R-4

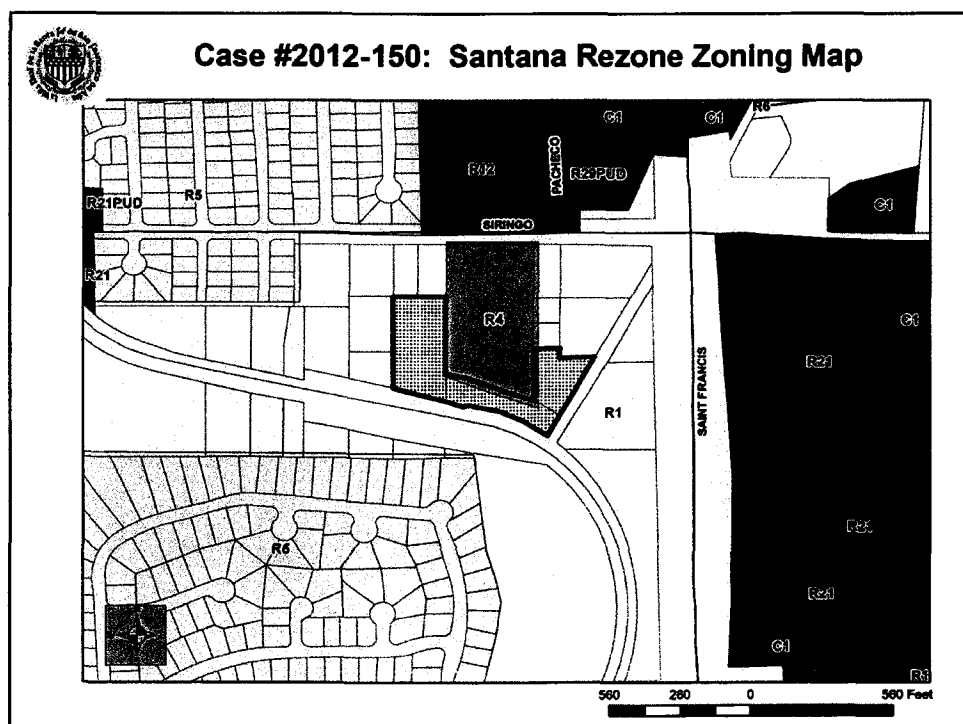
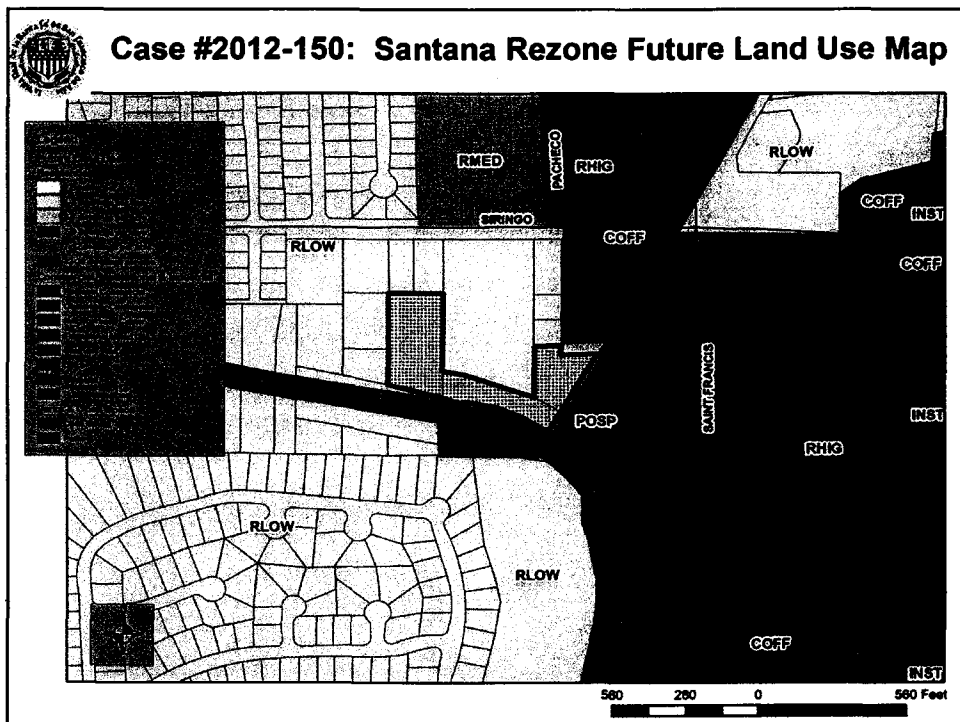
## Santana Rezoning

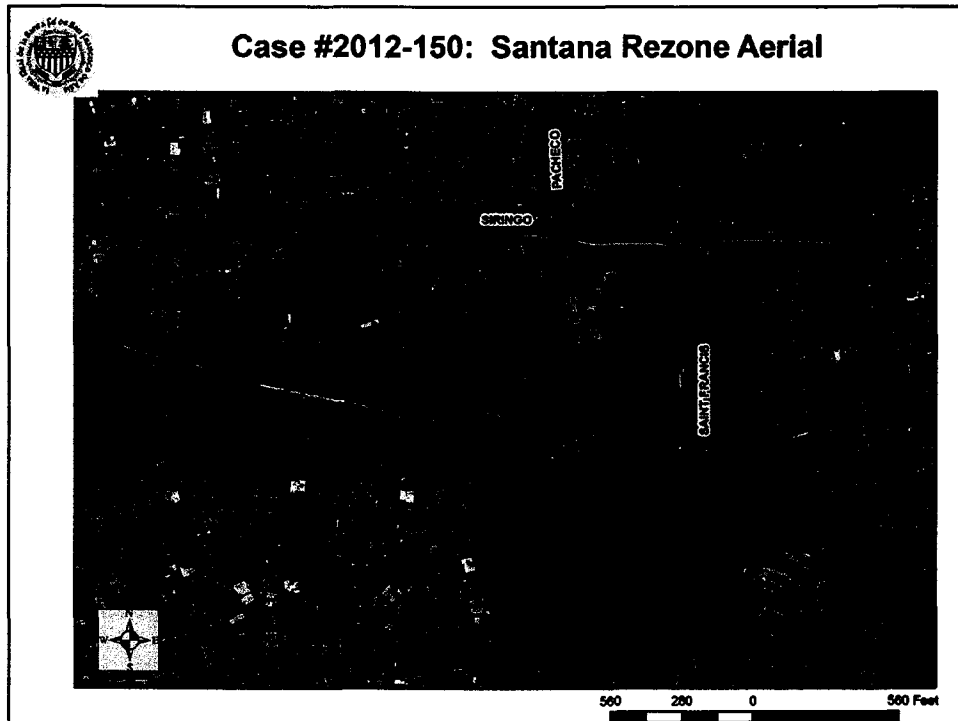


### Request:

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







## Santana Rezoning

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





## Santana Rezoning



+ Criteria for judging whether a rezoning is appropriate:

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

## Santana Rezoning

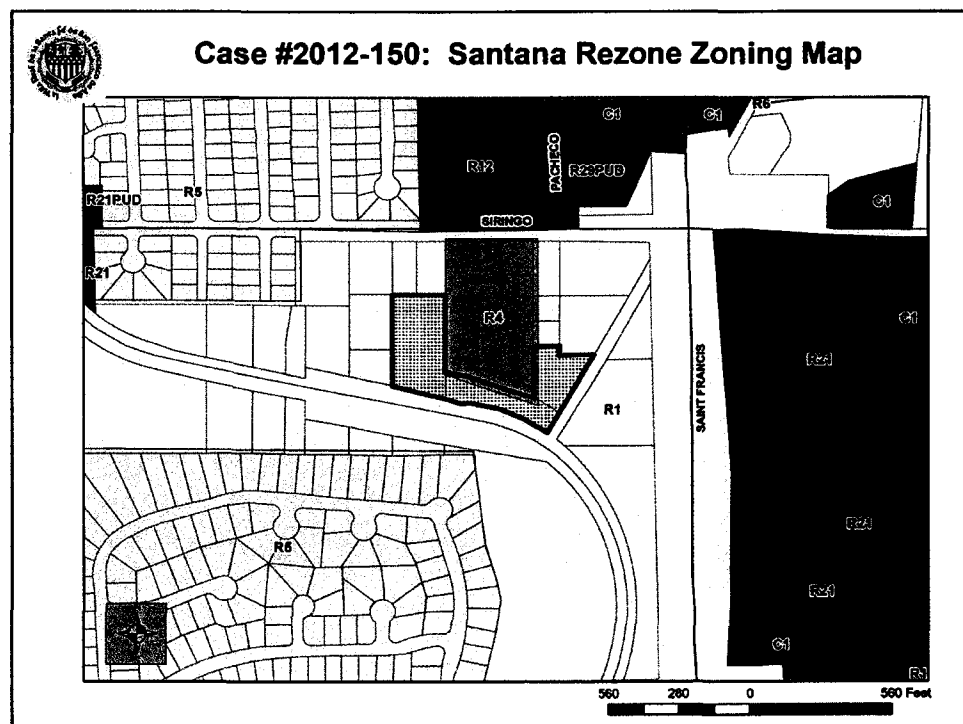


- Consistent with General Plan
- Infrastructure can accommodate proposed growth
- ✓ All criteria for a rezoning have been met

# Santana Rezoning



Staff recommends **CONDITIONAL APPROVAL** to the Planning Commission



# City of Santa Fe, New Mexico

# memo

**DATE:** January 29, 2013 for the February 07, 2013 Planning Commission Meeting

**TO:** Planning Commission

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

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

## **VILLAS DI TOSCANA DEVELOPMENT PLAN AMENDMENT**

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

At the Planning Commission meeting of December 06, 2012 this case was postponed to the first meeting in February with a request to take a field trip to view the site.

The applicants are requesting postponement of this case to the March 7, 2013 Planning Commission meeting to re-evaluate the cost analysis of this request.

### **RECOMMENDATION:**

The Land Use department recommends **POSTPONEMENT** to the March 7, 2013 Planning Commission meeting.

### **EXHIBITS:**

Exhibit A - Applicant's request to postpone

*Exhibit "12"*

Case # 2012-109.txt  
From: jpromero1@earthlink.net  
Sent: Thursday, January 24, 2013 8:52 AM  
To: ESQUIBEL, DANIEL A.  
Cc: BAER, TAMARA  
Subject: Case # 2012-109

Dan,

The owners of the Villas Di Toscana Development are requesting that case # 2012-109 Villas Di Toscana Development amendment be tabled until the March meeting, so that the owners can meet with the HOA again to review the figures (numbers) for the cost that will be needed for the HOA to maintain the development if the City Planning Commission chooses to grant the approval of the development plan amendment.

if you have any questions please feel free to call me, thank you JP

SouthWest Designs, LLC  
Planning, Land Development & Construction Management  
12 Feather Catcher Road  
Santa Fe, NM 87506  
Phone - 505-690-3415

Jon Paul Romero  
jpromero1@earthlink.net

# City of Santa Fe, New Mexico

# memo

**DATE:** Prepared January 29 February 7, 2013 meeting

**TO:** Planning Commission

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

**FROM:** Greg Smith, Director, Current Planning Division *GS*

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## ITEM AND ISSUES

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

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(C) CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(c) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL

*Exhibit "13"*

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

## RECOMMENDATION

After completing the public hearing on Sections 21 through 65 and the staff amendment sheet, recommend that the governing body adopt the proposed technical and other minor amendments to Chapter 14 SFCC Land Development Code.

## SUMMARY ANALYSIS

The Commission conducted the public hearing for Sections 1-20 of the bill at the January 10 meeting, and recommended approval with a change to Section 6. The hearing at this meeting is for the remaining sections of the draft bill.

As noted in the January 10 staff report, these amendments are proposed as part of the follow-up to the Chapter 14 Update process that was reviewed by the Commission and adopted by the Governing Body a year ago. At that time, staff noted that implementation of the update amendments would likely reveal the need for various additional technical corrections and clarifications, which would be presented for approval after the update amendments had been in use for about a year.

The majority of the currently-proposed amendments are the anticipated technical corrections to existing sections of the code, such as cross-referencing errors and clarifications of some of the new (and a few old) provisions. A few other minor changes are proposed, and the only "new" provisions are two definitions.



After review by the Planning Commission, the amendments will go to the Governing Body's Public Works and Land Use Committee and Finance Committee. Final action by the Governing Body is tentatively scheduled for February.

## **SUMMARY OF PROPOSED AMENDMENTS**

Proposed amendments are shown in the hearing draft that was distributed in the January 10 agenda packet. New language is underlined, and the current (old) text is shown in "strikeout" type. All of the various amendments are briefly described in a summary matrix (attached). Straightforward changes to correct cross-references and simple, minor clarifications are included in the attached summary matrix; other amendments are also addressed in more detail in the following sections of this staff report. The amendments are identified by their numbering in the bill (Sections 1-65) as well as by their numbering in Chapter 14.

**Bill Section 22; § Table 14-6.1-1:** Police and fire stations are added to the table of permitted uses. Special use permits required for some types of facilities in residential districts.

**Bill Section 27; § Table 14-6.1-1:** Measurements for special use permit requirements. Certain types of uses are required to obtain a special use permit before locating within 200 feet of a residential district. This amendment simplifies the method of measuring 200 feet by eliminating "excluding rights of way" from the measurement method, similar to the method used for measuring notification distances.

**Bill Section 30; §14-6.3(B)(2)(c):** Commercial parking prohibited in residential districts. The current prohibition on parking of "commercial or industrial vehicles" is refined to clarify that commercial vehicles such as tow trucks and earthmoving equipment are subject to the city Chapter 14 regulation, whether or not they meet the definition of "commercial motor vehicle" in the state statutes and regulations.

**Bill Section 31; §14-6.3(D)(2)(c):** Residency requirement for home occupations. A recent case involved an appeal to the governing body and court action that challenged the City's enforcement of the requirement that a home occupation be "conducted by a person residing on the premises." This amendment clarifies the meaning of "residing."

**Bill Section 34; §14-7.1(B):** Lot coverage calculations involving private roads and driveways. Each zoning district has a maximum lot coverage ratio – the percentage of the lot that may be covered by structures. This amendment would exclude private roads and shared driveways from the lot coverage calculation, so that the calculations for lots with private streets is similar to lots with public streets.

**Bill Section 36; § Table 14-7.2-1:** Lot coverage for Residential Compound districts. The regulations for the RC-5 and RC-8 districts do not specify a lot coverage requirement for developments that do not meet the definition of "compound." This amendment would make the coverage requirement for non-compound developments the same as in the R-7 – R-9 districts.

**Bill Section 40; § Table 14-7.3-1:** Residential density in C-1 and C-4 districts. These office districts also allow residential uses, and the previous regulation stated allowable density was the "same as in RM" districts. This amendment would apply the established practice of allowing 21 dwelling units per acre, equivalent to the old RM-1 zone.

**Bill Section 41; 14-7.4(B)(2):** Redevelopment subdistricts without development plans. Most parcels that are located in redevelopment subdistricts of the Business Capitol District have specific development standards established by approved master plans, since a master plan is typically adopted for the entire subdistrict when it is created. There are a few parcels that lie outside the boundaries of an adopted master plan, however, and this amendment requires them to be developed in accordance with the standards that apply to the "adjacent or nearest BCD subdistrict."

**Bill Section 44 and Staff Amendment Sheet; §14-8.3(A)(1):** Corrects the adoption date(s) for the revised FEMA flood maps, consistent with Resolution 2012-88 adopted by the Governing Body. The correct version of this amendment is shown on the amendment sheet attached to this staff report.

**Bill Section 47; §14-8.5(B)(2)(a):** Residential fence height abutting non-residential uses. This amendment would allow owners of residential property to build a fence using the non-residential height limit (typically eight feet) where the property abuts a non-residential project, instead of the residential height limit (typically six feet), even though the fence would be located in a residential zone. Note that the code has been interpreted this way in the past, and that most new non-residential projects are required to erect screen walls or fences on the property lines.

**Bill Section 53; §14-8.14(E)(5):** Impact fees for outdoor land uses. The impact fees chart is currently based only on "floor area." This amendment would extend fees to land outside of buildings that is used for similar purposes, creating similar impacts.

**Bill Section 53; §14-8.14(E)(5):** Private subcollector streets. This amendment would allow the Planning Commission to approve "subcollectors" as private streets if special findings are made, in addition to streets classified as "lanes."

**Bill Section 63; §14-12:** Museum definition (new). This term was added to the list of permitted uses effective March 1, 2012; the definition distinguishes it from other types of institutional uses.

**Bill Section 64; §14-12:** Legal lot of record definition (amended). This definition is expanded to include lots created by court orders or by certificates of compliance.

**Bill Section 65; Appendix Exhibit B:** This amendment restores some technical requirements that formerly accompanied the table of parking space dimensions, but which were omitted when that table was moved to the appendix as part of the Chapter 14 Rewrite project.

**Staff Amendment Sheet; Repeal §14-3.17(E)(3).** This amendment repeals a subsection of the appeals regulations that was made obsolete by other amendments that were approved in 2011.

**Staff Amendment Sheet; §14-8.3.** This amendment updates the adoption date for the latest flood maps.

Attachments

Staff Amendment Sheet §14-3.17(E)(3)

Summary Matrix

Proposed Bill [Included in January 10, 2013 agenda packet; additional copies available by request from Land Use Department staff]

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2013-\_\_**  
**(Chapter 14 – Technical Amendments)**

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

**We propose the following amendment(s) to Bill No. 2013-\_\_:**

1. On page 1, line 22, after "REFERENCE;" *insert* "REPEAL 14-3.17(E)(3)"
2. On page 20, line 3, *insert* a new Section 18 that reads as follows:

**"Section 18. [REPEAL] Subsection 14-3.17(E)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is repealed."**

Editor's Note:      Renumber Code Paragraph #s accordingly  
                            Renumber Bill Sections accordingly

3. On page 41, line 17, after "effective" delete "[~~June 17, 2008~~ ~~February 18, 2011~~]" and insert "June 17, 2008 and December 4, 2012" in lieu thereof.

Respectfully submitted,

\_\_\_\_\_  
Staff

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

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

<b>BILL SECTION NO., CODE REFERENCE</b>	<b>CHAPTER 14 AMENDMENT MATRIX TITLE/SUMMARY OF PROPOSED AMENDMENT</b>
<b>ARTICLE 14-2: REVIEW AND DECISION-MAKING BODIES</b>	
<b>Bill Section 1 §14-2.3(C)(5)(a)</b>	Correct cross-reference to Section 14-8.3, Flood Regulations.
<b>Bill Section 2 §14-2.4(C)</b>	Correct cross-reference to variance authority of Board of Adjustment.
<b>Bill Section 3 §14-2.8(K)</b>	Insert cross-reference to New Mexico state statute regarding removal of planning commissioners.

<b>ARTICLE 14-3 REVIEW AND APPROVAL PROCEDURES</b>	
<b>Bill Section 4 §14-3.1(F)(2)</b>	Clarify existing provision that Early Neighborhood Notification procedures are not required for Historic Districts Review Board or Archaeological Review Committee.
<b>Bill Section 5 §14-3.1(H)</b>	Clarifies but does not change mailed notice requirements for various boards; eliminates requirement for certificate of mailing for mailed notices; clarify to eliminate confusion over posting requirement for postponed hearings.
<b>Bill Section 6 §14-3.1(H)</b>	Delete reference to "other person" submitting to the governing body a proposed amendment to the text of Chapter 14.
<b>Bill Section 7 §14-3.6(C)(3)</b>	Clarifies existing language regarding when a new or amended special use permit is required for new and existing uses.
<b>Bill Section 8 §14-3.6(E)</b>	Clarifies cross-reference to 14-3.19; adds cross-reference to provision for government special uses.
<b>Bill Section 9 §14-3.7(A)(6)</b>	Clarifies that court-ordered land partitions must meet city standards for new lots, modifies procedure for recognizing them as legal lots of record.
<b>Bill Section 10 §14-3.7(F)(5)(b)</b>	Clarifies existing text of the note required on inheritance and family transfer subdivisions.
<b>Bill Section 11 §14-3.8(B)</b>	Relocates requirement for administrative approval for three-unit residential developments; numbering of subsections is corrected.
<b>Bill Section 12 §14-3.8(C)(1)(g)</b>	Correct typographic spelling error.
<b>Bill Section 13 §14-3.8(C)(5)</b>	Clarifies that public notice is not required for administrative approval of three-unit residential projects that are less than 1,000 square feet.
<b>Bill Section 14 §14-3.8(C)(6)</b>	Reference to County clerk is corrected.
<b>Bill Section 15 §14-3.12(B)(3)</b>	Clarifies reference to temporary certificates of occupancy for uses that are not intended to be temporary.
<b>Bill Section 16 §14-3.13(D)(3)(c)</b>	Archaeological clearance permits. Corrects reference to state medical investigator.
<b>Bill Section 17 §14-3.16(D)</b>	Provides correct cross-reference to provisions for expiration of variances.
<b>Bill Section 18 §14-3.19(B)(6)</b>	Five years allowed prior to expiration of inactive master plans instead of three.
<b>Bill Section 19</b>	Clarify intent that consent agenda procedure applies to planning commission

<b>BILL SECTION NO., CODE REFERENCE</b>	<b>CHAPTER 14 AMENDMENT MATRIX TITLE/SUMMARY OF PROPOSED AMENDMENT</b>
§14-3.19(C)(2)	cases.
<b>ARTICLE 14-4 ZONING DISTRICTS</b>	
Bill Section 20 §14-4.3(G)	Delete obsolete reference to "not restrict" commercial uses.
<b>ARTICLE 14-6 PERMITTED USES AND USE REGULATIONS</b>	
Bill Section 21 § Table 14-6.1-1	Add explanatory footnote reference to Mixed Use district requirement to provide residential uses.
Bill Section 22 § Table 14-6.1-1	Add police and fire stations to table of permitted uses for clarity.
Bill Section 23 § Table 14-6.1-1	Make Shopping Center district requirements the same as C-2 district requirements for bars and cocktail lounges (special use permit required within 200 feet of residential districts).
Bill Section 24 § Table 14-6.1-1	Correct cross-reference error for flea market regulations.
Bill Section 25 § Table 14-6.1-1	Add "individual storage areas within a completely enclosed building" as permitted uses in Shopping Center districts.
Bill Section 26 § Table 14-6.1-1	Correct cross-reference error for vacation time share projects regulations.
Bill Section 27 § Table 14-6.1-1	Modify special use permit footnote to include rights of way when measuring the 200-foot radius.
Bill Section 28 §14-6.2(C)(1)(b)	Clarify by including the date that the current regulations were adopted (February 9, 2000).
Bill Section 29 §14-6.3(B)(2)(a)	Correct cross-reference error to home occupation regulations.
Bill Section 30 §14-6.3(B)(2)(c)	Clarify prohibition of parking commercial or industrial vehicles in residential neighborhoods.
Bill Section 31 §14-6.3(D)(2)(c)	Clarify residency requirement for home business owner.
Bill Section 32 §14-6.4(A)	Correction, temporary structures allowed on the site of <u>construction</u> activities, instead of <u>building</u> activities.
Bill Section 33 §14-6.4(C)	Clarifies existing provision regarding which temporary structures are treated as permanent.

<b>ARTICLE 14-7 BUILDING ENVELOPE AND OPEN SPACE STANDARDS AND MEASUREMENTS</b>	
Bill Section 34 §14-7.1(B)	Clarify that the portion of the lot occupied by private roads and lot access driveways is excluded from the lot coverage calculation.
Bill Section 35 § Table 14-7.2-1	Minor clarification to wording.
Bill Section 36 § Table 14-7.2-1	Lot coverage for non-compound developments RC-5 and RC-8 districts in made the same as in R-7—R-9 districts.
Bill Section 37 § Table 14-7.2-1	Reference to R-6—R-9 districts corrected to <u>R-7—R-9</u> .

BILL SECTION NO., CODE REFERENCE	CHAPTER 14 AMENDMENT MATRIX TITLE/SUMMARY OF PROPOSED AMENDMENT
Bill Section 38 § Table 14-7.2-1	Clarify that “step-back” regulations in residential districts apply only to side and rear yards, not to front yards.
Bill Section 39 §14-7.2(F)	Clarifies that no special use permit is needed for construction or modification of an individual single-family residence house and related accessory structures in R-12—R-29 districts.
Bill Section 40 § Table 14-7.3-1	Clarifies permitted residential density in C-1 and C-4 office districts.
Bill Section 41 §14-7.4(B)(2)	Restates maximum baseline floor area ratio; applicable standards clarified for projects that are located in redevelopment subdistricts, but that are not subject to an adopted master plan.
<b>ARTICLE 14-8: DEVELOPMENT AND DESIGN STANDARDS</b>	
Bill Section 42 §14-8.2(C)(2)	Clarifies that professional land surveyors may be required for certain terrain and stormwater management submittals.
Bill Section 43 §14-8.2(D)(1)(a)	Clarifies that the height limit on cut slopes applies to <u>exposed</u> slopes.
Bill Section 44 §14-8.3(A)(1)	Date changed to reflect the newest adopted flood maps per Resolution 2012-88.
Bill Section 45 §14-8.4(B)(1)	Clarifies which landscape standards apply to special use permits.
Bill Section 46 §14-8.4(G)(3)	The new term “parkway” is substituted for “planting strip.” See also “parkway” definition.
Bill Section 47 §14-8.5(B)(2)(a)	Clarifies that fences in residential developments may be built to the nonresidential height limit, if they abut a nonresidential development.
Bill Section 48 §14-8.6(B)(4)(c)	Business Industrial Park district added to the list of districts where required parking spaces may be located on an adjoining lot of record.
Bill Section 49 § Table 14-8.7-1	Reference error to “RM” district corrected to “R-10—R-29.”
Bill Section 50 §14-8.10(D)(5)	Corrects cross-reference error.
Bill Section 51 §14-8.10(G)(8)(d)	Corrects cross-reference error.
Bill Section 52 §14-8.14(E)(3)	Correct numeric and typographic errors.
Bill Section 53 §14-8.14(E)(5)	Clarifies that impact fees are to be charged for outdoor land use square footage, similar to building square footages.
<b>ARTICLE 14-9: INFRASTRUCTURE DESIGN, IMPROVEMENT AND DEDICATION STANDARDS</b>	
Bill Section 54 §14-8.14(E)(5)	Clarifies that the Planning Commission may approve subcollectors as private streets.
Bill Section 55 §14-9.2(E)	Clarifies different ADA standards for new vs. infill/replacement sidewalks.
Bill Section 56 §14-9.2(K)	The term “subdivider” is changed to “developer,” consistent with recent similar changes elsewhere in 14-9.2.

<b>BILL SECTION NO., CODE REFERENCE</b>	<b>CHAPTER 14 AMENDMENT MATRIX TITLE/SUMMARY OF PROPOSED AMENDMENT</b>
Bill Section 57 § Table 14-9.2-1	Correct numeric and typographic errors to correspond to recent amendments to text and diagrams.
Bill Section 58 §14-9.5(A)	Clarifies provisions for dedicating private roads, open space, etc., to owners associations.
Bill Section 59 §14-9.5(D)	Clarifies practice of allowing extensions of warranty periods when necessary to correct infrastructure defects.
<b>ARTICLE 14-10: NONCONFORMITIES</b>	
Bill Section 60 §14-10.1(C)	Clarifies treatment of nonconforming telecommunications facilities.
Bill Section 61 §14-10.4(A)	Clarifies wording regarding use of legal nonconforming lot.
<b>ARTICLE 14-11: ENFORCEMENT</b>	
Bill Section 62 §14-11.5	Cross-reference error corrected.
<b>ARTICLE 14-12: DEFINITIONS</b>	
Bill Section 63 §14-12	Museum definition added
Bill Section 63 §14-12	Parkway definition added. (See also amendment to "planting strip.")
Bill Section 64 §14-12	Clarify that definition of "owner" applies to owners of real property.
Bill Section 64 §14-12	Legal lot of record definition. Lots that are approved by a certificate of compliance or that are created by court order are included, see Subsection 14-3.7(A)(6).
Bill Section 64 §14-12	Owner's association definition replaces and clarifies previous "homeowners' association" definition.
Bill Section 64 §14-12	Planting strip definition modified to correspond to new "parkway" definition.
Bill Section 64 §14-12	Minor clarifications to "Yard, special" definition.
<b>APPENDIXES</b>	
Bill Section 65 Appendix Exhibit B	Technical requirements for types of parking spaces that were located in Section 14-8.6 prior to March 1, 2012 are restored and relocated to this appendix.



**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2013 \_\_\_\_**

**INTRODUCED BY:**

**Mayor David Coss**

**AN ORDINANCE**

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

*Exhibit "14"*

1 PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY ADOPTION DATE; 14-6.3(B)(2)(a)  
2 CORRECT REFERENCE; 14-6.3(B)(2)(c) CLARIFY COMMERCIAL PARKING; 14-  
3 6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY  
4 STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT  
5 COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND  
6 CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS; 14-7.2(F) CLARIFY  
7 SPECIAL USE PERMIT IN R12 – R-29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY  
8 C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY REDEVELOPMENT SUBDISTRICT; 14-  
9 8.2(C)(2) TERRAIN MANAGEMENT SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT  
10 SLOPES; 14-8.3(A)(1) DATE OF FLOOD MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS;  
11 14-8.4(G)(3) STREET TREES IN PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS;  
12 14-8.6(B)(4)(c) JOINT PARKING IN BIP DISTRICT; 14-8.10(D)(5) CORRECT  
13 REFERENCE; 14-8.10(G)(8)(d) CORRECT REFERENCE; 14-8.14(E)(3) CORRECT  
14 ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES ; 14-9.2(C)(8) SUBCOLLECTOR  
15 PRIVATE STREETS; 14-9.2(E) SIDEWALK REPLACEMENT STANDARDS; 14-9.2(K)  
16 STREET IMPROVEMENT STANDARDS; 14-9.5(A) DEDICATIONS TO HOMEOWNER'S  
17 ASSOCIATIONS; 14-9.5(D) EXTENSION OF INFRASTRUCTURE WARRANTY; 14-10.1(C)  
18 NONCONFORMING TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY  
19 NONCONFORMING LOT USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12  
20 VARIOUS DEFINITIONS AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING  
21 SPACE STANDARDS RESTORED; AND MAKING SUCH OTHER STYLISTIC OR  
22 GRAMMATICAL CHANGES THAT ARE NECESSARY.

23  
24 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE;

25 Section 1. Subsection 14-2.3(C)(5)(a) SFCC 1987 (being Ord. No. 2011-37 § 2) is

1 amended to read:

- 2 (a) The planning commission shall review and grant or deny requests for  
3 variances from Section 14-5.6 (Escarpment Overlay District);  
4 Section 14-8.2 (Terrain and Stormwater Management); Section 14-  
5 8.3 (~~Stormwater Management~~) Flood Regulations); Section 14-8.11  
6 (Santa Fe Homes Program); and Section 14-9 (Infrastructure Design,  
7 Improvement and Dedication Standards). When deciding variances,  
8 the planning commission shall comply with Section 14-3.16.

9 Section 2. Subsection 14-2.4(C) SFCC 1987 (being Ord. No. 2011-37 § 2) is

10 amended to read:

11 (C) Powers and Duties

12 The BOA has the review and decision-making responsibilities set forth in Table 14-  
13 2.1-1 to be carried out in accordance with the provisions of Chapter 14 and has the  
14 following additional responsibilities:

- 15 (1) to hear appeals of *final actions* of the *land use director* applying the  
16 provisions of Chapter 14, unless jurisdiction for such appeals is otherwise  
17 specifically reserved to another *land use board*;
- 18 (2) to hear and decide *applications* for special use *permits* as provided in  
19 Sections 14-3.6 and 14-6 (Permitted Uses and Use Regulations), unless  
20 jurisdiction for such special use *permits* is specifically reserved to another  
21 *land use board*; and
- 22 (3) to authorize in specific cases a variance from the terms of Chapter 14 [~~that is~~  
23 ~~not contrary to the public interest and where, owing to special conditions, a~~  
24 ~~literal enforcement of the provisions of Chapter 14 would result in~~  
25 ~~unnecessary hardship~~] as provided in Section 14-3.16.

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

3       (K)     Removal of Members

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

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

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

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

15       (i)     annexations;

16       (ii)    master plans;

17       (iii)   rezonings;

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

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

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

25       (vii)   variances, except those requesting construction or

1 modification of an individual *single-family dwelling* and  
2 appurtenant *accessory structures* or those requesting a  
3 reduction in the total parking requirements of five or fewer  
4 spaces and those requesting variances to Section 14-8.10  
5 (Signs);

- 6 (viii) special use *permits*, except those for *mobile homes*;  
7 (ix) *telecommunications facilities* as set forth in Section 14-  
8 6.2(E);  
9 (x) *electric facilities* as set forth in Section 14-6.2(F);  
10 (xi) amendment to any of the preceding; and  
11 (xii) amendments to the future land use map of the *general plan*.

12 (b) ENN is not required in the following specific circumstances:

- 13 (i) projects or amendments to project approvals that do not  
14 require public hearings [~~as described in Subsection 14-~~  
15 ~~3.1(F)(2)(a)] before the board of adjustment, planning  
16 commission or the governing body;  
17 (ii) time extensions that do not otherwise modify a project  
18 approval.~~

19 Section 5. Subection 14-3.1(H) SFCC 1987 (being Ord. No. 2011-37, §3, as  
20 amended) is amended to read:

21 (H) Notice Requirements

22 The notices required by this section shall indicate the nature of the change proposed;  
23 the *property* affected; the time, date and place of the hearing or meeting; and the  
24 deadline for receiving written comments regarding the request, if applicable. The  
25 notice shall be approved by the *land use director*. Neighborhood associations that

wish to receive notifications of hearings and meetings and copies of agendas, including email notifications, must register with the *land use director*.

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

(a) General Notice Requirements

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

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

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

(iii) Public hearings concerning projects heard before the historic districts review board shall meet the agenda and posting requirements in Subsections 14-3.1(H)(1)(b) and (c) below, but mailed notification in accordance with Subsection 14-3.1(H)(1)(d) is not required; and

(iv) Public hearings concerning appeals must provide notice as described in Subsection 14-3.1(H)(4).

(b) **Agenda Requirements.**

For all public hearings required before any *land use board*, the *land use director* shall place the tentative meeting agenda in a local daily newspaper of general circulation at least fifteen calendar days prior to the scheduled meeting. In addition, the *land use director* shall post the tentative meeting agenda in City Hall and send a copy to neighborhood associations that are registered with the *land use director*, at least fifteen days prior to the scheduled meeting.

### (c) Posting Requirements

(i) For all ENN meetings and public hearings required before a *land use board*, except appeals, the *property* shall be posted by the *applicant* with posters obtained from the *land use director* at the *applicant's* expense. At least one poster shall be prominently displayed, visible from each public and private *street* and road abutting the *property*, and securely placed on the *property* at least fifteen calendar days prior to the scheduled meeting. Placement of the posters shall be in such a manner as to not compromise public safety.

(ii) The posters shall be removed within thirty days after *final action*, and failure to do so may result in the *city* removing the poster and charging the *applicant* a civil fee of fifty dollars (\$50.00).

**(d) Mailing and Emailing Requirements**

1 Notice of a public hearing or ENN meeting shall be mailed via the  
2 United States postal service by the *applicant* at least fifteen calendar  
3 days prior the public hearing or meeting as follows:

4 (i) notices shall be mailed by first class mail [~~with certificate of~~  
5 ~~mailing,~~] to the *owners* of *properties* within three hundred  
6 (300) feet of the subject *property* [~~exclusive of rights of~~  
7 ~~way,~~] as shown in the records of the *county* treasurer, and  
8 [~~by first class mail~~] to the physical addresses of such  
9 *properties* where [~~such~~] the property's address is different  
10 than the address of the *owner*;

11 (ii) notices shall also be mailed by first class mail [~~with~~  
12 ~~certificate of mailing,~~] to neighborhood associations that  
13 have registered with the *land use director* and that will be  
14 directly affected by the proposed action or that have a  
15 boundary within three hundred (300) feet of the subject  
16 *property* [~~exclusive of public rights of way~~]. Email notices  
17 to the neighborhood associations shall be provided on the  
18 same day the *applicant* sends postal notices;

19 (iii) for zone changes of one block or less, notices to *property*  
20 *owners* for public hearings before the governing body or the  
21 planning commission shall be by certified mail with return  
22 receipt requested as required by Section 3-21-6 NMSA  
23 1978;

24 (iv) in the case of an *application* for a *telecommunications*  
25 *facility*, all *property owners* within the corresponding



1 setback distances listed in Section 14-6.2(E) shall also  
2 receive notices;

3 (v) if a notice by certified mail of a zoning change is returned  
4 undelivered, the *city* shall attempt to discover the *owner's*  
5 most recent address and shall send the notice by certified  
6 mail to that address as required by Section 3-21-6 NMSA  
7 1978;

8 (vi) copies of all required mailing lists, mailing certificates and  
9 return receipts shall be provided to the *land use director*  
10 prior to the public hearing or ENN meeting with an affidavit  
11 of mailing signed by the person who mailed the notices.

12 (e) Notice Requirements for *City-Initiated Development Review Actions*

13 (i) Agenda Requirement

14 Agendas must be posted and published as provided in  
15 Subsection 14-3.1(H)(1)(b) and (c).

16 (ii) Posting Requirement

17 [~~The~~] For a project that affects one lot or other clearly-  
18 delineated premises, posting must occur as provided in  
19 Subsection 14-3.1(H)(1)(c). For a project that affects a  
20 larger project area, the city shall securely place in the public  
21 *right of way* one poster at each major intersection within or  
22 near the plan or project area. There shall also be at least one  
23 poster for every three hundred (300) acres. Where the *city* is  
24 the *applicant* and the plan or project area is less than one city  
25 block, one poster shall be placed within the public *right of*

1 way at the nearest intersection to the subject *property*. All  
2 posters shall be placed at the appropriate sites at least fifteen  
3 calendar days prior to the scheduled public hearing or  
4 meeting and shall indicate the nature of the change proposed;  
5 identification of the plan or project area; and the time, date  
6 and place of the public hearing or ENN meeting.

7 (iii) Mailing Requirements

8 Mailed notice shall be provided as required in Subsection  
9 14-3.1(H)(1)(d).

10 (iv) Publishing Requirements

11 At least fifteen days before the public hearing, the *city* must  
12 publish a display advertisement in a local daily newspaper of  
13 general circulation stating the date, time and place of the  
14 public hearing, describing the nature of the change.

15 (2) Notice of Public Hearing Before Governing Body

16 Notice shall be provided as required in Subsection 14-3.1(H)(1)(a) or (e), as  
17 applicable. In addition, the *applicant* shall publish one notice in a local daily  
18 newspaper of general circulation at least fifteen calendar days prior to the  
19 public hearing.

20 (3) Postponed or Recessed and Reconvened Public Hearings and Meetings

21 If a public hearing or ENN meeting is postponed prior to the scheduled  
22 meeting ~~[to a specific date]~~, re-notification is not necessary if notice of the  
23 new date, time and location of the meeting is clearly posted ~~[on or near the~~  
24 ~~door of the]~~ at the time and place where the original public hearing or  
25 meeting was to be held ~~[and in at least one other location appropriate to~~

1 ~~provide public notice of the continuation of the meeting].~~ A public hearing  
2 or meeting may be recessed and reconvened ~~[to a day subsequent to that~~  
3 ~~stated in the meeting notice]~~ without re-noticing if ~~[, prior to recessing,]~~ the  
4 date, time and place for ~~[continuation of]~~ the meeting is specified  
5 immediately prior to recessing ~~[and, immediately following the recessed~~  
6 ~~meeting, notice of the date, time and place for the reconvened meeting is~~  
7 ~~posted at the meeting location].~~

8 (4) Appeal Hearing Notice Requirements

9 The following shall apply to all public hearings on appeals to *land use*  
10 *boards* or to the *governing body*.

11 (a) Agenda Requirements

12 The *land use director* shall place the appeal on the agenda of the  
13 body hearing the appeal and shall publish and post the agenda in  
14 accordance with the established procedures for that body.

15 (b) Notice Requirements

16 The *appellant* shall give written notice of the appeal as follows:

17 (i) Form of Notice

18 The notice shall be in a form approved by the *land use*  
19 *director* as being adequate to ensure that the average citizen  
20 reading the notice will be fairly informed of the general  
21 purpose of what is to be considered;

22 (ii) Procedure for Giving Notice

23 The *appellant* shall give notice of the time, date and place of  
24 the public hearing by first class mail ~~[, with certificate of~~  
25 ~~mailing,]~~ postmarked at least fifteen days prior to the public

1 hearing. The notice shall be approved by the *land use*  
2 *director* prior to mailing, and an affidavit of mailing shall be  
3 provided by the appellant.

4 (iii) Notice Recipients

5 The following shall receive notice: 1) all *appellants*  
6 and *appellees*; and 2) all *persons* or neighborhood  
7 associations that were required to be mailed notice for the  
8 application giving rise to the *final action* being appealed.

9 (c) Failure to Provide Notice

10 If the *appellant* fails to provide proof of proper notice in a form  
11 approved by the *land use director* prior to the public hearing on an  
12 appeal, the appeal shall be deemed withdrawn and may not be  
13 refiled. The *land use director* may waive this requirement if the  
14 *appellant* shows good cause. The *land use director's* decision is not  
15 appealable.

16 Section 6. Subsection 14-3.3(A)(1)(a) SFCC 1987 (being Ord. No. 2011-37, §3) is  
17 amended to read:

18 (a) A text amendment may be proposed by:

19 (i) the governing body;

20 (ii) the planning commission; or

21 (iii) a department or agency of the city[ ~~; or~~ ];

22 ~~[(iv) any other person, who must submit a request for a text~~  
23 ~~amendment in writing to the governing body]~~

24 Section 7. Subsection 14-3.6(C)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is  
25 amended to read:

1 (3) Approval Limited

2 A special use *permit* is granted for a specific use and *intensity*. [ ~~Any change~~  
3 ~~of use or more intense use shall comply with Chapter 14 and, if appropriate,~~  
4 ~~shall required a new or amended special use permit.~~ ] A special use permit is  
5 required for any change of use to a new or different use category that  
6 requires a special use permit as designated in Table 14-6.1-1. A special use  
7 permit is required for any significant expansion or intensification of a special  
8 use.

9 Section 8. Subsection 14-3.6(E) SFCC 1987 (being Ord. No. 2011-37, §3) is

10 amended to read:

11 (E) Expiration of Special Use Permits

12 (1) ~~[If the special exception use has not been exercised within three years from~~  
13 ~~the date of the approval of the special exception, the approval shall expire~~  
14 ~~and any subsequent use of the land shall conform to the provisions specified~~  
15 ~~in Chapter 14. Approval of the special use permit may be extended as~~  
16 ~~provided in Section 14-3.19.] A special use permit that has not been~~  
17 ~~exercised within three years from the date of the approval expires as~~  
18 ~~provided in Subsection 14-3.19(B)(5). Approval of the special use permit~~  
19 ~~may be extended as provided in Section 14-3.19(C).~~

20 (2) ~~[If the use approved by the special use permit ceases for any reason for a~~  
21 ~~period of more than one hundred eighty days, the special use permit shall~~  
22 ~~expire.] If the use approved by the special use permit ceases for any reason~~  
23 ~~for a period of more than three hundred sixty-five days, the special use~~  
24 ~~permit shall expire except as provided for government uses in Subsection 14-~~  
25 ~~10.2(C)(2).~~

1           Section 9.       Subsection 14-3.7(A)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is  
2 amended to read:

3                   (6)   Subdivisions by Court Order

4                   ~~[A subdivision directed by court order shall also be subject to approval in~~  
5                   ~~accordance with the procedures and standards required in Chapter 14.~~  
6                   ~~Inheritance subdivisions are subject to the provisions of Subsection 14-3.7(F)~~  
7                   ~~(Inheritance and Family Transfer Subdivisions).]~~

8                   (a)   Court proceedings must not be used to circumvent the provisions of  
9                   Chapter 14 relating to the subdivision or resubdivision of *property* or  
10                   to create or increase a nonconformity.

11                   (b)   A legal lot of record that is properly partitioned, partially condemned  
12                   or otherwise divided or altered by court order as provided in Chapter  
13                   42 NMSA 1978 continues to be a legal lot of record.

14                   (c)   Development of *property* that is divided or altered by court order  
15                   remains subject to the standards and requirements of Chapter 14.

16           Section 10.   Section 14-3.7(F)(5)(b) SFCC 1987 (being Ord. No. 2012-37, §3) is  
17 amended to read:

18                   (b)   Every final *plat* for an inheritance or *family* transfer subdivision shall  
19                   contain the following legend prominently portrayed:

20                   "NOTICE: This subdivision has been approved pursuant to the  
21                   inheritance and *family* transfer provisions of the Santa Fe City Code.  
22                   Procedures for inheritance and family transfer subdivision  
23                   improvements are significantly different than for other types of  
24                   subdivisions. No sale or lease of any *lot* designated on this  
25                   subdivision *plat* shall occur within three years of the date this

1 transfer is legally made. Any person intending to purchase a *lot*  
2 within this subdivision should contact the *city* of Santa Fe *land use*  
3 *director*. Requests for construction *permits* on illegally sold *lots*  
4 shall be denied."

5 **Section 11. Subsection 14-3.8(B) SFCC 1987 (being Ord. No. 2011-37, §3) is**  
6 **amended to read:**

7 **(B) Applicability**

- 8 (1) Early neighborhood notification and notice and conduct of public hearings  
9 are required pursuant to the general provisions of Sections 14-3.1(F), (H) and  
10 (I).
- 11 (2) A *development* plan is required in conjunction with rezoning *applications* in  
12 certain districts as provided in Chapter 14, Articles 4 (Zoning) and 5  
13 (Overlay Zoning Districts).
- 14 (3) Notwithstanding any code provisions to the contrary, approval of a  
15 *development* plan by the planning commission is required prior to new  
16 *development* that meets any of the following criteria:
- 17 (a) *gross floor area* of thirty thousand square feet or more and is located  
18 within any zoning district of the *city*;
- 19 (b) *gross floor area* of ten thousand square feet or more in a *residential*  
20 district or in the C-1, C-2, C-4, BCD, HZ, I-1, I2, BIP, PRRC, RS,  
21 SC or MU district and is within two hundred (200) feet, excluding  
22 public *rights of way*, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9,  
23 RC-5, RC-8, R10, R-12 R-21, R-29, RAC, AC, PRC and MH  
24 districts;
- 25 (c) flea market with fifteen or more vendors; or

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

8 ([3]4) The *development* plans described in Subsections (B)(2) and (3) shall be  
9 reviewed by the planning commission.

10 ([4]5) This section applies where the cumulative square footage of multiple *permits*  
11 meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of  
12 those subsections when the *permits* are for coordinated *development* of a  
13 project comprising multiple *buildings* or outdoor uses, including phased  
14 projects and projects involving *development* of adjoining commonly owned  
15 *parcels*.

16 ([5]6) This section does not apply to the construction of *single-family dwellings*,  
17 each of which has a *gross floor area* of ten thousand (10,000) square feet or  
18 less, including *accessory buildings*, on *lots* created prior to the effective date  
19 of Ordinance No. 1999-13 or on *lots* within a subdivision that was subject to  
20 early neighborhood notification procedures. This section does apply to  
21 construction of any *single-family dwelling* that has a *gross floor area* greater  
22 than ten thousand (10,000) square feet, including *accessory buildings*.

23 ([6]7) No additional *development* plan review is required if the new or changed use  
24 or *development* described in Subsections (B)(2) and (3) was part of a  
25 *development* plan approved as part of a rezoning or other action before the



governing body or a land use board, and for which the early neighborhood notification process set forth in Section 14-3.1(F) was required.

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

Section 12. Subsection 14-3.8(C)(1)(g) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

(g) [or] for residential development, a proposal for provision of affordable housing as required by Section 14-8.11 (Santa Fe Homes Program);

Section 13. Subsection 14-3.8(C)(5) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

(5) Administrative Approval Procedure [~~for Three Unit Multiple Family Developments~~]

Approval of a development plan by the land use director as provided in Subsection 14-3.8(B)(8), does not require an ENN meeting, public hearing or public notice and is not required to be filed for record with the county clerk. [~~is required for multiple-family development comprising three or more dwelling units with a gross floor area less than ten thousand (10,000) square feet.~~]

Section 14. Subsection 14-3.8(C)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

(6) Recording of Plans; Infrastructure Construction

(a) The signed original mylars of the development plan and associated engineering and improvement drawings shall be filed with the land

1                    *use director* and shall be the basis for issuance of construction  
2                    *permits*. The *development plan* shall be filed for record with the  
3                    county [assessor] clerk by the *land use director*.

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

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

9                    Section 15. Subsection 14-3.12(B)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is  
10                    amended to read:

11                    (3) Temporary *certificates of occupancy for uses that are not intended to be*  
12                    *temporary* shall comply with the following provisions:

13                    (a) the *land use director* shall impose conditions that ensure compliance  
14                    with the provisions of Chapter 14 and other applicable regulations  
15                    that protect the public health, safety and welfare;

16                    (b) the certificate is subject to an enforceable agreement by the permittee  
17                    and landowner that:

18                    (i) does not rely on the actions of a *person* that is not a party to  
19                    the agreement;

20                    (ii) provides a schedule for meeting all provisions of Chapter 14  
21                    within a reasonable time;

22                    (iii) provides a financial guarantee in a form acceptable to the  
23                    *land use director* for completion of all *public* or *quasi-public*  
24                    *improvements* required by Chapter 14; and

25                    (iv) provides for revocation of the certificate by the *land use*

1                                    *director* and termination of the approved occupancy by the  
2                                    permittee if the terms of the agreement are not complied  
3                                    with; and

- 4                    (c)    the temporary certificate of occupancy shall not be approved for an  
5                                    initial period of longer than six months. The *land use director* may  
6                                    approve extensions not to exceed an additional six months.

7                    **Section 16.    Subsection 14-3.13(D)(3)(c) SFCC 1987 (being Ord. No. 2011-37, §3) is**  
8 **amended to read:**

- 9                    (c)    If human remains are discovered, *city* officials must be contacted. If  
10                                    remains are determined to be deposited less than seventy-five years  
11                                    ago, determination of jurisdiction will be made by the [county  
12                                    coroner] New Mexico Office of the Medical Investigator. If the  
13                                    remains are determined to be prehistoric or isolated burials of early  
14                                    historical age, consultation with the Archaeological Review  
15                                    Committee shall be undertaken to identify an appropriate treatment  
16                                    plan. This treatment plan shall indicate consideration of local Native  
17                                    American or other religious concerns, if applicable. If the remains  
18                                    represent an unplatted cemetery, they may not be disturbed less a  
19                                    district court order is granted authorizing their removal in  
20                                    conformance with Section 30-12-12 NMSA 1978 as amended.

21                    **Section 17.    Subsection 14-3.16(D) SFCC 1987 (being Ord. No. 2011-37, §3) is**  
22 **amended to read:**

23                    **(D)    Expiration of Variances**

24                    ~~[If the variance has not been exercised within twenty-four months from the date of~~  
25                    ~~the approval of the variance, the approval expires and any subsequent use of the land~~

1 ~~shall conform to the provisions specified in Chapter 14.] Approval of a variance~~  
2 ~~expires if it is not exercised, as provided in Subsection 14-3.19(B)(5).~~

3 Section 18. Subsection 14-3.19(B)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is  
4 amended to read:

5 (6) Continuing Development Activity Required

6 ~~[Approvals of *development* other than subdivisions shall expire if no~~  
7 ~~substantive *development* progress occurs for a period of three years at any~~  
8 ~~time after *final action* approving the *development*. Substantive *development*~~  
9 ~~progress includes obtaining subsequent *development* approvals such as a final~~  
10 ~~*development plan* subsequent to a preliminary *development plan* approval and~~  
11 ~~actual *development* of the site or off-site improvements.]~~

12 Approvals for the uncompleted portions of *development* other than recorded  
13 subdivisions expire if, at any time prior to completion of all phases of the  
14 approved development, no substantive *development* progress occurs:

- 15 (a) for an approved master plan, during any interval of five years; or  
16 (b) for a development plan or other development approval as specified in  
17 Subsection 14-3.19(B)(5), during any interval of three years.  
18 (c) Substantive *development* progress means actual *development* of the  
19 site or related off-site infrastructure, filing for record of a  
20 development plan or subdivision plat for a phase of the approved  
21 *development*, or obtaining subsequent *development* approvals from a  
22 land use board, such as a final *development plan* approval subsequent  
23 to a preliminary *development plan* approval.

24 Section 19. Section 14-3.19(C)(2) SFCC 1987 (being Ord. No. 2011-37, §3) is  
25 amended to read:

1 (2) Administrative Extensions

2 (a) The *land use director* may approve two consecutive extensions to the  
3 time limits for an approved *development*, each not to exceed one  
4 year. Approval shall be based on review of the findings and  
5 conditions of approval of the original *final action* and a finding by  
6 the *land use director* that no substantive changes have occurred to  
7 the regulations or policies that apply to the *development* or to the  
8 circumstances affecting the site and its vicinity. The administrative  
9 extension shall not approve revisions to the *development* or  
10 amendments to the conditions of approval, and no early  
11 neighborhood notification is required.

12 (b) ~~[All actions taken by the *land use director* under this section are~~  
13 ~~subject to review by the planning commission.] Administrative time~~  
14 ~~extensions approved by the *land use director*, pursuant to this~~  
15 ~~subsection 14-3.19(C)(2), for development approvals that were~~  
16 ~~granted by the planning commission or the governing body, are~~  
17 ~~subject to review by the planning commission.~~ The *land use director*  
18 shall identify the action taken and place it on a consent agenda for  
19 the planning commission. The *land use director* shall provide the  
20 planning commission with the *applicant's* written *application* and  
21 the *land use director's* written proposal. The planning commission  
22 may accept, reject or modify the proposal.

23 Section 20. Subsection 14-4.3(G) SFCC 1987 (being Ord. No. 2011-37, §4) is  
24 amended to read:

25 (G) I-2 General Industrial District

1 The I-2 district is intended primarily for general manufacturing and closely related  
2 uses. Also allowed in the district are commercial and other uses allowed in some  
3 commercial districts. To avoid burdensome regulations on general manufacturing but  
4 at the same time to provide adequate limitations on the development of industries  
5 incompatible with the city's general industrial characteristics, regulations for this  
6 district are intended to provide protection principally against effects harmful to other  
7 districts. These regulations do not afford the same level of protection for commercial  
8 and other allowed uses not related to general manufacturing as such uses would  
9 receive if located in districts primarily designed for them. ~~[It is the intent that this~~  
10 ~~district not restrict commercial activity, but that its development not be encouraged.]~~

11  
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17 [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]  
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Section 21. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses to create a new footnote for the Table:

CATEGORY Specific Use	RR	R- 1 - R- 6	R- 7 - R- 9	R- 7- I	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I 1	I 2	BIP	SC- 1	SC- 2	SC- 3	MU ***	Use- Specific Regs 14-6.2
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\*\*\*See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use.

Section 22. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses to create an Emergency Services Category Related to Police and Fire Stations and Substations:

CATEGORY Specific Use	RR	R- 1 - R- 6	R- 7- R- 9	R- 7- I	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C-1	C- 2	C- 4	HZ	BCD	I- 1	I- 2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specifi Regs 14-6.2
<b>PUBLIC INSTITUTIONAL AND CIVIC</b>																						
<b>Emergency Services</b>																						
<u>Police and fire stations</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Police substations (6 or fewer staff)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	





1 Section 25. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses  
 2 regarding individual storage areas:

CATEGORY Specific Use	RR	R- 1 - R- 6	R- 7 - R- 9	R- 7- I	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I - 1	I - 2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
Individual storage areas within a completely enclosed building											S			P	P	P	P	P	P	P		(D)(2)

3  
 4 Section 26. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses  
 5 regarding vacation time share projects:

CATEGORY Specific Use	RR	R- 1 - R- 6	R- 7 - R- 9	R- 7- I	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I - 1	I - 2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
Vacation time share projects											P			P	P							<del>(C)(8)</del> (C)(7)

1           **Section 27.     Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §8) is amended to**  
2 **amend the following footnote in the Table of Permitted Uses:**

3 **\*Special use *permit* required if located within 200 feet [~~excluding rights-of-way~~] of *residentially-***  
4 ***zoned property*, otherwise permitted.**

5           **Section 28.     Subsection 14-6.2(C)(1)(b) SFCC 1987 (being Ord. No. 2011-37, §8) is**  
6 **amended to read:**

7                           (b)     Location of Sexually Oriented Businesses

8                           (i)     A *sexually oriented business* shall not be located or  
9                                       presented in a *residential* district, even temporarily; within  
10                                      one thousand (1,000) feet of a district zoned for *residential*  
11                                      uses or a district in which *single-family dwellings* or  
12                                      *multiple-family dwellings* are allowed as *principal* uses and  
13                                      *structures*; or within one thousand (1,000) feet of any *parcel*  
14                                      of real *property* on which is located any of the following  
15                                      facilities: 1) a school, academy, center or other entity that  
16                                      provides instruction primarily for and attended by minors; 2)  
17                                      a religious institution that conducts religious services,  
18                                      education classes or other gatherings for minors; 3) a public  
19                                      park, playground or public recreation facility; 4) eating and  
20                                      drinking establishments; 5) *hotels, motels, rooming and*  
21                                      boarding houses; 6) *commercial recreational uses and*  
22                                      *structures* such as theaters and bowling alleys; 7) private  
23                                      day-care nurseries and kindergartens; or 8) libraries.

24                           (ii)    This ~~[section]~~ Subsection 14-6.2(C)(1) *Adult Entertainment*  
25                                      *Facilities* does not apply to *sexually oriented businesses*

1 existing at the time of adoption of ~~[this section]~~ Ordinance  
2 No. 2000-8 on February 9, 2000. Such *businesses* shall be  
3 considered *nonconforming* uses and *structures* and shall be  
4 governed by Article 14-10 (Nonconformities).

5 **Section 29. Subsection 14-6.3(B)(2)(a) SFCC 1987 (being Ord. No. 2011-37, §3) is**  
6 **amended to read:**

7 (a) The following *accessory* uses and *structures* are permitted in the  
8 RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29,  
9 RAC, C-1, C-4 and HZ districts:

10 (i) *home occupations*, as provided for in Subsection 14-  
11 6.3(D)(~~1~~) 2;

12 (ii) *noncommercial greenhouses* and plant nurseries;

13 (iii) *private garages*;

14 (iv) *utility sheds*, located within the *rear yard* only;

15 (v) *children's play areas* and play equipment;

16 (vi) *private barbeque pits* and private swimming pools;

17 (vii) except in the RR district, *accessory dwelling units* as  
18 regulated in Subsection 14-6.3(D)(1);

19 (viii) other uses and *structures* customarily accessory and clearly  
20 incidental and subordinate to permitted or permissible uses  
21 and *structures*; and

22 (ix) *accessory structures* of a permanent, temporary or portable  
23 nature such as coverings not constructed of solid building  
24 materials, including inflatable covers over swimming pools  
25 and tennis courts, and such other *accessory structures* that

1 exceed thirty inches in height from the average ground  
2 elevation.

3 Section 30. Subsection 14-6.3(B)(2)(c) SFCC 1987 (being Ord. No. 2011-37, §3) is  
4 amended to read:

5 (c) The following activities are prohibited within residentially zoned districts:

6 (i) storage or parking, either continuous or intermittent, of commercial  
7 or industrial vehicles; other than those authorized by a special use  
8 permit or other permitted non-residential use. Commercial or  
9 industrial vehicle means vehicles designed for business purposes,  
10 including any vehicle requiring a commercial driver's license to  
11 operate; tour buses, school buses, tow trucks, earthmoving or grading  
12 equipment, tractors (except lawn tractors) or other motorized  
13 construction or agricultural equipment; trailers, light trucks or other  
14 vehicles designed for business purposes. Commercial or industrial  
15 vehicles do not include recreational vehicles and trailers related to  
16 recreational vehicles used for personal purposes. Commercial or  
17 industrial vehicles do not include passenger cars and small trailers  
18 that may be used for business purposes related to a registered home  
19 occupation business;

20 (ii) outdoor storage of construction materials, except in connection with  
21 active construction activities on the premises;

22 (iii) storage of mobile homes; and

23 (iv) recreational vehicles used as dwelling units.

24 Section 31. Subsection 14-6.3(D)(2)(c) SFCC 1987 (being Ord. No. 2011-37, §8) is  
25 amended to read:

1 (c) General Standards

- 2 (i) The *home occupation* shall involve the primary sale of goods  
3 or services in connection with the *home occupation*,  
4 including: 1) goods that are prepared, produced or grown  
5 on the *premises*; 2) services that are developed on the  
6 *premises* and provided on or off the *premises*; 3) the sale of  
7 goods that are not produced on the *premises* and that are  
8 only distributed off the *premises*; or 4) repair services that  
9 take place solely within the home.
- 10 (ii) The *home occupation* shall be located on the same *lot* as the  
11 permitted *principal* use or *structure* or on a contiguous *lot* in  
12 the same ownership.
- 13 (iii) The *home occupation* shall be conducted by ~~a person~~  
14 ~~residing on~~ the business owner who resides continuously for  
15 a substantial period of time at the premises in which the  
16 *home occupation* is conducted. Continuous residence is  
17 determined by the Land Use Director by review of relevant  
18 factors. The address listed on a driver's license, voter  
19 registration or tax return may not be sufficient to establish  
20 continuous residence.
- 21 (iv) Not more than two persons, other than members of the  
22 family ~~[residing]~~ who reside on the *premises*, ~~[in which a~~  
23 ~~home occupation is conducted,]~~ shall be regularly engaged in  
24 the *home occupation*. ~~[Residency shall be established by~~  
25 ~~any standard identification that proves residency such as a~~

~~driver's license, passport or voter registration or other documentation that proves that the person conducting the home occupation has resided at the site of the home occupation for one month or more.]~~

((i)v) Except for on-street parking, as set forth in this section, a home occupation shall be completely contained within the property lines of the lot on which the home occupation is located. A home occupation shall be in compliance with the performance standards set forth in Section 10-4 SFCC (General Environmental Standards); not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare or electrical interference; or otherwise create a risk to health, safety or property of residents and occupants of adjacent and neighboring properties. The storage of firearms, ammunition, fireworks or similar explosives for sale or service is prohibited. Mechanical or electrical equipment that is incidental to the home occupation may be used if it does not create visible or audible interference in radio, computer or television receivers or cause fluctuation in voltage of the premises or neighboring premises. Depending upon the nature of the home occupation, land use director may require proof of compliance with these restrictions prior to issuance of a business registration. (Ord. No. 2012-11 § 17)

(vi) Employees, customers, clients or deliveries shall not enter

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

7 Section 32. Subsection 14-6.4(A) SFCC 1987 (being Ord. No. 2011-37, §8) is  
8 amended to read:

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

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

18 Section 33. Subsection 14-6.4(C) SFCC 1987 (being Ord. No. 2011-37, §8) is  
19 amended to read:

20 (C) Temporary Structures Treated as Permanent Structures

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

1       Section 34.     Subsection 14-7.1(B) SFCC 1987 (being Ord. No. 2011-37, §9) is  
2 amended to read:

3       **(B)     Dimensional Calculations**

4       (1)     Lot Area

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

7       (2)     Lot Depth

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

11      (3)     Reserved

12      (4)     Lot Coverage

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

15              (a)    the types and portions of *structures* listed in Subsection 14-  
16                      7.1(D)(2); [and]

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

19              (c)    the portion of the *lot* occupied by easements for private roads and *lot*  
20                      *access driveways*.

21  
22                      [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]  
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Section 35. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Residential Districts to amend minimum yard requirements R-1 – R-6:

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) <small>Note 2</small>	Minimum Lot Size <small>Note 2, Note 3</small>	Maximum Height of Structures <small>Notes 6,8</small>	Minimum Yard Requirements (feet) <small>Notes 5, 6, 7</small>	Maximum Lot Coverage (%) <small>Note 10</small>	Minimum Required Qualifying Open Space (Square Feet) <small>Note 9, 10</small>
R-1 R-2 R-3 R-4 R-5 R-6	R1=1; R-2=2; R-3=3; R-4=4; R-5=5; R-6=6	Area: Single-family dwellings: 4,000 sq. ft. minimum; 2,000 sq. ft. if common open space is provided (Note 3) Multiple-family dwellings: 4,000 sq. ft. per dwelling unit	Residential structures: 24; Nonresidential structures: 35 (See Note 6 for required height stepback from side and rear property lines)	Street: 7 (20 for garage or carport; <small>Note 4</small> ) Side: 5 or 10 (See Note 6 for required height stepback from side and rear property lines) Rear 15, or 20% of the average depth dimension of lot, whichever is less	40; may increase to 50 if private open space is provided (See §14-7.5(C)(1): Increase in maximum lot coverage if private open space is provided.)	Detached single family dwellings: <u>None except as provided for lot size averaging per Note 3</u> Multiple-family dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit

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Section 36. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Residential Districts to amend maximum lot coverage requirements for RC-5 and RC-8 districts:

**TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)**

<b>DISTRICT</b>	<b>Max. Gross Density (dwelling units per acre)</b> <sup>Note 2</sup>	<b>Minimum Lot Size</b> <sup>Note 2, Note 3</sup>	<b>Maximum Height of Structures</b> <sup>Notes 6,8</sup>	<b>Minimum Yard Requirements (feet)</b> <sup>Notes 5, 6, 7</sup>	<b>Maximum Lot Coverage (%)</b> <sup>Note 10</sup>	<b>Minimum Required Qualifying Open Space (Square Feet)</b> <sup>Note 9, 10</sup>
RC-5 RC-8	Gross Density Factor: RC-5=5; RC-8=8 <sup>Note 7</sup>	Area: 4,000 sq. ft. Also see § 14-7.1(B)(4)(a): "Minimum Open Space Requirements"	All structures: 24 Gross floor area of all stories above the ground level shall not exceed 50 percent of the ground floor area; provided that in calculating the allowable second floor area of attached buildings the total gross heated area of the attached buildings shall be used regardless of ownership status.	Street <sup>Note 4</sup> : None required if wall between 6 and 8 feet high is built between building and street; otherwise, 15-foot setback required. Side: 5-foot side setback required. Rear: If wall between 6 and 8 feet high is built, 5-foot rear setback required, and if no wall, 15-foot setback required. No portion of any story above ground-level story shall be closer than 15 feet from property line.	Without compound dwelling units: [40] <u>Same as R-7 to R-9 districts.</u> With compound dwelling units: See § 14-7.5(C)(1)(C): Increase in maximum lot coverage if private open space is provided.	Same as R7 to R-9 districts

Section 37. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Residential Districts to amend minimum yard requirements for R-10 through R-29 and RAC districts:

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) <sup>Note 2</sup>	Minimum Lot Size <sup>Note 2, Note 3</sup>	Maximum Height of Structures <sup>Notes 6,8</sup>	Minimum Yard Requirements (feet) <sup>Notes 5, 6, 7</sup>	Maximum Lot Coverage (%) <sup>Note 10</sup>	Minimum Required Qualifying Open Space (Square Feet) <sup>Note 9, 10</sup>
R-10 R-12 R-21 R-29	R-10=10; R-12, R-21 and R-29=10 or per development plan or special use permit approval (see 14-7.2(F))	Area: Single-family: 3000 sq. ft. (may be reduced to 2000 sq. ft. if common open space is provided) <sup>Note 3</sup> Multiple-family: As required to comply with gross density factor.	R-21 and R-29: 24 (36 with development plan or special use permit approval, see 14-7.2(E)). R-10 and R-LD: 24 (See Note 6 for required height stepback from side and rear property lines)	Same as for [R-6] R-7 through R-9 districts. (See Note 6 for required height stepback from side and rear property lines)	Multiple-family of 6 or more units: 40 single-family, two-family, or multiple-family of less than 6 units: 40; 70 if private open space is provided. (See §14-7.5(C)(1): Increase in maximum lot coverage if private open space is provided.)	Detached single-family dwellings or multiple-family dwellings: 250 square feet of common and/ or private open space per unit
RAC	<u>21</u>	Same as R-21 district.	All structures: 24 (See Note 6 for required height stepback from side and rear property lines)	Same as for [R-6] R-7 through R-9 districts.	40; Also see §14-7.2 (H): "Maximum Nonresidential Use Area in RAC District."	Same as for R-21 district

1       Section 38.     Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to  
2 amend Note 6 as follows:

3           6. Within ten feet of a side or rear property line, no point on a *structure* shall be higher than  
4 fourteen feet above the finished grade at the closest point on the perimeter of the *structure*. Within  
5 fifteen feet of a side or rear property line, no point on a *structure* shall be higher than twenty-four feet  
6 above the finished grade at the closest point on the perimeter of the *structure*.

7       Section 39.     Subsection 14-7.2(F) SFCC 1987 (being Ord. No. 2011-37, §9) is  
8 amended to read:

9       (F)     Increase in Maximum Density in R-12, R-21 and R-29 Districts

10           (1)     *Residential density* up to twelve *dwelling units* per acre in an R-12 district;  
11                   up to twenty-one *dwelling units* per acre in an R-21 district; and up to  
12                   twenty-nine *dwelling units* per acre in an R-29 district may be approved  
13                   provided that the proposed *density* is part of a *development* plan or special  
14                   use *permit* requiring approval by a *land use board* or the *governing body*.

15           (2)     In evaluating the proposed density, the following factors shall be considered:  
16                   (a)     if the future land use designation shown on the *general plan* is high  
17                             *density residential*;  
18                   (b)     the need for the increased *density*; however, financial gain or loss  
19                             shall not be the sole determining factor;  
20                   (c)     if the increased *density* is needed to make the proposed *development*  
21                             more affordable, what level of affordability will be provided and  
22                             how that affordability will be guaranteed long term;  
23                   (d)     *densities* of existing *developments* in the vicinity; and  
24                   (e)     impacts of the increased *density* on the neighborhood and the  
25                             community so that the increased *density* does not significantly

interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest.

(3) In approving the proposed density, the planning commission or board of adjustment may establish such conditions as the commission or board deems appropriate.

(4) The provisions of this Subsection 14-7.2(F) do not apply to construction or modification of an individual single-family dwelling and related accessory structures on a legal lot of record.

Section 40. Table 14-7.3-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Nonresidential Districts for residential standards in C-1 and C-4 districts:

TABLE 14-7.3-1 Table of Dimensional Standards for Nonresidential Districts (Note 1)				
District	Minimum District and Lot Size	Maximum Height of Structures	Minimum Setback Requirements (feet) (See Note 4 for additional setback regulations)	Maximum Lot Coverage (%) (See Notes 2 for non-residential and space requirements)
C-1	Same as R-21 district including residential density and open space requirements: See Table 14-7.2-1	36	Nonresidential Uses: Street: 10 Side: 5 Rear: 10 Residential Uses: Same as for R-21 district.	Nonresidential Uses: 60 Residential Uses: 40
C-2	None  Also see §14-7.5(D)(8)(c): Open Space Requirements	45	Street: 15 Side: 0 Rear: 10 (See Note 2 for setback abutting residential district)	60
C-4	Same as R-21 zoning district including residential density requirements:	24 (See note 6 for height stepback from property lines)	(See note 6 for height stepback from property lines) Nonresidential Uses: Street: 10 Side: 5	Nonresidential Uses: 60 Residential Uses: 40

TABLE 14-7.3-1 Table of Dimensional Standards for Non-Residential Districts (NRA I)				
District	Minimum District and Lot Size	Maximum Height of Structures	Minimum Setback Requirements (feet) See Note 1 for additional setback requirements	Maximum Lot Coverage (%) See Note 2 for non-residential open space requirements
R-21	See Table 14-7.2-1  Also see 14-7.5(D)(8)(d): "Minimum Open Space Requirements"		Rear: 10 Residential Uses: Same as R-21 zoning district	

- Section 41. Subsection 14-7.4(B)(2)SFCC 1987 (being Ord. No. 2011-37, §9) is amended to read:
- (2) Standards for Redevelopment Subdistricts
- (a) Land-use Intensity:
- (i) transfer of allowed floor area, including *land use intensity credits*, within a *property* or between contiguous *properties* with a single ownership and within a project is allowed; and
- (ii) *public benefit uses* shall not count against the allowable floor area for a *parcel*.
- (iii) The maximum baseline floor area ratio permitted is 2.5:1 unless provided otherwise in the master plan or at the time of rezoning pursuant to Subsection 14-4.3(E)(4)(b)(ii).
- (b) Maximum Height of Buildings
- The maximum *building* height permitted in a redevelopment subdistrict shall not exceed sixty-five (65) feet; provided, however, that the maximum height shall be compatible with the character of adjacent subdistricts and the surrounding neighborhood.
- (c) Additional Standards

1 Additional standards for redevelopment subdistricts are located in  
2 the subdistrict master plan. *Development* in a redevelopment  
3 subdistrict shall comply with the master plan. If no master plan has  
4 been approved for a portion of a redevelopment subdistrict,  
5 development must conform to the standards of the adjacent or  
6 nearest BCD subdistrict.

7 Section 42. Subsection 14-8.2(C)(2) SFCC 1987 (being Ord. No. 2011-37, §10) is  
8 amended to read:

9 (2) The preparation of submittals shall be as provided in this Subsection 14-  
10 8.2(C)(2) and in accordance with the provisions of Chapter 61 NMSA 1978  
11 (Professional and Occupational Licensing) regulating the practice of  
12 architecture, *landscape* architecture, engineering and land surveying.

13 (a) *Grading* submittals for minor *development* or for *grading* incidental  
14 to the construction or modification of a *structure* may be prepared by  
15 any person, including the homeowner, who has the legal authority to  
16 design the *structure*; however, the *city engineer* may require that  
17 submittals be prepared and signed by a *professional engineer,*  
18 *architect, professional land surveyor* or *landscape architect* licensed  
19 in New Mexico if necessary to fulfill the requirements of this Section  
20 14-8.2, Chapter 61 NMSA 1978 or applicable regulations;

21 (b) Submittals for *development* other than minor *development* or  
22 incidental to the construction or modification of a *structure* shall be  
23 prepared as follows:

24 (i) topographic plans shall be prepared and certified by a  
25 *professional engineer or professional land surveyor;*

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

Section 43. Subsection 14-8.2(D)(1)(a) SFCC 1987 (being Ord. No. 2011-37, §10) is amended to read:

(D) Standards for All Grading

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

(1) Cut and Fill Slopes

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



1 structural alternative such as a retaining *wall* or some other measure  
2 acceptable to the *city engineer* is provided;

3 (c) *cut or fill slopes* for roads shall not exceed fifteen (15) feet in height;  
4 and

5 (d) all *cut slopes* that are not stabilized by a retaining *wall* or some other  
6 measure acceptable to the *city engineer*, shall be no steeper than 2:1,  
7 unless a structural alternative is provided or unless it can be  
8 demonstrated by a geotechnical study that existing soils will  
9 naturally accommodate a steeper *slope* and acceptable revegetation  
10 or other *erosion* control can be achieved;

11 Section 44. Section 14-8.3(A)(1) SFCC 1987 (being Ord. No. 2011-37, §10) is  
12 amended to read:

13 (A) Adoption of Special Flood Hazard Areas

14 (1) The *city* adopts the *special flood hazard areas* identified by FEMA in the  
15 current scientific and engineering report entitled, "The Flood Insurance  
16 Study (FIS) for Santa Fe County, New Mexico and Incorporated Areas,"  
17 with accompanying *FIRM*, effective [~~June 17, 2008~~] February 18, 2011.

18 (2) The *city* may adopt and establish other *flood hazard zones* or elevations as  
19 identified in:

- 20 (a) subsequent *drainage* studies prepared for and accepted by the *city*;  
21 (b) subsequent letters of map amendment and letters of map revision, as  
22 prepared for and accepted by FEMA; and  
23 (c) other known *flood hazard zones* identified by the *floodplain administrator*  
24 and adopted by the *governing body*.

25 Section 45. Subsection 14-8.4(B)(1) SFCC 1987 (being Ord. No. 2011-37, §10) is

1 amended to read:

2 (1) This Section 14-8.4 applies to, and a *landscape* plan that demonstrates  
3 compliance of the entire *property* with this Section 14-8.4 is required with,  
4 the following:

5 (a) *applications* for subdivision *plat* approval, except lot split and  
6 *resubdivision plats*;

7 (b) *applications* for *development* plan approval;

8 (c) *applications* for master plan approval;

9 (d) *applications* for construction *permits* and special use permits as  
10 follows:

11 (i) all new *nonresidential* and *multiple-family* construction  
12 resulting in an enclosed *structure* with a *gross floor area*  
13 greater than one thousand (1,000) square feet; and

14 (ii) for additions or remodeling of existing *nonresidential* and  
15 *multiple-family structures* with a construction valuation  
16 over one hundred thousand dollars (\$100,000), *landscape*  
17 improvements to comply with this Section 14-8.4, as  
18 prioritized by the *land use director*, shall be required up to a  
19 total cost of twenty percent of the construction valuation;  
20 and

21 (e) development on city-owned land.

22 Section 46. Subsection 14-8.4(G)(3) SFCC 1987 (being Ord. No. 2011-37, §10) is

23 amended to read:

24 (3) Location of Street Trees:

25 (a) *street trees* shall be located on the subject *property* adjacent to the

property zoned for residential use, no fence shall exceed six (6) feet in height [-] except that:

(i) along the common property line with a property developed for or zoned for nonresidential use, the maximum height of fences is eight (8) feet; and

(ii) [W] within a *residential compound*, the maximum height of fences is eight (8) feet.

(b) On a *property* developed for *nonresidential* use or on undeveloped *property* zoned for *nonresidential* use, no fence shall exceed eight (8) feet in height.

(c) Walls and fences may exceed the height limit over pedestrian or vehicular gates.

**Section 48. Subsection 14-8.6(B)(4)(c) SFCC 1987 (being Ord. No. 2011-37, §10, as amended) is amended to read:**

(c) Parking required for uses located on adjoining *lots* in RAC, C, BCD, BIP, MU, SC or I districts, or for institutional uses located on adjoining *lots* in *residential* districts, may be provided on a joint basis. Within the joint parking areas, the spaces required for each of the participating uses shall be marked on the parking plan and maintained as allocated to the individual use, unless a shared parking plan is approved.

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1 *property line; unless location within the right of way is approved by*  
2 *the planning commission or the public works director. Street trees*  
3 *located within the right of way shall be planted in compliance with*  
4 *Chapter 23 SFCC 1987 (Streets, Sidewalks and Public Places) and in*  
5 *compliance with adopted median and parkway standards;*

6 (b) on major and secondary arterials, trees shall be planted in a  
7 minimum ten (10) foot wide [~~planting strip~~] parkway that includes  
8 the width of the sidewalk or other pedestrian way. If existing  
9 development precludes provision of the ten (10) foot wide [~~planting~~  
10 ~~strip~~] parkway, trees shall be planted in a space no smaller than five  
11 (5) feet by thirteen (13) feet and preferably multiple trees in longer  
12 planting strips;

13 (c) street trees should be planted to the greatest extent possible in swales  
14 or basins that collect run-off and precipitation;

15 (d) street trees shall be located at least fifteen (15) feet from light  
16 standards, so as not to impede outdoor illumination;

17 (e) street trees shall be located at least fifteen (15) feet from fire  
18 hydrants so as not to interfere with hydrant operation;

19 (f) street trees located under utility lines shall be a species that  
20 maintains a minimum of five (5) feet of clearance from overhead  
21 utility lines at maturity; and

22 (g) street trees shall not be required on single-family residential lots.

23 Section 47. Section 14-8.5(B)(2)(a) SFCC 1987 (being Ord. No. 2011-37, §10) is

24 amended to read:

25 (a) On a property developed for residential use or on undeveloped

1           Section 49.     Table 14-8.7-1 SFCC 1987 (being Ord. No. 2011-37, §10) is amended to  
2 read:

3                           **TABLE 14-8.7-1: Point Requirements by Zoning District**

<b>Zoning District</b>	<b>Points Required</b>
C-1, C-2, C-4, BCD, PRRC, SC, HZ, MU	205
RR, R-1 - R-6, R-7, R-8, R-9, <del>R-10 - R-29</del> , RC-5, RC-8, PRC, [RM], RAC, AC	180
I-1, I-2, BIP	155

4  
5  
6  
7  
8           Section 50.     Subsection 14-8.10(D)(5) SFCC 1987 (being Ord. No. 2001-38, §2, as  
9 amended) is amended to read:

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

13           Section 51.     Subsection 14-8.10(G)(8)(d) SFCC 1987 (being Ord. No. 2001-38, §2, as  
14 amended) is amended to read:

- 15                   (d)     All free-standing *signs* along Cerrillos Road shall meet the  
16                               ~~buildingsetback~~ requirements set forth in Section [~~14-5.5(B)(3)(a)~~]  
17                               14-5.5(B)(4)(a). However, in the case of properties flanked on one or  
18                               both sides by existing *buildings* that encroach into the required  
19                               *setback* distance, the freestanding *signsetback* may be reduced to  
20                               correspond to either the average of the adjacent *buildingsetbacks*, or  
21                               to the average of an adjacent *buildingsetback* and the required  
22                               *buildingsetback*. Only one freestanding *sign*, meeting the area  
23                               requirements in Subsections (a) through (c) above, is allowed per  
24                               *legal lot of record*;

25           Section 52.     Subsection 14-8.14(E)(3) SFCC 1987 (being Ord. No. 2011-37, §11, as

amended) is amended to read:

(3) The fee schedule in this Subsection 14-8.14(E)(3), also referred to as the "new" fee schedule, shall be used and its fees assessed on *plats* and *development* plans that receive final approval from the *city* or the *state* construction industries division after June 30, 2008. The "new" fee schedule shall also be applied to construction *permits* issued after June 30, 2008, except where the *permit* is issued for a subdivision or for a *development* plan that is still subject to the "old" fee schedule.

#### NEW FEE SCHEDULE

Land Use Type Single-Family Detached Dwelling or Manufactured Home	Unit	Roads	Parks	Fire	Police	Total
Heated Living Area:						
(0 to 1,500 sq. ft.)	Dwelling	\$1,850	\$1,111	\$125	\$44	\$3,130
(1,501 to 2,000 sq. ft.)	Dwelling	\$2,100	\$1,214	\$136	\$48	\$3,498
(2,001 to 2,500 sq. ft.)	Dwelling	\$2,183	\$1,328	\$150	\$53	\$3,714
(2,501 to 3,000 sq. ft.)	Dwelling	\$2,248	\$1,379	\$155	\$55	\$3,837
(3,001 to 3,500 sq. ft.)	Dwelling	\$2,309	\$1,418	\$159	\$56	\$3,942
(3,501 to 4,000 sq. ft.)	Dwelling	\$2,359	\$1,444	\$163	\$58	\$4,024
(more than 4,000 sq. ft.)	Dwelling	\$2,424	\$1,495	\$169	\$59	\$4,147
Accessory dwelling unit (attached or detached)						
Heated Living Area:						
(0 to 500 sq. ft.)	Dwelling	\$518	\$324	\$37	\$13	[\$891]

<b>Land Use Type Single-Family Detached Dwelling or Manufactured Home</b>	<b>Unit</b>	<b>Roads</b>	<b>Parks</b>	<b>Fire</b>	<b>Police</b>	<b>Total</b>
						<u><b>\$892</b></u>
(501 to 1,000 sq. ft.)	Dwelling	\$1,036	\$647	\$73	\$26	<b>\$1,782</b>
(1,001 to 1,500)	Dwelling	\$1,554	\$971	\$110	\$39	<b>\$2,674</b>
Other (Apts., Condos, S.F. Attached Guest House)	Dwelling	\$1,554	[\$97] <u>\$971</u>	\$110	\$39	<b>\$2,674</b>
Hotel/Motel	Room	\$1,203	\$0	\$82	\$29	<b>\$1,314</b>
<b>Retail/Commercial</b>	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
Auto Sales/Service	1000 sq. ft.	\$2,180	\$0	\$221	\$78	<b>\$2,479</b>
Bank	1000 sq. ft.	\$4,948	\$0	\$221	\$78	<b>\$5,247</b>
Convenience Store w/Gas Sales	1000 sq. ft.	\$8,778	\$0	\$221	\$78	<b>\$9,077</b>
Health Club, Recreational	1000 sq. ft.	\$4,394	\$0	\$221	\$78	<b>\$4,693</b>
Movie Theater	1000 sq. ft.	\$10,412	\$0	\$221	\$78	<b>\$10,711</b>
Restaurant, Sit-Down	1000 sq. ft.	\$5,083	\$0	\$221	\$78	<b>\$5,382</b>
Restaurant, Fast Food	1000 sq. ft.	\$11,064	\$0	\$221	\$78	<b>\$11,363</b>
Restaurant, Pkgd Food	1000 sq. ft.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
<b>Office/Institutional</b>	G.F.A.					
Office, General	1000 sq. ft.	\$2,429	\$0	\$124	\$44	<b>\$2,597</b>
Medical Building	1000 sq. ft.	\$3,903	\$0	\$124	\$44	<b>\$4,071</b>
Nursing Home	1000 sq. ft.	\$1,354	\$0	\$124	\$44	<b>\$1,522</b>

Land Use Type Single-Family Detached Dwelling or Manufactured Home	Unit	Roads	Parks	Fire	Police	Total
Church	1000 sq. ft.	\$1,521	\$0	\$124	\$44	\$1,689
Day Care Center	1000 sq. ft.	\$3,202	\$0	\$124	\$44	\$3,370
Educational Facility	1000 sq. ft.	\$586	\$0	\$124	\$44	\$754
Educational Facility Dorm Room	1000 sq. ft.	\$1,203	\$0	\$82	\$29	\$1,314
Industrial	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	\$1,610	\$0	\$74	\$26	\$1,710
Warehouse	1000 sq. ft.	\$1,147	\$0	\$47	\$16	\$1,210
Mini-Warehouse	1000 sq. ft.	\$417	\$0	\$47	\$16	\$480

Section 53. Subsection 14-8.14(E)(5) SFCC 1987 (being Ord. No. 2011-37, §11, as amended) is amended to read:

(5) If the type of new *development* for which a construction *permit* is requested is not specified on the fee schedule, the *impact fee administrator* shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The following shall be used as a guideline for impact fee determination when the specific use is not identified in the fee chart.

(a) Residential

- (i) a *home occupation business* shall be charged according to the fee schedule for the appropriate *residential* category; and
- (ii) the *hotel/motel* ancillary use fee shall apply to meeting rooms, lobby area and general use areas of the facility.



(iv) the nursing home fee shall be used for an assisted living facility.

(d) Industrial

(i) the warehouse fee shall be used for an animal shelter, storage that is not inventory storage or maintenance equipment; and

(ii) the mini-warehouse fee shall be used for a single storage unit or for multiple storage units.

(e) Development Outside of Buildings

The impact fees for development of land outside of buildings that increases the demand for capital facilities is determined by application of the fee for the corresponding type of building or by preparation of an independent fee calculation study.

Section 54. Section 14-9.2(C)(8) SFCC 1987 (being Ord. No. 2011-37, §12) is

amended to read:

(8) Specific construction and engineering standards, lot access driveways and streets classified as lanes and certain subcollectors:

(a) streets classified as "lanes" shall be laid out so that use by through traffic is minimized;

(b) lot access driveways shall be private. Streets classified as "lanes" or "subcollectors" may be constructed as private streets;

(c) lot access driveways and private streets classified as "lanes" or "subcollectors" may be approved for access to newly created lots where the planning commission or summary committee determines that no public street is needed to provide access to the property being subdivided or to surrounding properties, based on existing and

1 Retail and restaurant square footage shall be charged under  
2 the commercial use category.

3 (b) Retail/Commercial

4 (i) the general retail fee shall be used for a hair salon,  
5 *laundromat*, dry cleaner, garden center/nursery retail display  
6 area, gas station without a convenience store and inventory  
7 storage for a retail *business*, including growing area for a  
8 garden center/nursery;

9 (ii) the bank fee assessment shall include the square footage of  
10 any drive-through kiosk and parking area with or without a  
11 roof;

12 (iii) the restaurant fast food fee shall include square footage for  
13 the drive-through kiosk and parking area with or without a  
14 roof; and

15 (iv) the packaged food restaurant fee shall be used for a  
16 restaurant or bar that does not have any food preparation  
17 facilities.

18 (c) Office/Institutional

19 (i) the *office* general fee shall be used for a studio that is not  
20 *residential* and not retail;

21 (ii) the *office* general fee shall be used for a medical office that  
22 does not have any medical equipment, such as an *office* for  
23 psychiatry;

24 (iii) the medical *office* fee shall be used for an animal hospital;  
25 and

planned future uses of the *properties*.

(d) a roadway classified as a lane must meet the following standards:

(i) paved lanes; and

(ii) unpaved lanes that are approved for construction with gravel surfacing as provided in Subsection (B)(7) above

A. twenty-two (22) feet driving surface width;

B. eight (8) feet shoulder and drainage on each side;

C. six (6) inch crushed gravel base course surfacing material; and

D. thirty-eight (38) feet total *right of way* or access easement.

(e) A *lot* access driveway that is required to provide emergency vehicle access pursuant to Chapter 12 SFCC (Fire Prevention and Protection) must meet the standards of that chapter. Otherwise, a *lot* access driveway must have an all-weather driving surface at least ten (10) feet in width, must be no steeper than fifteen percent grade, or as required by the fire marshal and must accommodate drainage and utility facilities and easements.

Section 55. Subsection 14-9.2(E) SFCC 1987 (being Ord. No. 2011-37, §12) is amended to read:

(E) Sidewalks

(1) If a subdivision *plat* or *development* plan approval is required, curb, gutter and sidewalk locations shall be dedicated when the subdivision *plat* or *development* plan is recorded and constructed in accordance with applicable standards as part of the subdivision or *development* plan *infrastructure*.

1 (2) If a subdivision *plat* or *development* plan is not required, curbs, gutter and  
2 sidewalks shall be constructed in accordance with applicable standards and  
3 dedicated to the *city* prior to issuance of a *certificate of occupancy* for:

4 (a) construction of a new *principal building*;

5 (b) all additions over five hundred (500) square feet *gross floor area*;

6 (c) remodeling or renovations over five (500) hundred square feet *gross*  
7 *floor area* for multiple-family residential and nonresidential permits;

8 and

9 (3) Sidewalk construction is not required to exceed twenty percent of the value  
10 of the other construction covered by the *permit* for additions and remodeling.

11 (4) Sidewalks shall be located in a *city right of way* or, if adequate *right of way* is  
12 not available, sidewalks shall be located in a public access easement  
13 dedicated to the *city* on an approved *plat*. The sidewalk shall be consistent  
14 with the *street* standards of Subsection 14-9.2(C) and located along each  
15 *street* frontage immediately adjacent to the *development*.

16 (5) New sidewalks, drive pads and curb ramps required pursuant to Subsection  
17 14-9.2(E)(1) or (2) must comply with the Americans with Disabilities Act  
18 [Aeeessible] Accessibility Guidelines (ADAAG) and with New Mexico  
19 department of transportation pedestrian access details (NMDOTPAD) and  
20 must be constructed of concrete, meeting standards approved by the city or  
21 alternative materials approved by the land use director. New sidewalks  
22 constructed pursuant to Subsection 14-9.2(E)(1) ~~[or (2) must be constructed~~  
23 ~~of concrete meeting standards adopted by the city or alternative materials~~  
24 ~~approved by the land use director and]~~ must be free of any structures, signs,  
25 landscaping, above ground utility elements or other items that prevent free

1 passage along the sidewalk. New sidewalks constructed pursuant to  
2 Subsection 14-9.2(E)(2) must be free of any structures, signs, landscaping,  
3 above ground utility elements or other items that result from the new  
4 construction and that prevent free passage along the sidewalk.

5 (6) [E] Replacement of existing sidewalks [are-adequate] is not required if they  
6 are in good condition and substantially in compliance with ADAAG.  
7 Existing sidewalks shall be free of any *structures, signs, landscaping*, above  
8 ground utility elements or other items that prevent free passage along the  
9 sidewalk. However, in the situations described in Subsection 14-9.2 (E)(1)  
10 and (E)(2), the *land use director* may allow the sidewalk barrier to remain or  
11 approve an alternate sidewalk alignment creating free passage if the removal  
12 of the sidewalk barrier is deemed not feasible.

13 (7) A new sidewalk that connects to an existing sidewalk shall be the wider of:

- 14 (a) the width of the existing sidewalk;  
15 (b) the required minimum width set forth in Table 14-9.2-1;  
16 (c) the NMDOTPAD as may be amended by the *city*; or  
17 (d) the minimum width required by ADAAG.

18 (8) A curb/access ramp meeting NMDOTPAD and *city* standards shall be  
19 constructed where two paved *streets* with curb, gutter and sidewalk intersect.

20 (9) Drive pads shall comply with NMDOTPAD and any *city street* standard  
21 details.

22 (10) If there is no curb or gutter, an alternative pedestrian route may be approved  
23 as part of a subdivision *plat* or *development* plan. The alternative pedestrian  
24 route shall comply with ADAAG. Consideration shall be given to future  
25 maintenance, the surrounding uses, *density* and the location and type of the

1 *street.*

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

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

10 Section 56. Section 14-9.2(K) SFCC 1987 (being Ord. No. 2011-37, §12) is amended

11 to read:

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

14 (1) Standards and Specifications:

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

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

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

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

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

improving a collector *street*.

(f) installation of *street name signs* of a material and design approved by the governing body at all *street* intersections;

(g) approval of complete *street* lighting facilities by the *city engineer*, and

(h) *landscaping* as required by Section 14-8.4 (Landscape and Site Design).

(2) Design Details, Construction Standards and Specifications

Design details, construction standards and specifications for utilities and storm drainage shall conform to standard details and specifications adopted by the governing body.

**Section 57.** Table 14-9.2-1 SFCC 1987 (being Ord. No. 2011-37, §12, as amended) is amended to read:

**Table 14-9.2-1: Design Criteria for Street Types**

**TABLE 14-9.2-1: Design Criteria for Street Types**  
See also Chapter 12 (Fire Prevention and Protection – International Fire Code Appendix D) for Access Roads (as amended) for mandatory standards for roadway width, steepness, dead-end fire roads, number of access points and fire lane signage.

Criteria	Major Arterial (6+ Lane)	Minor Arterial (4+ Lane)	Secondary Arterial	Collector	Collector Mixed Use	Subcollector No Parking	Subcollector With Parking	Local	Access (Fire Road) Street
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000-5,000	1,000-5,000	300-1,000	300-1,000	0-300	Minimum
Dwelling Unit Access						30-100	30-100	0-30	(0-8)
Minimum Right-of-way Width	120	98	70	[50] 52	50	42	50 or 56	38 or 42	NA
Slope/Grading	0-30	0-30	0-30	0-30	0-30	0-30	0-30	0-30	NR

**TABLE 12-22-3: Design Criteria for Street Types**

See also Chapter 12 Fire Prevention and Protection - International Fire Code, Appendix D Fire Apparatus Access Road (as amended) for mandatory standards for roadway width, straightness, dead end, turnaround, number of access points and fire lane signage.

Criteria	Major Arterial (4+ Lane)	Major Arterial (4+ Lane)	Secondary Arterial	Collector	Collector (Limited-Use)	Subcollector (No Parking)	Subcollector (With Parking)	Lane	Fire Access Road (Note 1)
Easement (conditional upon staff review)									
Number of Auto Lanes	6-7 Note 2	4-5 Note 2	2-3 Note 2	2	2	2	2	2	1
Width of Driving Lanes	11	11	11	10	10	9	10	9	10
Median/Turn Lane Width	18	18	14	NR	NR	NR	NR	NR	NR
Minimum Bikeway Width	5	5	5	4	NR	NR	NR	NR	
On-Street Parking Width	NA	NA	NA	NA	6 Note 3	NA	6 Note 4	NA	NA
Curb & Gutter	2	2	2	2	2	2	2	2	NR
Minimum Sidewalk Setback	5	5	5	[4] <u>5</u>	NR	5	[3] <u>5</u>	[3-4] <u>0 or 5</u> Note <u>1</u>	NR
Minimum Sidewalk Width	6	6	5	5	7	5	5	5	NR

**Notes:**

NA - Not Applicable



TABLE 14-9.2-1. Design Criteria for Street Types

See also Chapter 12 Fire Prevention and Protection - International Fire Code Appendix B Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, straightness, dead-end termination, number of access points and fire lane signage.

Criteria	Major Arterial	Major Arterial	Secondary Arterial	Collector	Collector	Subcollector	Local	Access
	(6 Lane)	(4 Lane)			(8 Lane)	(8 Lane)	(4 Lane)	(4 Lane)

NR - Not Required

1. Refer to 14-9.2(C)(8) for additional standards for lanes and *lot* access driveways. *Lot* access driveway standard applicable to access from *street* to not more than eight single *family* lots.

2. Includes Median/Turn Lane

3. Parking required on both sides of *street*, except no parking on that side of a *street* adjoining the plaza.

4. Parking may be on one side or both sides of the *street*; parking lane should not be continuous.( )

All measurements in feet, unless otherwise noted.

Section 58. Subsection 14-9.5(A) SFCC 1987 (being Ord. No. 2011-37, §12) is

amended to read:

(A) Dedication of Rights of Way and Easements

(1) On-site and off-site *rights of way* and easements required for public and quasi-public *infrastructure* shall be dedicated before or concurrently with recording a subdivision *plat* or filing a *development* plan or issuance of a construction *permit* for any *development* for which no *development* plan or subdivision *plat* is required.

(2) All quasi-public *infrastructure* and land designated for ownership in undivided interest, such as private roads and drainage facilities and *common open space*, must be dedicated to and perpetually maintained by an owners' association or similar legal entity. An article of incorporation and bylaws for the owners' association along with a declaration of restrictions and covenants must be submitted for review and approval by the City Attorney.

Section 59. Subsection 14-9.5(D) SFCC 1987 (being Ord. No. 2011-37, §12) is

1 amended to read:

2 (D) Completion and Warranty Period Financial Guarantee

3 (1) All *infrastructure* improvements shall be completed in accordance with the  
4 requirements of *city* regulations and approvals, and the *land use director*  
5 must inspect and accept all work.

6 (2) The developer shall warranty the *infrastructure* improvements for a period of  
7 at least one year after acceptance and must repair or replace defects at no cost  
8 to the *city* during the warranty period. *The land use director may extend the*  
9 warranty period when necessary to insure that actual or potential defects are  
10 corrected.

11 (3) During the warranty period, the developer shall maintain on file with the *city*  
12 a construction financial guarantee in an amount equal to ten percent of the  
13 cost estimate in Subsection 14-9.5(G) and it shall remain in effect until the  
14 required *infrastructure* has passed a final warranty inspection by the *land use*  
15 *director*. If there is no agreement to construct improvements, a separate  
16 financial guarantee for the warranty period consistent with *city infrastructure*  
17 *completion policies* shall be provided.

18 Section 60. Subsection 14-10.1(C) SFCC 1987 (being Ord. No. 2011-37, §13) is

19 amended to read:

20 (C) Determination of Nonconformity Status

21 The *land use director* [shall] determines the status of a *nonconforming lot,*  
22 *nonconforming use, nonconforming structure or nonconforming sign.* For purposes  
23 of this Article 14-10, each *sign* [shall be] is treated as a separate *structure*, including  
24 those attached to or painted on *buildings*. Each telecommunication antenna, tower,  
25 tower alternative or other telecommunication facility is treated as a separate structure.

[Appeals of the ~~land use director's~~ determination shall be pursuant to Section 14-3.17 (Appeals).]

Section 61. Subsection 14-10.4(A) SFCC 1987 (being Ord. No. 2011-37, §13) is amended to read:

(A) Use of Legal Nonconforming Lot

Notwithstanding limitations imposed by other provisions of Chapter 14 [~~with regard to minimum lot size or width or maximum density~~], a *single-family dwelling* and *accessory buildings* may be erected on a single legal ~~[noneonforming]~~ lot of record that is nonconforming with regard to minimum lot size or width or maximum density in a district in which *single-family dwellings* are allowed; provided that the *lot* does not adjoin a commonly owned *lot*, except as provided in Sections 14-10.4(B) and (C). Dimensions of *required yards* and other requirements that do not involve area or width of the *lot* shall conform to the regulations for the district in which the *lot* is located.

Section 62. Section 14-11.5 SFCC 1987 (being Ord. No. 2011-37, §14) is amended to read:

14-11.5 ENFORCEMENT OF SANTA FE HOMES PROGRAM OUTSIDE THE CITY  
LIMITS

If, after having been given notice as set forth in Section 26-1.19 SFCC 1987 (Enforcement of SFHP), a *property owner* subject to a *SFHP* agreement fails to comply with ~~[this]~~ Section 14-8.11 (Santa Fe Homes Program) or Article 26-1 (Santa Fe Homes Program), the office of affordable housing may request that the *city manager* authorize the *city attorney's office* to pursue enforcement of specific performance requirements in accordance with the *SFHP* agreement.

Section 63. Section 14-12 SFCC 1987 (being Ord. No. 2011-37, §15, as amended) is

1 amended to ordain the following definitions:

2 **MUSEUM**

3 An institution devoted to the procurement, care, study and display to the public of objects that  
4 have lasting interest or value.

5 **PARKWAY**

6 The part of the *street right of way* lying between the back of the curb and the outer edge of  
7 the *right of way* and typically including the sidewalk and *planting strip*.

8 Section 64. Section 14-12 SFCC 1987 (being Ord. No. 2011-37, §15, as amended) is  
9 amended to amend the following definitions:

10 **LEGAL LOT OF RECORD**

11 A *lot* that was created prior to the date of any applicable provision of law that required the *lot*  
12 to be approved as part of a subdivision, or that has been created as part of a subdivision  
13 created in accordance with all applicable laws or ordinances; or that has been created by a  
14 court order as provided in Subsection 14-3.7(A)(6), or for which a certificate of compliance  
15 has been issued pursuant to Section 14-3.7(A)(7)(b). The *lot* must be shown on a duly  
16 recorded *plat* or other written instrument that adequately describes the *lot*, that is recorded  
17 with the *county* clerk, and that documents compliance with this definition.

18 **OWNER**

19 [A] With regard to real *property*, a person who holds fee simple title to real *property*, or a  
20 person acting lawfully on behalf of the *person* who holds title.

21 **[HOMEOWNERS'] OWNERS' ASSOCIATION**

22 A private nonprofit corporation or similar legal entity of [ homeowners ] *property* or  
23 condominium owners for the purpose of owning, operating and maintaining various common  
24 infrastructure facilities and/or *properties*.

25 **PLANTING STRIP**

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

3 **YARD, SPECIAL**

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

11 Section 65. Chapter 14, Appendix Exhibit B SFCC 1987 (being Ord. No. 2011-37,  
12 §16) is amended to include the following notes:

13 (1) Types of Spaces Allowed

14 (a) All parking spaces shall be designated either "standard" or "small  
15 car" or "one size fits all," depending on the size of the car space.  
16 However, "one size fits all" spaces may not be used with "standard"  
17 or "small car" spaces.

18 (b) Parking lots with ten vehicles or more may have spaces designated  
19 for small car use. Up to 40 percent of the total spaces required of a  
20 parking lot may be designated for small car use.

21 (2) Minimum Standards for Surface Preparation

22 (a) All parking spaces, driveways and parking lot access aisles shall be  
23 constructed with a six-inch subgrade compacted to American  
24 Association of State Highway and Transportation Officials  
25 (AASHTO) Standard T-180-95%.

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

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

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

9   APPROVED AS TO FORM:

10  
11                   \_\_\_\_\_  
12   GENO ZAMORA, CITY ATTORNEY  
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