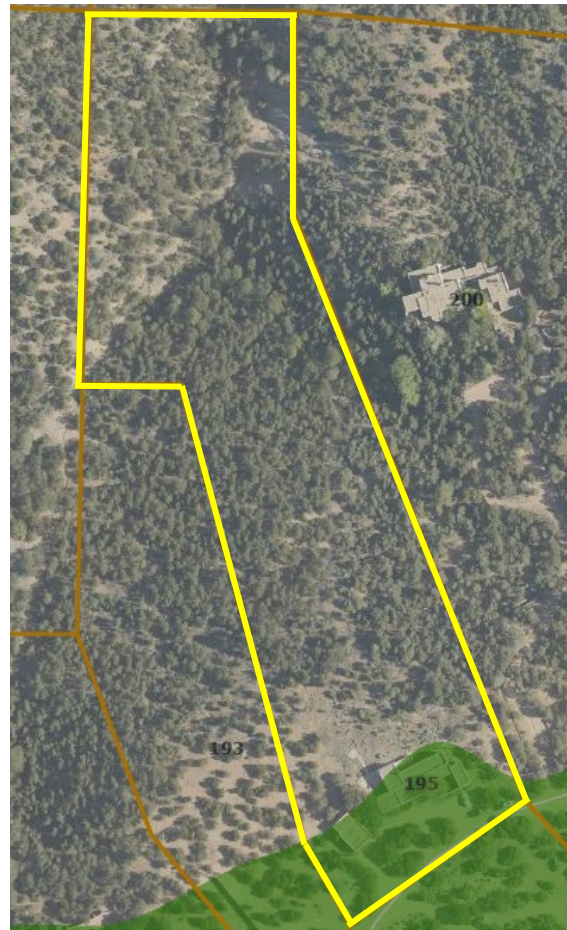




Planning and Land Use Department Planning Commission Staff Report

Case Number	#2025-10781
Hearing Date	September 4, 2025
Agent	Palo Santo Designs, LLC
Applicant	Seonaidh Davenport and Brian Sharon
Request	Variance from 14-5.6(D)(1)
Location	195 Brownell-Howland, Santa Fe, NM 87501
Case Manager	Alexa Hempel
Zoning	R-1 (Residential, 1 unit per acre)
Overlay	*Escarpment-Ridgetop Overlay *Suburban Archaeological Review District *Mountainous and Difficult Terrain District
Proposal	The Applicant requests a variance to build an addition atop existing patios to their legal nonconforming home in the escarpment-ridgetop overlay.



Site Map

Case #2025-10781. 195 Brownell-Howland Rd Variance Request. Palo Santo Designs, Agent, for Seonaidh Davenport and Brian Sharon, Owners and Applicants ("Applicant"), requests a variance from SFCC 14-5.6(D)(1) to erect an addition to the home at 195 Brownell-Howland Road atop existing patios. The home is legal nonconforming in the Escarpment-Ridgetop Overlay, on a 5.079-acre lot, zoned R-1 (Alexa Hempel Case Manager, anhempel@santafenm.gov).

I. RECOMMENDATION:

Staff recommends Planning Commission **APPROVE** Case #2025-10781, “195 Brownell-Howland Variance Request,” subject to Conditions of Approval and Technical Corrections outlined in Attachment A of this report.

One motion will be required for this case:

- **APPROVE** or **DENY** Case #2025-10781, “195 Brownell-Howland Variance Request,” subject to the Conditions of Approval and Technical Corrections listed in Attachment A “*Conditions of Approval & Technical Corrections.*”

II. EXECUTIVE SUMMARY

The subject property is located at 195 Brownell-Howland Rd, near the northern edge of the City limits, northeast of US 84-285 (the “Property”). The Property was subdivided in 2009 through a lot-split, making it the current 5.079 acres. The Property is zoned R-1, with one existing home, detached garage, and garage attached via breezeway, built in 1958. The existing structures are legal nonconformities as they lie almost entirely within the Escarpment-Ridgetop Overlay, which was adopted by Ord No. 2006-55 on September 13, 2006.

The Applicant is requesting to build an addition of a dining room, mud room, and laundry room to the Property on top of the existing flagstone patios on the north side of the home. The Applicant would also like to add two (2) portals to existing patios on the north side of the home to provide more shade. All proposed additions are within previously disturbed areas adjacent to the existing home.

To complete the addition, the Applicant requests a variance to SFCC 14-5.6(D)(1), “...*For all lots subdivided or resubdivided after February 26, 1992, development in the ridgetop subdistrict of the escarpment overlay district, other than driveway access and utilities, is prohibited.*”

The previous homeowner applied for and was approved for a variance from the same section of the code, 14-5.6(D)(1), in 2016 in order to build a 300 sq ft addition to the attached garage on the south side of the home. The staff report for this Case, #2016-17, can be found in Attachment D.

An Early Neighborhood Notification (ENN) meeting was not required for this application per SFCC 14-3.1(F)(2)(a)(vii), which states that ENN’s are required for, “*variances, except those requesting construction or modification of an individual single-family dwelling and appurtenant accessory structures...*” The Applicant has complied with subsection 14-3.1(H) “*Notice Requirements*” for public hearing. This variance is required to go before Planning Commission, not the Board of Adjustment, per 14-5.6(K).

Staff’s analysis finds that the Applicant’s proposed addition has addressed the necessary findings per SFCC 14-3.16(C) “*Variance Approval Criteria,*” and recommends **APPROVAL** of the variance subject to conditions identified in Attachment A “*Conditions of Approval*” & “*Technical Corrections.*”



Figure 1: Existing footprint of home within ridgetop overlay (green).

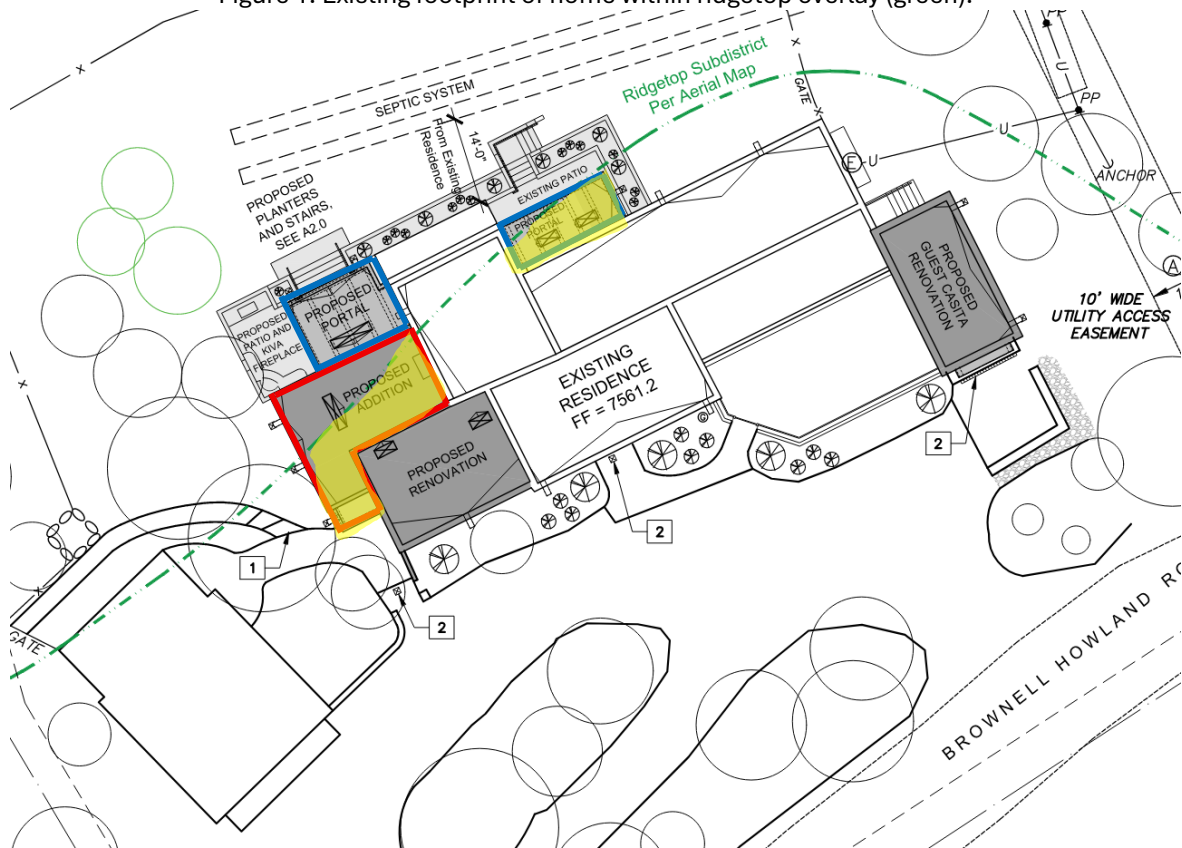


Figure 2: Proposed addition on top of existing patio/walkway outlined in red. Proposed portals on top of existing patio's outlined in blue. Ridgetop line in green. Areas of the addition within the Ridgetop shaded yellow (approx. 440 sq ft)

III. PROJECT ANALYSIS: VARIANCE REQUEST

Escarpment-Ridgetop Overlay

195 Brownell-Howland is located almost entirely within the Escarpment-Ridgetop Overlay, making the existing home a legal nonconformity on a lot created via lot split in 2009. The Applicant is requesting a variance to the following section of the Escarpment-Ridgetop Overlay code, SFCC 14-5.6(D)(1), "... *For all lots subdivided or resubdivided after February 26, 1992, development in the ridgetop subdistrict of the escarpment overlay district, other than driveway access and utilities, is prohibited.*"

The intent of the Escarpment Overlay District is (SFCC 14-5.6(A)(3)):

- (a) *Preservation of the city's aesthetic beauty and natural environment is essential to protect the general welfare of the people of the city, to promote tourism and the economic welfare of the city, and to protect the cultural and historic setting of the city;*
- (b) *Development is highly visible on or about the ridgetop areas of the foothills for great distances and detracts from the overall beauty of the natural environment and adversely impacts the aesthetics of the mountain and foothill vistas as seen from the city;*
- (c) *Land within the escarpment overlay district is environmentally sensitive due to the presence of steep slopes, erosion problems, drainage problems and other environmental attributes;*
- (d) *The interest and welfare of the people of the city is to prohibit development on ridgetop areas of the foothills to the extent possible as allowed by law; and*
- (e) *The interest and welfare of the people of the city is to restrict development in the escarpment overlay district to preserve the aesthetic beauty and natural environment of the ridgetop areas of the foothills and to protect the mountain views and scenic vistas from the city to the extent possible.*

The proposed additions seek to follow the intent of this section by developing within the existing disturbed areas adjacent to the house. All proposed additions are to be on top of existing flagstone patios so that no additional natural landscapes or slopes are disturbed. Proposed development would not be visible from the City (south) as the changes are to the north side of the home behind both existing walls and an intervening single-family residence built in the Foothills Subdistrict (Figure 3). When viewing the home from the north along Bishops Lodge Rd, which is over 1/3 mile away, the addition is located in a manner that it will be screened behind existing and newly planted trees surrounding the patio (see Figure 4).

The Applicant has requested the additions be located as proposed as they are in the most logical spot given their proposed uses. The mud and laundry room would be nearest to the front of the home (south) for easy access from the driveway and the proposed dining room adjoins the kitchen. Both proposed additions are partially/fully within the ridgetop overlay.

Alternatively, the living room window façade on the south side of the home lies outside of the ridgetop overlay. Though building an addition for all proposed functions to this façade would eliminate the need for a variance, the area is constrained due to the location of the existing septic leach field. The New Mexico Environment Department (NMED) requires that buildings be a minimum of 8 ft from any leach field. Currently, the living room window façade is 14 ft from the leach field, which means that an addition at this location would be limited to 6 feet. This size is not feasible for the proposed uses of the addition. For more information on the septic system, see Attachment C.

Another alternative considered was building the addition as a separate structure north of the existing home, outside of the ridgetop overlay. This is infeasible and impractical as it would be more visible on the hillside, disturb natural landscapes and 30% slopes, and not serve the needs of the homeowners. This design would contradict the intent of 14-5.6(A)(3), pasted above.



Figure 3: 190 Brownell-Howland as seen from the City (south) along Sierra Del Norte Rd. 195 Brownell-Howland is behind this home and cannot be seen.

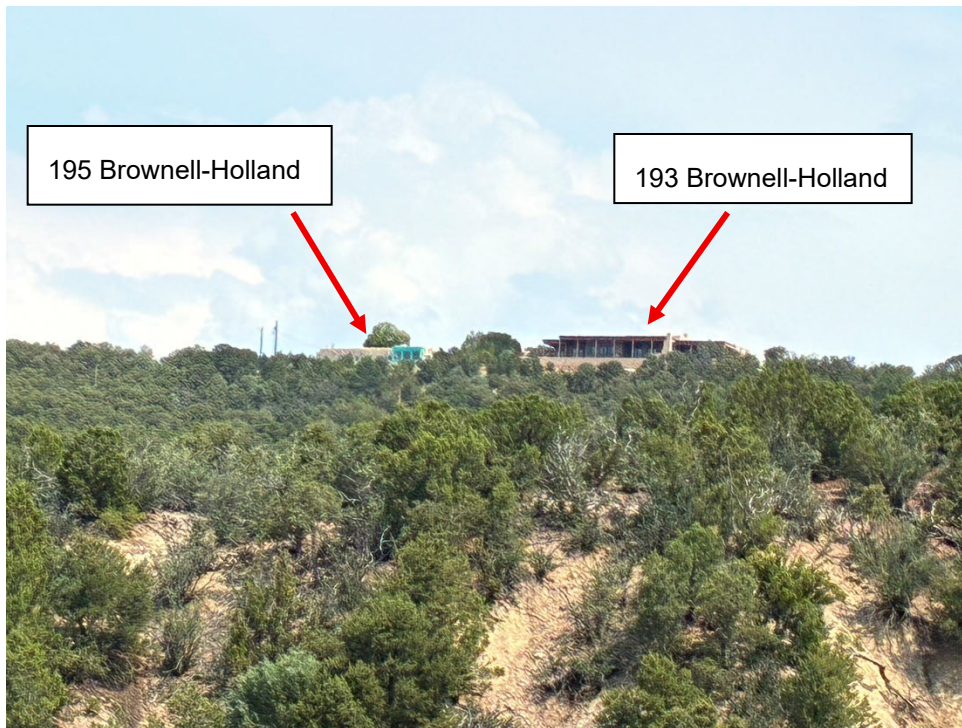


Figure 4: View of 195 Brownell-Howland (left) from Bishops Lodge Road (north). The proposed addition would be right of the turquoise window, behind existing and new screening trees.

Land Use & Architecture

The Property and all surrounding properties are zoned R-1 (Residential, 1 dwelling unit per acre). R-1 allows for accessory dwelling units and private garages in addition to homes, along with other uses (See SFCC Table 14-6.1). The future land use category of the Property shows mostly 1 dwelling unit per acre, with a small section on the northern side 1-3 dwelling units per acre. All properties adjacent to the parcel have existing homes or homes currently under construction within the

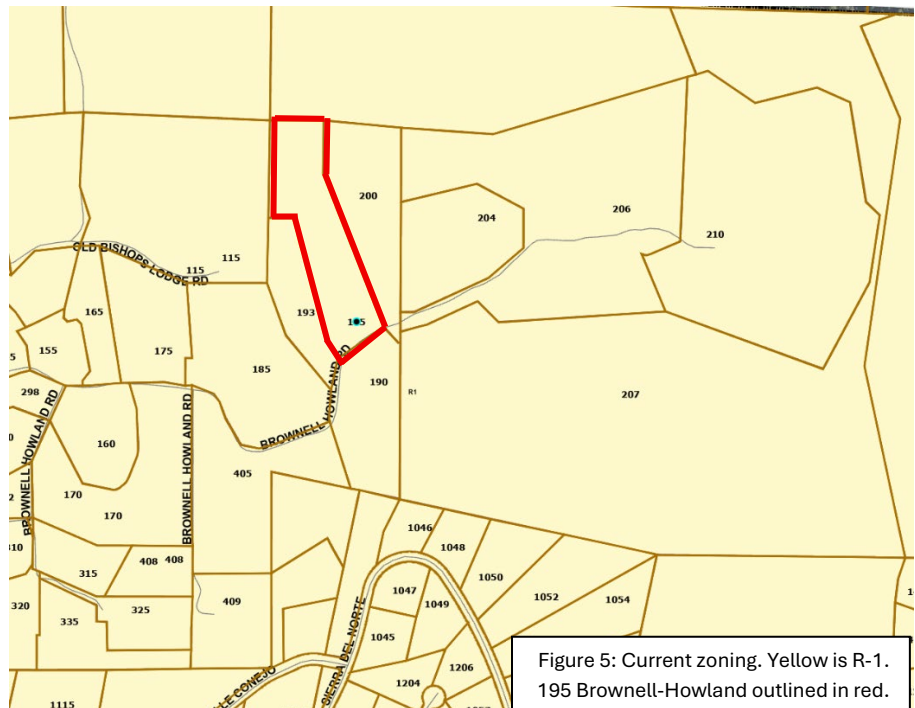


Figure 5: Current zoning. Yellow is R-1. 195 Brownell-Howland outlined in red.

Escarpment-Ridgetop and Escarpment-Foothills Overlays. The site is also located within the Mountain and Difficult Terrain Overlay, which indicates that over 25% of the lot has an existing slope of over 20%.

The proposed addition within previously disturbed areas meets all dimensional standards for height, lot coverage, setbacks, and lot size set forth in SFCC 14-7.2 and 14-5.6(F). The addition will match the existing stucco color and roofing materials of the home.

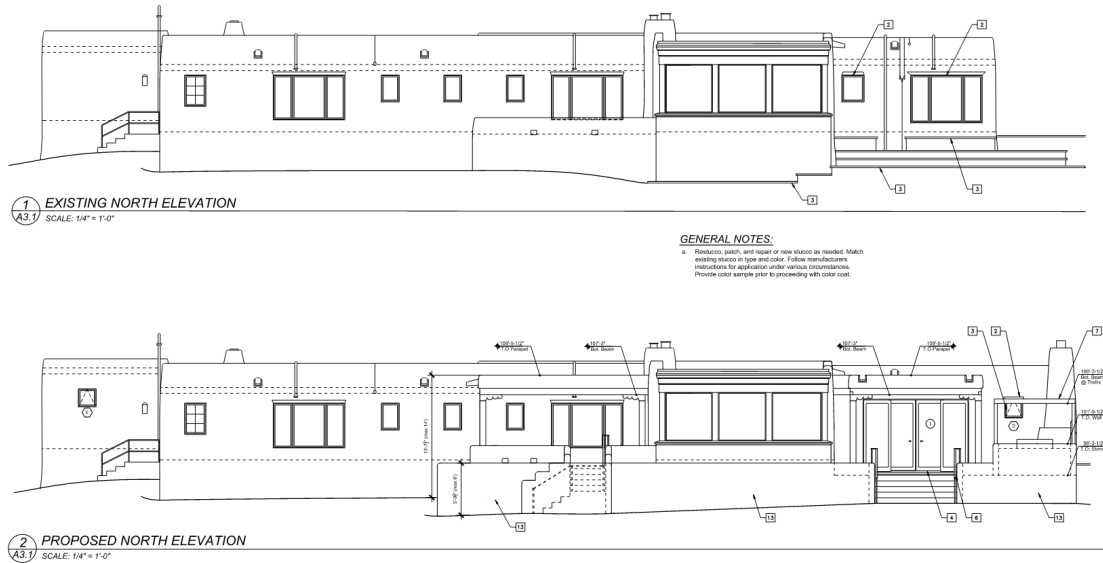


Figure 6: Existing and proposed north elevation. See changes to middle patio and right patio/home.

Presently, the home includes turquoise blue accent colors around the exterior. This color does not comply with SFCC 14-5.6(F)(2), which prohibits the use of bold accent colors, however the homeowner has submitted proof that the color predates the development of the Escarpment Overlay Code (February 26, 1992) (Attachment C). The existing blue paint is therefore legal nonconforming and allowed to remain; however, the Applicant may not add to this nonconformity with the proposed additions.

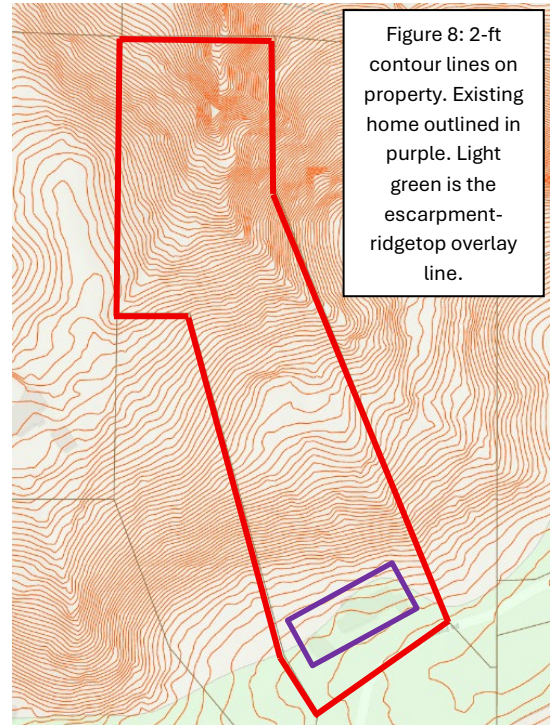


Figure 7: Existing turquoise blue accents.

Terrain Management

The existing home is built entirely on 0-20% slopes near the southern edge of the parcel within the Escarpment-Ridgetop Overlay. Directly north of the house exists a small land area of 0-20% slopes which is currently native vegetation and houses the septic leach field. The rest of the Property, north of this area, is a forested 20-30% and 30% or greater slope. See the topographic survey in Attachment C and the GIS contour lines in Figure 8.

To complete the addition as proposed, the Applicant has included the removal of significant trees that abut the existing flagstone patio (see Figure 9). The Applicant had the trees evaluated by Fire Safe Santa Fe (an independent coalition of public and private organizations) and the Very Good Tree Service, who both recommended their removal due to their proximity to the home and current health (See Attachment C). Note that Fire Safe Santa Fe and the Very Good Tree Service do not have the authority to override the code which allows the Land Use Director authority to require the preservation, relocation, or replacement of existing significant trees (SFCC 14-8.4(F)(5)(a)).



The Applicant understands that if the variance is approved, they will need to follow all requirements of the Code as it relates to landscaping (SFCC 14-5.6(G) and 14-8.4), including but not limited to landscape improvements, screening, and replacing significant trees. These details would be submitted through a landscaping plan during the building permitting.

Staff did not require the submittal of grading and drainage or structural plans for the purposes of this variance request. The Applicant would be required to submit these for review during the building permit

process.

Suburban Archaeological Review District

The 195 Brownell-Howland parcel is within the Suburban Archaeological Review District: however, the proposed development includes less than 550-linear feet of ground disturbance and therefore does not require archaeological review.

Fire Prevention

Per the City Ordinance on Fire Code (2024-2), if this variance is approved, the Applicant shall comply with section B105.4 of the International Fire Code which requires life safety equipment in lieu of fire flow for additions to existing dwellings exceeding 500 sq ft of roofed area. See the Fire Prevention Conditions of Approval in Attachment A.

IV. VARIANCE APPROVAL CRITERIA

SFCC Section 14-3.16 governs the authority, procedures, and restrictions for variances. The Criteria for approval of variances, applicant responses, and staff responses are detailed below.

In addition to the standard variance approval criteria, since this case is a variance from the Escarpment regulations, it is subject to the Planning Commission’s decisions per 14-5.6(K):

1. *Where the planning commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations.*
2. *In granting variances or modifications, the planning commission may require such conditions as will, in its judgment, assure substantially the objectives of the standards or requirements so varied or modified.*

<p>Criterion 1: To grant a Variance, a land use board shall make the following finding per Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies:</p> <ul style="list-style-type: none"> (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or (b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1-7; or (d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts). 	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant Response: <i>The following unusual physical characteristics distinguish this project from others in the vicinity:</i></p>	

1. *The house at 195 Brownell Howland is not built on the actual ridgetop and is therefore not visible from the City or from the closest neighborhood (Sierra Del Norte). It is built on the backside of the ridge and is only visible from the north along Bishop’s Lodge Road. There is no foothills subdistrict designated below the ridgetop subdistrict on the north side, as that side of the lot is not visible from the primary areas of the City. Note that the proposed Addition will also not be visible from the street (Brownell Howland Rd.) or from anywhere on the City (south) side of the lot.*
2. *The house was built in 1957 prior to the adoption of the Escarpment District and the creation of the Ridgetop Subdistrict. The boundary of the “Ridgetop” zone does not follow the ridge as one would expect. The boundary bulges outward and downhill (across the contours on the backside of the ridge) to include almost the entirety of the home, severely limiting options for any addition.*
3. *This house was designed by John Gaw Meem and built by the current Owners’ grandmother. The house is not listed as a historic structure but is clearly a Meem house with many defining architectural features. The Owner’s desire to upgrade, to make the home more functional and to prevent the house from falling into disrepair, should be acknowledged.*

Staff Response:

The existing home was constructed prior to the establishment of the Escarpment-Ridgetop Overlay which now overlays the majority of the home. The intent of this overlay is to limit and, in some cases, prohibit development as it detracts from the beauty of the natural environment as seen from the City (SFCC 14-5.6(A)(3)(b)). This home is uniquely positioned on the ridgetop in such a way that it remains hidden from view when looking north from the City by an intervening single-family residence built in the Foothills Subdistrict at 190 Brownell-Howland Rd. There are no designated foothills subdistrict on the north side of the home below the ridgetop.

The proposed addition is to be built on the north side of the home atop existing patios and behind existing walls. This configuration makes it so that the addition will further not be seen when looking from the City (south) and will not disturb natural landscapes by remaining within the existing impervious footprint. When looking towards the home from the north along Bishops Lodge Rd (which is over 1/3 mile away from the Property), the addition would be screened behind existing trees (See Figure 4) and newly planted trees in compliance with 14-5.6(G).

These conditions make it so that there are unique physical circumstances which distinguish this Property from others in the vicinity subject to the same relevant provisions of Chapter 14.

<p>Criterion 2: The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant Response: <i>Per the City GIS-provided Escarpment Overlay map (which differs from the certified survey for reasons not known), the boundary of the home is mostly locked within the Ridgetop Subdistrict except for a small area on the north side of the existing Living Room.</i></p>	

It is infeasible to build the Mudroom & Laundry Addition north of the Living Room for the following reasons:

- 1. A Mudroom is an informal entry to the house. Any other location than proposed is infeasible because it would not function as a Mudroom.*
- 2. The existing septic system is located on the north side of the Living Room. Building any addition here would not be feasible because a structure cannot be built on top of an existing septic system. The NMED and septic installer have determined that this location of the septic is required and that any other location would not be feasible due to limited access for pumping and due to topographic conditions. (Please see attached letter stating that the septic system placement has been reviewed by the NMED and it has been determined that the current location is the only option given the existing parameters of the property.)*
- 3. Building on the north side of the Living Room would create additional and unnecessary disturbance and destruction of the natural environment, which is in conflict with the intent of Chapter 14, specifically 14-5.6(A)(1) in that the escarpment district was "...established in order to conserve the value of buildings and land; and encourage the most appropriate use of land; and preserve the natural environment and the distinctive and historic ridgetop and foothills area environment as a visual asset for the benefit of the community and to maintain and encourage the sense of the city as a small community." Thus, building an addition or detached structure on the north side of the Living Room would absolutely be antithetical to the preservation of the natural environment.*
- 4. Placing a new structure farther north and downhill to get below the septic and leach field area would require a separate and unique, detached structure – which would thereby disturb more land while not supporting the Owner's desire to expand the current home. Note that the Owners wish to build a new Mud Room and Laundry near the Garage and a Dining Room near the Kitchen. Locating these features in a separate structure down the hill, far from the existing home, would not meet the basic improvements requested by the Owners. Structures farther downhill that contain plumbing would also require an additional septic system at a lower elevation, which would require even more disturbance of undeveloped property. Thus, constructing a separate structure on the north side, below the existing septic system, on presently undisturbed land is also at odds with the Purpose & Intent of the code.*



The image above shows the City GIS aerial image of the property with the Escarpment Districts overlaid. The darker green represents the Ridgetop Subdistrict, and the lighter green represents the Foothills Subdistrict. North is up on the page. The City is to the South. The contours indicate that the actual ridge is between the house and the City. Thus, the house is not visible from downtown or from the closest neighborhood to the south, Sierra Del Norte. One can also see that the north face of the Living Room is outside the Ridgetop Subdistrict using this overlay. The existing septic system lies to the north of the house just outside the Living Room, where the vegetation becomes sparse and plants become smaller.

Staff Response:

Parts of the north side of the existing home are outside of the Ridgetop Overlay, namely the living room window façade. Building the addition attached to this façade of the house would eliminate the need for a variance since it is outside of the Ridgetop, however, it is infeasible due to the location of the existing septic system and leach field. The homeowner recently had this system upgraded and inspected by the State of New Mexico Environment Department (NMED) who stated that the location of the septic field behind the living room façade was the most practical for ease of installation and future maintenance on the system. NMED also noted that the installation of the septic system anywhere else on the Property would have caused ‘significant damage to the mountain side, trees, vegetation,’ (Attachment C).

If the homeowner were to build the proposed addition to the living room façade, the home would extend past the State of New Mexico 8 ft minimum required distance between a building and septic leach field (NM Admin code Table 302.1) (See architectural drawings in Attachment C). In order to not encroach past this minimum distance, a redesigned version of the addition would need to add 6 ft or less to the existing structure, which is not a feasible amount of space for the needs of the proposed additions.

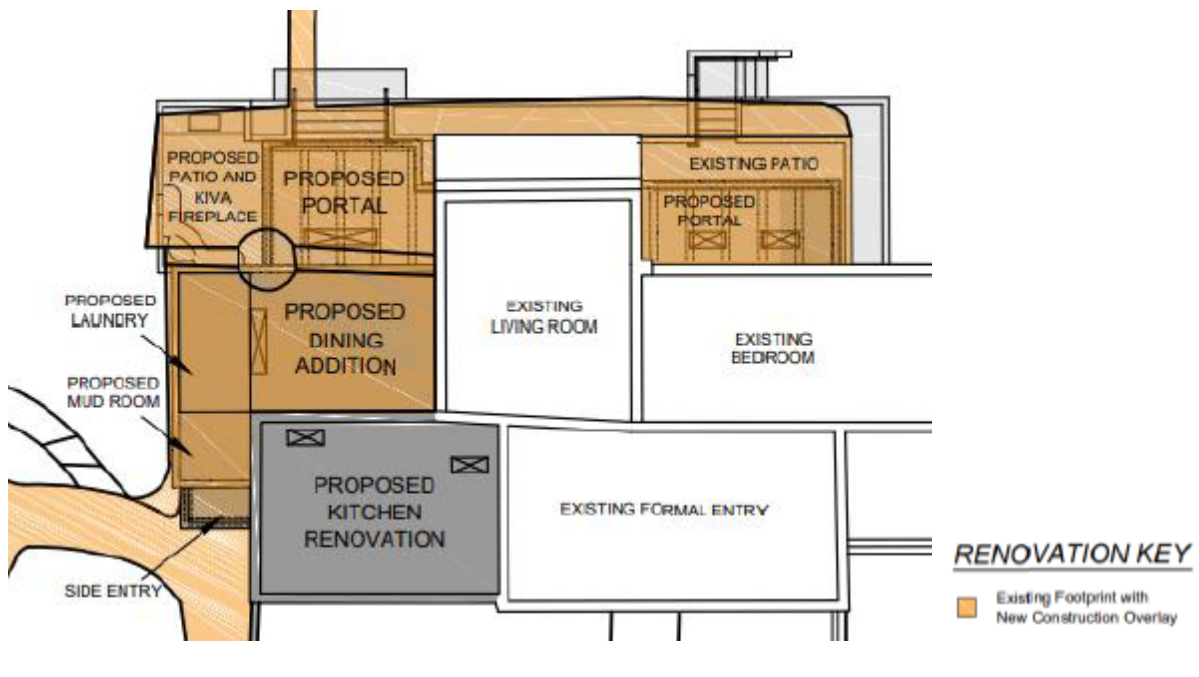
Another alternative considered was building the addition as a separate structure outside the ridgetop, which would mean on the hillside north of the home. The Applicant has noted that this design would be impractical for the proposed uses of the addition as they are intended to mesh with the current layout of the home and provide increased functionality for the homeowners.

The alternatives of building onto the living room window façade or as a separate structure downhill would be infeasible as doing so would require the disturbance of natural landscapes. This contradicts the intent of the Escarpment Code which states the code was, “...established in order to conserve the value of buildings and land; and encourage the most appropriate use of land; and preserve the natural environment and the distinctive and historic ridgetop and foothills area environment as a visual asset for the benefit of the community and to maintain and encourage the sense of the city as a small community.” Opposingly, the current design exists entirely atop existing patios and would not require the disturbance of the natural environment.

<p>Criterion 3: The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant Response: <i>The intensity of the proposed development will not exceed that which is allowed on other properties for the following reasons:</i></p> <ol style="list-style-type: none"> 1. <i>The proposed improvements are residential in nature and consistent with the R-1 zoning and surrounding low-density residential context. The project does not introduce any commercial uses, or traffic-generating facilities, or high impact development patterns that would change the intensity of the proposed development. No additional parking is required.</i> 2. <i>The proposed Addition does not increase the development density or add detached structures to the currently developed property. The proposed Dining Room & NW Portal Addition would be built on top of an already established flagstone patio (existing structure attached to the ground), and a new small NE Portal would be built upon an already established walled Patio Area on the east side of the existing Living Room.</i> 3. <i>The design keeps all new development within the footprint of the existing structures, preventing further development or disturbance of additional land. Also note that other properties in the vicinity have had multiple buildings demolished and rebuilt within the Ridgetop Subdistrict since 2017.</i> <p><i>The image below shows the new house on the newly created lot at 193 Brownell Howland (left) and the Davenport Residence at 195 Brownell Howland (right), with the proposed new construction footprint at 195 Brownell Howland in green and pink. As you can see, the proposed new construction footprint overlaps the existing footprint of the developed area on that lot.</i></p>	



The drawing below enlarges the new construction footprint view of 195 Brownell Holland. Areas of the existing footprint are shown in orange, and the new construction overlap is labeled.



Also note that Section 14-5.6(H) requires compliance with 14-8.2 Terrain Management. 14-8.2(A) Purpose is to “ensure sound and orderly development of the natural terrain; minimize erosion and sedimentation; minimize destruction of the natural landscape” all of which are better met by using these existing developed areas of the site.

Limiting new construction on this lot to areas outside the Ridgetop Subdistrict (as required by Section 14-4.6-D-1, Location of Structures) prevents the Owners from building the Addition they need, and at the same time creates more disturbed land and more visible construction on the hillside. We believe this does not fulfill the intent of the code for the Escarpment Overlay/ Ridgetop Subdistrict. It would, in fact, do the opposite.

Please refer to the Existing & Proposed Building Elevations to see the extent of the construction proposed. The Addition is kept tight to the exterior envelope of the existing structure and almost fully falls within the bounds of the current building elevations. The floor level steps down to keep the maximum parapet height under 14 ft and below the existing parapet levels. The project also meets all of the architectural design standards of the code.

Staff Response:

Chapter 14 of SFCC defines intensity as, “The extent of development per unit of area; or the level of use as determined by the number of employees and customers and degree of impact on surrounding properties such as noise and traffic.” The intensity of this development is limited in scope since the proposed addition remains within the bounds of existing disturbed areas and is kept in a tight envelope to the existing structure. This development will not change the intensity of use, as it will remain a single-family residence.

The addition will not affect noise or traffic for the surrounding properties and will not be visible from Brownell-Howland Rd nor the City to the south. From the north along Bishops Lodge Rd, the addition would be screened behind existing significant trees and newly planted trees, as required. All proposed uses of this addition are allowed within the R-1 zoning district.

The existing home at 195 Brownell-Howland currently includes 3,243 sq ft of roofed area. After the proposed addition, the home would have 4,049 sq ft of roofed area, increasing by a total of 806 sq ft. This building footprint remains one of the smallest in the surrounding area, where other homes range from 4,800 to 9,300 sq ft. Therefore, it will not exceed what is allowed on other properties in the vicinity.

Criterion 4:

The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered: (a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and (b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

Criterion Met:

(Yes/No)

YES

Applicant Response:

The variance requested is strictly limited in scope to what is the minimum required to enable the reasonable and functional use of the existing home. Please note the following:

- 1. Through a modest addition and interior remodel, the Owners hope to dramatically improve the functionality of the house. The intent is not to expand the residence excessively, but to update and improve the livability of the home while accommodating the unique constraints imposed on the lot. Although the property has been used previously as a residence, the requested additions would allow the Owners amenities currently enjoyed by neighboring residents.*
- 2. Per Chapter 14, approval of this variance would support the harmonious development of Santa Fe and would create conditions favorable to prosperity and general welfare, as well as efficiency and economy in the process of development.*
- 3. Per 14-5.6(K) Variances: The denial of this request due to strict compliance with the regulations would result in unnecessary hardship for the Owners. Alternately, approving the request would allow for substantial justice to be served, while also securing that the public interest has been secured through the process. We also believe that such variation as has been requested would not nullify the intent and purposes of these regulations, as the intent and purposes of Chapter 14 have been met.*
- 4. This proposal supports the General Plan goals by allowing modest, context-sensitive infill development that preserves scenic and environmental values on Escarpment lands. The proposal also minimizes grading and protects slopes, aligning with the General Plan policies for sustainable, low impact development, resource conservation and protection of scenic and environmental assets.*

Please refer to the next photograph taken from Bishop's Lodge Road (with the house facing north). The Davenport Residence at 195 Brownell Howland Rd. is the building on the left in the photo with the original blue painted facade. The proposed earthtone stucco additions on either side of that blue façade, which do not protrude past the face of the existing blue façade, would blend completely into the existing home and barely be noticed. (The newly constructed house on the right, which we'd expect to also be in the Ridgetop Subdistrict - but is not, is clearly the dominant feature on the hillside.)

Note that any development outside the ridgetop zone (just below the Owners' house) would be very visible and disturb more of the hillside than our proposed addition (right up against the house). The Intent of the code seeks to limit new development on the hillside because, as outlined in 14-5.6(A)(3)(b), "Development is highly visible on or about the ridgetop areas of the foothills for great distances and detracts from the overall beauty of the natural environment and adversely impacts the aesthetics of the mountain and foothill vistas as seen from the city."

Although trees closest to the house will be removed with this proposal, we believe that the older trees between the Kitchen and the detached Garage may not be very healthy, or likely to live much longer. (Please reference the attached letter from an Arborist who inspected the trees.) We also believe the large trees near the house are currently a fire hazard as they extend over the roof of the home. (Please refer to the attached FireWise report that recommends isolating/ reducing the size of the clump of trees between the house and the detached garage.) The Owners would also prefer to plant younger, healthier trees around the property rather than keep all the trees in this area immediately next to the home. The number of new evergreen trees to be planted will equal the number removed in species and will be of the required size (min. 8ft tall) and will be located with City staff to ensure their placement meets screening requirements. Formal landscape & irrigation plans will be included with the building permit application.



Staff Response:

This home was originally built by the current owner’s grandmother as a residence in 1958 and the home has been passed down through generations. The previous owner was approved for a variance from the same section of code to build an addition to the attached garage. The current owner would like to improve the functionality of the home by adding laundry utilities, a mud room entrance, a dining area, and portals to existing patios. The use of the Property as a residential home will remain the same with these changes.

Completing the addition in the manner proposed will limit the geographic spread of development and disturbance of natural areas on the Property within the Escarpment-Ridgetop Overlay, falling in line with the purpose and intent of SFCC 14-5.6 and General Plan theme 1.7.5 “Sustainable Growth.” Oppositely, erecting the addition outside the ridgetop overlay would disturb natural landscapes, many of which are greater than 30% slopes, and alter views of the hillside from the north.

<p>Criterion 5: The variance is not contrary to the public interest;</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant Response: <i>The proposed small addition to this home would not adversely affect the community for the following reasons:</i></p> <ol style="list-style-type: none"> <i>1. The Additions to the house would be basically unrecognizable without specific & detailed inspection.</i> <i>2. The Owner’s investment in the home would be a great improvement to the property, thus conserving the value of the historic structure and supporting neighborhood property values.</i> <i>3. The remodel would meet the purpose and intent of the code (section 14-5.6-A(1) in preserving the city's aesthetic beauty and natural environment, which is essential to protect the general welfare of the people of the City, to promote tourism and the economic welfare of the city, and to protect the cultural and historic setting of the city.</i> <p><i>Based on criteria under 14-3.16, the unique physical constraints of the property, alignment with neighborhood development intensity, the minimal nature of the request, and consistency with public interest and General Plan goals fully justify the approval of this variance.</i></p>	

Staff Response:

This project will not adversely affect the public’s interest as the proposed additions occur within existing disturbed areas adjacent to the structure and will serve to improve functionality of the home. This variance seeks to do so in a way most minimally impactful to surrounding homes and views from the city.

<p>Criterion 6: There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant Response: N/A</p>	
<p>Staff Response: Staff may require the Applicant to submit additional information as needed to obtain building permits. Should the Planning Commission decide to approve this variance request, the Applicant will be subject to the Conditions of Approval and Technical Corrections set forward by Staff’s review as well as any additional conditions imposed by the Planning Commission.</p>	

V. EARLY NEIGHBORHOOD NOTIFICATION

The Applicant was not required to conduct an Early Neighborhood Notification (ENN) meeting per SFCC 14-3.1(F)(2)(a)(vii), which states that ENN’s are required for, “variances, *except those requesting construction or modification of an individual single-family dwelling and appurtenant accessory structures...*”

VI. EXPIRATION

Per SFCC Section 14-3.19(B)(5) “*Approval of... Variances that are not associated with other types of development approval or types of development approvals not listed in this section, shall expire three years after final action approving them unless actual development of the site or off-site improvements has begun and is continued pursuant to Subsection 14-3.19(B)(6).*”

VII. ATTACHMENTS

ATTACHMENT A: Conditions of Approval & Technical Corrections

- 1. Table of Conditions of Approval
- 2. Table of Technical Corrections
- 3. Development Review Team Compiled Comments

ATTACHMENT B: Maps & Photos

- 1. Aerial View
- 2. Existing Conditions photos
- 3. Current Zoning Map
- 4. Future Land Use Zoning Map

ATTACHMENT C: Applicant Submittals

- 1. Application
 - a. Application Letter
 - b. Variance Approval Criteria
 - c. Blue Façade Paint Pictures and Affidavits
- 2. Variance Plan Sheets
 - a. Legal Lot of Record
 - b. Site Plans

ATTACHMENT D: Case #2016-17 Staff Report

APPROVED AS TO FORM BY THE PLANNING AND LAND USE DEPARTMENT:

Title	Name	Initials
Department Director	Heather Lamboy	<i>HLL</i>
Assistant Department Director	Maggie Moore	<i>MRM</i>
Planner Manager	Daniel A Esquibel	<i>DAE</i>
Planner Senior	Alexa Hempel	<i>ANH</i>