



Planning and Land Use Department Planning Commission Staff Report

Cases Nos:	2023-(7079), (7662) & (7663)	
Hearing Date:	May 2, 2024	
Applicant:	Advanced Acquisitions, LLC	
Requests:	Development Plan, Variance from SFCC 14-5.5 (B)(4)(iii) CRHC & Variance from SFCC 14-8.2(D)(2)(b) Terrain Management	
Location:	27794 W I-25 Frontage Road	
Case Mgr.:	Daniel A Esquibel	
Zoning:	C-2 (General Commercial)	
Overlay:	Suburban Archaeological Review District	
Pre-app. Mtg.:	June 23, 2022	
ENN Mtg.:	May 03, 2023 & September 14, 2023	
Proposal:	Applicant requests development plan approval for a 141-dwelling multi-family development totaling 186,600 square feet of new construction with variances to SFCC 14-5.5 (B)(4)(iii) CRHC (setback) and 14-8.2(D)(2)(b) Terrain Management (30% slopes). The Property is approximately 19.26 acres.	

2023-7662 Bungalows on Cerrillos Variance (Setback). Orion-West LLC., Agent for Advanced Acquisitions LLC, Applicant, requests a variance from SFCC 14-5.5 (B)(4)(iii) Cerrillos Road Highway Protection District (CRHC) of building setbacks in CRHC Zone 4 from 45 feet to no more than 34 feet. The subject property is approx. 19.26-acres and located at 27794 W I-25 Frontage Road, within the Suburban Archaeological Review District and zoned C-2 (General Commercial).

2023-7663 Bungalows on Cerrillos Variance (Slopes). Orion-West LLC., Agent for Advanced Acquisitions LLC, Applicant, requests a variance from SFCC 14-8.2(D)(2)(b) Terrain Management standards prohibiting disturbances of natural slopes of thirty percent (30%) for an approximate area of 4,800 square feet. The subject property is approx. 19.26-acres and located at 27794 W I-25 Frontage Road, within the Suburban Archaeological Review District and zoned C-2 (General Commercial).

2023-7079 Bungalows on Cerrillos Development Plan. Orion-West LLC., Agent for Advanced Acquisitions LLC, Applicant, requests Development Plan approval to construct approx. 186,600 square feet of new construction for a 141-unit multi-family one and two-story housing development. The subject property is approx. 19.26-acres and located at 27794 W I-25 Frontage Road, within the Suburban Archaeological Review District and zoned C-2 (General Commercial).

I. RECOMMENDATION

The Land Use Department recommends the Planning Commission **DENY** Cases **2023-7662 Bungalows on Cerrillos variance (“Setback Variance”)** and **2023-7663 Bungalows on Cerrillos variance (“Slopes Variance”)** and **APPROVE** case **2023-7079 “Bungalows on Cerrillos Development Plan”**, subject to conditions of approval as outlined in this report and technical correction listed in Attachments A “Technical Conditions” and B “Development Review Team (DRT).” Should the Planning Commission follow staff’s recommendations, Advanced Acquisitions, LLC (the “Applicant”) will be required to revise and resubmit a development plan in compliance with the setback and slope requirements on Chapter 14 per Condition of Approval 7 in Table 1.

Three motions will be required. Should the Planning Commission Approve either of the requested variances, the Planning Commission motions will need to address new findings in compliance with SFCC 14-3.16(C) “Approval Criteria” see Tables 6 and 7 of this report for Variance Approval Criteria. The motions should be considered in the following order:

1. *Approve or deny case #**2023-7662 Bungalows on Cerrillos Setback Variance**,*
2. *Approve or deny case #**2023-7663 Bungalows on Cerrillos Slopes Variance**,*
3. *Approve or deny case #**2023-7079 Bungalows on Cerrillos Development Plan** subject to the conditions of approval and technical corrections recommended by staff.*

II. EXECUTIVE SUMMARY

Applicant requests approval of a Development Plan to construct approx. 186,600 square feet of new construction for a 141-unit multi-family, one- and two-story housing development, as well as infrastructure improvements and related accessory amenities. The Development Plan request includes two variance requests:

1. Variance to SFCC 14-8.2(D)(2)(b) Terrain Management standards to allow disturbances of natural slopes of thirty percent (30%) for an approximate area of 4,800 square feet, and
2. Variance to SFCC 14-5.5 (B)(4)(iii) Cerrillos Road Highway Protection District (CRHC) to reduce the required building setbacks in zone 4 from 45 feet to no more than 34 feet from the Cerrillos Road ROW.

The three (3) cases 2023-7662, 2023-7663 and 2023-7079 make up the project (Project) discussed in this review.

The Applicant has complied with Subsections 14-3.1(E) *“Pre-Application Conferences”*, 14-3.1(F) *“Early Neighborhood Notification Procedures”* and 14-3.1(H) *“Notice Requirements”*.

Staff's analysis finds that the applicant has not addressed the necessary findings and recommends that the Commission **DENY** the variances.

1. SFCC Subsection 14-3.16 (C) *“Approval Criteria”* to allow a variance from SFCC 14-5.5 (B)(4)(iii) CRHC of building setbacks in zone 4 from 45 feet to no more than 34 feet, and
2. SFCC Subsection 14-3.16 (C) *“Approval Criteria”* to allow a variance from SFCC 14-8.2(D)(2)(b) Terrain Management to all disturbances of natural slopes of thirty percent (30%) for an approximate area of 4,800 square feet.

Staff's analysis finds that the applicant has addressed the necessary findings and recommends **APPROVAL** of the development plan, subject to conditions of approval.

3. SFCC Subsection 14-3.8(D) *“Approval Criteria and Conditions”* for Development Plans, to construct approx. 186,600 square feet of new construction for a 141-unit multi-family one and two-story housing development.

III. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval:

Table 1 Conditions of Approval

#	CONDITION OF APPROVAL	DEPT/DIVISION	COMPLETED BY:
1	An archaeological clearance is required.	Land Use/Historic/ Archaeology	Prior to recordation
2	Drainage report discussion in proposed conditions section must include the total amount of impervious surface to be installed for the development, pond volume required, and pond volume provided for the site. Provide a small table here with pond information for quick reference of each pond’s volume. Also include this information in the future conditions section.	Land Use/Terrain Management	Prior to recordation
3	The Application shall address parking type and detail per Table 14-8.6-1 “Parking and Loading Requirements” Note 1.	Land Use/Current Planning	Prior to recordation
4	The Applicant shall revise the architectural style to meet the intent of the Cerrillos Road Overlay, and in conformance with the Architectural Design Review standards.		
5	Should the Planning Commission deny the Variance(s) identified in this report, the applicant shall revise and resubmit their development Plan in compliance with SFCC 14-8.2(D)(2)(b) and 14-5.5 (B)(4)(iii) for staff review.		
6	The Applicant shall redistribute bicycle parking on the premises. Bicycle parking shall be included in both phase one and two. All bicycle parking shall comply with SFCC Chapter 14, Appendix, Exhibit D - Bicycle Rack Standards and Dimension.		
7	Primary access for the development is on New Mexico Department of Transportation (NMDOT) Frontage Road (see attached TIA approval letter from NMDOT with conditions to be met prior to issuance of building permit).	Wilson & Company / Leroy N. Pacheco, PE	Prior to recordation
8	The driveway on Cerrillos Road is for emergency access only. Plan Set to include a roadway signage and striping plan to be reviewed/approved by NMDOT and City Traffic Engineer for respective jurisdictions.		
9	An access permit shall be submitted to NMDOT for review and approval along with Roadway Improvement Plans for the project.		
10	Right-of-way will need to be dedicated to NMDOT by the property owner for the realignment of the Frontage Road.	NMDOT	Prior to construction

11	Extend the north/south sidewalk parallel to Cerrillos to the intersection with Herrera Drive.		
13	Illustrate on the development plan a new sidewalk on the south side of the NM I-25 Frontage Road to conform to city street design standards	Santa Fe Metropolitan Planning Organization	Prior to recordation
14	Illustrate on the development plan a 10ft sidepath along the west side of the NM I-25 Frontage Road to the property line, as detailed in the Santa Fe Bicycle Master Plan		
15	Illustrate on the development plan pedestrian crossings to each leg of the roundabout		
16	Improve pedestrian crossing safety by illustrating on the development plan high visibility crosswalk markings on all legs of the Cerrillos/Beckner/Frontage intersection and adding a pedestrian refuge island to the southern crossing of Cerrillos.		
17	Redesign the right turn slip lanes onto and off of the frontage road to limit speeds to 15mph or less.		
18	Evaluate, select, and design additional pedestrian safety countermeasures at the Cerrillos intersection such as a pedestrian signal, leading pedestrian intervals, etc.		
19	Add two bus stops (northbound/southbound) to the development plan per Santa Fe Trails request and in accordance with Santa Fe Trails design and location criteria. Coordinate with Santa Fe Trails on design & location.		
20	Ensure the trail crossing at the Cerrillos emergency access is appropriately designed with ramps, etc.; demonstrate this on the development plan.		
21	An approved Development Water Budget including a 9.8% contingency per SFCC 14-8.13(E)(1) will be required. A technical evaluation request for a Development Water Budget needs to be submitted to the City Water Division for review.		
22	An Agreement to Construct and Dedicate (ACD) from the Water Division will be required for all new public water infrastructure or fire services. An approved Development Water Budget, including Landscape Irrigation Budget and a 9.8% Contingency is required prior to processing the ACD.		
23	Each lot shall be served by separate water service at the time of development.		Prior to recordation

24	An agreement for metered service (AMS) will be required to install new services, including water offset fees.		
25	An approved Water Plan will be required for all new public water infrastructure and fire services. Water Plan shall be submitted to the City Water Division for review.		Prior to building permit approval.
26	An accepted application for an Agreement to Construct and Dedicate (ACD) shall be submitted to the Water Division for all new public water infrastructure and fire services.		Prior to recordation
27	An approved ACD will be required with the Water Division.		Prior to recordation
28	Any re-grading of site over existing water mains shall maintain a minimum of 4 feet of cover and not exceed 5 feet of cover. Depth of existing main to be adjusted to maintain a minimum of 4 feet of cover and not exceed 5 feet of cover if site grading impacts these depth requirements.		Prior to building permit approval
29	Proposed development layout based on the requested setback variance has a conflict with the existing water main and other existing water infrastructure. Should the setback Variance be approved, this conflict will need to be resolved by either relocating the existing water infrastructure or redesigning this portion of the development to avoid the conflict. Final changes needed to resolve this conflict must be reflected on the approved water plan.	City Water Engineering	At the time of development
30	Access to sewer manhole 1 is required. The sewer discharge of the entire project discharges to the City's public sewer system through manhole 1. In the event of a stoppage in this section of the sewer system and the City needs to respond, access would be required to manhole 1.		Prior to recordation
31	Show the location and the separation distance between the existing 24-inch sewer lines and the storm water discharge pipe in all profiles of the storm water system		
32	The existing 20-foot-wide sewer access easement for the 24-inch public sewer line runs along a large portion of the project property line on its north side. The sewer easement in this section shall be graded and a 14-foot-wide gravel road is to be provided in this section.	City Waste Water	Prior to recordation
33	All 8 inch sewer pipe shall be SDR 26 PVC		
34	All 4 and 6 inch sewer pipe shall be SCH 40 PVC		
35	The existing City's 24-inch sewer line running along the north side of the project has a depth of 15 feet in areas.		

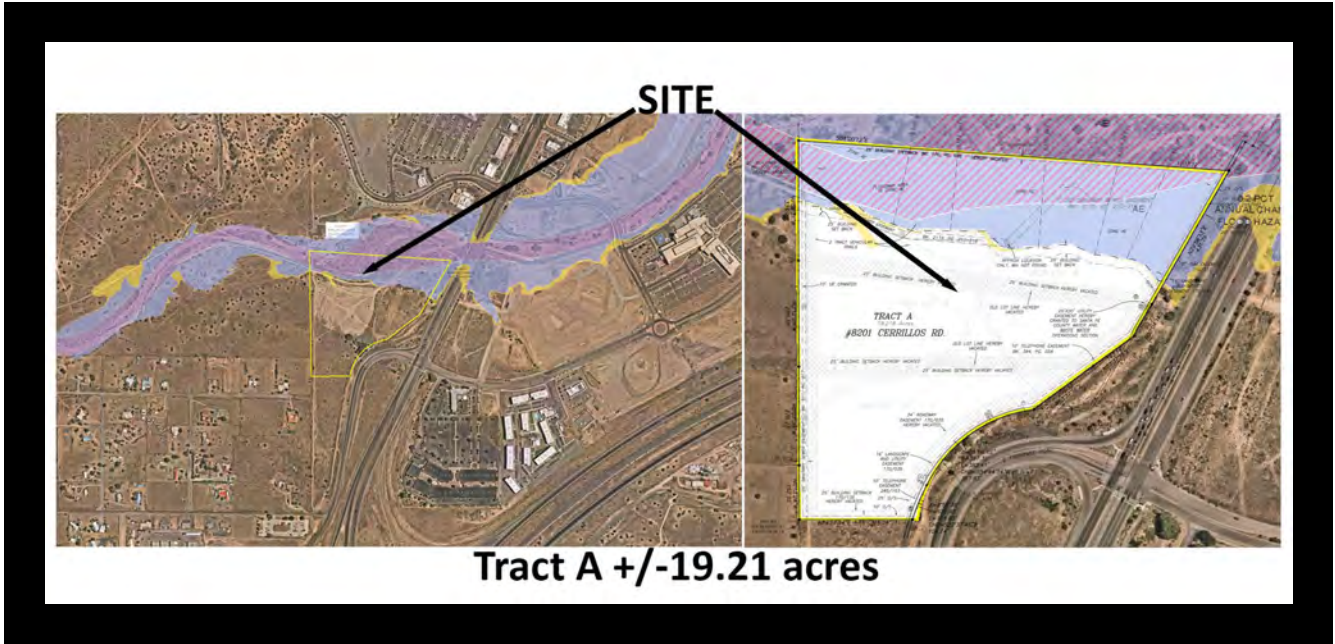
	Because of the sewer line depth and the proximity to the retaining walls, the Wastewater Division requires a detailed analysis of this area showing the depth and widths of the proposed walls and footers with respect to the required excavation required for a 15-foot-deep excavation. The same analysis is also required for the area for the proposed 16-foot-deep manhole 1 and connection to the existing public sewer line.		
36	There are several locations on the plan set that show a block retaining wall constructed on or next to a sanitary sewer easement boundary. Please place a note on each utility plan sheet that states; the City's Wastewater Management shall not be responsible for damages to any decorative or retaining wall this is constructed on or proximate to any sanitary sewer easement boundary.		
37	Identify the type and the detail location sheet for all block retaining walls to be used on each of the retaining walls in each utility plan sheet		
38	Shall verify roadway alignment slopes not to exceed 10%		
39	Shall verify roundabout can support fire apparatus access with all-weather road	Fire Marshal	Prior to recordation
40	Shall verify roundabout can support fire apparatus access with all-weather road		

The project is also subject to the technical requirements listed in Exhibit A.

IV. SITE ANALYSIS

The project is comprised of one (1) vacant +/-19.21 acre tract located in the northwest quadrant of the intersection of Cerrillos Road and I-25 W Frontage Road. The property is a legal lot of record, zoned C-2 (General Commercial), located within the Suburban Archaeological Review District, and the Cerrillos Road Highway Protection District Zone 4.

Figure 1 Aerial / Lot Image



A. Adjacent Properties

The property is adjacent to Cerrillos Road, the Frontage Road, and the Arroyo de Los Chamisos, as well as land with residential uses, non-residential uses as shown in Table 2 “Adjacent Uses and Zoning”; Figures 2 “Zoning Map”; and 3 “Adjoining Properties” below.

Table 2. Adjacent Uses and Zoning

Direction	Zoning
North	R-21 (Residential: twenty-one (21) dwelling units per acre), Arroyo De Los Chamisos (Entrada Contenta Lot 1)
Northwest	PRC (Planned Residential Community) NNM School for the Deaf (Vacant Land)
South	C-2 (General Commercial) – Vacant Land
Southwest	R-1 (Residential – one (1) dwelling unit per acre)
East	I-25 Frontage Road

Figure 2 Zoning Map

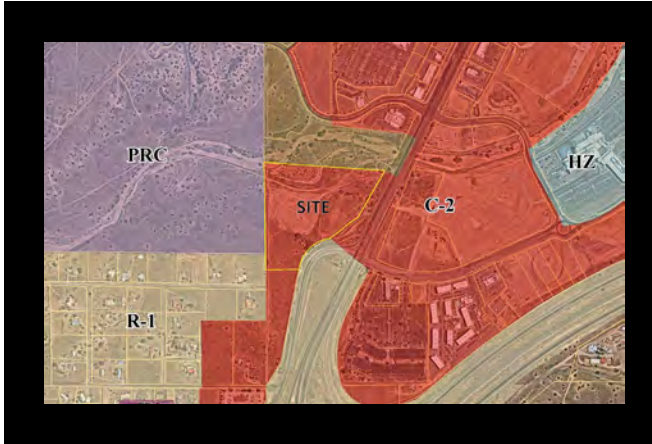


Figure 3 Adjoining Properties



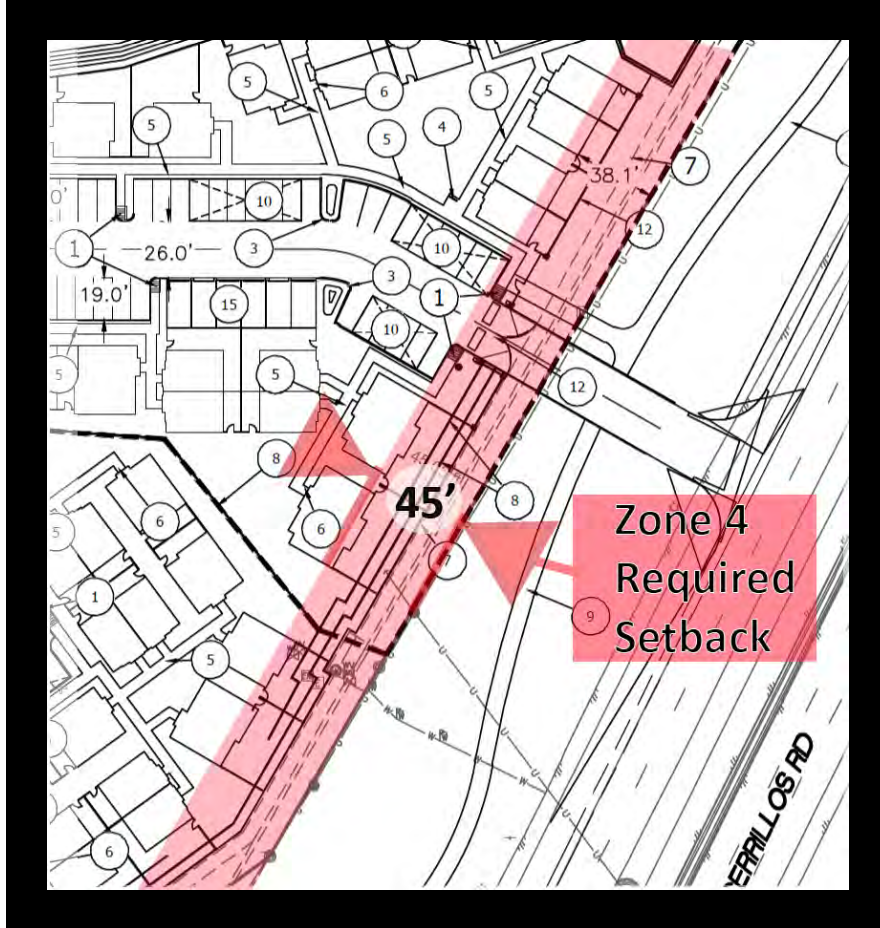
B. Overlay Districts

The property is in Zone four (4) of the CRHC, and within. The purpose of the CRHC is to accommodate safe traffic circulation, provide for a visually attractive introduction to Santa Fe, provides for a transition between more rural development and more intense development, and provide design direction regarding lot depth, height, setbacks, and lot coverage. See SFCC 1987, 14-5.5(B)(1). As this site is at an important gateway to Santa Fe, the expectation that this development will have the architectural character of Santa Fe. The applicant requests a variance to the setback requirement from the CRHC.

The Applicant also requests a variance to allow a 34-foot setback from the Cerrillos Road Right-Of-Way, where the required setback in a Zone 4 CRHC District is 45 feet (reference Figure 4 “CRHC Zone 4 Setback”). The variance is a six (6) foot reduction resulting in a 34-foot overall setback for the CRHC Zone 4 District for this property. The Planning Commission will need to determine whether to vary the regulations to accommodate the design of Development plan on a vacant tract of land or whether the design of the development plan should accommodate the regulations. The variance criteria are discussed later in this report (Table 8 “Variance Approval Criteria– Subsection 14-3.16(C) (Variance from 14-5.5(B)(4)(iii))”). Should the variance request be denied, staff would request the Planning Commission direct the Applicant to resubmit a new design complying with the CRHC Zone 4 Setback requirements for Staff review prior to recording the Development Plan.

The Property is in the Suburban Archaeological Review District and is required to obtain archaeological clearance prior to recording the Development Plan.

Figure 4 CRHC Zone 4 Setback



C. Parking

The Applicant is proposing a total of 141 dwelling units (DUs) constructed in 2 Phases as shown in Table 3 “Required Vehicular Parking” below:

Table 3 Required Vehicular Parking

PHASE 1			
DUs	SIZE	PARKING REQUIREMENT	REQUIRED PARKING
14	< 800	1.25 Parking Spaces Each	17.5 (18 required)
31	800-1,200	1.50 Parking Spaces Each	46.5 (47 required)
66	> 1,200	2 Parking Spaces Each	132 required
Phase 1 Parking Required			197 required
Phase 1 Parking			237 provided
PHASE 2			
0	No DUs under 800 square feet		
20	800-1,200	1.50 Parking Spaces Each	30 required
10	>1,200	2 Parking Spaces Each	20 required
Phase 2 Parking Required			50
Phase 2 Parking			63 Provided
Total parking required both Phases		247 required parking spaces	
Total Parking Provided both Phases		300 provided parking spaces	

The Applicant proposes to construct 237 parking spaces in phase one and 63 parking spaces with phase two. The Project will include fifty-three (53) vehicular parking spaces above what is required by ordinance for the Bungalows Development.

Of the 300 total parking spaces, the Applicant has identified that 144 vehicular parking spaces will contain canopies, 36 vehicular parking spaces will be garaged, and 8 parking spaces will be Americans with Disabilities Act (ADA) accessible.

While the Development Plan provides more parking space than is required by the City Code, staff is concerned that garages may be used for personal storage and not for vehicle parking. To address this issue, Staff recommends that the Planning Commission adopt Condition 4, requiring that lease agreements include a language stating that cars must be parked in garages. The Applicant shall include a note on the Development Plan to this restriction and police condition on the property.

The applicant did not provide information to address parking type and detail. 90° parking for “One Size Fits All” and “Small and Standard Cars” parking requires the following dimensions:

Table 4 Parking Type

Type 90°	Minimum Width	Vehicle Projection	Aisle	Typical Module	Overhang
One Size Fits All	8’-4”	10’-0”	22’-6”	58’-4”	2’-8”
Small Car	7’-6”	15’-0”	19’-0”	50’-0”	2’-0”
Standard Cars	8’-6”	19’-0”	23’-0”	61’-0”	3’-0”

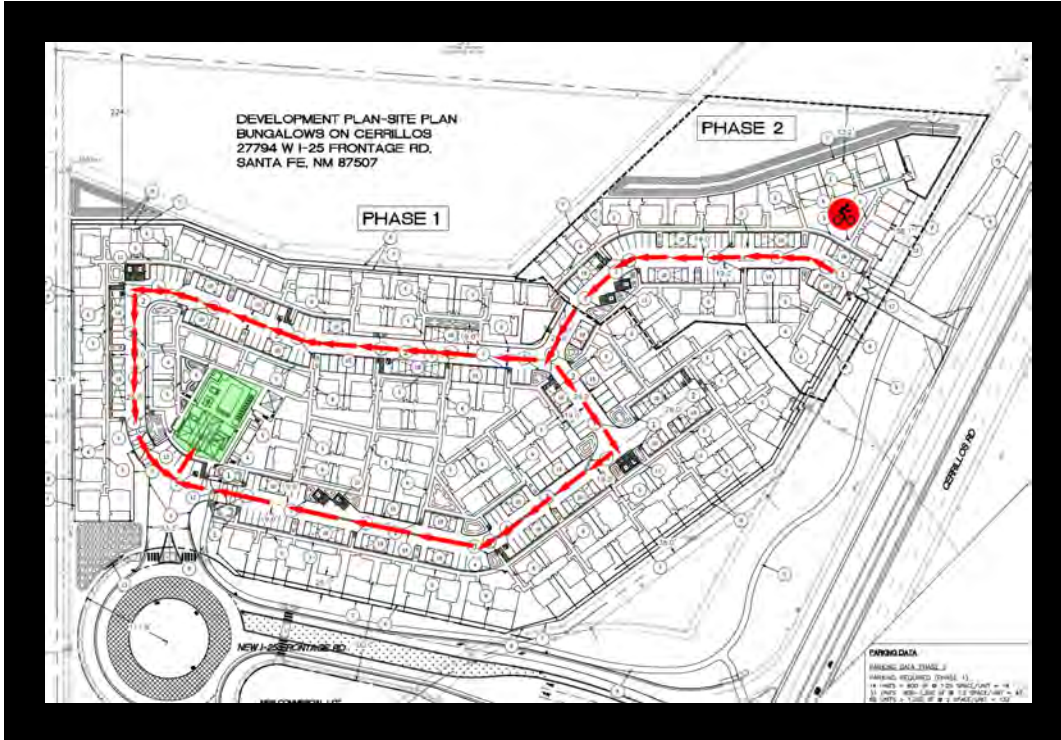
Per Chapter 14 Exhibit A - Table 14-8.6-1 “Parking and Loading Requirements” Note 1:

(1) Types of Spaces Allowed

- a. *All parking spaces shall be designated either "standard" or "small car" or "one size fits all," depending on the size of the car space. However, "one size fits all" spaces may not be used with "standard" or "small car" spaces.*
- b. *Parking lots with ten vehicles or more may have spaces designated for small car use. Up to 20% percent of the total spaces required of a parking lot may be designated for small car use. Small car spaces shall be clearly identified with signs or pavement markings.*

The Development Plan shows one location for bicycle parking with twelve (12) proposed bicycle parking spaces in phase 2 of the development. No additional information is included in the plan sets (Reference Figure 5 “Bicycle Parking”). It is not clear why the Applicant chose this location for bicycle parking. Staff finds that a better solution would be to redistribute the required bicycle parking at various destinations throughout the development including the club house and pool. This would allow tenants located furthest away from the clubhouse amenities to ride a bike to use the clubhouse amenities. Bicycle parking should be distributed to be in both Phase 1 and Phase 2 of the Development Plan.

Figure 5 Bicycle Parking



The Land Use Technical Review Division has reviewed the development plan parking scheme for compliance with the ADA. Comments and conditions of approval can be found in Attachments A and B.

D. Access and Traffic

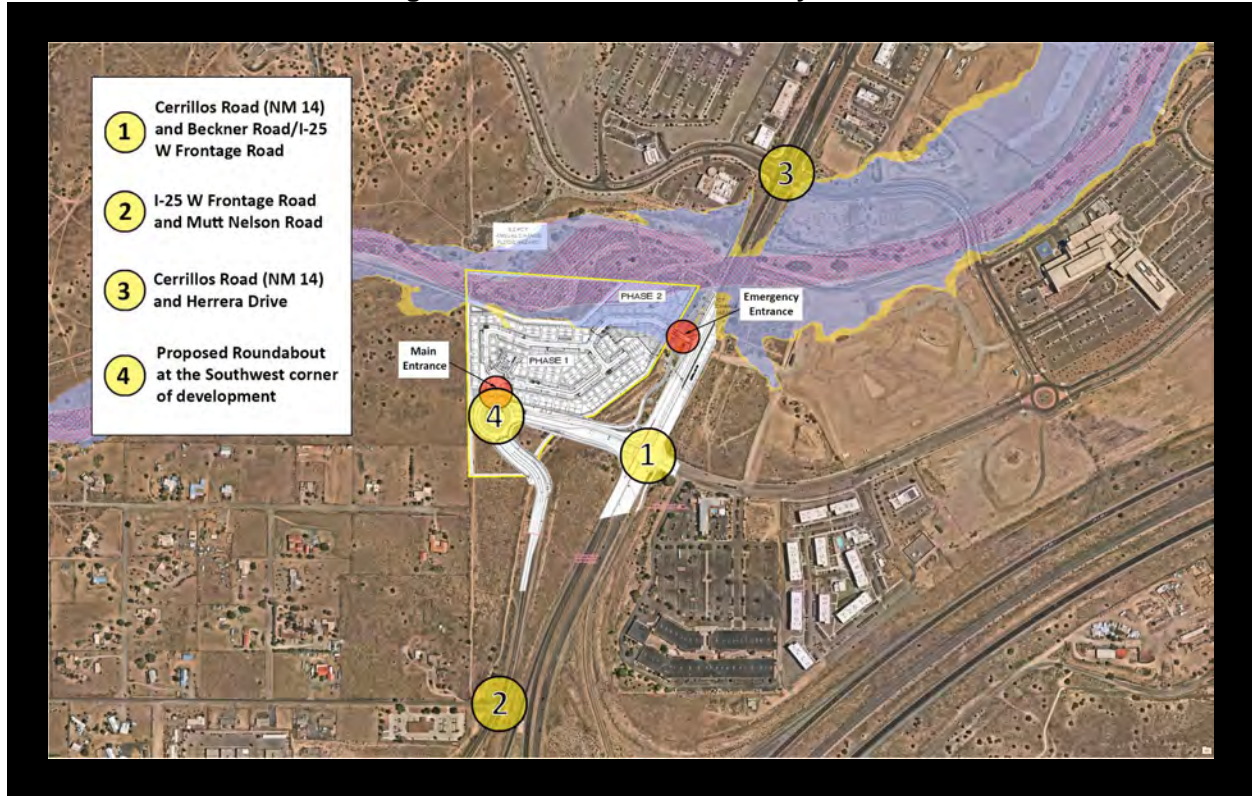
The Project proposes two driveways into the property (Reference Figure 6 “Access and Traffic Study Area”), and a reconfiguration of the I-25W Frontage Road to include a roundabout. The first and primary access point to the property is off the new roundabout. The second is an emergency access point to the property off Cerrillos Road (NM 14). Both the City and NM Department of Transportation have reviewed the project for access, I-25W Frontage Road upgrades and access to the property. The project is proposed as a gated community with entrance gates on both driveways. Both driveways lead directly to internal driveways and parking areas.

The Applicant submitted a traffic impact analysis (TIA). The TIA study area comprised the following intersections (Reference Figure 6 “Traffic Study Area”):

Table 5 Study Intersections

1. Cerrillos Road (NM 14) and Beckner Road/I-25 W Frontage Road (Signalized)
2. I-25 W Frontage Road and Mutt Nelson Road (Unsignalized Signalized)
3. Cerrillos Road (NM 14) and Herrera Drive (Signalized)
4. Proposed Roundabout at the Southwest corner of development (Roundabout)

Figure 6 Access and Traffic Study Area



The Traffic Impact Analysis (TIA) for the project addresses the development as one hundred and thirty-four (134) multi-family housing units located west of the intersection of Cerrillos Road (NM 14) and I-25 West Frontage Road and Beckner Road. However, the Applicant added seven (7) additional dwelling units with the amended submittal. The extra seven (7) dwelling units had no significant impact on the submitted TIA.

The TIAs purpose was to assess the impact of the proposed development on the surrounding road network and recommend mitigation measures if necessary.

Key findings and recommendations from the TIA include:

1. Current unsignalized intersections operate at acceptable levels of service, with no movements worse than Level of Service (LOS) C. However, certain movements at signalized intersections are below acceptable levels during peak hours.
2. By 2026, with the proposed development, the signalized intersection of Cerrillos (NM 14) and Herrera can maintain an acceptable LOS with potential improvements through signal timing adjustments.
3. The addition of dual eastbound left turn lanes at Cerrillos (NM 14) and Beckner improves LOS for certain movements. Maintaining southbound and eastbound free right turn lanes is recommended for capacity reasons.
4. A proposed roundabout at the southwest corner of the development is expected to operate effectively with a one-lane approach on each leg. If a dual lane roundabout is considered, coordination with NMDOT and the City of Santa Fe is necessary.

5. Recommendations for road infrastructure include maintaining the southbound and eastbound free right configuration for better traffic flow, potential removal of free right turns for bicycle and pedestrian safety, the construction of a deceleration lane into the site from Cerrillos Road, and the retention of a southbound deceleration lane into the West Frontage Road.

Overall, the TIA suggests that with the proposed mitigation measures and improvements, traffic flow and safety can be effectively managed around the new development.

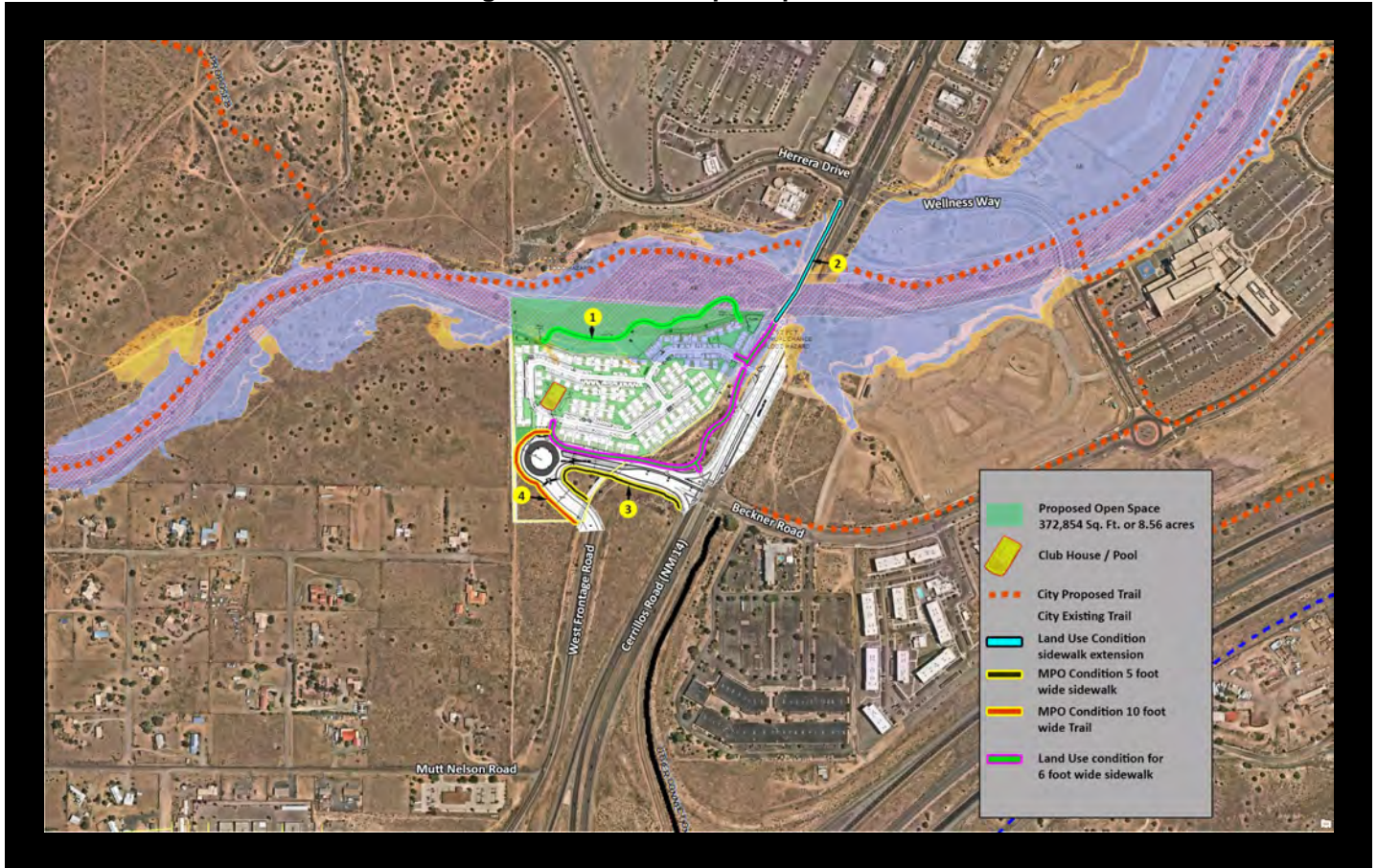
City traffic and NMDOT concur with the Applicant's TIA for this proposed development. Conditions 9 -12 in Section II, "Table 1 *Condition of approval*", of this report, identify traffic conditions of approval by the City Traffic Division and NMDOT.

E. Trails

There are no existing City trails on the property. A City trail runs through the Arroyo de Los Chamisos Arroyo (Arroyo). The Arroyo is situated within the City property, adjacent to and north of the property. Trail and sidewalk development is proposed as follows and illustrated in Figure 7. Trails and Open Space:

1. The Applicant intends to create an eight-foot-wide decomposed granite trail through the proposed open space on the north side of the project, connecting the west and east portions of the property.
2. The Current Planning Division has requested a 6' sidewalk instead of a 10' wide trail along Cerrillos Road. The Applicant has committed to extending a six-foot-wide sidewalk from the main entrance, east along the Frontage Road, north along Cerrillos Road and linking to the existing sidewalk at Herrera Drive.
3. The MPO has requested a 5-foot sidewalk on the south side of the realigned West Frontage Road. The applicant will construct a five-foot-wide sidewalk on the south side of the realigned West Frontage Road.
4. The Metropolitan Planning Organization (MPO) has requested that the Applicant build a ten-foot-wide trail to the southern edge of their property. , The applicant is contesting the 10-foot wide Trail and is agreeing to an 8 -foot wide trail (see Figure 7, "Trails and Open Space").

Figure 7 Trails and Open Space



F. Lot Coverage and Open Space

The gross floor area for the project is 190,840 square feet (Phase 1 = 153,880 and Phase 2 = 36,960) with a total roofed area of 140,105 square feet. The project's roofed area equates to a total lot coverage of 21%. Subsection Table 14-7.3-1: "Table of Dimensional Standards for Nonresidential Districts" allows maximum lot coverage of 60%.

The proposal requires 250 square feet of common and/or private open space for each multi-family unit. For the proposed 141 units, the required open space amounts to 35,250 square feet. The Development Plan identifies 372,854 square feet or 8.56 acres. A large portion of this open space is along the north boundary of the property within the Arroyo as shown in Figure 7. The Development Plan includes sufficient open space to comply with Chapter 14-7.5 "Open Space Standards".

G. Landscaping

Staff's review found that but for technical corrections, the Development Plan complies with Chapter 14 (§14-8.4 "Landscape and Site Design"). The technical corrections to the landscape plan are required prior to recordation. The Technical Review Division comments for landscaping can be found in Attachments A and B.

H. Utilities

The proposed water plan for the development will connect to City services for water and sewer (Reference Figure

8 "Utilities").

1. Water

A 16" City water line runs under Cerrillos Road and around the I-25 W Frontage Road. The Applicant's preliminary water plan identifies an 8" extension off the 16" City (Public) water lines to 6" lines around the project road network. 6" lines will connect the apartments from the 8" lines within the development. The 6" lines will connect to Master Meters. From the Master Meters, 3" private lines will provide water service to the dwelling units. All water lines from the Master Meter to the dwellings will be maintained by the applicant. Dry utilities, such as electrical and internet were not addressed in the applicant's plans.

2. Water Budget

The applicant's water budget identifies 26.71 acre feet per year:

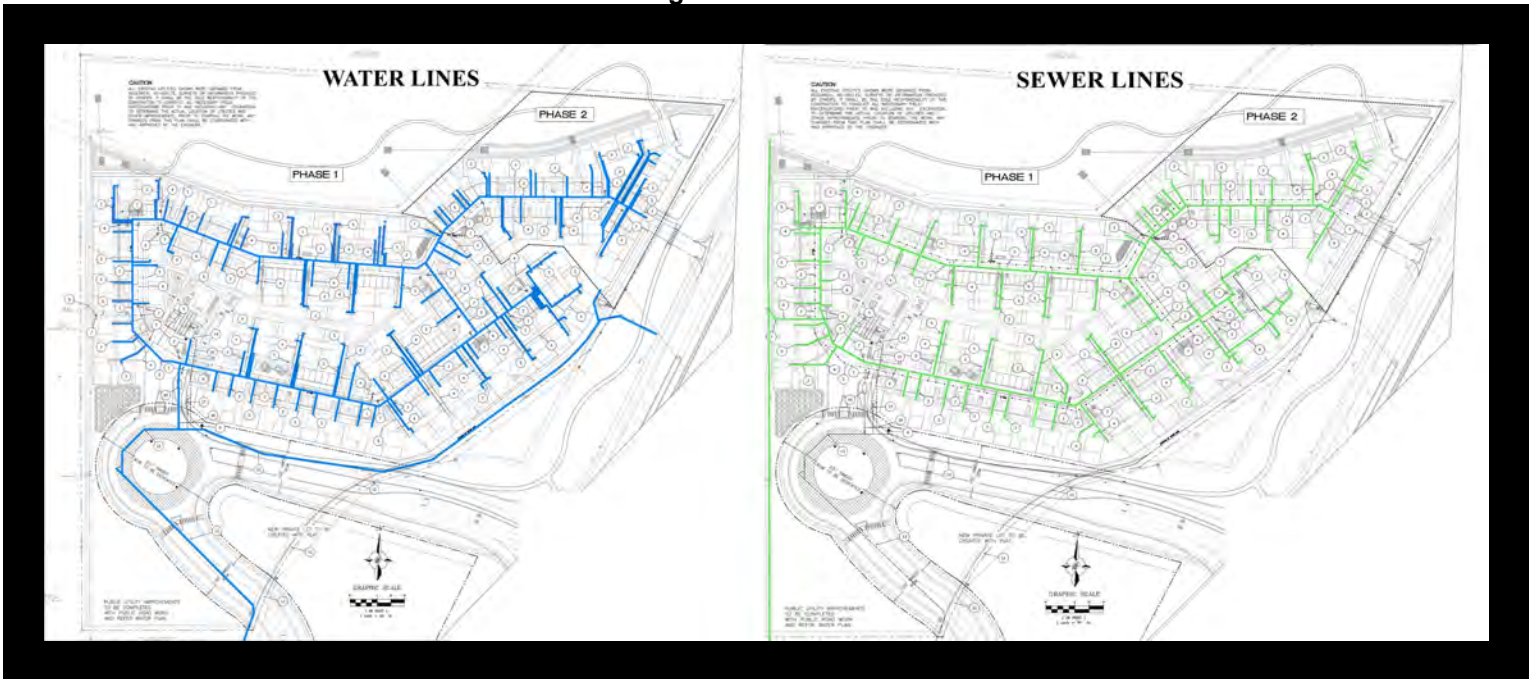
- 1. 22.56 - 141 x .16 ac-ft/unit,
- 2. 1.76 ac-ft - Irrigation years 1-3 average, and
- 3. 2.39 ac-ft - 9.8% line-loss contingency.

However, the Water Resources Division has not approved the final water budget and has included a condition of approval to address this item. Staff recommends adopting a condition that the final water budget be approved by the Water Resources Division prior to recordation.

3. Sewer

The Applicant will extend an 8" sewer line off an existing city (public) 8" sewer main running along the west edge of the property. From the public main the development will use 8", 6" and 4" lines to provide sewer service to the bungalow apartments. The sewer lines from the Public Main will be private and maintained by the Applicant. City Utilities Divisions comments can be found in Attachments A and B.

Figure 8 Utilities

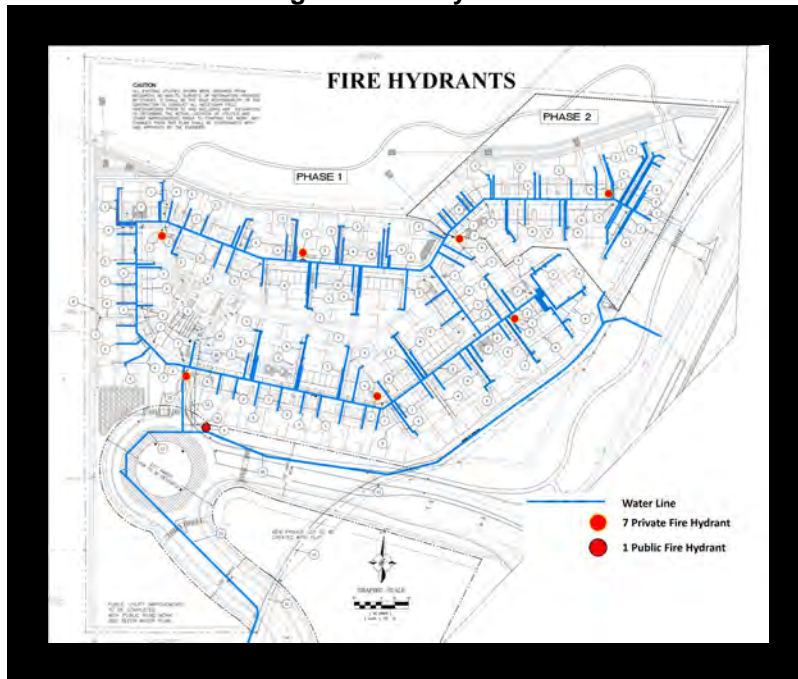


I. Fire

The Project proposes to equip all buildings with automatic fire suppression in accordance with IFC requirements. In addition the project will proposes that:

1. All on-site driveways meet IFC standards for emergency access.
2. Gates will include Opticon gate systems for emergency access.
3. Eight (8) new fire hydrants will be installed (1 public and 7 private) at requisite intervals within the development.

Figure 9 Fire Hydrants



The Fire Marshal comments can be found in Attachments A and B.

J. Lighting

The Applicant has submitted a lighting plan with a photometric analysis. The proposal identifies three light sources for Project lighting:

1. Pole mounted LED canopy fixtures,
2. Walkway bollards, and
3. Wall packs.

The Applicant's photometric analysis does not comply with §14-8.9 "Outdoor Lighting". Many hot spots exist exceeding horizontal footcandles at grade averages throughout the project, and shielding for wall packs was not addressed. No variance is requested to modify specifications identified in Table 14-8.9-2 "Horizontal Footcandles at Grade."

The Technical Review Division has included technical corrections (reference Attachment A and B) requiring compliance with §14-8.9 "Outdoor Lighting" prior to recording the Development Plan.

K. Terrain Management

The property has varied slopes from 0 to 30%, much of which was caused by grading from a previous property owner (Toyota). However, there are some areas of native 30% slopes on the property (reference Figures 11 “Slopes” and 12 “30%”). The Applicant is requesting a variance from SFCC 14-8.2(D)(2)(b) Terrain Management which prohibits disturbance of thirty percent (30%) slopes. The slopes in question occupy an approximate area of 4,800 square feet (see Figure 10 Slopes and Figure 11 30%). The Variance is further discussed in Table 7 “Variance Approval Criteria– Subsection 14-3.16(C) (Variance from 14-8.2(D)(2)(b)).”

Figure 10 Slopes

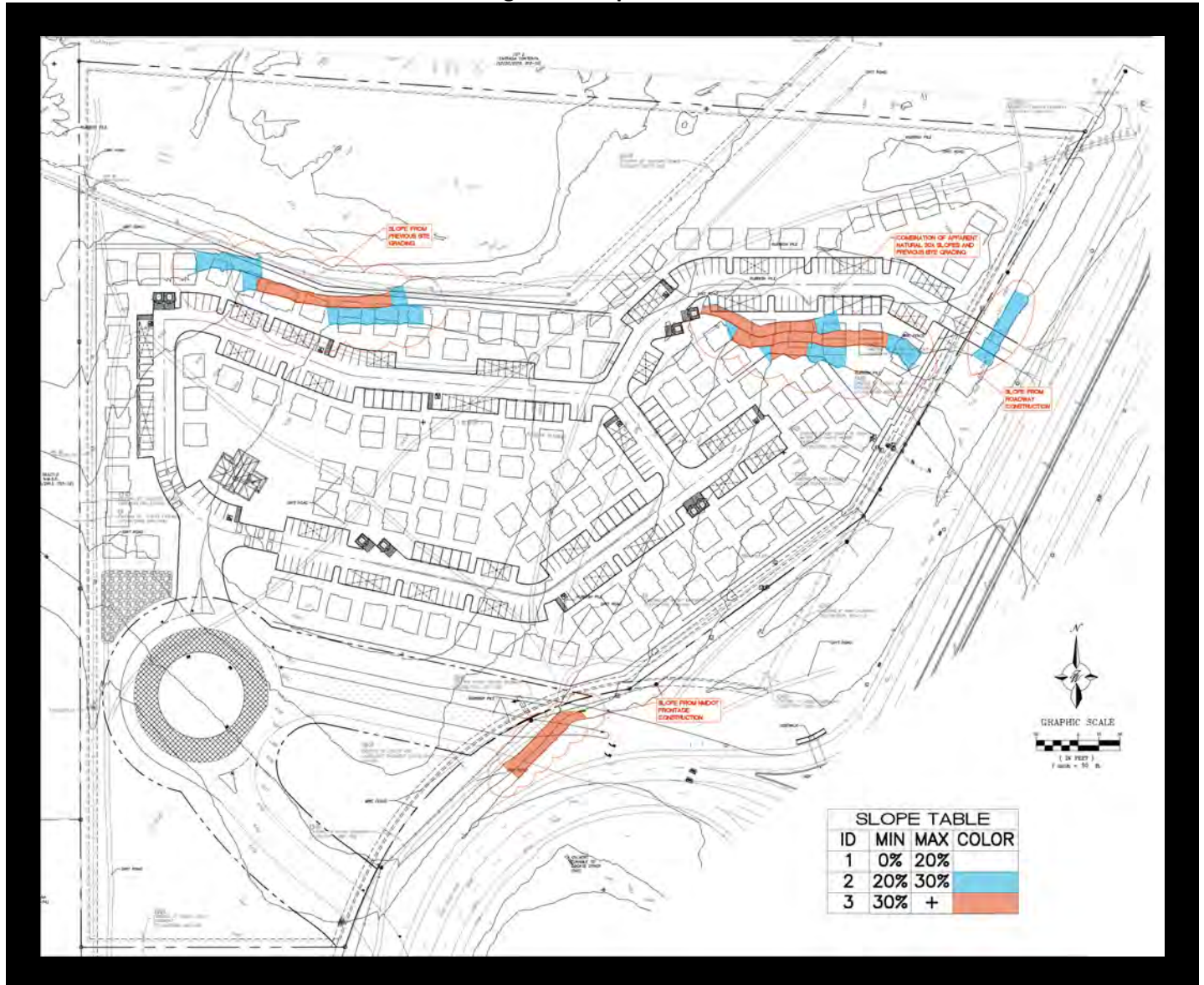
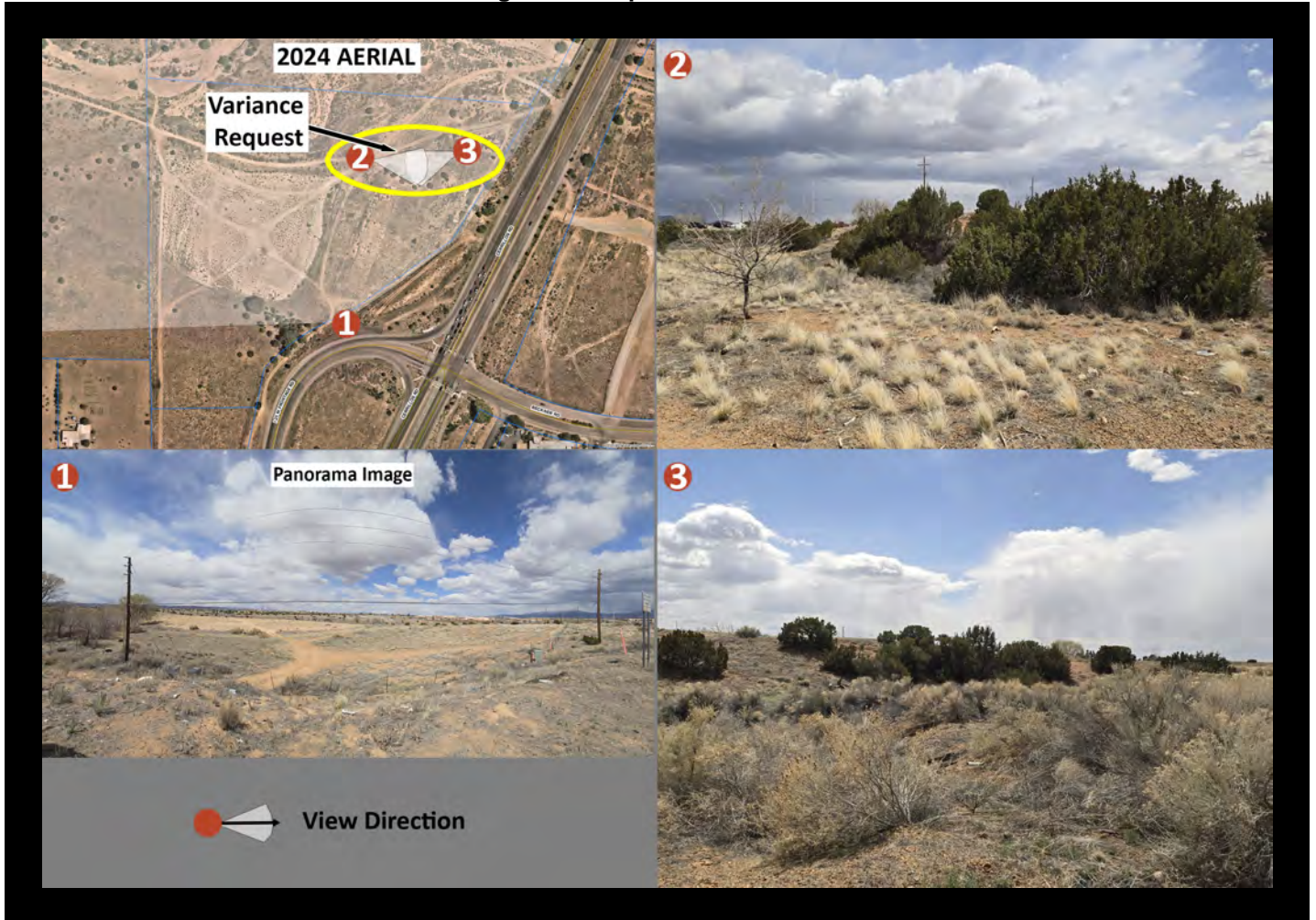


Figure 11 30 Percent Slopes

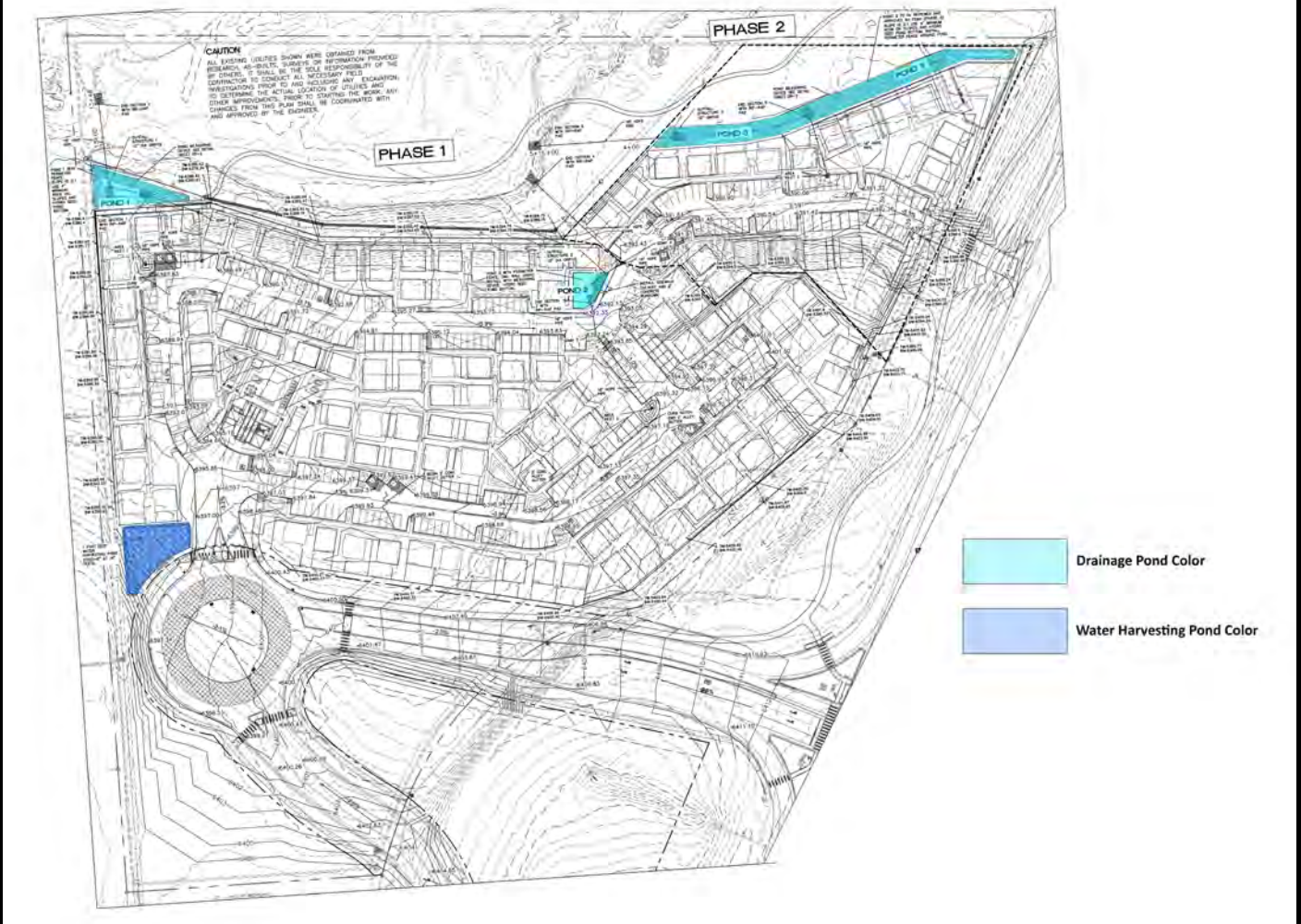


Figure 12 Slope Variance



The Applicant is proposing four (4) drainage detention ponds: three (3) drainage ponds and one (1) Water Harvesting Pond Reference Figure 13.

Figure 13 Retention/Detention Areas



Technical Review Division comments can be reviewed in Attachments A and B.

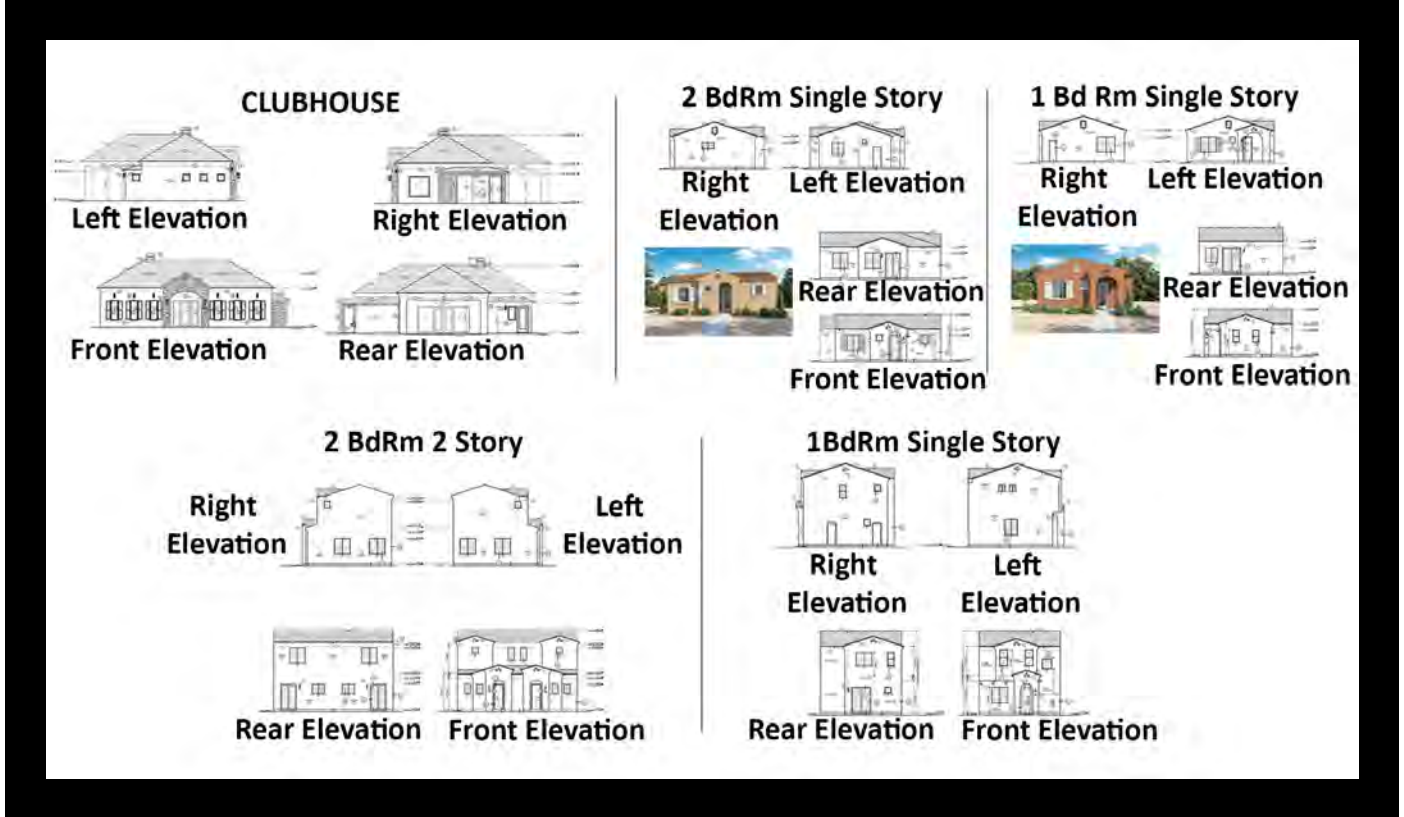
L. Affordable Housing

The Applicant will be paying a fee-in-lieu of construction in order to comply with the Santa Fe Homes Program.

M. Architectural

The Applicant’s proposed architecture is a mission revival style. As one of the primary entrances to the City the architectural style must be revised to be consistent with Santa Fe style architecture that is characterized by predominately flat roofs, architectural details that are found in the region including pueblo-revival and territorial revival architecture. Pitched roofs are permitted as long as the structure is of a Northern New Mexico style, but not all roofs can be pitched. While the project resembles single family detached housing, it is a multi-family development in a C-2 District, requiring 205 points on the Architectural Points Checklist. Staff has conditioned revisions to the architectural style to better reflect the local Santa Fe vernacular. The proposed massing of the project includes both one and two-story dwellings.

Figure 14 Architecture



N. VARIANCE APPROVAL CRITERIA

The variance process balances reasonable use of the Applicant’s property against compliance with the letter and intent of adopted regulations. The proposed variances for Slope and setback must each be consistent with at least one of the circumstances listed in Criteria 1a through 1d and must be consistent with all of Criteria 2 through 5. The Applicant is proposing a variance from SFCC 14-8.2(D)(2)(b) Terrain Management standards prohibiting disturbances of natural slopes of thirty percent (30%), and SFCC 14-5.5 (B)(4)(iii) CRHC Cerrillos Road Highway Protection District of building setbacks.

1. SFCC 14-8.2(D)(2)(b) Terrain Management standards prohibiting disturbances of natural slopes of thirty percent (30%). The purpose of the Terrain and Stormwater Management section is to, “*protect, maintain and enhance the health safety and general welfare of the citizens and natural environment of Santa Fe.*” Additionally, the following considerations shall be used during the design and planning process for all proposed developments:
 - a. Ensure sound and orderly development of the natural terrain;
 - b. Minimize destruction of the natural landscape;
 - c. Protect the scenic character of Santa Fe from the visual blight of indiscriminate cuts and fills and vegetation removal; and
 - d. Respect, protect, maintain and restore natural drainageways and steep slopes;

Table 6 Slope Variance Approval Criteria– Subsection 14-3.16(C) (Variance from 14-8.2(D)(2)(b))

<p>Criterion 1 (Subsection 14-3.6(C)(1)) as follows: One or more of the following special circumstances applies:</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(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>	<p>Criterion Met: (YES/NO) NO</p>
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The Applicant's response to criterion 1 (Subsection 14-3.6(C)(1)(a-d)) states:

"There are areas with naturally occurring slopes of thirty percent (30%) or greater consisting of 4,765 square feet, which represents .006 percent of the 19.218-acre site. Much of the property has average slopes of five percent (5%). The steep sloped area is a remnant of the original bank of the Arroyo de los Chamisos prior to the construction of the Cerrillos Road improvements and the installation of the bridge carrying storm waters under Cerrillos Road. When that bridge was constructed, the Arroyo de los Chamisos was realigned so that no storm waters flow up to or close to this remnant bank. For the most part, the redirected channel now lies to the north of the site. The original bank remained south the new channel for the Arroyo del los Chamisos, creating a small island of 30 percent slopes. No other property in this zone has this unique characteristic."

Staff's Analysis:

Chapter 14 SFCC, 1987, Subsection 14-3.6(C)(1-5) establishes the approval criteria required to grant a variance. Subsection 14-3.6(C)(1)(a-d) documents the bases for qualifying circumstances particular to the need of a variance. *"The unusual characteristics that distinguish the land or structure from others in the vicinity, subject to the same relevant provisions of Chapter 14"*, allow the City to grant a minimal easing of the regulation to balance strict regulation application appropriate to qualifying circumstances unanticipated within the standards. Failure to qualify all variance criteria prevents the granting of a variance.

Terrain constraints are qualifying factors that present "unusual physical characteristics" of a property. However, the Applicant proposes a sprawling multi-family complex as opposed to vertical construction. The Commission will need to measure the constraint against the specific design of the development to determine whether the constraint poses an impediment or if an alternative design can effectively work around it, thereby eliminating the need for a variance.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(1). Alternative designs for the site could eliminate the need for a variance.

Criterion 2 (Subsection 14-3.6(C)(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.

Criterion Met:

(YES/NO)

NO

<p>The Applicant’s response states that: <i>“The inability to grade the remnant of a portion of the old bank of the Arroyo de los Chamisos will render it infeasible to develop a substantial portion of the property because of the grade that will occur north of the remnant bank. Much of the property will be completed at a single, even grade.”</i></p> <p>Staff’s Analysis: Nothing within the Applicant’s response identifies a “special circumstance” that makes it “infeasible”, for reasons other than financial cost to develop the property in compliance with the standards of Chapter 14. Criterion 2 evaluates the need for a variance against compliance with the standards. The Applicant is in control of the project and project design. Alternative designs can eliminate the need to construct within 30% slopes.</p> <p>Staff’s analysis identifies that the Applicant has not satisfied this variance criterion and that it is feasible to develop the property without a variance.</p>	
<p>Criterion 3 (Subsection 14-3.6(C)(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>The Applicant’s response states that: <i>“The intensity of development does not exceed that which is allowed on other properties.”</i></p> <p>Staff’s Analysis: Intensity is defined in Chapter 14: <i>INTENSITY</i> <i>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.</i></p> <p>The Staff analysis identifies the project to be developed within the maximum extent of Chapter 14. With the exception of the slope variance request, the extent of development does not exceed that which is allowed on other properties within the area.</p> <p>Staff’s analysis identifies that the variance criterion required by 14-3.6(C)(3) has been addressed.</p>	
<p>Criterion 4 (Subsection 14-3.6(C)(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.</p>	<p>Criterion Met: (YES/NO) NO</p>

The Applicant's response to "4a" states that:

"A disturbance of .005% of the site containing the naturally occurring slopes of the 30% is a minimal disturbance and is the minimum variance that will make the reasonable use of the northern portion of the site for the detached, two-story multifamily structures. The variance is consistent with the purpose and intent of the terrain management restriction of prohibiting disturbances of 30% slopes, because the variance will not:

- 1. Increase the threat of flooding and the hazard of improper cuts and fills, or increased erosion and sedimentation;*
- 2. Harm the scenic character of Santa Fe from the visual blight of indiscriminate cuts and fills and vegetation removal resulting from extensive grading and utility scars;*
- 3. Accelerate stormwater runoff on natural drainage ways and all structures due to increased development and impervious surfaces; or*
- 4. Degrade arroyo channels.*

Therefore, under the applicable standard, the variance is the minimum required."

Staff's Analysis (4a):

Reasonable use is not defined in Chapter 14, but it can be deduced that the zoning regulations allow for reasonable use of one's property. The criterion requires the Commission to find that the proposed "variance is the minimum variance that will make possible the reasonable use of the land or structure" using the factors of "4a" and "4b." Only one design for the development has been proposed. The proposed design necessitates the construction on 30% grade slopes where an alternative design may work around the 30% slopes.

Staff's Analysis (4b):

The factual findings necessary to support granting a variance can be inferred from the following General Plan guiding policies:

10-1 GENERAL PLAN AND ZONING CONSISTENCY

10-1-G-1 Ensure consistency between the General Plan and the city's land development laws.

14-1.3 - GENERAL PURPOSES

The purposes of Chapter 14 are to:

(A) implement the purposes of the general plan, including guiding and accomplishing a coordinated, adjusted and harmonious development of Santa Fe that will best promote health, safety, order, convenience, prosperity and the general welfare as well as efficiency and economy in the process of development, and to ensure that the regulations adopted pursuant to this chapter are in accordance with the general plan; and

(B) create conditions favorable to the health, safety, convenience, prosperity and general welfare of the residents of Santa Fe by coordinating streets within proposed subdivisions with existing or planned streets or other features of the general plan; providing parks and trails; providing sewer, water and other infrastructure; providing adequate open space for traffic, recreation, drainage, light and air; and providing for the appropriate distribution of population and traffic.

The Applicant's conditions for the requested variance are not supported by all factors within Subsection 14-

3.16(C) "Approval Criteria."	
Staff's analysis identifies that the Applicant has not satisfied this variance criterion.	
Criterion 5(Subsection 14-3.6(C)(2)): The variance is not contrary to the public interest;	Criterion Met: (YES/NO) NO
<p>The Applicant's response:</p> <p><i>"Along an arroyo, the purpose preserving 30% slopes (i.e., to prevent erosion of arroyo banks, prevent unnatural redirection of arroyo channels and storm water) is not accomplished by preserving a geographic feature that has no relevance to current conditions. Further, preserving the slopes will not protect sensitive wildlife habitat or degrade and enhance the natural aesthetics associated with arroyos. The removal of this remnant bank will not run counter to these goals; there is no storm erosion created or water channel adversely affected, as the channel is no longer in this location, and this patch of 30 slope is neither constitute wildlife habitat nor possesses any aesthetic quality. In short, variance is not contrary to the public interest."</i></p> <p>Staff's Analysis:</p> <p>The public interest is much broader than the benefit obtained by an individual or the support or opposition from an Early Neighborhood Notification meeting. Grant any variance may conflict with the overall public interest if the variance is inconsistent with the City's Land Development Code. The Slope Variance is a request to construct on 30% slopes which is prohibited per Sant Fe City Code Chapter 14-8.2(D)(2)(b). The Slope Variance request does not establish the requirements necessary to grant a variance required by Subsection 14-3.6(C). The Slope Variance is not in the public interest.</p> <p>Staff's analysis identifies that the Applicant has not satisfied variance criterion Subsection 14-3.6(C)(2).</p>	

b.

The applicant requests a variance from SFCC 14-5.5 (B)(4)(iii) CRHC Cerrillos Road Highway Protection District setback for Zone 4. Zone 4 of the CRHC is from Airport Road to the southern city limits. The minimum building setback or yard in Zone 4, as measured from any property line abutting Cerrillos Road right-of-way, shall be forty-five (45) feet. The applicant is requesting a setback of 34 feet.

Table 7 Variance Approval Criteria– Subsection 14-3.16(C) (Variance from 14-5.5(B)(4)(iii))

The applicant requests a variance from SFCC 14-5.5 (B)(4)(iii) CRHC setback for Zone 4. Zone 4 of the CRHC is from Airport Road to the southern City limits. The minimum building setback or yard in Zone 4, as measured from any property line abutting Cerrillos Road right-of-way, shall be forty-five (45) feet. The Applicant requests a setback of thirty-four (34) feet.

<p>Criterion 1 (Subsection 14-3.6(C)(1)) as follows: One or more of the following special circumstances applies:</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(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>	<p>Criterion Met: (YES/NO) NO</p>
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The Applicant's response to criterion 1 (Subsection 14-3.6(C)(1)(a-d)) states:

"The distance from the most westerly southbound lane ranges from 87 to 200 feet from outer edge of the driving lane to the property line. The nearest structure will be 34 feet from the property line. This is a substantial distance when compared to other developments along Cerrillos Road. Las Soleras, as an example, measures 50 feet from the outer-most driving lane to the property line. Entrada Contenta measures 40-50 feet from the outer-most driving lane to the property line. The intent of the regulation was a greater physical separation between roadway and the buildings the further south one traveled along Cerrillos Road. In this case the separation is accomplished by the extraordinary right-of-way that occurs in this section of Cerrillos Road. In addition to the distance from the right of way boundary for Cerrillos Road, this site is burdened with vast expanse of the Arroyo de los Chamisos, which renders approximately 22 percent of the site undevelopable. This condition is a naturally occurring feature. In addition, the improvements required by the New Mexico Department of Transportation will occupy and utilize over 11 percent of the property. However, the impact of the approved I-25 Frontage Road location and design will cut off an additional 5 percent of the property from development."

Staff's Analysis:

As stated in Table 7 in this report, Chapter 14 SFCC, 1987, Subsection 14-3.6(C)(1-5) establishes the approval criteria required to grant a variance. Subsection 14-3.6(C)(1)(a-d) documents the bases for qualifying circumstances particular to the need of a variance. *"The unusual characteristics that distinguish the land or structure from others in the vicinity, subject to the same relevant provisions of Chapter 14"*, allow the City to grant a minimal easing of the regulation to balance strict regulation application appropriate to qualifying circumstances unanticipated within the standards. Failure to qualify all variance criteria prevents the granting of a variance.

Chapter 14 regulations and design standards do not qualify as "unusual physical characteristics" of a property. The applicant is proposing a sprawling multi-family complex with a design that requires waivers of the Code. There are other designs that can achieve the proposed density without requiring a variance to Variance from 14-5.5(B)(4)(iii).

Staff's analysis identifies that the Applicant has not satisfied this variance criterion required by Subsection 14-3.6(C)(1). Alternative designs can eliminate the need for a variance.

Criterion 2 (Subsection 14-3.6(C)(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.

Criterion Met:

(YES/NO)

NO

The Applicant's response states that:

The special circumstances described above leave only about 62 percent of the site subject to development for any use. The effect of the 45-foot set back will reduce the number residential units by fourteen (14). "

Staff's Analysis:

Criterion 2 (14-3.6(C)(2)) defaults to a unique qualifying circumstance identified in criterion 1 (14-3.6(C)(1)). Nothing within the Applicant's response identifies a "special circumstance" that makes it "infeasible", for reasons other than financial cost to develop the property in compliance with the standards of Chapter 14. Criterion 2 evaluates the need for a variance against compliance with the standards. The Applicant is in control of the design. Alternative designs can eliminate the need to construct within the required setback required by Santa Fe City Code Chapter 14-5.5(B) "CRHC Cerrillos Road Highway Corridor Protection District" standards.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion and that it is feasible to develop the property without a variance.

Criterion 3 (Subsection 14-3.6(C)(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

**Criterion Met:
(YES/NO)
YES**

The Applicant's response states that:

"The property is C-2 and the intensity of allowable development is unaffected by the grant of the variance. C-2 zoning requirements are performance based, and the proposed development of multifamily is well below what would be allowed on this property using taller, more traditional multifamily units -- the allowed height being 45 feet and the proposed heights being no more than 28 feet."

Staff's Analysis:

Intensity is defined in Chapter 14:

INTENSITY

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 Staff analysis identifies the project to be developed within the maximum extent of Chapter 14. With the exception of the Setback variance request, the extent of development does not exceed that which is allowed on other properties within the area.

Staff's analysis identifies that the Project meets variance Criterion 3.

<p>Criterion 4 (Subsection 14-3.6(C)(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.</p>	<p>Criterion Met: (YES/NO) NO</p>
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The Applicant's response to "4a" states that:

"In addition to the distance from the right of way boundary for Cerrillos Road, this site is burdened with vast expanse of the Arroyo de los Chamisos, which renders approximately 22 percent of the site undevelopable. In addition, the improvements required by the New Mexico Department of Transportation will occupy and utilize over 11 percent of the property. A reduction of eleven (11) feet in the required set back will allow for the reasonable use of the property and will be in keeping with the intention of the corridor setback, because of the substantial distance from the driving lanes of Cerrillos Road (when compared to other developments along Cerrillos Road). The intent of the regulation was a greater physical separation between roadway and the buildings the further south one traveled along Cerrillos Road. In this case the separation is accomplished by the extraordinary right-of-way that occurs in this section of Cerrillos Road. The variance is, therefore, in keeping with the purpose and intent of the corridor protections."

Staff's Analysis (4a):

Reasonable use is not defined in Chapter 14, but it can be deduced that the zoning regulations are deemed to allow for reasonable use of one's property. The criterion requires the Planning Commission to find that the proposed *"variance is the minimum variance that will make possible the reasonable use of the land or structure"* using the factors of "4a" and "4b." Only one design for the Project has been proposed. The proposed design necessitates the requirements for a setback variance where an alternative design may eliminate that need.

Staff's Analysis (4b):

The findings within which a variance can be granted are supported by the general plan guiding policies:

10-1 GENERAL PLAN AND ZONING CONSISTENCY

10-1-G-1 Ensure consistency between the General Plan and the city's land development laws.

14-1.3 - GENERAL PURPOSES

The purposes of Chapter 14 are to:

- (A) implement the purposes of the general plan, including guiding and accomplishing a coordinated, adjusted and harmonious development of Santa Fe that will best promote health, safety, order, convenience, prosperity and the general welfare as well as efficiency and economy in the process of development, and to ensure that the regulations adopted pursuant to this chapter are in accordance with the general plan; and*
- (B) create conditions favorable to the health, safety, convenience, prosperity and general welfare of the residents of Santa Fe by coordinating streets within proposed subdivisions with existing or planned streets or other features of the general plan; providing parks and trails; providing sewer, water and other infrastructure; providing adequate open space for traffic, recreation, drainage, light and air; and providing for the appropriate distribution of population and traffic.*

The Applicant's conditions for the requested variance are not supported by all factors within Subsection 14-3.16(C) *"Approval Criteria."*

Staff's analysis identifies that the Applicant has not satisfied this variance criterion.	
Criterion 5(Subsection 14-3.6(C)(2)): The variance is not contrary to the public interest;	Criterion Met: (YES/NO) NO
<p>The Applicant's response:</p> <p><i>"The purpose of the setback was to reduce the impact of development in the corridor from the drivers' perspective. The distance from the most westerly southbound lane is approximately 87 to 200 feet from outer edge of the driving lane to the property line. The nearest structure will be 34 feet from the property line. The multifamily homes will be no more than two stories and will setback from the travel lanes of Cerrillos Road equal to and for most cases greater than the distance of other buildings along Cerrillos Road that comply with the 45-foot building setback. The appearance of the buildings along the Cerrillos Road frontage will have the same visual perception as other buildings along Cerrillos Road with a 45-foot building setback. The variance applies only to Cerrillos Road and has little or no effect on nearby residential neighborhoods, which are limited to the eastern boundary of the property. an arroyo, the purpose preserving 30% slopes (i.e., to prevent erosion of arroyo banks, prevent unnatural redirection of arroyo channels and storm water) is not accomplished by preserving a geographic feature that has no relevance to current conditions. Further, preserving the slopes will not protect sensitive wildlife habitat or degrade and enhance the natural aesthetics associated with arroyos. The removal of this remnant bank will not run counter to these goals; there is no storm erosion created or water channel adversely affected, as the channel is no longer in this location, and this patch of 30 slope is neither constitute wildlife habitat nor possesses any aesthetic quality. In short, variance is not contrary to the public interest."</i></p> <p>Staff's Analysis:</p> <p>The public interest is much broader than the benefit obtained by an individual or the support or opposition from an Early Neighborhood Notification meeting. The granting of the variance may conflict with the overall public interest if the variance is inconsistent with the city's land development laws. The requested variance is a request to construct withing the setback requirement of the CRHC Protection District which is prohibited per Sant Fe City Code Chapter SFCC 14-5.5 (B)(4)(iii). This variance request does not establish the requirements necessary to grant a variance required by Subsection 14-3.6(C). The granting of this variance is not in conjunction with the public interest.</p> <p>Staff's analysis identifies that the Applicant has not satisfied variance criterion Subsection 14-3.6(C)(2).</p>	

V. DEVELOPMENT PLAN APPROVAL CRITERIA

The two pending variances (Slope and Setback) complicate the review and recommendation of the Development Plan. While staff does not recommend approval of the Variances, Staff is recommending approval of the development plan with the condition that if the variances are denied the applicant must revise their development plan and return it to staff for final review and recordation. If the variances are denied the revised Development Plan must comply with the Terrain Management standards (30% slopes) and CRHC Zone 4 setbacks. In considering the Development Plan Chapter 14 requires the Planning Commission to make findings based on the following

approval criteria:

Table 8 Approval Criteria Development Plan Necessary Findings (Section 14-3.8(D))

<p><i>§14-3.8(D)(1)(a)- that it is empowered to approve the plan under the section of Chapter 14 described in the application;</i></p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant Response: <i>“Applicant Response: SFCC § 14-2.3 (C)(1) states, “the planning commission shall review and approve or disapprove various specific development plans, requests, and subdivision plats. When specifically authorized by Chapter 14, the decision of the planning commission is final subject to any appeal right provided in this chapter.”</i></p> <p>Staff Response: Staff agrees with the Applicant’s response. The Santa Fe City Code (SFCC) Subsection 14-2.3(D)(1) authorizes the Planning Commission to review and approve or disapprove development plans and subdivision plans. Subsection 14-3.8(B) requires approval of a development plan for projects with a gross floor area of thirty thousand feet or more.</p> <p>The Applicant has addressed the §14-3.8(D)(1)(a).</p>	
<p><i>§14-3.8(D)(1)(b)- that approving the development plan will not adversely affect the public interest;</i></p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant Response: <i>“The project serves the public interest through construction of much-needed housing. The project offers benefits to tenants and the surrounding neighborhood by:</i></p> <ul style="list-style-type: none"> - <i>offering a buildout that is significantly lower in density and allowed height than allowed by right in a C-2 General Commercial District. The maximum building height under 28 ft is significantly lower than the 45 ft allowed.</i> - <i>offering high quality architectural home designs surrounded by nicely landscaped and improved, safer pedestrian ways.</i> - <i>designing in significantly more open space than required</i> - <i>providing more parking than required</i> - <i>improving the visual aesthetic along Cerrillos Road and W I-25 Frontage Roads</i> - <i>provides a unique “for lease” housing option offering typical multifamily conveniences and amenities in a detached single family and duplex home environment.</i> - <i>improving the flow of vehicular traffic by designing two left hand turn lanes onto North bound Cerrillos.”</i> <p>Staff Response: Staff conditionally agrees with the Applicant’s response. Additionally, the term “Public Interest” is not specifically defined in Chapter 14; however, the Governing Body has implemented the General Plan as stated in Subsection Section 14-1.3 (General Purposes). The resulting ordinances establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest from within the municipality.</p>	

The Applicant’s mix of vernacular architecture style does not meet the unique Santa Fe Style typically pueblo or territorial or a vernacular of the two. If the Planning Commission’s decision is to deny the requested variances listed in Tables 7 and 8 in this report, the Applicant shall resubmit the application in compliance with Santa Fe City code Chapter 14.

Staff has reviewed the proposed development plan application in accordance with these ordinances. Subject to staff recommended conditions of approval, the proposed development plan application complies with minimum standards of Chapter 14 SFCC and would not adversely affect the public interest.

However, while many gated communities have been approved, it should be noted that several Goals and Implementations of the General Plan discourage gated communities:

5-1-G-3

Increase the connectivity between neighborhoods and individual developments. This is addressed through design standards and guidelines included at the end of this chapter.

5-1-G-5

Improve the community orientation of new residential developments. A community orientation calls for greater attention to the relationship between residences, streets, and shared spaces, and does not require sacrifice of privacy or amenities. Gated neighborhoods isolate parts of the community from others and will not be allowed.

5-1-I-14

Do not permit any residential development with six or more units to be gated. All subdivision development must be oriented to the community, not away from it. In order to maintain a community feeling and spirit, gated enclaves should not be permitted. Work with existing residential subdivisions to remove existing gates.

6-1-G-5

Ensure that new development is more “connected” to its surroundings with an increased number of access points and pedestrian and bicycle connections to a neighborhood network. The applicant has addressed the §14-3.8(D)(1)(b).

Subject to conditions. The Applicant has addressed the SFCC §14-3.8(D)(1)(b).

14-3.8(D)(1)(c)- that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.	Criterion Met: (Yes/No) YES
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Applicant Response:

“The developable area of the subject property is bordered by the Arroyo de Los Chamisos to the North; Cerrillos Road to the East; W I-25 Frontage Road to the South; and an undeveloped 166-acre tract to the West. Other than the 2-acre residential tract at the Southwest lot corner, no other developed parcel abuts or shares a property line with the Project parcel. As the Project is residential in nature with one

and two story detached homes and duplexes, it is compatible with the other residential uses in the area. In fact, the two-story height proposed for this project is much less than what is allowed in a C2 district. The broader area moving along the W I-25 Frontage Road, Cerrillos Road, and Beckner Road has a mix of residential and commercial uses that include apartments under construction, single family homes, light industrial, retail, auto repair, and a variety of other commercial businesses. Uses in the area enjoy easy access to Cerrillos Road, 599 and the Santa Fe Airport. The proposed use and scale of the Project is compatible with other land uses in the vicinity. The architectural design of the subject property is consistent with the surrounding structures found within the area. Surrounding structures currently employ either pitched roofs, flat roofs, or a combination of both. Existing facades employ stucco, metal and wood elements. Several of the newer residential projects are using clay tile on pitched roofs. Façades are broken up using “push-pull” design techniques, appropriate variations in color, materials, and various patio elements. This approach offers a pleasing visual effect that brings in elements currently found in the area.”

Staff response:

Staff conditionally agrees with the Applicant’s response. The proposed multi-family complex design mimics the residential massing within the area; However, the architecture deviates from the traditional Santa Fe Style incorporating non-Santa Fe style of vernacular incorporating a mix of vernacular, mission, and bungalow style buildings. A condition of approval has been included within Section to address architectural style.

Subject to conditions. The Applicant has addressed the §14-3.8(D)(1)(c).

VI. EARLY NEIGHBORHOOD NOTIFICATION

The Applicant conducted two ENN meetings: May 3, 2023, (Development Plan) and September 14, 2023 (Variances). The ENNs were well attended by area residents. The applicant presented the proposal in both public meetings, where questions and answers followed.

VII. EXPIRATION

Per Subsection 14-3.19(B)(4) *“Approval of a final development plan, or any development plan for which no preliminary development plan was required, shall expire three years after final action approving it unless actual development of the site or offsite improvements has begun and is continued pursuant to Subsection 14-3.19(B)(6).”*

Should the Commission approve the Development Plan today and the Findings of Facts and Conclusions of Law (FOFCOL) on June 6, 2024, the expiration date would be June 6, 2027. The official expiration date will be established in the FOFCOL.

VIII. ATTACHMENTS:

ATTACHMENT A: Technical Conditions

ATTACHMENT B: Development Review Team (DRT)

- 1) City’s Traffic consultant Wilson & Company, Inc., Engineers & Architects (City traffic Engineer)
- 2) New Mexico Department of Transportation
- 3) Metropolitan Planning Organization (MPO), Leah Yngve

- 4) Technical Review Division (Landscaping), Lawrence Rivera
- 5) Water Resources Division, Alan G. Hook, Water Resources Coordinator
- 6) Water Division, John Del Mar, P.E.
- 7) Wastewater Division, Stan Holland, PE
- 8) Fire Department, Geronimo Griego, Fire Marshal
- 9) City Subdivision Engineer, Dee Beingessner, PE

ATTACHMENT C: Early Neighborhood Notification

- 1) Guidelines
- 2) ENN Notes

ATTACHMENT D: Maps and Photos

- 1. Figure 1 Aerial / Lot Image
- 2. Figure 2 Zoning Map
- 3. Figure 3 Adjoining Properties
- 4. Figure 4 CRHC Zone 4 Setback
- 5. Figure 5 Bicycle Parking
- 6. Figure 6 Access and Traffic Study Area
- 7. Figure 7 Trails and Open Space
- 8. Figure 8 Utilities
- 9. Figure 9 Fire Hydrants
- 10. Figure 10 Slopes
- 11. Figure 11 30%
- 12. Figure 12 Slope Variance
- 13. Figure 13 Figure Retention/Detention Areas
- 14. Figure 14 Architecture
- 15. Vicinity Map

ATTACHMENT E: Applicant Submittals

- 1. Application Letter
- 2. Variance to Slopes
- 3. Variance to Setback
- 4. TIA
- 5. Development Plan Drawings

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

Title	Name	Initials
Department Director	Jason M. Kluck	
Assistant Department Director	Heather Lamboy	
Planning Manager	Maggie Moore	
Planner Senior	Dan Esquibel	DAE