



AGENDA

REGULAR MEETING OF
THE PLANNING COMMISSION
AUGUST 01, 2024 AT 6:00 PM
COUNCIL CHAMBERS
CITY HALL
200 LINCOLN AVENUE

PROCEDURES FOR PLANNING COMMISSION MEETING:

Viewing: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe> . The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

Members of the Public may join and participate in the meeting in person or online by Zoom here:

Join on Zoom: <https://santafenm-gov.zoom.us/j/88393988391>

By phone: US: 1 669 444 9171 or 1 669 900 6833 or 1 719 359 4580 or 1 253 205 0468 or 1 253 215 8782 or 1 346 248 7799 or 1 507 473 4847 or 1 564 217 2000 or 1 646 931 3860 or 1 689 278 1000 or 1 929 205 6099 or 1 301 715 8592 or 1 305 224 1968 or 1 309 205 3325 or 1 312 626 6799 or 1 360 209 5623 or 1 386 347 5053

Webinar ID: 883 9398 8391

Public Comment: Members of the public may submit comments, including attachments by 5 p.m. on the Monday before the meeting via the virtual comment "button" at <https://santafe.primegov.com/public/portal>. Comments and attachments will then be published after this deadline.

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF AGENDA**

4. **APPROVAL OF CONSENT AGENDA**

5. **APPROVAL OF MINUTES:**

- a. June 6, 2024 (**POSTPONED FROM JULY 11, 2024**)
- b. July 11, 2024

6. **APPROVAL OF FINDINGS/CONCLUSIONS**

- a. [Case #2024-7751. Meridian Las Soleras Medical Center Sign Height Variance.](#)

7. **ACTION ITEMS: CONSENT AGENDA**

- a. **Case #2024-8672. 697 Gonzales Road Variance Time Extension.** [Sommer Karnes & Assc. LLP](#), Agent for Mark and Mallory Neuberger, Owner requests a time extension (Attachment 1) for the approved Variance to grading standards related to permissible building slope within SFCCC 14-8.2(D)(3)(b), (Case #2021-3802). The applicant is requesting a 1-year extension to this approval granted by the Planning Commission on September 2, 2021. (Maggie Moore, Case Manager, mmoore@santafenm.gov)

8. **OLD BUSINESS**

9. **NEW BUSINESS**

10. **STAFF COMMUNICATIONS**

- a. [Legal Issues and Board Meeting Protocols \(Rebecca Mnuk-Herrmann, Assistant City Attorney\)](#)

11. MATTERS FROM THE COMMISSION

12. ADJOURNMENT

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.



MINUTES

REGULAR MEETING OF
THE PLANNING COMMISSION
JUNE 06, 2024 AT 6:00 PM

A. ROLL CALL

Members Present:

Chair Janet Clow
Vice Chair Jessica Eaton Lawrence
Member Gurushabad Mirando
Member Phil Lucero
Member Thomas (TJ) Reiland
Member Sasha McGhee
Member Kristina Markey

Members Excused:

Member Peter Smith

Others Attending:

None

Commissioner Markey was in attendance until approximately 7:45pm. She was excused prior to the votes on Items G2 and G3.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

MOTION: Vice Chair Eaton Lawrence moved, seconded by Member Mirando, to approve as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Vice Chair Eaton Lawrence, Member Mirando, Member Lucero, Member Reiland, Member McGhee, Member Markey

Against: None

Abstain: None



MINUTES

REGULAR MEETING OF
THE PLANNING COMMISSION
JUNE 06, 2024 AT 6:00 PM

D. APPROVAL OF MINUTES:

1. May 16, 2024

MOTION: Eaton Lawrence moved, seconded by Lucero, to approve the minutes as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Vice Chair Eaton Lawrence, Member Mirando, Member Lucero, Member Reiland, Member McGhee, Member Markey

Against: None

Abstain: None

E. APPROVAL OF FINDINGS/CONCLUSIONS

F. OLD BUSINESS

G. NEW BUSINESS

1. **Case #2024-7951. 2768 Agua Fria Street Certificate of Compliance.** JenkinsGavin Inc., Agent, for Cold Water Development QOZF, LLC, owner and applicant (“Applicant”) requests approval of a Certificate of Compliance for a lot that is non-compliant with City Subdivision Review requirements. The property address is 2768 Agua Fria Street and is zoned Mixed-Use (maximum fourteen dwelling units per acre). It consists of an undeveloped 4.12-acre lot. (Carly Venditti, Case Manager, cavenditti@santafenm.gov). **(POSTPONED FROM MAY 2, 2024 AND MAY 16, 2024)**

MOTION: Lucero moved, seconded by Markey, to approve the land use case as presented.

VOTE: The motion was approved on the following Roll Call vote:

For:



MINUTES

REGULAR MEETING OF
THE PLANNING COMMISSION
JUNE 06, 2024 AT 6:00 PM

Vice Chair Eaton Lawrence, Member Mirando, Member Lucero, Member Reiland, Member McGhee, Member Markey

Against: None

Abstain: None

- 2. Case #2024-7750. Meridian Las Soleras Medical Center Sign Area Variance.** Orion West LLC, Agent, for Santa Fe Las Soleras Medical Development LLC, Owner, requests approval of a variance to the design standard for total sign area (SFCC 14-8.10(G)(7)(a)), regarding two building-mounted signs and one freestanding monument sign with a total sign area of 169.26 square feet. The property is located at 4200 Beckner Road on Parcel 18B of the Las Soleras Master Plan, which is 18.01 acres and is zoned C-2 General Commercial. (Janice Biletnikoff, Case Manager, jibiletnikoff@santafenm.gov, (505)955-6325.)

MOTION: Mirando moved, seconded by Eaton Lawrence, to deny the land use case as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Vice Chair Eaton Lawrence, Member Mirando, Member McGhee

Against: Member Lucero, Member Reiland

Abstain: None

- 3. Case #2024-7751. Meridian Las Soleras Medical Center Sign Height Variance.** Orion West LLC, Agent, for Santa Fe Las Soleras Medical Development LLC, Owner, requests approval of a variance to the design standard for sign height (SFCC 14-8.10(G)(7)(d)), regarding two building-mounted signs with a sign height of 41'-3". The property is located at 4200 Beckner Road on Parcel 18B of the Las Soleras Master Plan, which is 18.01 acres and is zoned C-2 General Commercial. (Janice Biletnikoff, Case Manager, jibiletnikoff@santafenm.gov, (505)955-6325)

MOTION:



MINUTES

REGULAR MEETING OF
THE PLANNING COMMISSION
JUNE 06, 2024 AT 6:00 PM

Mirando moved, seconded by Eaton Lawrence, to deny the land use case as presented.

VOTE: The motion was denied on the following Roll Call vote:

For: Vice Chair Eaton Lawrence, Member Mirando

Against: Member Lucero, Member Reiland, Member McGhee

Abstain: None

MOTION: Lucero moved, seconded by McGhee, to approve the land use case as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Member Lucero, Member Reiland, Member McGhee

Against: Vice Chair Eaton Lawrence, Member Mirando

Abstain: None

H. STAFF COMMUNICATIONS

I. MATTERS FROM THE COMMISSION

J. ADJOURNMENT

Liaison

Chair



MINUTES

REGULAR MEETING OF
THE PLANNING COMMISSION
JULY 11, 2024 AT 6:00 PM

A. ROLL CALL

Members Present:

Chair Janet Clow
Vice Chair Jessica Eaton Lawrence
Member Gurushabad Mirando
Member Phil Lucero
Member Peter Smith
Member Thomas (TJ) Reiland
Member Sasha McGhee

Members Excused: Member

Kristina Markey

Others Attending:

None

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

Staff proposed postponing Agenda Item 5c to August 1, 2024

MOTION: Member Lucero moved, seconded by Member McGhee, to approve the agenda as amended by staff.

VOTE: The motion was approved on the following Roll Call vote:

For: Chair Clow, Member Mirando, Member Lucero, Member Smith, Member Reiland, Member McGhee

Against: None

Abstain: None



MINUTES

REGULAR MEETING OF
THE PLANNING COMMISSION
JULY 11, 2024 AT 6:00 PM

D. APPROVAL OF MINUTES:

1. May 2, 2024

MOTION: Lucero moved, seconded by Mirando, to approve the minutes as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Chair Clow, Member Mirando, Member Lucero, Member Smith, Member Reiland, Member McGhee

Against: None

Abstain: None

2. June 6, 2024 (POSTPONED TO AUGUST 1, 2024)

E. APPROVAL OF FINDINGS/CONCLUSIONS

1. Case #2024-7951. 2768 Agua Fria Street Certificate of Compliance.

MOTION: Lucero moved, seconded by Mirando, to approve the findings of fact and conclusions of law as presented.



MINUTES

REGULAR MEETING OF
THE PLANNING COMMISSION
JULY 11, 2024 AT 6:00 PM

VOTE: The motion was approved on the following Roll Call vote:

For: Chair Clow, Member Mirando, Member Lucero, Member Smith, Member Reiland, Member McGhee

Against: None

Abstain: None

2. **Case #2024-7750. Meridian Las Soleras Medical Center Sign Area Variance.**

MOTION: Smith moved, seconded by McGhee, to approve the findings of fact and conclusions of law as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Chair Clow, Member Lucero, Member Smith, Member Reiland, Member McGhee

Against: Member Mirando

Abstain: None

3. **Case #2024-7751. Meridian Las Soleras Medical Center Sign Height Variance. (POSTPONED TO AUGUST 1, 2024)**



MINUTES

REGULAR MEETING OF
THE PLANNING COMMISSION
JULY 11, 2024 AT 6:00 PM

Abstain: None

6. OLD BUSINESS

- a. **Case #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, zoned C-2 (General Commercial). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov) **(POSTPONED FROM MARCH 7, 2024, APRIL 4, 2024, MAY 2, 2024 AND MAY 16, 2024)**

MOTION: Mirando moved, seconded by McGhee, to approve the land use case with staff recommendations.

VOTE: The motion was approved on the following Roll Call vote:

For: Chair Clow, Member Mirando, Member Lucero, Member Smith, Member Reiland, Member McGhee

Against: None

Abstain: None

- b. **Case #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) CRHC Cerrillos Road Highway Protection District of building setbacks in 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, zoned C-2 (General Commercial). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov) **(POSTPONED FROM MARCH 7, 2024, APRIL 4, 2024, MAY 2, 2024 AND MAY 16, 2024)**



MINUTES

MOTION: Mirando moved, seconded by McGhee, to deny the land use case as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Chair Clow, Member Mirando, Member Lucero, Member Smith, Member Reiland, Member McGhee

Against: None

Abstain: None

- c. **Case #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, zoned C-2 (General Commercial). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov) **(POSTPONED FROM MARCH 7, 2024, APRIL 4, 2024, MAY 2, 2024 AND MAY 16, 2024)**

MOTION: Mirando moved, seconded by Smith, to deny the land use case as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Chair Clow, Vice Chair Eaton Lawrence, Member Mirando, Member Smith

Against: Member Lucero, Member Reiland, Member McGhee

Abstain: None

G. NEW BUSINESS



City of Santa Fe

MINUTES

REGULAR MEETING OF
THE PLANNING COMMISSION
JULY 11, 2024 AT 6:00 PM

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

Liaison

Chair

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

Case #2024-7751

Case Address/Name - 4200 Beckner Road / Meridian Las Soleras Medical Center Sign Height Variance

Owner's/Applicant's Name – Santa Fe Las Soleras Medical Development LLC

Agent's Name - Orion West LLC

THIS MATTER came before the Planning Commission (“Commission”) for public hearing on June 6, 2024 (“Hearing”) upon the application (“Application”) of Brian Nenninger of Orion West LLC as agent for Santa Fe Las Soleras Medical Development LLC (“Applicant”).

The Application pertains to a property located at 4200 Beckner Road, Santa Fe, NM 87507 totaling approximately 18.01 acres (“Property”) and zoned C-2. The Applicant requests a variance (“Variance”) to Santa Fe City Code (“SFCC”) Subsection 14-8.10 (G)(7)(d) “Signs,” to allow for two wall-mounted signs to be installed at a height of 41’-3”, which exceeds the required height limit of 25’ by 16’-3”. The area of each sign is 72.63 square feet.

FINDINGS OF FACT

1. The SFCC 1987 Section 14-3.1 sets the review and approval procedures for applications, including compliance with notice and public hearing requirements [SFCC 1987 § 14-3.1(H)-(I)].
2. Further, SFCC 1987 Subsection 14-3.16(B) sets review and approval procedures for variance applications and requires the Commission to hold a public hearing in which the Commission may approve, approve with conditions, or deny the variance application.
3. Pursuant to SFCC 1987 Subsection 14-2.3(C)(3), the Commission has the authority to review and approve or disapprove variances as part of a development.
4. Following the application for a Development Plan for Case #2022-5621, which approved the request for a Medical Office use on the subject parcel and specifically indicated that no variances would be required for the subject development, the Applicant later submitted a separate application to request a variance to Sign Area standards [SFCC 1987 § 14-8.10(G)(7)(a)] and the Sign Height standards [SFCC 1987 § 14-8.10(G)(7)(d)] for the subject structure.
5. The Sign Area variance request, assigned case #2024-7750, was later denied by the Commission at the June 6, 2024 hearing. The Sign Height variance request, which is the subject of this FOFCOL, was assigned case #2024-7751.
6. City of Santa Fe Planning and Land Use staff (“Staff”) reviewed the application, related materials, and other information for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluated the factors relevant to the application.
7. Staff recommended that the Commission deny the variance requested for case #2024-7751.
8. The Applicant attended a public hearing before the Commission on June 6, 2024.
9. At the Hearing, the Commission received reports from Staff, heard testimony and evidence from the Applicant and their Agent, and offered to hear testimony by any interested members of the public. Several members of the public provided testimony at the Hearing, all of which were in support of the variance request.

10. SFCC 1987 Subsection 14-3.16(C) sets the approval criteria for Variances.
11. The Commission adopted the variance findings submitted and presented by the Applicant.
12. The Applicant's finding for criterion SFCC 1987 Subsection 14-3.16(C)(1)(a) states: "The size and scale of the Meridian medical office building at three stories with 14-foot floor to floor heights and 11,000 square feet building faces combined with the vital medical services provided within the building result in unusual physical characteristics as compared to other structures... From the south parking lot, the building appears as a two-story structure. From I-25, the natural slope screening is even more dramatic with only a story and a half visible."
13. The Applicant's finding for criterion SFCC 1987 Subsection 14-3.16(C)(2) states: "The 14-foot floor to floor height design of the medical office building doesn't align dimensionally with the SFCC maximum mounting height of 25 feet – which aligns closer to a 12 foot floor to floor building height. The medical office building window design offers an architecturally pleasing façade and provides natural light for building occupants including patients. It is not desirable to mount signage across building windows, yet this would be the only way to get to the maximum SFCC mounting height of 25 feet which in and of itself is not high enough to achieve an acceptable level of sign visibility."
14. The Applicant's finding for criterion SFCC 1987 Subsection 14-3.16(C)(3) states: "The intensity of allowable development is unaffected by the approval of any additional wall mounted signage height. The building size and scale is designed per the SFCC for medical office buildings in a C-2 General Commercial District."
15. The Applicant's finding for criterion SFCC 1987 Subsection 14-3.16(C)(4) states: "The approved Meridian medical office project has been designed to provide much needed, critical medical services to the City of Santa Fe and Northern New Mexico. No other use of lesser intensity is appropriate to consider regarding this sign variance request. The SFCC 14-8.10 SIGNS section notes the code is intended to promote the health, safety, general welfare, and aesthetics of the city by regulating signs that are intended to provide reasonable communication to the public. This proposal as offered not only ensures visibility, but also maintains a balanced and harmonious appearance."
16. The Applicant's finding for criterion SFCC 1987 Subsection 14-3.16(C)(5) states: Per the Commission's adopted findings: "The increased height of the building wall signs does not negatively impact the public interest or the area's aesthetics. On the contrary placing the sign at a height and location proportionate to the building design ensures a balanced and harmonious appearance. Furthermore, for a medical office, particularly one treating serious conditions like cancer, ensuring the building is easily identifiable and accessible is very much in the public interest."

CONCLUSIONS OF LAW

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

1. Pursuant to SFCC 1987 Section 14-3.1, all procedural requirements regarding the notice of public hearing have been met.
2. The Applicant met all applicable Submittal Requirements.

3. Pursuant to SFCC 1987 Subsection 14-2.3(C)(3), the Commission has the authority to hear and decide on variances as part of a development.
4. Pursuant to SFCC 1987 Subsection 14-3.16(C)(1)(a), the Commission finds that the variance is justified by the presence of an existing unusual physical characteristic of the land or structure that existed at the time of the adoption of the regulation.
5. Pursuant to SFCC 1987 Section 14-3.16(C)(2), the Commission finds that existing special physical circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.
6. Pursuant to SFCC 1987 Section 14-3.16(C)(3), the Commission finds that granting the variances would not increase the intensity of the proposed development relative to other uses in the vicinity that are subject to the same relevant provisions of Chapter 14.
7. Pursuant to SFCC 1987 Section 14-3.16(C)(4), the Commission finds that the variance is the minimum amount of deviation that will make possible the reasonable use of the land or structure.
8. Pursuant to SFCC 1987 Section 14-3.16(C)(5), the Commission finds that granting the variance would not be contrary to the public interest.
9. Pursuant to SFCC 1987 Section 14-3.16(C)(6), the Commission finds that there are no additional requirements, or supplemental or special findings required by other provisions of Chapter 14.
10. The Commission finds that Case #2024-7751 satisfies the required approval criteria pursuant to SFCC 1987 Section 14-8.10 SIGNS (G)(7)(d). The Commission voted to approve the Sign Height variance request.

WHEREFORE, IT IS ORDERED ON THE 1st DAY OF AUGUST 2024, BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission approves the Variance to SFCC 1987 Subsection 14-8.10 SIGNS (G)(7)(d) for Case #2024-7751.

Janet Clow
Chairperson

Date:

FILED:

Geraldyn F Cardenas
Interim City Clerk

Date:

APPROVED AS TO FORM:

Rebecca Mnuk-Herrmann
Assistant City Attorney

Date:



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

Alan Webber, Mayor

Councilors:

Signe I. Lindell, Mayor Pro Tem, District 1

Alma G. Castro, District 1

Michael J. Garcia, District 2

Carol Romero-Wirth, District 2

Lee Garcia, District 3

Pilar F.H. Faulkner, District 3

Jamie Cassutt, District 4

Amanda Chavez, District 4

Hearing Date: August 1, 2024 (Consent Agenda)

To: Planning Commission

Via: Heather L. Lamboy, Interim Planning and Land Use Department Director *HLL*

From: Maggie Moore, Planning Manager *MEM*

Re: **Case #2024-8672 697 Gonzales Road Variance Time Extension.** Sommer Karnes & Assc. LLP, Agent for Mark and Mallory Neuberger, Owner requests a time extension (Attachment 1) for the approved Variance to grading standards related to permissible building slope within SFCCC 14-8.2(D)(3)(b), (Case #2021-3802). The applicant is requesting a 1-year extension to this approval granted by the Planning Commission on September 2, 2021.

Executive Summary:

Sommer Karnes & Assc. LLP, Agent for Ramirez Investment Co. LLC, appeared before the Planning Commission on September 2, 2021 for review and approval of two planning cases requesting two variances to grading standards related to a property located in the Escarpment Overlay district, (Ridgetop). (See Attachment 2, Staff Report for Cases 2021-3802 & 3803.)

Case #2021-3802 (subject of time extension request) requesting a variance to the standards of SFCC 14-8.2(D)(3)b) *Topography*, which states "at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent." was approved by the Planning Commission, and Case 2021-3803 requesting a variance to the standards of SFCC 14.8-2(D)(3)(d) *Topography*, which states "A structure shall not be built on a natural slope of thirty percent or greater." was denied. The Planning Commission adopted Findings of Fact and Conclusions of Law at their subsequent meeting on September 23, 2021.

Approval by the Historic Districts Review Board for a residential project occurred on June 11, 2024 with concurrence of the anticipated buildable area siting location by Engineering and Planning staff. (See Attachment 3, Staff Report for Case 2024-8259.)

Construction plans meeting all submittal requirements and showing actual siting of all project development elements must receive review and approval by the appropriate review stations prior to issuance of a building permit(s).

Recommendation:

Staff recommends the Planning Commission approve Case #2024-8672, 697 Gonzales Road Variance Time Extension.

August 1, 2024

Time Extension Request – 697 Gonzales Road Variance

Page 2 of 2

Per SFCC 14-3.19(B)(3) *Expiration of Development Approvals*, approval of a variance shall expire three (3) years after the final action approving it unless actual development of the site or off-site improvements has begun and is continued pursuant to Subsection 14-3.19(B)(6). The final action for this approval (Attachment 4, Case #2021-3802, Findings of Fact and Conclusions of Law) was September 23, 2021.

Per SFCC 14-3.19(C) *Time Extensions*, applications for time extensions shall be filed prior to the expiration of the final action for which the extension is requested. The Applicant applied for a time extension on June 27, 2024, 88 days prior to the expiration of the final action, September 23, 2024.

Should the Planning Commission approve the extension the approval shall expire on September 23, 2025.

Attachments:

1. Time Extension Request Letter
2. Case #2021-3802 Staff Report
3. Case 2024-8259-HDRB Staff Report
4. Case 2021-3802 Findings of Fact and Conclusions of Law

SOMMER KARNES & ASSOCIATES LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

125 Lincoln Ave, Suite 221
Santa Fe, NM 87501

Telephone:(505) 989-3800

Karl H. Sommer, Attorney at Law
khs@sommerkarnes.com
Joseph M. Karnes, Attorney at Law
jmk@sommerkarnes.com
John Fox, Attorney at Law
johnf@sommerkarnes.com
Of Counsel

June 27, 2024

Jason Kluck, Land Use Director
City of Santa Fe
100 Lincoln Street
Santa Fe, NM 87501

**Re: Request for Administrative Extension of Approved Variance
Case # 2021-3802 (Exhibit A)
697 Gonzales Road (the "Property")**

Dear Mr. Kluck:

This is a request for administrative approval of a one-year extension to the terrain management variance approved by the Planning Commission on September 2, 2021 for the Property. Recently, the HDRB acted to approve the proposed single-family dwelling on the Property and my clients look forward to applying for a building permit in the near future. Given the uncertainties of timing and review of plans and initiation of actual development on the Property, and the Variance expiration date of September 2, 2024, we submit this request out of an abundance of caution and to avoid potential delay.

City Code section 14-3-19.C allows for up to two administrative extensions to be approved by the Land Use Director of one year each, provided the Director finds no substantive changes have occurred or to the circumstances affecting the site and its vicinity. My review of the Code, my recent site visit and the HDRB's approval all indicate that these two findings are satisfied.

If you agree, please forward a letter approving the requested 1-year extension of the variance approval to September 2, 2025.

Thank you for your consideration of this matter and all your efforts on behalf of the City. They are greatly appreciated.

Sincerely,



Joseph M. Karnes

Cc: Heather Lamboy

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

Case #2021-3802

697 Gonzales Road Variance to Grading Standards

Owners/Applicants – Karnes & Associates, agent for Ramirez Investment Co, owner

THIS MATTER came before the Planning Commission (Commission) for hearing on September 2, 2021 upon the application (Application) by Karnes & Associates, agent for Ramirez Investment Co., LLC, owner of #697 Gonzales Road. The Application pertains to a property located at 697 Gonzales Road totaling approximately 1.36 acres (Property). The Applicant requests a Variance to grading standards related to permissible building slope within Subsection 14-8.2(D)(3)(b), so as to identify and locate a building footprint for which a building permit may be sought in the future for the construction of a single-family residence. (Project).

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

FINDINGS OF FACT

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including a pre-application conference [SFCC § 14-3.1 (E)] and (b) compliance with notice and public hearing requirements [SFCC § 14-3.1(H)-(I)].
3. A pre-application conference was held in April 2021 in accordance with SFCC Section 14-3.1 (E).
4. Pursuant to SFCC Sections 14-2.4(B) and 14-3.16(B)(1), the Board has the authority to hear and decide requests for variances.
5. Within SFCC Subsection 14-8.2(D)(3)(b) *Topography*, which states “at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent.”
6. The subject property is vacant, and the applicant is seeking to identify and locate a building footprint for which a building permit may be sought in the future for the construction of a single-family residence.
7. City staff reviewed the Application and related materials and information submitted by the Applicants for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
8. To obtain a variance, the Applicant must demonstrate that all applicable criteria set forth in SFCC Section 14-3.16(C)(1) through (6) have been met.
9. Staff recommended approval of the requested variance because Staff found that the Applicant met all of the variance criteria.

Criterion 1:

10. First, under SFCC Section 14-3.16(C)(1), to grant a variance the Commission must find that “one or more of the following special circumstances applies: (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; 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).”
11. The Applicant asserted that the Criterion 1 was met due to the property having an unusual configuration different from other area properties; the presence of the ridgetop subdistrict on the western portion of the property which prohibits construction of most structures; as well as the property including steep slopes, three arroyos and a designated flood zone, all of which restrict developable areas.
12. Staff found that the Applicant met the first criterion due to unique aspects of the property as identified, as well as flatter portions of the property being interspersed with slope areas that would necessitate unusual architectural designs that would not be in keeping with the simpler architectural designs of adjacent residences.
13. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 1.

Criterion 2:

14. Second, under SFCC Section 14-3.16(C)(2), to grant a variance the Board must find that “special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.”
15. The Applicant reiterated and asserted that the existence of the Ridgetop Subdistrict combined with other unique physical aspects of the property render it infeasible to develop a driveway and building pad in compliance with the standards of Chapter 14.
16. Staff concurred with applicant that there are significant constraints to development of the property, with the presence of smaller, intervening slope areas within flatter developable areas of the property that greatly limit the size and design of single-family residences commensurate with existing structures in the area.
17. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 2.

Criterion 3:

18. Third, under SFCC Section 14-3.16(C)(3), to grant a variance the Board must find that 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.”

19. The Applicants stated that the proposed building pad is 3,000 sq. ft. in size, with several existing homes in the vicinity being at least this large.
20. Staff concurred that the Applicant that this Criterion is met, with there being no increase in intensity of development.
21. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has met Criterion 3.

Criterion 4:

22. Fourth, under SFCC Section 14-3.16(C)(4), to grant a variance the Board must find that 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.”
23. The Applicant asserted the following: The property is zoned for single-family development and most of the properties in the vicinity were developed with single-family homes many years ago. Due to the constraints as addressed, it is not feasible to develop the Property without variances or for a lesser intensity of use than the planned single-family dwelling. Further the variances are necessary in order to achieve construction of a single-family dwelling on the Property, which is the use planned for the Property in the General Plan and the Zoning Map. The building pad has been designed to avoid the designated Ridgetop Subdistrict, while minimizing the amount of land disturbance in light of the sloping nature of the property. Pushing the house farther down the hill to the east would result in greater amount of grading, land disturbance and driveway length, as compared to the building pad included in the Application.
24. Staff conclude and contend that a different category of use or lesser intensity of use due to design constraints imposed on single-family structures by smaller intervening natural slopes of between 20 and 30 percent within flatter developable areas comprise a minimum relief necessary to ensure new construction that is commensurate with nearby existing development.
25. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 4.

Criterion 5:

26. Fifth, under SFCC Section 14-3.16(C)(5), to grant a variance the Board must find that the “variance is not contrary to the public interest.”
27. The Applicant asserted that development of a single-family home on the property will be consistent with the General Plan land use designation and zoning designation of the Property, will avoid visual impacts protected by the Ridgetop Subdistrict, will minimize the amount of necessary site disturbance and will not be contrary to the public interest.
28. Staff found that the approval of the proposed variance is justified and may be deemed not contrary to the public interest since it will provide for a simpler building design less encumbered by design constraints necessitated by intervening slope areas interspersed in flatter portions of the property, thus providing for designs more likely to be in character with existing residences in the vicinity. So, too, by providing for a building location that is

more commensurate with existing residences located adjacent to Gonzales Road instead of a more removed location to the east, a future residence may be more fully integrated into the fabric of the existing neighborhood.

29. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 5.

Criterion 6:

30. Finally, SFCC Section 14-3.16(C)(6) provides, "There may be additional requirements and supplemental or special finding required by other provisions of Chapter 14."
31. Staff stated that current or future property owners will be required to submit Application for Building Permit and obtain building permit prior to construction of new single-family residence, and the Commission agrees that current or future property owners will need to obtain a building permit for construction of a single-family residence.


CONCLUSIONS OF LAW

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

1. The Commission has the authority review and approve or deny the variance requested for the Property.
2. The Applicant complied with the applicable procedural requirements for requesting a variance, including proper and sufficient notice.
3. The request for variance should be approved because the Applicant has demonstrated that all of the variance criteria set forth in SFCC Section 14-3.16(C) have been met.

WHEREFORE, IT IS ORDERED ON THE 2ND DAY OF SEPTEMBER 2021 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the application for a variance request regarding SFCC Subsection 14-8.2(D)(3)(b) *Topography*, which states "at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent" is approved.



Brian Guiteriez
Chairperson

09-14-2021
Date:

FILED:


Kristine Bustos-Mihelcic XIV
City Clerk

September 23, 2021

Date:


APPROVED AS TO FORM:

Patricia Feghali
Patricia Feghali
Assistant City Attorney

9/13/21
Date:



Land Use Department Planning Commission Staff Report

<p>Case No(s): 2021-3802/3803 Hearing Date: September 2, 2021 Applicant: Ramirez Investment Co., Owner Request: Two (2) variance request(s) related to the defining of proposed building footprint requiring grading in future construction of a single-family residence that will affect natural slope areas that 1) exceed twenty percent slopes and 2.) exceed thirty percent slopes. Location: 697 Gonzales Road Case Mgr.: John Neunuebel, Planner Senior Zoning: R-1 (Residential 1 Unit Per Acre) Overlay: Escarpment/ Ridgetop Overlay District (Adjacent to Gonzales Rd.) Pre-app Mtg: April 22, 2021 ENN Mtg: June 8, 2021 Proposal: Proposed 3,000 sq. ft. building footprint that includes natural slopes</p>	<p>Site Map</p>  <p>697 Gonzalez Rd.</p>
--	--

Case #2021-3802 697 Gonzales Road; Variance to Subsection 14-8.2(D)(3)(b), Karnes & Associates, LLP, Agent for Ramirez Investment Co., LLC, Owner, requests approval of a variance to grading standards related to permissible building slope within SFCC Subsection 14-8.2(D)(3)(b) *Topography*, which states “at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent.” The property is zoned R-1 (1 dwelling unit per acre), is partially within the Escarpment/ Ridgetop Overlay, and is approximately 1.36 acres in size. (John Neunuebel, Case Manager, jcneunuebel@santafenm.gov (505) 955-6656)

Case #2021-3803 697 Gonzales Road; Variance to Subsection 14-8.2(D)(3)(d), Karnes & Associates, LLP, Agent for Ramirez Investment Co., LLC, Owner, requests approval of a variance to grading standards regarding permissible building slope within SFCC Subsection 14-8.2(D)(3)(d) *Topography*, which states “A structure shall not be built on a natural slope of thirty percent or greater.” The property is zoned R-1 (1 dwelling unit per acre), is partially within the Escarpment Overlay, and is approximately 1.36 acres in size. (John Neunuebel, Case Manager, jcneunuebel@santafenm.gov (505) 955-6656)

I. RECOMMENDATIONS:

1) Staff is recommending **APPROVAL** of the variance request regarding SFCC Subsection 14-8.2(D)(3)(b) *Topography*, which states “at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent.” (Case #2021-3802) as provided for in an alternative building pad location, and 2) staff is recommending **DENIAL** of the variance request regarding SFCC Subsection 14-8.2(D)(3)(d) *Topography*, which states “A structure shall not be built on a natural slope of thirty percent or greater.” (Case #2021-3803).

Four motions will be required, in the following order, for these case(s):

- *Approve or deny the Variance to Subsection 14-8.2(D)(3)(b) grading standards for Case #2021-3802;*
- *Approve or deny the Findings of Fact and Conclusions of Law for Case #2021-3802, as proposed in Exhibit A (2).*
- *Approve or deny the Variance Subsection 14-8.2(D)(3)(d) to grading standards for Case #2021-3803;*
- *Approve or deny the Findings of Fact and Conclusions of Law for Case #2021-3803, as proposed in Exhibit A (2).*

Condition of Approval as proposed by Current Planning Division:

- 1) Applicant shall return to the Planning Commission during a future scheduled meeting to obtain approval of revised location of building pad corresponding with Planning Commission approval of variance request Case #2021-3802 as related to SFCC Subsection 14-8.2(D)(3)(b), with City staff preparing associated Findings of Fact and Conclusions of Law at that time.

II. EXECUTIVE SUMMARY

The Applicant is proposing to designate a 3,000 sq. ft. building footprint for construction of a future single-family residence on a presently vacant lot located at 697 Gonzales Road. The proposed building footprint requires variance(s) from the City’s grading standards due to it requiring the footprint to allow for more than fifty percent in slopes exceeding 20-30 percent grade, as well as natural slopes in excess of thirty (30) percent. Specifically; in defining a building footprint for which a future building permit application will be sought, variance(s) are being requested for the following two (2) City of Santa Fe code section(s): **1) Subsection 14-8.2(D)(3)(b)** which states: “At least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent.” **2) Subsection 14-8.2(D) (3) (d)** which states: “A structure shall not be built on a natural slope of thirty percent or greater.” Staff is proposing a single Condition of Approval wherein the applicant shall return to the Planning Commission for final approval of revised building pad location.

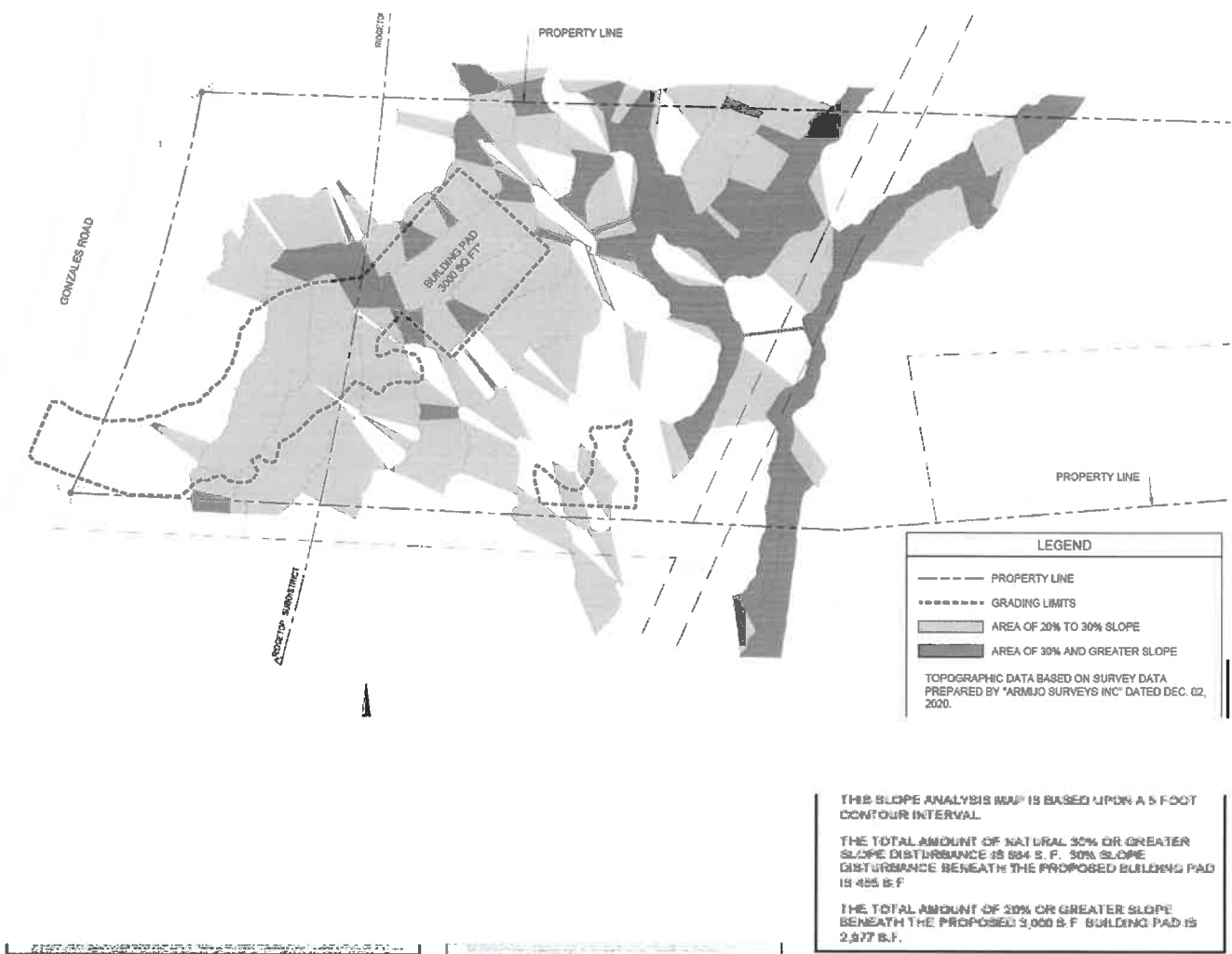
Additionally, in a letter submitted subsequent to the subject Applications (letter dated August 12, 2021), the Applicant proposes that if the Planning Commission were so inclined to consider an alternative

Application wherein a building pad would be proposed for location closer to Gonzales Road coterminous with existing, adjacent homes located within the Escarpment Overlay District/ Ridgetop boundary and outside twenty and thirty percent natural slope areas, the Applicant would so submit a new Application for variance from escarpment/ridgetop overlay locational requirements while placing the subject Application(s) “on hold.”

The Applicant has complied with SFCC Subsections 14-3.1(E) “Pre-Application Conferences” and 14-3.1(H) “Notice Requirements” for Public Hearings.

III. BACKGROUND

The subject property, comprising 1.36 acres, is located at 697 Gonzales Road and was created as part of Valle Lejano Unit 4 Subdivision, which was recorded in 1980. The property includes an approximately 90-foot wide area immediately adjacent to Gonzales Road included within the Escarpment/ Ridgetop Overlay, which prohibits most development, as established by the City of Santa Fe in 1991. The property slopes generally from west to east with flatter, most developable areas located adjacent to Gonzales Road, as well as further to the east and well away from the Gonzales Street frontage. The subject Variance Application(s) are seeking to establish a 3,000 sq. ft. building footprint so as to provide increased certainty to the current or future property owners in obtaining a building permit for the construction of a single-family residence.



VII. VARIANCE APPROVAL CRITERIA

Subsection 14-3.16(A) governs the authority, procedures and restrictions for a Variance and states that "Land Use Boards may approve variances to the provisions of Chapter 14 as provided in Section 14-2 and elsewhere in this chapter and in accordance with this section. Variances may be granted to provisions regulating the size, location and appearance of structures. A variance shall not be granted to provisions that restrict the type or intensity of principal or accessory uses permitted within a district..."

The variance process balances reasonable use of the Applicant's property against compliance with the letter and intent of adopted regulations. The proposal must 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.

<p>Criterion1: Necessary Findings 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: (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>	<p>Criterion Met: (Yes/No) <u>YES</u> for Case 2021-3802 & <u>NO</u> for Case 2021-3803</p>
<p>(a) <u>Applicant Response</u>: The property has buildable area adjacent to Gonzales Road that would not require any terrain management variances. However, that area is non-buildable due to the designated ridgetop subdistrict that runs along the east side of Gonzales Road through the property. Review of the escarpment overlay map shows that there are several houses in the vicinity located within the ridgetop subdistrict, including the house adjacent and to the south. The topography of properties in the vicinity varies and the Property is subject to steep slopes, three arroyos and a designated flood zone, all of which restrict developable areas. Most of the properties along the east side of Gonzales Road are of a similar size, but are more square in nature than the Property, which is rectangular in shape and oriented in an east-west direction, more or less with the slope. The combination of the relatively narrow-north-south dimension of the property, the ridgetop overlay and the need for a driveway meeting applicable code requirements all constrain the building pad location to a greater extent than others in the vicinity, perhaps explaining why this is one of the few remaining vacant properties in the vicinity.</p> <p><u>Staff Response</u>: While there is a sizeable buildable area on the property that is immediately adjacent to Gonzales Road but within the ridgetop subdistrict, there are also buildable areas located outside the subdistrict that include no natural slopes above twenty (20) percent grade. However, the configurations of these areas would significantly limit the size of any future residence and/or require a complexity of building design that would likely not be particularly compatible with the simpler designs of existing structures in the area as required in accommodating intervening areas with natural slopes of between 20 and 30 percent. Thus, <u>staff conclude that allowing grading of some natural slopes of between 20 and 30 percent grade would provide for a building pad that more readily accommodates the size and type of building designs that more closely match those</u></p>	

of existing residences within the area. (The Applicant has provided such an alternative building pad location that would require a revised alignment of the driveway to remain clear of all natural slope in excess of 30 percent, and that may or may not adhere to all of the City's other development standards and requirements.)

Staff also conclude that given the flexibility afforded by significant areas on the property that are relatively flat but include some intervening slopes of between 20 and 30 percent, there appears to be little or no justification for the locating of a building pad within areas of the property that include natural slopes above 30% grade. The preservation of such steeper natural slopes being of particular importance in preserving natural drainage patterns and reduction of soil erosion.

(b) Applicant Response: The property was created as part of Valle Lejano Unit 4 subdivision, which was recorded in ~~4990~~ 1980 and has been zoned for residential development since that time. The property is a legal conforming lot. That said, Section 14-8.2.D was adopted as a new section via Ordinance 2011-37 and the creation date of the Property predates the regulations requested to be varied by more than two decades. Likewise, the City adopted the Escarpment overlay ordinance via Ordinance 2006-55. That ordinance compels the approval of terrain management variances in order to make use of the Property for its planned and zoned single family residential use and avoid an inverse condemnation claim.

(b) Staff Response: Staff concur that the subject property comprises a legal and conforming lot.

- (c) Not Applicable
- (d) Not Applicable

<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) <u>YES</u> for Case 2021-3802 & <u>NO</u> for Case 2021-3803</p>
---	--

Applicant Response: As addressed above [in Criterion 1], the existence of the Ridgetop Subdistrict along Gonzales Road, the larger arroyo and flood plain in the eastern portion of the property and the sloping terrain in between render it infeasible to develop a driveway and building pad in compliance with the standards of Chapter 14.

Staff Response: Staff concur that there are significant constraints to development of the property; however, it is the presence of the smaller, intervening slope areas of between 20 and 30 percent within flatter, buildable areas of the property that greatly limit the size and design of single-family residences commensurate with existing structures within the area. Staff concludes that there are no substantive rationale for locating building footprint in areas with natural slopes above 30%.

<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) <u>YES</u> for Case 2021-3802 & <u>YES</u> for Case 2021-3803</p>
<p><u>Applicant Response:</u> The proposed building pad is 3,000 SF in size. Several existing homes in the vicinity are at least this large.</p> <p><u>Staff Response:</u> Staff concur that the question of proposed size of building pad will not exceed the allowed density within this R-1 residential district of 1 unit per acre. However, it is notable that the terrain management section stipulates that a building footprint of 2,000 square feet should be allowed at a minimum in compliance with applicable terrain management regulations.</p>	
<p>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.</p>	<p>Criterion Met: (Yes/No) <u>YES</u> for Case 2021-3802 & <u>NO</u> for Case 2021-3803</p>
<p>a) <u>Applicant Response:</u> The property is zoned for single-family development and most of the properties in the vicinity were developed with single-family homes many years ago. Due to the constraints addressed above, it is not feasible to develop the Property without variances or for a lesser intensity of use than the planned single-family dwelling.</p> <p>a) <u>Staff Response:</u> Staff conclude and contend that a different category of use or lesser intensity of use due to design constraints imposed on single-family structures by smaller intervening natural slopes of between 20 and 30 percent within flatter developable areas comprise a minimum relief necessary to ensure new construction that is commensurate with nearby existing development, while such a development scenario involving the grading of natural slopes of greater than 30 percent is <u>not</u> required.</p> <p>b) <u>Applicant Response:</u> The variances are necessary in order to achieve construction of a single-family dwelling on the Property, which is the use planned for the Property in the General Plan and the Zoning Map. The building pad has been designed to avoid the designated Ridgetop Subdistrict, while minimizing the amount of land disturbance in light of the sloping nature of the property. Pushing the house farther down the hill to the east would result in greater amount of grading, land disturbance and driveway length, as compared to the building pad included in the Application.</p>	

b) Staff Response: Staff generally concurs with the Applicant's response; however, staff would contend that the requested variance to grading of natural slopes between 20 and 30 percent is sufficient in meeting the stated aims of constructing an appropriate single-family residence as contained within Variance Application Case 2021-3802; while the requested variance to grading of slopes greater than 30 percent as contained within Variance Application Case 2021-3802 may be deemed as unnecessary.

Criterion 5:
The variance is not contrary to the public interest;

Criterion Met:
 (Yes/No)
YES for Case 2021-3802
&
NO for Case 2021-3803

Applicant Response: Development of a single-family home on the property will be consistent with the General Plan land use designation and zoning designation of the Property, will avoid visual impacts protected by the Ridgetop Subdistrict, will minimize the amount of necessary site disturbance and will not be contrary to the public interest.

Staff Response: Staff conclude that the approval of Variance Application Case# 2021-3802 providing for grading of intervening natural slope areas between 20 and 30 percent is justified and may be deemed not contrary to the public interest since it will provide for a simpler building design less encumbered by design constraints necessitated by intervening slope areas interspersed in flatter portions of the property, thus providing for designs more likely to be in character with existing residences in the vicinity. So, too, by providing for a building location that is more commensurate with existing residences located adjacent to Gonzales Road instead of a more removed location to the east, a future residence may be more fully integrated into the fabric of the existing neighborhood. The proposed variance in allowing for grading of natural slopes in excess of 30 percent as contained in Variance Application Case 2021-3803 is not necessary in meeting the applicant's objective of providing for a 3,000 sq. ft. building pad; and, therefore, may be contrary to the public interest given the more intensive impacts resulting from increased grading of natural, steeper slope areas.

Criterion 6:
There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14

Criterion Met:
 (Yes/No)
YES

Staff Response: Current or future property owners will be required to submit Application for Building Permit and obtain building permit prior to construction of new single-family residence.

IV. EARLY NEIGHBORHOOD NOTIFICATION

The Early Neighborhood Notification meeting for both the subject applications was conducted on June 8, 2021, and was attended by 3 area residents plus the Applicants team and city staff. Attendees asked

questions regarding the proposed variances, and did not express concern or opposition to the proposals.

V. EXPIRATION

Per SFCC Section 14-3.19(B) (5), approval of a variance expires if it is not exercised within three years. Should the Commission approve the variance and adopt Findings of Fact at this hearing, the expiration date would be September 2, 2024

VI. ATTACHMENTS:

EXHIBIT A:

- 1. Findings of Fact & Conclusions of Law for Case(s) #2021-3802 & #2021-3803

EXHIBIT B:

- 1. Memo from Land Development Engineer, D. Beingessner


EXHIBIT C: Maps and Photos

- 2. Site Photo

EXHIBIT D: Applicant Materials

- 1. Request for Variance Application
- 2. Early Neighborhood Notification Meeting Summary
- 3. Applicant Letter Received August 12, 2021
- 4. Improvement Plans for Proposed Building Footprint including Site Plan, Topographical Map, Slope Analysis, Grading/Drainage Plan, and ALTERNATIVE LOCATION pursuant to staff request

APPROVED BY:

Title	Name	Initials
Interim Planning and Land Use Director	Jason Kluck	jmk
Land Use Planner Manager	Noah Berke, AICP, CFM	NLB
Land Use Department Case Manager	John Neunuebel, Planner Senior	JCN 

**City of Santa Fe,
New Mexico**

Exhibit A

**Draft(s)
Findings of Fact/Conclusions of
Law**

Case #2021-3802

&

Case #2021-3803

**City of Santa Fe
Board of Adjustment
Findings of Fact and Conclusions of Law**

Case #2021-3802

697 Gonzales Road Variance to Grading Standards

Owners/Applicants – Karnes & Associates, agent for Ramirez Investment Co, owner

THIS MATTER came before the Planning Commission (Commission) for hearing on September 2, 2021 upon the application (Application) by Karnes & Associates, agent for Ramirez Investment Co., LLC, owner of #697 Gonzales Road. The Application pertains to a property located at 697 Gonzales Road totaling approximately 1.36 acres (Property). The Applicant requests a Variance to grading standards related to permissible building slope within Subsection 14-8.2(D)(3)(b), so as to identify and locate a building footprint for which a building permit may be sought in the future for the construction of a single-family residence. (Project).

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

FINDINGS OF FACT

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including a pre-application conference [SFCC § 14-3.1 (E)] and (b) compliance with notice and public hearing requirements [SFCC § 14-3.1(H)-(I)].
3. A pre-application conference was held in April 2021 in accordance with SFCC Section 14-3.1 (E).
4. Pursuant to SFCC Sections 14-2.4(B) and 14-3.16(B)(1), the Board has the authority to hear and decide requests for variances.
5. Within SFCC Subsection 14-8.2(D)(3)(b) *Topography*, which states “at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent.”
6. The subject property is vacant, and the applicant is seeking to identify and locate a building footprint for which a building permit may be sought in the future for the construction of a single-family residence.
7. City staff reviewed the Application and related materials and information submitted by the Applicants for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
8. To obtain a variance, the Applicant must demonstrate that all applicable criteria set forth in SFCC Section 14-3.16(C)(1) through (6) have been met.
9. Staff recommended approval of the requested variance because Staff found that the Applicant met all of the variance criteria.

Criterion 1:

10. First, under SFCC Section 14-3.16(C)(1), to grant a variance the Commission must find that “one or more of the following special circumstances applies: (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; 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).”
11. The Applicant asserted that the Criterion 1 was met due to the property having an unusual configuration different from other area properties; the presence of the ridgetop subdistrict on the western portion of the property which prohibits construction of most structures; as well as the property including steep slopes, three arroyos and a designated flood zone, all of which restrict developable areas.
12. Staff found that the Applicant met the first criterion due to unique aspects of the property as identified, as well as flatter portions of the property being interspersed with slope areas that would necessitate unusual architectural designs that would not be in keeping with the simpler architectural designs of adjacent residences.
13. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 1.

Criterion 2:

14. Second, under SFCC Section 14-3.16(C)(2), to grant a variance the Board must find that “special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.”
15. The Applicant reiterated and asserted that the existence of the Ridgetop Subdistrict combined with other unique physical aspects of the property render it infeasible to develop a driveway and building pad in compliance with the standards of Chapter 14.
16. Staff concurred with applicant that there are significant constraints to development of the property, with the presence of smaller, intervening slope areas within flatter developable areas of the property that greatly limit the size and design of single-family residences commensurate with existing structures in the area.
17. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 2.

Criterion 3:

18. Third, under SFCC Section 14-3.16(C)(3), to grant a variance the Board must find that 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.”

19. The Applicants stated that the proposed building pad is 3,000 sq. ft. in size, with several existing homes in the vicinity being at least this large.
20. Staff concurred that the Applicant that this Criterion is met, with there being no increase in intensity of development.
21. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has met Criterion 3.

Criterion 4:

22. Fourth, under SFCC Section 14-3.16(C)(4), to grant a variance the Board must find that 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.”
23. The Applicant asserted the following: The property is zoned for single-family development and most of the properties in the vicinity were developed with single-family homes many years ago. Due to the constraints as addressed, it is not feasible to develop the Property without variances or for a lesser intensity of use than the planned single-family dwelling. Further the variances are necessary in order to achieve construction of a single-family dwelling on the Property, which is the use planned for the Property in the General Plan and the Zoning Map. The building pad has been designed to avoid the designated Ridgetop Subdistrict, while minimizing the amount of land disturbance in light of the sloping nature of the property. Pushing the house farther down the hill to the east would result in greater amount of grading, land disturbance and driveway length, as compared to the building pad included in the Application.
24. Staff conclude and contend that a different category of use or lesser intensity of use due to design constraints imposed on single-family structures by smaller intervening natural slopes of between 20 and 30 percent within flatter developable areas comprise a minimum relief necessary to ensure new construction that is commensurate with nearby existing development.
25. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 4.

Criterion 5:

26. Fifth, under SFCC Section 14-3.16(C)(5), to grant a variance the Board must find that the “variance is not contrary to the public interest.”
27. The Applicant asserted that development of a single-family home on the property will be consistent with the General Plan land use designation and zoning designation of the Property, will avoid visual impacts protected by the Ridgetop Subdistrict, will minimize the amount of necessary site disturbance and will not be contrary to the public interest.
28. Staff found that the approval of the proposed variance is justified and may be deemed not contrary to the public interest since it will provide for a simpler building design less encumbered by design constraints necessitated by intervening slope areas interspersed in flatter portions of the property, thus providing for designs more likely to be in character with existing residences in the vicinity. So, too, by providing for a building location that is

more commensurate with existing residences located adjacent to Gonzales Road instead of a more removed location to the east, a future residence may be more fully integrated into the fabric of the existing neighborhood.

29. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 5.

Criterion 6:

30. Finally, SFCC Section 14-3.16(C)(6) provides, “There may be additional requirements and supplemental or special finding required by other provisions of Chapter 14.”
31. Staff stated that current or future property owners will be required to submit Application for Building Permit and obtain building permit prior to construction of new single-family residence, and the Commission agrees that current or future property owners will need to obtain a building permit for construction of a single-family residence.

CONCLUSIONS OF LAW

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

1. The Commission has the authority review and approve or deny the variance requested for the Property.
2. The Applicant complied with the applicable procedural requirements for requesting a variance, including proper and sufficient notice.
3. The request for variance should be approved because the Applicant has demonstrated that all of the variance criteria set forth in SFCC Section 14-3.16(C) have been met.

WHEREFORE, IT IS ORDERED ON THE 2ND DAY OF SEPTEMBER 2021 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the application for a variance request regarding SFCC Subsection 14-8.2(D)(3)(b) *Topography*, which states “at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent” is approved.

Brian Gutierrez
Chairperson

Date:

FILED:

Kristine Bustos-Mihelcic
City Clerk

Date:

APPROVED AS TO FORM:

Patricia Feghali
Assistant City Attorney

Date:

**City of Santa Fe
Board of Adjustment
Findings of Fact and Conclusions of Law**

Case #2021-3803

697 Gonzales Road Variance to Grading Standards

Owners/Applicants – Karnes & Associates, agent for Ramirez Investment Co, owner

THIS MATTER came before the Planning Commission (Commission) for hearing on September 2, 2021 upon the application (Application) by Karnes & Associates, agent for Ramirez Investment Co., LLC, owner of #697 Gonzales Road. The Application pertains to a property located at 697 Gonzales Road totaling approximately 1.36 acres (Property). The Applicant requests a Variance to grading standards related to permissible building slope within Subsection 14-8.2(D)(3)(d), so as to identify and locate a building footprint for which a building permit may be sought in the future for the construction of a single-family residence. (Project).

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

FINDINGS OF FACT

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including a pre-application conference [SFCC § 14-3.1 (E)] and (b) compliance with notice and public hearing requirements [SFCC § 14-3.1(H)-(I)].
3. A pre-application conference was held in April 2021 in accordance with SFCC Section 14-3.1 (E).
4. Pursuant to SFCC Sections 14-2.4(B) and 14-3.16(B)(1), the Commission has the authority to hear and decide requests for variances.
5. Within SFCC Subsection 14-8.2(D)(3)(d) *Topography*, which states “A structure shall not be built on a natural slope of thirty percent or greater.”
6. The subject property is vacant, and the applicant is seeking to identify and locate a building footprint for which a building permit may be sought in the future for the construction of a single-family residence.
7. City staff reviewed the Application and related materials and information submitted by the Applicants for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
8. To obtain a variance, the Applicant must demonstrate that all applicable criteria set forth in SFCC Section 14-3.16(C)(1) through (6) have been met.
9. Staff recommended denial of the requested variance because Staff found that the Applicant did not meet all of the variance criteria.

Criterion 1:

10. First, under SFCC Section 14-3.16(C)(1), to grant a variance the Commission must find that “[one or more of the following special circumstances applies: (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; 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).”
11. The Applicant asserted that the Criterion 1 was met due to the property having an unusual configuration different from other area properties; the presence of the ridgetop subdistrict on the western portion of the property which prohibits construction of most structures; as well as the property including steep slopes, three arroyos and a designated flood zone, all of which restrict developable areas.
12. Staff found that given the flexibility afforded by significant areas on the property that are relatively flat but include some intervening slopes of between 20 and 30 percent, there appears to be little or no justification for the locating of a building pad within areas of the property that include natural slopes above 30% grade. The preservation of such steeper natural slopes being of particular importance in preserving natural drainage patterns and reduction of soil erosion.
13. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has not provided a rationale that meets Criterion 1.

Criterion 2:

14. Second, under SFCC Section 14-3.16(C)(2), to grant a variance the Board must find that “special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.”
15. The Applicant reiterated and asserted that the existence of the Ridgetop Subdistrict combined with other unique physical aspects of the property render it infeasible to develop a driveway and building pad in compliance with the standards of Chapter 14.
16. Staff concurred with applicant that there are significant constraints to development of the property; however, staff concludes that there are no substantive rationale for locating building footprint in areas with natural slopes above 30%.
17. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has not provided a rationale that meets Criterion 2.

Criterion 3:

18. Third, under SFCC Section 14-3.16(C)(3), to grant a variance the Board must find that 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.”

19. The Applicants stated that the proposed building pad is 3,000 sq. ft. in size, with several existing homes in the vicinity being at least this large.
20. Staff concurred that the Applicant that this Criterion is met, with there being no increase in intensity of development.
21. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has met Criterion 3.

Criterion 4:

22. Fourth, under SFCC Section 14-3.16(C)(4), to grant a variance the Board must find that 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.”
23. The Applicant asserted the following: The property is zoned for single-family development and most of the properties in the vicinity were developed with single-family homes many years ago. Due to the constraints as addressed, it is not feasible to develop the Property without variances or for a lesser intensity of use than the planned single-family dwelling. Further the variances are necessary in order to achieve construction of a single-family dwelling on the Property, which is the use planned for the Property in the General Plan and the Zoning Map. The building pad has been designed to avoid the designated Ridgetop Subdistrict, while minimizing the amount of land disturbance in light of the sloping nature of the property. Pushing the house farther down the hill to the east would result in greater amount of grading, land disturbance and driveway length, as compared to the building pad included in the Application.
24. Staff concluded that a development scenario involving the grading of natural slopes of greater than 30 percent is not required.
25. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has not provided a rationale that meets Criterion 4.

Criterion 5:

26. Fifth, under SFCC Section 14-3.16(C)(5), to grant a variance the Board must find that the “variance is not contrary to the public interest.”
27. The Applicant asserted that development of a single-family home on the property will be consistent with the General Plan land use designation and zoning designation of the Property, will avoid visual impacts protected by the Ridgetop Subdistrict, will minimize the amount of necessary site disturbance and will not be contrary to the public interest.
28. Staff found that the proposed variance in allowing for grading of natural slopes in excess of 30 percent as contained in Variance Application Case 2021-3803 is not necessary in meeting the applicant’s objective of providing for a 3,000 sq. ft. building pad; and, therefore, may be contrary to the public interest given the more intensive impacts resulting from increased grading of natural, steeper slope areas.
29. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has not provided a rationale that meets Criterion 5.

Criterion 6:

30. Finally, SFCC Section 14-3.16(C)(6) provides, “There may be additional requirements and supplemental or special finding required by other provisions of Chapter 14.”
31. Staff stated that current or future property owners will be required to submit Application for Building Permit and obtain building permit prior to construction of new single-family residence, and the Commission agrees that current or future property owners will need to obtain a building permit for construction of a single-family residence.

CONCLUSIONS OF LAW

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

1. The Commission has the authority review and approve or deny the variance requested for the Property.
2. The Applicant complied with the applicable procedural requirements for requesting a variance, including proper and sufficient notice.
3. The request for variance should be denied because the Applicant has not demonstrated that all of the variance criteria set forth in SFCC Section 14-3.16(C) have been met.

WHEREFORE, IT IS ORDERED ON THE 2ND DAY OF SEPTEMBER 2021 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the application for a variance request regarding SFCC Subsection 14-8.2(D)(3)(d) *Topography*, which states “A structure shall not be built on a natural slope of thirty percent or greater” is denied.

Brian Gutierrez
Chairperson

Date:

FILED:

Kristine Bustos-Mihelcic
City Clerk

Date:

APPROVED AS TO FORM:

Patricia Feghali
Assistant City Attorney

Date:

City of Santa Fe, New Mexico

Exhibit B

Development Review Team

- 1. Memo from City of Santa Fe Land Development Engineer, D. Beingessner**

Development Review Team

Comment Form

Date: 7/20/21
Staff person: Dee Beingessner
Dept/Div: Land Use/Terrain Management
Case: **Case #2021-2802 2803. 697 Gonzales Road Variances**
Case Mgr: John Neunuebel



Issues:

The applicant is requesting variances to **Subsection 14-8.2(D)(3)(b)** and **14-8.2(D)(3)(d)** of the Escarpment Overlay District Ordinance.

Variations:

- Article 14-8.2(D)(3)(b) states “At least one-half of the area designated as suitable for building and at least one-half of any *building* footprint shall have a natural *slope* of less than twenty percent; the remainder of the area or *building* footprint may have a natural *slope* of twenty percent or greater, but less than thirty percent.”
- Article **14-8.2(D)(3)(d)** states that “A *structure* shall not be built on a natural *slope* of thirty percent or greater.”

Facts:

- A portion of this lot is in the ridgetop subdistrict.
- The applicant requests to establish a buildable area on the lot which would disturb 30% slopes and half of the site is on slopes greater than 20%.
- The preferred site that has been presented is directly adjacent to the viewline.

Staff Recommendation:

Staff reviewed the DRT packet and materials provided. A site visit was conducted by staff on June 30, 2021 to view the possible buildable areas on the property.

The purpose of the Terrain and Stormwater Management section of the ordinance is to minimize destruction of the natural *landscape*, to protect 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, and to respect, protect, maintain and restore natural *drainageways*, wetlands, bosques, *floodplains*, steep *slopes*, riparian vegetation and wildlife habitat areas.

The purpose of the Escarpment Overlay District ordinance is to “preserve the natural environment and the distinctive and historic ridgetop and foothills area environment as a visual asset for the benefit for the community and to maintain and encourage the sense of the City as a small community.”

After reviewing the materials provided by the applicant, conducting a site visit, and analyzing the information provided, staff can not recommend approval for the variance requests for the preferred site. Staff does recommend the approval of the alternate site with a variance to Section 14-8.2(D)(3)(b) for one-half of the site to have slopes less than 20%.

In order to comply as closely as possible with City Code, the alternate site is preferred. The alternate site would not require a variance for 30% slope disturbance and allows the buildable area to have less 20-30% slope disturbance. In addition, it meets the intent of the code to build as far from the viewline as possible on the site. The owner’s preferred proposed buildable area is directly adjacent to the viewline. As per City Code 14-5.6 (D)(3) *Structures* shall be sited as far from the *viewline* as possible. By allowing the applicant to build on the preferred site, the visual impact of the residence will be greatly increased.

Therefore given the criteria for variances as listed in Article 14-5.6 (K), staff has determined that granting variances for the preferred site would have the effect of nullifying the intent and purpose of the ordinance relating to Terrain and Stormwater Management and the Escarpment Overlay District.

City of Santa Fe, New Mexico

Exhibit C

Maps and Photos

1. Site Photo



Google

© 2025 Google. All rights reserved. Terms - Privacy - About - Advertise

City of Santa Fe, New Mexico

Exhibit D

Applicant Materials

- 1. Request for Variance Application**
- 2. Early Neighborhood Notification Meeting Summary**
- 3. Applicant Letter Dated August 12, 2021**
- 4. Improvement Plans for Proposed Building Footprint including: Site Plan; Topographical Map; Slope Analysis; Grading/Drainage Plan; and ALTERNATIVE LOCATION of BLDG PAD pursuant to staff request**



PLANNING COMMISSION
VARIANCE APPLICATION

SUBDIVISION OR DEVELOPMENT PLAN STANDARDS

Parcel Information

Project Name: RAMIREZ INVESTMENTS VARIANCE Z- § 14.8.2.D.3(d)

Address: 697 GONZALES RD Property Size: 1.36 AC

Zoning: R-21RUP Proposed Use of Land: SINGLE FAMILY RESIDENTIAL

Does this project have a Final Development Plan approval? YES NO Case Number: _____

Early Neighborhood Notice (ENN) meeting date: 6/18/21 Uniform Parcel Code Number: 105509946717

Preapplication Conference Date: 4/22/21

Property Owner Information

Company Name: RAMIREZ INVESTMENT CO. LLC

Name: _____

Address: 2079 AVENIDA SAN DIEGO
Street Address Suite/Unit # _____
SANTA FE NM 87507-3312
City State ZIP Code _____

Phone: (505) 470-7403 E-mail Address: _____

Applicant/Agent Information (if different from owner)

Company Name: SOMMER KARNES & ASSOCIATES LLP

Name: Joseph KARNES

Address: PO BOX 2476
Street Address Suite/Unit # _____
SANTA FE NM 87504
City State ZIP Code _____

Phone: (505) 989-3800 E-mail Address: Joseph@SommerKARNES.COM

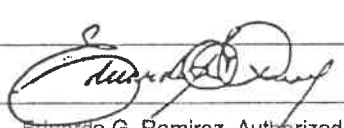
Correspondence Directed to: Owner Applicant Both

Affidavit to Authorize Agent (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 697 GONZALES RD

I/We authorize SOMMER KARNES & ASSOCIATES to act as my/our agent to execute this application.

Signed: _____ Date: _____

Signed:  Date: 06/18/21

Eduardo G. Ramirez, Authorized Agent

3 per John Neunabel

Submittal Checklist

Six (6) 24"x36" plan sets and one (1) CD are required. Please include the following:

<input checked="" type="checkbox"/> Letter of Application (intent, location, acreage)	<input checked="" type="checkbox"/> Statement addressing approval criteria	<input checked="" type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Development Plan (as defined by Section 14-3.8 SFCC 2001) <i>NA</i>	<input type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications <i>NA</i>
<input checked="" type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 2001)	<input type="checkbox"/> Traffic Impact Analysis (if required) <i>NA</i>	<input type="checkbox"/> Proof of Compliance with Conditions of Annexation Approval (if applicable) <i>NA</i>	<input type="checkbox"/> Sewer and Water Plan (including profiles and details) <i>NA</i>	<input checked="" type="checkbox"/> ENN Meeting Notes

Variations from Subdivision Regulations (Section 14-3.16 (C) SFCC 1987)

(C) Approval Criteria

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

- (1) One or more of the following special circumstances applies:
 - (a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;
 - (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;
 - (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).
- (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.
- (3) The *intensity of development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.
- (4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:
 - (a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;
 - (b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.
- (5) The variance is not contrary to the public interest.
- (6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

Note: If application is being made for Development in Special Flood Hazard Areas, then justification must be provided with the above approval criteria and the criteria found in Section 14-3.10(E) SFCC 1987.

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.

Signature:  Date: 6/21/21

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After you application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.

SOMMER KARNES & ASSOCIATES LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

125 Lincoln Ave. Suite 221
Santa Fe, New Mexico 87501

Telephone:(505) 989-3800
Facsimile:(505) 288-3601

Karl H. Sommer, Attorney at Law
khs@sommerkarnes.com
Joseph M. Karnes, Attorney at Law
jmk@sommerkarnes.com
Kathleen L. Killoy, Associate
kathleen@sommerkarnes.com

John R. Fox Attorney at Law
johnf@sommerkarnes.com
Of Counsel

June 21, 2021

**Re: 697 Gonzales Road (the "Property") – Application for 2 variances
Ramirez Investment Co. LLC (the "Applicant" and Property Owner)**

Dear Mr. Neunuebel:

On behalf of the Applicant, submitted herewith are two applications requesting that the following Code sections be varied to achieve an approved building pad and driveway access, thereby facilitating design and construction of a single-family dwelling on the Property in a manner consistent with the existing R-2/PUD zoning: section 14-8.2.D.3(b) and (d). This application is limited to the two requested variances and does not include any construction. Should the applications be approved, the Applicant intends that a home be designed on the Property and that a building permit application be submitted for construction.

The vacant 1.36 acre Property is located on the east side of Gonzales Road, north of Lejano Lane and south of Calle Joya. All of the surrounding lots along Gonzales have been developed for single family residential use, except for the lot across the street at 1398 Camino Sin Salida and open space adjacent to and north of that lot.

The western portion of the Property is within the Ridgetop Subdistrict of the Escarpment District, which prohibits construction of structures. The Property slopes downhill to the east and the easterly portion of the Property is within a designated floodplain. Just east of the Ridgetop Subdistrict, there are two arroyos running NW-SE across the Property draining into a larger arroyo running north south through the eastern portion of the Property. The Slope Analysis Map shows that most of the slopes on the Property are less than 30%. The steeper areas are in the northerly portion of the Property west of the larger North-South arroyo. The Slope Analysis Map shows that there are several relatively small, scattered and disconnected areas of slopes within the area planned for the driveway and building pad. The flattest portion of the Property is along Gonzalez Road, where construction of the house is prohibited due to the Ridgetop Subdistrict, which compels the building pad to be located to the east, down the hill.

Due to the existing slopes within the buildable portion of the Property between the east boundary of the Ridgetop Subdistrict and the larger north-south arroyo, variances to the terrain management Code are necessary to achieve the intended use of the Property for a single-family dwelling.

SOMMER, KARNES & ASSOCIATES, LLP

The project engineer prepared the proposed building pad and access driveway, which has been reviewed and conceptually approved by the Fire Department. Land use staff also requested that the engineer explore other alternatives, with the building pad located farther to the east. Included in this application is an alternative plan showing the engineer's best effort to design a building pad following staff's direction. The alternative plan would require a variance to the 50-50 rule and would also require a variance to section 14-8.2.D.3(c), which requires that on slopes of greater than 20%, that the vertical height between the finished floor elevation and the natural slope be no greater than 5'. The Applicant rejected the alternative plan on the basis that the driveway along the south side of the Property would be longer and would be shaded in winter from existing development on the property to the south, would require a greater amount of land disturbance and would require importation of 1,100 cubic yards of fill.

Fire Department staff reviewed the driveway design for the proposed building pad and provided conceptual approval of the driveway design. The proposed access and building pad represents the best effort to address the site constraints and minimize land disturbance while achieving the long-planned use of the Property by the City General Plan and Zoning Ordinance.

Sincerely,



Joseph M. Karnes

Statement Addressing Approval Criteria

The following addresses the approval criteria for both requested variances.

Approval Criteria

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

(1)

One or more of the following special circumstances applies:

(a)

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

Response: The Property has buildable area adjacent to Gonzalez Road that would not require any terrain management variances. However, that area is non-buildable due to the designated Ridgetop Subdistrict that runs along the east side of Gonzales Road through the Property. Review of the escarpment overlay map shows that there are several houses in the vicinity located within the ridgetop subdistrict, including the house adjacent and to the south. The topography of properties in the vicinity varies and the Property is subject to steep slopes, three arroyos and a designated flood zone, all of which restrict developable areas. Most of the properties along the east side of Gonzales Road are of a similar size, but are more square in nature than the Property, which is rectangular in shape and oriented in an east-west direction, more or less with the slope. The combination of the relatively narrow north-south dimension of the property, the ridgetop overlay and the need for a driveway meeting applicable code requirements all constrain the building pad location to a greater extent than others in the vicinity, perhaps explaining why this is one of the few remaining vacant properties in the vicinity.

(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;

Response: The Property was created as part of the Valle Lejano Unit 4 subdivision, which was recorded in 1980 and has been zoned for residential development since that time. The Property is a legal conforming lot. That said, Section 14-8.2.D was adopted as a new section via Ordinance 2011-37 and the creation date of the Property predates the regulations requested to be varied by more than two decades. Likewise, the City adopted the Escarpment overlay ordinance via

SOMMER, KARNES & ASSOCIATES, LLP

Ordinance 2006-55. That ordinance compels the approval of terrain management variances in order to make use of the Property for its planned and zoned single family residential use and avoid an inverse condemnation claim.

(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

Response: Not Applicable.

(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).

Response: Not Applicable.

(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.

Response: As addressed above, the existence of the Ridgeway Subdistrict along Gonzalez Road, the larger arroyo and flood plain in the eastern portion of the Property and the sloping terrain in between render it infeasible to develop a driveway and building pad in compliance with the standards of Chapter 14.

(3)

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

Response: The proposed building pad is 3,000 SF in size. Several existing homes in the vicinity are at least this large.

(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;

SOMMER, KARNES & ASSOCIATES, LLP

Response: The Property is zoned for single-family development and most of the properties in the vicinity were developed with single-family homes many years ago. Due to the constraints addressed above, it is not feasible to develop the Property without variances or for a lesser intensity of use than the planned single family dwelling.

(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 .

Response: The variance are necessary in order to achieve construction of a single family dwelling on the Property, which is the use planned for the Property in the General Plan and the Zoning Map. The building pad has been designed to avoid the designated Ridgetop Subdistrict, while minimizing the amount of land disturbance in light of the sloping nature of the Property. Pushing the house farther down the hill to the east would result in greater amount of grading, land disturbance and driveway length, as compared to the building pad included in the Application.

(5)

The variance is not contrary to the public interest.

Response: Development of a single family home on the Property will be consistent with the General Plan land use designation and zoning designation of the Property, will avoid visual impacts protected by the Ridgetop Subdistrict, will minimize the amount of necessary site disturbance and will not be contrary to the public interest.

(6)

There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

SPECIAL WARRANTY DEED

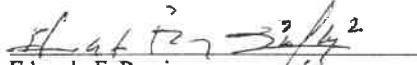
Eduardo F. Ramirez and Maria de Jesus Ramirez, husband and wife, for consideration paid, grants to **Ramirez Investment Company, LLC**, a New Mexico limited liability company, whose address 417 Columbia Street, Santa Fe, New Mexico 87505, the real property in Santa Fe County, New Mexico, described as follows:

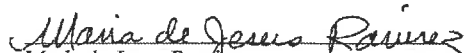
Lot Twenty-four (24), Unit 4, Valle Lejano Subdivision, Santa Fe, New Mexico, as shown on plat filed in the Office of the County Clerk, Santa Fe County, New Mexico on October 21, 1980 as Document No. 466,835.

Subject to: Restrictions, reservations, encumbrances and easements of record,

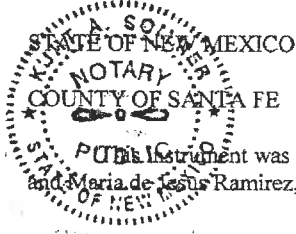
with **special warranty covenants**

Dated: March 29, 2011

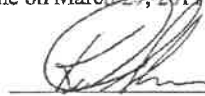

Eduardo F. Ramirez


Maria de Jesus Ramirez

ACKNOWLEDGMENT

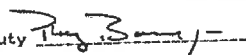


This instrument was acknowledged before me on March 29, 2011 by Eduardo F. Ramirez and Maria de Jesus Ramirez, husband and wife.


Notary Public
My commission expires: 6-24-11



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for Record On The 30TH Day Of March, 2011 at 02:37:02 PM And Was Duly Recorded as Instrument # 1631040 Of The Records Of Santa Fe County

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

SOMMER KARNES & ASSOCIATES LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

125 Lincoln Ave. Suite 221
Santa Fe, New Mexico 87501

Telephone:(505) 989-3800
Facsimile:(505) 288-3601

Karl H. Sommer, Attorney at Law
khs@sommerkarnes.com
Joseph M. Karnes, Attorney at Law
jmk@sommerkarnes.com
Kathleen L. Killoy, Associate
kathleen@sommerkarnes.com

John R. Fox Attorney at Law
johnf@sommerkarnes.com
Of Counsel

EARLY NEIGHBORHOOD NOTIFICATION MEETING 697 Gonzales Road Variance Application Meeting Held on June 8, 2021

The ENN meeting was held on Zoom and attended by:

Individual	Address	Role
Joseph Karnes		Applicant's Counsel
Eduardo Ramirez		Owner representative
Eric Cornelius		Project Engineer
John Neunuebel		City Planner
Nancy Long	PO Box 5098 Santa Fe NM 87502-5098	Member of public
Ramona Schmidt	1303 Lejano Lane Santa Fe, NM 87501	Member of public
Michael McCormick	719 Gonzales Road Santa Fe, NM 87501	Member of Public

Meeting Summary:

Joseph Karnes made a brief presentation about the process and reviewed details regarding the subject property, City zoning designation, the draft grading plans for the building pad and driveway and anticipated variance application involving terrain management requirements.

Ms. Long did not have any questions or comments.

Ms. Schmidt's one question was whether the area on the east side of the subject property is designated as a flood plain. The project engineer confirmed that it is and that this area is not proposed for development.

Mr. McCormick had questions about the building pad and whether it would likely be on one level or would be split-level. The project engineer explained that the objective is to cut and fill to achieve a single-level pad. Mr. McCormick asked follow up questions about stairs accessing the pad from the parking area and the project engineer explained that

SOMMER, KARNES & ASSOCIATES, LLP

Page 2 of 2

the house design has not commenced and that it is possible that there may be some stairs.

None of the three public participants stated any opposition to the variance requests.

SOMMER KARNES & ASSOCIATES LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

125 Lincoln Ave. Suite 221
Santa Fe, New Mexico 87501

Telephone:(505) 989-3800

Facsimile:(505) 288-3601

Karl H. Sommer, Attorney at Law
khs@sommerkarnes.com
Joseph M. Karnes, Attorney at Law
jmk@sommerkarnes.com
Kathleen L. Killoy, Associate
kathleen@sommerkarnes.com

John R. Fox Attorney at Law
johnf@sommerkarnes.com
Of Counsel

August 12, 2021

**Re: 697 Gonzales Road (the "Property")
Application for 2 terrain management variances
Ramirez Investment Co. LLC (the "Applicant" and Property Owner)**

Dear Mr. Neunuebel and Members of the Planning Commission:

On behalf of the Ramirez family and Applicant, the following addresses the history and context of the Application to help them achieve the long-planned use of the Property for a single-family home.

Gonzales Road is an exclusively residential area that was planned, zoned, subdivided and substantially developed for single family residential use many years ago. The Property is one of two vacant parcels along the east side of Gonzales Road and has been owned by the Ramirez Family for more than three decades.

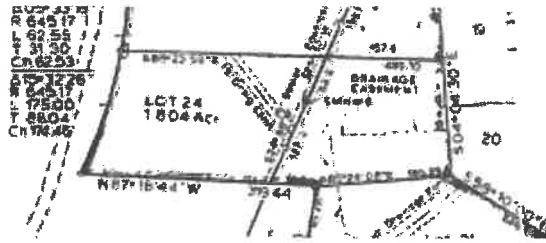
This letter addresses three items: the physical and regulatory development constraints, the proposed size of the building pad and an alternative building pad location, which the Applicant believes would be a superior solution than the proposed location.

A. Physical and Regulatory Constraints

That the Property was not developed long ago is attributable to physical and regulatory constraints; in particular:

1. **Arroyos.** A large north-south arroyo runs through the center of the Property, rendering a building site to the east infeasible. In addition, the plat includes a drainage easement to the west of the arroyo that runs northwest-southeast, which further reduces the developable portion of the Property. Due to these physical constraints, the only potential building sites are in the western portion of the Property.

SOMMER, KARNES & ASSOCIATES, LLP



2. **Topography.** The westerly portion of the Property, along Gonzales Road, is the highest and flattest area and the land slopes downward to the east. From the high point at the northwest corner of the Property to the central arroyo, the elevation drops 45', from 7,280' to 7,245'. As the topographic slope analysis submitted with the application shows, the western portion of the Property includes substantial areas of slopes between 20-30% slope and scattered areas of slopes greater than 30%. The terrain management provisions prohibiting development on slopes greater than 30% and limiting development on slopes between 20-30% to half of the building pad further reduce the developable area of the Property. The only area where a building pad could be sited without obtaining terrain management variances is in the northern area adjacent to Gonzales Road, which is within the Ridgetop Subdistrict of the Escarpment Overlay.

3. **Escarpment Overlay.** Subsequent to creation of the lot comprising the Property, the City adopted its escarpment overlay, including designation of areas within the Ridgetop Subdistrict, where construction is prohibited (shown in green). Several of the homes along the east side of Gonzales Road were built within the Ridgetop Subdistrict prior to its adoption.



SOMMER, KARNES & ASSOCIATES, LLP

As a result of these physical and regulatory constraints, the Property cannot be developed for its zoned single-family residential use without approval of variances to the Code. To our knowledge, the City has not approved any variances allowing development within the Ridgetop Subdistrict in recent years and therefore, the Applicant made the decision to locate the building pad outside the Subdistrict, which requires the two terrain management variances requested by the Application.

B. Building Pad Size

Staff has taken the position that the following Code section supports a conclusion that the City is obligated to approve a building pad with a footprint of no more than 2,000 SF.

Each residential lot shall have a buildable site designated as suitable for a building with a footprint of not less than forty percent of the minimum required net lot area or two thousand (2,000) square feet, whichever is less, which can be developed in accordance with the terrain and stormwater management standards and with other applicable development standards, including required setbacks and access requirements. The planning commission or the land use director *for summary plats or resubdivisions*, may approve residential lots with a smaller buildable site to accommodate lot size averaging or within multi-family developments. Section 14-8.2 (D)(3)(a)

This section does not apply to the Application and does not stand for the proposition that the City may impose a limit on the size of a building pad. The section, by its express terms (*italicized above*), applies to creation of new lots, which are required to identify buildable sites in order to demonstrate that they can be feasibly developed for the uses allowed by the applicable zoning district.

In this case, the subdivision plat creating the lot did not identify a buildable site (see section A.1, above) and the reason for this Application is that there is no such buildable site on the Property. Furthermore, the section sets only a minimum size for buildable sites that a subdivider is required to demonstrate and does not state that the City may limit the size of a building pad on its own initiative. The obligation imposed by this section is *only* on a subdivider. Had the City intended to adopt a regulation stating that it could limit the size of buildable sites to 2,000 SF, it could have said so and property owners would have knowledge of such a limitation. However, the City did not do so and this section cannot be read to impose such a draconian limitation.

Further, the development pattern for the area along the east side of Gonzales Road was set in place many years ago, when the rest of the homes were built, and those homes are much larger than the proposed 3,000 SF building pad for a single-story residence. The County Assessor records (Exhibit B) show that the existing homes adjacent to the Property are substantially larger:

SOMMER, KARNES & ASSOCIATES, LLP

Address	Location	Square Footage
701 Gonzales Rd	Adjacent to north	4,660 SF
693 Gonzales Rd.	Adjacent to south	4,887 SF
2036 Calle Lejano	Adjacent to east	5,642 SF
1309 Lejano Land	Adjacent to east	3,128 SF
1307 Lejano Lane	Adjacent to southeast	3,470 SF
690 Gonzales Road	Adjacent to west	3,403 SF

The proposed building pad would be smaller than **all** of the existing adjacent homes and substantially smaller than half of them. Also, some of these existing homes are two stories, whereas the Applicant is willing to limit the future dwelling on the building pad to one story.

The City Code is not meant to be punitive in nature and is intended to accomplish “a coordinated, adjusted and harmonious development of Santa Fe that will best promote health, safety, order, convenience, prosperity and the general welfare.” (Section 14-1.3) Approval of the Application would accomplish this purpose and would facilitate construction of a home that, while smaller than all of its existing neighbors, would be in harmony with them. A 2,000 SF building pad would not be in harmony with the existing neighborhood and would materially harm the Applicant in a manner not intended by the Code.

C. Alternative Building Pad Location

During the site visit attended by the Case Planner, City Engineer and a representative of the Fire Department, there was discussion about an alternative building pad location within the Ridgetop Subdistrict. As addressed in section A.3, above, it was noted that there are several existing homes adjacent to Gonzales Road within the Ridgetop Subdistrict and that this area is flatter than the portions of the Property to the east and also that the amount of grading and vegetation removal would be reduced with a building pad closer to Gonzales Road and the need for retaining walls would be eliminated.

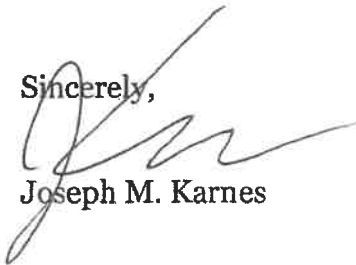
Given the expense and time associated with entitlement applications, along with the lack of approved Ridgetop Subdistrict variances, the Ramirez family decided on the Application as submitted. That said, if the Planning Commission is inclined to positively consider a building pad for a single-story home within the Ridgetop Subdistrict and neighbors do not object, the Ramirez family would consider designing and submitting such an application, which would require only a variance to the Escarpment Overlay district, and putting the pending Application on hold pending a decision on the alternative building pad location. We look forward to addressing this possibility during the Planning Commission hearing.

D. Conclusion

The Ramirez family would prefer to avoid the need for a variance and the associated process and simply apply for a building permit to achieve the permitted use of the Property for a single-family home. Unfortunately, the realities are that the physical and regulatory constraints compel approval of one or more variances to do so (and to avoid inverse condemnation of the Property by the City – a result that would be undesirable to all).

The Ramirez family was pleased that no objections to their proposal were heard during the Early Neighborhood Notification meeting and looks forward to presenting the application at the Planning Commission hearing. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Karnes', written over the word 'Sincerely,'.

Joseph M. Karnes

Sketch and Property Description

If you are the owner of the property being researched and you believe there is a significant discrepancy in any of the information being shown, please click here to complete a Property Correction Form. Submission instructions are available on the form.

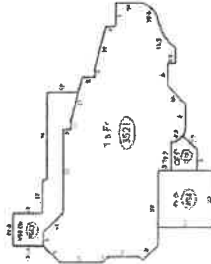
Property Detail and Sketches (below) are current as of Monday, March 15, 2021.

LAND DETAIL

Extension	Line	Type	Square Footage	Acreage
L01	1	Residential	69565.32000000	1.59700000

PRIMARY STRUCTURES DETAIL

Extension ID	Type	Square Footage	Year Built	Bedrooms	Sketch (click image to download)
R01	0	Dwelling	1990	4	
R01	1	Open Frame Porch			
R01	2	Wood Deck			



Total Square Footage 4176

ADDITIONAL STRUCTURES DETAIL

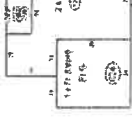
Extension ID	Type	Square Footage	Year Built	Sketch (click image to download)
R01	G04	Attached Garage	1930	


Property Detail and Sketches (below) are current as of Monday, March 16, 2021.

LAND DETAIL

Extension	Line	Type	Square Footage	Assege
L01	1	Residential	445910.00000000	1.63100000

PRIMARY STRUCTURES DETAIL

Extension	ID	Type	Square Footage	Year Built	Bedrooms	Sketch (click image to download)
R01	D	Dwelling	3364	1979	8	
R01	1	Open Frame Porch	126			
R01	2	Open Frame Porch	126			
R01	3	Open Frame Porch	96			
Total Square Footage			3652			

Extension	ID	Type	Square Footage	Year Built	Bedrooms	Sketch (click image to download)
R02	D	Dwelling	896	2030	2	
R02	1	Open Frame Porch	374			
R02	2	Open Frame Porch	96			
Total Square Footage			1366			

ADDITIONAL STRUCTURES DETAIL

Extension	ID	Type	Square Footage	Year Built
R01	G01	Attached Garage	624	1979

Search and Property Description

If you are the owner of the property being researched and you believe there is a significant discrepancy in any of the information being shown, please click here to complete a Property Correction Form. Submission instructions are available on the form.

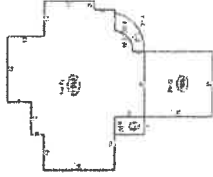
Property Detail and Sketches (below) are current as of Monday, March 15, 2021.

LAND DETAIL

Extension	Line	Type	Square Footage	Acres
L01	1	Residential	46,656.52000000	1.11700000

PRIMARY STRUCTURES DETAIL

Extension	ID	Type	Square Footage	Year Built	Bedrooms	Sketch (click image to download)
R01	D	Dwelling	1989	1979	3	
R01	1	Open Frame Porch	69			
R01	2	Open Frame Porch	65			
Total Square Footage			2034			



ADDITIONAL STRUCTURES DETAIL

Extension	ID	Type	Square Footage	Year Built	Sketch (click image to download)
R01	G01	Attached Garage	506	1979	
R02	01	Detached Garage	336	2014	
R03	01	Detached Garage	252	2017	

Sketch and Property Description

If you are the owner of the property being researched and you believe there is a significant discrepancy in any of the information being shown, please click [here](#) to complete a Property Correction Form. Submission instructions are available on the form.

Property Detail and Sketches (below) are current as of Monday, March 15, 2021.

LAND DETAIL

Extension	Line	Type	Square Footage	Acreage
L01	1	Residential	56899.38000000	1.306900000

PRIMARY STRUCTURES DETAIL

Extension ID	Type	Square Footage	Year Built	Bedrooms	Sketch (click image to download)
R01	D	Dwelling	1985	4	
R01	1	Open Masonry Porch			
R01	2	Open Masonry Porch			



Total Square Footage 2884

ADDITIONAL STRUCTURES DETAIL

Extension ID	Type	Square Footage	Year Built	Sketch (click image to download)
R01	G01	Attached Garage	1985	

Sketch and Property Description

If you are the owner of the property being researched and you believe there is a significant discrepancy in any of the information being shown, please click here to complete a Property Correction Form. Submission instructions are available on the form.

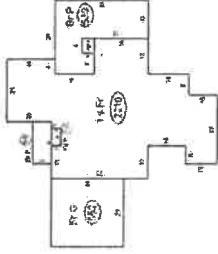
Property Detail and Sketches (below) are current as of Monday, March 15, 2021.

LAND DETAIL

Extension	Line	Type	Square Footage	Acreage
LOT	1	Residential	14374.80000000	0.33000000

PRIMARY STRUCTURES DETAIL

Extension	ID	Type	Square Footage	Year Built	Bedrooms	Sketch (click image to download)
RC1	0	Dwelling	2210	1980	3	



Total Square Footage 2851

ADDITIONAL STRUCTURES DETAIL

Extension	ID	Type	Square Footage	Year Built	Sketch (click image to download)
RC1	G01	Attached Garage	552	1980	



City of Santa Fe

Land Use Department | Historic Preservation Division

Plan Number: 2024-008259--HDRB

Project Description: 2024-008259-HDRB. 697 Gonzales Road. Downtown & Eastside Historic District. Liaison Planning, agent for Mark and Mallory Neuberger, owners, proposes to construct a 3,938 sq. ft. residence to a height of 15'-6" where the maximum allowable height is 16'-0" on a vacant lot.

Project Location(s): 697 GONZALES RD
Santa Fe, NM 87501

Contacts:

Property Owner: Mark & Mallory Neuberger

malloryneuberger@yahoo.com

Applicant: LIAISON PLANNING SERVICES INC
PO BOX 1835

liaisonplanning@gmail.com

Historic District: HD: Downtown And Eastside

Historic Building Status:

Non-Statused: True Non-Contributing: True Contributing: Significant/Landmark:

Primary Elevations:

Publicly Visible Facade-East:

Publicly Visible Facade-North: Yes

Publicly Visible Facade-South: Yes

Publicly Visible Facade-West: Yes

Historic District Inventory Number: NA

Year of Construction:

Project Type: New Construction

Historic Building Name:

City of Santa Fe, New Mexico

memo

DATE: June 11, 2024
TO: Historic Districts Review Board Members
FROM: Lani McCulley, Senior Planner, Historic Preservation Division

2024-008259-HDRB. 697 Gonzales Road. Downtown & Eastside Historic District. Liaison Planning, agent for Mark and Mallory Neuberger, owners, proposes to construct a 3,938 sq. ft. residence to a height of 15'-6" where the maximum allowable height is 16'-0" on a vacant lot.

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

District Standards & yard wall
& fence standards.

Historic Inventory Form

Zoning Review Sheet

Other:

APPLICANT SUBMITTALS

Proposal Letter

Site Plan/Floor Plan

Elevations

Photographs

Other:

STAFF RECOMMENDATION:

Staff recommends approval of the proposed project and finds that the application complies with Section 14-5.2(D) General Design Standards for all Historic Districts, and 14-5.2(E) Downtown and Eastside Design Standards.

BACKGROUND & SUMMARY:

The 1.804-acre vacant lot at 697 Gonzales is in the Downtown and Eastside Historic District. Properties on Gonzales Road have sloped lots, and the houses tend to sit back away from the road. The properties on the west side of the road are below the road's grade while those on the east side of the road tend to sit above the road grade. These homes appear as one story from the street, but they are two stories in the rear with an average height of 24'0".

The lot at 697 Gonzales is on the east side of the road and sits above the road grade.

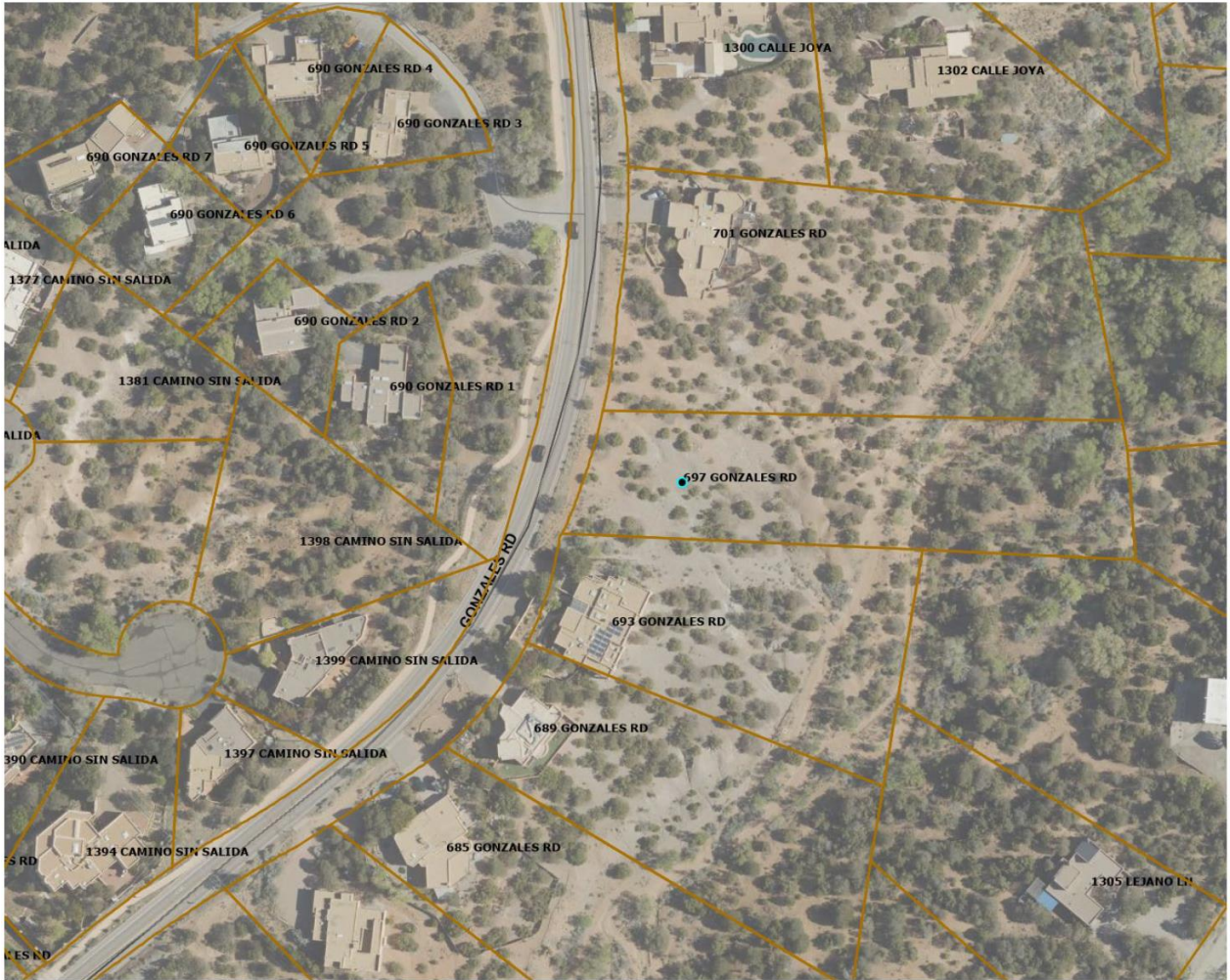


Figure 1: Location of the lot at 697 Gonzales Road.

The applicant proposes the following exterior alterations:

1. Construct a 3,938 sq. ft. residence to a height of 15'6" where the maximum allowable height is 16'0" on a sloping site.
 - a. The residence is designed in Pueblo style.
 - b. West elevation (street facing) details:
 - i. An arched entry gate with a stuccoed 4' garden wall.
 - ii. Covered 45 sq. ft. portal over the entry door.
 - iii. Solid wooden entry door flanked with pergolas.
 - iv. Two (73 sq. ft. and 56 sq. ft.) pergolas constructed with 5–12-inch wood-stained beams.
 - v. Window will be a true divided lite clad window.
 - vi. 2-car garage with paneled wood door to the left of the gated courtyard
 - c. North elevation details:
 - i. An A/C compressor with a 3'0" pony wall to screen.

- ii. All windows will be true divided lite.
- d. East elevation details:
 - i. Two stories with overall height of 24'0".
 - ii. True divided lite windows.
 - iii. Sliding true divided lite glass doors on 1st floor and basement
 - iv. Portal with vigas wraps around balcony with black wrought iron railing.
- e. South elevation details:
 - i. Stairs with a landing and a wraparound porch with black rod iron handrails.
 - ii. Fireplace with chimney.
 - iii. Two true divided lite windows will flank the proposed fireplace.
 - iv. One true divided lite wood clad door at the SE corner of the portal.
- f. Detailed exterior finishes:
 - i. Stucco Color EL Rey "La Luz".
 - ii. Front Door Color "Salty Dog".
 - iii. Courtyard Gate Color "Major Blue".
 - iv. Garage Door Color "Walnut".
 - v. Exterior windows and patio doors will be "Dark Bronze".
 - vi. Light Fixtures: "Mesa Bear" to be located near gate and front door and "Pueblo" Flanking garage doors.

The Planning Commission heard an escarpment variance Application(s) for the property under cases 2021-003802-PLBD and 2021-003803-PLBD to determine the building area of the structure. The proposed site plan was presented to the Planning Commission on September 2, 2021, the Commission approved the requested variance related to the grading standard that at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent (Case File #2021-3802). The applicant obtained approval of the revised location of building pad from Terrain Management in 2024.

RELEVANT CODE CITATIONS:

14-5.2(A)(1) General Purpose

In order to promote the economic, cultural, and general welfare of the people of the city and to ensure the harmonious, orderly and efficient growth and development of the city, it is deemed essential by the governing body that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve property values and attract tourists and residents alike, be preserved, some of these qualities being:

- (a) The continued existence and preservation of historical areas and buildings;
- (b) The continued construction of buildings in the historic styles; and
- (c) A general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design.

Yard Wall Height:

14-5.2(D)(9) Height, Pitch, Scale, Massing and Floor Stepbacks

(c)(ii) In exercising its authority under this section, the board shall limit the height of structures as set forth in this section. Heights of existing structures shall be as set forth on the official map of building heights in the historic districts.

C. Yard walls and fences shall be limited to a height that does not exceed the average of the height of other yard walls and fences in the streetscape.

Sloping Sites:

14-5.2(D)(9) Height, Pitch, Scale, Massing and Floor Stepbacks

(c)(ii)(F) The board may increase the allowable height for proposed buildings and additions located on a sloping site where the difference in the natural grade along the structure's foundation exceeds two (2) feet. In no case shall the height of a façade exceed four (4) feet above the allowable height of the applicable streetscape measured from natural or finished grade, whichever is more restrictive. This increase in height shall be constructed only in the form of building stepbacks from the street.

14-5.2(E) Downtown and Eastside Design Standards

(1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with adobe, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

- (a) With rare exception, buildings are of one story, few have three stories, and the characteristic effect is that the buildings are long and low. Roofs are flat with a slight slope and surrounded on at least three sides by a firewall of the same color and material as the walls or of brick. Roofs are never carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by wooden columns. Two-story construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second story. Façades are flat, varied by inset portales, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding walls;
- (b) All exterior walls of a building are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under portales, or in church-derived designs, inset panels in a wall under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;
- (c) Solid wall space is always greater in any façade than window and door space combined. Single panes of glass larger than thirty (30) inches in any dimension are not permissible except as otherwise provided in this section;
- (d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the street on which the building fronts;

- (e) True old Santa Fe style buildings are made of adobe with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the adobe effect can be simulated is permissible; provided, that the exterior walls are not less than eight (8) inches thick and that geometrically straight façade lines are avoided. Mud plaster or hard plaster simulating adobe, laid on smoothly, is required; and

(2) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of adobe construction, prescribed as follows:

- (a) No building shall be over two stories in height in any façade unless the façade shall include projecting or recessed portales, setbacks or other design elements;
- (b) The combined door and window area in any publicly visible façade shall not exceed forty percent of the total area of the façade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three (3) feet from the corner of the façade;
- (c) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment described below;
- (d) No less than eighty percent of the surface area of any publicly visible façade shall be adobe finish, or stucco simulating adobe finish. The balance of the publicly visible façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for building permits;
- (e) The publicly visible façade of any building and of any adjoining walls shall, except as otherwise provided, be of one color, which color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. Façade surfaces under portales may be of contrasting or complimentary colors. Windows, doors and portals on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles; except that buildings with portals may have larger plate glass areas for windows under portals only. Deep window recesses are characteristic; and
- (f) Flat roofs shall have not more than thirty (30) inches overhang.



Preliminary Zoning Review Worksheet

City of Santa Fe Land Use Department

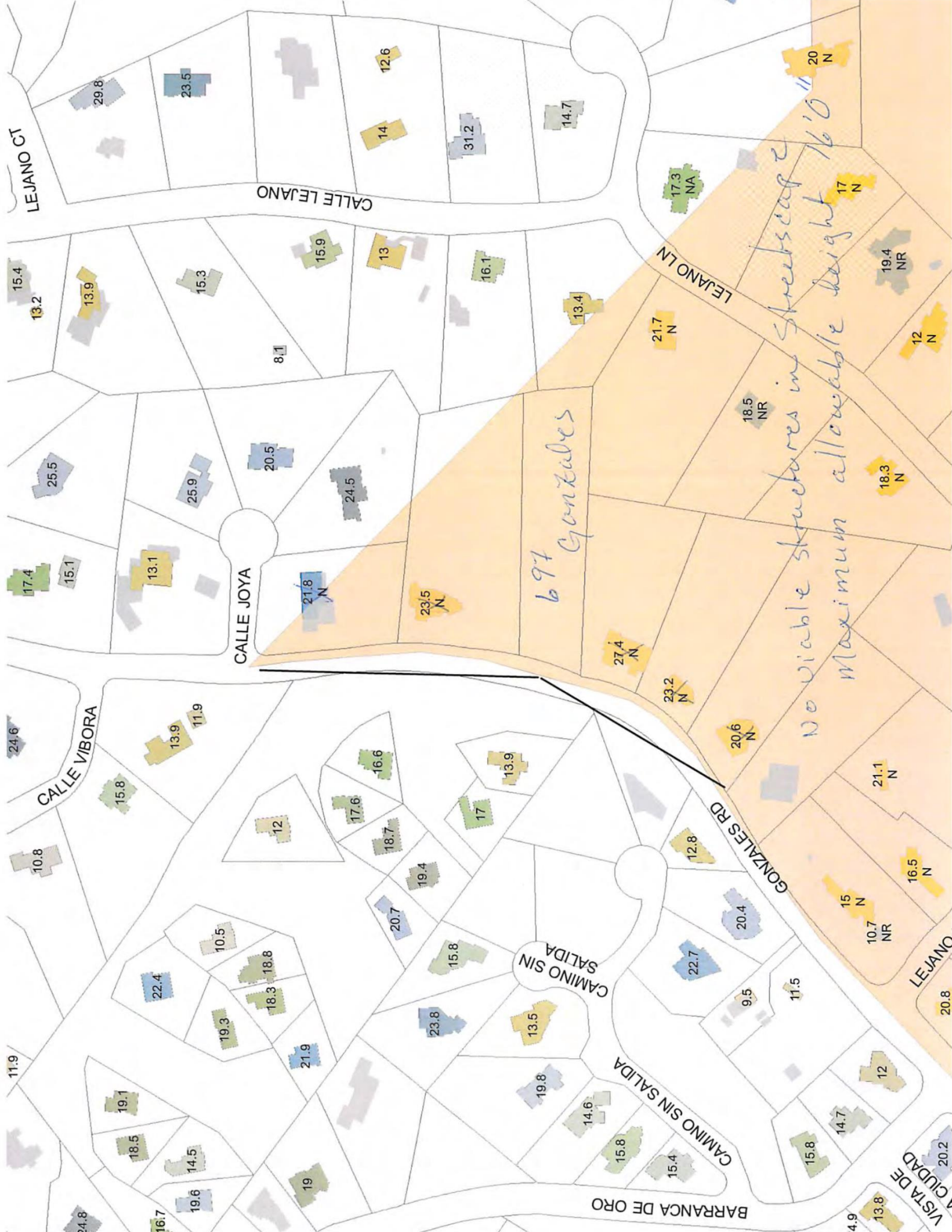
To Be Completed By Applicant:		Site Address:
Date Submitted: <u>4/4/2024</u>	Property Owner of Record: <u>Mark and Mallory Neuberger</u>	<u>697 Gorzales Road</u>
Applicant/Agent Name: <u>Liaison Planning/ Dolores I Vigil</u>	Contact Person Phone Number: <u>(505) 920-6839</u>	Proposed Construction Description:
Zoning District: <u>R-1</u>	Overlays: <input checked="" type="checkbox"/> Escarpment <input type="checkbox"/> Flood Zone* <input type="checkbox"/> Other: <u>Mountainous Terrain</u>	<u>Single Family Residence</u>
Submittals Reviewed with PZR:	Supplemental Zoning Submittals Required for Building Permit:	TOTAL ROOF AREA: <u>2,999 SF</u>
<input checked="" type="checkbox"/> Legal Lot of Record <input type="checkbox"/> Development Plans <input type="checkbox"/> Existing Site Plan <input checked="" type="checkbox"/> Proposed Site Plan <input checked="" type="checkbox"/> Building Elevations	<input type="checkbox"/> Zero Lot Line Affidavit <u>N/A</u>	Lot Coverage: <u>3.82</u> % <input type="checkbox"/> Open Space Required: <u>N/A</u>
Access and Visibility: <input type="checkbox"/> Arterial or Collector** <input type="checkbox"/> Visibility Triangle Required	Use of Structure: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial Type of Use: _____	Setbacks: Proposed Front: <u>95'-5"</u> Minimum: <u>20'</u> 2 nd Front? _____ Proposed Rear: <u>289'</u> Minimum: <u>15'</u> Proposed Sides: L <u>39'</u> R <u>49'</u> Minimum: <u>5'</u>
Terrain: <input type="checkbox"/> 30% slopes <input checked="" type="checkbox"/> Approved Variance		Height: Proposed <u>15'-0"</u> <u>28'</u> Maximum Height: <u>16'</u> <u>24'</u> or <input type="checkbox"/> Regulated by Historic Districts Ordinance <input type="checkbox"/> Regulated by Escarpment District
* Requires an additional review conducted by Technical Review Division. ** Requires an additional review conducted by the Traffic Engineering Division.		Parking Spaces: Proposed <u>2</u> Accessible <u>N/A</u> Minimum: <u>2</u>
		Bicycle Parking**: <u>NA</u> Proposed: _____ Minimum: <u>N/A</u> ** Commercial Requirement

THIS REVIEW DOES NOT GRANT ZONING APPROVAL FOR BUILDING PERMIT. FINAL ZONING REVIEW WILL BE PERFORMED AT THE TIME OF BUILDING PERMIT APPLICATION.

Dolores I. Vigil / Liaison Planning OWNER APPLICANT AGENT
PRINT NAME
 hereby certifies that the information provided for preliminary zoning review is accurate and will not be modified without consulting Land Use Department staff prior to submittal for Historic Districts Review Board review.

[Signature] 4/4/2024
 SIGNATURE DATE

To Be Completed By City Staff:	Case No. 2024-008191
Additional Agency Review if Applicable:	
<input type="checkbox"/> Escarpment Approval by _____ Date: <u> / / </u>	
<input type="checkbox"/> Flood Plain Approval by _____ Date: <u> / / </u>	
<input type="checkbox"/> Traffic Engineering Approval by _____ Date: <u> / / </u>	
Notes: _____	
Zoning Approval:	
<input checked="" type="checkbox"/> Preliminary Approval <input type="checkbox"/> with conditions <input type="checkbox"/> Rejected	
Comments/Conditions: <u>Legal lot of record provided. Building may go up to 28' due to 14-7.2(C.2). Project will undergo escarpment review at time of permit to assure compliance with variance.</u>	
REVIEWER: <u>Carly Venditti</u>	DATE: <u>4/15/2024</u>
Original color form must be submitted with Historic Districts Review Board (HDRB) application packet.	



LEJANO CT

CALLE LEJANO

LEJANO LN

CALLE JOYA

697 Gonzales

No viable structures in streetscape 16'0"
Maximum allowable height

CALLE VIBORA

GONZALES RD

CAMINO SIN SALIDA

CAMINO SIN SALIDA

BARRANCA DE ORO

VISTA DE CIUDAD

24.6

11.9

24.8

10.8

15.8

19.1

18.5

16.7

19.6

14.5

21.9

22.4

19.3

18.3

12

17.6

18.7

17

13.9

19.4

20.7

15.8

23.8

13.5

19.8

14.6

15.8

15.4

22.7

20.4

9.5

11.5

12.8

15 N

10.7 NR

16.5 N

21.1 N

20.8

17.4

15.1

13.1

25.5

25.9

20.5

24.5

21.8 N

23.5 N

8.1

15.3

15.9

13

16.1

13.4

21.7 N

18.5 NR

27.4 N

23.2 N

20.6 N

18.3 N

12 N

19.4 NR

17 N

20 N

17.3 NA

14.7

31.2

14

12.6

29.8

23.5

14.9

13.8

20.2

City of Santa Fe, New Mexico

**Historic Districts Review
Board**

**2024-008259-HDRB
Planning Commission
Documentation
697 Gonzales
Slope Variance**



MINUTES

REGULAR MEETING OF
THE PLANNING COMMISSION
SEPTEMBER 02, 2021 AT 6:00
PM
VIRTUAL MEETING

zoned BCDMAR (Business Capitol District - Marcy Subdistrict) and within the Historic Downtown Archeological District and Downtown and East Side Historic District. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov 505-955-6587). **(POSTPONED FROM SEPTEMBER 2, 2021) (TO BE WITHDRAWN)**

9. **Case #2021-3802. 697 Gonzales Road Variance to Subsection 14-8.2(D)(3)(b).** Sommer Karnes & Associates, LLP, Agent for Ramirez Investment Company, LLC, Owner, requests approval of a variance to grading standards related to permissible building slope within SFCC Subsection 14-8.2(D)(3)(b) *Topography*, which states “at least one-half of the area designated as suitable for building and at least one-half of any **building** footprint shall have a natural **slope** of less than twenty percent; the remainder of the area or **building** footprint may have a natural **slope** of twenty percent or greater, but less than thirty percent. The property is zoned R-1 (1 dwelling unit per acre), is partially within the Escarpment Overlay, and is approximately 1.36 acre in size. (John Neunuebel, Case Manager, jcneunuebel@santafenm.gov 955-6656)

10. **Case #2021-3803. 697 Gonzales Road Variance to Subsection 14-8.2(D)(3)(d).** Sommer Karnes & Associates, LLP, Agent for Ramirez Investment Company, LLC, Owner, requests approval of variance(s) to grading standards related to permissible building slope within SFCC Subsection SFCC 14-8.2(D)(3)(d). *Topography*, which states “A structure shall not be built on a natural slope of thirty percent or greater.” The property is zoned R-1 (1 dwelling unit per acre), is partially within the Escarpment Overlay, and is approximately 1.36 acre in size. (John Neunuebel, Case Manager, jcneunuebel@santafenm.gov 955-6656)

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

Liaison

Chair



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

Alan Webber, Mayor

Councilors:

Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

October 8, 2021

Sommer Karnes & Associates LLP
Attn: Mr. Joseph M. Karnes
Post Office Box 2476
Santa Fe, New Mexico 87504

Subject: City of Santa Fe Planning Commission Action(s) Regarding Variance Application(s) for Property Located at 697 Gonzales Road (Case Files #2021-3802 & #2021-3803)

Dear Joseph:

As you are aware, the City of Santa Fe Planning Commission took actions regarding the proposed variances to grading standards at their meeting on September 2, 2021, for property located at 697 Gonzales Road. With the expiration of the appeal period of the Planning Commission's actions, the following information is provided in memorializing a building footprint as requested for the future construction of single-family residence on the subject property.

Although the Planning Commission denied the requested variance regarding grading of areas with slopes in excess of 30% (Case File #2021-3803), the Commission approved the requested variance related to the grading standard that at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent (Case File #2021-3802). In approving the requested variance, the Planning Commission also approved the following project condition.

1. Applicant shall return to the Planning Commission during a future scheduled meeting to obtain approval of revised location of building pad corresponding with Planning Commission approval variance request Case #2021-3802 as related to SFCC Subsection 14-8.2(D)(3)(b), with City staff preparing associated Findings of Fact and Conclusions of Law at that time.

Inasmuch as associated Findings of Fact and Conclusions of Law had in fact been prepared for the Commission and included with the staff report, the above-cited condition should have been so revised. (Findings of Fact and Conclusions of Law for both variance request cases as approved by the Planning Commission are enclosed with this letter.) Land Use Department staff have concluded that it is possible that the revised location of building footprint for future construction of single-family residence pursuant to Planning Commission action may be administratively revised and memorialized without the need to return to the Planning Commission, although staff reserves the right to return to the Commission in this regard as may be deemed appropriate. Please revise Exhibit(s) C-102 (“Civil Site Plan”) and C-301 (“Slope Analysis Map and Calculations” for staff review, at your earliest convenience, indicating the revised location of building footprint pursuant to Planning Commission action.

Thank you, and of course let me know if you have questions.

Best regards,

J. Neunuebel

John Neunuebel, Planner Senior

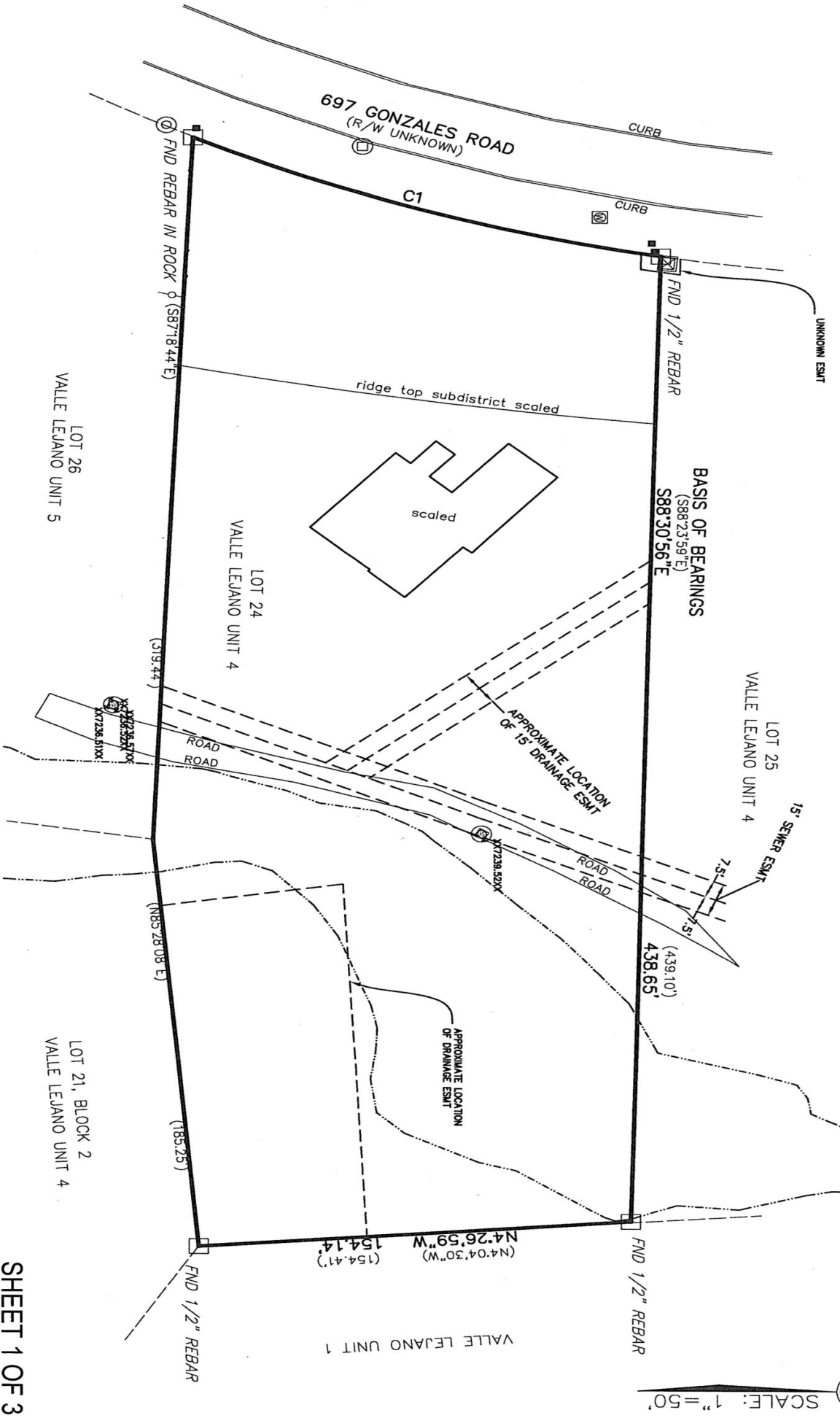
C1
 R=645.17' (645.17')
 L=175.21' (174.99')

C=174.90' (174.46')
 CB=S17°42'56"W (N17°58'55"E)
 A=11°52'41" (15°32'27")

NOTE: EXHIBIT WAS DRAFTED OFF A SCALED PDF
 RECEIVED ON JUNE 3, 2024

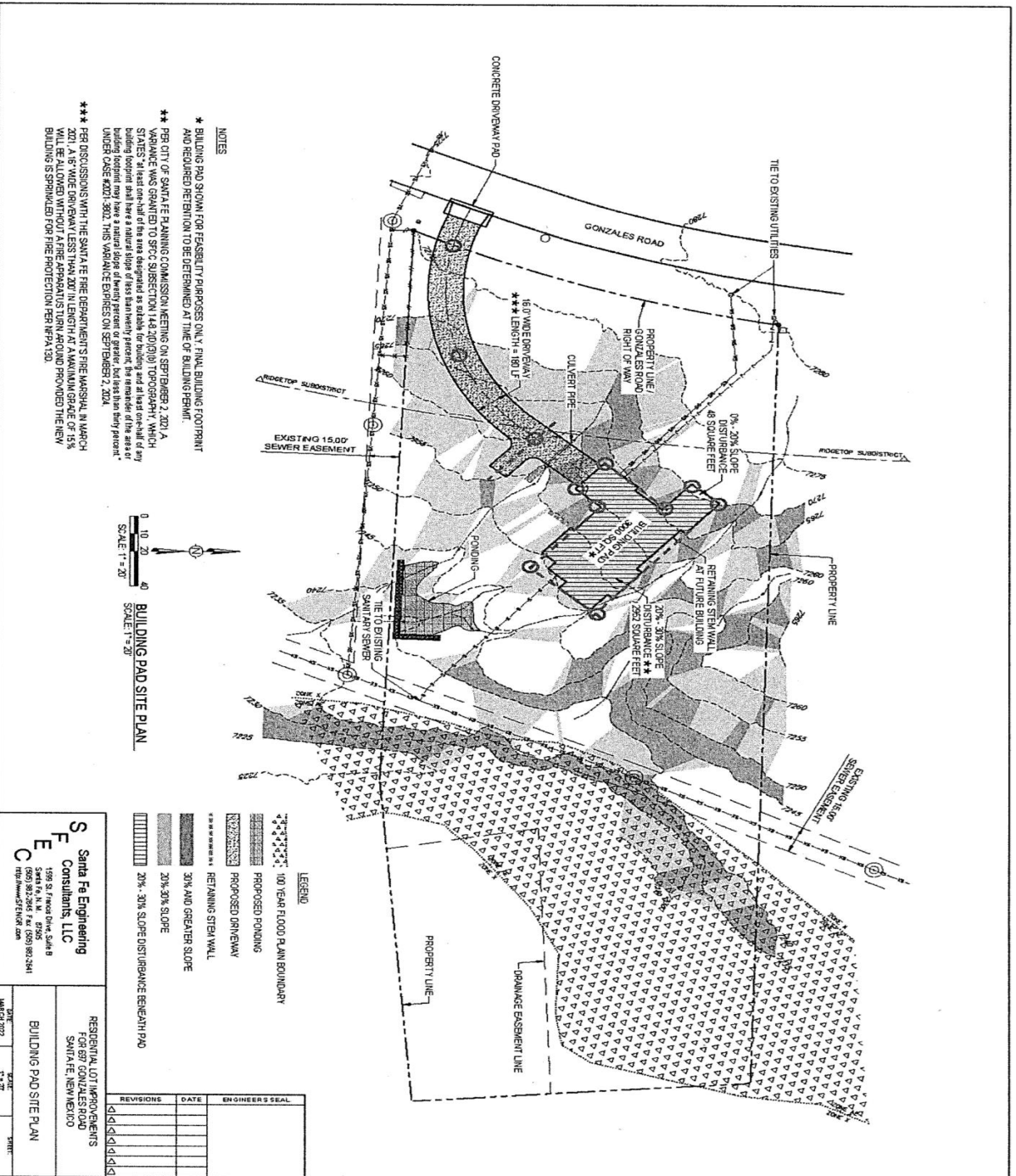
EXHIBIT

LOT 24
 VALLE LEJANO UNIT 4
 697 GONZALES ROAD



EXHIBIT

LOT 24
 VALLE LEJANO UNIT 4
 697 GONZALES ROAD

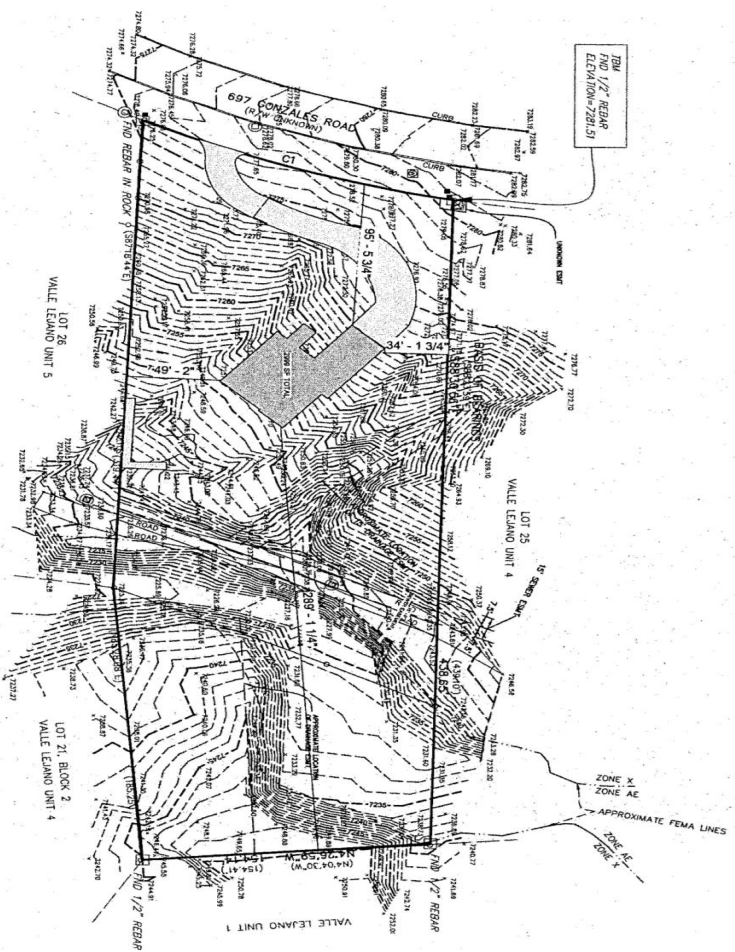


PDF FILED SCALED FOR RIDGE

EXHIBIT

VALLE LEJANO UNIT 4
697 GONZALES ROAD

TOPOGRAPHIC SURVEY
LOT 24
VALLE LEJANO SUBDIVISION
UNIT 4
CITY OF SANTA FE,
SANTA FE COUNTY, NEW MEXICO
FEBRUARY, 2024



CT
R=643.17' (643.17)
L=173.21' (174.99)
C=174.90' (174.46)
CB=S17°42'58"W (N17°58'55"E)
A= 11324.1' (15327.27')

SITE PLAN
SCALE 1"=40'
LOT COVERAGE
3.82%

- Legend**
- RAO PROPERTY CORNER (AS NOTED)
 - ▣ UTILITY TRANSFORMER
 - ▣ UTILITY PEG/STAKE
 - ⊗ WATER METER
 - FENCE 2
 - ⊕ US WEST COMMUNICATIONS LID
 - ⊙ SMOULDER SINKER W/ANCHOR

PDF FILED SCALED THE FOR BUILDING

City of Santa Fe, New Mexico

**Historic Districts Review
Board**

**June 11, 2024
2024-008259-HDRB
Applicant Submittal
New Construction**

LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 liaisonplanning@gmail.com

April 15, 2024

City of Santa Fe
Historic Design Review Board
P.O. Box 909
Santa Fe, NM 87504-0909

LETTER OF INTENT

Re: 697 Gonzales Road
Santa Fe, NM

Dear Board Members,

Please consider this letter as a formal request to approve an application for the above reference address. The property is located within the Downtown and Eastside Historic District. This request is to construct a single family residence (3,938 sf under roof) on a vacant lot that is approximately 1.804 acres. The home is designed to be a 2-story Pueblo style, flat roof residence set back from Gonzales Road and accessed by a private driveway easement. Due to the natural slope of the property a variance was approved by the Planning Commission allowing a home to be built on the lot. The proposed home is designed to meet the approved variance and will have 2 levels as shown on the enclosed plans.

West Elevation (Front):

The entrance will be comprised of an arched gated entry with a stuccoed 4' garden wall into a courtyard. Proposed is a covered portal with a wooden entry door leading into the foyer, flanked by pergolas made up of 5-12 inch wood stained beams. True divided light clad windows proposed throughout. A 2-car garage with a paneled wood door to the left of the gated courtyard is proposed (see elevation).

East Elevation (Rear):

The elevation will be 2 story with true divided light windows and sliding true divided light glass doors on the first floor and basement. A portal with vigas and a wrap around balcony with black rod iron railing leading outside from the dining room is proposed as shown on the elevations.

North Elevation (Left):

An A/C compressor will be located on the north side of the property with a half wall and all windows will be true divided light (see elevation).

South Elevation (right):

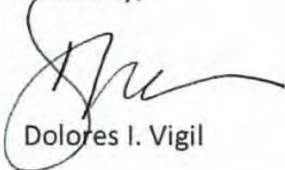
Black rod iron handrails are proposed along the stairs with a landing and wrap around porch. Two elongated true divided light windows will flank the proposed fireplace. One true divided light wooden clad door is proposed at the SE corner of the portal (see elevation).

Detailed Exterior Finishes (see Exterior Selections):

- Stucco Color EL Rey "La Luz".
- Front Door Color "Salty Dog".
- Courtyard Gate Color "Major Blue"
- Garage Door Color "Walnut".
- Exterior windows and patio doors will be Anderson 100 Series cladding color "Dark Bronze".
- Light Fixtures : "Mesa Bear" to be located near gate and front door; "Pueblo" Flanking garage doors.

This application is in keeping with historic styles and appreciate your consideration. Please contact me if you have any questions or require additional information.

Sincerely,



Dolores I. Vigil

Attachments: Application
Authorization Letter
Preliminary Zoning Review Worksheet
Vicinity Map
Exterior Finish Selections
Site Plan
Floor Plan
Elevations
Photographs

City of Santa Fe
Land Use Department
200 Lincoln Avenue
Santa Fe, NM 87501

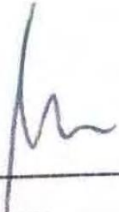
Re: Letter of Authorization for 697 Gonzales Road, Santa Fe NM

To Whom It May Concern:

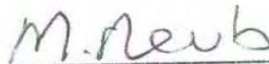
This letter shall serve as authorization for Liaison Planning Services, Inc. to act on our behalf with respect to the referenced property regarding land use applications to be submitted to the City of Santa Fe.

Thank you,

Sincerely,



Mark Neuberger



Mallory Neuberger





Neuberger Custom Home

Address: 697 Gonzales Rd., Santa Fe, NM 87501

Exterior Selections:

STUCCO:

Brand: El Rey

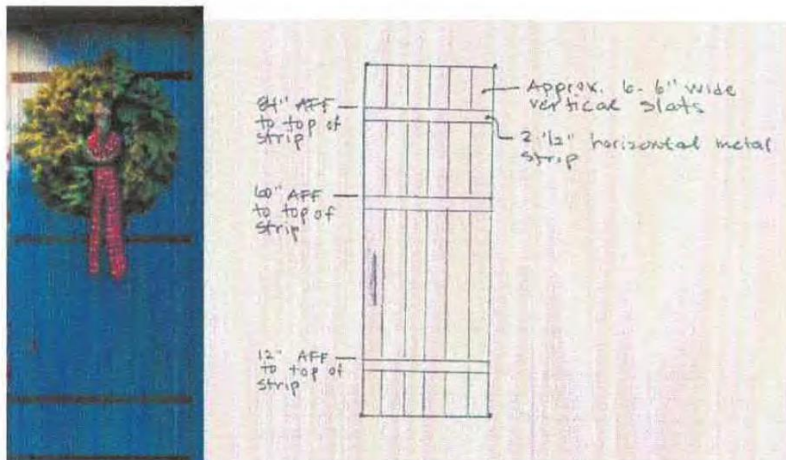
Color: La Luz



FRONT DOOR:

Custom Paint Grade

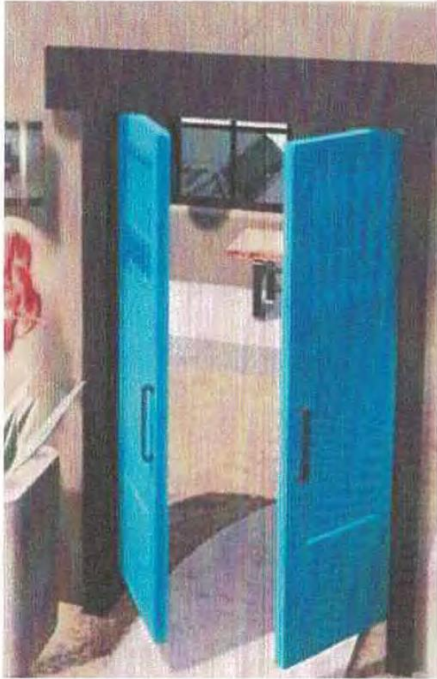
Color: SW 9177, Salty Dog (See inspiration picture below – note that the color is not reflective of “Salty Dog”):



COURTYARD GATE:

Custom Paint Grade

Color: SW 6795, Major Blue (See inspiration picture below – note that the color is not reflective of “Major Blue”):



GARAGE DOOR:

Brand: CHI

Color: Walnut

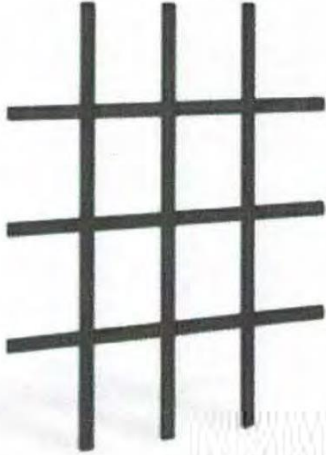
Please note that the below picture does not reflect selections for exterior light fixtures or exterior finishes – for garage door style and color only):



WINDOWS:

Brand: Andersen 100 Series

Color: Dark Bronze with divided lights (dark bronze color shown in the picture below from Andersen Window's website):

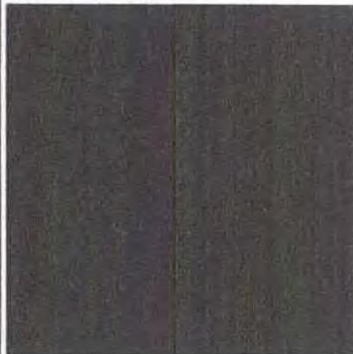


EXTERIOR LIGHT FIXTURES:

By the gate and front door

Style: WS1000 "Mesa Bear"

Color: Dark Bronze. Please note that this fixture meets "dark sky" requirements (there is a metal top that this picture does not show). Also, the picture does not reflect the metal color of dark bronze (see pic of dark bronze color next to the light fixture picture):



Next to garage doors

Style: WS1200 "Pueblo"

Color: Green with medium bronze accents. Please note that this fixture meets "dark sky" requirements (there is a metal top that this picture does not show):



784
FND 1/2" REBAR
ELEVATION=7281.51

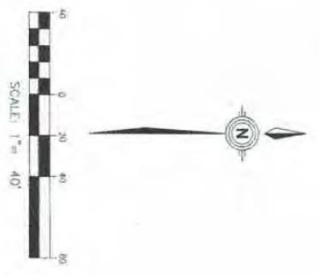


C1
R=645.17' (645.17')
L=175.21' (174.99')
C=174.90' (174.46')
CB=S17°42'56"W (N17°58'55"E)
Δ= 1152.41' (1532.27')

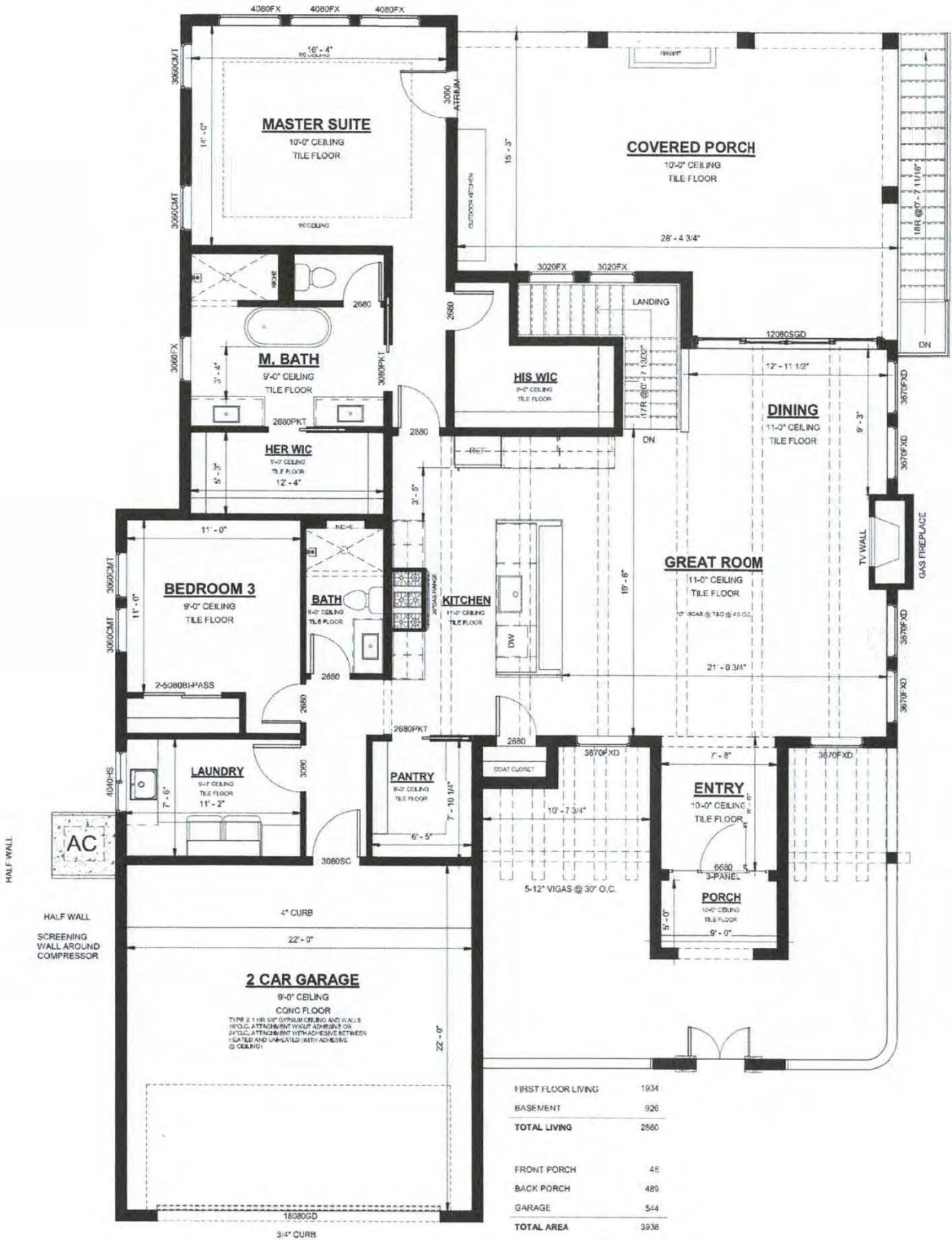
SITE PLAN
SCALE 1"=2'

LOT COVERAGE
3.82%

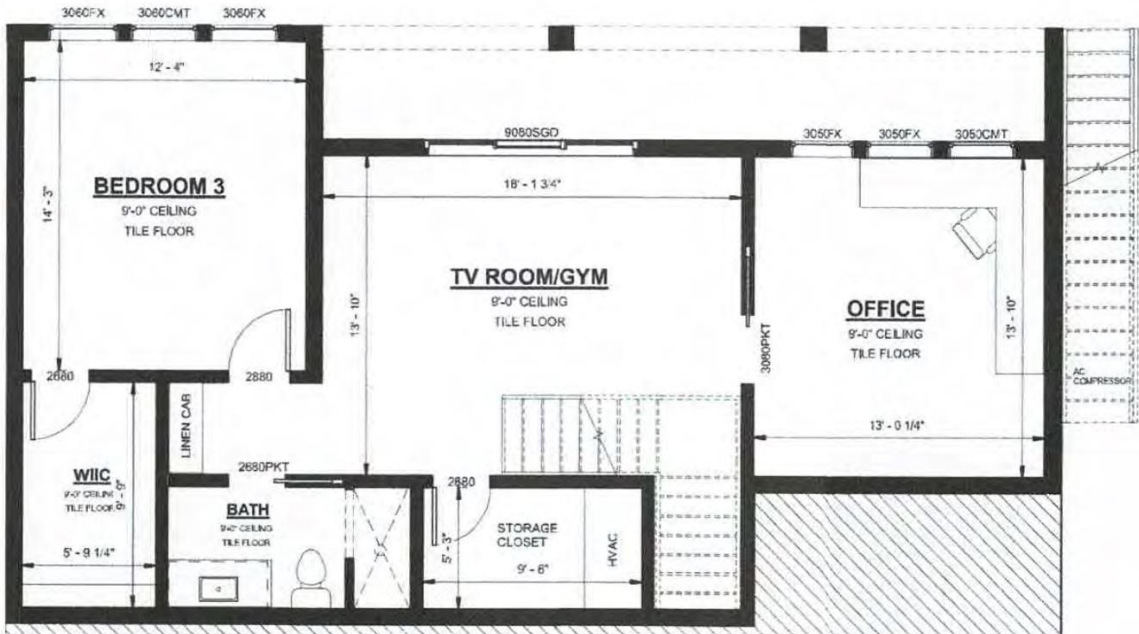
TOPOGRAPHIC SURVEY
LOT 24
VALLE LEJANO SUBDIVISION
UNIT 4
CITY OF SANTA FE,
SANTA FE COUNTY, NEW MEXICO
FEBRUARY, 2024



- Legend**
- FND PROPERTY CORNER (AS NOTED)
 - ⊗ UTILITY TRANSFORMER
 - ⊗ UTILITY PEDestal
 - ⊗ WATER METER
 - ⊗ FENCE 2'
 - ⊗ US WEST COMMUNICATIONS LTD
 - ⊗ SANITARY SEWER MAINHOLE



FIRST FLOOR LIVING	1934
BASEMENT	926
TOTAL LIVING	2860
FRONT PORCH	45
BACK PORCH	489
GARAGE	544
TOTAL AREA	3938
TOTAL BUILDING PAD AREA	2399

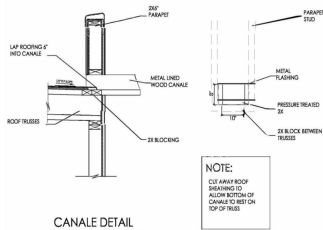
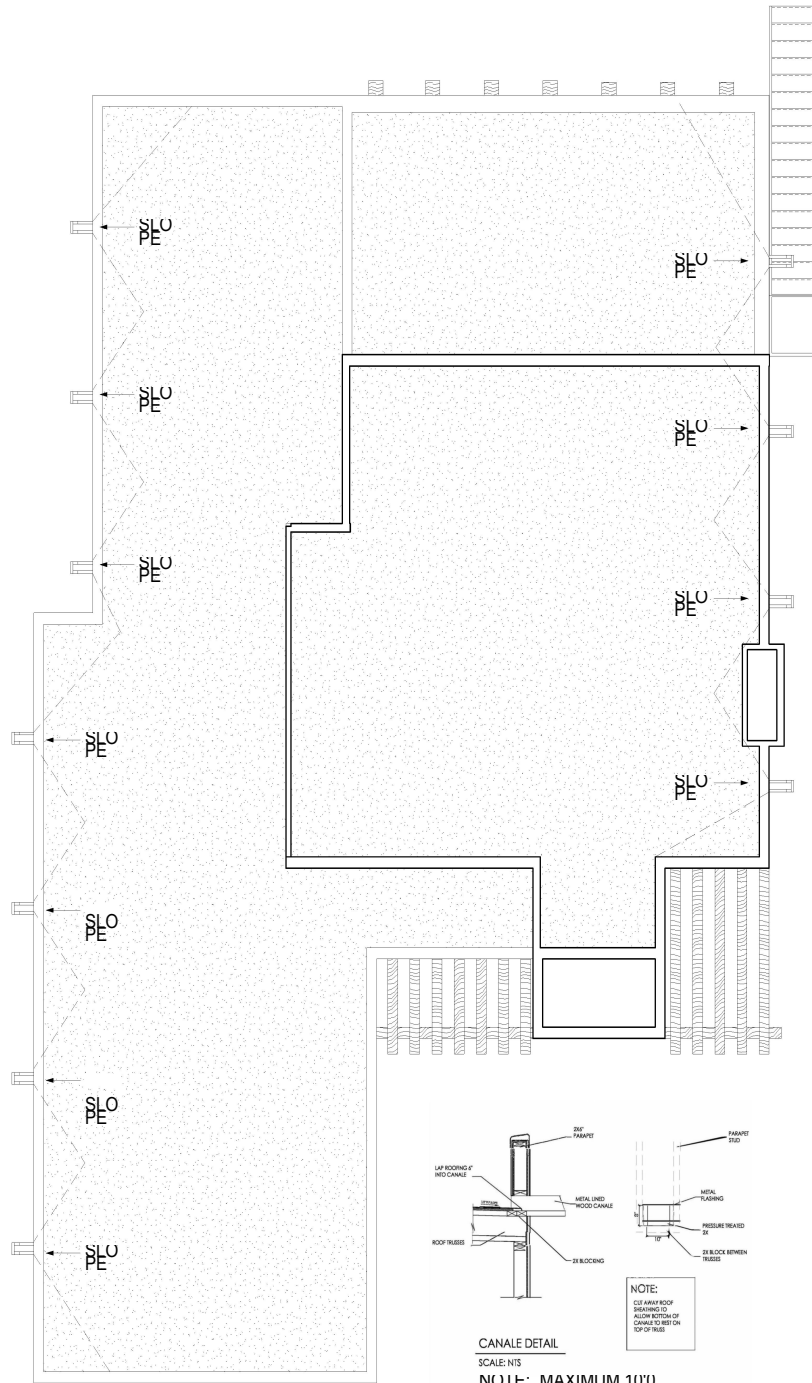


FIRST FLOOR

FIRST FLOOR

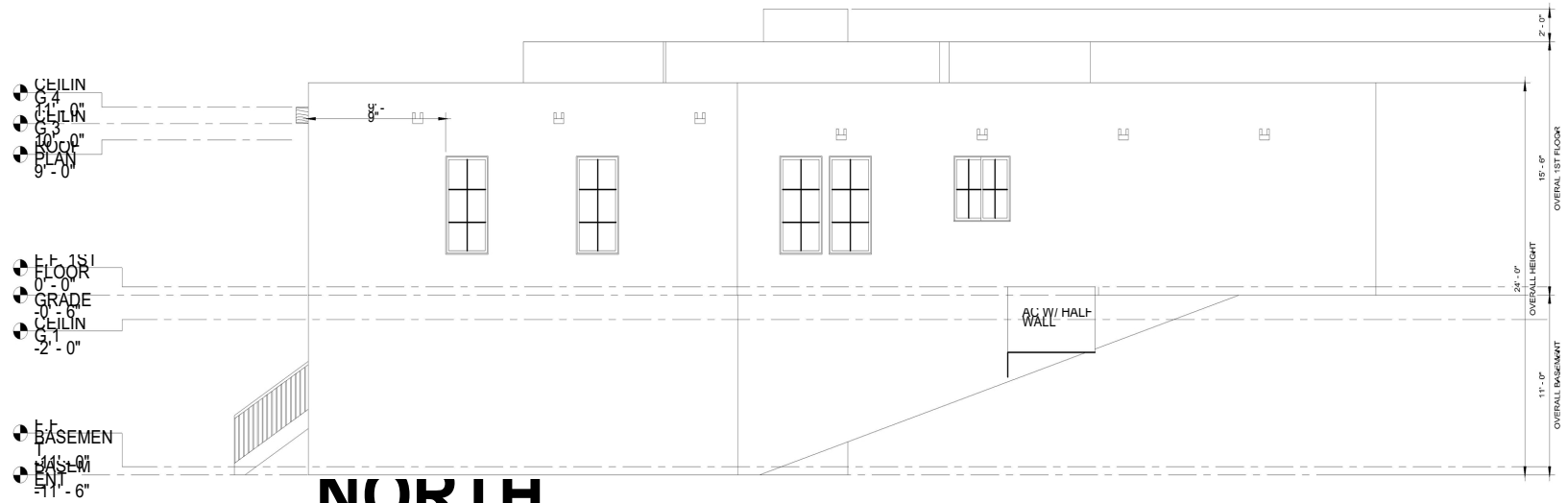


FIRST FLOOR LIVING	1934
BASEMENT	926
TOTAL LIVING	2860
FRONT PORCH	45
BACK PORCH	489
GARAGE	544
TOTAL AREA	3938
TOTAL BUILDING PAD AREA	2999

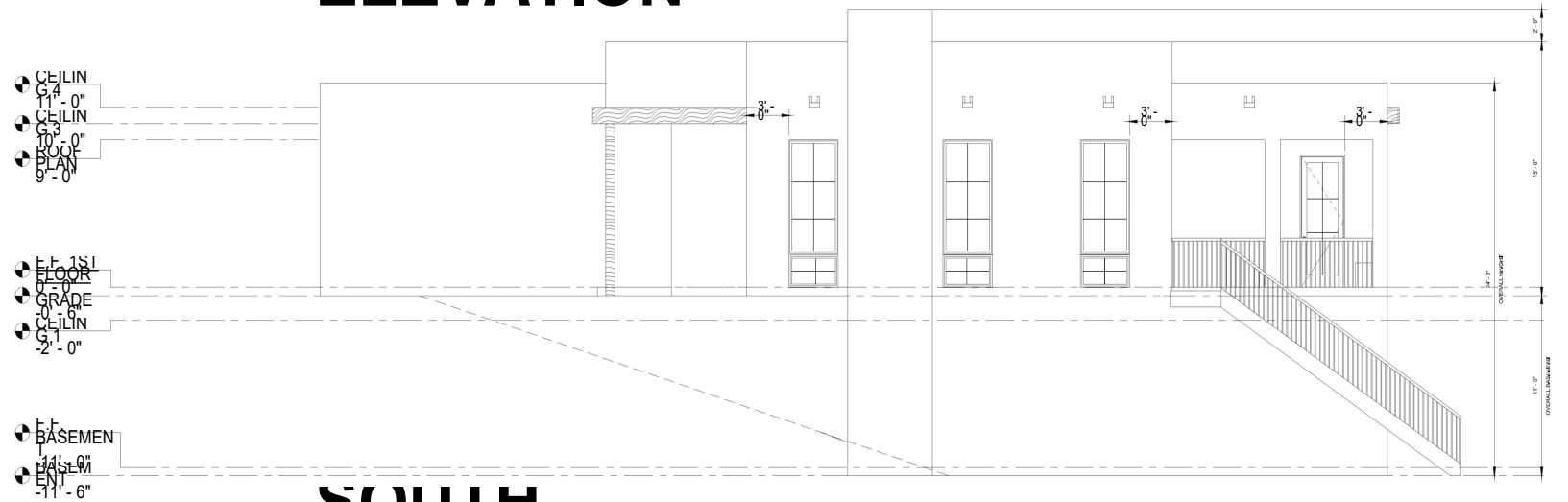


NOTE:
 CLEAR AWAY ROOF
 MEMBERS TO
 ALLOW BOTTOM OF
 CANAL TO REST ON
 TOP OF TRUSS

CANALE DETAIL
 SCALE: N15
 NOTE: MAXIMUM 10'0"
 ON CENTER



**NORTH
ELEVATION**

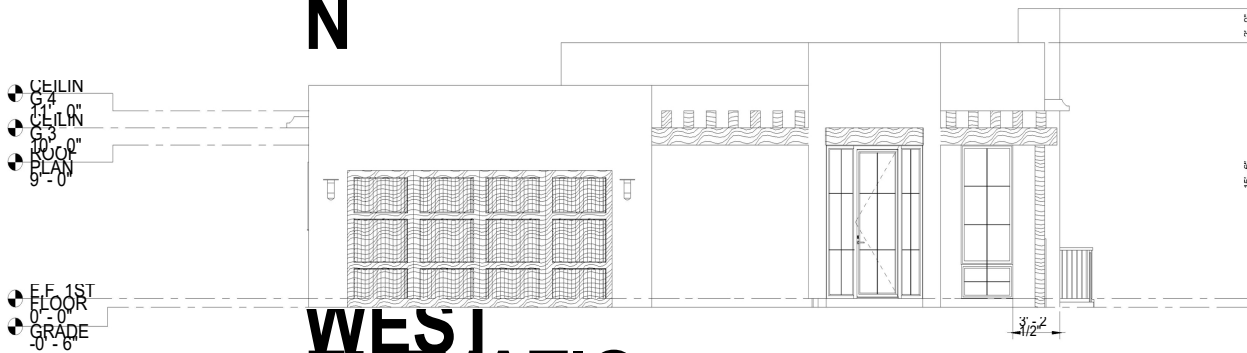


**SOUTH
ELEVATION**

NOTE: ALL WINDOWS ON ANY SIDE THAT IS PUBLICLY VISIBLE TO HAVE 3' BETWEEN CORNER AND OPENING.



**EAST
ELEVATION**



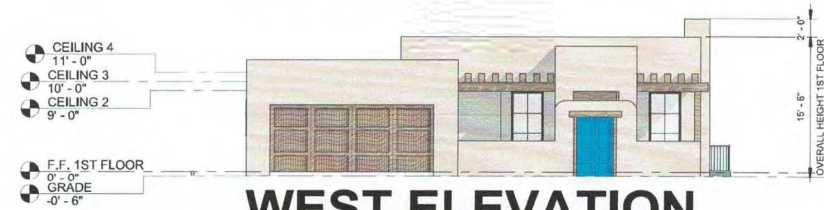
**WEST
ELEVATION**

NOTE: ALL WINDOWS ON ANY SIDE THAT IS PUBLICLY VISIBLE TO HAVE 3" BETWEEN CORNER AND OPENING.



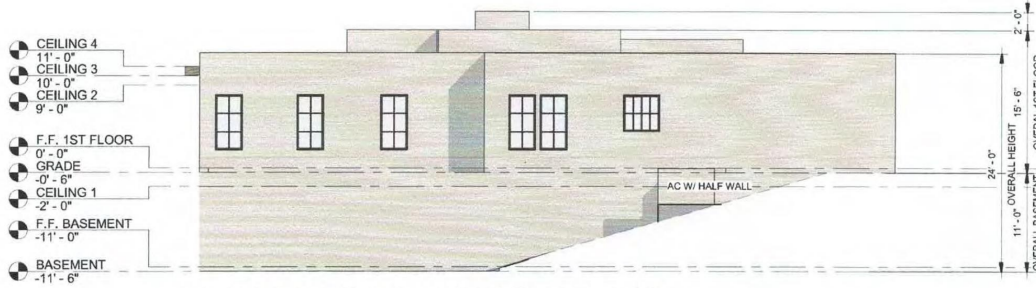
EAST ELEVATION

SCALE: 1/8" = 1'-0"



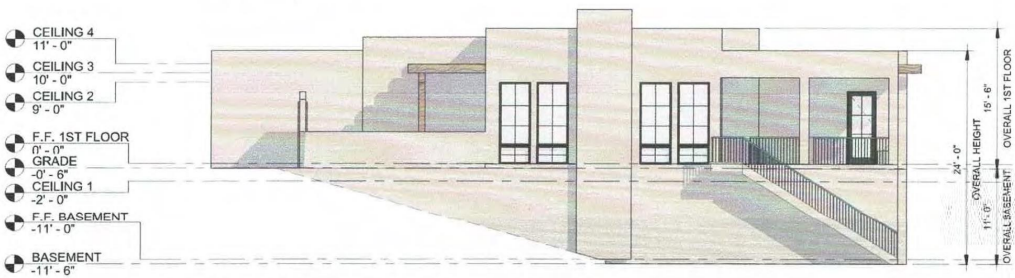
WEST ELEVATION

SCALE: 1/8" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

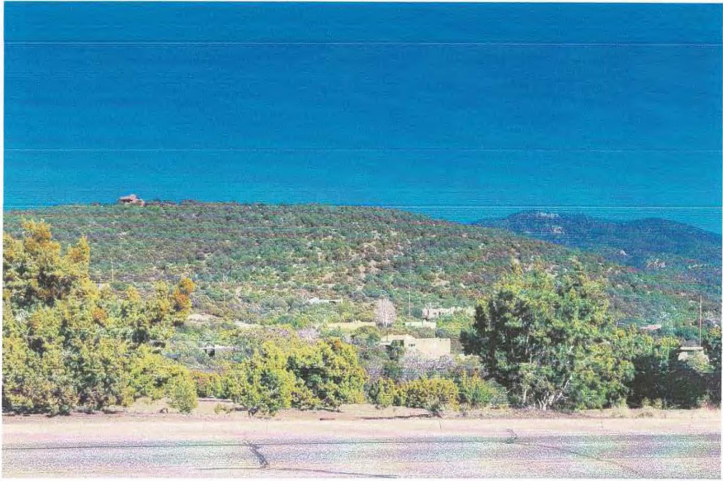
SCALE: 1/8" = 1'-0"



NORTH



SOUTH EAST



EAST



WEST

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

Case #2021-3802

697 Gonzales Road Variance to Grading Standards

Owners/Applicants – Karnes & Associates, agent for Ramirez Investment Co, owner

THIS MATTER came before the Planning Commission (Commission) for hearing on September 2, 2021 upon the application (Application) by Karnes & Associates, agent for Ramirez Investment Co., LLC, owner of #697 Gonzales Road. The Application pertains to a property located at 697 Gonzales Road totaling approximately 1.36 acres (Property). The Applicant requests a Variance to grading standards related to permissible building slope within Subsection 14-8.2(D)(3)(b), so as to identify and locate a building footprint for which a building permit may be sought in the future for the construction of a single-family residence. (Project).

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

FINDINGS OF FACT

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including a pre-application conference [SFCC § 14-3.1 (E)] and (b) compliance with notice and public hearing requirements [SFCC § 14-3.1(H)-(I)].
3. A pre-application conference was held in April 2021 in accordance with SFCC Section 14-3.1 (E).
4. Pursuant to SFCC Sections 14-2.4(B) and 14-3.16(B)(1), the Board has the authority to hear and decide requests for variances.
5. Within SFCC Subsection 14-8.2(D)(3)(b) *Topography*, which states “at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent.”
6. The subject property is vacant, and the applicant is seeking to identify and locate a building footprint for which a building permit may be sought in the future for the construction of a single-family residence.
7. City staff reviewed the Application and related materials and information submitted by the Applicants for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
8. To obtain a variance, the Applicant must demonstrate that all applicable criteria set forth in SFCC Section 14-3.16(C)(1) through (6) have been met.
9. Staff recommended approval of the requested variance because Staff found that the Applicant met all of the variance criteria.

Criterion 1:

10. First, under SFCC Section 14-3.16(C)(1), to grant a variance the Commission must find that “one or more of the following special circumstances applies: (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; 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).”
11. The Applicant asserted that the Criterion 1 was met due to the property having an unusual configuration different from other area properties; the presence of the ridgetop subdistrict on the western portion of the property which prohibits construction of most structures; as well as the property including steep slopes, three arroyos and a designated flood zone, all of which restrict developable areas.
12. Staff found that the Applicant met the first criterion due to unique aspects of the property as identified, as well as flatter portions of the property being interspersed with slope areas that would necessitate unusual architectural designs that would not be in keeping with the simpler architectural designs of adjacent residences.
13. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 1.

Criterion 2:

14. Second, under SFCC Section 14-3.16(C)(2), to grant a variance the Board must find that “special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.”
15. The Applicant reiterated and asserted that the existence of the Ridgetop Subdistrict combined with other unique physical aspects of the property render it infeasible to develop a driveway and building pad in compliance with the standards of Chapter 14.
16. Staff concurred with applicant that there are significant constraints to development of the property, with the presence of smaller, intervening slope areas within flatter developable areas of the property that greatly limit the size and design of single-family residences commensurate with existing structures in the area.
17. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 2.

Criterion 3:

18. Third, under SFCC Section 14-3.16(C)(3), to grant a variance the Board must find that 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.”

19. The Applicants stated that the proposed building pad is 3,000 sq. ft. in size, with several existing homes in the vicinity being at least this large.
20. Staff concurred that the Applicant that this Criterion is met, with there being no increase in intensity of development.
21. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has met Criterion 3.

Criterion 4:

22. Fourth, under SFCC Section 14-3.16(C)(4), to grant a variance the Board must find that 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.”
23. The Applicant asserted the following: The property is zoned for single-family development and most of the properties in the vicinity were developed with single-family homes many years ago. Due to the constraints as addressed, it is not feasible to develop the Property without variances or for a lesser intensity of use than the planned single-family dwelling. Further the variances are necessary in order to achieve construction of a single-family dwelling on the Property, which is the use planned for the Property in the General Plan and the Zoning Map. The building pad has been designed to avoid the designated Ridgeway Subdistrict, while minimizing the amount of land disturbance in light of the sloping nature of the property. Pushing the house farther down the hill to the east would result in greater amount of grading, land disturbance and driveway length, as compared to the building pad included in the Application.
24. Staff conclude and contend that a different category of use or lesser intensity of use due to design constraints imposed on single-family structures by smaller intervening natural slopes of between 20 and 30 percent within flatter developable areas comprise a minimum relief necessary to ensure new construction that is commensurate with nearby existing development.
25. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 4.

Criterion 5:

26. Fifth, under SFCC Section 14-3.16(C)(5), to grant a variance the Board must find that the “variance is not contrary to the public interest.”
27. The Applicant asserted that development of a single-family home on the property will be consistent with the General Plan land use designation and zoning designation of the Property, will avoid visual impacts protected by the Ridgeway Subdistrict, will minimize the amount of necessary site disturbance and will not be contrary to the public interest.
28. Staff found that the approval of the proposed variance is justified and may be deemed not contrary to the public interest since it will provide for a simpler building design less encumbered by design constraints necessitated by intervening slope areas interspersed in flatter portions of the property, thus providing for designs more likely to be in character with existing residences in the vicinity. So, too, by providing for a building location that is

more commensurate with existing residences located adjacent to Gonzales Road instead of a more removed location to the east, a future residence may be more fully integrated into the fabric of the existing neighborhood.

29. The Commission finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has provided a rationale that meets Criterion 5.

Criterion 6:

30. Finally, SFCC Section 14-3.16(C)(6) provides, "There may be additional requirements and supplemental or special finding required by other provisions of Chapter 14."
31. Staff stated that current or future property owners will be required to submit Application for Building Permit and obtain building permit prior to construction of new single-family residence, and the Commission agrees that current or future property owners will need to obtain a building permit for construction of a single-family residence.


CONCLUSIONS OF LAW

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

1. The Commission has the authority review and approve or deny the variance requested for the Property.
2. The Applicant complied with the applicable procedural requirements for requesting a variance, including proper and sufficient notice.
3. The request for variance should be approved because the Applicant has demonstrated that all of the variance criteria set forth in SFCC Section 14-3.16(C) have been met.

WHEREFORE, IT IS ORDERED ON THE 2ND DAY OF SEPTEMBER 2021 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the application for a variance request regarding SFCC Subsection 14-8.2(D)(3)(b) *Topography*, which states "at least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent; the remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent" is approved.



Brian Gutteriez
Chairperson

09-14-2021
Date:

FILED:

Kristine Mihelcic (Sep 23, 2021 17:44 MDT)

Kristine Bustos-Mihelcic XIV
City Clerk

September 23, 2021
Date:

APPROVED AS TO FORM:

Patricia Feghali
Patricia Feghali
Assistant City Attorney

9/13/21
Date: