




City of Santa Fe, New Mexico

memo

DATE: March 18, 2015 for the April 2, 2015 meeting

TO: Planning Commission

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

FROM: Zach Thomas, Senior Planner, Current Planning Division 

Case #2015-20. 600 Galisteo Street General Plan Amendment. Eva Parker, Trustee for the Lucy C. Ortiz Estate, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for a 5,581 square foot lot from Moderate Density Residential to Community Commercial. The property is located at 600 Galisteo Street. (Zach Thomas, Case Manager)

Case #2015-21. 600 Galisteo Street Rezoning. Eva Parker, Trustee for the Lucy C. Ortiz Estate, requests rezoning of a 5,581 square foot lot from R-21 (Residential – 21 units per acre) to BCD (Business-Capitol District). The property is located at 600 Galisteo Street. (Zach Thomas, Case Manager)

Cases #2015-20 and #2015-21 are combined for purposes of staff report, public hearing and Planning Commission review, but each is a separate application and shall be voted upon separately.

RECOMMENDATION

The Land Use Department recommends **APPROVAL** of the General Plan Amendment and Rezoning subject to the conditions as outlined in this report. No specific development is proposed as part of these applications. The request will proceed to the City Council for final decision on the General Plan Amendment and Rezoning.

I. APPLICATION SUMMARY

The 5,581 square foot parcel is a remnant from a larger parcel that was split for right-of-way acquisition when Paseo de Peralta was created. The existing commercial structure on the parcel was first developed in the 1930s as a neighborhood market that later evolved into a local grocery store. After the grocery store closed, the following businesses occupied the structure:

Madalyns Photography, Eva's de Santa Fe Photography, The Photography Studio, a Rug Store and the Gold Leaf Frame Shop. The frame shop closed about 10 years ago and the building has been vacant since that time.

The applicant requests a General Plan Amendment from Moderate Density Residential to Community Commercial and a Rezoning from R-21 (Residential – 21 units per acre) to BCD (Business Capitol District) to allow the continuation of historic commercial use of the property.

II. DISCUSSION AND ANALYSIS

The structure on the 600 Galisteo property was neither constructed as a residence, nor has it ever been used for residential purposes. The property housed multiple businesses for approximately 70 years until a year after the frame shop moved out in the mid-2000s. While not consistent with the residential zoning, the commercially operated property maintained its non-conforming status until the frame shop moved out. Once the structure remained unoccupied for more than one year, the right to reestablish the non-conforming use was lost (SFCC §14-10.2(C)). As such, the commercial structure has remained vacant for approximately 10 years.

The applicants, trustees of the estate that owns the property, seek the General Plan Amendment and Rezone in order to sell the property. As stated by the applicant, it is not possible to lease or sell the commercial building, as the residential zoning prohibits operations of commercial uses (i.e. art galleries, photo studios).

While the property is within the R-21 (Residential – 21 units per acre) zoning district, a variety of commercially zoned land (C-1 and BCD) is in close proximity to the property. The small size of the parcel (less than 2 acres), means that only the adjacent BCD zoning district, across Paseo de Peralta, could be requested pursuant to SFCC §14-3.5(C)(2)(b). The BCD zoning district generally follows the boundary of Paseo de Peralta within this area of the City (See Exhibit C2).

The owners of the property were originally interested in rezoning to C-1, which would allow a number of low intensity, non-residential uses, including professional offices (See lists of R-21 and C-1 permitted uses, Exhibit D). Zoning districts are deemed to extend to the centerline of adjacent roadways, in this case, Paseo de Peralta, and therefore other than R-21 this parcel is only adjacent to BCD, which is across the street to the north. The applicant's ancestors, including former City of Santa Fe Mayor Frank Ortiz, owned a larger tract of land that encompassed the subject parcel, the right-of-way that is now part of Paseo de Peralta, and tract of land that is now Restaurant Martin at 526 Galisteo Street. The latter was the family's residence when the market was operated at 600 Galisteo.

The applicant was unable to request the C-1 (Office and Related Commercial) zoning district because the property is less than 2 acres and is separated from other C-1 zoned lots by a single parcel to the north.

Pursuant to SFCC §14-3.5(B)(2)(b) *the governing body may approve a rezoning to a less intensive zone district than originally requested by the applicant*, namely C-1. The C-1 zoning district permits a variety of lower intensity commercial uses such as art galleries, gifts shops

and small offices which is consistent with the historic use of the property as a photography studio and frame shops.

Given the boundary of BCD along Paseo de Peralta, the Land Use Department and the Traffic Engineering Division (See Exhibit B1) support rezoning to C-1 (Office and Related Commercial).

An Early Neighborhood Notification meeting was held on August 19, 2014 at the main library. Fourteen people were in attendance, including the applicants and public. Substantial discussion regarding the rezone occurred. One immediate neighbor was strongly opposed to the rezone. The remainder of the public did not strongly oppose the rezone but rather focused on addressing concerns associated with the rezone (traffic, noise, garbage), while not wanting to prevent use or sale of the property (See Exhibit E).

II. GENERAL PLAN AMENDMENT

The subject property's current land use designation is Moderate Density Residential as shown on the Future Land Use Map (See Exhibit C1). The applicant requests the Community Commercial designation to allow for BCD (Business Capitol District) zoning. Section 14-3.2(E)(1) sets out the following General Plan Amendment criteria for approval:

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

Applicant Response: The applicant stated that the criterion is not applicable.

Staff Response: The property has historically been occupied with commercial uses and is developed with a commercial structure. The Future Land Use designation and accompanying zoning prevent current commercial use of the building. As such, the building remains vacant and is not generating economic activity. All necessary infrastructure is currently in place and the requested General Plan Amendment will not necessitate the need for further infrastructure.

(b) Consistency with other parts of the general plan;

Applicant Response: The applicant stated that the criterion is not applicable.

Staff Response: While the subject property is bordered on two sides by residential use, it is situated along a major arterial street (Paseo de Peralta) and is in close proximity to a variety of commercial and office uses. Furthermore, with the exception of the past 10 years, the property has been used for commercial uses since the 1930s. The proposed change will not create inconsistencies with the General Plan. General Plan Policy 5-3-G-2 encourages professional and administrative offices to locate in and near neighborhood centers. The proposed General Plan Amendment and Rezone will allow opportunity to use the existing structure for low intensity commercial uses such as offices.

- (c) *the amendment does not:*
- (i) *allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or*
 - (ii) *affect an area of less than two acres, except when adjusting boundaries between districts; or*
 - (iii) *benefit one or a few landowners at the expense of the surrounding landowners or the general public;*

Applicant response: We submit that (i) (ii) and (iii) do not apply due to a previous error in the original zoning.

Staff Response: The amendment will not allow uses that are significantly different from or inconsistent with the prevailing character of the neighborhood. The property is in close proximity to a large number of commercial uses. In fact, the location of the property along two major roads (Paseo de Peralta and Galisteo Street), helps buffer the residential uses south of the property from the busy roadways and more intense commercial uses across Paseo de Peralta.

Although the property is less than 2 acres in size, it is an expansion of the BCD district across Paseo de Peralta and therefore qualifies as an adjustment in the boundaries of the BCD zoning district. This request to amend the General Plan Future Land Use Map does not benefit the property owner at the expense of the surrounding landowners or the general public. Rather, it would establish consistency with the historic use.

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

Applicant Response: By properly zoning this property it will be used again, which will stop the vandalism in the area.

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

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

Applicant Response: The applicant stated that the criterion is not applicable.

Staff Response: Not applicable.

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

Applicant Response: Yes, this was a business supporting the community since the mid to late 1930s.

Staff Response: The commercial structure currently sits vacant as the existing R-21 zoning does not permit commercial use of the property. The proposed General Plan Amendment will allow for the property to be rezoned which will allow economic use of the property and limit further deterioration of the property as it remains vacant.

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

Applicant Response: The applicant stated that the criterion is not applicable.

Staff Response: This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to promote and maintain economically developable land in close proximity to downtown and residential neighborhoods. While the subject property is currently zoned for residential use, it is in close proximity to a variety of other commercial properties and has always been used for commercial and not residential uses.

(2) Additional Criteria for Amendments to Land Use Policies:

In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping, or other means, and a finding must be made that:

(a) *the growth and economic projections contained within the general plan are erroneous or have changed;*

Applicant Response: The applicant stated that the criterion is not applicable.

Staff Response: The proposed General Plan Amendment will permit commercial use on property that has been used for a variety of commercial uses since the 1930s. The amendment does not impact any growth or economic projections, and will not change or affect the character of the surrounding area.

(b) *no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or*

Applicant Response: The applicant stated that the criterion is not applicable.

Staff Response: A variety of locations are available throughout the City for commercial uses. While this location is designated residential, it has always been used for commercial uses.

(c) conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.

Applicant Response: The applicant states that the criterion is not applicable

Staff Response: Nonconforming status of the commercial operation was lost after the building was vacant for more than one year. Since that time, the residential designation and zoning has prevented use of the existing structure.

III. REZONING

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

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

(a) *one or more of the following conditions exist:*

(i) *there was a mistake in the original zoning;*

Applicant Response: There was a mistake in the original zoning.

Staff Response: In the vicinity of the subject parcel, Paseo de Peralta acts as a general boundary between commercial and residential zoning. As such, a residential zoning was given to a majority of residential parcels on this side (southside) of Paseo de Peralta, the subject parcel has never been used for residential and has only functioned as a commercial property.

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

Applicant Response: No response was provided.

Staff Response: No changes have occurred to the surrounding areas. However, the property contains a commercial structure that is nonconforming with the current residential zoning.

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

Applicant Response: No response was provided.

Staff Response: The proposed General Plan Amendment and Rezone will allow future use of the existing commercial structure and prevent further deterioration of the building.

The following General Plan Policies articulate the importance of commercial uses in the vicinity of neighborhoods:

Policy: 5-2-G-4: Provide for uses to meet everyday needs within neighborhoods in the form of pedestrian-oriented neighborhood centers.

Policy 5-3-G-2: Encourage professional and administrative offices to locate in and near neighborhood centers.

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

Applicant Response: We are working with the City staff to meet all requirements.

Staff Response: The proposed rezone complies with all rezoning requirements of Chapter 14.

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

Applicant Response: We are working with the City staff to meet all requirements.

Staff Response: The applicant requests a change to the Future Land Use Map to create consistency with the proposed zoning. The rezoning is consistent with policies of the General Plan regarding the commercial property in the vicinity of residential neighborhoods. See response to (a)(iii) above.

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

Applicant Response: We are working with the city staff to meet all requirements.

Staff Response: The subject site is better suited for BCD or C-1 zoning than residential zoning. With the exception of the past 10 years, the property has been used for commercial uses since the 1930s. Furthermore, General Plan Policies speak to the importance of commercial zoned property in close proximity to residential neighborhoods.

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

Applicant Response: This is an existing structure and will have no impact.

Staff Response: Infrastructure and public facilities are available to serve future development of the property.

(D) Additional Applicant Requirements

(1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*

(2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

Staff Response: Basic infrastructure including: streets, sidewalks, water, and sewer, are available to adequately serve the site as it currently exists. However, a condition has been proposed to require that vehicles enter from Paseo de Peralta (Eastbound) and exit onto Galisteo Street, a left-turn only onto the one-way northbound Galisteo Street.

IV. CONCLUSION

Staff supports the proposed General Plan Future Land Use Map Amendment from Moderate Density Residential to Community Commercial and the proposed Rezone from R-21 to BCD or C-1, subject to the proposed condition of approval. As stated pursuant to SFCC §14-3.5(B)(2)(b), the governing body may approve a rezoning to a less intensive zone district than originally requested by the applicant. The Land Use Department and Traffic Engineering Division also recommends rezoning to the less intensive C-1 zoning district for the reasons stated in the Traffic Engineering Division memorandum (See Exhibit B1). If the less intensive C-1 zoning is recommended and approved, the land use designation will be amended to Office to be consistent with the zoning.

VI. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division memorandum, Sandra Kassens

EXHIBIT C: Maps

1. Future Land Use
2. Current Zoning

EXHIBIT D: R-21 and C-1 Use Lists

EXHIBIT E: ENN Notes, August 19, 2014

EXHIBIT F: Applicant Letter

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

Conditions of Approval

600 Galisteo Street General Plan Amendment and Rezone—Conditions of Approval

Planning Commission
Case #2015-20 & 21 – 600 Galisteo Street GPA & Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the preliminary subdivision plat and provided the following comments which are noted as Conditions of Approval:</p> <ol style="list-style-type: none"> The Traffic Engineering Division shall review and approve all access to the lot. Access to the northeast corner of the property from Paseo de Peralta shall be limited to entering vehicles, with ingress and egress permitted onto Galisteo Street, a one-way northbound street. 	Traffic Engineering	John Romero/ Sandra Kassens

City of Santa Fe, New Mexico

Planning Commission

Exhibit B

Development Review Team Memoranda

City of Santa Fe, New Mexico

memo

DATE: March 24, 2015
TO: Zach Thomas, Land Use Division
VIA: John J. Romero, Traffic Engineering Division Director
FROM: Sandra Kassens, Engineer Assistant *SK*
SUBJECT: 600 Galisteo Street General Plan Amendment and Rezone. (Case# 2015-20 and 2015-21)

ISSUE:

Eva Parker, Trustee for the Lucy C. Ortiz Estate, requests approval of a General Plan amendment to amend the existing General Plan Future Land Use designation for a 5,581 square foot lot from Moderate Density Residential to Community Commercial; and additionally she requests approval of a rezoning the above described lot from R-21 (Residential – 21 dwelling units per acre) to BCD (Business-Capital District). The property is located at 600 Galisteo Street.

RECOMMENDED ACTION:

Review comments are based on submittals received on February 25, 2015. The comments below should be considered as Conditions of Approval to be addressed prior to approval unless otherwise noted:

1. The proposed BCD zoning allows both C-1 and C-2 type uses. We have concerns with the sites ability to handle traffic related to high turnover C-2 type uses such as Coffee Shops and Bakeries. With this in mind we recommend that the property be designated as C-1 zoning.
2. The Traffic Engineering Division shall review and approve all access to the lot. Access to the northeast corner of the property from Paseo de Peralta shall be limited to entering vehicles, with ingress and egress permitted onto Galisteo Street, a one-way northbound street.

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

Thank you.

City of Santa Fe, New Mexico

Planning Commission

Exhibit C

Maps

Future Land Use - 600 Galisteo Street



Zoning - 600 Galisteo Street



City of Santa Fe, New Mexico

Planning Commission

Exhibit D

R-21 and C-1 Use Lists

R-10, R-12, R-21 and R-29 Residential Districts

The purpose of the R-10, R-12, R-21 and R-29 districts is to make available a variety of *dwelling unit* types to serve a wide range of household needs at medium- and high-*density* levels.

Permitted Uses

1. Boarding, dormitory, monastery
2. Daycare; preschool; for infants & children (6 or fewer)
3. Dwelling, multiple-family
4. Dwelling, single-family
5. Electrical distribution facilities
6. Electrical substation
7. Electrical transmission lines
8. Foster homes licensed by the State
9. Group residential care facility (limited)
10. Manufactured homes
11. Police substations (6 or fewer staff)
12. Public parks, playgrounds & playfields

☀ Requires a **Special Use Permit** if located within 200 feet, excluding rights-of-way, of residentially zoned property.

Special Use Permits

The following uses may be conditionally permitted in R-10, R-12, R-21 and R-29 *residential* districts subject to a Special Use Permit:

1. Adult day care
2. Clubs & lodges (private)
3. Colleges & universities (residential)
4. Continuing care community
5. Correctional group residential care facility
6. Daycare; preschool; for infants & children (more than 6)
7. Fire stations
8. Grocery stores (neighborhood)
9. Group residential care facility
10. Laundromats (neighborhood)
11. Mobile home; permanent installation
12. Museums
13. Neighborhood & community centers (including youth & senior centers)
14. Nursing, extended care, convalescent, recovery care facilities
15. Personal care facilities for the elderly
16. Police stations
17. Religious assembly (all)
18. Religious educational & charitable institutions (no schools or assembly uses)
☀
19. Schools; elementary & secondary (public & private)
20. Sheltered care facilities

21. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

Accessory Uses

The following accessory uses are permitted in R-10, R-12, R-21 and R-29 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds, located within the rear yard only

Dimensional Standards

Max density R-10=10; R-12, R-21 & R-29 = 10 dwelling units per acre – or per development plan or special use permit approval (14-7.2(F))

Minimum lot: Area: Single family: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided.) Multiple-family: as required to comply with gross density factor.

It is intended that the *common open space* required in *single-family* subdivisions where the *lot* size has been reduced from that of a conventional subdivision be a compensation to occupants for reduced *lot* size. It is further intended that *common open space* be usable and be provided for occupants outside of the *lot* but within the subdivision.

Where the *lot* size is between two thousand (2,000) and four thousand (4,000) square feet, *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of *single-family lots*, equals no less than four thousand (4,000) square feet.

Max height: R-21 & R-29: 24 (36 with development plan or special use permit approval (14-7.2(E))).

R-10 & R-2-LD: 24

Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point of the perimeter.

Setbacks: Generally established by a development plan approved by the Planning Commission, otherwise: Street 7 (20 for garage or carport); side 5 or 10*; rear 15 or 20% of the average depth dimension of lot, whichever is less

A garage or carport with a vehicle entrance facing the street must be set back 20 feet from the street property line (refer to illustration 14-7.1-3)

(*Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a property line, no point on a structure shall be higher than 24 feet above finished grade at the closes point of the perimeter.)

Max lot cover: Multiple-family of 6 or more units: 40

Single-family, two-family or multiple-family of less than 6 units: 40 (70 if private open space is provided (14-7.5(c)(1) increase in maximum lot coverage if private open space is provided.

The intent of private open space is to ensure easily available access to the outdoors in medium- to high-density developments, and to provide for a sufficient sense of privacy. Requirements are as follows:

The maximum lot coverage may be increased in accordance with Table 14-7.2-1 if qualifying private open space for each dwelling unit is provided as follows:

- (a) for *lots* in R-10, R-12, R-21 and R-29, an amount not less than thirty percent of the total *gross floor area* of that *dwelling unit*.; and
- (2) balconies, roof decks or roofed areas such as porches or portals may be included as twenty-five percent of the required private open space;
- (3) private open space does not include parking areas, driveways or related access for automobiles or stormwater ponding areas;
- (4) the minimum dimension for required private open space shall not be less than twelve (12) feet;
- (5) finished grade for required private open space shall have a slope no greater than one (1) vertical foot in ten (10) horizontal feet; and

(6) accessory dwelling units shall also be required to meet the private open space criteria in this Subsection 14-7.5(C); provided, however, that private open space for the accessory dwelling unit does not have to be physically separated from the private open space for the primary dwelling unit, and up to fifty percent of the private open space required for the accessory dwelling unit may be the same private open space provided for the primary dwelling unit; and

(7) there are no planting requirements for private open space.

Minimum Qualifying Open Space

Detached single family dwellings or multiple family dwellings: 250 square feet of common and / or private open space per unit.

C-1 Office and Related Commercial District

The purpose of the C-1 office and related commercial district is to provide areas for government offices; professional and *business* offices; medical and dental offices or clinics; *personal care facilities for the elderly*; and *hospitals*, laboratories, *pharmacies* and related complementary *businesses* that provide sales or service of office equipment, medical and dental supplies and office supplies. This district serves as a transitional buffer between more intense commercial use districts and *residential* districts.

Permitted Uses

1. Adult day care
2. Arts & crafts schools
3. Arts & crafts studios, galleries & shops,
4. Banks, credits unions (no drive-through)
5. Banks, credits unions (with drive-through) ☀
6. Barber shops & beauty salons
7. Boarding, dormitory, monastery
8. Clubs & lodges (private) ☀
9. Colleges & universities (non-residential)
10. Continuing care community
11. Correctional group residential care facility ☀
12. Dance studios
13. Daycare; preschool for infants & children (6 or fewer) Small
14. Daycare; preschool for infants & children (more than 6) Large
15. Dwelling; multiple family
16. Dwelling; single family
17. Electrical distribution facilities
18. Electrical substation
19. Electrical switching station
20. Electrical transmission lines
21. Fire stations
22. Foster homes licensed by the State
23. Funeral homes or mortuaries
24. Group residential care facility
25. Group residential care facility (limited)
26. Kennels ☀
27. Manufactured homes
28. Medical & dental offices & clinics
29. Museums
30. Neighborhood & community centers (including youth & senior centers)
31. Nursing, extended care, convalescent, & recovery facilities
32. Offices; business & professional (no medical, dental, financial services)
33. Personal care facilities for the elderly
34. Pharmacies or apothecary shops
35. Photographers studios
36. Police stations
37. Police substations (6 or fewer staff)
38. Preschool, daycare for infants & children – Small
39. Preschool, daycare for infants & children – Large
40. Public parks, playgrounds, playfields

41. Religious assembly (all)
42. Religious educational & charitable institutions (no schools or assembly uses) ☀
43. Rental, short term
44. Restaurant; fast service, take out (no drive through or drive up, no alcohol sales, not to exceed 1,000 Square Feet)
45. Schools; Elementary & secondary (public & private) ☀
46. Schools; vocational or trade, non-industrial
47. Tailoring & dressmaking shops
48. Veterinary establishments, pet grooming ☀

☀ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

Special Use Permit

The following uses may be conditionally permitted in C-1 districts subject to a Special Use Permit:

1. Cemeteries, mausoleums & columbaria
2. Colleges & universities (residential)
3. Grocery stores (neighborhood)
4. Hospitals
5. Laundromats (neighborhood)
6. Mobile home; permanent installation
7. Sheltered care facilities
8. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

Accessory Uses

The following accessory uses are permitted in C-1 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds (within the rear yard only)

Dimensional Standards

Minimum district size

- Single family dwelling: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided).
- Multiple family dwelling: as required to comply with gross density factor.

Maximum height: 36

Minimum setbacks:

Non-residential uses: Street 10; side 5, rear 10

Residential uses: Street 7; side 5 (10 on upper stories); rear 15 or 20% of the average depth dimension of lot, whichever is less

Max lot cover:

Non-residential uses: 60

Residential uses: 40

Open Space Requirements:

Single-Family Where the *lot* size is between two thousand (2,000) and four thousand (4,000) square feet, qualifying *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of single *family lots*, equals no less than four thousand (4,000) square feet.

Multiple-Family Qualifying *common open space* is required at a minimum of two hundred fifty (250) square feet per unit.

Non Residential The minimum dimension for *nonresidential open space* shall be 10 feet and cover a minimum of 300 square feet, unless the area is a component of interior parking *landscape* and meets the requirements for *open space* credits for *water harvesting* described in 14-7.5(D)(6).

The percentage of *required open space* shall be calculated on the basis of total *lot* area, and shall be no less than 25% unless the conditions described in 14-7.5(D)(6) are met; then the *required open space* may be reduced by a maximum of 10% of the total *lot* size.

City of Santa Fe, New Mexico

Planning Commission

Exhibit E

ENN Notes



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

<i>Project Name</i>	600 Galisteo
<i>Project Location</i>	600 Galisteo
<i>Project Description</i>	Rezone from R-21 to BCD
<i>Applicant / Owner</i>	Chuck and Eva Parker
<i>Agent</i>	N/A
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	8/19/14
<i>ENN Meeting Location</i>	Public Library
<i>Application Type</i>	General Plan Amendment and Rezone
<i>Land Use Staff</i>	Zach Thomas
<i>Attendance</i>	14 neighbors and applicants combined

Notes/Comments:

Meeting started at 5:45. Staff (Mr. Thomas) gave an introduction about the purpose of the ENN meeting the overall entitlement process. Also let Mr. Parker know that a request was made by Stephanie Beninato she would like to speak first as she had to leave the meeting early.

Mr. Parker gave an overview of the history of the property noting that the property was always commercial and has never been used as residential. He further stated that intent of the rezone was to sell the property because nobody would buy it with a residential zoning.

Mr. Parker read his answers to the criteria questions.

During the course of the Mr. Parker reading through the questions and answers various comments were interjected by the public.

Ms. Beninato spoke to the following points:

- Made general comments regarding the legal protocol of ENN meetings.
- Made comments about the generally poor condition of the subject property including the poor condition of the wall on the property line. (Mr. Parker responded that he has tried to fix the wall but was not allowed onto Ms. Beninato's property and could therefore not fix it)...Disagreement ensued.
- Light, noise, parking and garbage have historically been a problem with past tenants of the property.
- Gave a statement that the proposal constitutes "spot zoning" and read a New Mexico supreme court decision regarding a case involving spot zoning.

After completing her statements there was general disagreement between Ms. Beninato and Mr. Parker. Ms. Beninato walked out of the room during this time.

Peter Komis stated that his primary concern was the potential for the rezone to create a precedent for additional rezones in the future.

Karen Heldmeyer stated a concern regarding the potential future uses of the property were it to be rezoned.

Mr. Parker made general statements in response to the comments that since the use of the property has historically been commercial that there would be no additional impacts associated with the rezoning. The rezoning is simply doing what should have been done in the first place.

Mr. Komis inquired about the potential for a variance or use permit instead of a rezone.

Paul Duran stated that they have tried that option and it does not work. Nobody will buy the property.

Mr. Parker stated that it is not their intention to hurt the neighborhood and they are only asking for BCD because it is the only zone they can apply for per the requirements of the Code.

There was general discussion about Ms. Beninato and the issues she brought up.

Amy Laugherty stated that concerns with traffic, noise and garbage were the primary issues brought up on the Don Diego Neighborhood Association website

Bernadette Vadurro suggested that everyone find ways to reach a compromise so that concerns could be addressed and the property could be rezoned.

Continued concerns regarding the lack of onsite parking were expressed...

A neighbor responded (Name unknown) that they would be willing to offer their nearby property to provide additional parking.

At the end of the meeting, Mr. Komis expressed more concern about this rezone opening the door to more rezones in the future. He also expressed that it was not his goal to prevent use or sale of the property but just wanted to make sure that the best possible path/option is chosen.

Regarding the question of whether this rezone would create precedent for future rezones: Mr. Thomas responded that that is in some way the ultimate question because rezones are discretionary and it is hard to know how zoning will evolve over time.

The meeting dissolved into general discussion among small groups and ended at 7:30.

City of Santa Fe, New Mexico

Planning Commission

Exhibit F

Applicant Letter

This request is to correct the original zoning of the property located at 600 Galisteo St. This property was first developed in the mid to late 1930's by Frank and Lucy Ortiz as a store selling dry goods and lamp oil to local families. It then became the local grocery store having a meat market, groceries and liquor. This building has always been used for commercial and never for residential. As you can see by the design of the building. When this property was originally zoned it was zoned R 21 with a non-conforming status so the council at the time knew it was a commercial property. If you look at the properties in the BCD you will notice a lot, if not most, are houses that are now commercial raising their value yet the one commercial property in the area was changed to R 21 lowering it's value. This property was turned over to a conservatorship company and they were not aware of the non-conforming status for the property and were unable to rent the property due to the slumping economy and a year of vacancy lapsed and we lost the non-conforming status. As a result the building has sat vacant for more than ten years causing a great loss to Lucy while she was still alive. She was forced to sell off other properties including the family home to pay her living expenses. After the grocery store was closed it became Madalyns Photography followed by Eva's de Santa Fe Photography, The Photography Studio, A Rug store and The Gold Leaf Frame Shop. The frame shop was paying \$ 3000.00 a month rent when they moved out. This was zoned residential because of the side of the street it is on and not for what it was always used for. This property is in the estate of the late Frank and Lucy Ortiz. Frank was twice elected Mayor of Santa Fe serving from 1948 thru 1952. Prior to being Mayor he served on the City Council for several years. These were non salaried positions at the time. When Paseo de Peralta was widened and created

from Hickock St. property was purchased from the Ortiz family which is why there is limited parking.