

Detailed Review Table

The table below provides a section-by-section review of the current Santa Fe Chapter 14 Land Development Code. The section-by-section analysis is based on:

- Discussions with staff and stakeholders;
- Responses from the public to the kickoff survey;
- Staff comments in the annotated version of Chapter 14; and
- Our own observations from reviewing the code.

Though some of the same themes and issues in this Table are covered in the Assessment Report, the focus here is to add greater detail to recommendations and suggested changes to specific sections. The Table includes many questions and issues marked for further discussion with staff. Not all of these questions need to be resolved immediately, especially if their resolution depends on discussions and decisions that will be part of the General Plan process. It would be helpful to prioritize questions related to Phase 1 changes, while others can be addressed as the project proceeds into later phases.

Where content from the Issues Report has not been covered in the Assessment Report or the specific section entries in this Table, and questions or issues remain unresolved, we include those unresolved issues as rows attached to the associated code sections in the table.

Source	Comment
14-1 General Provisions	
Generally	Add subsection on Severability, which explains that if a court invalidates a section or provision of Chapter 14, the rest of it remains in effect. Add information on Repeal, explaining that with the adoption of the updated Chapter 14, all prior versions are repealed and replaced with the current one. This can be a separate provision or could be combined with Effective Date (see 1.1).
1.1 - Title	Carry forward. Add Effective Date.
1.2 - Authority	Carry forward.
1.3 - General Purposes	Expand this section: Adding detail to this section can prevent the need to repeat provisions at the beginning of each of the subsections later in the document. Carry forward implementation of General Plan, orderly development and management of traffic, emphasis on health, safety, welfare. Add provisions regarding sustainability (water conservation, air quality, renewable energy), open space and protection of sensitive lands, protecting character and historic assets, and other components to be determined as the rewrite progresses.
1.4 - Minimum Requirements; Uniform Application	Carry forward. Combine 1.4, 1.5 (General Plan), and 1.6 (Applicability).
1.5 - General Plan	Carry forward. Combine 1.4, 1.5 (General Plan), and 1.6 (Applicability). Rather than just explaining what the General Plan is, explain its relationship to these regulations.
1.6 - Jurisdiction and Applicability	Carry forward. Combine 1.4, 1.5 (General Plan), and 1.6 (Applicability).
1.7 - Conflicting Provisions	Carry forward. It is sufficient to say the more restrictive provision will prevail, unless otherwise specified, without listing particular instances, as (B) does.

Source	Comment
1.8 - Transitional Rules	Carry forward.
1.9 - General Rules of Construction	This section will be carried forward, though incorporated into a different section of the LDC, as indicated in the Annotated Outline. Rules of Construction and Definitions become the last article in the new LDC.
1.10 - Interpretations	While the Director is still responsible for interpretations, staff have indicated that there is no compilation of past interpretations. This section will be updated to reflect current practice.
1.11 - Applicability to Owners, Occupants and Premises	Combine with 1.6, condense content if possible.
14-2 Review and Decision-Making Bodies	
Generally	While individual sections are reviewed below, this comment applies to the content of subsections 2.2 through 2.12 (except 2.8). It is unusual for a code to describe the membership and operations of the various decision-making bodies. Normally this section explains the decision-making bodies' responsibilities for code administration and implementation, rather than general membership and qualification requirements. Provision (C), Powers and Duties, is typical of the content included in this code section. (A) and (B) are also related and could be carried forward, though (A) seems superfluous. We would like staff feedback on possibly eliminating/relocating the portions of this section that are not specifically related to code administration.
2.1 - Summary of Ordinance Administration and Review Roles AND Table 14-2.1-1 – Review and Decision-Making Bodies and Responsibilities	<p>Text: Carry forward.</p> <p>Table: As indicated in the body of the Assessment Report, this table will be carried forward, subject to the following edits:</p> <ul style="list-style-type: none"> ▪ Include all procedures; this table only includes a partial list of the current application procedures. ▪ Include information on public notice requirements. ▪ Consider a separate table for HDRB and ARC decisions, or at least create separate sections in the same table for these procedures.
2.2 - Governing Body	<p>Generally: This section will be carried forward with significant edits to remove repetition, and remove information that is covered elsewhere.</p> <ul style="list-style-type: none"> ▪ Parts of the information in this section recapitulate authority that is already summarized in Table 14-2.1-1, and need not be repeated. ▪ Other elements would better be covered in Common Review Procedures. ▪ Provision (B) describes internal procedure (the Council shall receive Planning Commission minutes). This level of detail is not needed in the LDC.
2.3 - Planning Commission	Carry forward (A) through (C), consider removing (D) and (G) to be located outside code.
2.4 - Board of Adjustment	Carry forward (A) through (C), consider removing (D) and (E) to be located outside code.
2.5 - Business-Capitol District	No longer exists. Delete.

Source	Comment
Design Review Committee	
2.6 - Historic Districts Review Board	Carry forward (A) through (C), consider removing (D) to be located outside code.
2.7 - Archaeological Review Committee	Carry forward (A) through (C), consider removing (D) and (E) to be located outside code. Qualifications in particular (E) are not typically code language.
2.8 - Additional Procedures of Land Use Boards	The information that is contained in this section is not typically included in a zoning code. It is more common for the city clerk or city manager to maintain information about board membership, requirements, terms, qualifications, and particularly meeting operations, either on a website, or distributed directly to board and committee members. Is there interest in removing this as part of the update? If it is to be retained, it should be moved to the end of the section, after the description of all the decision-making bodies.
2.9 - Santa Fe Extraterritorial Land Use Authority	Does this still exist? It is another entity that was not mentioned in any interviews or survey responses.
2.10 - Santa Fe Extraterritorial Land Use Commission	Does this still exist? It is another entity that was not mentioned in any interviews or survey responses.
2.11 - Land Use Director	Carry forward (A) and (B). The information covered in (C), Approval Authority, should be relocated within the Procedures section, to subsections that specifically deal with these particular decisions.
2.12 - Floodplain Administrator	Carry forward.
14-3 Review and Approval Procedures	
Generally	<p>As described in the Assessment Report, Common Review Procedures (14-3.1(E) through (M)) should be described once, and need not be repeated in application-specific procedure descriptions, as is currently done in many instances.</p> <p>Application Information: All application-specific information should be maintained outside the code. The code should tell potential applicants where to find this, without including details of what it must include. This enables changes to requirements to accommodate new technology (electronic submissions), and new information requirements without the need for a code amendment.</p> <p>Protest Procedures should be part of the Common Review Procedures, or their own section, that describes the instances where they apply, as well as provides additional detail on the petitions and their processing. For instance: who may sign a protest petition – is one property owner sufficient, or must all owners sign? When must such petitions be received in relation to the timing of governing body review and decision? What is the format for their submission? Are there procedures to verify their validity?</p>

Source	Comment
	<p>Approval Criteria for each application type will be reviewed and updated as part of the LDC update. For that reason, individual criteria for each application type are not reviewed here.</p>
<p>3.1 - General Provisions</p>	<p>Generally: There is a staff comment suggesting addition of a requirement for an EIS for certain activities. This is a good idea. Are there any instances in which this is currently required? If it is a new requirement, what are the instances in which you think it should apply?</p> <p>(A) Relationships Among Different Applications, Permits and Approvals: This is a good explanatory provision. Carry forward, with copy edits, and formatting to break up long paragraph.</p> <p>(C) Form of Application: It would be helpful to reference where applications can be located (city website?) RE: provisions 2 and 3, we understand there are no such checklists, so these provisions will be revised accordingly. For this section, it is generally adequate to say that applications must be submitted in the form and number required by the department, with accompanying information as required, all providing detail sufficient to ascertain determination of compliance.</p> <p>(D) Schedule of Fees, Charges, and Expenses: Section says this shall be posted in the Planning and Land Use Department. Is it posted online so that applicants can access it without coming in to the office?</p> <p><u><i>From here through the end of 14.3-1, we would relabel these sections as Common Review Procedures.</i></u></p> <p>(E) Pre-Application Conference:</p> <ol style="list-style-type: none"> (1) Applicability: Is the list for which these are required still valid, or do any additions/deletions need to be made? For instance, would this be needed for a family transfer subdivision? Also, does the waiver have to be in writing? (2) Procedures: Is 15 days still an adequate timeframe? For subdivisions, how formal is the “sketch plan and supplementary data”? We will add info that pre-app conferences are needed for new subdivisions – is that adequate to make clear they are not required for lot splits and re-subdivisions? <p>(F) Early Neighborhood Notification: Since this process is already undergoing revisions as part of a larger community conversation, we will limit recommendations on this topic to general, high-level observations.</p> <ul style="list-style-type: none"> ▪ Generally, the purpose and possible outcomes should be better defined so members of the public understand what they may reasonably expect from participation. ▪ Who arranges these meetings – the City or the applicant? This should be specified, along with some requirements for proximity to the development site, and acceptable meeting times. In other words, ENN cannot be held 7 miles from potential development site at 2 PM on a Tuesday. ▪ Revisit some of the items from the list for which ENNs are currently required (city capital improvement projects, dedication of right of way, telecom and

Source	Comment
	<p>electric facilities, variances from a standard of less than 25% and parking reduction variances, and subdivisions of possibly 5 or 10 or fewer lots).</p> <ul style="list-style-type: none"> ▪ Revisit the information that the applicant is supposed to provide at the meeting. Since these meetings take place before an application has been submitted, and possibly before any pre-application conference or feedback from the city on the proposed project has been received, it is unlikely that an applicant could know with certainty many of the required items of information that they are supposed to cover at the meeting. How would they know the impact on archeological sites before testing has been conducted? Would any traffic studies have been conducted by this point? Would they know the effects on the water supply or urban form? It is possible that some of the disappointment of residents and their distrust stems from feeling like the project they heard about at the ENN is different from a final proposal. While this may be because an applicant had to provide “best guess” information at an early stage of the process which subsequently changes owing to greater detail, the reason for such changes may not be clear to residents who attended the meeting. It may seem to them that the information presented was not truthfully representative of the proposed project. <p>(G) Application Completeness: Provision says application must include all mandatory information. This should further specify that the information provided must be adequately detailed to enable determination of compliance with Chapter 14 prior to an application being accepted as complete. Are there any timeframes associated with resubmission, e.g., if an updated application is not submitted within X period of time, the application expires, and to be re-initiated, must undertake the application process from the start? Also, is there any need for a procedure to follow if an applicant disagrees with changes that are required to re-submit? If an applicant must make any and all requested changes for the application to be considered any further, that should be specified.</p> <p>(H) Notice Requirements:</p> <ul style="list-style-type: none"> ▪ Any notice requirements associated with ENNs should be stated in that section, since that notice precedes any that would be required to accompany a complete application. ▪ H(1)(b) is labeled Agenda Requirements, but also includes newspaper notice requirements. These should be listed separately, as they are in H(2). Is this duplicative? If so, it should be removed. ▪ Posted notice: Add explanation that it is the applicant’s responsibility to demonstrate that this notice remained posted and legible during the required timeframe preceding hearing, and that it is also the applicant’s responsibility to ensure that any notice signs that are removing, missing, or rendered illegible are replaced. It is not uncommon for communities to transfer the responsibility for posters to the applicant, with the requirement that their posters be approved by the LU department before posting. It is also not uncommon to require a greater number of posters for large sites, for example, every 1,000 feet along all adjacent public right of ways. ▪ Defects in notice: Many codes include a provision that minor defects in notice do not invalidate proceedings, or require that they be re-initiated. In other

Source	Comment
	<p>words, if a poster falls down for a day but is promptly replaced, that is a minor defect that would not require re-initiation. On the other hand, if a poster falls down on the first day it is posted and is never replaced during the 15 days, that is not a minor defect. That would require re-initiation of the notice period. Generally, the governing body is trusted to judge whether a defect is major or minor.</p> <ul style="list-style-type: none"> ▪ Mailing and emailing: Who arranges the ENN – city or applicant? If applicant, how is notice of an ENN mailed to an applicant 15 days prior to a meeting when the applicant is the one that arranges such meetings? It is becoming more common for codes to explicitly include the requirement to notify tenants or occupants in addition to property owners. There are negative equity impacts to excluding non-owners. Provision (d)(1) as written <i>may</i> accomplish tenant notification, but it may not if there are multiple tenants or occupants at a single address. How does the city attempt to discover an updated address if a piece of certified mail is returned? This wording may be required by NMSA, but if not, we would eliminate this provision (See minor defect, above. Sending certified mail is a good faith effort. If a property owner fails to maintain a forwarding order or maintain a current address in the system, it should not fall to the city to try to overcome this defect.) Is the applicant responsible for sending the mailings, as provision vi seems to indicate? If so, the code should specify where they are to obtain their mailing list. ▪ Notice for City-Initiated Actions: Is there a reason these need to be listed separately from the other notice requirements? The only difference appears to be the level of detail for posted notice. We suggest above additional detail for posted notice requirements. If amended, it seems this section could be eliminated, with specification that general requirements apply to city-initiated projects. ▪ How does H(1)(b) differ from H(2)? ▪ We suggest that any change to a noticed ENN meeting should be re-noticed. ▪ Notice for Appeal: We recommend that notice for an appeal should be the same as the notice required for the original decision in terms of methods, timeframes and recipients. ▪ If the state does not require notice for subdivisions that are creating one extra lot, we would eliminate it. This seems unnecessarily onerous in most cases. Alternately, the provision could be rewritten to say that if the Land Use Director judges that the creation of the additional lot could have negative impact on the owners of the existing lots within the subdivision or adjacent properties, the Director may require notice. <p>(I) Public Hearing Procedures: This one sentence does not seem adequate. We would add some basic details about public hearings.</p> <p>(K) Post-Approval Procedures – Rezoning: Why is this the only procedure for which post-approval actions are mentioned? Based on feedback we received, we suggest that such a section may be necessary to add to a number of specific procedures. As such, it may not need to be mentioned in these general procedures, unless certain steps apply across all/many application types.</p> <p>(L) Required Submittals and (M) Time for Review of Applications: Both of these sections should be moved up to or included within (G) Application Completeness.</p>

Source	Comment
<p>3.2 - Amendments to the General Plan</p>	<p>Generally: In anticipation of the GP update, the City could consider a new provision for this section stating that no Amendments to the GP will be considered for some specified period after its adoption (perhaps two years). There could be an exemption for City-initiated updates. The section should state who may initiate amendments to the GP, and for what purposes.</p> <p>(D) Procedures:</p> <ul style="list-style-type: none"> ▪ Procedures for this application type (and all subsequent ones) should focus on aspects of review and approval that differ from Common Review Procedures. ▪ Is it necessary that this determination be in writing if no update is needed? It seems that it would be more important to explain if an update is needed, and why. ▪ Should information related to Neighborhood Plan approval be removed, if Neighborhood Plans are not used in the City?
<p>3.3 - Amendments to Text of Chapter 14</p>	<p>The majority of the information in this section describes Common Review Procedures. It can be updated to a reference, rather than needing to be repeated. The one exception may be to add description of when a text amendment submitted by a member of the public will be considered, and if it should be treated any differently in terms of notice and review. Also, a provision could be added that a text amendment initiated by the city or governing body with the sole purpose of correcting a textual error, misspelling or minor misstatement may be processed at a public hearing without the need for public notice.</p>
<p>3.4 - Annexations</p>	<p>(A) Three Methods of Annexation: Are all three of these methods still valid? If Municipal Boundary Commission still applies, it may be helpful to describe the purpose, composition, and duties of this Commission in 14.2, Review and Decision-Making Bodies.</p> <p>(B) Zoning Designation for Newly Annexed Parcels: We suggest changing this. Parcels should be zoned upon annexation according to proposed future land use, rather than arbitrarily as R-1.</p> <p>(C)(1): Application and Required Information: All application-specific information should be maintained outside the code.</p> <p>(C)(1)(b)(ii): Is there an explanation anywhere of what a “sector plan” is? Additional info or clarification on where to find such info would be helpful here.</p> <p>(C)(5): Provision should be relocated to appear after (D) Approval Criteria. This is a post-decision action, and should be listed as such.</p> <p>(C)(6): Additional information on protest petitions should be included, or reference to where such information can be found.</p> <p>(F) Annexation Agreement: The information in this section should either be covered in application information for existing development on annexation lands, or by any subsequent development proposal that is submitted after annexation and zoning, which would be subject to all applicable City regulations. As such, is this Agreement necessary, particularly if there is no immediate development proposal for vacant lands?</p>

Source	Comment
<p>3.5 - Rezoning</p>	<p>(A)(1): It is unusual to allow “any other person” to submit a rezoning request on a piece of property. Generally, such a request must be initiated by the property owner, or an individual with an interest in the property (for example, a potential buyer or developer).</p> <p>(A)(3): If the City has instances of split zoning, it may be advantageous to offer expedited process/administrative decisions for property owners who voluntarily request to rezone a split-zoned parcel to a single district that is already applied to the property.</p> <p>(B) Procedures: As elsewhere, Common Review Procedures do not need to be repeated here.</p> <p>(B)(4): Provision should be relocated to appear after Approval Criteria. This is a post-decision action, and should be listed as such.</p> <p>(B)(5): Protest Petition information to be included in Common Review Procedures, with a list of procedures where they may apply, rather than repeating them in each application-specific procedure.</p>
<p>3.6 - Special Use Permits</p>	<p>Generally:</p> <ul style="list-style-type: none"> ▪ The name of this procedure is to be changed to Conditional Use. This reflects both that approval of such a request is not a permit in the sense of building permit. Rather it is a special permission, that may be subject to conditions for approval. ▪ Staff comments on this section make repeated reference to Action Letters. If this is issued after approval, it should be further described in a Post-Approval Actions section. <p>(D)(2): Rather than listing subjects to which conditions may be applied, it is more common to say that the governing body may apply any conditions deemed necessary to ensure the special use mitigates potential negative impacts associated with the approval of the requested use, at the requested scale, in the requested location.</p> <p>(E) Expiration of Special Use Permits: It is more common to include a provision that allows the governing body to review approved special use permits at their discretion than to have approvals expire. This allows for review (and potential revocation) of any approved uses that may be causing issues, while avoiding unnecessary administrative procedures related to automatic expiration for approvals that cause no issues.</p>
<p>3.7 - Subdivisions of Land</p>	<p>Generally:</p> <ul style="list-style-type: none"> ▪ The General Provisions information in (A) does not all have to do with Procedures. We recommend relocating this information to a new section that reunites all subdivision information – currently dispersed in numerous locations throughout the code – into its own section. ▪ If state law allows, consider processing smaller subdivisions (5-10 or fewer lots) as administrative decisions. Additionally, we understand that some clarification for family transfer subdivision is needed, including revisiting the definition of “family” for who may be permitted to receive land in this manner).

Source	Comment
	<p>(4) Serial Subdivisions: Some clarification seems to be needed regarding terminology here, If “resubdivision” is really just lot line adjustment or consolidation, it is probably clearer to refer to it as such.</p> <p>(5) Common Promotional Plan: The text of the provision seems to have little to do with the title, and it is not clear what this provision means.</p> <p>(7) Certificate of Compliance: This provision seems to have more to do with establishing legal lot of record, rather than subdivision. If that interpretation is correct, we would relocate this information. Even if the interpretation is incorrect, this seems an odd location for this information.</p> <p>(B)(2) ENN: We agree with the staff suggestion that ENN may not be necessary for small subdivisions (again 5-10 lots or fewer).</p> <p>(B)(3): Do all preliminary plats need to go to Planning Commission? This is related to the general recommendation to allow administrative approval under a certain threshold.</p> <p>(B)(5) Time Limits: Restructure so that time limits and expirations are shown as part of the specific procedures to which apply.</p> <p>(B)(6) Phasing: Are there issues with phasing? This makes it sound like a subdivision can be approved first, and a phasing plan later. If that is so, we would revisit that timing. Phasing should be part of the original approval, not after it.</p> <p>(D) Summary Procedure: What is a Summary Subdivision? This is not a defined term.</p> <p>(F) Inheritance and Family Transfer Subdivisions: As recommended above, the information that is not a description of procedure should be relocated to its own section, or subsection as part of a new Section on Subdivision Standards.</p> <p>(F)(4): Two or more lots is an extremely low threshold for requiring Planning Commission review. Revise upward. Remove reference to summary committee, as it no longer exists.</p>
3.8 - Development Plans	<p>A thorough review of the Development Plan procedure will be conducted as part of Phase 2 of this project, so this table does not address individual provisions of the procedure here. However, we understand that the amount of information required upfront is perhaps too extensive, and that there is confusion over some of the steps of the procedure, where it would benefit from clarification and potential streamlining. Is this one of the procedures that needs to have post-approval steps more clearly described?</p>
3.9 - Master Plans	<p>Could Master Plan and Development Plan be combined? They seem to serve the same purpose, in different instances. This is a topic for further discussion with staff.</p>
3.10 - Development in Special Flood Hazard Areas	<p>Generally: This is not really a procedure so much as it is a general requirement for compliance with floodplain regulations. Review and compliance should be part of Common Review Procedures, for any application on a property where floodplain regulations apply, and the general information ((B) in particular, which describes the Floodplain Administrator’s responsibilities) should be in a different section. Relocate accordingly.</p>

Source	Comment
3.11 - Construction Permits	We do not often see info on Construction Permits located in Procedures, but it is a good idea. It can help to clarify that a procedural approval for a given application is not the final step, and construction permit is also required to proceed. That said, some of the information for particular kinds of construction permits may be better located with the topic to which it applies (Architectural Review, Signs, Grading, etc.). Elsewhere in the code this seems to be referred to more frequently as a Building Permit. The terminology should be standardized.
3.12 - Certificates of Occupancy	Similar to the comment on Construction Permits, C of O information is not often included in codes, but it is a good idea. Carry forward, though consider staff comment that some of the information in the temporary C of O section may be better located in 6.4.
3.13 - Archaeological Clearance Permits	As discussed in the Assessment Report, the information prior to (C), Procedures, and that in (D), Other General Provisions, should be moved to the Overlay in 14-5.3. We understand that these procedures (and non-procedural information as well) need to be aligned with state standards, and also that there is a desire to revisit the test procedures as part of Phase 2 (for instance, certain parts of a site must be designated for testing rather than anywhere, more than 2 percent of a site needs to be tested, sites adjacent to known resources should not be considered in isolation, etc.)
3.14 - Demolition of Historic or Landmark Structure	Staff comments suggest this should be moved to Historic portion of the code. Since this does summarize a procedure, we think it may be a good idea to retain at least parts of it here. If that is the decision, logically, other H-related decisions should also be located here rather than in the overlay. In general, better, more detailed information about HDRB procedures and decisions needs to be included in the updated code. Is there a list of decisions that HDRB makes? Are there decisions related to Historic resources that HDRB cannot make (such as designation of a district or landmark, which is usually a governing body decision)? Additional information to clarify these items will be a helpful addition for code users.
3.15 - Minor Modifications	What is included here is not the description of a procedure, though it should be. Generally, a minor modification is an administrative decision that can be made for requests for deviation from dimensional standards of up to 10% of a quantitative standard (height, setback, lot coverage, amount of open space, extent of landscaping provided), except density. It may also be used to regularize construction errors or permit minor post-approval adjustments to approved plans, up to the same 10% threshold. Requests for larger deviations, or requests to deviate from qualitative standards would require a variance or other procedural review, such as a PUD.
3.16 - Variances	Variances did not come up in interviews and surveys. We would like to hear more information about how they are used in Santa Fe. As in most locations, they are supposed to be related to hardship, but different location construe hardship more or less strictly, leading to great variation in the use of this procedure. If variances are applied strictly in Santa Fe, we may suggest other procedures, including but not

Source	Comment
	limited to the Minor Modification described above, to allow for some flexibility in defined instances.
3.17 - Appeals	Generally: This section should be part of Common Review Procedures, as the appeals process for most decisions is standard.
3.18 - Utility Conformity Reviews	Generally: Procedural information in the Use-Specific Standards of 14-6.2(F)(7) should be relocated to this section. The Use -Specific Standards should explain when the procedure is required, and then include a cross-reference that leads to this section of procedure-specific information, rather than the reverse (this section referencing the Use-Specific Standards for a description of the applicable procedure).
3.19 – Expiration, Extension and Amendment of Development Approvals	Portions of this information would be better re-distributed to Common Review Procedures (Post-Decision Actions and Limitations) and specific expirations described in the procedures to which they apply.
3.20 - Residential Condominiums	Generally: Is this procedure necessary? Standard density calculations and requirements for new development apply according to zoning district regardless of the form of ownership. Existing development that does not comply is covered by the Nonconformities section, while changes to existing development are subject to all applicable Chapter 14 regulations. We would not carry forward, unless staff advises there is a particular need to do so.
14-4 - Zoning Districts	
4.1 - General Provisions (A) through (E)	The language for these kind of introductory provisions is normally fairly standard. We see no immediate issues with this content. Carry forward.
4.2 - Residential Districts (A) through (J)	<p>(A), Purpose: Carry forward with edits to list of dwelling types and development arrangements (cluster development, compound, etc.).</p> <p>(C) through (J): There should be more to the description of each of the residential districts than a simple statement about appropriate density. Each district that is carried forward will have an updated statement that describes the character of development a little more.</p> <p>(D): Is R-1 to be retained? Several conversations mentioned removing it. We understand this will be part of the General Plan conversation, but the possibility is noted here for follow-up depending on GP outcome.</p> <p>(E) and (F): It is hard to understand why R-7 is different from R-7(I), especially as part of the description of R-7 says infill is encouraged there, and there is no difference in standards between the two districts. Was R-7(I) created to apply in a specific area or context? We would like more information on this, but as a general comment, an increasing amount of the development the City will see as it approaches buildout is infill and redevelopment. It is thus important to get dimensional and other standards right, to make sure this kind of development can happen everywhere. For that reason, we would get rid of R-7(I), and place greater emphasis on infill in all the districts.</p>

Source	Comment
	<p>(G) RC-5 and RC-8: Is it correct that compounds and historic compounds as described in 14-5.2(K) are different? Can there be compounds that are not historic? We will need more information to understand how this district corresponds – or doesn’t – with the overlay, but we generally wonder if allowing this as a use could work, instead of having a district for it?</p> <p>(I) Residential Arts and Crafts District: As mentioned in the Assessment Report, we are not sure how this is different from the overlay, or that either this district or that overlay should be carried forward. Instead, we would look at applying mixed-use districts in these areas.</p> <p>(J) MHP Mobile Home Park District: Staff have indicated that this district is applied to prevent redevelopment of existing MHP, but that no new ones can be created per 2012-037, dating to December 10, 2012. If the district is working to preserve existing parks, it can be carried forward. If there are existing parks that are not zoned MHP but there is an interest in preserving them, we can discuss ways that can be accomplished. Whether in MHP or for parks outside the district, we can look at applying protective standards, or mitigation measures for current residents in the event of redevelopment (such as relocation assistance, or right of return).</p>
<p>4.3 - Nonresidential and Mixed-use Districts (A) through (L)</p>	<p>Generally: Add Railyard BCD to LDC.</p> <p>(A) through (C): As mentioned in Assessment Report, the purpose statements for these districts would benefit from revision, from removing the list of uses from C-1 to distinguishing C-4 from the other Arts & Crafts district and overlay.</p> <p>(D) HZ Hospital Zone District: We would not carry this forward, instead allowing hospital development in a conventional nonresidential district as a use.</p> <p>(E) Business-Capitol District: We would like to understand what distinguishes the fourteen townscape subdistricts from another? And how are they different from the overlays that apply in the same areas? The general statement of intent that they are to “protect the unique features, recognizable historic character and other common identifying characteristics of each subdistrict” is vague.</p> <p>(H) BIP Business and Industrial Park District: As mentioned in Assessment Report, we would like to investigate the possibility of eliminating this district.</p> <p>(I) PRC Planned Residential Community District, and (J) PRRC Planned Resort-Residential Community District: Also as discussed in Assessment Report, we would eliminate these districts, and rely on RUD if such projects come up in the future. If they are retained, it seems they should be moved to the residential districts section (Planned Residential Community in particular).</p> <p>(K) SC Planned Shopping Center Districts: Do not carry forward.</p> <p>(L) MU Mixed-Use District: Replace this single district with 2-3 new mixed-use districts that are more tailored to development context.</p>
<p>Issues Report Comments Related to BCD</p>	<p>These comments have not been directly addressed elsewhere in the Assessment or this Detailed Review Table.</p> <ul style="list-style-type: none"> ▪ Make better use of the second story, underutilized spaces of buildings in downtown.

Source	Comment
	<ul style="list-style-type: none"> ▪ Clarion: This is a very good idea, particularly given the limitations on expansion and alteration of historic structures downtown, and the finite nature of available space in the area. In various other communities where this occurs, it has less to do with zoning or even market demand than it does with building code, fire and ADA issues related to old buildings. In Santa Fe, we understand that required parking may be an issue. We will work to get a better grasp of what limits the use of second stories, and adapt zoning to not be a barrier, but solving this issue may extend beyond the parameters of the LDC project. ▪ Resolve issues with FAR in BCD. ▪ Clarion: We would more generally recommend reassessing the use of FAR. Since the district already has height and lot coverage limits, this additional control may be unnecessary.
14-5 Overlay Zoning Districts	
Generally	<ul style="list-style-type: none"> ▪ In comparing the overlays contained in Chapter 14 with those listed on the GIS map, there are discrepancies. Airport Clear Zones, for instance, is listed on the map, but not mentioned in the ordinance, while neither the ER Ecological Resource Protection Overlay or the RS Residential Suite Hotel/Motel Overlay District is mentioned on the map. These should be reconciled to be the same, and it would be helpful if those listed on the map were in alphabetical order. ▪ Staff mentioned a desire to reduce the number of overlays, and rely less on the creation of them going forward. We suggest elimination of a couple of the existing overlays in the sections below. In some cases, there are other ways for zoning to accomplish the objectives these overlays are trying to promote (design standards, use permissions and use-specific standards), but other instances where overlays are the best tool to use when a variety of standards must be applied in limited, unique circumstances and locations. How best to approach their use and creation going forward is a topic for a larger conversation with staff and with the Santa Fe community, likely as part of the General Plan update.
5.1 - General Purpose; Relationship to General Use Zoning Districts	<ul style="list-style-type: none"> ▪ This is not really a purpose statement, though it does describe how an overlay relates to a base district; update Purpose to explain what overlays are for. ▪ This list and the overlays that are listed on the GIS map should be identical. ▪ We would suggest that if there is a conflict in standards, those of the overlay should apply, rather than just “the more restrictive limitation.” Since the purpose of overlays is to apply standards tailored to context, it is not always true that the more restrictive is the better standard to apply.
5.2 - Historic Districts, General Provisions	<p>The Assessment Report reviews this section in detail. These are the high-level recommendations the report makes:</p> <ul style="list-style-type: none"> ▪ Reorganize information within a logical hierarchy that progresses from general information to more specific information. ▪ Include maps that depict district boundaries, and photos and illustrations to help users understand design requirements. ▪ Standardize the elements of information that are included in each of the sub-districts. These sub-sections should not repeat generally applicable standards, which will be covered in a section of standards that apply to all historic districts and should only contain subdistrict-specific information and regulations. ▪ Clarify information and codify standard practice for common processes that are not described in the current code.

Source	Comment
	<ul style="list-style-type: none"> ▪ Update standards and materials requirements to reflect contemporary practice. ▪ Revise procedures, accompanied by review of decision-making authority and H-Board composition and qualifications requirements. ▪ Review and clarify historic signs regulations. <p>Additionally: The Assessment Report proposes that the subdistricts include description, photos, or illustrations of the distinguishing features that are characteristic in each subdistrict. Why has each been designated? What is special about it? This would be very helpful in distinguishing among them. Also, photos or illustrations of general architectural features would be helpful too. Though the features are common throughout the community, photos or illustrations showing appropriate massing, wall dominance, roofs forms, window forms, appropriate porches, portales, etc. would be helpful for users who may have general familiarity with the features, but not understand pertinent details.</p> <p>(C) Regulation of Significant and Contributing Structures in the Historic Districts: Clarification is needed regarding the applicability of the regulations to contributing and non-contributing structures within the district.</p> <p>(D)(9)(a)(ii) Project Types: These illustrations seem a particularly complicated way of determining if regulations apply. Do they work? Could they be simplified? Could a radius work, regardless of nearby street configuration?</p> <p>(E) Downtown and Eastside Design Standards: This section is a description of the Old and New Santa Fe styles, without any explanation of where or how this applies in this subdistrict. These styles appear outside this district as well – how are they treated then? It would be extremely helpful to have these descriptions accompanied by pictures.</p> <p>(J) Creation of Historic Districts: This is a procedure. Should it be relocated to that section of the code?</p> <p>(K) Historic Compounds: Same comment – some of this section describes a procedure. Should it appear in the Procedures section? Alternately, it may also be viable to create a subsection of procedures in 14-5.2, that just includes H-related procedures.</p> <p>(L) Landmarks: Does the map referenced in this section exist? This section seems to deal with existing landmarks – how are new landmarks designated?</p>
<p>Issues Report Comments Related to H Districts</p>	<p>These comments have not been directly addressed elsewhere in the Assessment or this Detailed Review Table.</p> <ul style="list-style-type: none"> ▪ Review District: This anomalous; is artificial Santa Fe style. Was supposed to be a buffer for core -- should be reconceived as a buffer zone and focus preservation on the core. ▪ Ordinance versus Guidelines: Consider the relationship between ordinance and guidelines -- some content could be removed from the ordinance and instead be guidelines. The advantage of guidelines is they can more easily accommodate change over time and reflect evolving best practice in preservation standards. ▪ Information Outside of the Code: In addition to guidelines as referenced above, there could there be an interpretation manual or users' guide outside the Code that would help applicants understand the regulations.

Source	Comment
<p>5.3 - Archaeological Review Districts</p>	<p>Significant portions of the information in 14-3.13 should be relocated to this Overlay (see 14-.3.13 above). Additionally, the Assessment Report reviews this section in detail. These are the recommendations the report makes:</p> <ul style="list-style-type: none"> ▪ Relocate substantive information from the Review and Approval Procedures Article, in Section 14-3.13, <i>Archaeological Clearance Permits</i>, to Section 14-5.3, <i>Archaeological Review Districts</i>. What remains in Section 14-3.13 should focus on the steps of the review process. ▪ Clarify archaeological subdistrict boundaries with the inclusion of maps that show what areas the subdistricts cover. ▪ Align conflicting state and local regulations and terminology; augment local regulations as warranted by limitations in state requirements. ▪ Adjust Archaeological Clearance Permit to include testing more specific areas of lots to be developed, testing a greater extent of the lots, tying permits to projects rather than locations, and relating findings on adjacent lots to one another. ▪ Review ARC process to ensure emphasis is on preservation of resources, rather than completion of paperwork. <p>Additionally: (C) Establishment of Districts; Boundaries: Add maps, or links to maps, of these established districts. (D) Archaeological Clearance Permit Required: As referenced in the Procedures section above, a significant portion of the information currently located in 14-3.13 should be relocated here.</p>
<p>5.4 - Arts and Crafts District</p>	<p>We heard no mention of this overlay in interviews or survey responses, and it is not listed among the overlays in the City’s GIS viewer. If it is not actually in use anywhere in the City, we recommend its elimination. It is confusingly similar to the RAC and C-4 base zoning districts, the objective of both of which can accomplished through mixed-use districts, and use-specific standards. Do not carry forward.</p>
<p>5.5 - Highway Corridor Protection Districts</p>	<p>Generally: We are not yet sufficiently familiar with conditions on the ground in the areas where some of these overlays apply to be able to recommend detailed changes. However, as a general observation, some of the standards appear to be promoting car-oriented development, with large setbacks pushing buildings far back from the rights-of-way, and (presumably) allowing parking lots to front the streets. This may be appropriate in some situations, but in the closer-to-town stretches of Cerillos Road zone one and perhaps two, for instance, we do not understand this to be the kind of development that is wanted there. If compact, pedestrian-oriented mixed-use is a goal along some of these stretches, the overlay standards are not designed to allow it.</p> <p>(C) Airport Road Overlay District: The purpose for this overlay is to create an “attractive, street-oriented character.” However, the requirement for 20-foot setbacks and six-foot-high walls does not contribute to accomplishing this. It ends up being sidewalks that are hemmed in on one side by a four lane, relatively high-speed road, and on the other by unbroken stretches of walls. We will look at ways to update this.</p>

Source	Comment
	<p>(C)(12): We understand that these provisions are preventing the establishment of some uses along this corridor that are desirable according to (11) Incentives, such as grocery stores and restaurants. This section will be eliminated.</p> <p>(D) Midtown Local Innovation Corridor (Midtown LINC) Overlay District: We suggest this should be moved out of this subsection of overlays, as it covers much more than a corridor, nor is it intended to protect a corridor so much as it intended to spur redevelopment in a significant land area of the City. Move up in organization one level so it is its own overlay, and not a type of Highway Corridor Protection Overlay, as is indicated by the current code organization. Since this is the city's most recently adopted overlay, we do not propose immediate changes, but would rather hear from staff if there are targeted updates necessary to help this overlay work better.</p>

Source	Comment
<p>5.6 - Escarpment Overlay, (A) through (L)</p>	<p>(A) Purpose and Intent: Some of the provisions in the Purpose and Intent sections 1-3 are apt and should be carried forward, but these sections are generally too long and somewhat repetitive. It is also difficult to tell the difference between provisions 1, 2, and 3. Consolidate these two sections, and eliminate some of the more general provisions.</p> <p>Retain (A)(1)(e) and (f); eliminate (A)(2), which just describes what this section regulates; retain (A)(3)(b) and (c), condense or reduce length of other provisions (some could be combined with (A)(1).</p> <p>(B) District Boundaries:</p> <p>Generally: Consider a reference or a link to the zoning map, so users can look up where the overlay applies.</p> <p>(B)(3): Except as set forth in Subsection (4) below, amendments to the escarpment overlay map shall be made by the governing body following the procedures as set forth for rezoning in this chapter. The official map shall be changed to reflect such action of the governing body within thirty days.</p> <p>(B)(4): Nonsubstantive changes to the official escarpment overlay map may be made by the planning and land use department in conjunction with the GIS division as follows:</p> <p>Clarion comment: These provisions hold true for any map and overlay district, and so can be stated once in the introduction to overlay districts, and need not be repeated in the specific sections.</p> <p>(C)(1) through (5) Permit Approval; Required Submittals:</p> <p>Some of the information in this section would be better classified in an Applicability section; for example, the first paragraph of provision for, which explains that if you are applying for a building permit or a grading permit, you must submit the required application materials. The specific list of information that must accompany such a request would be better located in Procedures/Submittal Information, or moved outside the code to the website or other location with application requirements. If this info is retained in this section, the actual standards (sections (D) through (J)) should precede it.</p> <p>Provisions 2, 3 and 4 repeat substantially the same information. This can be stated once, making clear it applies to subdivision, AND cluster development, multi-family, PUDs, etc.</p> <p>(D)(1) through (5) Location of Structures; Buildable Site:</p>

Source	Comment
	<p>Generally: There is a significant amount of unnecessary repetition in these provisions, which are essentially conveying two pieces of information:</p> <ul style="list-style-type: none"> ▪ Development rights granted prior to 2/26/92 are more permissive in the overlay than those granted after. ▪ Choose a buildable site outside the ridgetop area. An alternative location on a lot may be approved as the buildable site if the visual impact is the same or less than the original buildable area. <p>The information can be condensed as part of edits to this section.</p> <p>Buildable site: For all the references to “buildable site” in this section, there is no actual explanation of how this is determined for a given lot or parcel. Similarly, the definition describes <i>what</i> this is, but not <i>how it is determined</i>. Even if the explanation is just that the buildable site is determined by applying all the requirements of this section/code, it would help to have that explained.</p> <p>(D)(4): We would like to get more information on why staff approval for siting decisions sometimes causes conflict, to see if additional explanation on buildable site and visual impact could help to mitigate such conflict. All the information in provision (4) is procedural and should be relocated to that chapter.</p> <p>(D)(5): Since this is typically an administrative decision regarding issuing a permit, and the purpose of this notice is simply to provide information rather than allow for feedback or input, is it necessary to continue the practice of notice? There can be value in sharing this kind of info publicly, as long as the public is aware that any feedback they provide would not change any decision that it is to be made about the requested permit.</p> <p>(E)(1) and (2) Subdivision or Resubdivision of Land; Multi-Family Dwellings: Carry forward, with edits to provision one to make it more concise.</p> <p>(F)(1) through (10) Architectural and Site Standards:</p> <p>(F)(2): The following phrase is confusing: “The colors of all structures shall be the browns and tans of local earth tones within fifty (50) feet of the area immediately adjacent to the proposed structures or darker...” This makes it sound like it applies to accessory structures in relation to a primary structure, but the intent is that the color of any structure should match the color of its surroundings. We will edit accordingly.</p> <p>(F)(4) and (5): Many comments discussed how confusing it is to try to apply these height measurement requirements in practice. We agree, and so will propose replacement language for how this measurement is to be taken.</p> <p>(F)(9): Are any changes needed to outdoor lighting? This does not mention anything about shielding or brightness, nor does it reference generally applicable outdoor lighting standards. We will add detail – plus a cross-reference to the standard lighting provisions – to this provision.</p> <p>(G)(1) through (13) Landscaping: Generally: Provisions 1-5 of this subsection seems more properly associated with screening and revegetation of disturbed areas. It should be renamed to make clear it differs from traditional landscaping requirements as described in provisions 6 and 7 of this subsection.</p>

Source	Comment
	<p>(G)(2)(b): This is complicated even after consultation of definitions and multiple reads. Could it be simplified to say that, at maturity, revegetation must match the density of the inventory area submitted on the landscape plan?</p> <p>(G)(5): Regarding this provision: “Slopes screened from view from any adjacent public street, way, or place by buildings, walls, or fences are exempt from the provisions of Subsections (2) and (3).” We suggest that revegetation requirements should apply here. While there is an aesthetic component to these requirements, it is also important that revegetation will prevent erosion and minimize dust on exposed soil. That should apply equally to disturbed land, whether it is publicly visible or not.</p> <p>(G)(6): Could this not specify a minimum height at time of planting for deciduous trees, rather than “fifty percent of the structure from the highest point on the structure to the top of the tree at the time of planting.”?</p> <p>(G)(9): This does not make sense. This section should say: “The landscaping requirements set forth in this section shall be in addition to all other landscaping requirements set forth in other sections of this code, including Section 14-8.4.” That way, provisions 9 and 10 can be combined into one.</p> <p>(G)(12): Here is the reference to an Approved Plant List, when in fact there is only a recommended one. This will be resolved with the creation of an actual Permitted/Prohibited List.</p> <p>(H) through (K) Terrain Management, Utilities, Driveway Access, Variances: We heard no issues with any of these subsections. They will be carried forward with edits to improve clarity and concision.</p> <p>(L) Effective Date: No longer needed?</p>
<p>Issues Report Comments Related to Escarpment Overlay</p>	<p>These comments have not been directly addressed elsewhere in the Assessment or this Detailed Review Table.</p> <ul style="list-style-type: none"> ▪ [Standards are] nonsensical – why are there requirements for screening when you can’t see the house? Reconcile. ▪ Clarion: we find that the majority of the screening information is related to disturbed slopes, not structures. There are two landscaping provisions that apply to structures, and they do not seem unreasonable or irreconcilable. There are requirements for (landscaping) screening SO you can’t see the house, not WHEN you can’t see the house. Are any changes needed on the basis of this comment? ▪ Consider aligning terms with County regulations. “Escarpment” or “Ridgetops” – different terms and confusing to go back and forth between the two sets of regulations. ▪ Clarion: Any interest in proceeding with this suggestion?
<p>5.7 - PUD Planned Unit Development District</p>	<p>Carry forward.</p> <ul style="list-style-type: none"> ▪ Though the aim of additional flexibility in base districts and associated standards is to reduce reliance on the use of PUDs to accomplish development in general, there will always be large and unusual proposals that cannot otherwise be accommodated.

Source	Comment
	<ul style="list-style-type: none"> ▪ With this as with Neighborhood Conservation and creation of new historic districts, we recommend moving information on the creation of new overlays to the beginning of the section, and describing existing ones after. ▪ Is there any interest in allowing a PUD to vary from the density requirement of the underlying district? ▪ This could be used to replace PRC and PRRC developments, if those districts are eliminated (though not subject to the 160-acre requirement).
5.8 - RS Residential Suite Hotel/Motel Overlay District	<p>Generally: We heard no mention of this overlay in interviews or survey responses, and it is not listed among the overlays in the City’s GIS viewer. The overlay is only supposed to apply in narrow circumstances, to allow a residential suite hotel in a Shopping Center District. As we recommend eliminating the Shopping Center District, so we recommend eliminating this overlay as well, especially as it does not appear to actually be in use anywhere in the City. Do not carry forward.</p>
5.9 - ER Ecological Resource Protection Overlay District	<p>Generally: We heard no mention of this overlay in interviews or survey responses, and it is not listed among the overlays in the City’s GIS viewer. If this overlay is not actually in existence anywhere within the city, it could be eliminated, and lands that would be eligible for this designation could be classified in the new Parks and Open Space district instead. Do not carry forward.</p>
5.10 - Neighborhood Conservation Overlay Districts	<p>(A)(1) Purpose: It is good that the Purpose statement specifically mentions that these overlays are not to be used simply to prevent change in a neighborhood. However, by focusing on these characteristics: density, lot coverage, setbacks, height and some property uses, that is exactly what they may be used to do. We recommend focusing on distinct streetscape and architectural characteristics for the creation of these overlays. The other qualities may support distinct streetscapes and architectural features, but are not on their own sufficient reason for the creation of one these overlays. Density in particular may be a characteristic that should not be considered at all, since base districts are all based on density, so certain areas will all have a “characteristic” density.</p> <p>(A)(3) Additional Overlay Zoning District Requirements: The “most restrictive” set of requirements may not by default be the best ones, and may not preserve the characteristics the overlays are designed to preserve/promote.</p> <p>(A)(6) Appeals: This provision is generally true for any appeal, and does not need to be specifically mentioned here.</p> <p>(C) Creation of Neighborhood Conservation Overlay Districts Alternative: Has this ever been used? It is not a bad process, but many places only allow the creation of an NCO in combination with a neighborhood plan. Would like to discuss further whether this has been useful/should be carried forward.</p> <p>(D)(2) Neighborhood Conservation Overlay Districts Requirements: Same discussion as above in (A)(1), Purpose, regarding what characteristics should be considered.</p>
5.11 - West Santa Fe River Corridor Overlay Zoning District	<p>Generally: We heard no mention of this overlay in interviews or survey responses. It appears on the GIS map, so we assume it is still in effect in the locations shown on the map. The purpose is clearly described, and the standards are straightforward,</p>

Source	Comment
	but since the overlay is not being used for new areas, we can look at eliminating it for future use, and reclassifying land where it currently applies.
14.6 Permitted Uses and Use Regulations	
6.1 Land Use Categories; Table of Permitted Uses	<p>(A)(1) Land Use Categories: Why is AC the only overlay that is mentioned specifically in this provision? Isn't it equally true for all overlays?</p> <p>(B)(2) Special Use Permits: This will be changed to "C" for Conditional Use.</p> <p>(B)(5)(b): Is it over 10,000 or over 30,000 square feet? There is no explanation for the distinction here. Also, is this the only place where that threshold is mentioned? Seems it would be extremely easy to miss here.</p> <p>(C) Table of Permitted Uses: These tables with the zoning districts that precede the use table seem unnecessary here. Maybe they would be more helpful if they contained active links to the districts, but they still don't seem essential.</p> <p>Table 14-6.1-1: As discussed in the Assessment Report, the update will include review of each use, addition of new/deletion of obsolete uses, and review of permissions for each use in the table.</p>
6.2 Use-specific Standards	<p>Generally: The update will include consideration of whether use-specific standards could be added that would enable certain uses to be permitted by right rather than needing a conditional use approval. We will also edit existing standards and add new ones as necessary.</p> <p>(A)(3) Mobile Home Park: If it is possible to combine Mobile home park standards, rather than splitting them between 14-7 and this section, that would be a good idea. Also, given that mobile home parks are only allowed in MHP district, this is an odd statement: In a district in which mobile home parks are allowed, the minimum standards set out in this section apply.</p> <p>(A)(5) Short-Term Rentals: We understand from staff that a review and revisions to STR standards will be needed during Phase 2.</p> <p>(C)(2) Apothecary Shops or Pharmacies: This is an odd standard: "The business shall be confined principally to the compounding and dispensing at retail of drugs and medicines and the sale of medical and dental supplies and devices." What about a Walgreen's, for example, which is a pharmacy, but clearly sells many more items than those listed here?</p> <p>(C)(3) Flea Markets: Do these standards apply to temporary markets, or only permanent? If permanent, they could be combined with farmer's market and similar use regs. If temporary, they can be described under Temporary Uses – and would not need C of O?</p> <p>(C)(4) Neighborhood Grocery Stores and Laundromats: Staff have mentioned numerous times that neighborhood groceries in particular are a desirable use that the City would like to see more of. If so, does the FAR and 3,000 sq ft limit need to apply? Does the masonry wall requirement ever cause difficulty? We think that good Residential Adjacency standards might be preferable to this universal requirement.</p>

Source	Comment
	<p>(C)(8) Veterinary Establishments: It may be possible to allow this use more broadly with adjustment of some of these standards. Alternately, related uses should be added that don't involve medical care (grooming, boarding, day care).</p> <p>(D)(2) and (3) Storage Units, Mini Storage Unit: How is D2 different from D3? It seems like these could be combined. Re: D2, what does this provision mean: (a) the plan for operation of the storage area is compatible with other permitted uses existing in the vicinity. If Mini Storage is in an industrial district, is the wall or fence always necessary? A few of the standards here seem superfluous, as they reference requirements that apply to all uses, not just this one (lighting requirements, landscaping).</p> <p>(D)(4) Research, Experimental and Testing Laboratories: This standard applies to all industrial uses, not only this one.</p> <p>(E) Telecommunication Facilities: Standards will be updated to comply with federal law regarding this use. Application Submittal information should be moved outside the code, and procedure information can be a cross reference to that section of the code.</p> <p>(F) Electric Facilities: This is a very unusual level of regulation applied to these facilities. Is it working? Is it all necessary? Some of the same comments as above apply here regarding application, procedure, and generally applicable performance standard requirements (noise, lighting, etc.) that do not need to be repeated here.</p> <p>(H) Agricultural Uses: Consider restructuring this section so some of the specific use types are their own uses, rather than subcategories. In some cases, all of the standards may not need to apply to every use.</p>
<p>6.3 Multiple Principal Uses; Accessory Uses or Structures</p>	<p>(B) Permitted Accessory Uses and Structures: This section will be restructured to focus on the uses and applicable standards, rather than split up by district as is currently the case.</p> <p>(D)(1) Accessory Dwelling Units: We understand that these standards are in need of review, and that a better definition for ADU is needed. As discussed in the Assessment, Santa Fe has numerous good standards that apply here, including allowing on all lots without density limit, permitting relatively generous size limits, and elimination of the restrictive covenant requirement. We would suggest revisiting the on-site parking requirement for larger units. Combined with lot coverage limits, that is likely prohibiting the creation of larger ADUs, possibly smaller ones as well regardless of parking.</p> <p>(D)(2) Home occupations: Many of the regulations here are good practices, but we would revisit the parking requirements for home occupations.</p>
<p>6.4 Temporary Structures or Uses</p>	<p>We generally recommend approaching temporary uses in the same way that Accessory Uses are treated. They are to be listed in the Summary Table of Allowed Uses, and accompanied here by any applicable Use-Specific Standards. As such, this section is likely to be expanded during the rewrite to cover uses and standards such as seasonal sales, construction-related temporary structures, special events, and other specific temporary use examples as needed.</p>

Source	Comment
14-7 Building Envelope and Open Space Standards and Measurements	
7.1 - General Rules of Measurement and Exceptions	<p>(A)(1) and (3) General Requirements: These provisions do not seem necessary, particularly 3, which is generally true. The basic requirement for compliance will be covered in Article 1, General Provisions.</p> <p>(8) Floor Area Ratio: Recommend eliminating floor area ratio. We can discuss this further during the drafting, but it can be a counterproductive measure in various ways, but preventing dense, compact development, leading to lesser quality building, being difficult for the public to understand, only controlling for bulk while failing to impact building design, among other reasons.</p> <p>(C) Height: The method for measuring height came up frequently as being unclear and causing issues in being applied. We are not sure how (a) aligns with (b) in this subsection, and (c) is a description rather than an explanation of how the measurement is conducted or applied. Revise to be more straightforward and universally applicable (to the extent possible in different situations), and add illustrations to help with explaining method of measurement.</p> <p>(D) Required Yards: The use of the terms “yard” in some situations and “setback” in others is often confusing for users. Definitions for these terms can be adjusted, but we would propose using one or the other of these terms consistently throughout the code.</p> <p>(F) Visibility at Driveways and Yards: Illustrations for this section will be updated, but the content can be carried forward with only minor text edits, unless additional changes to the content are recommended by staff.</p>
7.2 - Residential Districts	<p>Table 14-7.2-1: Table of Dimensional Standards: As discussed in Assessment, this table will be broken up so the standards applicable to each district will be relocated to a single page describing each district. This structure will eliminate certain columns just referencing the standards applicable in other districts. Each applicable standard will be spelled out.</p> <p>Max Density/Minimum Lot Size: It seems unnecessary to keep repeating the information about public water and sewer availability in different columns and notes. This can be stated one in a general section with standards that apply to all residential development.</p> <p>Maximum Lot Coverage is one way that unnecessary unused space is added to residential development lots, thus increasing size and price. It is not a practice we recommend carrying forward when there are concerns about affordability.</p> <p>Qualifying Open Space: Discussed further in the Open Space section, but with pressure on land and cost, it may be time to revisit whether open space is required in some quantity for every single dwelling that is created.</p> <p>Table Notes: There are too many, and some are standards that should be part of the body of the code.</p> <p>(B) Lot Averaging in Single Family Subdivisions: Is this used? Can it only be used for single-family subdivisions? What about common area for multiple single dwellings</p>

Source	Comment
	<p>on one lot (cluster development)? Would that kind of development be possible with the current code?</p> <p>(E) Increase in Maximum Height: It may be a good idea to consider some areas where greater than 3 stories (36 feet) is permitted by right – maybe areas where General Plan intends high-density residential?</p> <p>(F) Increase Maximum Density in R-12, R-21 and R-29: We agree with staff comments that these districts should permit the density the name indicates, without having to receive approval of the governing body to allow it.</p> <p>(I) Mobile Home Park Standards: We agree with staff comments that it may be a good idea to rework these standards to allow other affordable housing typologies. Is there redevelopment pressure on existing parks? Should standards be added to offer more protection against redevelopment?</p>
<p>7.3 - Nonresidential and Mixed-Use Districts</p>	<p>Table 14-7.3-1: Table of Dimensional Standards: Many of the same comments apply to this section that are discussed above. The table will be broken up so standards that apply to each district are shown on a page for that district. Standards should be specified, rather than referencing other districts. It is not a good practice to apply lot coverage limits in commercial/industrial/mixed-use districts, especially if they are as low as 50 percent. This could come close to doubling the cost of a lot for a business to get the amount of space it needs. Height increases should be considered in some areas.</p> <p>(B)(1) MU District Standards: These additional standards for MU will be revisited. Some of these limitations are likely contributing to the fact that this district is not used, and the City is not getting mixed-use development, despite the desire to see more of it.</p>
<p>7.4 - Business-Capitol District</p>	<p>We would like to gather additional information from staff on these townscape standards. In general, this district and the accompanying standards seem fairly complicated, the more so where overlays also apply. Main objectives for updates to this section include: clarify applicable district/overlay requirements, combine or eliminate townscapes if overlays provide adequate standards, add photographs or illustrations so users understand characteristics that distinguish different subdistricts, and generally simplify the requirements for this district.</p>
<p>7.5 - Open Space Standards</p>	<p>The biggest question with the current open space requirements is whether open space should continue to be required for every residential unit that is developed in Santa Fe, and for nonresidential development as well. Given pressures on affordability, evolving household composition, diminishing amount of vacant land, and the desire to increase the diversity of housing types available in Santa Fe, there may be instances where it is no longer required. Staff have made numerous excellent suggestions for development features that could be acceptable instead, and also suggested the possibility of accepting cash-in-lieu. With the resolution of this larger question, the update process can then focus on any adjustments to particular requirements that are to be carried forward.</p>
<p>14.8 Development and Design Standards</p>	

Source	Comment
8.1 - General Provisions	<p>(A) Purpose: The content here is fairly general, given the breadth of different topics this Article covers. It might be better to eliminate this general purpose statement, in favor of more detailed ones that apply in each section.</p> <p>(B) Applicability: Could this be covered by a general statement of Applicability in General Provisions, especially as each of the sections in this Article have their own Applicability statements?</p>
8.2 - Terrain and Stormwater Management	<p>Generally: Though Terrain Management did come up as being in need of improvement during interviews, the comments were general. The only topic that was addressed in some detail was grading. So while we make some general recommendations regarding relocating some content, a more detailed review of these regulations will incorporate the comments and suggestions staff included in the Annotated Review of this section, and depend on further input regarding particular changes that need to be made to these regulations.</p> <p>(E) through (H): We generally recommend that submittal requirements be relocated outside the code. As this information can change more regularly than regulations and standards, they are then easier to update without requiring a code amendment.</p>
8.3 - Flood Regulations	<p>Generally: Flood regulations were not a topic that was mentioned in any interviews or surveys responses. The update can resolve staff concerns raised in the annotated version of the code, which are primarily minor language adjustments, and addition of definitions. If there are larger issues to address with the regulations of this section, we would need further input on what those issues are. The section will be carried forward with adjustments as indicated, pending further discussion of larger changes that may be needed.</p>
8.4 - Landscape and Site Design	<p>(B) Applicability: This is unnecessarily complicated. We suggest it be changed to apply to all new construction, expansions greater than a specified percentage (25%), and any site work that disturbs existing landscaping, with exceptions as specified.</p> <p>(C)(3) Compliance and Enforcement: In the escarpment overlay district, compliance with both this Section 8.4 and Section 5.6 (Escarpment Overlay District) are required. This is true for all overlays. They will comply with base landscaping requirements of 8.4, plus any additional requirements specific to the overlay. Escarpment does not need to be called out specifically. Delete.</p> <p>(F)(1) Plant Material Standards: Plant material selection shall emphasize drought tolerant plant species and shall limit the use of high-water use plant species. Change to say that high water use plants shall not be allowed to satisfy the requirements of this section. In other words, someone can plant them if they want, but they don't get credit for them to satisfy landscaping requirements.</p> <p>(F)(2)(a) and (b) Installation: These provisions allow lower standards for landscaping installation in affordable housing projects. We would recommend against this. There are many ways to allow such projects to economize – less parking offers significantly more cost savings – but they should have the same aesthetic value as other developments, and lesser landscaping does not save that much in development costs.</p>

Source	Comment
	<p>(F)(2)(f) Installation: “Any plant material required by this Section 8.4 that fails to show healthy growth due to damage, pest, disease or neglect shall be promptly replaced with a similar plant;” -- “Promptly” should be more specific. Many places allow 30 days from receiving notice, during the growing season. Outside the growing season, longer timeframes are specified – but a timeframe for action is always specified.</p> <p>(G) Street Tree Standards: Minimum permitted caliper and/or height for street trees at time of planting should be specified, as should any responsibility for replacement of plantings that do not survive.</p> <p>(G)(2)(c): What happens if planting can’t be provided elsewhere on the same site? Consider including allowance for planting elsewhere or establishing a tree fund that a developer can contribute to. Consider that street trees <i>should</i> be required on single-family lots, particularly if the lots are over a certain size.</p> <p>(H)(3) Open Space Planting Requirements: Street trees and landscaping required for parking lots may be counted toward meeting the minimum planting requirements for open space. We would recommend that neither of these be counted. If street trees are in the immediate proximity of the open space and could provide shade at maturity, they could be considered, but parking lot trees should not be.</p> <p>(I)(1) Purpose and General Requirements: This purpose statement goes far beyond landscaping. Eliminate it, except the last sentence. Provisions related to parking lot design will be in the Parking section.</p> <p>(I)(2)(a) through (d) Perimeter Screening: (b) in commercial districts, wherever there is a parking lot for more than three motor vehicles and any part of the parking lot is within twenty-five (25) feet of a residential area and not separated by a public right of way, a solid masonry wall not less than four (4) feet in height shall be erected between the parking lot and the residential district boundaries.</p> <p>(d) Street trees may be counted toward the tree planting requirement of this Subsection (I)(2)(d).</p> <p>(a): The purpose statement is not necessary here. Remove.</p> <p>(b) and (c): If (c) applies generally, is (b) needed? Both end up requiring a solid screen, so it does not seem so.</p> <p>(d) Would suggest the reverse: that trees in the planting strip may be counted toward street tree requirement, only along the portion of the frontage where the planting strip extends.</p> <p>(I)(2)(b) Perimeter Screening AND 18-8.5(C)(2) Walls and Fences, Additional Fence Regulations for Specified Nonresidential Uses: Does this provision I(2)(b): in commercial districts, wherever there is a parking lot for more than three motor vehicles and any part of the parking lot is within twenty-five (25) feet of a residential area and not separated by a public right of way, a solid masonry wall not less than four (4) feet in height shall be erected between the parking lot and the residential district boundaries.</p>

Source	Comment
	<p>Conflict with: For a parking lot contiguous to a residential district or one or more of the RAC, AC, SC or I districts, a six (6) foot solid masonry wall shall be erected along edges of portions of the parking lot adjoining property in the residential district; provided, however, that in the front required yard , the maximum height of a wall or fence shall be three (3) feet.</p> <p>Is there a conflict between these two provisions in required screening fence height when adjacent to residential?</p> <p>(l)(3)(a) Interior Parking Lot Landscaping: Purpose statement is not necessary here. These are good statements, but if they are to be retained, would relocate them to Purpose statement for the Landscaping section overall.</p>
<p>Issues Report Comments Related to Landscaping</p>	<p>These comments have not been directly addressed elsewhere in the Assessment or this Detailed Review Table.</p> <ul style="list-style-type: none"> ▪ Drought planning should intersect with Chapter 14. ▪ Public works favors allowing people to do what they want when a tree is on private property (for example, in a backyard). However, there is no current definition for public right-of-way versus private property. <p>Clarion: It's true that public works does not generally regulate private property. There are, however, provisions allowing the land use director this authority. A definition for public versus private property will be included in Phase 1, but we would nevertheless recommend against trying to regulate backyard plantings, with the exception of preserving existing significant or heritage trees. It is otherwise too difficult to enforce any backyard requirements, and they are generally not visible from the ROW anyway.</p>
<p>8.5 - Walls and Fences</p>	<p>Generally:</p> <ul style="list-style-type: none"> ▪ One comment about materials surfaced regarding barbed wire. We seek input from staff on whether there is support for the suggestion that review authority for barbed wire fences, which are not permitted in the city, should be transferred to the land use department from public works. ▪ We also seek input on whether “the code on screening vertical walls and surfaces [is] enforced,” and if not, whether it should be removed or revised. (From our review, it appears the information this comment references is actually located in the Landscaping section of the Escarpment Overlay, rather than in Walls and Fences.) ▪ There is a definition for wall, there is not one for fence, and one respondent asked for these definitions, as well as an explanation of how fences and walls can be combined. While Section 14-8.5(B)(3), Maximum Height of Fences Built on Retaining Walls, does explain this, we can add additional detail if needed for instances that do not involve the combination of fences with retaining walls. ▪ It may be a good idea to add fence material standards, and permitted locations, so it is clear, for instance, if chain link fences are allowed, and if so, where. <p>(B)(2)(a)(ii), Maximum Height of Fences: within a residential compound, the maximum height of fences is eight (8) feet. Compare to ascertain if there is a different height for historic compounds; make sure difference between applicability to different types of compounds is clear.</p>

Source	Comment
<p>Issues Report Comments Related to Walls and Fences</p>	<p>These comments have not been directly addressed elsewhere in the Assessment or this Detailed Review Table.</p> <ul style="list-style-type: none"> ▪ BCD has restrictions for fence heights; another example of overlay regulations that are not in the main body of the code right now. ▪ Clarion: We do not find that the BCD, which is a base district rather than an overlay, says anything about fence heights. If this respondent means to reference the Downtown and Eastside historic overlay, it is fine for the overlay to have different standards – that’s the point of the overlay. And, those standards are appropriately located in the overlay section rather than Walls and Fences, particularly as Applicability has a provision stating that in certain areas, additional regulations may apply.
<p>8.6 Off-Street Parking and Loading</p>	<p>The Assessment Report reviews this section in detail. These are the recommendations the report makes:</p> <ul style="list-style-type: none"> ▪ Consolidate Appendix information – especially the parking table – into the body of the code. ▪ Update the schedule of required parking. ▪ Include additional options for allowing flexibility in meeting or reducing on-site parking requirements and add detail to requirements for parking demand studies. ▪ Expand bicycle parking requirements, and “untie” them from the number of car parking spaces that must be provided. ▪ Include requirements for EV parking spaces. <p>Additionally:</p> <p>(B)(1) and (2) Standards for Off-Street Parking Spaces and Parking Lots: Standards in this section that are related to design and dimensions will benefit from the addition of illustrations to depict what is being described.</p> <p>(B)(2)(b): The allowance for ADUs to count on-street parking contradicts this regulation. If there are not already, we will also propose other instances where on-street parking can be counted to satisfy requirements, so we would eliminate this, or modify it to say that on-street spaces can apply in situations described as allowed in this code.</p> <p>(B)(3) Changes in Use: Many communities make some allowance for change of use before an increase in parking is required. For example, if the new use requires an increase of less than 25%, it does not have to provide that additional parking. Alternatively, this can be applied in certain areas (Historic, for instance) where fitting additional parking is difficult. Generally, a liberal approach to this can be beneficial to allow otherwise desirable uses in locations that can’t accommodate more parking.</p> <p>(7) Reduction of Parking Requirements for Transit Facility: This is an instance where we recommend broader allowance, i.e., parking can be reduced for proximity to transit, without the owner having to provide on-site area.</p> <p>(C)(1) Off Street Visitor Parking in Single Family Developments: Even if driveway siting prohibits on-street parking, this is a very high requirement for visitor parking. We more regularly see something like 1 visitor space for every five dwelling units.</p>

Source	Comment
	<p>(C)(2): The Assessment Report mentions the possibility of eliminating parking requirements in some places. We suggest that the BCD, particularly where it is concurrent with Historic areas, may be a good candidate for that consideration.</p> <p>(D) Loading Standards: Are these working adequately? Are loading spaces provided in sufficient quantity where needed? Would additional detail regarding dimensions, location, configuration be helpful?</p>
<p>8.7 Architectural Design Review</p>	<p>Generally:</p> <ul style="list-style-type: none"> ▪ Understanding that this is a critically important topic in Santa Fe, we believe the General Plan process should examine whether ALL development needs to adhere to these standards. Are there areas where it need not apply, where other more contemporary architectural styles may be appropriate? Some claim that the creation of “fake” Santa Fe style structures diminishes the value of the style. ▪ There was a substantial amount of criticism directed at the point system, including that it is a “blunt instrument” and is not producing the outcomes it is intended to. Later phases of the LDC update can consider whether form-based and building design standards could produce better outcomes, possibly more tailored to the context in which development is situated. ▪ This review will assume that the requirements will be carried forward in some, if not all, areas. ▪ Information on Architectural Design Review that is currently in 14-3.11(C) on Applicability should be relocated here. <p>TABLE 14-8.7-2: Architectural Design Standards and Point Allocations</p> <p>Generally: Many of these requirements would benefit from illustration.</p> <p>Materials: We heard that materials requirements in the historic districts are in need of updating. Is that also true here?</p> <p>Color: We understand that clarification on acceptable colors would be helpful. This would likely be best accomplished by illustration, rather than description.</p> <p>Building Form: What about offering points for inclusion of traditional features, like portales, colonnaded walkways, or other elements?</p> <p>(E) Explanatory Handbook: Does this exist? Seems like some supporting material would be useful, if it does not already exist.</p>
<p>8.8 Supplementary Regulations for Retail Structures Thirty Thousand Gross Square Feet or Larger</p>	<p>(B)(3)(a): Says remodeling must comply with (E)(5)(b) and (c). (E)(5) has an (a) and (b), but no (c). Typo? Update. Also, the reference to parts of section (E) that apply include all of (3) through (7). Update to say this, rather than the long list.</p> <p>Table 14-8.8-1: This table is helpful. Carry forward.</p> <p>(C) Maximum Commercial Activity Areas: Is 150,000 square feet still functioning as a good limit, or are adjustments needed? Carry forward, with any necessary adjustments.</p> <p>(D)(2) Entryways and Architectural Features: Does the requirement for two entrances described in (a) cause issues? This makes sense with the residential adjacency that is also described in this provision, but less so if it is a typical big box lot. Advise if changes are needed. The pedestrian amenity allowance in provision (b) is unusual. Have any of these been provided, or is it typically just extra entrances? Advise if any changes are needed.</p>

Source	Comment
	<p>(D)(3)(a): This is a good requirement, but one that we would relocate to the proposed Residential Adjacency section.</p> <p>(E)(2) Minimum Tenant Mix: Is this requirement working? It seems like it might be forcing the development of shopping centers outside the SC district. If the SC district is eliminated, this may be fine to carry forward.</p> <p>(E)(3) Pedestrian Circulation and Amenities: This provision seems to indicate that the provision of pedestrian amenities is required, while (D)(2)(b) seems to offer the choice between providing pedestrian amenity, or additional entrance. Are we understanding this correctly?</p> <p>(E)(4) Lighting: Once updated, general lighting standards should be applied here, subject to Residential Adjacency limitations.</p> <p>(E)(5) Parking and Vehicular Circulation: General parking and screening standards should be able to apply here, subject to Residential Adjacency limitations.</p> <p>(E)(6): Carry forward.</p> <p>(E)(7) Outdoor Storage, Display, Sales, Rental and Service: This paragraph covers a lot of info, and should be broken into smaller sections. Instead of “to the extent possible,” this should be mandatory, particularly regarding the idling of trucks. Residential adjacency standards will apply, and if a proposed development cannot comply, they would have to seek specific approval of their site design.</p> <p>(F) Economic Impact Study: This is still required, but there is no definition for what it must contain or demonstrate. If it is to be retained, further detail should be added.</p>
<p>8.9 - Outdoor Lighting</p>	<p>The current standards are dated, and not necessarily detailed enough to accomplish what they are intended for. Contemporary lighting codes can be very detailed, with lighting districts each allowing particular lighting types, brightness standards, etc. Many places prefer a simpler approach that nevertheless covers basic concerns with lighting, including brightness, shielding and cutoff to prevent light spillage into the sky, BUG (backlight, uplight, and glare) limits, and light measurements at property lines. This section will also describe exceptions, such as outdoor sports fields, and can address temporary uses, as staff have requested.</p>
<p>8.10 Signs</p>	<p>The Assessment Report reviews this section in detail. These are the high-level recommendations the report makes:</p> <ul style="list-style-type: none"> ▪ Review all sign regulations to eliminate content-based regulation. ▪ Improve the organizational structure of the section, and include graphics, tables, and illustrations to convey information. ▪ Add regulations for new sign types. ▪ Compare regulations for signs in the Historic District with regulations on historic signs; eliminate any discrepancies or conflicting information. <p>Generally: While there is a significant extent of regulation regarding signs in the Historic District, we do not find (here or in that section) regulations for Historic Signs. This topic did come up as a point of confusion, so the rewrite should incorporate standards on this topic.</p>

Source	Comment
<p>8.11 Santa Fe Homes Program (SFHP)</p>	<p>Generally: The topic that most frequently came up regarding the SFHP was the need to “crosswalk” the Chapter requirements with the content of Chapter 26. That comparison may affect further recommendations on this section.</p> <p>(B) Adoption of SFHP: This is almost the same reference as (A) Authority (Section 26-1, versus Section 26-1.2). Can this be eliminated?</p> <p>(D)(1)(c): This is generally true and does not need to be stated here.</p> <p>(D)(2): This could be part of (D)(1).</p> <p>(D)(4): If vacant land is to be annexed into the city, all Chapter 14 requirements would apply, including SFHP. Why is negotiation needed in this instance?</p> <p>(F) Santa Fe Homes Program Requirements:</p> <ul style="list-style-type: none"> ▪ How are the percentage requirements working? Are any adjustments needed? Do you want to consider an alternative, such as a flat 2% fee on any/all development, that would go to SFHP? ▪ According to the terms in (D)(1), aren't all residential developments above the threshold SFHP developments? The way this is worded is confusing. ▪ Does (F)(1) apply to for-sale units? <p>(G)(1)(d): Given that most residential developments are designed to the maximum density allowed on a site, doesn't provision (d) negate the ability to obtain a density bonus? We'd like to hear how this is working, but might recommend that this density bonus be allowed beyond the usual density limit, which is how such incentives are most commonly applied in other communities.</p> <p>(I) Appeals: This is not different from the standard appeals procedure, and so does not need to be called out specifically here. Eliminate.</p>
<p>8.12 Relocation Of Gunnison's Prairie Dogs</p>	<p>There was no mention of this section in interviews or survey responses. Staff feedback indicates that the population of prairie dogs is no longer diminishing. Perhaps expert input on the current best approach for the prairie dogs could inform any changes that might be needed to this section.</p>
<p>8.13 Development Water Budgets</p>	<p>Generally:</p> <ul style="list-style-type: none"> ▪ The topic that came up most frequently with regard to development water budgets was the need to make developers aware of them earlier in the process. We can discuss with staff possible ways to accomplish that. ▪ No comments addressed the specific requirements of the Water Budgets, so we will seek additional input on what may need to be changed in this section. ▪ We would reorder the contents of this section as follows: combine (A) and (E) to be (A); (C); (B); (D). <p>(A) Summary: This is unusual – no other section of the code is prefaced by a Summary. Would Applicability work here?</p> <p>(B)(2)(b): Is this common, that applicants can show projects will use less water than the Water Division's standard formulas indicate? If so, should those formulas be updated?</p> <p>(B)(5): We read this as allowing a reduction of required water rights for SFHP projects. If that is a correct interpretation, it would be very easy to miss this allowance. It should also be included in the Development Incentives subsection of the SFHP section.</p>

Source	Comment
	<p>(E) Dedication of Water to Development: See above, general recommendation on the order for information on this section. The description of what is required should come before explanations of how it is applied (sections (B) and (C)).</p> <p>(F) Variances and (G) Appeals: This is standard information that generally applies, and does not need to be repeated in this instance.</p>
8.14 - Impact Fees	<p>Although no survey responses or interviews discussed this topic, the staff recommendation was clear: This section needs to be thoroughly reviewed and rewritten. As we get into Phase 2, we will seek further direction on how to approach rewriting this section.</p>
8.15 - Dedication and Development of Land for Parks, Open Space, Trails and Recreation Facilities	<p>Generally: If Parks is not accepting more land because they do not have the capacity to manage and maintain it, then we recommend relying more on fee-in-lieu, which can help with the maintenance of existing parks. There is also a staff suggestion to consider accepting other public amenities to meet this requirement. Those could include plazas, community gardens, community centers, etc. If provisions for on-going maintenance for such facilities can be devised, it could be a good idea to accept other amenities such as these.</p> <p>Staff also suggest allowing trails to take the place of park dedication. This could be a good idea in areas where trails aren't required – where dedication is already required because of adopted plans, this should be “and” rather than “or.” If trails are to be accepted, there should be some standards regarding connectivity, to avoid the creation of various “scraps” of trail that are disconnected from the existing and planned trail network.</p> <p>The use of “open space” in this context is confusing given the requirement for on-site open space. Some differentiation should be included to indicate the difference between these two types of open space. It may be sufficient to refer to the other kind of open space as on-site open space, or common space?</p> <p>(A) Purpose: Update reference to 2000 Census (3). Provisions (3) through (7) are dedication requirements, and should not be part of the Purpose statement.</p> <p>(C)(1): This is applicability.</p> <p>(C)(3)(a) and (b): If these provisions are saying the same thing as (A)(4) and (5), it should be said one time, not twice, and not using two different explanations. Even if the explanations yield the same result, it is confusing to have two separate ones. As explanations, (A)(4) and (5) are easier to understand.</p> <p>(C)(4): Does this work in practice? Normally, the city gets to approve or reject what is proposed, but not determine the type, size, and dimensions of land that is to be dedicated from a given development parcel.</p> <p>(C)(5): What is “suitable for public use?” Add detail – slopes less than X% grade, land that is not in the floodplain, land that has adequate drainage, etc.</p> <p>(C)(6): Convolutioned syntax. Rewrite.</p> <p>(C)(7): What are the “equipment standards” that this provision references? Where can they be found? This code’s landscaping standards do not have any mention of the kind of planting or landscaping that must be provided in parks or open space.</p>

Source	Comment
	<p>(D)(1) and (a): Combine these two provisions.</p> <p>(D)(2): Are there standards listed somewhere that describe trail width as related to type of trail? It would be better to create/reference/include those, instead of just saying staff shall determine what the width should be.</p> <p>(D)(3) through (5): Carry forward.</p>
<p>8.16 - School Requirements</p>	<p>Generally: This was not a topic that came up in surveys or interviews. As in other such instances, we would ask for further information from staff on whether this section is working as anticipated, or if it needs updates. Since it is not really a design or development standard, it may be helpful to consider relocating this section to use-specific standards. It seems like it would be very easy to miss in this location.</p> <p>(B) Applicability: Does the 2008 date need to be carried forward? Do nonresidential developments provide this notice? If it is not routinely provided, or if it is not particularly helpful to the school district in planning, provisions (2) could be removed.</p> <p>(C) Notice Requirement: There are many common formulas that correlate number of children to type of dwelling unit, so we recommend that information be included, in addition to number, size, and price. Does price help the school district understand potential tax revenue from the development? If not, it seems less important than knowing the type of units that are to be constructed.</p> <p>(D) School District Response: Since verification of notice is required via a form, this should be updated to reflect current practice.</p>
<p>14-9 Infrastructure Design, Improvement and Dedication Standards</p>	
<p>9.1 - General Purpose and Applicability</p>	<p>(A)(4): This provision could be interpreted to mean that new development will be responsible for “the provision of facilities needed to remedy existing deficiencies.” It is illegal to make new development contribute more than its “fair share,” particularly to make up for deficiencies created as a result of prior development. While it is likely not the intent or the City’s practice, language in this provision should be modified to eliminate any possible misreading.</p> <p>(B) generally: the fact that the items in this list reference the code section where requirements are located is very helpful. This should be included for provisions (3) and (11).</p> <p>(B)(12): This provision references the “written policies of the land use director.” Since there are no such written policies, this should be updated to reflect actual practice.</p>
<p>9.2 - Street Improvement and Design Standards</p>	<p>Generally: Some discussion of street and road standards did come up in surveys and interviews, including the need for clarification of certain definitions (street vs road), and the possibility of having tailored road standards depending on development context. Additionally, staff review of this code section indicates the need for significant changes. On account of the separate project the city has commissioned for a street design manual, we do not review this content section by section. Instead, we seek further input from staff on whether there are specific sections that are not likely to be part of the street design manual, that should instead be part of the LDC review and update.</p>

Source	Comment
<p>9.3 - Block and Lot and Design Standards</p>	<p>Generally: Is there a typo in this title? Should it be Block and Lot Design Standards?</p> <p>(A) Blocks: These standards are minimal, and as the staff review points out, fail to address certain elements such as block length and connectivity for which standards are common. Maximum block length without a break for circulation can vary widely. Six hundred feet is not uncommon, but in some more suburban development contexts, block length can be as much as 1,200 feet. We will discuss what might be appropriate for Santa Fe as part of the update. We will also discuss the need to include standards for pedestrian connectivity (particularly common when cul-de-sacs interrupt grid street patterns) and other non-motorized connectivity requirements.</p> <p>(A)(4): This should be more specific as to where it is appropriate to provide an easement or screen wall.</p> <p>(A)(5): Unless it is a question of crossing highways or other major roadways, it is very unusual to discourage pedestrian crosswalks, and to routinely allow their provision as a discretionary decision of any decision-making body. Consider deleting this provision, or changing it to affirm the need for providing crosswalks. (B) Lots: The provisions in this section are also fairly minimal. The update can include standards for flag lots, as mentioned by staff, and through lots, in the limited circumstances where they are permitted. This is a code section where it is often helpful to have illustrations that show standard lot and access configurations.</p>
<p>9.4 - Utility and Storm Drainage Improvement and Design Standards</p>	<p>[Reserved] -- No content in section.</p>
<p>9.5 - Infrastructure Dedication, Completion and Guarantees</p>	<p>We would request feedback from staff on how this section is working, and if there are any particular issues to address. A staff comment indicates that there may be some improvements needed to the financial guarantee provisions to make them mandatory, or at least to ensure the city has some recourse for restoring land if a development fails or is not completed.</p>
<p>9.6 - Standards for Inheritance or Family Transfer Subdivisions</p>	<p>Generally: Standards for Family Transfer are split up in several different sections. All standards for this will be compiled in one place. The definition of “family” may be expanded from its current narrow construction.</p> <p>(A) Installation of Improvements: Not aware of any issues with content. Carry forward, and reformat to break up long paragraph.</p> <p>(B) Density and District Regulations: This does not have to do with infrastructure design and dedication, so it is an odd place for this information. It is also true, as staff point out, that conforming density on a piece of land should be determined before annexation, because nothing can be done about noncompliance after annexation.</p>
<p>14-10 Nonconformities</p>	
<p>Generally</p>	<ul style="list-style-type: none"> ▪ Relocate this section to be a subsection of 14.1, General Provisions. ▪ As discussed in the body of the Assessment Report, defining the general approach to nonconformities will help determine what changes are to be made in this section. Generally, we recommend treating nonconformities more

Source	Comment
	<p>liberally, rather than trying to force their elimination. There should be provisions included to allow eliminating nuisance nonconformities, but otherwise, keeping properties occupied and functional is the goal. Staff feedback on direction for edits to this section is needed.</p> <ul style="list-style-type: none"> ▪ In addition to uses and structures, we recommend the addition of a subsection that addresses nonconforming site features such as landscaping, parking, lighting.
10.1(A) through (D) - General Provisions	<p>10.1(A) Purpose and Intent: The Purpose and Intent may need to be updated if the direction is to be permissive with nonconformities. Specifically, may need to eliminate the phrase “but not to encourage their survival,” the second sentence stating nonconformities are de facto incompatible, and reconsidering when they may be rebuilt/restored after damage.</p> <p>10.1(C) Determination of Nonconformity Status: While it is common for the Director to determine the status, this provision is often accompanied by a statement that in such cases when asked, the burden of proof for demonstrating <i>legal</i> nonconformity is placed on the property owner or applicant.</p>
10.2(A) through (F) - Legal Nonconforming Uses	<p>10.2(A) No Increase in Nonconformity; and 10.2(B) No Relocation on Parcel: It is not uncommon to allow a nonconforming use to expand within an existing structure, or to be relocated on a parcel as long as there is no expansion that results from the relocation. If this is permitted, it may help to reduce issues that arise in determining what constitutes an “intensification” of a nonconforming use. If this word is to be retained, it should have qualifiers to explain what it means, i.e., expansion that results in higher traffic coming to and from the site, that requires an increase in employees or hours of operations, etc.</p> <p>10.2(C) Termination of Nonconforming Use:</p> <p>(1): A procedure should be included to allow for review and reinstatement of nonconforming uses after this timeframe has expired. Staff mentioned corner groceries as one possibility where this should be considered. The decision-making authority for such a procedure will need to be determined (generally, this is a governing body decision in most communities). Carry forward provision that if nonconforming use is replaced by conforming use, it may not revert.</p> <p>(2): If a nonconforming use operated by the federal government is going to be restored and expanded, does it have to go through a special use review? Does the City? While the City does not have jurisdiction over state and federal entities, it generally should be subject to complying with its own regulations, which is to say restoration/expansion would not be allowed (unless the recommendation to allow this more broadly is implemented).</p> <p>10.1(D) No Additional Structures: It is common to allow additional structures on a lot or additions to a structure that houses the nonconforming use, provided the addition in both cases complies with Chapter 14. While we propose allowing expansion of nonconforming use within an existing structure, a structure would not be allowed to expand to accommodate expansion of the use. Any expansion would have to be devoted to a conforming use (for example, a nonconforming auto shop</p>

Source	Comment
	<p>could expand its building to accommodate more office space if that is allowed in the district, but not the floor area devoted to car repair, if that is what is not allowed in the district).</p> <p>10.2(E) Change of Use: This is a good allowance for flexibility. Carry forward.</p> <p>10.2(F) Exception for Single-Family Dwellings: Carry forward provision (3), but consider eliminating (1), (2), and (4).</p>
<p>10.3(A) through (F) - Legal Nonconforming Structures</p>	<p>10.3(A) No Increase in Nonconformity: Carry forward but rephrase. These two sentences say the same thing, two different ways. It suffices to say it can be expanded or altered, provided the expansion or alteration does not increase the nonconformity.</p> <p>10.3(B) Reduction in Nonconformity: Carry forward.</p> <p>10.3(C) Substantial Destruction of Legal Nonconforming Structure: This provision normally sets parameters for causes of destruction that allow rebuilding (natural catastrophe, criminal act such as arson) – basically, events that are beyond the property owner’s control.</p> <p>10.3(D) Relocation of Legal Nonconforming Structure: It is more common to allow structures to be relocated on the same lot as long as there is no increase in/a reduction in nonconformity. It is unusual to require compliance in such circumstances.</p> <p>10.3(E) Repairs and Alterations: This is often addressed in General Provisions, as it applies to nonconforming uses, as well. Consider relocating. Provision (3) appears to conflict with the allowance in 10.3(A), which does allow for alterations provided they do not increase nonconformity. Recommend keeping provision (A) and eliminating (3).</p> <p>10.3(F) Exception for Single-Family Dwellings: Since these provisions relate to the expansion of a structure, should they be located here, rather than cross-referencing SFD as use? Regardless of location, recommendation remains the same: carry forward provision (3), but consider eliminating (1), (2), and (4).</p>
<p>10.4(A) through (C) - Legal Nonconforming Lots of Record</p>	<p>Generally: If non-residential nonconforming lots are rendered unbuildable by these provisions, that regulation should be reviewed and revised, possibly allowing lots within a certain percentage of regular standards to be built on.</p> <p>10.4(A) Use of Legal Nonconforming Lot: Carry forward.</p> <p>10.4(B) Adjoining Lots: Carry forward and allow in other districts as well. This allows flexibility in the development of these lots. Combining lots is an administrative decision.</p> <ul style="list-style-type: none"> ▪ Are the dimensions mentioned working (80% and 4,000 square feet) or do they need to be updated? <p>10.4(C) Combination of Lots: Re this phrase “provided that no lot with an area of less than one thousand nine hundred square feet may be expanded to create an individually developable lot.” Is this saying a lot of 1,900 square feet can’t be combined with a contiguous one under common ownership to facilitate development? Why not? It seems that is exactly what the City would want to happen.</p>

Source	Comment
10.5 - Legal Nonconforming Structures In Special Flood Hazard Areas	Carry forward.
10.6(A) through (F) - Nonconforming Residential Condominiums	<p>Generally: Given the dates associated with this subsection (2012), we would seek input from staff on whether it needs to be carried forward. If so, are these density exceptions limited only to instances of condominiums?</p> <p>10.6(A) Applicability: Are there many of these? (10.6(C) re: unconstructed units would not apply since rights would have expired.)</p> <p>10.6(B) Density Exception for Constructed Condominium Units: Is it correct that the allowance for reconstruction permits continued nonconformity regarding density, but compliance with all other applicable Chapter 14 requirements? If so, would rephrase to make that clearer.</p> <p>10.6(C): Unconstructed Condominium Units: How does this provision align with provision (A)? Is this saying that even if development rights were granted, if it has not been constructed, it can't be constructed now? Aren't there vested right issues with this? Staff have indicated that if there were vested rights associated with an approval, they would have expired by now if building had not commenced. This section may, accordingly, be updated or eliminated, since new condo units would need to comply with density.</p> <p>10.6(D) Condominium Units Owned by the Original Declarant: Are there any of these? Why are they illegal?</p> <p>10.6(E) Condominium Units Constructed without Required Permits: This is true of any structure constructed without proper permits. It does not need to be reiterated specifically in this section.</p> <p>10.6(F) Applicability of Other Regulations: Combine with (A).</p>
14-11 Enforcement	
Generally	<ul style="list-style-type: none"> ▪ Relocate this section to be included as a subsection of Article 1, General Provisions. ▪ The progression of information in this section is confusing. <ol style="list-style-type: none"> 1. It is not clear if there is a separate process for complaints received from the public, generally covered in 11.3 "Enforcement Procedures," versus those initiated by the Land Use Director, covered in 11.4, "Remedies and Penalties." This should be clarified. 2. 11.4 Remedies and Penalties actually covers the steps for enforcement procedures, though that is the heading for 11.3. Again, clarification of whether these are different procedures is needed. If not, the sections can be combined. 3. Section 11.4 should state what constitutes a violation (covered in (C)(1) before discussing what can be done in response to the violation (A)(2).

Source	Comment
<p>11.1 - Compliance With Chapter; Questions</p>	<p>(A) Compliance: This is generally true, and the obligation to comply will be stated as one of the basic provisions in Applicability; does not need to be repeated here.</p> <p>(B) Questions: This is vague. What are “questions of administration and enforcement”? What enforcement-related questions does the Land Use Director handle? While the duties of the Board of Adjustment do include appeals, that is generally in response to the denial of a land use application. Since in this case, the Board is acting as the Hearing Officer described in (C)(4)(a), that should be explained here, or at least referenced.</p>
<p>11.2 - Enforcement Officer</p>	<p>This does not seem necessary to carry forward, but if it is to be retained, change the title heading to “Authority.”</p>
<p>11.3 - Enforcement Procedures</p>	<p>(A) Complaints of Violations: This is an odd title. A clearer designation would be “Filing Complaints about Violations of Chapter 14.” Also, is this how the process works? Must a complaint be submitted in writing by the complainant? How do they find/submit to the enforcement officer? Can a complaint be filed by phone call? Additional detail would be helpful here. This last sentence should include an explanation that action is taken if the complaint has been found valid by the enforcement officer.</p> <p>(B) Notice of Violations: Change heading to be singular, i.e., Notice of Violation. Re provision (3), it would be helpful to specify timeframes for certain common violations rather than saying it must be addressed in a reasonable timeframe. For example, “The requirement to replace dead landscaping shall be completed within 30 days of the receipt of notice of violation during the growing season (April 1 through October 31). Outside the growing season, recipients shall remedy the violation within 30 days of the start of the growing season on April 1.” Also, if this section is different from land use-initiated violation procedures, this should explain the consequences of a Notice of Violation if not remedied.</p>
<p>11.4 – Remedies and Penalties</p>	<p>(A) Remedies: Are the remedies and penalties described in this section only available AFTER a person has received a notice of violation? If yes, that should be specified.</p> <p>(A)(2)(e): Is this a stop work order? Is it different from a Notice of Violation, or is it a kind of notice or violation?</p> <p>(B) Fines, Imprisonment: Is this needed? Section (C) describes the fines that may be issued. There is no mention of imprisonment anywhere else in this article. If reference to Section 1-3 SFCC 1987 needs to be retained, perhaps it could be moved to a general subsection on Authority.</p> <p>(C) Civil Penalties: Process is not clear. Is there a notice, and a period to remedy the issue before a fine is issued? That should be explained. Does the Civil Citation described in (3) precede issuance of fines? Or is it issued to convey that a fine has been levied?</p> <p>(C)(3): Is it correct that code enforcement issues Notice of Violation, but the land use department issues Civil Citations? Are there different remedies for Notice of Violation than for Civil Citations?</p>

Source	Comment
	<p>(C)(4) Administrative Hearing: Does this process work as described, with a hearing officer having been appointed by the City Manager? Is this type of hearing further described anywhere? It is common to include additional description of how this process works, in terms of any required notice, attendees, permitted representatives, opportunity to present evidence, etc. It is not clear if this process only applies when a person contests a civil citation, versus what is described in the following provision, where approval is revoked in a manner “similar to the procedure for its issuance”?</p> <p>(D) Revocation of Approvals: 11.4(A) indicates that this authority rests with the land use director, rather than having to be revoked by the body that originally granted approval. Which is correct? (1)(b) specifies the land use director can only revoke an approval that they have issued. If that is true, 11.4(A) should say so. Also, in what instance is an Administrative Hearing conducted, versus the provision in this section that approval is to be revoked following a procedure “similar to the procedure for its issuance”?</p>
<p>11.5 Enforcement of Santa Fe Homes Program Outside the City Limits</p>	<p>Does this only apply outside of city limits, as the section title indicates? If so, why, and what is the remedy if that same situation occurs for SFHP homes within city limits?</p>
<p>14-12 Definitions</p>	
<p>Generally</p>	<p>There were many suggestions that came up in interviews and survey responses for improvements to definitions. Many are described in the body of the Assessment Report, and each of these will be addressed as part of Phase 1 of the project. Additionally, our general approach to this section will be to review each existing definition for clarity and accuracy given the context in which it is used; add new definitions for terms of art (as mentioned in Assessment Report, these are often associated with specific topics, such as architectural building features) and any other words in common use in the code that are not defined; and remove any defined terms that don't actually appear in the code.</p>