

DATE: Prepared March 8 for March 17, 2011 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department

FROM: Greg Smith, Director, Current Planning Division

ITEM AND ISSUES

Chapter 14 Rewrite Amendments. Consideration of amendments to two sections of Chapter 14 SFCC 1987 Land Development as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff: 1) 14-8.5 Walls and Fences; and 2) 14-9 Subdivision Design, Improvement and Dedication Standards (Greg Smith, case manager)

RECOMMENDATION

After conducting a public hearing, the Commission should recommend that the governing body adopt proposed amendments to sections 14-8.5 and 14-9 of Chapter 14 SFCC 1987 as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff.

SUMMARY ANALYSIS

Section 14-8.6 establishes rules for walls and fences. Amendments are proposed to address concerns about the visual impact of fences built on top of retaining walls, and the overall height of retaining walls.

Section 14-9 includes standards for roads and other infrastructure, and procedures for financial guarantees and filing plats. Recommended amendments are primarily intended to reflect changes in administrative procedures.

As noted at the previous staff reports, the Commission is conducting a series of hearings as part of the project to extensively reorganize and rewrite the land development regulations, Chapter 14 of the municipal code. An additional hearing is scheduled for April 21, after which the Commission and staff recommendations will be presented to the Governing Body for adoption.

SUMMARY OF PROPOSED AMENDMENTS

Proposed amendments are shown in the attached public hearing draft of the new regulations. In all cases, the proposed version of the regulations is shown in the body of the text. In most cases, the current (old) text is shown in “~~strikeout~~” type. Due to the number of formatting changes, however, it is not possible to show all changes in that format. Marginal comments in text balloons also help to explain changes.

Changes to clarify language, to make it simpler to find the type of regulation the user is looking for, and to eliminate repetition, are made throughout the revised text. The most important changes are summarized below.

14-8.5 Walls and Fences

Several significant changes are proposed:

- Retaining walls would be limited to six feet in height, and retaining walls would have to be separated by a distance equal to the height of the wall. This would be similar to the rule that currently applies only in the Escarpment Overlay Zoning District.
- The overall height of a fence built on a retaining wall would be limited to the fence height limit plus four feet (ten feet overall in residential projects, twelve feet in nonresidential.) There is currently no limit on the combined height.

Stricter limits on fence and wall heights based on the finished grade at the property line were considered by staff and the subcommittee, but were judged to be too complex.

14-9 Infrastructure Design, Improvement and Dedication Standards [Formerly Subdivision Design, Improvement and Dedication Standards]

Significant changes to this section include:

Title Change, Applicability to Other Types of Projects. The current regulations already apply to types of projects other than subdivisions, and their scope would be expanded slightly to reflect the current practices: the Planning Commission and other land use boards, as well as the Governing Body, routinely require developers to build the infrastructure needed to address the direct impacts of new development not just for subdivisions, but also for other major development types.

14-9.1(A): Purpose section is added.

14-9.1(B): Applicability section is added. The new language lists references to the various types of infrastructure that is required, and other applicable sections of the municipal code. The first sentence of this subsection states the current practice of requiring developments to construct any new infrastructure needed to handle the project’s direct impacts. This is in addition to impact fees, which are applied to cumulative, indirect impacts of growth in general.

14-9.2(A): General Plan Compliance. New language states the requirement for street layout to conform to the general plan (see 3-19-11 NMSA 1978). Although there is a general statement regarding compliance in 14-1, it is re-stated here to recognize the extensive policy guidance provided in General Plan Chapter 6 “Transportation” regarding the road network, trails and transportation modes.

14-9.2(B): Street Functions Listed, Coordination with Fire Code Access Standards. Table of street types and cross-sections have a few changes, including:

- Note added at the top of Table 14-9.2-1 to refer to the International Fire Code for additional standards. IFC standards often end up overriding Chapter 14 standards, especially for driveways and smaller roads.
- “Private Driveway” standards re-named as “Lot Access Driveway.” Basic requirement changes from 20 feet minimum driving surface to 10 feet. 20-foot width was based on former versions of fire codes, and is overkill where emergency equipment access is not needed. Fire code requirements will determine access requirements for most lot splits and small subdivisions.
- The old note about commercial/multi-family driveways being subject to approval of City Engineer, Traffic Engineer and Fire Chief has been eliminated. Driveway widths for those types of uses is covered by fire code, parking and driveway aisle width requirements, and Chapter 23 Streets, Sidewalks and Public Places.
- The staff and subcommittee recommend increasing the required setback between the curb and the sidewalk to five feet, concluding that the advantages justify widening some of the street types by four to six feet. Current standards in various places include minimum specifications between two feet and five feet.
 - i. Three feet would be the practical minimum to accommodate any planting; at least four feet is needed if street trees will be planted. Construction of driveway ramps and ADA-compliant sidewalks is possible, but complicated.
 - ii. Four feet is common in “standard” subdivision designs in Santa Fe and elsewhere. Construction of driveway ramps and ADA-compliant sidewalks is feasible.
 - iii. Five feet simplifies driveway ramp construction – cars are less likely to “bottom out” on the flatter driveway ramp, and it is easier to build sidewalks that meet ADA requirements.
 - iv. However, as the setback increases, right-of-way width also increases. Adopting a uniform sidewalk setback of five feet would require widening streets classified as lanes by four feet.
 - v. Sidewalks should be a minimum of five feet wide to meet ADA requirements. (If less than five feet continuous width is provided, wider passing zones are needed at specified intervals.)

14-9.2(C)(3): No Variance Requirement for New Development Using Public Streets. This new subsection reflects the current practice not to require variances where substandard public roads provide access to a subdivision. This provision, combined with the reduction in lot access driveway width, will significantly reduce the number of lot splits that need variances.

14-9.2(C): Technical Standards Relocated. Many of the technical street engineering standards have been deleted, and references to state standards and national design guidelines are added. The subdivision engineer and traffic engineer believe that the old standards are oversimplified: too strict in some situations, too permissive in others; and many have not been followed in recent subdivisions.

14-9.2(D): Road Network Standards Based on General Plan. Several new standards are added as directed in the 1999 General Plan.

- Provide a through street every 1,000 feet.
- Provide two road connections for every ten acres of development.
- Provide access to the trail network every 500 feet, where feasible. [NOTE: due to a drafting error, this requirement is not yet included in the text of the amendments.]
- Single-family developments with six or more units shall not be gated.

14-9.2(F): Cap on Sidewalk Costs for Additions and Remodeling. The existing requirement to build sidewalk as a condition of plat or building permit approval is modified to cap sidewalk liability at 20% of the value of the other construction for additions and remodeling.

14-9.5: Financial Guarantees. Modifications are made to reflect the current practice as set out in the “Infrastructure Completion Policy” in 2009.

14-9.6 (Old 14-9.4) Standards for Inheritance or Family Transfer Subdivisions: Most references to lower standards for family transfer subdivision improvements are deleted, consistent with recommendations elsewhere in the code rewrite. The current provisions in 14-9 are mostly references to out-of-date versions of the standards, and it is not clear that the lower improvement standards are warranted. The provision is retained that exempts family transfers from posting financial guarantees when the plat is recorded, however.