City of Santa Fe, New Mexico

memo

DATE: January 28, 2015 for the February 04, 2016 Planning Commission Meeting

TO: Planning Commission

VIA: Lisa D. Martinez, Director, Land Use Department
Greg Smith, Current Planning Division Director

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

1343-112 PACHECO COURTYARD DEVELOPMENT PLAN AND VARIANCE.

Case #2015-124. Pacheco Courtyard Development Plan and Variance. Thomas Gifford Architect LLA, agent for the Santa Fe Civic Housing Authority, requests approval of a development plan for three existing and six new dwelling units with a density of 18 units per acre. The application includes a request to allow additional dwelling units with access via a private road or lot access driveway (Rincon del Sol and Pacheco Court) that does not meet the standards of Subsection 14-9.2(C)(8). The property is located at 1343-1/2 Pacheco Court and is zoned R-21 (Residential, 21 dwelling units per acre). (Dan Esquibel, Case Manager)

RECOMMENDATION:
Staff recommends that the Planning Commission **APPROVE** Case #2015-124 1343-112 Pacheco Court Development Plan and Variance subject to Subsection 14-9.2(C)(8) and the conditions identified in **Exhibit A.** Staff recommends the Commission vote first on whether the variance can be approved, and then on approval of the development plan.

I. EXECUTIVE SUMMARY

The Housing Authority proposes to add six new dwelling units on a lot that currently has three existing units. The project will be a mix of affordable and market-rate units. Approval by the Commission is required for two aspects of the project:

- A variance is required to allow use of the existing substandard private access road for new units.
- A development plan to approve a density of greater than 10 dwelling units per acre, based on special findings concerning general plan consistency, neighborhood character, and other factors.

Staff believes that the findings for the variance can be supported (reference Page 4 Variance approval criteria).

Staff analysis indicates that the findings for increased density can be met. To approve the road variance, the Commission must determine that the proposed nine-unit project is the minimum

level of development that could be considered a reasonable use of the property, and that the additional units will not significantly affect safety or other public interests.

Current city standards require a road at least 38 feet wide for access to the 40 dwelling units that exist and are proposed for the project site and other nearby properties. The existing private road varies in size from 13 feet to 15 feet in width. It also has a looped configuration with through access to Pacheco Street in two places. It would not be feasible to widen the road, due to the configuration of other lots and the locations of existing buildings.

II. APPLICATION SUMMARY

a. Scope of Requests

Although the road variance request and development plan are advertised as a single agenda item, staff suggests considering separate motions, with action on the variance request taken first.

Table 1: Scope of Requests

Variance	**Approve, Deny or Approve with modifications and or conditions**
Variance to Subsection 14-9.2(C)(8) to allow additional dwelling units with access via a private road or lot access driveway (Rincon del Sol and Pacheco Court) that does not meet the standards.	
Development Plan	**Approve, Deny or Approve with modifications and or conditions**
Development plan for three existing and six new dwelling units with a density of 18 units per acre.	

The property is located on the east side of Pacheco Court, and backs up to the Manuel Lujan Sr. State Building (Taxation and Revenue). Existing development consists of a one-story, 2220 square-foot building containing three dwelling units.

b. Adjoining Properties

Table 2 summarizes the surrounding zoning and land uses; see also Exhibit D – *"Adjoining Zoning Map"*)

Table 2: Adjoining Zoning and Use

Direction	Zoning	Use
North, Northeast	R-21 (Residential - 21 dwelling unit per acre)	Residential (Solar Condominiums)
East	State Land	Manuel Lujan Sr. Building (Taxation and Revenue Department)
West	C-1 (General Office) and R-21 (Residential - 21 dwelling unit per acre)	State Farm Insurance and Residential
South	R-21 (Residential - 21 dwelling unit per acre)	Residential (Endover Condominiums)

III. DEVELOPMENT PLAN

1. Development Summary

Except for the access requirement, the project would comply with most applicable development standards, including height, parking, open space, etc. The applicant requests approval of an eight-foot sideyard setback to the portion of buildings over 14 feet in height instead of the ten-foot setback that is normally required. Although the reduced setback does not require approval of a variance, it is not clear that the request is justified by any particular difficulty in providing the normal setback. The current proposal is for one-story buildings, and it is unlikely that any additional units could be developed on the lot in the future.

Table 3: Development Summary – Current Application

Number of Buildings	Number of Stories	Number of Dwelling Units per building	Total Dwelling Units*	Building Square footage	Total Square footage	Total Required Parking Spaces	Total Proposed Parking Spaces
2 New	1 story each (14')	2 ea.	9	1,187 ea.	6,300	12	14
2 New		1 ea.		853 ea.			
1 Existing		3		2,220			

*Appropriate amounts of open space have been provided per unit.

2. Landscaping and Terrain Management

The Development Plan identifies landscaping throughout the project, with ponding adjacent to parking areas at the north and south property lines. Two conditions have been included in Exhibit A regarding screening and ground cover, and showing detention pond facilities on the development plan.

3. City Utilities

The project will be served by city utilities for water and sewer. Water is available within Pacheco Court and the property will need to connect a separate private sewer service line to a manhole in Pacheco Court located south of the property. Conditions recommended by City Water and Waste Water Departments have been included in Exhibit A.

4. Environmental Services

Trash collection will be done by the City Environmental Services. A condition requiring 96-gallon containers placed at the curbside has been included in Exhibit A.

5. Fire Protection

The Fire Marshal submitted several conditions for the project included the sprinklering of all buildings and upgrades with maintenance to Pacheco Court to bear the weight of a fire apparatus. These conditions are recommended in part to mitigate the access deficiencies in the private road width; the fire code would typically require an access road at least 20 feet wide. Refer to Exhibit B6 for Fire Marshal comments and conditions. The Fire Marshal conditions have also been included in Exhibit A.

6. Traffic

Comments received from the City Traffic Engineer do not indicate any major safety or operational problems.

IV. REQUEST TO INCREASE MAXIMUM DENSITY

A maximum density of 21 dwelling units per acre is allowed in the R-21 zone, but Subsection 14-7.2(F) requires residential projects that exceed ten units per acre to be approved as part of a Development Plan or Special use Permit. Development plan approval at the increased density requires the Commission to consider five special review factors. The applicant's responses to the review factors are included in Exhibit F. Staff analysis of those factors is provided below:

(a) if the future land use designation shown on the general plan is high density residential;
Staff Analysis: The site meets this criterion. The General Plan Future Land Use Map designates the site for "High Density Residential" and "Institutional" uses. The Institutional designation appears to be a mapping error which over-represents the adjacent government office uses to the east of the project site.

(b) the need for the increased density; however, financial gain or loss shall not be the sole determining factor;
Staff Analysis: The Housing Authority indicates that it would not be feasible to develop at a lower density; see Exhibit F.

(c) if the increased density is needed to make the proposed development more affordable, what level of affordability will be provided and how that affordability will be guaranteed long term;
Staff Analysis: Staff defers to the applicant's submittals on this issue.

(d) densities of existing developments in the vicinity; and
Staff Analysis: Similar high-density residential has occurred on the adjacent parcels to the north and south of the project site, and on other nearby parcels.

(e) impacts of the increased density on the neighborhood and the community so that the increased density does not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest.
Staff Analysis: The proposed project will not interfere with the enjoyment of other land in the vicinity, which is developed with high-density residential and non-residential uses. Availability of additional rental housing units can be considered a positive impact on the community

V. VARIANCE

A. Variance Approval Criteria

Subsections 14-3.16(C)(1) through (5) are required to grant a variance. The Commission must determine that one or more of the circumstances in Subsections (C)(1)(a) through (C)(1)(b) applies, and that all of the criteria in Subsections (C)(2) through (C)(5) are met. Staff analysis is provided for each subsection

14-3.16(C)(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the

regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

Applicant's Response

Rincon del Sol is 15'0 wide access and utility easement and is shared by approximately 34 residences. It would be impossible to increase the width due to existing permitted and approved building, walls and utilities. Our project additional 6 units (there are 3 existing units).

Staff Analysis

The applicant identified that *Rincon del Sol/Pacheco Court* road width together with existing conditions of development prevent compliance with Subsection 14-9.2(C)(8). Staff concurs that the conditions of development prevent further expansion of *Rincon del Sol/Pacheco Court.*

14-3.16(C)(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

Applicant's Response

The surrounding properties on legal conforming lots and these properties all share this road and easement as the only access to this property. There is no way to increase the width of the road/easement to meet current city standards.

Staff Analysis

Staff concurs. Expansion of *Rincon del Sol/Pacheco Court* is not possible without demolition of structures abutting the road.

14-3.16(C)(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

Applicant's Response

The proposed project has less density than the two directly adjacent projects and several in the vicinity. Our 18 dwelling units/acre is less than the surrounding 22 and 24 dwelling unit/acre projects.

Staff Analysis

Chapter 14 defines intensity as follows:

INTENSITY

The extent of development per unit of area; or the level of use as determined by the number of employees and customers and degree of impact on surrounding properties such as noise and traffic.

The proposed development will increase in intensity per unit area and traffic.

14-3.16(C)(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

Applicant's Response

(a) By City of Santa Fe Design Criteria for Street Types there are 34 existing dwelling units on the road which is currently greater than all Dwelling Unit Access. This has happened throughout the City in heritage neighborhoods. We do not believe this a Life Safety issue as we have worked closely with the City of Santa Fe Fire Department to improve the fire safety of the new construction.

(b) We are in conformance with the General Plan and the High Density zoning

Staff Analysis

The criterion is to determine whether *"the variance is the minimum variance that will make possible the reasonable use of the land or structure."* Factors (a) and (b) are taken in consideration but they are not decisive in determining whether the variance is "the minimum variance that will make possible the reasonable use of the land or structure." Evaluation for this case amounts to a determination of whether the existing development on the site – three dwelling units, density of six units per acre – amounts to reasonable use, or whether the higher density requested by the applicant is the minimum needed to qualify as reasonable use of the property – nine units, 18 units per acre. Several factors support the applicant's request:

- The fire code permits the proposed development, subject to installation of fire sprinklers in existing and new buildings.
- The Traffic Division has not indicated any significant increase in traffic operations as a result of the development.
- The approval will result in creation of additional affordable rental housing units.

14-3.16(C)(5) The variance is not contrary to the public interest.

Applicant's Response

We do not believe it is contrary to the public interest.

Staff Analysis

Staff review has not identified any significant adverse effect on the public interest.

IV. EARLY NEIGHBORHOOD NOTIFICATION (ENN)

The applicant conducted an ENN for this project on December 10, 2015 located at 200 Lincoln Ave. Santa Fe NM in the City Council Chambers. The meeting was well attended with audience participation. There were many question concerning process and chapter 14 regulations. The following identifies the concerns raised by the attendees:

- Maintenance of the road
- Off street parking
- Drainage off the property

V. CONCLUSION

The applicant has complied with all application process requirements. The applicant conducted a ENN meeting on December 10, 2015, and complied with notice requirements pursuant to Section 14-3.1(H).

The Land Use Department has determined that the proposed applications can comply with the necessary approval criteria for a variance and Development Plan allowing a density of 18 dwelling units per acre on .5± acres.. Should the Planning Commission approve the Case #2015-124, Staff recommends the conditions listed in Exhibit A.

VI. EXHIBITS

Exhibit A- Conditions of Approval

Exhibit B - DRT comments

1. Landscaping
2. Terrain Management
3. Water
4. Sewer
5. Environmental Services
6. Fire
7. Traffic Engineering Division

Exhibit C- ENN

1. ENN Notes
2. Guideline Questions

Exhibit D- Maps

1. Adjoining Zoning Map

Exhibit E

1. Correspondence

Exhibit F- Applicant Data

February 14, 2016
Planning Commission
Case # 2015-112

1343-112 Pacheco Courtyard Variance and Development Plan

EXHIBIT A

Conditions of Approval

EXHIBIT A
Conditions of Approval
Case #2015-124

1343-112 PACHECO COURTYARD DEVELOPMENT PLAN AND VARIANCE.

	Condition	Department	Staff
1	• As per SFCC 14-8.4(F)(2)(h) new plant material shall be mulched to a minimum depth of 2 inches and the mulch renewed yearly or as needed. • As per SFCC 14-8.4(I)(2)(c) parking lot shall be screened from all public streets and adjacent properties by a continuous wall or berm 4 feet or more in height, a hedge minimum of 4 feet at maturity.	Land Use Technical Review Division (Landscaping)	Somie Ahmed, Planner Technician Senior December 30, 2015
2	Show the detention pond and facilities on the Development Plan	Land Use Technical Review Division	Risana B "RB" Zaxus, PE City Engineer January 13, 2016
3	The developer must apply for metered services through the Water Division. If a separate fire service is needed, a main extension will be required and will have to comply with the line extension requirements of the City's Water Division.	Water Division	Dee Beingessner, Water Division Engineer December 30, 2015
4	1. The property shall be served by its own separate private sewer service line that connects to a manhole in Pacheco Court located south of the property. The manhole is shown on the utility plan set on sheet C-102 for the development. 2. The sewer line shall not cross over the water line as shown on sheet C-102. The sewer line shall run parallel to the water line with a minimum five (5) feet of horizontal separation distance.	Wastewater Management Division	Stan Holland, P.E. January 22, 2016
5	Service will have to be provided using 96 gal containers at the curbside.	Land Use Technical Review Division	LUCERO, ERIC J. January 27, 2016

	Prior to any new construction or remodel shall comply with the current code adopted by the governing body. 1. All Fire Department access shall be no greater that a 10% grade throughout. 2. Fire Department Access shall not be less than 20 feet width and must be maintained in all weather and to bear the weight of a fire apparatus. A variance will be granted for the 20 feet width access with the installation of automatic sprinkler systems to new and existing construction. The applicant must also provide an access road to the property that will bear the weight of a fire apparatus and provide a legal binding document on maintenance of the private section of the road. 3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. Variance has been granted with the installation of automatic sprinkler systems to new and existing construction. The applicant must also provide an access road to the property that will bear the weight of a fire apparatus and provide a legal binding document on maintenance of the private section of the road. 4. Fire Department shall have 150 feet distance to any portion of the building on any new construction. A variance has been granted with Variance has been granted with the installation of automatic sprinkler systems to new and existing construction. 5. 5. Shall have water supply that meets fire flow requirements as per IFC	Fire Department	Reynaldo Gonzales, Fire Marshal January 14, 2016

February 14, 2016
Planning Commission
Case # 2015-112

1343-112 Pacheco Courtyard Variance and Development Plan

EXHIBIT B

DRT comments and Conditions

City of Santa Fe, New Mexico

memo

DATE: December 30, 2015

TO: Dan Esquibel, Land Use Planner Senior

FROM: Somie Ahmed, Planner Technician Senior

SUBJECT: Comments for Case #2015-124, Pacheco Courtyard Dev. Plan & Variance

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Below are staff's comments for Pacheco Courtyard Dev. Plan & Variance. Based on documentation and plans dated December 21st, 2015 the following comments are a request for additional submittals before Landscape review can be approved:

- As per SFCC 14-8.4(F)(2)(h) new plant material shall be mulched to a minimum depth of 2 inches and the mulch renewed yearly or as needed.
- As per SFCC 14-8.4(I)(2)(c) parking lot shall be screened from all public streets and adjacent properties by a continuous wall or berm 4 feet or more in height, a hedge minimum of 4 feet at maturity.

EXHIBIT B1

ESQUIBEL, DANIEL A.

From: ZAXUS, RISANA B.
Sent: Wednesday, January 13, 2016 4:52 PM
To: ESQUIBEL, DANIEL A.
Subject: Case # 2015-124, Pacheco Courtyard Development Plan

Mr. Esquibel –

With regard to the above-referenced case, the following review comment is to be considered a condition of approval:

*Show the detention pond and facilities on the Development Plan

Risana B "RB" Zaxus, PE
City Engineer

EXHIBIT B2

City of Santa Fe

memo

DATE: December 30, 2015

TO: Dan Esquibel, Land Use Planner, Land Use Department

FROM: Dee Beingessner, Water Division Engineer

SUBJECT: Case # 2015-124 Pacheco Courtyard Development Plan and Variance

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There is existing water infrastructure that can serve the proposed development. The developer must apply for metered services through the Water Division. If a separate fire service is needed, a main extension will be required and will have to comply with the line extension requirements of the City's Water Division.

Fire protection requirements are addressed by the Fire Department.

EXHIBIT B3

City of Santa Fe
New Mexico

MEMO

Wastewater Management Division
DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: January 22, 2016

To: Dan Esquibel, Case Manager

From: Stan Holland, P.E.
Wastewater Management Division

Subject: Case 2015-124 Pacheco Courtyard

The subject property is accessible to the City public sewer system.

1. The Wastewater Division has determined that the Development can connect to the City sewer system as indicated on the plan set. The property shall be served by its own separate private sewer service line that connects to a manhole in Pacheco Court located south of the property. The manhole is shown on the utility plan set on sheet C-102 for the development.
2. The sewer line shall not cross over the water line as shown on sheet C-102. The sewer line shall run parallel to the water line with a minimum five (5) feet of horizontal separation distance.

EXHIBIT B4

ESQUIBEL, DANIEL A.

From: LUCERO, ERIC J.
Sent: Wednesday, January 27, 2016 9:25 AM
To: ESQUIBEL, DANIEL A.
Subject: 2015-124

Dan,

I will approve 2015-124. Service will have to be provided using 96 gal containers at the curbside.

Thanks,

Eric J Lucero
City of Santa Fe
Environmental Services
Operations Manager
505-955-2205 office
505-670-6562 cell
ejlucero@santafenm.gov

EXHIBIT B5

City of Santa Fe, New Mexico

memo

DATE: **January 14, 2016**

TO: **Dan Esquibel , Case Manager**

FROM: **Reynaldo Gonzales, Fire Marshal** RDG

SUBJECT: **Case #2015-14** Pacheco Courtyard Development Plan

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to any new construction or remodel shall comply with the current code adopted by the governing body.

1. All Fire Department access shall be no greater that a 10% grade throughout.

2. Fire Department Access shall not be less than 20 feet width and must be maintained in all weather and to bear the weight of a fire apparatus. *A variance will be granted for the 20 feet width access with the installation of automatic sprinkler systems to new and existing construction. The applicant must also provide an access road to the property that will bear the weight of a fire apparatus and provide a legal binding document on maintenance of the private section of the road.*

3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. *Variance has been granted with the installation of automatic sprinkler systems to new and existing construction. The applicant must also provide an access road to the property that will bear the weight of a fire apparatus and provide a legal binding document on maintenance of the private section of the road.*

4. Fire Department shall have 150 feet distance to any portion of the building on any new construction. A variance has been granted with *Variance has been granted with the installation of automatic sprinkler systems to new and existing construction.*

5. Shall have water supply that meets fire flow requirements as per IFC

EXHIBIT B6

ESQUIBEL, DANIEL A.

From: KASSENS, SANDRA M.
Sent: Wednesday, January 27, 2016 2:08 PM
To: ESQUIBEL, DANIEL A.
Cc: ROMERO, JOHN J
Subject: Pacheco Courtyard #2015-124

Dan,
Re: Pacheco Courtyard Dev Plan
The Traffic Engineering Section has no comments on the Request for Development plan approval for Pacheco Courtyard, case # 2105-124.

Sandy
955-6697

EXHIBIT B7

February 14, 2016
Planning Commission
Case # 2015-112

1343-112 Pacheco Courtyard
Variance and
Development Plan

EXHIBIT C

ENN Notes

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

Project Name	Pacheco Courtyard Development Plan and Variance
Project Location	1343-112 Pacheco
Project Description	requests approval of a development plan for three existing and six new dwelling units with a density of 18 units per acre. The application includes a request to allow additional dwelling units with access via a private road or lot access driveway (Rincon del Sol and Pacheco Court) that does not meet the standards of Subsection 14-9.2(C)(8). The property is located at 1343-1/2 Pacheco Court and is zoned R-21 (Residential, 21 dwelling units per acre).
Applicant / Owner	Santa Fe Civic Housing Authority
Agent	Thomas Gifford Architect LLA
Pre-App Meeting Date	N/A
ENN Meeting Date	December 10, 2015
ENN Meeting Location	200 Lincoln Ave. in the **City Council Chambers**
Application Type	ENN
Land Use Staff	Dan Esquibel
Other Staff	N/A
Attendance	30

Notes/Comments:

The meeting was well attended with audience participation. There were many question concerning process and chapter 14 regulations. The following identifies the concerns raised by the attendees:

EXHIBIT C1

- Maintenance of the road
- Off street parking
- Drainage off the property

THOMAS GIFFORD ARCHITECT

PACHECO COURTYARD
1343-1/2 Pacheco Court
Santa Fe, NM 87505

ENN GUIDELINES

Following are the ENN Guidelines and our responses in blue.

(a) Effect on Character and Appearance of Surrounding Neighborhoods. ***Considerations may include: the number of stories of buildings; the average setbacks; the mass and scale of the project; architectural style of any construction; landscaping; lighting; and access to public places, open spaces and trails.***

Pacheco Courtyard is currently a three unit apartment building situated on approximately 0.5 acre lot. The existing building is one story. We are proposing to add six single story unit apartments into a landscaped courtyard. The new project parking will be on the western portion of the lot with gravel paving and concrete sidewalks. The existing units are approximately 10'0 from the rear setback, and 8'0 from the side setbacks. The existing building is approximately 11'6 to 12'0 tall. The existing building is concrete masonry unit exterior wall with aluminum single glazing and wood front doors. The low slope roof is exposed. The existing building renovation scope is to replace the exterior doors and window with thermally efficient windows and doors, provide exterior wall and roof insulation and elastomeric stucco system. The new units will be approximately 13'0 to 14'0 tall and one story. The new units will have the same thermally efficient doors and windows as the renovated existing units. The new buildings will have an elastomeric stucco system. All existing and new units will have TPO roofs. We will landscape the site per City's Landscape regulations. The parking lot will have overhead lighting, path and portal lighting on each building. We believe our proposed project fits into the surrounding residential context in mass, scale and style.

(b) Effect on Protection of Physical Environment. ***Considerations may include: existing tree cover; existing open space; rivers, arroyos and floodplains; rock outcroppings and escarpments; trash generation; lighting; fire risk; use of hazardous materials; and whether the project involves easements, density transfers or other legal mechanisms that result in open space or other environmental protection.***

Pacheco Courtyard site layout will be designed within the limits of the City's terrain management, landscape, open space and trails ordinances. Much effort will be directed into providing better drainage systems and use of historical water run-off to irrigate new and existing vegetation.

(c) Impacts on Prehistoric, Historic, Archaeological or Cultural Sites or Structures, Including Acequias and Historic Downtown. ***Consideration may include the project's compatibility with any historic or cultural sites located on the property where the project is proposed.***

Pacheco Courtyard does not fall within any of the City's designated historic districts. There are no known impacts on any prehistoric, historic, archaeological or cultural sites or structures, including acequias and the historic downtown.

(d) Relationship to Existing Density and Land Use Within Surrounding Area and With Land Uses and Densities Proposed by the General Plan

Pacheco Courtyard existing zoning designation is R-21 and the current and proposed use will be residential. The surrounding properties are R-21 to the north, east and south and C-1 to the east. The local area is mostly R-21, C-1 and R-29 PUD. The existing General Plan land use is High Density Residential

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EXHIBIT C2

(12-29 dwelling units/ acre). All existing and new units on our proposed project are 18 dwelling units /acre which is well within the limits of the General Plan. Residential property densities along Southern adjoining property=24 du/AC; northern adjoining property = 24 du/AC. There are two projects that are within 300'0 that are 24 du/AC and 21 du/AC, respectively. Again, our proposed project density is less than the adjoining properties.

(e) Effects on Pedestrian or Vehicular Traffic and Access to Services ***Considerations may include: increased access to public transportation and public transportation corridors; effects of design or services provided on traffic in the neighborhood and citywide; whether the project helps in the equitable distribution of traffic citywide, reduces overall travel distance or encourages alternate transportation modes; traffic mitigation measures, including changes in flow of pedestrian and vehicular traffic; cumulative traffic impacts; enhancement of transit options; pedestrian access to destinations; and new or improved pedestrian trails to recreational and cultural activities and human and educational services.***

Pacheco Courtyard overall traffic, parking and pedestrian flow will be improved over the existing condition. Currently the remainder of the lot not used for a building is being used as parking. The lot is currently all dirt without landscaping. There are no formal parking spaces, traffic pattern or landscaping. The proposed project encourages the residents to walk to neighborhood amenities, shopping, and recreation through its pedestrian friendly site plan and convenient location. The entire site will be accessible by using ANSI A117.1 and Americans with Disabilities Act (ADA) guidelines.

(f) Impact on Economic Base of Santa Fe ***Considerations may include: availability of jobs to Santa Fe residents; whether or how the project promotes and encourages businesses consistent with the city's economic development plan and compatible with neighborhood livability; market impacts on local businesses and potential displacement of local property and business owners; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.***

From the inception of the Project local surveyors, engineers, planners, and architects have been employed as part of the process entitlement and due diligence proceedings. If approved, the projects will provide employment opportunities in construction, specifically concrete, framers, plumbers, electricians, stucco and masons. A lot of the construction materials will be purchased from local suppliers. Neighborhood service business will be patronized by the construction personnel and finally the residents.

(g) Effect on Availability of Affordable Housing and Availability of Housing Choices. ***Considerations may include: creation, retention or improvement of affordable housing; how the project contributes to meeting the needs for various housing types serving different ages, incomes and family sizes to maintain the unique, heterogeneous character of Santa Fe; whether or how the project increases or decreases the supply of housing for which there is an identified need; whether the project contributes to a more even distribution of this housing throughout Santa Fe; the creation or retention of affordable business space; and whether or how the project increases the availability of all housing types close to the city center or neighborhood centers.***

Pacheco Courtyard will create new housing units with multiple housing type choices close to both the city center and neighborhood centers. The proposed project is just over a mile and a half to the Plaza and half a mile to the neighborhood centers of Pacheco Street, Salvador Perez and the Coronado Shopping Center. Per the Santa Fe Homes Program (SFHP) the project will provide 15% percent affordable rental units or because the project is under 10 total units the Owner may elect to pay a fee in lieu to the SFHP providing the units.

(h) Effect On Public Services and Infrastructure Elements.

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The proposed project currently has full access to City services such as police and fire as well as City utilities such as water, sewer, and waste management. It is anticipated that the project will have little impact of the overall City utility infrastructure. The Santa Fe Trails public transportation exists on St Francis and Cerrillos Roads at the intersection of Alta Vista Street which are approximately 1500 feet away. The Railrunner train stop is only 1500 feet away on Cordova Street.

(i) Impacts on Water Supply, Availability and Conservation Methods. ***Considerations may include: conservation and mitigation measures; efficient use of distribution lines and resources; and whether or how the construction or use of the project may affect water quality and supplies.***

Pacheco Courtyard will comply with all ordinances pertaining to water conservation including the retrofit program which demonstrates that water usage is offset against existing water closet fixtures. The project will be extremely water sensitive. In the existing units, we will replace all regular low plumbing fixtures with low-flow water fixtures and new residential units will also utilize low-flow plumbing fixtures. All landscape will be low water usage and on the City approved list of plants and well as utilizing drip irrigation.

(j) Effect on Opportunities for Community Integration and Social Balance

Pacheco Courtyard residents will have the opportunity to live near the core of Santa Fe which is close to many important amenities including social, employment and recreation facilities which in turn fosters community integration. There are many amenities that are close enough to walk to including the Salvador Perez Park and Recreation Center, Coronado Shopping Center, Pacheco Park and Santa Fe Rail Trail.

(k) Effect on Urban Form. ***Considerations may include: whether the project promotes a compact urban form through appropriate infill development and consolidation of the city's boundary to avoid leapfrog development; and the effect of the project on the need for travel between different parts of Santa Fe and between employment centers and areas.***

Pacheco Courtyard promotes a compact urban form by increasing the amount of housing within a mile and a quarter of the Santa Fe Plaza and three quarters of a mile from the Railyard Park. The proposed density is allowed by the General Plan which High Density Residential (12-29 dwelling units/ acre) with all existing and new units our proposed density is 18 dwelling units /acre which is well within the limits of the General Plan. Several near by projects have densities and building heights larger than our proposed project. The proposed project is near many existing employment, recreation, and transportation facilities.

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February 14, 2016
Planning Commission
Case # 2015-112

1343-112 Pacheco Courtyard
Variance and
Development Plan

EXHIBIT D

Maps

C2
R21
C1PUD
R29PUD
PACHECO CT
C1
C1
SITE
PACHECO ST
I1
C1
I1
C1
C1PUD
R29

EXHIBIT D1

February 14, 2016
Planning Commission
Case # 2015-112

1343-112 Pacheco Courtyard
Variance and
Development Plan

EXHIBIT E

Correspondence

ESQUIBEL, DANIEL A.

From: Claudia <claudiainsantafe@gmail.com>
Sent: Wednesday, December 09, 2015 4:14 PM
To: ESQUIBEL, DANIEL A.
Cc: GONZALES, REYNALDO D.; jjromero@santafenm.gov; thomasgifford@comcast.net
Subject: 13431/2 Pacheco Court Development Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Esquibel,

I am the owner of a condominium, part of LMT Solar Condo Association, on the north side, just adjacent to 1343 1/2 Pacheco Court, and I would like to voice my concerns regarding the proposed Development Plan.

Drainage. The water run-off could potentially become a problem as we are on a slight downward slope and have had flooding issues in the past. And, although this may not be the project's concern, if the same road north of us is not properly graded (this section is not paved) it too can send water back down our way.

The traffic on this small, one way road can get busy at times. People, other than residents, use it as a short cut, and if there is a detour on Pacheco St. this is the road they use.
My main concern is, will large emergency vehicles have the room they need.

And lastly, during the construction phase, will there be care taken to wet down the ground, and netting in place so the area doesn't become a health problem due to dust and debris?

Thank you in advance for addressing my concerns,

Claudia Adams
claudiainsantafe@gmail.com

This email has been checked for viruses by Avast antivirus software.
www.avast.com

EXHIBIT E1

February 14, 2016
Planning Commission
Case # 2015-112

1343-112 Pacheco Courtyard Variance and Development Plan

EXHIBIT F

Applicant Data

21 December 2015

Planning Commission
City of Santa Fe Planning Division
Planning and Land Use Department
200 Lincoln Avenue
Santa Fe, New Mexico 87504

RE: PACHECO COURTYARD

Members of the Planning Commission,

Please accept our Pacheco Courtyard Development Plan submission for your review and approval. We are specifically asking for your approval:

1. Maximum Gross Density of 18 dwelling units/ acre per Table 14-7.2-1. Attached is
2. Minimum Yard Requirements as shown on the Development Plan submittal per Table 14-7.2-1

We are also requesting approval for the variance for the following item:

3. Lot Access Driveway- Our project will exceed the requirement of access from street to not more than eight single family lots per 14-9.2(C)8. Currently the lot access driveway (referred to as Rincon del Sol and Pacheco Court) established in 1963 exceeds this requirement and we propose to add six additional units.

Project Owner:
The proposed project is owned by Santa Fe Civic Housing Authority.

Site Description:
Our project is located at 1343-1/2 Pacheco Court. The site is south of the intersection of Pacheco Street and Alta Vista. It is a 0.5 acre site with R-21 zoning. The site is has a very gradual slope to the west. Currently the site is mostly dirt with a couple of existing cottonwood trees. The General Plan calls for High Density Residential on this site. The proposed project site has multifamily residential projects to the north and south with State of New Mexico parking lot to the east and an entrance and egress/ utility easement to the west which connects to Pacheco Court a City of Santa Fe street We will rework one existing parking area to maximize the number of parking spaces and add landscaping to soften the scale.

Project Description:

Currently, there are three existing attached townhouse units, totaling 2,000 hsf. They are two bedrooms with one bathroom and a combined living, dining and kitchen. We will renovate the interior and exterior of the units. We propose to add six additional one and two bedroom units, totaling 4000 hsf arranged in a linear courtyard. All existing and new units are single story. We will have 14 parking spaces including one accessible space.

Rationale:
Project age, required maintenance, resource inefficiency, life safety, livability and accessibility are the main reasons for our proposed renovation. Even though the Santa Fe Civic Housing Authority has worked diligently to keep with maintenance issues with limited HUD resources the apartments are 40 plus years old and the cost of maintaining them grows every year. Considering the limited funding SFCHA receives for maintenance they have done a good job. There is a site natural gas system which doesn't allow the individual metering of units which allows the inefficient use of natural gas. The building exterior envelope (stucco, windows and doors) are also old and in need of extensive maintenance. The buildings are 8" thick cmu block with drywall applied over ¾" wood furring strips. There is no

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insulation. The interiors are in need of updating including new kitchens and bathrooms as well as new electrical work in order to get the buildings up to current building and life safety codes. The mechanical systems are outdated and inefficient and not up to current IECC code standards.
.

Proposed Project We will rework parking area to maximize the number of parking spaces and add landscaping to soften the scale. We propose adding 14head-in parking spaces along Mann Street . Six more spaces will be added off the central core parking area. Currently, the site doesn't meet life safety standards for fire safety access due to the closure of We will remove all interior chain-link fencing and replace some with 4'6 tall stuccoed
cmu yard walls. We will eliminate the need for natural gas (except at the laundry) by making exceptionally energy efficient new units with solar panels. We will add a children's play area on the north side of the property.

Finally, we will enhance the existing site landscape with new xeric
landscaping (native plantings, trees, bushes, and annuals) served with an automatic drip irrigation system.

We look forward to discussing our project with you and our neighbors. Thanks you in advance for your consideration.

Sincerely,

Thomas Gifford, AIA

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21 December 2015

RE: PACHECO COURTYARD

Following are our responses to the required Approval criteria for a variance to the Design Criteria for Street types per section 14-9.2-1. Rincon Del Sol is an existing private drive from the end of Pacheco Court which heads north and then turns west and connects with Pacheco Street. It's width varies from 15'0 to 15'9" which is less than the required Subcollector No Parking Width of 42'0.

4-3.16 VARIANCES (C) Approval Criteria

(1) One or more of the following special circumstances applies:

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

Rincon del Sol is 15'0 wide access and utility easement and is shared by approximately 34 residences. It would be impossible to increase the width due to existing permitted and approved building, walls and utilities. Our project additional 6 units (there are 3 existing units).

(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

Does not apply.

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

Does not apply.

(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

Does not apply.

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

The surrounding properties on legal conforming lots and these properties all share this road and easement as the only access to this property. There is no way to increase the width of the road/easement to meet current city standards.

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

The proposed project has less density than the two directly adjacent projects and several in the vicinity. Our 18 dwelling units/acre is less than the surrounding 22 and 24 dwelling unit/acre projects.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

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(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

By City of Santa Fe Design Criteria for Street Types there are 34 existing dwelling units on the road which is currently greater than all Dwelling Unit Access. This has happened throughout the City in heritage neighborhoods. We do not believe this a Life Safety issue as we have worked closely with the City of Santa FE Fire Department to improve the fire safety of the new construction.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

We are in conformance with the General Plan and the High Density zoning

(5) The variance is not contrary to the public interest.

We do not believe it is contrary to the public interest.

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21 December 2015

RE: PACHECO COURTYARD

Responses to the required criteria for a maximum density increase per section 14-7.2(F):

(a) if the future land use designation shown on the general plan is high density residential;

The proposed project site, 1343-1/2 Pacheco Court, is located in an area designated by the Santa Fe General Plan as High Density Residential.

(b) the need for the increased density; financial gain or loss shall not be the sole determining factor;

Santa Fe Civic Housing Authority (SFCHA) is the major non-profit affordable provider in Santa Fe and six of these units will be market rate and three will be affordable. This affordable to market ratio is far above the required ratio for new multifamily projects. SFCHA is committed to providing affordable housing. The proposed project will provide additional affordable housing near the city center, major employment centers as well as an extensive public transportation system. This type of infill development is very important increasing density to Santa Fe core by adding development in existing neighborhood instead of growing at or outside the boundaries of the City.

(c) if the increased density is needed to make the proposed development more affordable, what level of affordability will be provided and how that affordability will be guaranteed long term;

Santa Fe Civic Housing Authority (SFCHA) is the major non-profit affordable provider in Santa Fe and six of these units will be market rate and three will be affordable. This affordable to market ratio is far above the required ratio for new multifamily projects. SFCHA is committed to providing affordable housing, it is their mission. They will provide whatever agreements are necessary to guarantee long term affordability.

(d) densities of existing developments in the vicinity; and

The proposed project is surrounded by existing development of similar or higher densities. Located directly south of the proposed project, Endover Condominium has 12 dwelling units on an approximately .5 acre site for a density of 24 DU/ac. Located directly north of the proposed project, the Solar Condos, has 11 dwelling units on approximately .5 acres for a density of 22 DU/ac. Our proposed density is below both of our adjoining neighbors.

(e) impacts of the increased density on the neighborhood and the community so that the increased density does not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest.

We have proposed parking in excess of the required amount and during our ENN meeting, Ed Romero pledged to work with the neighbors to minimize the proposed projects impact on the neighborhood by proportionally sharing cost of improving the alley paving and future maintenance. Our project is important project for Santa Fe because it creates homes where they are needed, using existing utility infrastructure, schools and in a desireable and accessible location.

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