



Agenda

CITY CLERK'S OFFICE

DATE 1-26-16 TIME 1:30

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AMENDED

PLANNING COMMISSION
Thursday, February 4, 2016 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. ELECTION OF SECRETARY**
- D. APPROVAL OF AGENDA**
- E. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

MINUTES: January 7, 2016

FINDINGS/CONCLUSIONS:

Case #2015-115. Estancia de Las Soleras Phase 1C Preliminary Subdivision Plat.

Case #2015-116. Pulte SFHP Development Plan.

- F. OLD BUSINESS**
- G. NEW BUSINESS**

1. An ordinance establishing requirements for bicycle parking for new developments, or those increasing in intensity by 25 percent or more. (Councilor Bushee) (Melissa McDonald)
2. A resolution requesting staff to develop a Land Use Facilitation Program based on the highly successful Albuquerque model. (Councilor Bushee) (Lisa Martinez / Noah Berke)
3. An ordinance amending Section 7-4.2 SFCC 1987, Residential Green Building Code by repealing Exhibit A to Chapter VII SFCC 1987; adding a Requirements section to the Residential Green Building Code; and amending Section 14-8.2(D) with regards to Best Management Practices. (Councilors Ives and Bushee) (Katherine Mortimer) **(TO BE POSTPONED TO MARCH 3, 2016)**
4. **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)

H. STAFF COMMUNICATIONS

I. MATTERS FROM THE COMMISSION

J. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**



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SUMMARY INDEX
PLANNING COMMISSION

February 4, 2016

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E. Approval of Minutes & Findings and Conclusions		
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Findings of Fact & Conclusions of Law		
• <u>Case #2015-115</u> Estancia de Las Soleras II	Approved	2
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G. New Business		
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PLANNING COMMISSION
Thursday, February 4, 2016 - 6:00pm
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City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Vince Kadlubek on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present

Commissioner Vince Kadlubek, Chair
Commissioner Brian Patrick Gutierrez, Secretary
Commissioner Justin Greene
Commissioner John B. Hiatt
Commissioner Stephen Hochberg
Commissioner Mark Hogan
Commissioner Piper Kapin
Commissioner Sarah Cottrell Propst

Members Absent

Commissioner Roman Abeyta [excused]

OTHERS PRESENT:

Mr. Greg Smith, Current Planning Division Director and Staff Liaison
Mr. Noah Berke, Current Planning Division, Senior Planner
Mr. Dan Esquibel, Current Planning Division, Senior Planner
Mr. Zach Shandler, Assistant City Attorney
Mr. Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Planning and Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ELECTION OF A SECRETARY

Mr. Smith clarified the duties of the Secretary.

Commissioner Propst moved to elect Commissioner Hiatt as Secretary. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF AGENDA

Mr. Smith said item #3 is postponed to the next meeting.

Commissioner Hiatt moved to approve the agenda as amended with #3 postponed. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

E. APPROVAL OF MINUTES AND FINDINGS OF FACT

1. MINUTES: January 7, 2016

Commissioner Hiatt asked for corrections of two typos. The first was on page 10, 11th paragraph which is should say, "Chair Kadlubek asked staff to clarify the process for the Commission to place an additional condition when approving as case." The second was on page 17, last paragraph, where a dash should be deleted after "Mr. Siebert said...'

Commissioner Hiatt moved to approve the minutes of January 7, 2016 as amended. Commissioner Kapin seconded the motion and it passed by unanimous voice vote except for Commissioner Hochberg who abstained.

2. FINDINGS OF FACT & CONCLUSIONS OF LAW

a. Case #2015-115. Estancia de Las Soleras Phase 1C Preliminary Subdivision Plat.

A copy of the Findings of Fact and Conclusions of Law for Case #2015-115 is attached to these minutes as Exhibit 1.

Commissioner Hiatt moved to approve the Findings of Fact and Conclusions of Law for Case #2015-115 as presented. Commissioner Greene seconded the motion and it passed by unanimous voice vote except for Commissioner Hochberg who abstained.

b. Case #2015-116. Pulte SFHP Development Plan.

A copy of the findings of Fact and Conclusions of Law for Case #2015-116 is attached to these minutes as Exhibit 2.

Commissioner Hogan moved to approve the Findings of Fact and Conclusions of Law for Case #2015-116 as presented. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote except for Commissioner Hochberg who abstained.

F. OLD BUSINESS

There was no old business.

G. NEW BUSINESS

- 1. An ordinance establishing requirements for bicycle parking for new developments or those increasing in intensity by 25 percent or more. (Councilor Bushee) (Melissa McDonald)**

Ms. McDonald noted the Commission had a copy of the ordinance in their packet and stood for questions. A copy of this proposed ordinance is attached to these minutes as Exhibit 3.

Commissioner Kapin was glad to see this and other proposals that promote pedestrian traffic here in Santa Fe. She noticed that it looked like lots of numbers were amended in Exhibit C. She asked if those numbers are from some sort of data in other communities.

Mr. Keith Wilson (MPO Staff) said their intern, Nathan Todd, did the work on this last summer. He researched the results of what other cities that had ordinances on the books and came up with these numbers. They seem to be reasonable outcomes.

Commissioner Hogan said it appears that the numbers are consistently reduced as a result of the code.

Mr. Wilson agreed.

Commissioner Hogan noted in the FIR that it would have no financial impact on the City for enforcing but also any developers would have a decreased obligation.

Mr. Wilson said that was potentially true, depending on the style they chose. He is now doing an analysis of bicycle parking types. The wavy style is a little cheaper.

Commissioner Greene was concerned about location. Sometimes they are put close to the door like in

front of the Santa Fe Community Convention Center and that congests traffic at entrances. They could take up a pedestrian pathway. It says within 50' but maybe the ordinance should add "not within 25' of a pedestrian point" so as not to be close to entrances.

Ms. McDonald agreed to add that.

Chair Kadlubek said the reason for making it less than 50' is that some developers put them far away from the entrances. Maybe the language could prohibit installing them at congested areas. Some are building permit only but the Commission can catch those with a development review.

Commissioner Kapin pointed out that under the parking section, the last bullet says "must be hard surface." She asked what that would be, other than concrete or pavement.

Ms. McDonald said compacted crusher fines would qualify as well.

Commissioner Propst asked if this pertained only to commercial and major residential or all developments.

Mr. Wilson said it was not for single-family houses. He read that section from the code.

Commissioner Propst asked why certain types of facilities were prohibited.

Mr. Wilson said it was from national guidance that the type installed needs to provide two points of contact for the bike frame.

Ms. McDonald said it was discussed extensively at the BTAC meeting and determined that this one was superior.

Commissioner Kapin said she has seen bike racks that double as public art. What this lays out is really clear. To allow creativity would be good.

Chair Kadlubek thanked Councilor Bushee for bringing it forward.

Commissioner Hiatt moved to recommend to the Governing Body approval of Resolution 2016-6 as presented. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

2. A resolution requesting staff to develop a Land Use Facilitation Program based on the highly successful Albuquerque model. (Councilor Bushee) (Lisa Martinez) (Noah Berke)

Mr. Berke presented this resolution. It was brought by Councilor Bushee for Staff to develop a model facilitation program with input from Commission and the other boards and would be brought back to Council within 180 days. There will be a Fiscal Impact Report(FIR) when brought forth as an ordinance but

not one now because it is a resolution.

Mr. Smith clarified that this is a public hearing and members of the public are here to address it.

PUBLIC HEARING

Chair Kadlubek opened the public hearing.

Mr. Philip Crump, 1897 Conejo Drive, said he has been a mediator here in Santa Fe since 1992 and a participant contractor in the Albuquerque Land Use Facilitation Program since 1998. He has been advocating for this to be incorporated into the City's planning process since the year 2000. He is encouraged that the new Land Use Planning Director is open and working with Staff in considering the Albuquerque program and bringing elements of that program to enhance the ENN process. He provided a handout for the Commission that summarized the Albuquerque program (attached to these minutes as Exhibit 4).

Mr. Crump went through the process with the Commission. Applications are going to proceed to HE and screened by Staff for any potential need to address concerns. The meetings are conducted at no additional cost to the citizen or to the City's General Fund. Recently the Director in Albuquerque noted that about 30% are screened for facilitation and about 80% are resolved at the meeting. The issues are either resolved there or by the time they get to the hearing body the issues are clear. The meetings are conducted by the facilitator who contacts all potential parties, conducts the meeting and writes the report on the results of the meeting. A big advantage is in using neutral facilitators.

Those living within 300 feet of the project location are invited. Using a facilitator to conduct the meeting saves time and resolves most issues before going to the hearing bodies, saving them lots of time and gives citizens a voice. Providing a voice for citizens in an organized and coherent fashion allows the citizens and applicants to have productive conversations.

Ms. Deborah Oliver, 814 Camino del Monte and Founder of Common Ground Facilitation Services in Santa Fé since 1977, emphasize the use of professionally trained facilitators for land use. She has seen some hot headlines lately in the papers about polarized dynamics. Those can be prevented with early intervention.

She said it is important to use professionals who can de-escalate or prevent those tensions in a safe controlled environment to get some resolution and some common ground. It gives a voice to everyone and sometimes it is found the best ideas are in the minds of those quiet folks in the back. It eliminates bullying. The work product is a very detailed report listing things resolved, those not resolved, etc. - a really detailed report to Staff.

This City hasn't used this type of facilitation but controlled facilitation has served the City. Back when Chief Beverly Lennen was police chief and there was tension between the police force and community activists, we helped defuse the tension and took hot, dangerous issues and brought them to resolution in

the community so it is a very powerful tool.

Ms. Mary Schreiber, 2129 Rancho Siringo Road and representative of the Rancho Siringo Neighborhood Association, was speaking in favor of this resolution. These changes to the ENN practice model the original ENN by Craig Barnes at the development of the Railyard in the early 1990s. In her neighborhood there were two meeting with developers without facilitators and they could have gotten better results with facilitation.

Mr. James Dyke, 2005 Calle de Sebastian and President of the Southeast Neighborhood Association said their Association is in favor of this resolution.

Ms. Kate Kennedy, 929 López Street, representing the renters' voice, said the- renters should be heard. She is a renter without an association and wanting renters to be included in these conversations

Mr. David Gold, 362 Calle Clina, also working in the Albuquerque program with Mr. Crump, said this process saves time and money for everyone - for citizens, decisions makers, staff and developers. It benefits everyone. When things get emotionally charged, the parties get reckless but in a controlled environment, people can talk with each other in non-adversarial manner with a less tense, safe environment. He has seen it many times. It unites rather than divides communities.

There were no other speakers from the public regarding this case and the public portion for this item was closed.

COMMISSION DISCUSSION

Commissioner Greene thanked to Mr. Berke for bringing it. It is ironic that it happens at the end of Councilor Bushee's term.

First on his list, was a concern that the resolution says nothing about open space, access to open space in that list. Road network, maybe more specific on trails, multi-modal, etc. need to be on the list.

On the third page at the top, he asked if anybody could call for this facilitation.

Mr. Berke said yes, as currently drafted and as in the Albuquerque model but he would welcome any language to improve that section.

Commissioner Greene thought it should be maybe a resident living nearby or a member of a neighborhood association located there instead of someone who lived far away. There is also a definition of "neighborhood planner" needed.

Mr. Berke didn't think it is defined in the current Land Use Development Code, but he was hired as a neighborhood planner.

Commissioner Greene asked what the cost is now on a small project.

Mr. Crump said the average cost is around \$500 for contacting the parties, conducting the meeting and writing the report. Typically, there are two facilitators present - one conducting and one recording. In Albuquerque it is a "citizen with standing" who can make the request.

Mr. Berke said he researched the Albuquerque model. It has been in place since 1987. They charge every applicant with a development plan fee of \$75 whether it is going to dispute resolution or not. The City Attorney's Office handles that fee. We would have to use our own process here in Santa Fé.

Commissioner Kapin asked if all neighborhoods in Albuquerque have associations.

Mr. Crump said they don't.

Commissioner Kapin said there are many here without associations, so she wondered how Santa Fe could get broader participation.

Mr. Crump said Albuquerque has hundreds of neighborhood associations and have had for over 100 years. The Office of Neighborhoods helps. In areas without an association, the applicant must still post a notice. Usually, by the end of the facilitation meeting, the neighbors begin to understand the importance of having an association. Not everyone joins an association. It is a matter of notification - providing information and support. "Instead of having a gaggle of panicked individuals, you have a structure and most have knowledgeable people who know about land use regulations. And they can point out the legal points."

Commissioner Kapin said there is not much coordination among neighborhoods in Santa Fé.

She asked what the hurdles in this model are when this is set up between the applicant and the neighborhood association.

Mr. Crump said he was surprised when looking at the long list of associations in Santa Fé, many of which are dormant until events come along. This process is reason for them to come to life. Having a full-time neighborhood planner is fantastic and Mr. Berke can help bring them back to life.

Mr. Gold said they also see this as a deficiency in the Albuquerque program when people are not notified. We hope this has an improvement with the ENN type of notification.

Commissioner Kapin said she would like to see that, going forward.

Chair Kadlubek agreed the issue here is, with the long list of associations, that most of the time the associations are sparked only when an issue comes along. And it is about representing not the neighborhood but a specific opinion in a neighborhood. He asked where the room is for the person who lives in the neighborhood but differs from the association and might not be invited into the association so that they follow some kind of code of conduct.

Mr. Berke said right now there are no criteria for registering an association but the City has set up some parameters, including that the association has to be open to all who live within the boundaries. It is different from a Homeowners Association. He said the City can try with social media platforms to see if they notify neighbors and inform all citizens. There are south side associations that may exist but are not registered. We would like to hear from all of them and work to bridge that gap.

Chair Kadlubek added that Ms. Kennedy's point about renters is also important. When the Commission has developments happening near a neighborhood, there are definitely stakeholders who don't live in the neighborhood.

Commissioner Greene recommended this should be for residents of all types, including those who are trying to move there or a business that wants to locate there. They would have standing.

Commissioner Propst thought this is positive and a good thing to consider. She asked if it would replace the ENN.

Mr. Berke said it does not. It would stand alone separate from an ENN.

Commissioner Propst asked what the sequence is.

Mr. Berke said the ENN that happens first might lead to some conflict and this facilitation would then kick in.

Mr. Smith explained that this is a resolution for Staff to work and develop standards. He didn't think Staff knew the answer yet to her question. There will be hearings, but not until it is finalized.

Commissioner Propst asked if there was currently a method for the City to hire a facilitator.

Mr. Berke said that currently, it is through an RFQ process and if under \$5,000, the Land Use Department can hire a facilitator. Public Works has hired a facilitator for the design group working on a project. Over a certain amount requires an RFQ.

Commissioner Hochberg said he heard from a citizen the word "professional." He asked if there is a license for facilitators.

Mr. Crump said there currently is no license issued for mediators or facilitators. It is a general term for full-time practicing. However, they are trained. In Albuquerque, they have done some training.

Commissioner Hochberg asked about what is included in the report - whether the report reflects all points of view, consensus points of view, disgruntled people, etc.

Mr. Crump said all of the above is reported: All who attended, overview of the meeting, points agreed upon and points not agreed upon. It is a topical outline of the meeting, not a transcript. It is to capture the flavor of the meeting; next steps or indication of what issues are still in contention if there are some. And,

because people do have a voice, it typically calms the emotions. He conducted one with 800 people present on a Walmart issue. And people know their points have been presented.

Commissioner Hochberg asked about the time frame. He understood this would be after some contention has arisen.

Mr. Crump said it is typically about 3 weeks from the referral until the report is due. Reports are due within 48 hours after the meeting and it goes to all participants. Because it has been in place for a long time in Albuquerque, many developers go to the associations before purchasing the land. If there is major opposition, they can use a facilitation meeting. So a lot can happen before spending lots of money.

Chair Kadlubek asked if anyone is welcome in the Albuquerque meetings.

Mr. Crump said it is an open public meeting.

Chair Kadlubek asked if any representative from the City would attend the meeting and their interests and needs be represented.

Mr. Gold said generally they would not be there but they could be.

Mr. Crump said there are occasionally traffic planners at the meeting because traffic is almost always an issue. Typically, the planner is not present for the City. And if they are, it is for information only but not to get involved with an opinion.

Commissioner Hiatt asked why this doesn't have a resolution number.

Mr. Smith was not sure.

Mr. Berke thought there was a resolution number but was not typed in.

Commissioner Hogan asked how many meetings there might be. In his experience it takes more than one meeting to get resolution.

Mr. Gold said these are generally one single meeting but he has seen a few with a second meeting. It is pretty easy to identify what is agreed and what isn't.

Commissioner Hogan asked if there is any mechanism for qualifying assertions made by people at the meeting. People can play the facts up or down, depending on their interests. This is sort of left to their own integrity.

Mr. Gold said he always tries to ask the right question so the truth is heard. That is the job of the facilitator to bring the reality up. He has always worked closely with City Staff to know the issues. And if something is incorrect, he would include it in the report.

He also thanked the Commission for hearing this.

Commissioner Hiatt moved to recommend approval to the Governing Body of Resolution 2016-___ that supports development of a Land Use Facilitation Program based on the Albuquerque model. Commissioner Hogan seconded the motion.

Commissioner Kapin proposed an amendment to add the specific training requirements for facilitators. Commissioner Hiatt and Commissioner Hogan said the amendment was friendly.

Commissioner Kapin asked for an amendment under step 3, first bullet point, to include non-association outreach.

Commissioner Hiatt and Commissioner Hogan accepted the amendment as friendly.

Commissioner Kapin said the Commission heard that in contentious situations, there is sometimes a desire for people who cannot attend the meeting for whatever reason to have a mechanism for participation, whether by social media or for a person to write in comments. She asked that such a mechanism be included in the resolution.

Commissioner Hiatt accepted that amendment as friendly.

Mr. Berke said he had seen some proposals from facilitators to have video conferencing.

Commissioner Hogan asked if that is provided on request or a standard provision.

Mr. Crump said it is typically done in scheduling. We work through the associations and they will poll for attendance and try to find a time for as many as possible to attend. The report is pretty complete and sent out and allows for others to provide input to the HE.

Commissioner Hogan reasoned that even if the meeting is not broadcast, a recording could be made available or just rely on notification.

Mr. Crump said they do what they can to involve as many participants as possible and offer the complete report so people can submit other input

Commissioner Hogan said he would have accepted that as friendly if offered.

Chair Kadlubek had a few requested amendments. The first is that facilitation is in addition to ENN. Commissioner Hiatt and Commissioner Hogan accepted that amendment as friendly.

Chair Kadlubek asked for an amendment to include all types of projects including open space and trails. Commissioner Hiatt and Commissioner Hogan accepted that amendment as friendly.

The motion, as amended five times, passed by unanimous voice vote.

3. **An ordinance amending Section 7-4.2 SFCC 1987, Residential Green Building Code by repealing Exhibit A to Chapter VII SFCC 1987; adding a Requirements section to the Residential Green Building Code; and amending Section 14-8.2(D) with regards to Best Management Practices. (Councilors Ives and Bushee) (Katherine Mortimer) (TO BE POSTPONED TO MARCH 3, 2016)**
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STAFF REPORT

Mr. Esquibel presented the staff report for Case #2015-124. Please refer to the staff report, included herewith to these minutes as Exhibit 5.

Mr. Esquibel handed out a site plan that was not in the packet. The site plan is incorporated into these minutes as Exhibit 6. He noted the monitors are not working correctly so the applicant wanted to but couldn't show his power point presentation.

The Staff report recommends approval of the Development Plan and Variance, subject to conditions presented in Exhibit A. The variance has to be addressed first. The application requests a variance to road standards. They cannot widen the road because of structures that are in the way. So the Fire Marshal also requested a portion to be maintained continually by the Applicant in a condition that would support 75,000 pounds (fire truck). They also required the applicant to install sprinklers in all buildings including existing buildings. The Applicant has agreed to those requirements.

The project is to expand the density beyond 10 units per acre. Chapter 14 requires a development plan when density is beyond 10 units per acre.

The Applicant has addressed all relevant requirements of the Code and has addressed the variance criteria. It is up to this Commission to determine if that is so.

QUESTIONS TO STAFF

There were no questions to staff.

APPLICANT'S PRESENTATION

Mr. Tom Gifford, 805 Early Street, was sworn. He indicated they are asking for a variance. It is a Heritage Neighborhood. The lots were divided around 1942. The private drive is 15' wide with multiple projects on that lot with similar densities to this one with 22 and 24 units per acre existing. It is in compliance with the General Plan for high density residential.

PUBLIC COMMENT

Mr. Smith pointed out that the Commissioners have email correspondence under other submittals in the packet. Richard Rose is correspondent.

Ms. Kelly Lucero Brickbuddy, 1319 Pacheco Court, addressed the safety and the road upkeep for the development. She was not necessarily against the development. There is only 15' width for the road and there are two entrances for Pacheco Court. Lots of people live there; some in two-story condos, and everybody uses the road. She said her dad maintains it now and no one else contributes to that. Everyone has to help. Pedestrians who take the train walk through there and there is a lot of trash back there from the people who use the road. The road also has potholes and is icy in winter. PNM owns power poles at the L part of the road and if they could put up mirrors on the poles, people could see when someone is coming from the other direction. Perhaps it should be 5 mph back there. It would be safer for pedestrians first and motorists back there.

Commissioner Hiatt asked Mr. Esquibel to show her the site plan so she could indicate where she lives.

Ms. Lucero came forward to show Commissioner Hiatt where she lived. She pointed out the location of the L-corner in the road and the second entrance off Pacheco Street near Alta Vista and the chain-link government parking lot.

Mr. Esquibel clarified at the bottom of the map, the City owns from Pacheco Street to Pacheco Court and Pacheco Court is private.

Mr. Dennis Lucero, 1321 Pacheco Court, said he lives right on the corner by the north end. He said the developer said they would maintain the road for the fire department. He asked how they are going to do that and how they will get the garbage containers out of there because the big garbage trucks cannot get through. Everyone on Pacheco Court has to push their garbage bins up to Pacheco Street. He also asked how they proposed to alter the road so the fire trucks can turn at the L.

Mr. Shandler asked Mr. Lucero if he was in charge of the road as his daughter had described.

Mr. Lucero said he was not in charge of it but nobody else does any clean up. He didn't think it should just be up to him. It needs to be addressed because it isn't fair for only person to have the burden.

Mr. Anthony Chávez, 27 Shore Drive, Los Alamos, was sworn. He said the private drive was shown on the plat was named Rincón del Sol. He said he owns a unit in the Andover Condominiums which is adjacent to the subject property. The road is really not maintained and he wondered if the City is going to take it over and require that it be paved with curbs and storm water drains.

There were no other speakers from the public regarding this case.

QUESTIONS TO THE APPLICANT

Mr. Esquibel said on the southern part of the site map where it is labeled, C-1 PUD is the area of concern for the Fire Marshal. Pacheco Court is not a city street. At the intersection with Pacheco Street to the center of the site is the request for maintenance and upkeep from the Fire Marshal upon the applicant. That is the direction the fire truck would travel in an emergency. He felt they could pull into the drive and back out to return back out the same place.

Regarding trash removal, Exhibit B-5 is the response from Environmental Services for trash and garbage.

Commissioner Kapin said the testimony is that the residents have to push their trash cans out 200'. She asked where they have to push them for pick up.

Mr. Esquibel said the only response he got is that they bring them out to the curb. The applicant will have to clarify that condition.

Commissioner Kapin knew there are a lot of little easements like this. She asked at what point the City would take over maintenance when it does happen.

Mr. Esquibel explained that when the City takes over a road, it has to meet the road standards and it goes through a process. He talked with the Traffic Engineer and there is no plan for the City to take it over.

Mr. Smith said the variance does include lack of curb and gutter. It is not feasible to bring that road up to city standards.

Mr. Esquibel added that at the ENN, the applicant indicated he would contribute to the maintenance there. They will have to sustain it for fire protection at a level to withstand 75,000 lbs.

Commissioner Hogan said the Commission heard that to offset the access issue the units must be sprinklered and asked if separate fire service is required to be extended.

Mr. Esquibel said there seems to be an abundance of hydrants. There are two on the property as shown and the applicant would address that.

Commissioner Hogan pointed out that it just says a line extension would be required. So he wanted to

know how the hydrants on the property are being served. The firefighting ability requires a 20' wide access for a lot of reasons. Access from the south is one way but usually two access points are required. While he was supportive of the project, He was aware of the density there and the limited emergency access. For access to be difficult for garbage trucks, let alone fire trucks, made him concerned with that density and what the impact on the neighborhood will be.

Mr. Esquibel said in talking with the Fire Marshal, the condition was based on building up that southern part of the road and sprinkler all proposed and existing buildings. Going out the other end was not discussed.

Commissioner Hogan said there are all kinds of logistics on fire fighting and 20' is the standard for hoses and once in place, they cannot be moved. He was not sure the Commission could get answers to that now since the Fire Marshal is not present.

Mr. Smith said the Fire Marshal does routinely attend the meetings and he was not sure why he is not here tonight. It could be postponed until he is present.

Commissioner Hochberg suggested doing that. He was not comfortable yet.

Commissioner Hogan said his other concern is the density in the neighborhood. There appears to be very little common open space. It looks like all of the open space is sidewalk.

Mr. Esquibel said they do comply with having 250 square feet per unit, most in back yards.

Commissioner Greene asked if Pacheco Court is a one-way road or two-way.

Mr. Esquibel said it is two-way. A one-way might reduce the conflict.

Ms. Lucero said it wouldn't make sense because the fire truck has to come in from the south and could not go out the north. She could clear it in her truck but a big truck won't be able to negotiate it.

Commissioner Greene understood but the blind corner is where it happens.

Ms. Lucero agreed.

Commissioner Greene said he didn't know whether Traffic would recommend that or not.

Chair Kadlubek commented that it seemed one-way would not do it because the fire truck has to turn around or back out to the south entrance. Every time Chief Gonzales talks about it, access is automatically 20'. So he was surprised about this variance and also the traffic congestion. This adds 16 units in already congested traffic. So it seems the Commission would have to talk with Traffic.

Commissioner Gutierrez asked, since this development will have to be sprinkled, if the north and south would also have to be sprinkled. There are 18 residents coming in. He asked how they could find a way

to put their 96-gallon garbage cans on Pacheco Street too. The Commission needs more information on that and whether the City would use one of their smaller trucks for this location.

He asked Mr. Esquibel if the south entrance to the end of the project site is where they will maintain the road.

Mr. Esquibel said his conversation with the Fire Marshal is to maintain the road only to the entrance of the project site. The entrance is right in the center of the property. And it is a 20-foot driveway at the center of the site. The City owns Pacheco Street to Pacheco Court but Pacheco Court to the project site is private.

Commissioner Gutierrez asked if that part of the road is asphalt paving.

Mr. Esquibel was not sure.

Commissioner Gutierrez asked if Rincón del Sol that was mentioned is the continuation of Pacheco Court on the north side to Alta Vista.

Mr. Gifford said it goes to Rincón del Sol which is actually a utility easement.

Commissioner Gutierrez said the Commission doesn't know if it is 15'.

Mr. Gifford said there are encroachments to the 15'.

Mr. Esquibel said it appears to get tighter on the north end.

Commissioner Gutierrez wanted to see the figures. He noted the ENN looked well attended with e0 people there but he only saw three short comments on the ENN.

Mr. Esquibel said those were the only ones. The rest of the questions got answered.

Commissioner Gutierrez asked about drainage.

Mr. Esquibel said there are two ponds at the parking area for storm water detention. Our terrain management engineer is here to address issues. There was some concern with drainage at the ENN. The Applicant said they would make it better as they accommodated the drainage for this development.

Chair Kadlubek asked if the Commission wanted postponement now or to continue asking questions tonight or.

Commissioner Hiatt thought it would be best to deal with the issues.

Mr. Smith clarified that with the density of 18 units per acre, this will have 9 on this half acre with 3 existing now and six proposed.

Commissioner Hiatt asked the Applicant about being a good neighbor and helping with clean up on that entire stretch of Pacheco Court.

Mr. Gifford said they agreed to maintain about 150' of Pacheco Court with 6" of base course which would carry the 75,000-pound load and it is more than their fair share. As the Commission knows, the Fire Marshall doesn't make recommendations lightly. They had four meetings and discussed these issues. Life safety is very important. They will have two sets of duplexes and single family structures using concrete blocks that are very safe. They are requiring sprinklers in all proposed and the three existing and that is very costly. The system is 13R and can run off the domestic line or separate units. They worked on it quite carefully. The fire truck would pull in and back out of the drive. They didn't feel they needed another access for this size development.

Commissioner Greene said we usually require two access but if there is a fire in a front unit there is no other way out. The separation is not 20' but 10' 9" and fire coming out of the windows makes getting out of the project difficult.

Mr. Gifford said they would not go by a burning building.

Commissioner Kapin said these fire questions need to be addressed to the Fire Marshal. She was debating about where it is safe or not. We do have a lot of questions for the Fire Marshal. She didn't want to go down a lot of what if scenarios.

Chair Kadlubek thought the Commission wants to trust staff recommendations. And we do want that to dictate these developments. But it is not just fire but also access to that road so questions for traffic and trash pickup are also being asked. There are a few loose ends to tie up. There has been respectful dialog with neighbors but we might just have to wait. There are issues like the amount of area they are willing to maintain and whether that seems to be a fair amount they are willing to take on.

Mr. Lucero said it is very unfair. On the north end it is 150 feet long. They are doing it in front of their building and a little to the left. Nobody is going to take care of the north end. Who will do the maintenance on the north end. That belongs to nobody. It needs all the neighbors to do that.

Chair Kadlubek asked if there is a way to solve that.

Mr. Lucero said he goes around and asks for help because they all use it. They say they use the south but they go north in their cars and speed around that corner. The north part is the worst part. It stays frozen until April because of the two-story buildings there. And if something happens on one side. They go the other way. He just wanted some help.

Mr. Ed Romero, Executive Director of Housing, was sworn. At the ENN he agreed to full participation in same number as units on the property. He did meet with the Fire Marshal several times. We have followed the process significantly. We probably would be the only ones sprinklered in that street. And the fire truck could go half way up to the street. It is costly and we are not sure we can build it with the resources we have. It is an infill project and that is meaningful. They are difficult to find in this town. We did have the

ENN, we met with Fire Marshal but time is money. We purchased in April last year and would like to do it as one project but we would like to move forward now.

Mr. Shandler said it looks like south side is just a parking lot.

Mr. Esquibel said that is correct.

Mr. Shandler asked if there was any talk about the applicant purchasing that 20' feet.

Mr. Esquibel said Santa Fé Civic Housing is not a rich organization. Aside from the recommendation, there was also a sewer issue. The City found the line but the Applicant has to build a new sewer line to tap in at the manhole at the southern end and build up the road for the fire truck and add fire suppression to all buildings and now, including his fair share to help with maintenance along that road. It is my understanding that what the project is able to bear may be over the top at this point.

Mr. Smith said in response to Mr. Shandler and the Commission concerns. That he believed any dedication of the south part of the road would help. If the findings cannot be supported and the Commission chose to postpone, it could be added to the February 18 meeting and March 3 would be the next one. We could have staff available on February 18 if that is the direction.

Chair Kadlubek asked Mr. Gifford about postponing it for two weeks. From the Commission view, it is more about having a few questions answered and making sure the staff are available. He asked if two weeks would be suitable.

Mr. Gifford said the Applicant prefers a vote this evening.

Commissioner Gutierrez asked Mr. Romero about how they would you continually maintain the road - how often in intervals.

Mr. Romero said it depends on the weather and it is hard to say. But we always respond immediately to complaints. We are out there to remove snow. If the road deteriorates we would have to get professionals to restore the road. At the end of the street is a neighborhood issue and we would talk with them on how to maintain it properly. Everybody should participate in the process and we will do our fair share.

Commissioner Gutierrez asked if any of their other units are on dirt roads.

Commissioner Gutierrez said only in Española.

Commissioner Gutierrez asked if they could put this on a regular maintenance schedule.

Mr. Romero said if they understood the schedule, yes. In his conversation with the Fire Marshal, to suppress depends on how fast the fire department can get there. Given the sprinklers and the maintenance of that road continual maintenance means a vehicle of 75 thousand pounds can get in there

to fight a fire. It would be his definition. Whenever the fire marshal says we need to work on it, we will.

Commissioner Gutierrez pointed out that if they stack more than one vehicle, then they are running into a separate issue.

Commissioner Propst didn't understand why a two-week delay would destroy the project. She felt the Applicant is bullying the Commission.

Mr. Romero said they were not trying to bully the Commission. So we will accept the two weeks. If you want to vote, that is fine too.

Chair Kadlubek said there are members of the public here but it would be nice to have fire and traffic represented here. We have their opinion documented here. They feel the variance can be approved and the development can move forward. What more will we get from their answers that we don't have already? Is it only for our own satisfaction?

Without this project we are left with twice as much road not maintained and a road that cannot handle a fire truck. The residents are worse off if we say we cannot approve it. It is not like a place with no residents. He was having a hard time wondering what more the Commission needs.

Commissioner Hiatt moved to approve with the conditions outlined by staff/Commissioner Gutierrez.

Chair Kadlubek -we have to first approve the variance.

It seems like the variance is the issue. The fire variance.

ACTION OF THE COMMISSION

Commissioner Hiatt moved to approve the variance request for Case #2015-124. Pacheco Courtyard Variance. Commissioner Gutierrez seconded the motion.

Commissioner Gutierrez asked Mr. Smith if there is something Land Use Staff can do with that easement in case a fire apparatus needs to come park on that place.

Mr. Smith said they spent a fair amount of time and he was not sure they found all the documents that recorded this easement. Land Use Staff have very little authority to modify an easement. The Fire Marshal could require maintenance of a private easement. But the Land Use Department would not have that authority. The Commission has the authority to require improvements to easements. It is within your power to require improvements in the public ROW but he would be hesitant to say Land Use has such authority.

Commissioner Hogan said they got conflicting testimony on the solid waste. He heard there is not adequate solid waste removal. They have to take it to Pacheco Street. What is the actual situation on that?

Mr. Esquibel said he cannot provide further information. The only curb and gutter is Pacheco Street. They do have smaller trucks but he didn't know if they could use one there.

Mr. Gifford said he has seen them pull it to the curb just south of their property but have not seen a truck there.

Commissioner Greene asked if there is room for each one to have garbage containers.

Mr. Gifford agreed they have room on the property and the residents can put them to the curb. If the Commission wants a sidewalk there they are willing to construct it

Mr. Esquibel said there was also a good debate in our office. For this road, those two extra parking spaces by the applicant would be very important.

Mr. Smith noted one of the residents indicated she was chair of the association to the south and might consider installing a sidewalk at the property line. It is possible to envision a curb and widening the access at the same time but Staff cannot require that to any adjoining property.

Commissioner Greene asked if it is possible a facilitator could deal with it within the two weeks.

Commissioner Hiatt said that doesn't mean you can't move to table.

Chair Kadlubek said they have contrasting data. One is that we really need more information and the other side says we have deliberated a lot. He asked Mr. Smith or Mr. Esquibel to indicate what this has gone through enough to get to the Commission.

Mr. Esquibel said the biggest issue was fire and the next was sewer. There are areas of the city of which we are unaware because we don't have a map. There were some roots that had to be cleared out to determine what was there. And because it was a city sewer, whether we had funds to do it. But we found it is in fairly good shape to carry the load. The second was since they cannot widen that road to 20', because lots of structures encroach, it does taper and narrows as you go north.

So with that in mind, the Fire Marshal said in order to suppress that fire, he had to hedge his time with sprinklering. The second was that as a private road and not city maintained, he had to require that from the city road to the access point, it had to be built up so a fire truck would not get stuck and the owner had to maintain it. So they established a way to give a variance with the extra fire protection. The trash removal issue was late. It was his fault for not asking which street the trash would be taken to.

Chair Kadlubek asked how long this application has been in City hands.

Mr. Gifford said he brought it to the City in July 2015. The first application was officially in October to start the process. So six months for six units.

Commissioner Kapin understood the fire suppression is quite expensive and knew they are doing their

portion of affordable housing.

Mr. Romero said the rent would be somewhere between \$800 to \$1100 per month.

Commissioner Hochberg said they are apparently enhancing fire safety for the whole area and a better maintained street. None of the residents testified the application should not go forward. Materially, at least the neighbors will have better conditions and more affordable housing. And there will be greater fire safety in the area. I was first terribly concerned at first but we should be concerned about going forward now. He didn't think the Commission needed the two weeks and they won't hear anything more from the Fire Marshal. He would give a positive vote for the variance.

Commissioner Hogan tended to agree with that. For future cases, particularly when something this unusual from fire comes up he would be more comfortable having the Fire Marshal at the meeting.

Chair Kadlubek felt we could have positioned ourselves better for this past hour. Mr. Gonzales is always here so this is a rare thing. He asked if the Applicant knows what is happening with the lot north of the site.

Mr. Gifford said there is a barn-type structure in the middle and well maintained. It always has a padlock on the gate.

Chair Kadlubek added that there is another empty lot at Alta Vista. This is a good example where reasonable smart development can actually help the area. If there is further development to the north, the road might be better maintained and adjustments so the curve could be safer and provide more fire safety. Maybe it would also solve the Alta Vista/Pacheco strange alignment also down the line.

The recommendation for the mirror on the pole seems legitimate. He asked if that is a PNM thing.

Mr. Smith said it depends if the poles are within the City ROW. No one could put them up unless the Traffic Engineer approves that. If not, then up to someone else.

The motion to approve the variance passed unanimously by roll call vote with Commissioner Hogan, Commissioner Greene, Commissioner Kapin, Commissioner Gutierrez, Commissioner Propst, Commissioner Hiatt, Commissioner Hochberg and Commissioner Kadlubek voting in favor and none voting against.

Commissioner Propst asked if this is the only time for the Commission to look at the development plan.

Mr. Esquibel agreed.

Commissioner Hochberg moved to approve the development plan for Case #2015-124. Pacheco Courtyard Development Plan as presented. Commissioner Hogan seconded the motion and it passed unanimously by roll call vote with Commissioner Hogan, Commissioner Greene, Commissioner Kapin, Commissioner Gutierrez, Commissioner Propst, Commissioner Hiatt,

Commissioner Hochberg and Commissioner Kadlubek voting in favor and none voting against.

H. STAFF COMMUNICATIONS

Mr. Smith reminded Commissioners of the study session on Chapter 14 on Thursday, Feb 18th >>>

Chair Kadlubek recalled in the minutes that there seemed to be presentation on the General Plan.

Mr. Shandler agreed.

I. MATTERS FROM THE COMMISSION

Commissioner Greene reported on the West Alameda Corridor Work Group which has been meeting regularly every week except for a break for the holidays. They are beginning to put together some recommendations. They did a comprehensive look at existing conditions and will be scheduling an open house at an unknown date.

Commissioner Gutierrez asked if the open house is to tell the public what they found or to start getting the public involved.

Commissioner Greene said it is to get them involved in visioning but is not a presentation of recommendations yet.

Commissioner Gutierrez announced there was no Summary Committee held.

Commissioner Kapin noted there is no Long Range Planning update again.

She asked if there a City technology person who could be responsible for the AV equipment. It is frustrating when the applicant has worked to have a presentation ready for the Commission. She requested for the technology to be working smoothly for the Commission. It is ridiculous to not have it working when needed.

Mr. Smith said the Land Use Department Staff shares that concern. The person was ill tonight and we need to do a better job on that.

Chair Kadlubek said for the last three months in a row, the Long Range Planning Committee did not meet. That is where the sector plans are supposed to be ratified. It is such a vibrant moment for Long Range Planning and they are not meeting. He didn't know what could be done other than just stating it again. He asked why the Commission is not meeting about Long Range Planning.

Mr. Smith understood his concerns and asked if the Commission wished to have the Long Range Planning Staff attend the February or March study sessions.

Commissioner Hiatt asked Mr. Smith to draft a resolution to move the Long Range Planning Department back to Land Use.

Mr. Smith said the process is that Staff does have some authority to do it but it will take a sponsor from the Governing Body to get it done.

Commissioner Greene said he has not talked with Reed Liming or Richard McPherson but is thinking the next meeting will be before our next study session.

Commissioner Greene said he cannot be present for the first meeting in March.

Chair Kadlubek thanked Commissioner Hiatt for his request.

Commissioner Propst said she would also have to miss the March meeting and will be out of state for the second meeting in March.

Everyone else indicated they will be present.

Chair Kadlubek and Commissioner Gutierrez asked Mr. Shandler about any restrictions of Commissioners regarding ENN meetings.

Mr. Shandler said he would be talking about that at the study session.

J. ADJOURNMENT

Commissioner Hochberg moved to adjourn the meeting.

The meeting was adjourned at 8:50 p.m.

Approved by:



Vince Kadlubek, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.

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

Case #2015-115

Estancia de Las Soleras Phase 1C Preliminary Subdivision Plat

Owner's Name- Pulte Group

Agent's Name- James W. Siebert and Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on January 7, 2016 upon the application (Application) of James W. Siebert and Associates as agent for Pulte Group (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 67 lots located on 25.86+/- acres, Tract 11A of the Las Soleras Master Plan. Tract 11A is zoned R-6 (Residential, 6 units per acre). The plat is the final unit of Phase 1 of the overall Pulte residential development. The request requires a variance request for the disturbance of slopes over thirty percent.

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and there was one member of the public in attendance to speak.
2. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code § 14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on the entire Pulte Application on October 30, 2014 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on the entire Pulte Application on December 16, 2014 at the Genoveva Chavez Center in accordance with the notice requirement of Code § 14-3.1(F)(3)(a).

10. The ENN meeting was attended by the Applicant and City staff; there were 60-70 members of the public in attendance and concerns were raised.
11. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.
12. The Commission finds the following facts:
 - a. *In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.* The proposed subdivision complies with this standard, subject that the applicable standards for the requested variance is met.
 - b. *The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed.* The land to be subdivided meets applicable standards and is suited to the residential density proposed.
 - c. *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* The proposed plat complies with applicable standards of Chapter 14, Article 9.
 - d. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.* The proposed plat does not create or increase any nonconformity with the applicable standards of Chapter 14, subject to approval of the requested variance.
 - e. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.* The proposed plat will not create a nonconformity with any other chapter of the Santa Fe City Code.
13. Code § 14-8.2(D)(2) sets out certain findings that must be made by the Commission to approve a variance criteria.
14. The Commission finds the following facts:
 - (a) special circumstances exist, in that there is a drainage within Unit 1C that traverses the property with steep banks on either side of the drainage and the slopes that exceed thirty percent are located along this drainage; (b) special circumstances make it infeasible to develop the land as there are safety factors associated with the steep slopes on the banks of the drainage that prevent reasonable and safe access from the road and lots to the pedestrian trail in the linear open space area shown on the subdivision plans; (c) the proposed density and lot sizes are consistent with that of nearby Nava Ade and other phases of Las Soleras; will not exceed that is allowed on other properties in the vicinity that are subject to the Ordinance in that the size of the proposed addition and extent of proposed grading are generally consistent with the development of other nearby lots; (d) the variance is the minimum variance that will make possible the reasonable use of the Property as the variance is for seven areas of slopes ranging from 120 square feet and this represents .004 of the total area of Unit 1C; and (e) the variance is not contrary to the public interest, as providing access to open space areas and encouraging people to walk and exercise is an asset to the public interest.

15. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.

16. The information contained in the Staff Report along with Exhibits B, B1 and B2 is sufficient to establish that the Applicable Requirements have been met.

17. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the Applicable Requirements).

CONCLUSIONS OF LAW

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

General

1. The proposed preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.

The Preliminary Subdivision Plat & Variance

3. The Commission has the authority to review and approve the preliminary plat and variance subject to conditions.
4. The Applicable Requirements have been met.

WHEREFORE, IT IS SO ORDERED ON THE 4th OF FEBRUARY 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

That the Applicant's requests for preliminary subdivision plat and variance request is approved, subject to Staff conditions.

Vince Kadlubek
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date:

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

Case #2015-116

Pulte SFHP Development Plan

Owner's Name – Pulte Group

Agent's Name – James W. Siebert & Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on January 7, 2016 upon the application (Application) of James W. Siebert & Associates as agent for Pulte Group (Applicant).

The Applicant seeks a preliminary development plan approval for the construction of an 87 unit affordable housing development on Tract 9-A-2 within the Las Soleras Master Plan. The 4.5 acre parcel is zoned R-21 (Residential – 21 units per acre).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. The Commission has the authority under Code §14-2.3(C)(1) to review and decide applications for development plan approval.
3. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN), notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an ENN meeting [§14-3.1(F)(2)(a)(iv)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. An ENN meeting was held on the Application on November 16, 2015 at the Santa Fe Public Southside Library.
7. Notice of the ENN meeting was properly given.
8. The ENN meeting was attended by representatives of the Applicant, City staff and approximately 2 interested others and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).

- Low Income Housing Tax Credits the complex must be reserved for low income residents for a minimum period of 40 years.*
- d. Heights of existing buildings in the vicinity. *There are no existing buildings within the half mile of this proposed development.*
 - e. Impacts of the increase height upon the neighborhood and the community so that the increased height 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. *The structures adjacent to Rail Runner Road are one and two stories in height. This is an intentional design element in the site plan in order to provide a transition from the R-6 zoning on the east side of Rail Runner Road and lessen the visual impact of buildings adjacent to Rail Runner Road.*
18. Code §14-7.2(F)(2) sets out certain factors that must be considered for having a density up to twenty-one dwelling units in R-21 districts.
- a. If the future use designation shown on the general plan is high density residential. *The general plan designation shown on the General Plan is high density residential.*
 - b. The need for the increased density, however, financial gain or loss shall not be the sole determining factor. *The need to develop at a density of 19.3 units per acre is required to achieve a density that is permitted by the underlying zoning, which is R-21 (twenty one dwelling units per acre).*
 - 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. *The additional density does make the dwellings more affordable since the required infrastructure is the same for three story units as one story units. Under the provisions of Low Income Housing Tax Credits the complex must be reserved for low income residents for a minimum period of 40 years.*
 - d. Densities of existing developments in the vicinity. *The density to the north is R-12, but this parcel is reserved as a regional park. The density to the south is R-21. The density to the west is R-21. The density to the east on the east side of Rail Runner Road is R-6.*
 - e. Impacts of the increase density upon 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. *The structures adjacent to Rail Runner Road are one and two stories in height. This is an intentional design element in the site plan in order to provide a transition from the R-6 zoning on the east side of Rail Runner Road and lessen the visual impact of buildings adjacent to Rail Runner Road.*
19. Code §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of area and to implement the policies of the general plan.

CONCLUSIONS OF LAW

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

General

1. The proposed development plan was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The Preliminary Development Plan

3. The Commission has the power and authority under the Code to review and approve the Applicant's preliminary development plan.
4. The Applicant has complied with all applicable requirements of the Code with respect to the development plan, including the Submittal Requirements.

WHEREFORE, IT IS SO ORDERED ON THE 4th OF FEBRUARY 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

That the Applicant's requests for preliminary development plan request is approved, subject to Staff conditions.

Vince Kadlubek
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date:

9. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the development plan and recommending approval by the Commission along with Exhibit B-1, B-2 and B-3.
10. Pursuant to Code §14-3.8(B)(3)(b), approval of a development plan by the Commission is required prior to new development with a gross floor area of ten thousand square feet or more located within a residential zone within the City.
11. A development plan is required for the Project.
12. Code §14-3.8(B)(4) requires that development plans described in §14-3.8(B)(3) must be reviewed by the Commission.
13. The development plan for the Project is required to be reviewed by the Commission.
14. Code §14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
15. The Applicant has complied with the Submittal Requirements.
16. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
 - a. That it is empowered to approve the development plan for the Project [§14-3.8(D)(1)]. *The Commission has the authority under the section of Code Chapter 14 cited in the Application to approve the development plan.*
 - b. That approving the development plan for the Project does not adversely affect the public interest [§14-3.8]. *The Project will not adversely affect the public interest because the development plan is in compliance with the density, lot coverage, height, parking, setbacks and open spaces standards required by the Land Development Code.*
 - c. That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project [§14-3.8(D)(1)]. *The use is compatible as this is a vacant tract of land and the Applicant has agreed to look at connectivity to the future residential housing in Pulte Unit 1C and future park.*
17. Code §14-7.2(E)(2) sets out certain factors that must be considered for building up to a height of thirty-six feet in R-21 districts, including:
 - a. If the future land use designations shown on the general plan is highly residential. *The City Future Land Use Map shows this land as high density residential.*
 - b. The need for the increased height, however, financial gain or loss shall not be the sole determining factor. *The third floor is needed to accommodate 87 dwelling units on the property to provide for a reasonable number of affordable rental units responding to the greatest demand for affordable housing in Santa Fe.*
 - c. If the height 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. *The additional height does make the dwellings more affordable since the required infrastructure is the same for three story units as one story units. Under the provisions of*

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2016-6

Bicycle Parking Code

SPONSOR(S): Councilor Bushee

SUMMARY: The proposed bill establishes requirements for bicycle parking within the City of Santa Fe.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: January 6, 2016

ATTACHMENTS: Bill
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2016-6

3 INTRODUCED BY:

4
5 Councilor Patti J. Bushee

6
7
8
9
10 AN ORDINANCE

11 ESTABLISHING REQUIREMENTS FOR BICYCLE PARKING FOR NEW
12 DEVELOPMENTS, OR THOSE INCREASING IN INTENSITY BY 25 PERCENT OR
13 MORE.

14
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

16 Section 1. Article 14-8.6(E) of SFCC 1987 (being Ord. #2011-37, as amended) is
17 amended to read:

18 14-8.6(E) Off-Street Bicycle Parking

19 (1) *Applicability.* Off-street bicycle space parking standards shall apply to all uses except
20 single family residential uses. Off-street bicycle parking is required for new development, or when an
21 existing development increases in intensity by 25 percent or more, as measured by increases in floor
22 area, seating capacity, or required parking spaces.

23 (2) *Bicycle Parking.*

24 (A) *Standards.* Bicycle parking must be provided in racks that meet the standards
25 outlined in Exhibit D.

An asterisk () at the end of a paragraph indicates that there are no comparable provisions in the State Code.
A reference includes any unreferenced paragraphs that precede it.

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(B) Location. Bicycle parking must be located within fifty (50) feet of the main entrance to the building as measured along the most direct pedestrian access route.

(3) Number of Required Bicycle Parking Spaces. Off-street bicycle spaces and racks shall be provided in accordance with Exhibit C Off-Street Bicycle Parking Tables 14-8.6-3, 14-8.6-4, 14-8.6-5 and 14-8.6-6.

Editor's Note: Tables are located in the appendix located following Section 14-12.

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2016/2016-6 Bicycle Parking Code

An asterisk () at the end of a paragraph indicates that there are no comparable provisions in the State Code.
A reference includes any unreferenced paragraphs that precede it.

Exhibit C - Off-Street Bicycle Parking Tables 14-8.6-3, 14-8.6-4, 14-8.6-5, 14-8.6-6

TABLE 14-8.6-3: General Off-Street Bicycle Parking For all uses except hotels or motels	
Automobile Parking Spaces Required	Bicycle Spaces Required
[10 or less] 0-5	[5] 4
[11-50] 5-15	[10] 6
[51-100] 16-50	[15] 8
[101-150] 51-100	[20] 10
[151 or more] 100 or more	[25] 12

TABLE 14-8.6-4: Hotel or Motel Off-Street Bicycle Parking For hotels or motels	
Number of Employees per Shift	Bicycle Spaces Required
[20 or less	5
21-40	10
More than 40	15]
Minimum 2 bicycle parking spaces	1 per 15 rooms. Establishments with more than 75 rooms shall provide 6 bicycle parking spaces for visitors.

TABLE 14-8.6-5: School Off-Street Bicycle Parking For schools	
Type of School	Bicycle Spaces Required
Elementary, [or] middle, or high school	[One space per 20 students] 1.5 bicycle spaces per 20 student seating capacity, 2 space minimum
[High school, commercial, trade or vocational school]	[One space per 50 students]
Colleges and universities	[One space per 20 students] 1 bicycle space per 10 student capacity, 2 space minimum.

Table 14-8.6-6: Restaurant Off-Street Bicycle Parking	
Minimum 2 bicycle parking spaces	1 bicycle parking space for every 1,000 square feet of restaurant dining capacity.

Exhibit D - Standards and Dimensions

Racks:

- Inverted U type bicycle racks are the required bicycle parking rack.
- Each rack must be securely anchored and accommodate a bicycle frame where one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.
- A space of two (2) feet by six (6) feet (12 square feet) must be provided for each required bicycle parking space so that a bicycle six (6) feet long can be securely held with two points supported so that the bicycle cannot be pushed, or fall in a way that would damage the bicycle frame, wheel, or components.
- All racks must provide two points of contact with the frame at least " apart horizontally.
- If a bicycle corral is sought within a public street right-of-way, all design elements shall be developed in coordination with and approved by the city of Santa Fe public works department and parking division.

Distance to other racks:

- Racks placed parallel to each other (side by side) must be at least thirty-six (36) inches apart, this includes rack units sold as multiple units attached together.
- Racks aligned end to end must be at least ninety-six (96) inches apart.

Distance from wall:

- Racks placed perpendicular to a wall must be at least forty-eight (48) inches from the wall to the nearest vertical component of the rack.
- Racks parallel to a wall must be at least thirty-six (36) inches from the wall.

Distance from curb:

- Racks placed perpendicular to a curb must be at least forty-eight (48) inches from the curb to the nearest vertical component of the rack.
- Racks placed parallel to a curb must be at least twenty-four (24) inches from the curb to the rack.

Distance from pedestrian aisle:

- Rack units perpendicular to a pedestrian aisle must be at least forty-eight (48) inches from the rack to the edge of the aisle, and the pedestrian aisle should be at least sixty (60) inches wide.

Parking and Maneuvering Areas:

- Each required bicycle parking space must be accessible without needing to move another bicycle.
- There must be an aisle of at least five (5) feet wide behind all required bicycle parking to allow for maneuvering of the bicycle. Where bicycle parking is next to a sidewalk, the maneuvering area may extend into the sidewalk.
- The area devoted to bicycle parking must be hard surfaced.

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X Resolution: _____

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **AN ORDINANCE ESTABLISHING REQUIREMENTS FOR BICYCLE PARKING FOR NEW DEVELOPMENTS, OR THOSE INCREASING IN INTENSITY BY 25 PERCENT OR MORE.**

Sponsor(s): Councilor Bushee

Reviewing Department(s): SFMPO

Persons Completing FIR: Melissa A. McDonald Date: 1/4/16 Phone: x6840

Reviewed by City Attorney: *Kelly A. Bluman* Date: 1/7/16
(Signature)

Reviewed by Finance Director: *[Signature]* Date: 1-7-2016
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

This bill would establish requirements for providing bicycle parking in the City of Santa Fe.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
 - b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
 - c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*
- 1. Projected Expenditures:**
- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
 - b. Indicate: "A" if current budget and level of staffing will absorb the costs
 "N" if new, additional, or increased budget or staffing will be required
 - c. Indicate: "R" – if recurring annual costs
 "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
 - d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
 - e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: *[Signature]*

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	\$ _____			\$ _____			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

a. To indicate new revenues and/or

b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

None.

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None identified.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The city would not have substantial regulations on requirements for bicycle parking.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None identified.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The citizens of Santa Fe benefit by improving biking conditions and that contributes to the health, safety, environmental, transportations and quality of life for its community members. By identifying and addressing barriers to riding bikes such as safe and adequate access to parking at main entrances, we are upholding this commitment to a complete streets approach. In addition, incorporating these types of measures into our code would likely increase our rankings with organizations such as the American Bicyclist League which in turn will help our economy. Also, this ordinance is in concurrence with the Mayor's Challenge for Safer People and Safer Streets passed by council resolution and signed by Mayor Javier M. Gonzales on May 27th, 2015.

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Resolution No. 2016-____
Land Use Facilitation Program

SPONSOR(S): Councilor Bushee

SUMMARY: The proposed resolution requests staff to develop a Land Use Facilitation Program based on the highly successful Albuquerque model.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: Yes

DATE: December 29, 2015

ATTACHMENTS: Resolution
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2016-__

3 INTRODUCED BY:

4
5 Councilor Patti J. Bushee
6
7
8
9

10 A RESOLUTION

11 REQUESTING STAFF TO DEVELOP A LAND USE FACILITATION PROGRAM BASED
12 ON THE HIGHLY SUCCESSFUL ALBUQUERQUE MODEL.
13

14 WHEREAS, a land use facilitation program would provide an opportunity for residents
15 and applicants to exchange information, ask questions, and discuss concerns about proposed
16 projects; and

17 WHEREAS, residents and applicants have expressed increased satisfaction with the land
18 use process; and

19 WHEREAS, a land use facilitation program would be a collaborative voluntary process
20 used to help parties discuss issues, identify and achieve goals and complete tasks in a mutually-
21 satisfactory manner; and

22 WHEREAS, the program would use a facilitator to focus on the processes and assist and
23 guide the participants in procedures of dispute resolution and decision-making; and

24 WHEREAS, the facilitator would be impartial to the issues being discussed, and have no
25 advisory role on the content of the meeting, and no interest in the outcome of the meeting; and

1 WHEREAS, any application in which residents may have questions or concerns about
2 the proposed project or the applicant feels that a facilitated meeting may be beneficial; and

3 WHEREAS, experience has shown that generally cases fall into four areas:

4 1. Infill Projects -- projects that affect the following:

- 5 a. The population density of an area (including apartment buildings);
6 b. The size and height of the proposed project that is incongruous with existing
7 development;
8 c. Resulting in a concern about overcrowding of local schools; and
9 d. An increase in traffic that leads to road modifications such as road expansion or
10 addition of lights.

11 2. Projects offering services that differ from traditional services or uses in the area such
12 as the following:

- 13 a. Businesses seeking liquor licenses;
14 b. Adult services; or
15 c. Assisted living programs.

16 3. Projects that affect major infrastructure systems:

- 17 a. Transportation;
18 b. Sewer;
19 c. Water;
20 d. Drainage.

21 4. Audit compatible with surrounding area

22 WHEREAS, the project would be referred to the Current Planning Division by various means:

23 Step 1 - Referral

- 24 • The Office of Neighborhood Planner;
25 • A division of the Planning Department; or

- An applicant, or a citizen expressing interest in a facilitated meeting.
- Neighborhood Planner

Step 2: Facilitator Assignment

- The Current Planning Division contacts the Facilitator Manager to assign a facilitator.
- The Facilitator Manager is a neutral contracted with the City of Santa Fe and is not a City employee.

Step 3: Initiation of Process

- The Facilitator calls the Applicant and Neighborhood Associations to determine interest in a meeting;
- If there is no interest, the Facilitator generates a "No Facilitated Meeting Held" Report;
- If there is interest the Facilitator schedules the time, date, and location of the meeting.

Step 4: Facilitated Meeting

- Applicant presents proposed project;
- Interactive discussion follows applicant presentation;
- Facilitator records comments, questions, concerns, and areas of agreement.

Step 5: Report Generation and Distribution

- Facilitator generates a neutral compilation of the facts presented at the meeting;
- Report is distributed to the appropriate Planning Division, the Current Planning Division, the Office of Neighborhood Planner, meeting participants, and the official neighborhood contacts provided by the Office of Neighborhood Planner.

1 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
2 **CITY OF SANTA FE** that City staff is directed to develop a Land Use Facilitation Program. Such a
3 program would be a voluntary avenue for developers and residents to ask questions, express concerns
4 and exchange ideas on proposed developments.

5 **BE IT FURTHER RESOLVED** that development of a Land Use Facilitation Program shall
6 include draft language to implement the Program as part of the City of Santa Fe Land Use
7 Development Code.

8 **BE IT FURTHER RESOLVED** that staff shall report back to the Governing Body on the
9 status of a Land Use Facilitation Program and anticipated fiscal impact within 180 days of adoption
10 of this resolution.


11 **PASSED, APPROVED AND ADOPTED** this _____ day of _____, 2015.

12
13
14 _____
15 **JAVIER M. GONZALES, MAYOR**

16 **ATTEST:**

17
18 _____
19 **YOLANDA Y. VIGIL, CITY CLERK**

20 **APPROVED AS TO FORM:**

21 
22 _____
23 **KELLEY A. BRENNAN, CITY ATTORNEY**

24
25 *Legislation/Resolutions 2015/Land Use Facilitation Program*

FIR No. 2760

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: _____ Resolution: X
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): A RESOLUTION REQUESTING STAFF TO DEVELOP A LAND USE FACILITATION PROGRAM BASED ON THE HIGHLY SUCCESSFUL ALBUQUERQUE MODEL.

Sponsor(s): Councilor Bushee

Reviewing Department(s): Land Use Department

Persons Completing FIR: Noah Berke Date: 12/29/15 Phone: x6647

Reviewed by City Attorney: Kelly A. Brunner Date: 12/30/15
(Signature)

Reviewed by Finance Director: [Signature] Date: 12-31-2015
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

The proposed resolution requests staff to develop a Land Use Facilitation Program based on the Albuquerque model

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*
1. Projected Expenditures:
 - a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
 - b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
 - c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
 - d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
 - e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: [Signature]

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	\$ _____			\$ _____			

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2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

The resolution has no fiscal impact. However, the bill/ordinance that the resolution calls for staff to develop will have a fiscal impact.

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None identified.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The would be no Land Use Facilitation group created.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None identified.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The resolution will not affect the community at this point. When staff develops the facilitation program called for, it will affect future development projects within the City.



Middle Ground

BY MILJEN ALJINOVIC

I've had some interesting conversations in the last week, since challenging you all to reach out and talk to me about whatever you thought was important. Response to my little experiment has been immediate and continuous, and the subjects of discussion have been as varied as the participants. But one common thread has run through almost every conversation I've had: Whatever the issue, from economics to politics to human rights, in Santa Fe, the actual argument is usually personal.

Since it's how the conversation started, many early responders wanted to talk about housing. One of them, Courtenay Mathey, has worked in and around Santa Fe as an architect for the last 28 years. He's designed everything from single-family mansions to traditional and even communal housing developments, such as the Commons on West Alameda. Throughout, he's found himself straddling the communication gap between developers and the neighborhoods surrounding the areas they wish to build on.

What's become apparent to me is that these disagreements often have less to do with difference of opinion, and more to do with personal distrust and mutual disrespect. Mathey recounted an instance in which a former member of a neighborhood association, who was bitterly opposed to the Villa de La Paz development, which he planned, approached him years later to tell him she now loved the neighborhood, which was home to many of her friends. More often than not, the disputes residents have with proposed developments could be easily resolved if everyone in the room wasn't so ideologically and rhetorically entrenched.

I also spoke with Philip Crump, who has worked for the city of Albuquerque's Land Use Facilitation Program since 1998. The closest thing Santa Fe has to this is the Early Neighborhood Notification system, through which

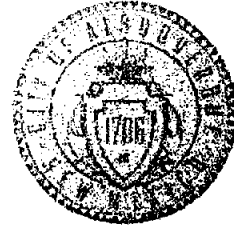
developers are given a checklist of common issues to address, and their responses to these issues are then shared with the neighborhood before the thing marches forward to the city's review boards. End of process. Albuquerque's program turns this cookie-cutter system into more of a dialogue. Whenever a developer proposes a new project, the city refers the application to a contract facilitator such as Crump, who contacts both the neighbors and the developer to work out a common ground, preventing the sort of miscommunication (or noncommunication)-based standoffs we've seen recently with El Río and the like. The Office of Neighborhood Coordination also offers training for neighborhood associations, so that when the time comes to negotiate with developers, their leaders and members have the proper information and context to know what is in their best interest. He says all of this results in much greater participation and a much more effective discourse within the associations.

Like any system designed to bridge communication gaps between groups with opposing interests, the process isn't perfect. But establishing something similar in Santa Fe would likely to make any progress in addressing this housing crisis. Developers and neighborhoods both have ideas about how we should move forward, but it is clear that after years of mutual mistrust and demonization, the two sides are more divided than ever. In July, City Councilor Patti Bushee put forth a resolution specifically intended to develop program here based on the Albuquerque model, but if that's to do anything more than pay lip service to the problem, we need to act on it now. I doubt we'll ever change the passion with which we argue our points in this town, but perhaps it's time to hire a referee. ■■

The point is often the least interesting part of the conversation. Have one with the author: miljen@sfreporter.com

City of Albuquerque Land Use Facilitation Program

<http://www.cabq.gov/legal/adr/luf>



Purpose

Created in 1994 to encourage communication between applicants proposing land use projects and residents who would be impacted by proposed projects. The Facilitation process provides an opportunity for residents and applicants to exchange information, ask questions and discuss concerns about proposed projects. Residents and applicants have expressed increased satisfaction with the land use process since this program was instituted.

What is Facilitation?

Facilitation is a collaborative voluntary process used to help parties discuss issues, identify and achieve goals and complete tasks in a mutually-satisfactory manner. This process uses a professional contract facilitator, who focuses on the processes and assists and guides the participants in procedures of dispute resolution and decision-making. The facilitator is impartial to the issues being discussed, has no advisory role on the content of the meeting, and no interest in the outcome of the meeting.

Types of Cases Referred to the Land Use Program

In general, any application in which residents may have questions or concerns about the proposed project or the applicant feels that a facilitated meeting may be beneficial. Experience has shown that these cases fall into three general areas:

1. Infill Projects – projects that affect the following:
 1. The population density of an area (including apartment buildings);
 2. Resulting in a concern about overcrowding of local schools; and
 3. An increase in traffic that leads to road modifications such as road expansion or addition of lights.
2. Projects offering services that differ from traditional services or uses in the area such as the following:
 - a. Businesses seeking liquor licenses;
 - b. Adult services; or
 - c. Assisted living programs.
3. Projects that affect major infrastructure systems:
 - a. Transportation;
 - b. Sewer;
 - c. Water;
 - d. Drainage.

Step 1: Referral

The project is referred to the ADR Office by various means:

- The Office of Neighborhood Coordination; or
- A division of the Planning Department; or
- An applicant or a citizen expressing interest in a facilitated meeting.

Step 2: Facilitator Assignment

The ADR Office contacts the Facilitator Manager to assign a facilitator.

Step 3: Initiation of Process

- The Facilitator calls the Applicant and Neighborhood Associations to determine interest in a meeting;
- If there is no interest, the Facilitator generates a "No Facilitated Meeting Held" Report;
- If there is interest the Facilitator schedules the time, date, and location of the meeting.

Step 4: Facilitated Meeting

- Applicant presents proposed project;
- Interactive discussion follows applicant presentation;
- Facilitator records comments, questions, concerns and areas of agreement.

Step 5: Report Generation and Distribution

- Facilitator generates a neutral compilation of the facts presented at the meeting;
- Report is distributed to the appropriate Planning Division, the ADR Office, the Office of Neighborhood Coordination, meeting participants and the official neighborhood contacts provided by the office of neighborhood coordination.

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	
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.	Approve, Deny or Approve with modifications and or conditions
Development Plan	
Development plan for three existing and six new dwelling units with a density of 18 units per acre.	Approve, Deny or Approve with modifications and or conditions

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

1343-112 PACHECO COURTYARD DEVELOPMENT PLAN AND VARIANCE.

	Condition	Department	Staff
1	<ul style="list-style-type: none"> 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 Beingsner, Water Division Engineer December 30, 2015
4	<ol style="list-style-type: none"> 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. 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 Iolland, 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

EXHIBIT A
Conditions of Approval
Case #2015-124

1343-112 PACHECO COURTYARD DEVELOPMENT PLAN AND VARIANCE.

	<p>Prior to any new construction or remodel shall comply with the current code adopted by the governing body.</p> <ol style="list-style-type: none"> 1. All Fire Department access shall be no greater than 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 	<p style="text-align: center;">Fire Department</p>	<p style="text-align: center;">Reynaldo Gonzales, Fire Marshal January 14, 2016</p>
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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

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

EXHIBIT 5 - Feb. 4, 2016
Planning Commission

City of Santa Fe **memo**

DATE: December 30, 2015
TO: Dan Esquibel, Land Use Planner, Land Use Department
FROM: Dee Beingessner, Water Division Engineer *DB*
SUBJECT: Case # 2015-124 Pacheco Courtyard Development Plan and Variance

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



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

EXHIBIT 5 - Feb. 4, 2016
Planning Commission

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 than 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

EXHIBIT 5 - Feb. 4, 2016
Planning Commission

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**

<i>Project Name</i>	Pacheco Courtyard Development Plan and Variance
<i>Project Location</i>	1343-112 Pacheco
<i>Project Description</i>	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).
<i>Applicant / Owner</i>	Santa Fe Civic Housing Authority
<i>Agent</i>	Thomas Gifford Architect LLA
<i>Pre-App Meeting Date</i>	N/A
<i>ENN Meeting Date</i>	December 10, 2015
<i>ENN Meeting Location</i>	200 Lincoln Ave. in the City Council Chambers
<i>Application Type</i>	ENN
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	N/A
<i>Attendance</i>	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

EXHIBIT 5 - Feb. 4, 2016
Planning Commission

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



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.

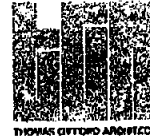
- (d) **Relationship to Existing Density and Land Use Within Surrounding Area and With Land Uses and Densities Proposed by the General Plan**

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

EXHIBIT 5 - Feb. 4, 2016
Planning Commission



(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.

- (ii) 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 Railway 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

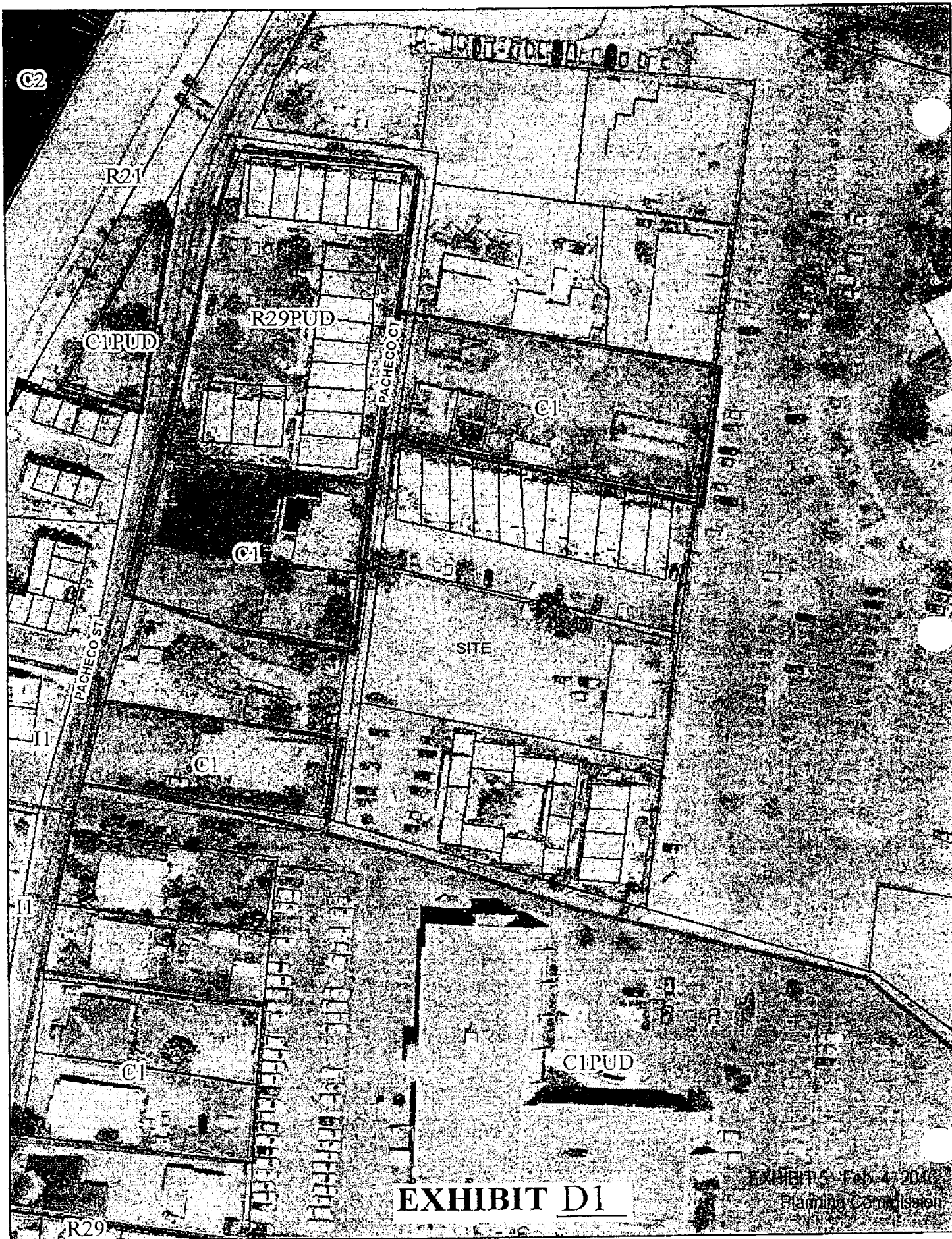


EXHIBIT D1

EXHIBIT 5 Feb 4, 2012
Planning Commission

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



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 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 3/4" wood furring strips. There is no

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EXHIBIT F1

EXHIBIT 5 - Feb. 4, 2016
Planning Commission



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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EXHIBIT F2

EXHIBIT 5 - Feb. 4, 2016
Planning Commission



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 desirable and accessible location.

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EXHIBIT F3

EXHIBIT 5 - Feb. 4, 2016
Planning Commission

GURULE, GERALDINE A.

From: Richard Rose <r2rose2003@yahoo.com>
Sent: Sunday, January 31, 2016 8:48 PM
To: ESQUIBEL, DANIEL A.
Cc: GURULE, GERALDINE A.
Subject: Case #2015-124

I note that the proposed development does not meet the City required street design engineering standards, which coincides with my main concern regarding general and emergency access to this more dense development. Access is currently limited to a small alley that is not accessible to a fire engine and Pacheco Court, which also has its limits. Access to fire hydrants is also limited. The question for the developer is how these two access issues can be addressed.

I believe the City should enforce its regulations and deny the requested variance. The regulations were adopted for a purpose. I also have serious concerns about the ability of the developer to complete this project in compliance with City conditions. This is the same developer that did the "Lofts" at 1348 Pacheco and failed to follow through on City conditions and promises to the neighborhood. The most glaring example is the "park" the developer said they would construct on the west side of Pacheco, north to Alta Vista. Although they did plant some trees, the area was never maintained. Most of the trees are dead and the area is over run with waist high weeds - in violation of the City Weed regulations. The sidewalk in this area is buckled and is a definite tripping hazard. The sidewalk receives heavy use from rail runner passengers, yet has not be repaired. The record of noncompliance from this developer is reason enough to deny this proposal.

Unfortunately, I will be out of state next week, unable to attend the hearing. I do want to continue to be appraised of the progress so I can oppose approval if it moves forward.

Richard Rose
505.620.5640
1333 Pacheco St, #J
Santa Fe, NM 87505

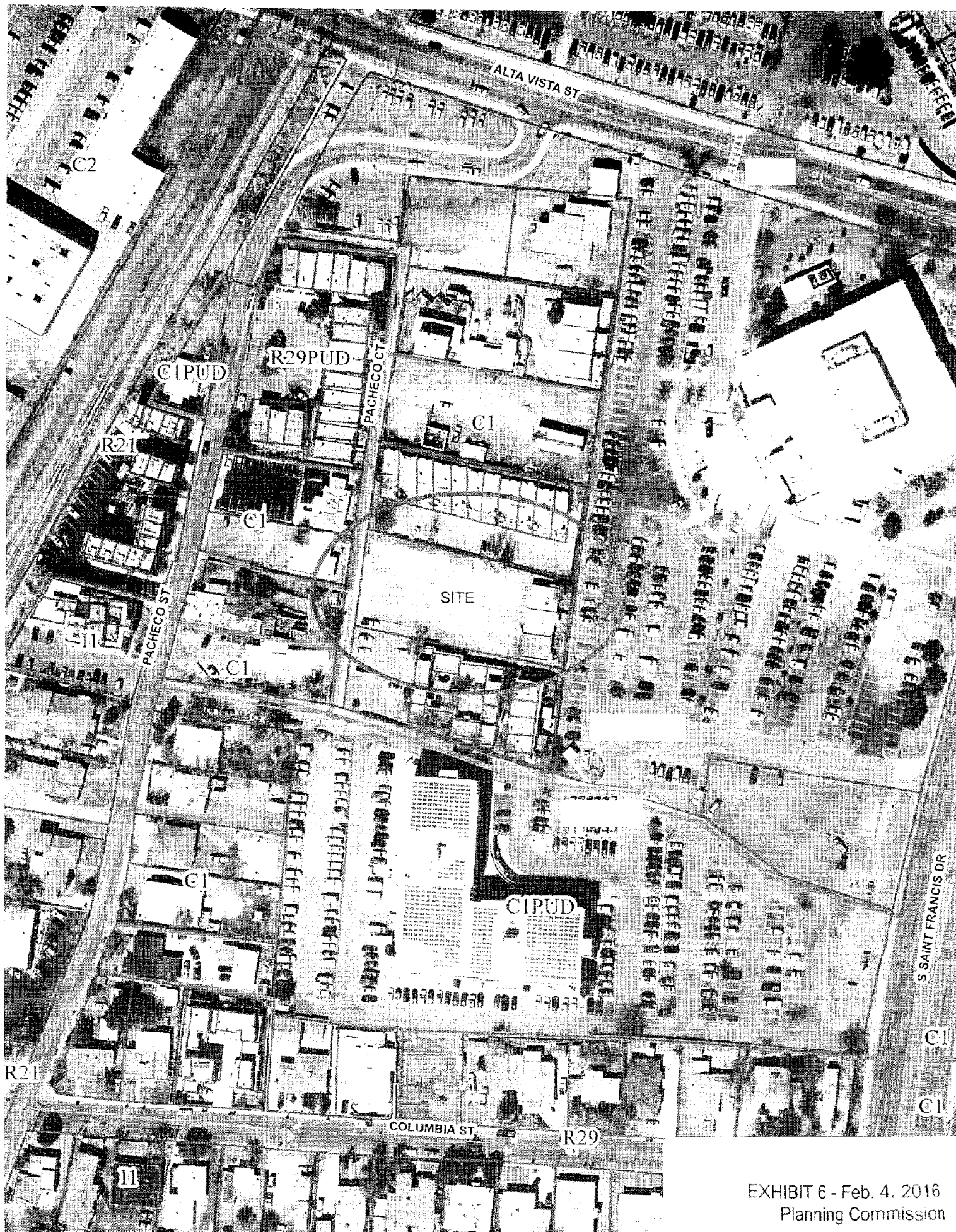


EXHIBIT 6 - Feb. 4, 2016
Planning Commission

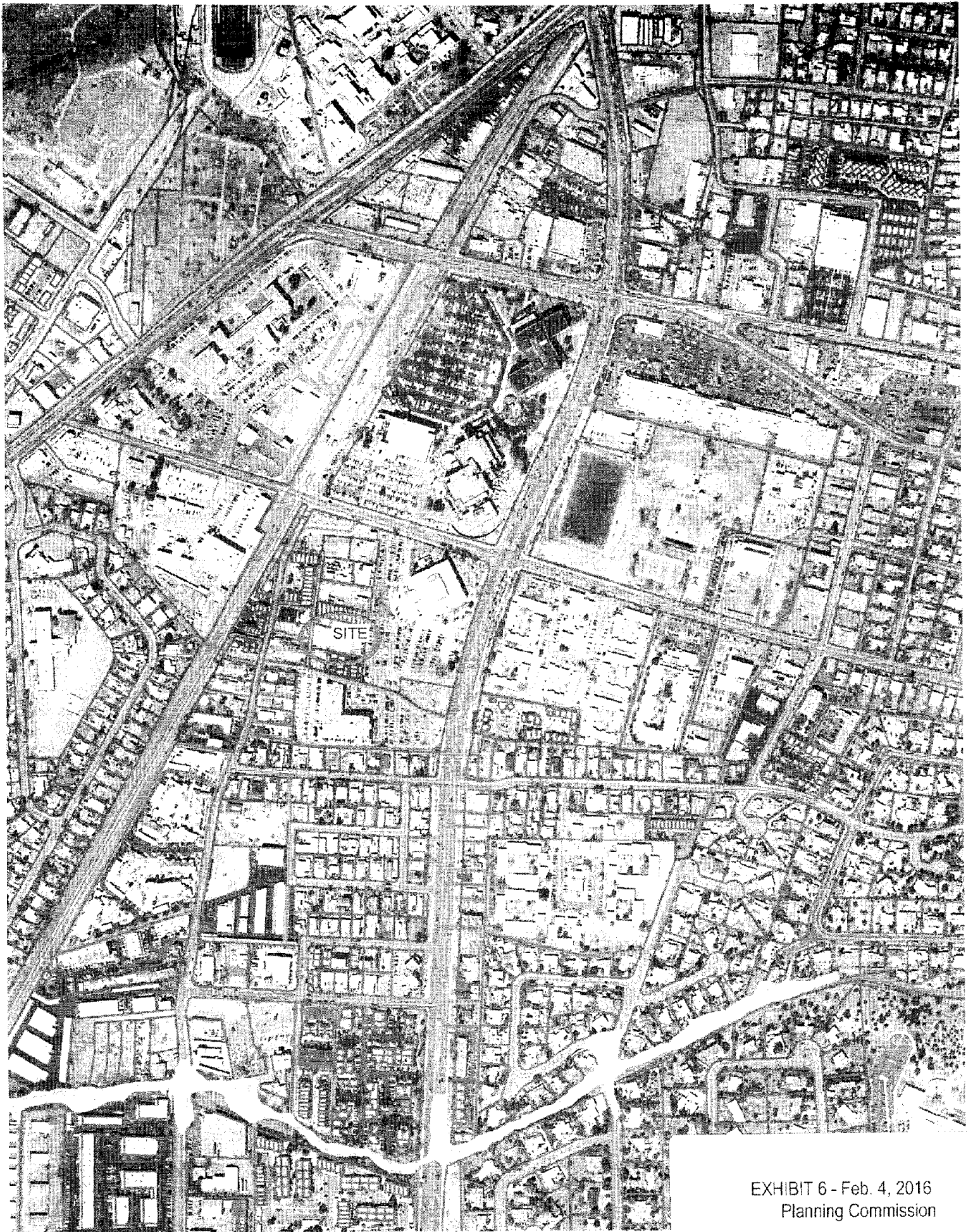


EXHIBIT 6 - Feb. 4, 2016
Planning Commission