



# Agenda

CITY CLERK'S OFFICE

DATE 3/16/16 TIME 3:40 PM

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**BOARD OF ADJUSTMENT**  
**Tuesday, April 5, 2016 at 6:00 P.M.**  
**200 Lincoln Ave. Santa Fe NM**  
**City Council Chambers**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES: Minutes of March 1, 2016**
- E. FINDINGS/CONCLUSIONS: None.**
- F. NEW BUSINESS**

1. **Case #2016-19.** Juniper Terrace Condominium Special Use Permit. JenkinsGavin Inc., agent for John Sumerlin, requests a special use permit to construct a third dwelling unit at 505 Juniper Drive, with a density greater than ten dwelling units per acre. The property is a 0.171-acre lot located at the northeast corner of Juniper Drive and Rio Grande Avenue, and is zoned R-21 (Residential maximum density of 21 dwelling units per acre). (Dan Esquibel, Case Manager)

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
- I. ADJOURNMENT**

**NOTES:**

New Mexico law requires the following administrative procedures be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearing before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross-examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

**MINUTES OF THE  
CITY OF SANTA FE  
BOARD OF ADJUSTMENT  
City Councilor Chambers  
200 Lincoln Avenue  
April 5, 2016**

**A. CALL TO ORDER**

A regular meeting of the City of Santa Fe Board of Adjustment was called to order by Gary Friedman, Chair, at approximately 6:00 p.m., on Tuesday, April 5, 2016, in the City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

**B. ROLL CALL**

**Members Present**

Gary Friedman, Chair  
Coleen Dearing  
Patricia Hawkins  
Douglas Maahs  
Donna Reynolds  
Daniel H. Werwath

**Members Excused**

Rachel L. Winston, Vice-Chair

**Others Present**

Dan Esquibel, Staff  
Zachary Shandler, Assistant City Attorney  
Melessia Helberg, Stenographer

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA**

**MOTION:** Douglas Maahs moved, seconded by Daniel Werwath, to approve the Agenda, as presented.

**VOTE:** The motion was approved unanimously on a voice vote.

**D. APPROVAL OF MINUTES – MARCH 1, 2016**

The stenographer noted that Ms. Dearing's first name is misspelled, and should be Coleen.

**MOTION:** Daniel Werwath moved, seconded by Patricia Hawkins, to approve the minutes of the meeting of March 1, 2016, as amended.

**VOTE:** The motion was approved unanimously on a voice vote.

**E. FINDINGS/CONCLUSIONS: NONE**

There were no Findings/Conclusions for approval.

**F. NEW BUSINESS**

1. **CASE #2016-19. JUNIPER TERRACE CONDOMINIUM SPECIAL USE PERMIT. JENKINS GAVIN, INC, AGENT FOR JOHN SUMERLIN, REQUESTS A SPECIAL USE PERMIT TO CONSTRUCT A THIRD DWELLING UNIT AT 505 JUNIPER DRIVE, WITH A DENSITY GREATER THAN TEN DWELLING UNITS PER ACRE. THE PROPERTY IS A 0.171 ACRE LOT LOCATED AT THE NORTHEAST CORNER OF JUNIPER DRIVE AND RIO GRANDE AVENUE, AND IS ZONED R-21 (RESIDENTIAL MAXIMUM DENSITY OF 21 DWELLING UNITS PER ACRE) (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum dated March 30, 2016 for the April 5, 2016 Meeting, to the Board of Adjustment, from Daniel A. Esquibel, Land Use Planner, Senior, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "1."

Daniel Esquibel presented information regarding this case. Please see Exhibit "1," for specifics of this presentation.

## Public Hearing

### Presentation by the Applicant

Hillary Welles, JenkinsGavin, 130 Grant Avenue, Suite 101, Agent for the owner, was sworn. Ms. Welles said the property owner is in attendance this evening. She said she hasn't much to add, noting that Mr. Esquibel summed up the application very nicely in the Staff Report, and noted that the Applicant is in agreement with all staff conditions. She said she has nothing further to add and will stand for questions.

Ms. Reynolds asked if the homeowners in Units #1 and #2 are comfortable with the addition, and were part of the ENN effort.

Ms. Welles said the owners of those units were notified about the ENN, and they have been in communication all along with the property owners. She said they have been aware that Unit #3 was part of the condominium all along, "so yes, this is something they're well aware of, yes."

### Speaking to the Request

There was no one speaking to this request.

### The Public Testimony Portion of the Public Hearing was Closed

**MOTION:** Daniel Werwath moved, seconded by Douglas Maahs, moved, to approve Case #2016-19, Juniper Terrace Condominium, request for a Special Use Permit to construct a third dwelling unit at 505 Juniper Drive with a density greater than ten dwelling units per acre, with all conditions of approval as recommended by Staff in Exhibit A of the Staff Report.

**VOTE:** The motion was approved unanimously on a voice vote.

## **G. STAFF COMMUNICATIONS**

Zachary Shandler, Assistant City Attorney, said in one of the Board's prior meetings a Special Use Permit was issued for the Sanbusco Center, noting the Board may have read in the newspaper that it has been appealed by one of the citizens, Miss Monroe. It will be heard at the next Governing Body meeting on April 13, 2016, and he and Ms. [inaudible] will present, as well as the Applicant and the Appellant. He said he will keep the Board apprised of the results.

Chair Friedman asked if anyone from the Board needs to be in attendance, and Mr. Shandler said no.

Ms. Hawkins asked how likely it is that the Appeal will be upheld by the Governing Body.

Mr. Shandler said, "There are lawyers in the room, so I will say that you never know, "but I think the record that you built is very strong."

Ms. Dearing asked if the person who filed the appeal is a person who spoke at the meeting.

Mr. Shandler said, "Yes. Ms. Monroe was one of the 4 people to speak in opposition and she's the one that filed the appeal."

Chair Friedman asked if Ms. Monroe lives in the neighborhood.

Mr. Shandler said, "Mr. Chair, she lives in the neighborhood."

#### **H. MATTERS FROM THE BOARD**

Chair Friedman asked Mr. Esquibel if there will be a case for consideration by the Board at its next meeting.

Mr. Esquibel said, "I don't think so, but I did speak with somebody today, and if that person does move forward with their idea, this body is going to have a very exciting case moving forward."

Chair Friedman asked if that will be in May.

Mr. Esquibel said it will be sometime this year, depending on what they do. He said, "It probably will be the most exciting case this Board has seen yet."

Ms. Dearing said she believes the next meeting will be May 3<sup>rd</sup>.

Mr. Esquibel said that is correct, but he doesn't have anything moving forward for that meeting at this time.

Ms. Dearing said if something comes up she will be out of the country at that time and won't be able to attend the meeting.


Ms. Hawkins said she won't be able to attend the June meeting.

Chair Friedman said he may be out of town in early May.

Mr. Esquibel reiterated that he doesn't think we have anything for a May meeting, but if we do, he will send everyone an email to let everybody know what's coming down the pike.

## **I. ADJOURNMENT**

There was no further business to come before the Board, and the meeting was adjourned at approximately 6:10 p.m.

  
\_\_\_\_\_  
**Gary Friedman, Chair**  
\_\_\_\_\_  
**Melessia Helberg, Stenographer**

# City of Santa Fe, New Mexico

# memo

DATE: March 30, 2016 for the April 05, 2016 Board of Adjustment Meeting

TO: Board of Adjustment

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

## **505 JUNIPER DRIVE SPECIAL USE PERMIT**

Case #2016-19. Juniper Terrace Condominium Special Use Permit. JenkinsGavin Inc., agent for John Sumerlin, requests a special use permit to construct a third dwelling unit at 505 Juniper Drive, with a density greater than ten dwelling units per acre. The property is a 0.171-acre lot located at the northeast corner of Juniper Drive and Rio Grande Avenue, and is zoned R-21 (Residential maximum density of 21 dwelling units per acre). (Dan Esquibel, Case Manager)

### **RECOMMENDATION:**

Staff recommends that the Planning Commission **APPROVE** Case #2016-19 505 Juniper Terrace Condominium Special Use Permit subject to conditions identified in **Exhibit A**.

### **I. APPLICATION SUMMARY**

Chapter 14-7.2(F) requires a Special Use Permit when density within an R-21 District exceeds 10 dwelling units to the acre in R-12, R-21 and R-29 Districts. The request is to construct a detached third dwelling unit at 505 Juniper Drive increasing density from 11.69 du/acre to 17.54 du/acre. Existing development consists of two dwelling units resulting in a density of 11.69 du/acre on the 0.171 acre lot.

The Applicant's site plan identifies compliance with the dimensional Standards for residential districts pursuant to Tables 14-7.2-1 and 14-8.6-1 for height, setbacks, lot coverage, minimum open space and parking.

#### **a. Adjoining Properties**

The property is within an R-21 District and approximately 70 feet south of an R-5 District. The surrounding zoning and land uses are residential. (Reference Exhibit D-1 – "Adjoining Zoning Map"):

b. No negative comments were received from the City Development Review Team ("DRT"). (DRT comments can be found in Exhibit B).

*Exhibit "1"*

## **II. REQUEST TO INCREASE MAXIMUM DENSITY**

Chapter 14-7.2(F) requires residential projects that exceed a density greater than 10 dwelling units in an R-21 District to be approved as part of a Development Plan or Special use Permit. The applicant has addressed the factors required in Chapter 14-7.2(F)(2). [Exhibit F]

The General Plan Future Land Use Map (Exhibit D-2) designates the area as part of the "Moderate Density Residential" use category, along with several other residential neighborhoods surrounding the downtown. These areas are described as part of a "Historic Preservation Neighborhood and Conservation" area:

The Historic Preservation and Neighborhood Conservation Area consists of older neighborhoods which were substantially developed prior to 1940. This area reflects older development patterns and buildings of historic merit.

This designation is designed to preserve stable residential areas close to the downtown and prevent the intrusion of business district uses while conserving the developed character of these neighborhoods, so that permitted densities are consistent with developed densities. A wide range of residential uses, such as apartments, townhouses, and single family detached houses are permitted. [General Plan Section 3.5]

When the General Plan was adopted in 1999, it may have been intended that these neighborhoods would be downzoned. Only one neighborhood was actually downzoned, however – the Juanita Street neighborhood was rezoned to R-8 in 2008. The code was subsequently amended in 2013 to require a special use permit for a density over ten units per acre in all areas zoned R-12, R-21 or R-29.

Chapter 14-7.2(F)(2) requires the following factors to be considered in evaluating density beyond 10 dwelling per acre:

- (a) if the future land use 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;
- (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;
- (d) densities of existing developments in the vicinity; and
- (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.

The R-21 district that includes the project site contains approximately 41.3± acres. A GIS count of existing addresses within the District identifies 705 residences. The number of residences computes to an average density of approximately 17 dwelling units per acre for the District. Although the project site is not designated as "High Density" on the general plan, the existing density for the District reflects high density characteristics.

The proposed compact urban design on the lot is a pattern that can be seen throughout the District. Staff believes the increased density from 11 to 17 is justifiable and compatible with the area and the District Zoning to permit the proposed third dwelling unit on the 0.171± acre lot acre lot.

#### **IV. SPECIAL USE PERMIT**

The Santa Fe City Code requires A Special Use Permit review and approval for increased density above ten dwelling units per acre in an R-21 District.

##### **a. 14-3.8(D) Approval Criteria**

A special use permit is granted for a specific use and intensity. Pursuant to Subsection 14-3.6(D) (*Approval Criteria and Conditions*), to grant a special use permit the Board of Adjustment shall make the following findings:

*14-2.3(D)(1)(a)- (Authority): "that the land use board has the authority under the section of Chapter 14 described in the application to grant a special use permit;"*

##### **Staff Analysis**

Subsection 14-2.4(C) *Powers and Duties*, grants the BOA authority to take action on a special use permit. Table 14-6.1-1 establishes the special use permit requirement for residential density greater than ten units per acre in R-21 districts.

*14-2.3(D)(1)(b)- (Public Interest): "that granting the special use permit does not adversely affect the public interest, and"*

##### **Applicant Response:**

Development of Unit 3 will be in keeping with fabric of the surrounding neighborhood. Granting the Special Use Permit will not adversely affect the public interest. In fact, it will improve the neighborhood by providing an opportunity for appropriate infill on a property that is currently vacant and in need of improvement.

##### **Staff Analysis**

Review by city staff has determined that the proposed use is consistent with applicable city ordinances and policies that are adopted to protect the public interest, including minimum standards of Chapter 14 SFCC.

*14-2.3(D)(1)(c)- (Compatible With And Adaptable To): "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 premises under consideration."*

##### **Applicant Response:**

Much of the surrounding neighborhood is developed at R-21 density, including several nearby condominium developments. Developing the subject lot will afford completion of the condominium project and will be an asset to the neighborhood, removing the hazards associated with vacant lots in the midst of residential development.

### **Staff Analysis**

Review by staff has not identified potential impacts in terms of the adverse impact on the adjacent and nearby residential uses. (Criterion (1)(b) - noise, traffic, etc.,) Criterion (1)(c) is also met, as an infill project that is consistent with the existing residential density, architectural style and building scale.

## **V. EARLY NEIGHBORHOOD NOTIFICATION (ENN)**

The applicant conducted an ENN for this project on February 8, 2016, at the First Presbyterian Church 208 Grant Avenue. The meeting was well attended with audience participation. There were many questions regarding the project and the process. No concerns were raised at the meeting.

## **VI. CONCLUSION**

The applicant has complied with all application process requirements. The applicant conducted a pre-application meeting on January 6, 2016, ENN on February 8, 2016. and complied with notice requirements pursuant to Section 14-3.1(H).

The Land Use Department has determined that the proposed application complies with the necessary approval criteria to increase maximum density within an R-21 District and for Special Use Permit. Should the Planning Commission approve the Case #2016-19, Staff recommends the conditions listed in Exhibit A.

## **VII. 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
2. Future Land Use Map

Exhibit F- Applicant Data

April 05, 2016  
Board Of Adjustment  
Case # 2016-19  
**505 JUNIPER DRIVE SPECIAL USE  
PERMIT**

# **EXHIBIT A**

CONDITIONS OF APPROVAL
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**EXHIBIT A**  
**Conditions of Approval**  
**Case #2016-19**  
**505 JUNIPER DRIVE SPECIAL USE PERMIT**

	Condition	Department	Staff
1	<p>At time of building permit, application must be routed to Landscape Review to check compliance:</p> <ol style="list-style-type: none"> <li>1. Street trees are required 1 every 25-35 feet on Juniper Drive.</li> <li>2. If more than 1000sf of common open space is landscaped, irrigation system must be provided. Irrigation system must be automatic, with a digital multi-programmable controller for landscaped areas larger than 1000sf. Irrigation system operation information, including monthly and seasonal irrigation schedules, and water budgets based on gallons used for landscape plantings for years one and three shall be included on the irrigation plan at time of construction permit. (Article 14-8.4(E)(4)(d)).</li> <li>3. The owner shall properly maintain all materials and installation required by Section 14-8.4, including proper pruning, soil testing, fertilizing and weeding. (Article 14-8.4 (F)(2)).</li> </ol>	Land Use Technical Review Division (Landscaping)	Somie Ahmed, Planner Technician Senior March 29, 2016
2	All terrain management requirements of Article 14-8.2 must be met.	Land Use Technical Review Division	Risana B "RB" Zaxus, PE City Engineer March 1, 2016
3	The dwelling will require a separate water meter. The developer must apply for an Agreement for Metered Service with the Water Division.	Water Division	Dee Beingessner, Water Division Engineer March 2, 2016
4	The Applicant shall submit a Sewer Service Technical Evaluation request for the property to the Wastewater Division. A separate private sewer service line will be required to serve this property.	Wastewater Management Division	Stan Holland, P.E. February 29, 2016

April 05, 2016  
Board Of Adjustment  
Case # 2016-19  
**505 JUNIPER DRIVE SPECIAL USE  
PERMIT**

# **EXHIBIT B**


DRT COMMENTS
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# City of Santa Fe, New Mexico

## memo

**DATE:** March 14, 2016

**TO:** Dan Esquibel, Case Manager

**FROM:** Reynaldo Gonzales, Fire Marshal 

**SUBJECT:** Case #2019 Juniper Terrace Condominium Special Use Permit

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.

Fire has no comments for the special use permit request. All fire issues will be addressed during the submittal permit process with land use.

# City of Santa Fe, New Mexico

# memo

**DATE:** March 29, 2016  
**TO:** Dan Esquibel, Land Use Planner Senior  
**FROM:** Somie Ahmed, Planner Technician Senior  
**SUBJECT:** Comments for Case #2016-19, Juniper Terrace Condominium Special Use Permit

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The following conditions of approval apply to the Juniper Terrace Condominium Special Use Permit. At time of building permit, application must be routed to Landscape Review to check compliance:

1. Street trees are required 1 every 25-35 feet on Juniper Drive.
2. If more than 1000sf of common open space is landscaped, irrigation system must be provided. Irrigation system must be automatic, with a digital multi-programmable controller for landscaped areas larger than 1000sf. Irrigation system operation information, including monthly and seasonal irrigation schedules, and water budgets based on gallons used for landscape plantings for years one and three shall be included on the irrigation plan at time of construction permit. (Article 14-8.4(E)(4)(d)).
3. The owner shall properly maintain all materials and installation required by Section 14-8.4, including proper pruning, soil testing, fertilizing and weeding. (Article 14-8.4 (F)(2)).

**DATE:** March 1, 2016

**TO:** Dan Esquibel, Land Use Senior Planner  
Case Manager


**FROM:** Risana "RB" Zaxus, PE  
City Engineer

**RE:** Case # 2016-19  
Juniper Terrace Condominium Special Use Permit

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If this case goes forward to the building permit stage, all terrain management requirements of Article 14-8.2 must be met.

*City of Santa Fe*  
**memo**

**DATE:** March 2, 2016  
**TO:** Dan Esquibel, Land Use Planner, Land Use Department  
**FROM:** Dee Beingessner, Water Division Engineer   
**SUBJECT:** Case # 2016-19 Juniper Terrace Special Use Permit

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There is existing water infrastructure that can serve the proposed third dwelling. The dwelling will require a separate water meter. The developer must apply for an Agreement for Metered Service with the Water Division.

Fire protection requirements are addressed by the Fire Department.



# MEMO

## Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

### E-MAIL DELIVERY

Date: February 29, 2016

To: Dan Esquibel, Case Manager

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

Subject: Case 2016-19 Juniper Terrace Condominium Special Use Permit

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

**The following are conditions of approval:**

1. The Applicant shall submit a Sewer Service Technical Evaluation request for the property to the Wastewater Division. A separate private sewer service line will be required to serve this property.

**ESQUIBEL, DANIEL A.**

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**From:** KASSENS, SANDRA M.  
**Sent:** Tuesday, March 08, 2016 10:01 AM  
**To:** ESQUIBEL, DANIEL A.  
**Cc:** ROMERO, JOHN J; Jenkins Jennifer (jennifer@jenkinsgavin.com)  
**Subject:** Juniper Terrace Condominium Special Use Permit

Re: case # 2016-19, Juniper Condominium.

Dan,  
The Traffic Engineering Division has no comments on the Special Use application for Juniper Terrace Condominium, located at 505 A Juniper Drive, Case #2016-19.

*Sandra Kassens*  
Engineer Assistant  
Engineering Division  
Public Works Department  
*City of Santa Fe*  
505-955-6697

**ESQUIBEL, DANIEL A.**

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**From:** LUCERO, ERIC J.  
**Sent:** Friday, March 18, 2016 10:54 AM  
**To:** ESQUIBEL, DANIEL A.  
**Subject:** RE: 2016-19 505 Juniper Hills condominiums

Dan,

No comments at this time.

Thanks,

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

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**From:** ESQUIBEL, DANIEL A.  
**Sent:** Thursday, March 17, 2016 4:47 PM  
**To:** LUCERO, ERIC J.  
**Subject:** 2016-19 505 Juniper Hills condominiums

Need comments for case 2016-19  
\\file-svr-1\Public\$\Land Use Department\2016-19 505-Junniper Dr

**Case #2016-19.** Juniper Terrace Condominium Special Use Permit. JenkinsGavin Inc., agent for John Sumerlin, requests a special use permit to construct a third dwelling unit at 505 Juniper Drive, with a density greater than ten dwelling units per acre. The property is a 0.171-acre lot located at the northeast corner of Juniper Drive and Rio Grande Avenue, and is zoned R-21 (Residential maximum density of 21 dwelling units per acre). (Dan Esquibel, Case Manager)

Summary:

Ord. No. 2013-16 § 41 (Chapter 14-7.2(F)) introduced additional development standards for development that exceeds 10 dwelling units per acre in R-12, R-21 and R-29 Districts. Existing development for property located at 505 Juniper Drive currently contains 2 dwelling units for a density of 11.69 on 0.171 acres. The existing density complies with the R-21 district but is considered legal nonconforming pursuant to Ordinance 2013-16 § 41. The request is to construct a detached third dwelling unit on a 505 Juniper Drive increasing density from 11.69 to 17.54. The city code pursuant to Chapter 14-7.2(F) requires a Special Use Permit when Density within an R-21 district exceeds 10 dwelling units to the acre.

**Isabel A. Esquivel**  
 Land Use Planner Senior  
 City Of Santa Fe, Land Use Department  
 Current Planning Division  
 (505) 953-4387 Work  
 (505) 953-4829 Fax  
[iesquivel@santafenm.gov](mailto:iesquivel@santafenm.gov) E-Mail  
 200 Lincoln Ave.  
 Santa Fe, New Mexico 87505-9805

Physical Address: 200 Lincoln Ave.  
 Santa Fe, NM 87505

City Web Page: [www.santafenm.gov](http://www.santafenm.gov)

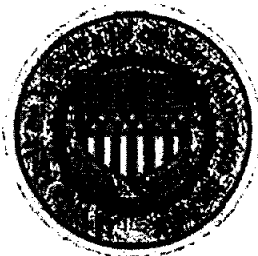
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April 05, 2016  
Board Of Adjustment  
Case # 2016-19

**505 JUNIPER DRIVE SPECIAL USE  
PERMIT**

# **EXHIBIT C**

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

*Project Name*

Special Use Permit

*Project Location*

505 Juniper Drive

*Project Description*

Requests a Special Use Permit to construct a third dwelling unit at 505 Juniper Drive, with a density greater than ten dwelling units per acre.

*Applicant / Owner*

John Sumerlin

*Agent*

JenkinsGavin Inc.

*Pre-App Meeting Date*

January 6, 2016

*ENN Meeting Date*

February 8, 2016

*ENN Meeting Location*

First Presbyterian Church 208 Grant Avenue

*Application Type*

Early Neighborhood Notification Meeting

*Land Use Staff*

Dan Esquibel

*Other Staff*

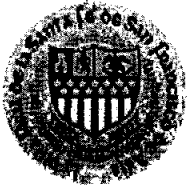
None

*Attendance*

13

**Notes/Comments:**

The applicant conducted an ENN for this project on February 8, 2016 located at First Presbyterian Church 208 Grant Avenue. The meeting was well attended with audience participation. There were many questions regarding the project and the process. No concerns were raised at the meeting.



## Early Neighborhood Notification (ENN) Guidelines

Section 14-3.1(F)(5) SFCC 1987, as Amended

*Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 1987, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about each criterion, consult the Land Development Code.*

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, architectural style, landscaping, lighting, access to public places, open spaces and trails. (Ord. No. 2008-29 § 3)*

Construction of the third condominium unit will comply with the Santa Fe City Code with regard to required setbacks, height, architectural style, landscaping, and lighting. Therefore, the residence will blend with the character and appearance of the surrounding neighborhood.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

Xeriscaping will be provided in compliance with City landscaping requirements, and significant trees will be preserved. 250 s.f. of open space will be provided in accordance with City code.

**IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN** *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

The project is located in the Suburban Archaeological Review District, and no archaeological clearance is required. There are no known archaeological or historical sites on the property.

**(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN** *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The surrounding neighborhoods are zoned R-21 and R-5 and are developed at a density in accordance with their zoning designations. The proposed condominium unit is consistent with the density of the surrounding neighborhood and complies with the property's R-21 zoning. The Future Land Use designation calls for a mix of Moderate Density and Low Density residential development. The proposed project is in accordance with the General Plan's policy of infill development.

(e) EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes; traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

Two off-street parking spaces will be provided per City Code requirements.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

Construction of the proposed third unit will create jobs, which will in turn support the City's tax base.

**EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS**  
*example: creation, retention or improvement of affordable housing; how the project contributes to serving different ages, incomes and family sizes; the creation or retention of affordable business space. (Ord. No. 2005-30(A) § 4)*

N/A

**(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES** *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

The proposed third unit will connect to existing City infrastructure. Improvements include underground power lines, a new utility pole, and new connections to City water, sewer, gas, and electricity.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

The project will comply with City water conservation requirements and with the Green Building Code.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

N/A

(K) EFFECT UPON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? The project's effect on intra-city travel; and between employment and residential centers.*

The Special Use Permit will allow the construction of the third condominium unit, thus promoting a compact urban form by developing a site that is currently vacant.

ADDITIONAL COMMENTS (Optional)

April 05, 2016  
Board Of Adjustment  
Case # 2016-19

**505 JUNIPER DRIVE SPECIAL USE  
PERMIT**

# **EXHIBIT D**

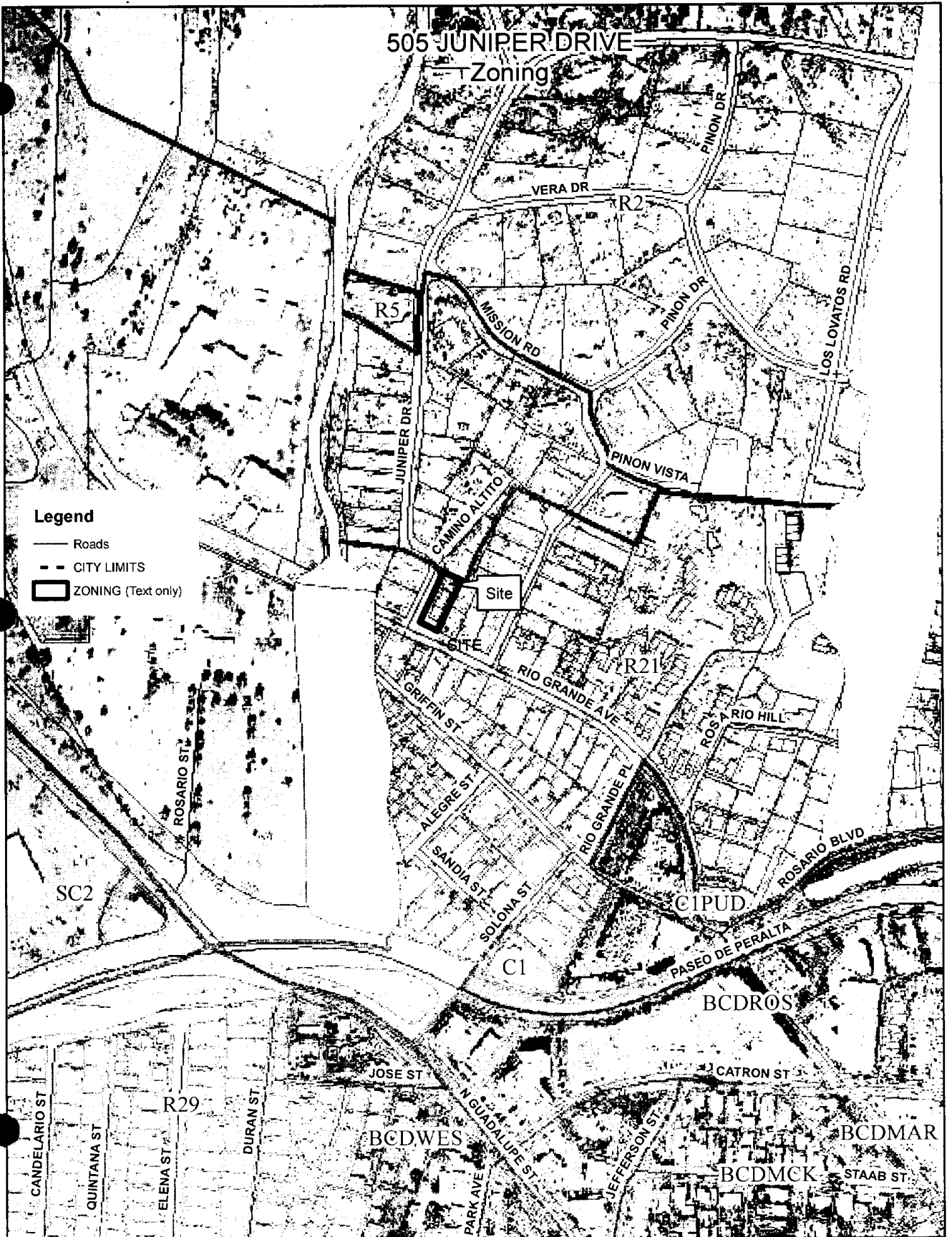
MAPs
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505 JUNIPER DRIVE

Zoning

**Legend**

- Roads
- - - CITY LIMITS
- ZONING (Text only)



R5

R2

PINON VISTA

Site

R21

SC2

C1PUD

C1

BCDROS

R29

BCDWES

BCDMAR

BCDMCK

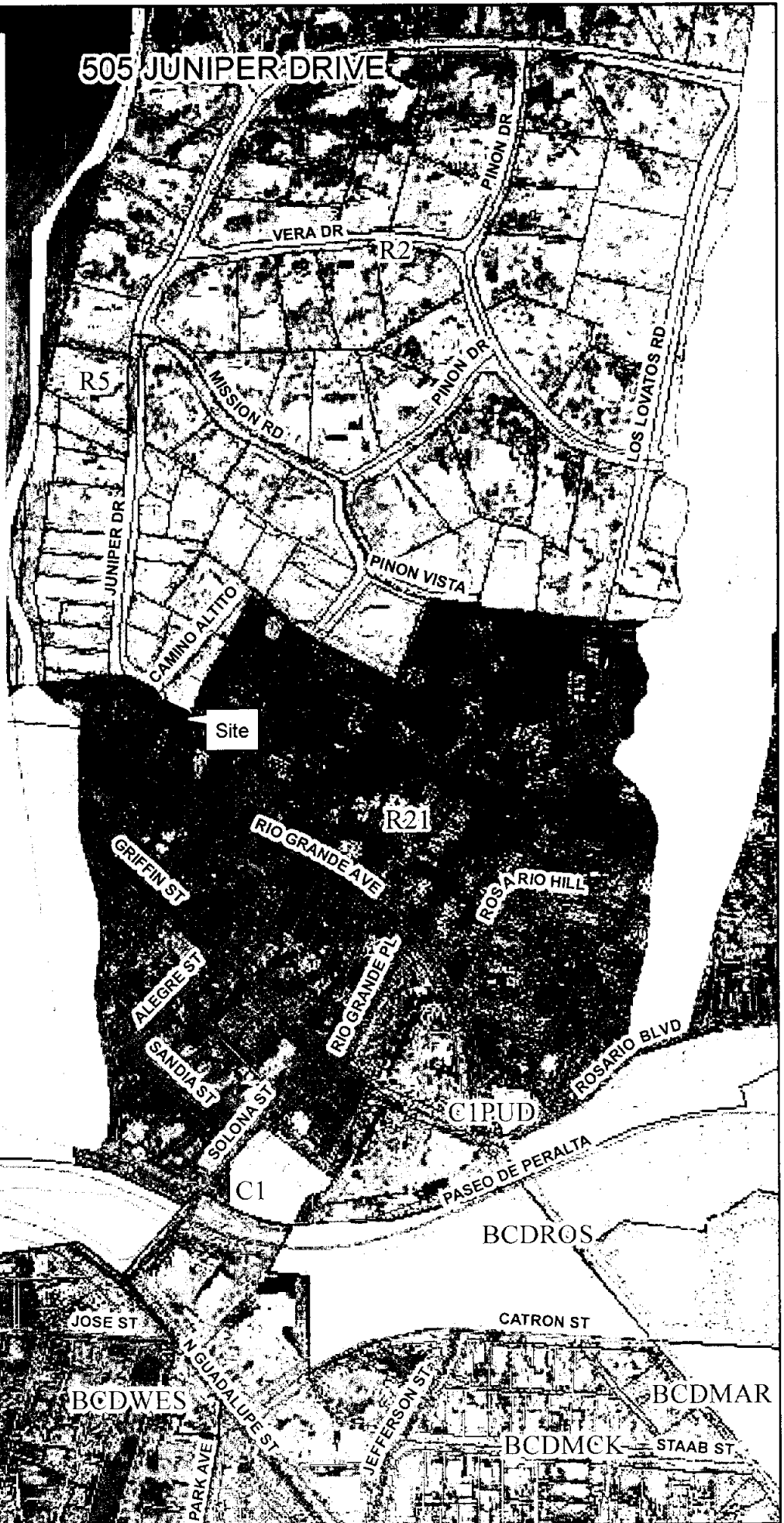
STAAB ST

# Legend

- Roads
- - CITY LIMITS

- Mountain
- Corridor
- Very Low Density
- Low Density
- Moderate Density
- Meduim Density
- High Density
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional
- Parks
- Open Space
- Greater Agua Fria Area
- Agua Fria Traditional Historic Community
- ZONING (Text only)

505 JUNIPER DRIVE

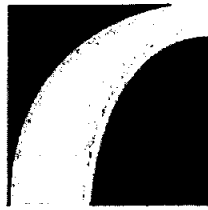


April 05, 2016  
Board Of Adjustment  
Case # 2016-19

**505 JUNIPER DRIVE SPECIAL USE  
PERMIT**

# **EXHIBIT F**

APPLICANT DATA
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**jenkinsgavin**  
DESIGN & DEVELOPMENT INC

February 22, 2016

Dan Esquibel, Senior Planner  
Land Use Department, City of Santa Fe  
200 Lincoln Avenue  
Santa Fe, NM 87501

**RE: JUNIPER TERRACE CONDOMINIUM  
SPECIAL USE PERMIT APPLICATION**

Dear Dan:

This letter is submitted on behalf of John Sumerlin in application for a Special Use Permit to complete a planned 3-unit condominium in compliance with R-21 zoning, for consideration by the Board of Adjustment at their meeting of April 5, 2016. The  $\pm 0.171$ -acre (7,450 s.f.) subject property is zoned R-21 and is improved with two existing condominium units. The proposed third unit comprises a  $\pm 0.05$ -acre (2,295 s.f.) development site. Please refer to the attached Special Use Permit Application Site Plan.

**Project Summary**

The subject property was purchased in 2006. At that time, the property consisted of two attached dwelling units. In accordance with the property's R-21 zoning, the City of Santa Fe issued a construction permit to renovate the two dwelling units, with an area reserved for a proposed third unit (see attached Permitted Site Plan). Units 1 and 2 were constructed per the approved plans, and have since been sold. In 2007, a three-unit condominium plat was executed for the property (see attached Condominium Plat). The existing residence was divided into Unit 1 (615 Rio Grand Ave, 860 s.f.) and Unit 2 (505A Juniper Drive, 905 s.f.), with a reserved Development Rights Area for Unit #3 at 505B Juniper Drive. This third unit was never constructed.

In 2013, the City adopted Ordinance 2013-16, which mandates a Special Use Permit or Development Plan to develop at R-21 density. The applicant is now ready to construct Unit 3, thereby necessitating a Special Use Permit in compliance with the Ordinance.

### Lot Size Requirements

The Project complies with the City Code's lot coverage, setback, and open space requirements as set forth in SFCC §14-7.2-1: Table of Dimensional Standards for Residential Districts, as listed below. Please refer to the attached Proposed Site Plan.

- Maximum Lot Coverage:      40% of 7,500 s.f. =      3,000 s.f.  
Existing Roofed Area:      1,755 s.f.  
Proposed Roofed Area:      882 s.f.  
Total Lot Coverage:      2,647 s.f.
  
- Setbacks:      Front 7'  
                    Side 5'  
                    Rear 5'
  
- Open Space:      Required: 250 s.f. per unit  
                         Existing: Unit 1 – 1,145 s.f.; Unit 2 – 255 s.f.  
                         Proposed: 264 s.f.

### Access and Parking

The Unit 3 site is accessed via Juniper Drive. An approved, existing curb cut providing off-street parking for Unit 2 has been widened, providing adequate access for two off-street parking spaces for Unit 3 as required by SFCC §14- 8.6-1, Parking and Loading Requirements.

### Utilities

The Unit will connect to existing City water and wastewater lines in Juniper Drive. A water meter can has already been installed in Juniper Drive. Dry utilities will be run underground via the new utility pole that was installed as part of the previous improvements to the property.

### Grading and Drainage

Much of the Project is currently developed as impervious area, including a concrete pad at the site of the existing storage shed, a paved barbecue area, and a retaining wall. A Grading and Drainage plan will be submitted at the time of construction permit and will include the requisite onsite water retention requirements.

Special Use Permit Approval Criteria

Outlined below are our responses to the approval criteria from Santa Fe Land Development Code §14-3.6(D)(1)(b) and §14-3.6(D)(1)(c).

*§14-3.6(D)(1)(b) That granting the Special Use Permit does not adversely affect the public interest.*

Development of Unit 3 will be in keeping with fabric of the surrounding neighborhood. Granting the Special Use Permit will not adversely affect the public interest. In fact, it will improve the neighborhood by providing an opportunity for appropriate infill on a property that is currently vacant and in need of improvement.

*§14-3.6(D)(1)(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 premises under consideration.*

Much of the surrounding neighborhood is developed at R-21 density, including several nearby condominium developments. Developing the subject lot will afford completion of the condominium project and will be an asset to the neighborhood, removing the hazards associated with vacant lots in the midst of residential development.

Increase in Maximum Density Approval Criteria

Outlined below are our responses to the approval criteria from Santa Fe Land Development Code §14-7.2(F)(2).

(2) *In evaluating the proposed density, the following factors shall be considered:*

(a) *if the Future Land Use designation shown on the General Plan is High Density Residential;*

The Future Land Use designation shown on the General Plan is Moderate Density Residential (7-9 dwelling units per acre). However, the neighborhood is already developed to a higher density, which is supported by its R-21 zoning.

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

As evidenced by the attached condominium plat and site plan, the applicant purchased the property in 2006 with the intention of creating a 3-unit condominium

in conformance with the property's R-21 zoning. The construction of Unit 3 as planned will complete the condominium.

*(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;*

N/A

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

The surrounding neighborhood is already densely developed, including several condominium complexes on Rio Grande Avenue. The proposed third condominium unit will be in conformance with the existing density of the neighborhood.

*(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.*

The proposed construction of one additional condominium unit in a neighborhood containing several significant condominium complexes will have no impact on the community. Enjoyment of other land in the vicinity will not be affected. The construction of Unit 3 is consistent with the City's General Plan, which calls for infill development. It is also consistent with the spirit of Chapter 14, as it is in alignment with the property's R-21 zoning and with the neighborhood's existing development patterns.

#### Early Neighborhood Notification

An Early Neighborhood Notification meeting was held on February 8<sup>th</sup>, 2016. There were nine neighbors in attendance. Discussion included the following topics:

- Questions regarding off-street parking. Neighbors expressed concern that the Project would increase on-street parking, which was seen as a hazard, particularly in the winter. Jennifer Jenkins explained that the Project would provide two off-street parking spaces as required by City code.
- Questions regarding drainage, and concerns that the Project would increase the likelihood of flooding at the bottom of Juniper Drive. Jennifer Jenkins explained that a Grading and Drainage Plan addressing onsite water retention would be required at the time of construction permit submittal.

Juniper Terrace Condominium  
Special Use Permit Application

- Questions regarding the necessity for a Special Use Permit. Dan Esquibel explained the Special Use Permit requirement per Ordinance 2013-16 and stated that future development of Unit 3 would not affect overall neighborhood density, as it was already developed to an R-18 or R-21 density.

In support of this request, the following documentation is submitted herewith for your review:

1. Application Fee in the amount of \$380.00
  - Special Use Permit Application \$350.00
  - Public Notice Poster \$30.00
2. Special Use Permit Application
3. Condominium Plat
4. Permitted Site Plan
5. Letter of Owner Authorization
6. Warranty Deed
7. Legal Lot of Record
8. Special Use Permit Site Plan (2 full size copies + PDF)

Your assistance with this request is greatly appreciated. Please do not hesitate to call should you have any questions or need additional information. Thank you for your consideration.

Sincerely,

**JENKINS GAVIN DESIGN & DEVELOPMENT**

A handwritten signature in black ink, appearing to read 'Hillary Welles', with a stylized flourish at the end.

Hillary Welles

# JUNIPER TERRACE CONDOMINIUM Special Use Permit Application

## SITE PLAN

1"=10'-0"

