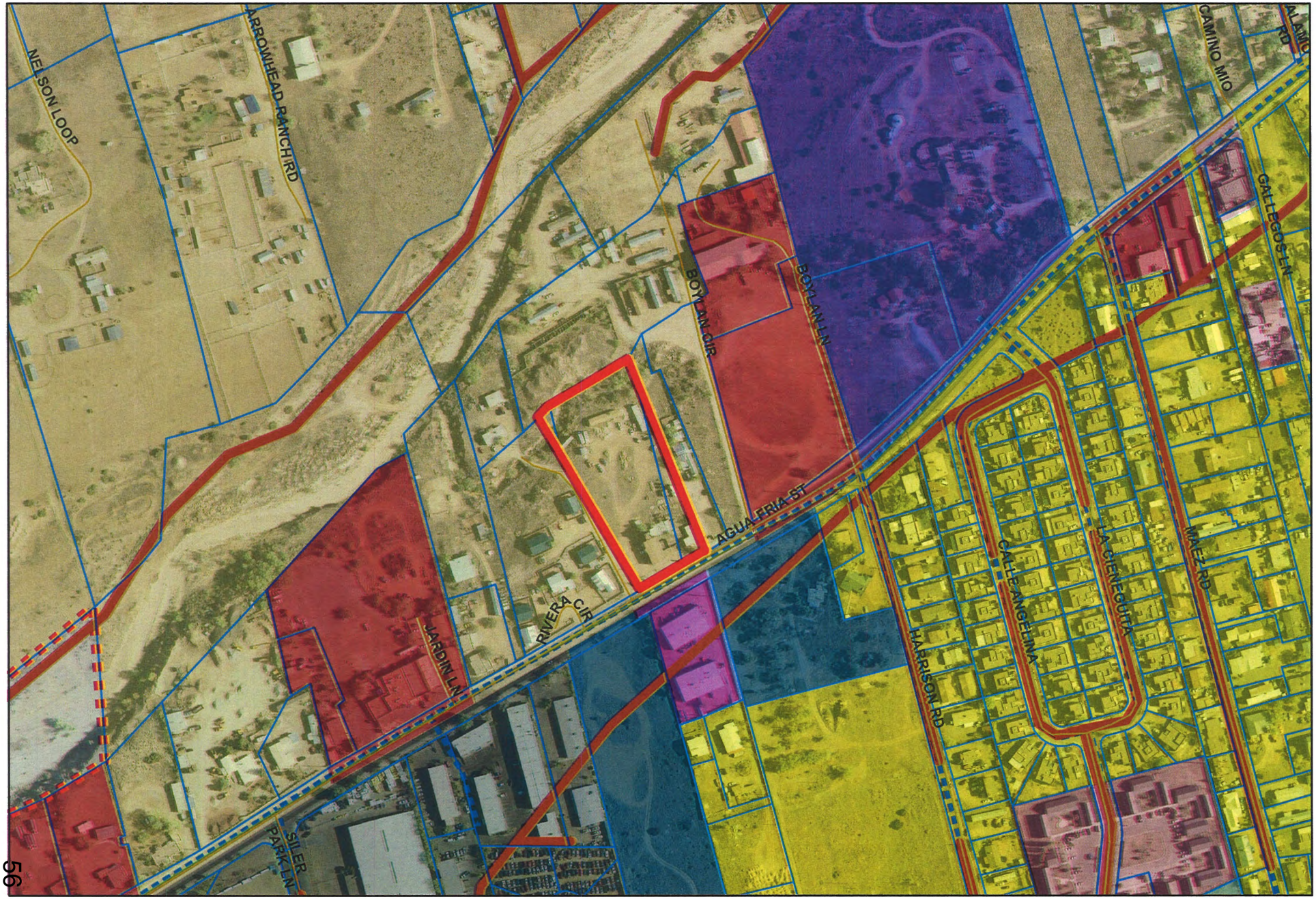
2749 and 2751 Agua Fria Future Land Use Map



City of Santa Fe, New Mexico

Planning Commission

Exhibit C2

Zoning Map

2749 and 2751 Agua Fria Zoning Map

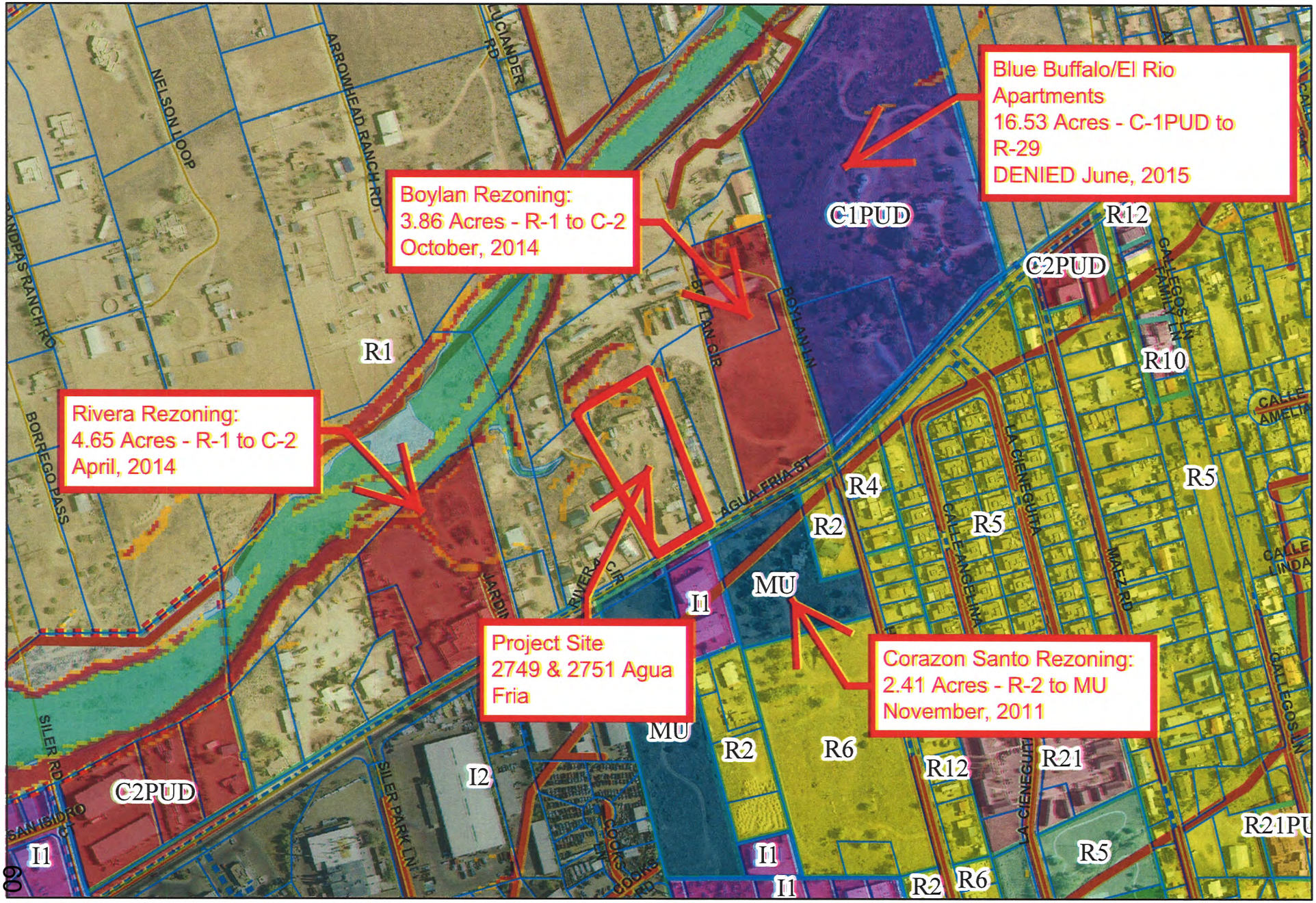
City of Santa Fe, New Mexico

Planning Commission

Exhibit C3

Recent Rezoning Map

Rezonings and Land Use Amendments along Agua Fria East of Siler Road



City of Santa Fe, New Mexico

Planning Commission

Exhibit D

R-1 and C-2 Use Lists

R-1, R-2, R-3, R-4, R-5 and R-6 Residential Districts

The purpose of the R-1, R-2, R-3, R-4, R-5 and R-6 *residential* districts is to be *residential* areas with low population *densities*.

Permitted Uses

1. Daycare; preschool; for infants & children (6 or fewer)
2. Dwelling, multiple-family
3. Dwelling, single-family
4. Electrical distribution facilities
5. Electrical substation
6. Electrical switching station
7. Electrical transmission lines
8. Foster homes licensed by the State
9. Group residential care facility (limited)
10. Manufactured homes
11. Police substations (6 of fewer staff)
12. Public parks, playgrounds & playfields

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

Special Use Permits

The following uses may be conditionally permitted in R-1, R-2, R-3, R-4, R-5 and R-6 districts subject to a Special Use Permit:

1. Adult day care
2. Boarding, dormitory, monastery
3. Cemeteries, mausoleums, columbaria
4. Clubs & lodges (private)
5. Colleges & universities (residential)
6. Continuing care community
7. Daycare; preschool; for infants & children (more than 6)
8. Fire stations
9. Grocery stores (neighborhood)
10. Group residential care facility
11. Laundromats (neighborhood)
12. Mobile home; permanent installation
13. Museums
14. Neighborhood & community centers (including youth & senior centers)
15. Nursing, extended care, convalescent, recovery care facilities
16. Police stations
17. Religious assembly (all)
18. Schools; elementary & secondary (public or private)
19. Sheltered care facilities
20. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

Accessory Uses
The following accessory uses are permitted in R-1, R-2, R-3, R-4, R-5 and R-6 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds, located within the rear yard only

Dimensional Standards

Max density	R-1=1; R-2 = 2; R-3 = 3; R-4 = 4; R-5 = 5; R-6 = 6 dwelling units per acre
Minimum lot:	Area: single family dwellings: minimum 4,000 SF or 2,000 SF if common open space provided; multi-family dwellings 4,000 SF per dwelling unit
Max height:	Residential structures 24 feet; non-residential structures 35; Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a side or rear property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point of the perimeter.
Setbacks:	Street 7 (20 for garage or carport); side 5 or 10*; rear 15 or 20% of the average depth dimension of lot, whichever is less A garage or carport with a vehicle entrance facing the street must be set back 20 feet from the street property line (refer to illustration 14-7.1-3) (* Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a side or rear property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point of the perimeter.)

Max lot cover: 40; 50 if private open space provided (14-7.5(C)(1)

Private Open Space
The intent of private open space is to ensure easily available access to the outdoors in medium- to high-density developments, and to provide for a sufficient sense of privacy.

Requirements are as follows:
The maximum lot coverage may be increased in accordance with Table 14-7.2-1 if qualifying private open space for each dwelling unit is provided as follows:

(1) for lots in R-1, R-2, R-3, R-4, R-5, R-6, districts, an amount not less than fifty percent of the total gross floor area of that dwelling unit; and
(2) balconies, roof decks or roofed areas such as porches or portals may be included as twenty-five percent of the required private open space;
(3) private open space does not include parking areas, driveways or related access for automobiles or storm-water ponding areas;
(4) the minimum dimension for required private open space shall not be less than 12 feet;
(5) finished grade for required private open space shall have a slope no greater than 1 vertical foot in 10 horizontal feet; and
(6) accessory dwelling units shall also be required to meet the private open space criteria in this Subsection 14-7.5(C); provided, however, that private open space for the accessory dwelling unit does not have to be physically separated from the private open space for the primary dwelling unit, and up to fifty percent of the private open space required for the accessory dwelling unit may be the same private open space provided for the primary dwelling unit; and
(7) there are no planting requirements for private open space.

Minimum Qualifying Open Space

Detached single family dwellings – 14-7.2(C) – None except as provided for lot size averaging. It is intended that the *common open space* required in single-*family* subdivisions where the *lot* size has been reduced from that of a conventional subdivision be a compensation to occupants for reduced *lot* size. It is further intended that *common open space* be usable and be provided for occupants outside of the *lot* but within the subdivision.

Where the *lot* size is between 2,000 and 4,000 square feet, *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of single-*family lots*, equals no less than 4,000 square feet.

Multiple family dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit.

C-2 General Commercial District

The C-2 general commercial district includes areas along *streets* carrying large volumes of traffic where commercial uses are appropriate. Regulations are designed to guide future additions or changes so as to discourage extension of existing and formation of future strip *commercial development*, to preserve the carrying capacity of the *streets* and to provide for *off-street parking* and loading.

Permitted Uses

1. Adult day care
2. Antique stores
3. Art supply stores
4. Arts & crafts schools
5. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
6. Assembly & manufacturing (light)
7. Automobile service & repair including filling & repair stations
8. Automobile tire recapping & retreading
9. Banks & credit unions with drive-through ☼
10. Banks & credit unions without drive through
11. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
12. Bar, cocktail lounge, nightclub, no outdoor entertainment
13. Barber shops & beauty salons
14. Bed & breakfast and inns
15. Bookshops
16. Cabinet shops (custom)
17. Clubs & lodges (private) ☼
18. Colleges & universities (non-residential)
19. Commercial parking lots & garages
20. Commercial recreational uses & structures (theaters, bowling alleys, pool-rooms, driving ranges, etc)
21. Correctional group residential care facility ☼
22. Dance studios
23. Daycare; preschool; for infants & children (small – 6 or fewer)
24. Daycare; preschool; for infants & children (large – 6 or more)
25. Department & discount stores
26. Dwelling; multiple family (see section 14-6.2(A)(7) for additional regulations)
27. Dwelling; single family (see section 14-6.2(A)(7) for additional regulations)
28. Electrical distribution facilities
29. Electrical substation
30. Electrical switching station
31. Electrical transmission lines
32. Exercise, spas, gym facilities
33. Flea markets
34. Florist shops
35. Funeral homes or mortuaries
36. Furniture stores

37. Grocery stores (neighborhood)
38. Hotels, motels, residential suite hotels
39. Human service establishments ☼
40. Kennels ☼
41. Laboratories; research experimental & testing
42. Laundromats (neighborhood)
43. Lodging facilities; conference & extended stay
44. Manufactured homes (see section 14-6.2(A)(7) for additional regulations)
45. Medical & dental offices & clinics
46. Museums
47. Neighborhood & community centers (including youth & senior centers)
48. Non-profit theaters for production of live shows
49. Nursing; extended care convalescent, recovery care facilities
50. Office equipment sales & service; retail sales of office supplies
51. Office; business & professional (no medical, dental or financial services)
52. Personal care facilities for the elderly
53. Personal service establishments (including cleaning, laundry, appliance repair & similar services)
54. Pharmacies or apothecary shops
55. Photographers studios
56. Police stations
57. Police substations (6 or fewer staff)
58. Public parks, playgrounds, playfields
59. Religious assembly (all)
60. Religious, educational & charitable institutions (no school or assembly uses) ☼
61. Rental; short term
62. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
63. Restaurant with drive-trough, drive-up ☼
64. Restaurant; fast service, take out, no drive through or drive-up
65. Restaurant; full service, with or without incidental alcohol service
66. Retail establishments not listed elsewhere
67. Schools; Elementary & secondary (public & private) ☼
68. Sign shops
69. Tailoring & dressmaking shops
70. Time share vacation projects
71. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
72. Veterinary establishments, pet grooming ☼
73. Vocational or trade schools (non-industrial)
74. Wholesale & distributing operations (under 3,000 square feet of storage)

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

Special Use Permit
The following uses may be conditionally permitted in C-2 districts pursuant to a Special Use Permit:

1. Boarding, dormitory, monastery
2. Cemeteries, mausoleums & columbaria
3. Colleges & universities (residential)
4. Continuing care community
5. Group residential care facility
6. Group residential care facility (limited)
7. Hospitals
8. Mini storage units
9. Sheltered care facilities
10. Storage; individual storage areas within a completely enclosed building
11. Transit transfer facilities

Accessory Uses
The following accessory uses are permitted in C-2 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use

Dimensional Standards

Minimum district size None.

14-7.5(D)(8)(c) C-2 District Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.

Maximum height: 45

Minimum setbacks:
Non-residential uses: Street 5; side 0, rear 10

Where rear yard abuts a residential neighborhood no less than 25 feet rear yard setback shall be provided or 20% of the depth of the lot, whichever is less. A 15 foot buffer is required for non-residential uses adjacent to residential uses.

Max lot cover: 60

Nonresidential and Mixed Use Open Space Standards

The minimum dimension for *nonresidential open space* shall be ten (10) feet and cover a minimum of three hundred (300) square feet, unless the area is a component of interior parking *landscape* and meets the requirements for *open space* credits for *water harvesting* described in this Subsection 14-7.5(D)(6).

The percentage of *required open space* shall be calculated on the basis of total *lot* area, and shall be no less than twenty-five percent unless the conditions described in Subsection 14-7.5(D)(6) are met; then the *required open space* may be reduced by a maximum of ten percent of the total *lot* size. More restrictive requirements for individual zoning districts shall apply.

Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.

Residential Open Space

C-2 District

Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.

City of Santa Fe, New Mexico

Planning Commission

Exhibit E

ENN Notes

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

Project Name	2749, 2751 Agua Fria Rezone
Project Location	2749, 2751 Agua Fria
Project Description	GP Amendment, Rezone R-1 to C-2 for 2.2 Acres located on the north side of Agua Fria
Applicant / Owner	Leroy Romero
Agent	Siebert and Associates
Pre-App Meeting Date	
ENN Meeting Date	April 15, 2015
ENN Meeting Location	Southside Public Library
Application Type	GP Future Land Use Map Amendment, Rezoning
Land Use Staff	Greg Smith
Other Staff	None
Attendance	Applicant representative and eight members of the public.

Notes/Comments:
Applicant's representative Victoria Dalton presented a brief summary of the proposed project and showed maps and aerial photos of the project site. Ms. Dalton indicated that there was no arroyo crossing the property, that two rental dwelling units are located on the property, and that there are currently no plans for further development of the property.

Ms. Dalton stated the purpose of the rezoning is to eliminate the nonconforming status of the current rental units and the well drilling/repair business on the property, and to provide future benefit for the heirs of the current owner. She noted other nonconforming businesses are nearby, and cited other Agua Fria rezoning cases as precedents.

Various members of the public noted concerns with traffic volume and congestion on Agua Fria, indicating that commercial development would add to problems and "destroy the neighborhood bit by bit." Neighbors noted concerns with this and other recent and possible future development proposals being done piecemeal without planning.

Ms. Dalton responded that additional development could help to pay for infrastructure upgrades, and stated that the rezoning would not directly increase traffic. The meeting concluded after approximately one hour.

City of Santa Fe, New Mexico

Planning Commission

Exhibit F

Applicant Packet

2749, 2751 AGUA FRIA ROAD

AND A 0.0057 ACRE TRACT, WITH AN UNASSIGNED ADDRESS

GENERAL PLAN AMENDMENT

&

REZONING REPORT

PREPARED FOR

LEROY ROMERO

PREPARED BY

JAMES W. SIEBERT & ASSOC., INC

APRIL, 2015

(revised August 17, 2015)

CASE# 2015-43 GPA
CASE# 2015-44 Rezone

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Response to Criteria for Rezoning of the Property	9-12

APPENDICES

Appendix A	Personal Representatives Warranty Deed
Appendix B	ENN Sign-in Sheet & Guidelines

FIGURES

Figure 1: Vicinity Map
Figure 2: Zoning Map

PROPERTY DESCRIPTION & LOCATION

The subject property is located at 2749 and 2751 Agua Fria Street. The request also includes a 0.057 acre tract which has not been assigned an address. The property is currently zoned R-1 with several existing buildings used for single family, rental and commercial purposes. The total area of all tracts within the rezoning request equals 2.203 acres. Mr. Romero has a well and pump repair and maintenance business, for which he has a City business license and currently operates as a home occupation. The main structure closest to Agua Fria has historically been referred to as the "castle".

Figure 1 is a vicinity map indicating the location of the subject property relative to the City street system and other known land marks in the area.

OWNERSHIP, LEGAL LOT OF RECORD

The subject property is owned by Leroy Romero. A warranty deed for the property in the name of Mr. Romero can be found in Appendix A to this report.

The legal lot of record for this property is created through information submitted to Land Use documenting the various boundaries for the property configuration as it exists today, including changes to property boundaries caused by BLM survey errors. A request has been submitted to the City to recognize the lots as legal lots based on documented evidence submitted to Land Use staff. A certificate of compliance recognizing these as legal lots is pending at the City.

DEVELOPMENT REQUEST

The applicant is requesting a general plan amendment to amend the existing land use from Residential Mountain to General Commercial and to rezone the subject 2.203 acres from R-1 (one dwelling per acre) to C-2 (General Commercial).

ENN

An Early Neighborhood Notification (ENN) meeting was held on April 15, 2015 at the Tierra Contenta Library. Seven people attended the meeting. The principal concern was the additional traffic to be added to Agua Fria Street. It was pointed out that the existing uses would be maintained for the foreseeable future since it was not the intent of Mr. Romero to redevelop the property. There was also concern about the need for the rezoning since Mr. Romero has a home occupation for his business. Mr. Romero stated that the existing zoning made his property a non-conforming use, potentially leaving his daughters with a property that would be difficult to sell or develop to a higher potential. The sign in sheet and ENN guidelines for the meeting is provided in Appendix B.

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PRIOR JURISDICTION AND EXISTING CONDITIONS

The property consists of 2.203 acres of land with several buildings located on the property. The size and type of use for these building is provided below.

Site Data	Building Size
Lot Area:	2.203 acres
Rental Units (castle):	1,725 (first floor)
Office:	250 sq. ft.
Shed A:	400 sq.ft.
Shed B:	427 sq. ft.
Mobile Home A:	980 sq. ft.
Mobile Home B:	840 sq. ft.
Residence:	825 sq. ft.
Lot Coverage:	5.6 % (5,447 sq.ft.)

ACCESS

Access to the property is directly off Agua Fria. There are currently two curb cuts that provide driveway access to the subject property. The most westerly curb cut serves as access to the main structure with two rental apartments, the two mobile homes at the rear of the property and Mr. Romero's business. The more eastern curb cut serves as the driveway to the single family residence.

ARCHAEOLOGY

This tract of land is located in the River and Trails district. Per City code an archaeological study is required for parcels more than two acres in size. An archaeology study has been prepared by Steve Townsend and is submitted under a separate cover. There are buildings on the property that are older than 50 years and qualify as having historic potential. There are no alterations of the existing property and no effect to significant cultural resources, therefore, cultural resource clearance is recommended by the consulting archaeologist as quoted below from the Townsend report.

"It is recommended there are no historically important resources on the subject property. Archaeological clearance is recommended for the proposed rezoning application with a finding of no effect to significant archaeological or historic resources".

ADJOINING LAND USES

The adjoining property to the west consists of seven rental dwelling units and single family structures to the north end of this property. There are three adjoining properties to the west that are zoned R-1 the fourth parcel to the west, previously Club Alegria has been rezoned to C-2. The property immediately east is residential. The third lot to the east (Boylan) has recently been rezoned to from R-1 to C-2, adjoining the C-2 (Boylan) property are two tracts that are zoned as C1-PUD. The property to the south on the south side of Agua Fria is zoned for I-1, light industrial and mixed use.

A description of the existing zoning in the vicinity of the application is provided on Figure 2

UTILITIES

Water

A 10 inch water line is located in Agua Fria Road. There are two water meters on the property. No expansion of the property is proposed at this time so there is no need to augment the water system serving the existing structures. There is a well on the property that serves the business and residential dwellings on the property.

Sewer

All of the buildings are served by existing septic tanks and leach fields. There is a septic tank and leach field that serves the two structures closest to Agua Fria. The two manufactured homes are served by a separate septic tank and leach field. There is no public sewer within 200 feet of the property and an on-site liquid waste system is permitted by City Code in that circumstance.

Dry Utilities

Electric and telephone are located on overhead lines along Agua Fria and within an adjoining easement on the west side of the property. There is three phase electric adjacent to Agua Fria and single phase electric on the west side of the adjoining property, which is available for use on this property. Natural gas has been extended to the existing structures from a feeder line on Agua Fria.

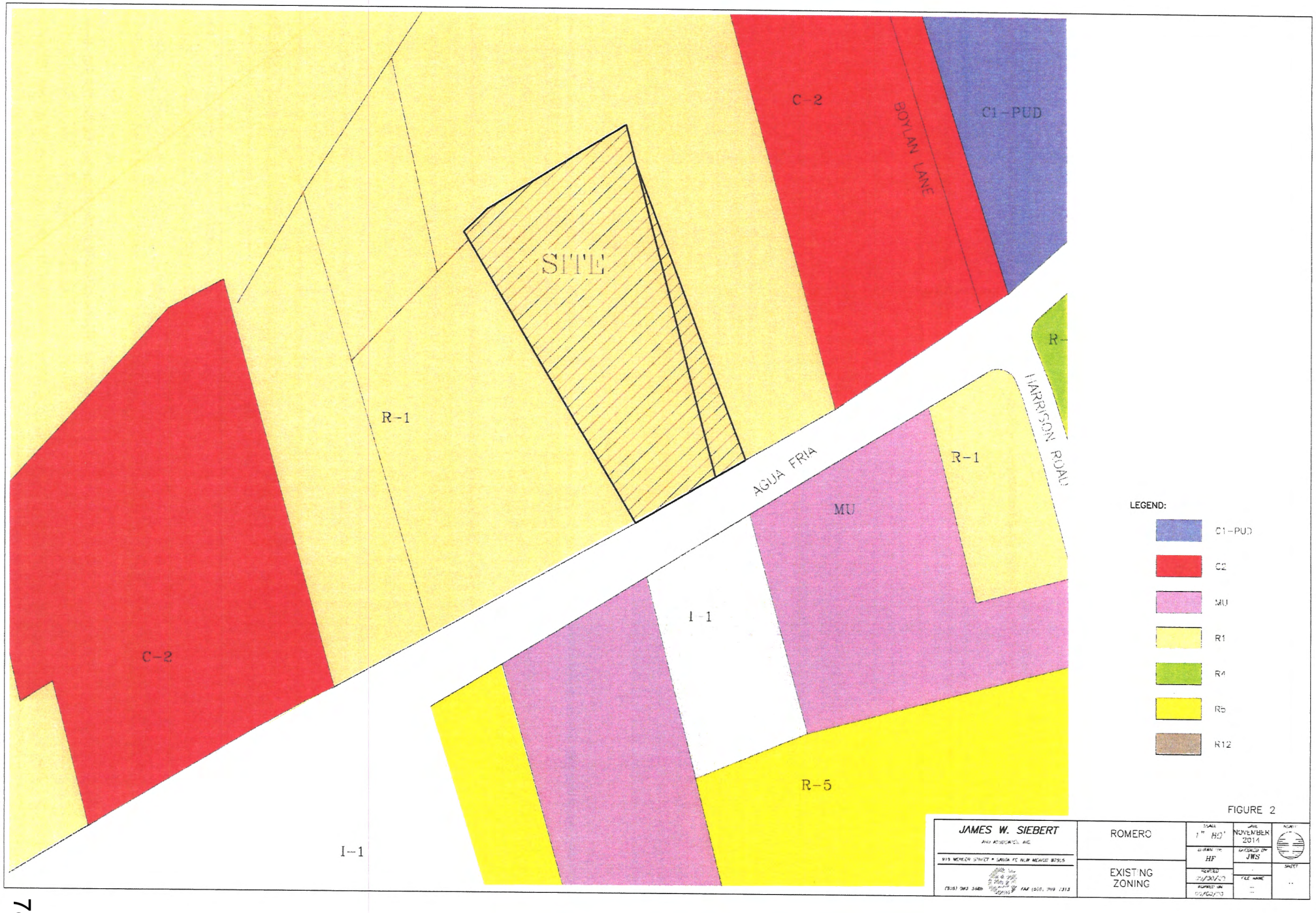
C-2
BOYLAN LANE
C1-PUD
SITE
R-1
AGUA FRIA
HARRISON ROAD
R-1
MU
I-1
C-2
R-5
I-1
LEGEND:
C1-PUD
C2
MU
R1
R4
R5
R12
JAMES W. SIEBERT
ROMERO
EXISTING ZONING
1" 80'
NOVEMBER 2014
HF
JWS

FIGURE 2

The Land Development Code lists the criteria for addressing an amendment to the General Plan. Each of these criteria is addressed below.

(1) Criteria for all amendments to the general plan:

(a) Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure.

Santa Fe has an annual growth rate of approximately one percent. The City is attempting to provide for a diversity of uses in the area along Agua Fria and Siler road. This is evidenced by the City Council's action to reject the Euclidian zoning applicable to the I-1 and I-2 districts and allow for a more liberal application of permitted uses in this area.

The City's 2008 Economic Development Plan recommends the following "targeted businesses.

Targeted sectors are identified as follows:

- Media (Film, Publishing, Journalism, Video Game Production, etc.)
- Green – Consistent with Sustainable Santa Fe Plan and including: Clean renewable energy (with a focus on the solar industry), water conservation, waste reduction technologies and outdoor and recreational activities and equipment.
- Technology (Biotech, Nanotech, Software design, etc.)
- Knowledge Based Enterprise (Research and Development, Think Tanks,
- Financial Services, Consulting, Public Policy, etc.)
- Arts & Culture (Artisans, Fine Artists, and Cultural Heritage as described in the City's Cultural, Arts and Tourism Plan.)

Of the above uses the City has already started to see an increase in the culture, arts and boutique beer breweries for the area. The area is evolving as a mix of industrial uses, theatres and locations for artists in metals and stone.

(b) Consistency with other parts of the General Plan.

The City General Plan shows this property as Residential Mountain, 1dwelling per acre.

The properties across Agua Fria to the south are zoned I-1, Light Industrial and MU Mixed Use.

The land uses on the property immediately west consist of higher density rental dwellings. Since the sixties this area has consisted of a mix of housing and small scale commercial businesses. This property is not located within the boundaries of the Southwest Sector Plan and a definition of appropriate land uses is derived more from consistency with recently approved zoning applications and existing mix of uses rather than directed policy.

(c) Compliance with the extraterritorial zoning ordinances and extraterritorial plan.

This criterion is no longer relevant since the adoption of SPPaZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.

(d) Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development.

This area along Agua Fria Road has a long history of diverse land uses, first under County jurisdiction prior to 1990, then under extraterritorial jurisdiction from 1991 to 2009. Is was common in the 1950's for Santa Fe residents to buy land in this area along Agua Fria and construct their homes and start a small business at the same location. The owner of the property wishes to continue to rent the two residential dwellings and house adjacent to Agua Fria, live in the one of the two manufactured homes while his daughter lives in the second manufacture home and maintain his current business without the necessity of a home occupation. This promotes the general welfare by having the security that the business use will be allowed by right. It also encourages investment in the property since the commercial zoning provides the security that encourages investment in the property.

(2) Additional Criteria for Amendments to Land Use Policies

a) *The growth and economic projections contained within the plan are erroneous or have changed; or:*

When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and assign a zoning district that best fit those land uses. The current R-1, Single Family Residential zoning allowing for one dwelling per acre is unrealistic for either this property or other properties in area south of Agua Fria. The R-1 district is often applied as a holding zone until an application is submitted for a use more suitable for the area.

b) *No reasonable locations have been provided for certain land uses for which there is demonstrated need; or*

There are few locations this close to the center of the City where such a variety of land uses can

take place. The Planning Commission has already recognized diversity of land uses that exists north of Agua Fria by recommending approval of Boylan property zoning from R-1 to C-2. There are other locations for C-2 land in Santa Fe but the majority of developable C-2 land is located at the southern end of the urban area in the vicinity of Cerrillos Road.

c) Conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market, and building technology; and

The conditions affecting the subject land are more jurisdictional than a result of market conditions. Historically this area has been under either County or extraterritorial jurisdiction where diverse mixes of land uses were recognized as the historical land use pattern for the area. Santa Fe County permitted business licenses for changes to uses within buildings as legal, non-conforming uses. When the City assumed regulatory control over this area, the assignment of R-1 rezoning made all of the structures, with the exception of the single family residence, non-conforming structures. The application of the C-2 zoning will bring the mix of residential and commercial uses into conformity with City zoning.

d) The effect of the proposed change in land use will not have a negative impact on the surrounding property. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent property by a setback, landscaping or other means.

Since the structures are existing there is no negative impact to the surrounding property. As described earlier the property to the west consists of several rental units, well in excess of the underlying zoning imposed by City. The Boylan rezoning to C-2 is located three parcels to the east of this application. Any redevelopment of the property in excess of 15,000 square feet will require a development plan application and hearing before the Planning Commission.

RESPONSE TO CRITERIA FOR REZONING OF THE PROPERTY

Rezoning Application – Approval Criteria

This section of the report addresses the rezoning criteria set forth in Section14-3.5(C) of the Land Development Code.

(a) One or more of the following conditions exist:

(i) There was a mistake in the original zoning.

Since the Annexation of this property, the City has used R-1 zoning designation for annexed areas where it serves as a holding zone until another use is proposed for the land. R-1 is the lowest density zoning district designated in the Land Development Code and the designation of this district is inconsistent with the policies of the General Plan.

(ii) There has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or

The City Council has recently approved C-2, General Commercial zoning the Boylan property to the east. The land uses along the south side of Agua Fria vary from mixed use, general commercial to light industrial. Prior to the City annexing the area north of Agua Fria Road there was little development activity. With the City commitment of utilities and provision of City services this area is now experiencing requests for development or re-development.

(iii) A different use category is more advantageous to the community as articulated in the general plan or other adopted plans.

The City General Plan shows this property and other properties between Agua Fria and the Santa Fe River as "Residential Mountain". The predominate land use for this area is a mix of commercial and single family and rental housing. From the time that this area was brought into the "Presumptive City Limits" and zoned R-1, single family residential, one dwelling per acre, many of the existing uses have become non-conforming.

The land owners are now limited in the expansion of the existing structures on the property and the issuance of business licenses other than home occupation licenses. As non-conforming businesses if the business ceases to exist for one year or more the property must revert back to a low density single family use which is not consistent with the existing land use pattern for most of the properties in close proximity to this application.

Given the inconsistency between the zoning and the actual land use it would be more advantageous to recognize the existing land use pattern for the area. It does not make planning sense to create non-conformity out of 70 to 80 percent of the ownership in the vicinity of this request. That non-conformity discourages investment in the property and can lead to blight in the area.

(b) All the rezoning requirements of Chapter 14 have been met.

Currently the existing zoning is R-1, Single Family Residential, one dwelling per acre, which creates a non-conforming status for this property. Rezoning of the property to C-2 uses would bring this property into conformance with the historic uses that have taken place on this property.

(c) The rezoning is consistent with the applicable policies of the general plan, including the future land use map.

The City General Plan shows this tract as "Low Density Residential, 1-3 dwellings/acre", which is inconsistent with the use of the property and the surrounding uses for the area.

It appears that the area was inadequately surveyed when the City General Plan was prepared and when zoning was assigned to this area during the adoption of SPPaZo, or the ordinance that established the zoning legislation for the areas that the City planned to annex in the future. It is therefore, not that the property is inconsistent with the General Plan, especially the future land use map, but that the land use designation established by the City General Plan was incorrect.

(d) The amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate, and geographic location of the growth of the city.

Although there is a limited amount of vacant or developed C-2 land in this area of the City, the land area associated with this request should not be considered an addition to the City's supply of C-2 land, since it has been used for that purpose for over 50 years. The rezoning request for the subject property should be considered an infill development rather than a property that is located in the path of the future growth of the community. Undeveloped C-2 land is largely available in the southern region of the urban area, generally along Cerrillos Road and to a large extent in the Las Soleras and Entrada Contenta developments.

(e) The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

Public utilities are available on Agua Fria, including water, gas and electric lines, cable and telephone lines. The City has completed street improvements and widening of Agua Fria adjacent to the subject property including upgrades to the Agua Fria and Siler Road intersection. Siler Road has been completed from Agua Fria to West Alameda providing for alternative routes to Agua Fria. In fact the traffic volumes on Agua Fria have declined with the extension of Siler to West Alameda. There is currently no sewer available to these properties since the sewer line is located on the north side of the Santa Fe River. It is assumed that with the development of the Boylan tract that sewer will be extended along the south side of the Santa Fe River.

The closest Fire Station to this site is located on Cerrillos Road near Third Street within a five minute service radius to this property. The County is finalizing the design for a pedestrian and bicycle trail on the north side of the Santa Fe River. It is unknown what the time frame is for the construction of the trail north of the Santa Fe River.

(2) *Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect to which is to;*

(a) *Allow uses or change in character significantly different from or inconsistent with the prevailing use and character in the area.*

Commercial uses have existed in the vicinity for several years. The City Council has recently approved C-2, General Commercial zoning on the land just east and west of these properties. The property is located in an area that is in transition. The redevelopment of land between Agua Fria Road and the Santa Fe River will continue to occur. The pockets of low density residential land will begin to realize a higher market potential.

(b) *Affect an area of less than two acres, unless adjusting boundaries between districts; or*

The assembly of these parcels results in a total of over 2.00 acres of land satisfying that criterion.

(c) *Benefit one or a few landowners at the expense of the surrounding landowners or general public.*

The majority of landowners south of Agua Fria Street, in the vicinity of this application are in a similar situation. These adjoining and nearby landowners have land uses that are inconsistent with the underlying zoning. The only benefit that is received by this landowner is his willingness to spend the money on the City development review process to bring the zoning in line with the existing uses on the property.

(D) Additional Applicant Requirements

(1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;

Existing utility infrastructure is available to serve this development and has the capacity to accommodate the project at full development. Water is located in Agua Fria Road. Sewer is north of the property across the Santa Fe River and is inaccessible at this point. When sewer becomes available there will be sufficient capacity in the line to accommodate the discharge requirements of this development

(2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

There is no additional impact to the street system since no additional development is proposed. Improvements on Agua Fria Street include the widening of the roadway and construction of curb and gutter and s

APPENDIX A

WARRANTY DEED

874207

PERSONAL REPRESENTATIVE DEED

Carmen Romero, personal representative of the **Estate of Jose Arsenio Romero**, deceased, appointed on April 18, 1990 by the First Judicial District Court, County of Santa Fe, Santa Fe, New Mexico, Probate No. SF 90-79(P) grants to **Emelecio Leroy Romero** and **Jessie D. Romero**, whose address is Route 1, Box 380G, Espanola, New Mexico 87532, all the interest of the Estate of Jose Arsenio Romero, in and to the real estate located in Santa Fe County, New Mexico and described as follows:

SEE Exhibit "A" attached hereto and incorporated by reference.

Dated: October 21, 1992

The Estate of Jose Arsenio Romero,
Deceased

By: Carmen Romero
Carmen Romero
Personal Representative

Acknowledgment

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 21st day of October, 1992, by Carmen Romero, Personal Representative of the Estate of Jose Arsenio Romero, Deceased.

Lucy M. Payne
Notary Public

My Commission expires:
8/17/93

LUCY M. PAYNE
NOTARY PUBLIC
STATE OF NEW MEXICO

795220

COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed for record on the 25 day of NOV A.D. 19 92, at 1:00 o'clock pm. and was duly recorded in book 874, page 207-208 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.
Olivia M. Garcia
Deputy

COUNTY CLERK
SANTA FE COUNTY NEW MEXICO
JONA G. ARMIJO

DESCRIPTION PORTION OF LOT 1, S.H.C. 417 874208

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO, A PORTION OF LOT 1, S.H.C. 417 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N58°25'44"E, 211.04 FEET; THENCE N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES
S13°26'32"E, A DISTANCE OF 137.41 FEET; THENCE
N30°39'57"W, A DISTANCE OF 121.40 FEET; THENCE
N45°43'20"E, A DISTANCE OF 41.86 FEET TO THE POINT AND PLACE OF BEGINNING.
CONTAINING AN AREA OF 0.057 ACRES MORE OR LESS.

DESCRIPTION LOT 22

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO,AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES
S14°23'17"E, A DISTANCE OF 469.25 FEET TO THE NORTH RIGHT OF WAY (NEW) OF AGUA FRIA ROAD; THENCE ALONG THE NEW RIGHT OF WAY ALONG AGUA FRIA
S59°45'02"W, A DISTANCE OF 119.41 FEET; THENCE
N30°48'22"W, A DISTANCE OF 314.99 FEET; THENCE
N13°26'32"W, A DISTANCE OF 137.41 FEET; THENCE
N58°25'44"E, A DISTANCE OF 211.04 FEET TO THE POINT AND PLACE OF BEGINNING.
CONTAINING AN AREA OF 1.845 ACRES MORE OR LESS.

DESCRIPTION PORTION OF LOT 27

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES
S21°22'31"E, A DISTANCE OF 456.85 FEET TO THE NORTH RIGHT OF WAY (NEW) OF AGUA FRIA ROAD; THENCE ALONG THE NEW RIGHT OF WAY ALONG AGUA FRIA
S59°45'02"W, A DISTANCE OF 57.77 FEET; THENCE
N14°23'17"W, A DISTANCE OF 469.25 FEET TO THE POINT AND PLACE OF BEGINNING.
CONTAINING AN AREA OF 0.299 ACRES MORE OR LESS.

EXHIBIT "A"

DESCRIPTION PORTION OF LOT 1, S.H.C. 417 874208

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO, A PORTION OF LOT 1, S.H.C. 417 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N58°25'44"E, 211.04 FEET; THENCE N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES
S13°26'32"E, A DISTANCE OF 137.41 FEET; THENCE
N30°39'57"W, A DISTANCE OF 121.40 FEET; THENCE
N45°43'20"E, A DISTANCE OF 41.86 FEET TO THE POINT AND PLACE OF BEGINNING.
CONTAINING AN AREA OF 0.057 ACRES MORE OR LESS.

DESCRIPTION LOT 22

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO,AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES
S14°23'17"E, A DISTANCE OF 469.25 FEET TO THE NORTH RIGHT OF WAY (NEW) OF AGUA FRIA ROAD; THENCE ALONG THE NEW RIGHT OF WAY ALONG AGUA FRIA
S59°45'02"W, A DISTANCE OF 119.41 FEET; THENCE
N30°48'22"W, A DISTANCE OF 314.99 FEET; THENCE
N13°26'32"W, A DISTANCE OF 137.41 FEET; THENCE
N58°25'44"E, A DISTANCE OF 211.04 FEET TO THE POINT AND PLACE OF BEGINNING.
CONTAINING AN AREA OF 1.846 ACRES MORE OR LESS.

DESCRIPTION PORTION OF LOT 27

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES
S21°22'31"E, A DISTANCE OF 456.85 FEET TO THE NORTH RIGHT OF WAY (NEW) OF AGUA FRIA ROAD; THENCE ALONG THE NEW RIGHT OF WAY ALONG AGUA FRIA
S59°45'02"W, A DISTANCE OF 57.77 FEET; THENCE
N14°23'17"W, A DISTANCE OF 469.25 FEET TO THE POINT AND PLACE OF BEGINNING.
CONTAINING AN AREA OF 0.299 ACRES MORE OR LESS.

EXHIBIT "A"

QUITCLAIM DEED

1296130

Jessie D. Romero for consideration paid, quitclaim

to Emelecio Leroy Romero, a/k/a Leroy Romero

whose address is Route 6, Box 145 Agua Fria Street, Santa Fe, New Mexico 87501

the following described real estate in Santa Fe County, New Mexico:

SEE ATTACHED EXHIBIT A
ALL THREE DESCRIPTIONS

WITNESS my hand and seal this 12 th day of August, 1996

Jessie D. Romero (Seal) (Seal)

Jessie D. Romero

(Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF Santa Fe } ss.

The foregoing instrument was acknowledged before me this 12th day of August, 1996

by Jessie D. Romero
(Name or Names of Person or Persons Acknowledging)

My commission expires: 10-23-99
(Seal)

Dixie Rautenkranz
Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF } ss.

The foregoing instrument was acknowledged before me this

day of , 19

by
(Name of Officer)

of
(Title of Officer) (Name of Corporation Acknowledging)

a corporation, on behalf of said
(State of Incorporation)
corporation

FOR RECORDER'S USE ONLY

COUNTY OF SANTA FE 955 508
STATE OF NEW MEXICO

I hereby certify that this instrument was filed for record on the 13 day of Aug A.D. 96 at 2:18 o'clock P.m. and was duly recorded in book 1296 page 130 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, NM

131

DESCRIPTION PORTION OF LOT 1, S.M.C. 417 1296131

A tract of land lying and being situate within Section 33, Township 17 North, Range 9 East N.M.P.M. Santa Fe County, New Mexico, A Portion of Lot 1, S.M.C. 417 and being more particularly described as follows:

Beginning at a point from whence the South 1/4 corner of Section 33, T 17 N. R 9 E. N.M.P.M. bears N58 25'44" E, 211.04 feet, thence N28 18' 30" E, 61.25 feet, Thence N42 37' 36" E. 61.51 feet to the 1/4 corner;

Thence from said point of beginning along the following bearings and distances
S13 26' 32" E. A distance of 137.41 Feet; Thence
N30 39' 57" W, A distance of 121.40 Feet; Thence
N45 43' 20" E, A distance of 41.80 Feet to the point and place of beginning,
containing an area of 0.057 acres more or less.

Tract 1, Portion of Lot 22:

A tract of land lying and being situate within Section 33, Township 17 North, Range 9 East, N.M.P.M. Santa Fe County, New Mexico, and being more particularly described as follows:

Beginning at a point from whence the south 1/4 corner of Section 33, T 17 N, R 9 E, N.M.P.M. bears N. 28°18'30" E., 61.25 feet; thence N. 42°37'36" E., 61.51 feet to the 1/4 corner:

Thence from said point of beginning along the following bearings and distances: S. 14°23'17" E., a distance of 469.25 feet to the north right of way (new) of ua Fria Road: thence along the new right of way along Agua Fria S. 59°45'02" , a distance of 119.41 feet; thence N. 30°48'22" W., a distance of 314.99 feet; thence N. 13°26'32" W., a distance of 137.41 feet; thence N. 58°25'44" E., a distance of 211.04 feet to the point and place of beginning.

Tract II, Portion of Lot 34:

A tract of land lying and being situate within Section 33, Township 17 North, Range 9 East, N.M.P.M., Santa Fe County, New Mexico and being more particularly described as follows:

Beginning at a point from whence the south 1/4 corner of Section 33, T 17 N, R 9 E, N.M.P.M. bears N. 14°23'17" W., a distance of 51.55 feet; thence N. 28°18'30" E., a distance of 61.25 feet; thence N. 42°37'36" E. a distance of 61.51 feet:

Thence from said point of beginning along the following bearings and distances S. 22°01'17" E., a distance of 324.59 feet to a point; thence S. 14°36'17" E., a distance of 83.65 feet to a point; thence along the new right of way of Agua Fria Street S. 59°45'.2" W., a distance of 45.15 feet to a point; thence N. 14°23'17" W., a distance of 417.70 feet to the point and place of beginning.

All as shown on that certain plat entitled "Plat of Survey for Estate of Arsenio (Archie) Romero", prepared by Morris A. Apodaca, PLS #5300, dated October 15, 1992 as project #D-333.

APPENDIX B

ENN SIGN-IN SHEET & GUIDELINES

City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet

Project Name: Leroy Romero GPA & Rezoning **Meeting Date:** 4/15/15

Meeting Place: Southside Public Library **Meeting Time:** 5:30

Applicant or Representative Check Box below

		Name	Address	Email
☑	1	Victoria Dalton	915 Mercer St	victoria@swsiebert.com
☐	2	Elizabeth Clarke	1533 La Cienaguita	sonnaandelizabeth@gmail.com
☐	3	Leroy Romero	2744-B AGUA FRIA	NONE
☐	4	Jim & Maggi Gray	1308 Camino Carlos Rael	jimaggi@comcast.net
☐	5	Ruth ZAPORAH	1311 ALAMO RD	zap@actiontheater.com
☐	6	DANIEL WERWATH	1726 AGUA FRIA ST	dwerwath@gmail.com
☐	7	Lacey Adams	1726 Agua Fria St	laceyeadams@gmail.com
☐	8	Norma Cross	1390 Camino Mio	cross@cyberwesa.com
☐	9	Rick Martinez	725 Mesilla	morgmartinez@yahoo
☐	10			
☐	11			
☐	12			

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

4/15/2015
Date

This sign-in sheet is public record and shall not be used for commercial purposes.

ENN GUIDELINES

Applicant Information

Project Name: **General Plan Amendment and Rezoning of 2749, 2751 and unassigned 0.0057 acre tract**

Name: **Siebert** (*Last*) **James** (*First*) **W** (*M.I.*)

Address: **915 Mercer Street** (*Street Address*) *Suite/Unit #*

Santa Fe, NM 87505 (*City*) **NM** (*State*) **87505** (*ZIP Code*)

Phone: **(505) 983-5588** E-mail Address: **jim@jwsiebert.com**

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 2001, 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

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS ***For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.***

The buildings in the surrounding neighborhoods south of the Santa Fe River and on either side of the development request are typically 18 to 24 feet in height. Given the age of many of the buildings that are located between Agua Fria Street and the Santa Fe River, building setbacks vary considerably since many of the buildings predate City or County zoning regulations. Landscaping and lighting is limited on this property and surrounding properties. There is a trail that is planned on the north side of the Santa Fe River. The County is negotiating for the purchase of open space along the Santa Fe River, immediately north of the subject property. The County has not yet acquired the property at this point in time.

(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.***

There is a separate tract of land between the northern boundary of this property and the Santa Fe River. This property does not lie within the 100 year floodplain. There are no escarpments or rock outcroppings which pertain to this tract of land. Fire risk is limited to the existing buildings which are currently serviced by a City fire hydrant that is located on 2751 Agua Fria Street which is one of the parcels that is the subject of the General Plan Amendment and Rezoning request. There are no hazardous materials stored within the subject tracts of land. There are no platted easements located on the property.

(c) 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.***

This property is located within the River/Trails Archaeological District. An archaeological survey and report is required for tracts of land greater than 2 acres in size. An archaeological report and survey will be required for this property. There are no known cultural sites or structures located on the property. There are no acequias that serve or have ever served the land as they relate to this property. This tract of land is not located within the Historic Downtown.

(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 land use pattern for this tract of land is consistent with the land uses to the east and west of the property. The intensity of use increases on the South side of Agua Fria, where the land is zoned a mix of I-1, Mixed Use and I-2. The City General Plan recommends a land use of residential mountain, allowing for 1dwelling per acre. This future land use recommendation is inconsistent with the current use not only on this property but the parcels of land to the east and west of this property. The request for C-2, General Commercial zoning, is consistent with the current uses on the property and a reasonable transition from the mix of I-1, Mixed Use and I-2 zoning that is located on the South side of Agua Fria. The properties to the east and west of the subject tract are similar in scope and density to the uses located on the Romero tract.

(e) EFFECTS ON 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.***

This length of Agua Fria Road that is in the area of this property has been improved with new pavement, access management and sidewalks on both sides of the road. Pedestrian access and safety has been greatly enhanced by these recent improvements to Agua Fria Road. There is a City transportation bus stop within 400 feet of this property. The sidewalks were constructed to satisfy the ADA access requirements at the driveways along Agua Fria Road allowing for wheel chairs to navigate this section of Agua Fria Road improving access for the disabled. With the extension of the trail system along the Santa Fe River there will be the opportunity to bicycle to the City center from this area via a bridge crossing at a yet to be determined location. The traffic generation will be no greater than what has historically occurred on the property.

(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.***

This property has historically been used for commercial purposes. Mr. Romero has operated his well repair business from this property for 10 years. Mr. Romero wished to change the use from legal non-conforming to a use recognized by the City Zoning Code. No jobs will be added as a result of the zoning approval but the recognition of the existing commercial use will encourage investment in this tract of land.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For 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.***

The uses on this property consist of both commercial and residential. There is a single family residence on 2749 Agua Fria and is currently occupied by a renter. There are two rental dwellings in the building that is generally referred to as the "castle". There are two manufactured home dwellings on the subject General Plan Amendment and Rezoning request. The applicant resides in one of the units and his daughter resides in the other unit. There is no proposal at this time to convert the housing to commercial uses. The existing rental units will continue to be utilized for residential purposes.

(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.*

There are two meter cans and meters that serve 2751 and 2749 Agua Fria. Sewer is located across the river and is further than 200 feet. Sewer is not available to the subject properties nor is it required to be extended since it is more than 200 feet from the subject properties. Individual onsite septic tanks are used for the property located at 2749 Agua Fria and 2751 Agua Fria. The 0.0057 acre tract is vacant. There is a City bus route that serves this section of the City that is located within 400 feet of the property. With annexation this tract of land is eligible for City police and fire protection and solid waste collection. No additional public infrastructure is required to serve this property. There are fire hydrants located along Agua Fria Road, one of which are is located on 2751 Agua Fria (castle lot) and two hydrants across the street which are 510 feet and 870 feet from the subject properties.

(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 owner's plan is to maintain the current uses on the property and as such the water use on the property will remain the same until such time as redevelopment of the property takes place. Any redevelopment of the property that increases water use will have to comply with the City water conservation and water off-set ordinances.

(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.*

This property has been used for commercial and residential purposes for the last 60 plus years. Community integration is already accomplished by the mix of residential and commercial that occurs on these lots. There is an existing sidewalk on Agua Fria and the completion of the trail system on the north side of the Santa Fe River will allow for a pedestrian and bicycle connection to Santa Fe's downtown.

(k) EFFECT ON 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? Discuss the project's effect on intra-city travel and between employment and residential centers.*

This area of Santa Fe has been part of the Santa Fe Urban Area since the 1970s. The annexation of this area implements the City General Plans that have been adopted over the last 40 years. Compact Urban from has been promoted by the City extending utilities to this area of the City and improved roadway for Agua Fria. The City has invested substantial financial resourses to encourage a more compact urban form. A variety of types of residential development is located within a mile of this proposed rezoning.