

City of Santa Fe, New Mexico

memo

DATE: July 28, 2016 for the August 4, 2016 Meeting

TO: Planning Commission

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

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division 

Case #2016-51. Haciendas Del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat. Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

I. RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in Exhibit A.

If the Commission approves this preliminary subdivision plat, a separate application for approval of the final subdivision plat will be submitted for review and approval by the Commission before a plat can be recorded and lots can be sold.

II. EXECUTIVE SUMMARY

Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on the 28-acre parcel. The subject property was rezoned in 1981 as part of the Estancia Primera Planned Residential Community [Ordinance 1981-3, Exhibit D]. The overall PRC includes approximately 120 acres south of Hyde Park Road and 68 acres located north of Hyde Park Road. The subject 28-acre project site (Tract 1) and another 40-acre tract located north of Hyde Park Road (Tract 2) were created by a lot split that was approved in 2012. The applicant does not own Tract 2.

The 1981 rezoning ordinance included special development standards related to building

heights, terrain management and setbacks from Hyde Park Road, all adopted as conditions of approval with the ordinance and subsequently recorded as restrictive covenants. The ordinance also included a master plan which delineated various tracts of land and specified the maximum number of units to be allowed on each tract [Exhibit C-5]. All of the tracts south of Hyde Park Road were subsequently subdivided and developed in accordance with the ordinance and master plan as originally approved, or as amended for each phase.

The approved 1981 master plan was apparently never recorded. Staff has been unable to locate an official copy in city records, or to determine which of various unofficial versions correspond to the original approval. Because no development has occurred on the tracts located north of Hyde Park Road, that portion of the master plan has expired. Chapter 14 does not require approval of a new master plan, but the other provisions of the 1981 ordinance remain in effect. The requirement to provide a “visual easement” setback from Hyde park Road and other conditions of approval from the 1981 ordinance are attached and have been addressed by the applicant. (See Exhibits D and H-3) Staff’s review has found that the proposed development would comply with Ordinance 1981-3.

An application by a previous owner of the land that is now Tracts 1 and 2, for a preliminary subdivision plat and development plan for a project known as “Los Vecinos,” was submitted to the city in 1994 (Exhibit C-6). That application, which would have created 56 residential lots on the 68 acres located north of Hyde Park Road, was denied by the Governing Body in 1996. The City’s discretion to deny was ultimately upheld by the courts in 2000.

Staff analysis has identified several significant issues:

- Much of the project site is located within the Ridgetop Subdistrict of the Escarpment Overlay District. Construction of houses is prohibited in the Ridgetop areas, but construction of roads and driveways is allowed.
- Much of the project site is located within the Foothills Subdistrict of the Escarpment Overlay District. Construction of houses is permitted within the Foothills, subject to siting criteria, height limits and other design standards.
- Much of the project site contains steep slopes.
- Much of the site is visually prominent when viewed from Hyde Park Road or from surrounding residential neighborhoods.
- The PRC district regulations require a phasing program for roads, emergency access and other infrastructure for both Tract 1 and Tract 2. Coordination with the infrastructure for a third vacant parcel located east of Tract 2 on Vallecita Drive, but outside the PRC, is desirable. A preliminary subdivision plat application for that parcel has been submitted, and is scheduled to be heard by the Commission on September 1 (Alma Dura Preliminary Subdivision Plat Case #2016-70, nine lots on 10.731 acres).
- The proposed use of a cul-de-sac road system with a single intersection on Hyde Park Road would provide adequate functional access and would meet minimum emergency access standards for the type and intensity of development proposed. Approval of a cul-de-sac requires a specific finding that it is not feasible to provide a through street. Provision of access points through adjacent residential neighborhoods, although technically feasible, would likely be controversial.

- The proposed subdivision has generated significant concern for some residents of nearby neighborhoods, including a lengthy and detailed letter of opposition from the Greater Callecita Neighborhood Association.

The Commission's decision to approve or deny the preliminary plat application should be based on a determination that it would comply with applicable regulations, including:

1. Consistency with conditions of approval for the PRC rezoning Ordinance 1981-3.
2. Provision of a buildable area of at least 2,000 square feet on each lot consistent with all applicable regulations, including Section 14-8.2 Terrain and Stormwater Management, Section 14-8.3 Flood Regulations and Section 14-5.6 Escarpment Overlay District.
3. Compliance with applicable standards for approval of subdivision plats provided in Subsection 14-3.7, including standards for street connectivity and use of cul-de-sacs [Subsections 14-9.2(D)(3), (D)(4) and (D)(8)].

Staff analysis has determined that the proposed subdivision complies with the 1981 PRC ordinance and with the approval criteria and applicable minimum standards in Chapter 14. Should the preliminary subdivision plat application be approved by the Commission, staff will complete a detailed review of infrastructure improvement drawings in conjunction with the final subdivision plat.

III. APPLICATION DESCRIPTION

The proposed density for this subdivision – 0.3 unit per acre – is lower than adjoining and nearby developments, including previous phases of the Estancia Primera PRC. Zoning in the area ranges from Planned Residential Community and R-1, R-2, R-2PUD, R-5, R-12PUD, and R-21 making it the least dense of surrounding development at 0.29 dwelling units per acre. The property is also in the escarpment overlay district.

Lot sizes range generally from 1 to 7 acres in size as shown on the subdivision plat. (See Sheet 2-4 of Exhibit H-2) Each of the eight building lots will be developed as a single family home subject to city codes, including the escarpment ordinance and Ordinance 1981-3 (PRC Ordinance). Each lot could possibly have an accessory dwelling unit subject to applicable provisions of Subsection 14-6.3(D)(1). An additional open space lot would also be created, and would be owned by the homeowners' association.

Access to the subdivision would be via Camino Mirasol, a new private road intersecting with Hyde Park Road that would also be stubbed out to provide access to Tract 2. Individual lots within the Haciendas del Mirasol subdivision would be accessed via a shared private driveway that connects with Camino Mirasol.

The subject property resulted from a land division approved by the Summary Committee in 2012 (Case #2012-108) that divided approximately 68.37 acres into two tracts for future development: Tract A (renamed to Tract 1) is 700 Hyde Park Road, containing approximately 27.90 acres; and Tract B (renamed to Tract 2) 799 Hyde Park Road, 40.47

acres. The 2 tracts were renamed to Tract 1 and 2 with the lot split application to avoid confusion with the lettered tracts of the Estancia Primera PRC. Both tracts are currently vacant and are under separate ownership. The applicant proposes a lot line adjustment to increase Tract 1 to 28.25± acres, to accommodate the location of the entrance road that will be shared with Tract 2. The lot line adjustment process is a separate administrative process and is not a part of this request.

The overall 68-acre site has, over the years, been used as a “parking” area and an area that was trespassed upon and used by transients as a camping spot and an area for people walking their dogs and riding their bikes. Concerns were raised regarding campfires and the threat of wildfire. The city assisted in a cleanup of the overall site that took place in 2012 to remove thousands of pounds of garbage and debris from the property. The applicant has stated that any remaining glass, debris and camp sites will be thoroughly cleaned from the property.

Covenants and restrictions will be managed by the homeowners’ association. The applicant is working with the Office of Affordable Housing to pay fees into the Affordable Housing Trust.

IV. EVALUATION

A. Driveways and Traffic

Access from Hyde Park Road into the property is proposed via Camino Mirasol, a proposed private road that would serve development on both Tract 1 and Tract 2. Access from the private road to lots within this subdivision will be via a 20 foot wide lot access driveway within a 38-foot easement. The only street lighting will be at the development’s entry at Hyde Park and Camino Mirasol.

Hyde Park Road is a major roadway which is a state road with a 100-foot right-of-way. Review by the City’s Traffic Engineering Division of the Traffic Impact Analysis submitted by the applicant’s engineer shows that there will be no significant functional problems as a result of traffic generated by the proposed eight-lot subdivision or by likely future development of Tract 2.

B. Road Connectivity

Subsection 14-9.2(D)(8) states that “Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street.” The existing topography on Tract 1 would make it difficult to connect a street to the existing road network in the neighborhood to the west, so the proposed dead-end private driveway would meet that approval criterion for Haciendas del Mirasol.

The PRC district regulations require coordination of phasing for roads, emergency access and other infrastructure for both Tract 1 and Tract 2. Coordination with the infrastructure for a third vacant parcel located east of Tract 2, but outside the PRC, is desirable. A

preliminary subdivision plat application for that parcel has been submitted, and is scheduled to be heard by the Commission on September 1 (Alma Dura Preliminary Subdivision Plat Case #2016-70, nine lots on 10.731 acres).

No plans have yet been submitted to indicate how Tract 2 will be developed. The various unofficial versions of the expired master plan all show access to Tract 1 via a dead-end private road or driveway. Access to Tract 2 is shown via various combinations of road and driveway extensions from the intersection with Hyde Park Road, from Williams Street, and from a stubbed-out connection to the “Alma Dura” parcel.

There are apparently no current plans for extension of Camino Mirasol beyond Tract 2, or for how the street might be extended within Tract 2. Future subdivision or other development of Tract 2 will likely require at least an emergency access easement connecting Camino Mirasol to some other access point to meet the requirements of the International Fire Code. An emergency access easement would have a gate that could be operated by the Fire Department using an emergency access code. Connection of a private street or emergency access road to Williams Street at the westerly corner of Tract 2 would require grading in areas with slopes steeper than 30%, and alterations to existing vegetation and drainage patterns. The Alma Dura application proposes access via Vallecita Drive, and would not provide for an extension of Camino Mirasol or for an emergency access point for Tract 2.

Although the proposed use of a cul-de-sac road system with a single intersection on Hyde Park Road would provide adequate functional access and emergency access for the type and intensity of development proposed, that type of road network does not appear to be consistent with the intent of general plan policies that call for road connectivity in residential neighborhoods. Provision of access points through adjacent residential neighborhoods, although technically feasible, would likely be controversial.

The policies for spacing of through streets and connectivity are subject to interpretation of feasibility and desirability. Staff analysis has identified the relatively low density of likely development and the steep topography as issues that affect the need and feasibility of providing connectivity. The Land Use Department and the City’s Traffic Engineer are not recommending conditions of approval that would require additional access.

C. Utilities

The tracts are inside the City’s service area. Connection to the City’s water and sewer is required. In order to determine specific requirements, water service infrastructure requirements will be evaluated at time of development. Gas, electricity, phone and cable utility infrastructure are accessible either via Hyde Park Road or via a sewer easement to the property by the El Matador Apartments.

D. Natural Features and Terrain Management

The property is subject to various provisions that affect grading and other development:

- Mountainous and Difficult Terrain regulations state that where 25% or more of a parcel has a natural slope greater than 20 percent, density is limited to 75% of the district's maximum allowable density (Subsection 14-7.2(B)(5)). Note that the proposed density is significantly lower than would be required by that subsection.
- Much of the site is also within the Ridgetop and Foothill Subdistricts of the Escarpment Overlay District, which restrict the location, height and design of buildings permitted on the property (Section 14-5.6).
- Areas of over 30% slopes are scattered throughout the property along the areas where there are arroyos. No buildings can be located in those areas, and other types of disturbance are restricted (Subsection 14-8.2(D)(2)(b)).
- The PRC Ordinance 1981-3 imposes standards that are similar in many respects to those that are outlined above.

Many of the rock/wire check dams (reportedly constructed by the Civilian Conservation in the late 1930s) have failed and are in need of repair. The applicant's Terrain Management Report states that the runoff from the subject property has discharged to the street system in the residential area to the west and does not adequately flow into the storm sewer system, requiring maintenance to clear mud and debris from the streets.

The applicant's Terrain Management Report proposes the following steps to mitigate excess runoff from impervious surfaces (roofs and driveways):

On-lot impervious areas are to be controlled as follows:

1. *All roofs are to be provided with cisterns (active water harvesting techniques). The cisterns shall be sized to capture one gallon per square foot of roof area.*
2. *All impervious driveways, sidewalks, and patios shall use (passive water harvesting techniques), open ponds, and mulched water absorption swales are to collect 100% of the 100 year 24 hour precipitation.*

Subdivision runoffs from streets are to be controlled as follows:

1. *Rain gardens will be provided adjacent to the driveway. Rain gardens are sized to control 100% of the 100 year 24 hour precipitation.*
2. *Existing check dams are to be repaired.*
3. *The existing check dams are to be repaired. [sic]*
4. *New ponds are to be constructed to attenuate peak flows.*
5. *Additional check dams will be installed.*
6. *Inspection and maintenance for all storm water management facilities shall be performed by the Homeowners Association.*

All significant trees will be accounted for and replanted or replaced. Rain gardens will be used adjacent to the driveway to reduce runoff and to water the landscape.

The Greater Callecita Neighborhood Association (GCNA) has submitted a detailed report by Architect Suby Bowden that outlines a number of alleged deficiencies in the plans submitted by the applicant, pertaining to escarpment and terrain management standards (Exhibit G-3).

Review by city staff has determined that the application materials are complete and comply with applicable standards in Chapter 14, and a detailed response to the GCNA report is included in Exhibit B-4.

E. Escarpment Regulations

Land within the Escarpment Overlay District is considered to have significant visual impact when viewed from designated segments of public roads. Within the Overlay District, the Ridgetop Subdistrict is considered more visible than the Foothills Subdistrict. In addition to placement restrictions, buildings within the Escarpment Overlay District are subject to height, color, exterior lighting, and landscaping restrictions intended to reduce potential visual impacts as set forth in Section 14-5.6. Additional regulations are provided for grading, retaining walls, driveways and utilities.

As shown on Sheet 4-3 of Exhibit H much of Tract is within the Ridgetop and Foothills subdistricts. Subsection 14-5.6(D)(3)(e) and (f) regulate siting of structures on lots proposed within new subdivisions. Note that the “viewline” is the boundary between the Ridgetop and the Foothills portions of the lot:

- (e) For lots subdivided or resubdivided after February 26, 1992, the structure shall be designed and built as far from the viewline as possible in the foothills subdistrict. An alternate siting in the foothills subdistrict may be approved if such siting of the structure will decrease the visual impact beyond that which would exist if the structure were to be sited as far from the viewline as possible.
- (f) In determining the visual impact, staff shall consider the following in accordance with the administrative procedures adopted by Resolution No. 2006-113 as may be amended by the governing body:
 - (i) the public interest is protected and the modification does not nullify the intent or purpose of this chapter;
 - (ii) existing topography;
 - (iii) effect on existing vegetation;
 - (iv) location of existing infrastructure;
 - (v) proposed site improvements; and
 - (vi) any other change that would protect the public interest, reduce the visual impact and further the objectives of this section.

The Las Estancias PRC ordinance, which was approved before the Escarpment Regulations were adopted, contains additional requirements for siting houses on lots and for a “visual setback” of 150 to 250 feet from the centerline of Hyde Park Road (Exhibit D). Subsection 14-1.7(B) states that, in case of conflicting regulations, the more-restrictive provision prevails. This means that when one is factoring in building “as far from the viewline as possible,” the houses cannot be built up against Hyde Park Road or within 30% slopes.

The “Buildable Areas” shown on the plat are intended by the applicant to represent areas where houses and accessory structures could be built in compliance with the escarpment and terrain management regulations, as well as in compliance with the siting and visual setback requirements of Ordinance 1981-3.

Analysis by staff of the applicable regulations confirms that the proposed buildable areas comply with the applicable regulations.

F. Archaeology

An archaeological study was approved by the Archaeological Review Committee (ARC) on March 3, 1997, granting clearance for the area comprising Tract 1 and Tract 2. As part of the clearance there was a preservation easement for one prehistoric site and mitigation of the another. This has been completed and is shown on the plats for the overall 69 acres. No archaeological sites are located on the subject property (Tract 1).

According to the Historic Preservation staff, it is not clear that all of the required documentation was filed. The applicant has agreed to go through the clearance process again to eliminate any uncertainty regarding documentation requirements.

G. Neighborhood Concerns

An Early Neighborhood Notification meeting was held on April 11, 2016. Approximately 60 members of the public attended (Exhibit E: ENN Materials). The primary questions and concerns raised involved drainage and erosion onto nearby properties and possible traffic congestion. Several questions were also raised about the number of units to expect on Tract 2 and how they would tie in with/ relate to the subject development.

Neighbors have continued to express concerns subsequent to the ENN meeting, and the Greater Callecita Neighborhood Association has submitted a detailed statement addressing issues that they characterize as code violations (Exhibit G-3). Several emails were received from neighbors to the site and those are included in Exhibit F.

The applicant notified the Santa Fe Public Schools of the proposed project, as required by Subsection 14-8.16. The school district typically does not respond to notifications on this type of project.

Other Considerations

The CC&Rs will be managed by an architectural review by the HOA and required at the time of Final Subdivision Plat approval. The section on Centralized Drainage Control Structures is provided in Exhibit H-4.

V. SUBDIVISION APPROVAL CRITERIA

The following subdivision approval criteria from Subsection 14-3.7(C) apply to this application:

(1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.

Applicant's Response:

"An archaeological report has been prepared for the subdivision. No archaeological or historical sites were discovered within the boundary of the subdivision. Every effort has been taken to minimize the removal of pinon trees including the careful location of the roadways and use of a low pressure sewer system that allows for the sewer system to avoid trees wherever possible. There is minimal disturbance to the drainages within the Subdivision. Existing check dams built during the depression in the 1930's will be restored and additional check dams will be constructed to reduce the existing arroyo bank erosion that is currently taking place. The area has been used illegally for parking and partying by trespassers and as living areas by transients, (often referred to as Hobo Hill). The broken bottles, trash and temporary camp sites will be removed from the property. With the construction of road and utility improvements the area will not be occupied by transients illegally living on the property. Given the fire pits that are located at various places on the property the chance of wild fires taking place on the property will be eliminated. This risk of a wild fire spreading to the adjoining residential dwellings is an asset to the neighborhood.

All significant trees will be replanted or replaced. A trail proposed along Hyde Park Road will be designated as a semi-public trail and will serve as a community asset."

Staff Response:

Due regard has been shown for vegetation, water courses, historical sites and structures, and similar community assets. This will add attractiveness and value to the area and to Santa Fe along this designated scenic byway.

(2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions.

Applicant's Response:

"The drainages on the property are not designated FEMA flood plains. The only disturbance to the drainage will be the repair of the existing check dams and controlling the erosion that is taking place on the main drainage. No construction will take place on slopes of 30 percent or greater with certain exceptions as permitted by the Land Use Code. Extraordinary engineering measures have been proposed to ensure the storm water generated by the development of the property is adequately detained on the property.

Covenants have been provided to the city which mandate the maintenance of all storm water and erosion control structures and facilities on the property. This includes a schedule of inspection and repair as described on the engineering plans. The allowed density of the property, which is permitted by the underlying PRC zoning district, could develop at 2.8 dwellings per acre is proposed for development at one dwelling per 3.5 acres. This significant reduction in density substantially reduces the impact on the terrain created by the development of the site, including roads, utilities and homes.

The city agencies have reviewed the plans and find the engineering design to be in conformance with the City Code. The New Mexico Department of Transportation has reviewed the engineering report for Hyde Park Road and finds the Traffic Impact Study acceptable although not warranted since the traffic generation does not trigger a Traffic Impact Study for this level of development.”

Staff Response:

Staff concurs with the applicant’s statement.

(3) All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).

Applicant’s Response:

“The plat and engineering drawings have been prepared to comply with all provisions of Chapter 14 Article 9.”

Staff Response:

Plans have been reviewed by the DRT (See Exhibit A). All conditions of approval must be met with the Final Subdivision Plat and prior to recordation.

(4) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.

Applicant’s Response:

“No variances have been requested for the subdivision. There is no aspect of the engineering or platting that is inconsistent or violates the provisions of Chapter 14.”

Staff Response:

No variances are needed for this proposal.

(5) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.

Applicant’s Response:

“No exceptions to the Land Use provisions of the City Code are requested. There is no increase to an existing nonconformity since all platting and engineering design and

standards have been prepared in conformity with the City Code.”

Staff Response:

Staff concurs with the applicant’s statement.

VI. RECOMMENDATION

The conditions of approval for Haciendas del Mirasol are generally technical in nature and can be addressed prior to the Final Subdivision public hearing.

VII. ATTACHMENTS

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Comments, John Romero
2. Technical Review Division Memorandum, Soamiya Ahmed
3. Fire Department Memorandum, Rey Gonzales
4. Technical Review Division Memorandum, Risana “RB” Zaxus
(Includes response to Greater Callecita Neighborhood Assoc. memo by Suby Bowden)
5. Wastewater Division Memorandum, Stan Holland

EXHIBIT C: Maps

1. Vicinity Map
2. Aerial
3. Future Land Use
4. Zoning
5. Escarpment Overlay
6. Estancia Primera Master Plan
7. Los Vecinos Subdivision Development Plan 1995 (Denied)

EXHIBIT D: Other Materials

1. Ordinance 1981-3 PRC Rezoning Ordinance with Conditions

EXHIBIT E: ENN Materials

1. ENN Responses to Guidelines
2. Meeting Notes

EXHIBIT F: Communications from Individual Neighbors

EXHIBIT G: Communications from Neighborhood Associations*

From Greater Callecita Neighborhood Association (GCNA)*

1. Fred Rowe – requesting City rejection of the proposal*
2. Fred Rowe – letter to Kelly Brennan*

3. Suby Bowden letter to the LUD staff and GCNA*
From Peralta Subdivision Home Owners Association
4. Sue Hermann of the Peralta Subdivision Home Owners Association*

EXHIBIT H: Applicant Submittals

1. Transmittal Letter
2. Proposed Preliminary Subdivision Plat, Haciendas del Mirasol
3. Applicant Response to Ordinance 1981-3 Conditions
4. Applicants Letter to Kelley Brennan in response to Fred Rowe's 6/6/16 letter.
5. Proposed Covenants, Conditions, Restrictions and Easements —
(Section 3.3 Centralized Drainage Control Structures)
6. Preliminary Subdivision Plat Submittal for Haciendas del Mirasol at El Mirasol* (applicant's full 11" x 17" plan set)

*Asterisk indicates maps and other exhibits that may not be included in electronic versions of this staff report. File copies are available for review at the Land Use Department office at 200 Lincoln Avenue, City Hall West Wing.

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

Conditions of Approval

Haciendas Del Mirasol

Case #2016-51

Preliminary Subdivision Plat

Condition of Approval	Department	Staff
<ol style="list-style-type: none">1. As stated in Article 14-5.6(D)(1) "Location of Structures," For all lots subdivided after February 26th, 1992, development in the Ridgeway Subdistrict of the Escarpment overlay district, other than driveway access and utilities, is prohibited.2. For lots subdivided after February 26th, 1992, the structure shall be designed and built as far from the view line as possible in the Foothills Subdistrict [Article 14-5.6(D)(3)(e)].3. All structures must be located within the buildable areas as delineated on the Plat.4. All development in the Foothills Subdistrict must comply with all the provisions of Article 14-5.6 "Escarpment Overlay District."5. Proposed monument sign must comply with Article 14-8.10(E)(4) "Freestanding Signs" which requires that an area equal to the sign area shall be landscaped at the base of the sign. Landscaping shall be with five-gallon shrubs with a minimum mature height of thirty (30) inches with one shrub planted for every ten (10) square feet.6. Outdoor lighting and accent lighting must comply with Article 14-8.9 "Outdoor Lighting."	Landscape Review, Technical Review Division	Somie Ahmed

City of Santa Fe, New Mexico

Planning Commission

Exhibit B

DRT Memos

Development Review Team

Comment Form

Date: 7/11/16

Staff person: Risana B "RB" Zaxus, City Engineer

Dept/Div: Land Use/Technical Review



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat. Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

No conditions of approval were identified.

Technical Corrections*:

Must be completed by:

1 Show foothills and ridgetop subdistricts on PLAT

Plat recordation

2 Add notarized stormwater agreement to PLAT

Plat recordation

3 Add a note to sheet 7-4 that a maximum of 50% of required stormwater detention volume may be stored in cisterns.

Plat recordation

ADDITIONAL COMMENTS FROM RB ZAXUS 7/28/2016 IN RESPONSE TO SUBY BOWDEN COMMENTS OF 6/6/16 FROM THE GREATER CALLECITA NEIGHBORHOOD ASSOCIATION (SEE EXHIBIT G-3: SUBY BOWDEN LETTER TO THE LUD STAFF)

(NOTE: Ms. Bowden's comments are addressed by topics and code sections, as there are numerous inclusions, not all of which are identified as a "code violation.")

Pages 8-11: (comments regarding escarpment regulations)

14-5.6(A) Response: City Code does restrict development in the escarpment overlay district. However, the only development proposed within the ridgetop subdistrict is for driveway access and utilities, which is expressly allowed by Article 14-5.6(D)(1). Proposed structures are within the foothills subdistrict.

14-5.6(C) Response: Revised drawings submitted by the applicant show the escarpment overlay district and all buildable sites.

Response: Revised drawings submitted by the applicant show buildable sites.

14-5.6(D) Response: Structures are not proposed within the ridgetop subdistrict.

Response: per Article 14-5.6(D)(3)(e), "...structures shall be designed and built as far from the viewline as possible in the foothills subdistrict." There is no requirement that structures be built outside of the foothills subdistrict, and staff interpretation of the escarpment code over the years has not required that structures be build outside of the foothills.

Response: Revised drawings submitted by the applicant show buildable areas.

14-5.6(G) Response: All landscaping and other escarpment requirements will be met at the time of building permit.

Response: No retaining walls are shown to be greater than 6 feet in height.

Response: sewer line proposed is low pressure and can be installed with ditch witch to minimize disturbance. Alignment will minimize disruption of vegetation. Revegetation will be required.

Pages 12-18: (comments regarding terrain and stormwater management)

14-8.2(C) Response: Submittals are complete and are acceptable. All Code requirements regarding cut and fill and other grading practices will be met at time of building permit submittal.

14-8.2(D) Response: No disturbance of over 30% slopes is proposed. Some of the existing check dams are in over 30% slopes, and some of these will be repaired under this project. This is maintenance, and not new disturbance.

Response: Stormwater calculations have been reviewed and are acceptable. Ponding which exceeds requirements will be provided in the existing arroyo. This will mitigate downstream flooding which concerns the neighbors. Calculations show a significant reduction in peak flowrates exiting the site, especially for residents at Hadisway Avenue and Callecita Place.

14-8.2(K) Response: Homeowner documents require maintenance of stormwater features by the Homeowner association. In addition, the standard "Stormwater Agreement" which will be placed on the Plat, insures that if there is some default on this maintenance, the City can do the work and place a lien on the property.

Development Review Team

Comment Form

Date: July 13, 2016

To: Donna Wynant, Land Use Department, Case Manager

From: Sandra Kassens, Engineer Assistant, DRT staff member *SK*

Dept/Div: PWD/ Engineering/Traffic



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat. Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

Review by this division/department of a revised plan set received via email on 07-12-16 has met our initial conditions of approval for the preliminary subdivision plat as stated in the revised conditions chart with applicant response.

Conditions of Approval:

Must be completed by:

1 Conditions of Preliminary plat approval required from the Traffic Engineering Division have been met to a sufficient degree* for this level of review per the revised plan set rec'd on 7-11-16.	Done
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Technical Corrections:

Must be completed by:

1 *The sight visibility easements for Hyde Park Rd. and Camino Mirasol shown on the plat & landscape sheets are incorrect and should be replaced with the AASHTO method triangles as shown on Sheets 8-4 & 8-5 of the revised plan set.	Must be completed prior to final sign-off on subdivision plat and Dev. plan.
--	---

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. N.A.

Explanation of Conditions or Corrections (if needed):

- **Comments on other technical corrections will be made at final subdivision plat review.**

If you have any questions or need further information, feel free to contact me at 955-6697. Thank you.

Development Review Team

Comment Form

Date: 7/11/16

Staff person: Somie Ahmed, Planner Technician Senior

Dept/Div: LUD/Technical Review Division



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.

Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

Conditions of Approval :	Must be completed by:
1. As stated in Article 14-5.6(D)(1) "Location of Structures," For all lots subdivided after February 26 th , 1992, development in the Ridgetop Subdistrict of the Escarpment overlay district, other than driveway access and utilities, is prohibited.	At time of building permit.
2. For lots subdivided after February 26 th , 1992, the structure shall be designed and built as far from the viewline as possible in the Foothills Subdistrict [Article 14-5.6(D)(3)(e)].	Final Plat
3. All structures must be located within the buildable areas as delineated on the Plat.	Final Plat
4. All development in the Foothills Subdistrict must comply with all the provisions of Article 14-5.6 "Escarpment Overlay District."	At time of building permit.
5. Proposed monument sign must comply with Article 14-8.10(E)(4) "Freestanding Signs" which requires that an area equal to the sign area shall be landscaped at the base of the sign. Landscaping shall be with five-gallon shrubs with a minimum mature height of thirty (30) inches with one shrub planted for every ten (10) square feet.	Final Plat
6. Outdoor lighting and accent lighting must comply with Article 14-8.9 "Outdoor Lighting."	At time of building permit.

Technical Corrections*:

Must be completed by:

Amend notes on Sheet 4-3 (Siting Plan) to change the statement
“The building roofline for each dwelling unit shall not exceed 15 vertical feet
above the highest point of natural grade surface on the building side.
Chimneys are excepted from this height limitation” to:

(5) The maximum height of any *structure* in the foothills subdistrict shall
be determined by the more restrictive of the following calculations:

(a) The highest point on the *structure* shall not exceed a maximum
**height of fourteen (14) feet above the highest natural *grade* at the
perimeter of the *structure*.**

(b) The highest point on the *structure* shall not exceed a maximum
height of twenty (20) feet above each and every point of measurement
along the *structure* perimeter. This measurement shall be from the
undisturbed natural *grade* of the land at the perimeter, or from the
finished *grade* at the perimeter, whichever is more restrictive in height.

(c) The highest point on the *structure* includes the tops of parapets and
clerestories, except that **chimneys may exceed the maximum height by
not more than three (3) feet above the immediately adjacent roof.**
Adding fill dirt to the natural *grade* in order to increase the height is
prohibited.

Final Plat

Development Review Team
Wastewater Management Division
E-Mail Delivery
Comment Form

Date: July 14, 2016
Staff person: Stan Holland, Engineer
Dept/Div: Public Utilities/Wastewater



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.
Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community).

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

The subject property is accessible to the City public sewer system. Accessible is defined as within 200 feet of a public sewer line.

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
1. None	

Technical Corrections*:	Must be completed by:
1. Add note to the plat that Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.	
2. Add note to the plat stating that no fences, walls, or other obstructions shall be placed or constructed across or within public sanitary sewer or utility easements	
3. Add note to the plat that the Development is served by a private sewer system	
4. Add note to the sewer utility sheet that the connection to the existing public sewer manhole shall be core drill	
5. Provide detail for the LPS sewer line connection to the existing public manhole	
6. Add the word "Private" to the title block wording on sheets 6-3 & 6-4	
7. A base course driving surface will need to be added to the portion of the public sewer easement access to the tie-in public sewer manhole that is within the development. In addition, it will need to verified if a gate will be required at the property line where the public sewer line enters the development	
8. Confirm that a locate wire system is part of the private low pressure sewer system design	

Development Review Team

Comment Form

Date: 7/11/16

Staff person: Reynaldo Gonzales

Dept/Div: Fire



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.
Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :

Must be completed by:

None	
------	--

Technical Corrections*:

Must be completed by:

None	
------	--

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. Standard comments have been addressed by the applicant (via Santa Fe Eng Consultants) and still apply in the revised plan for future construction and plan review.

Development Review Team

Comment Form

Date: 7/12/16

Staff person: Dee Beingessner

Dept/Div: Public Utilities/Water Division



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.

Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

The developer has submitted preliminary water plans to the water division, so all requirements for water at this stage have been met.

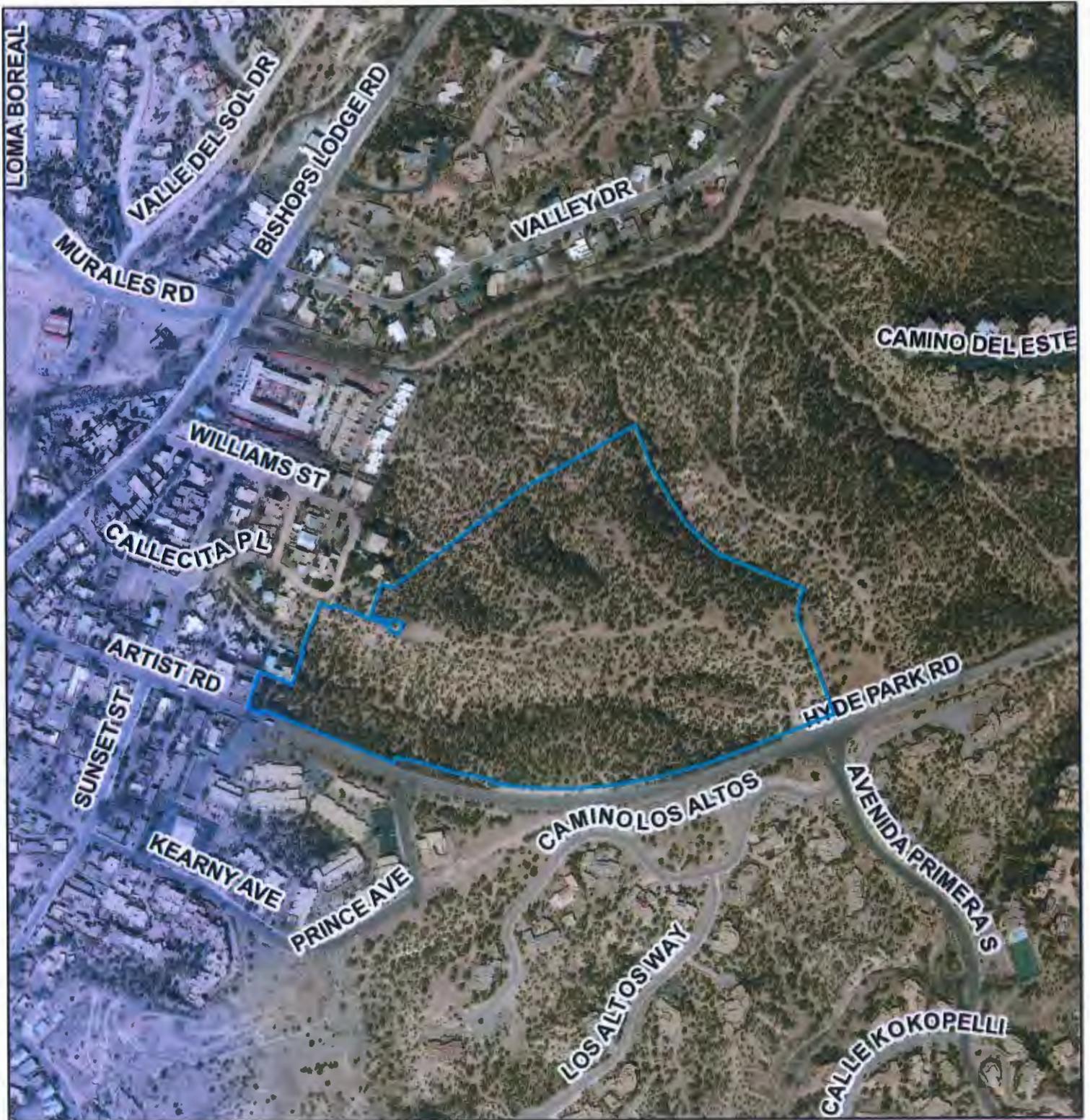
City of Santa Fe, New Mexico

Planning Commission

Exhibit C

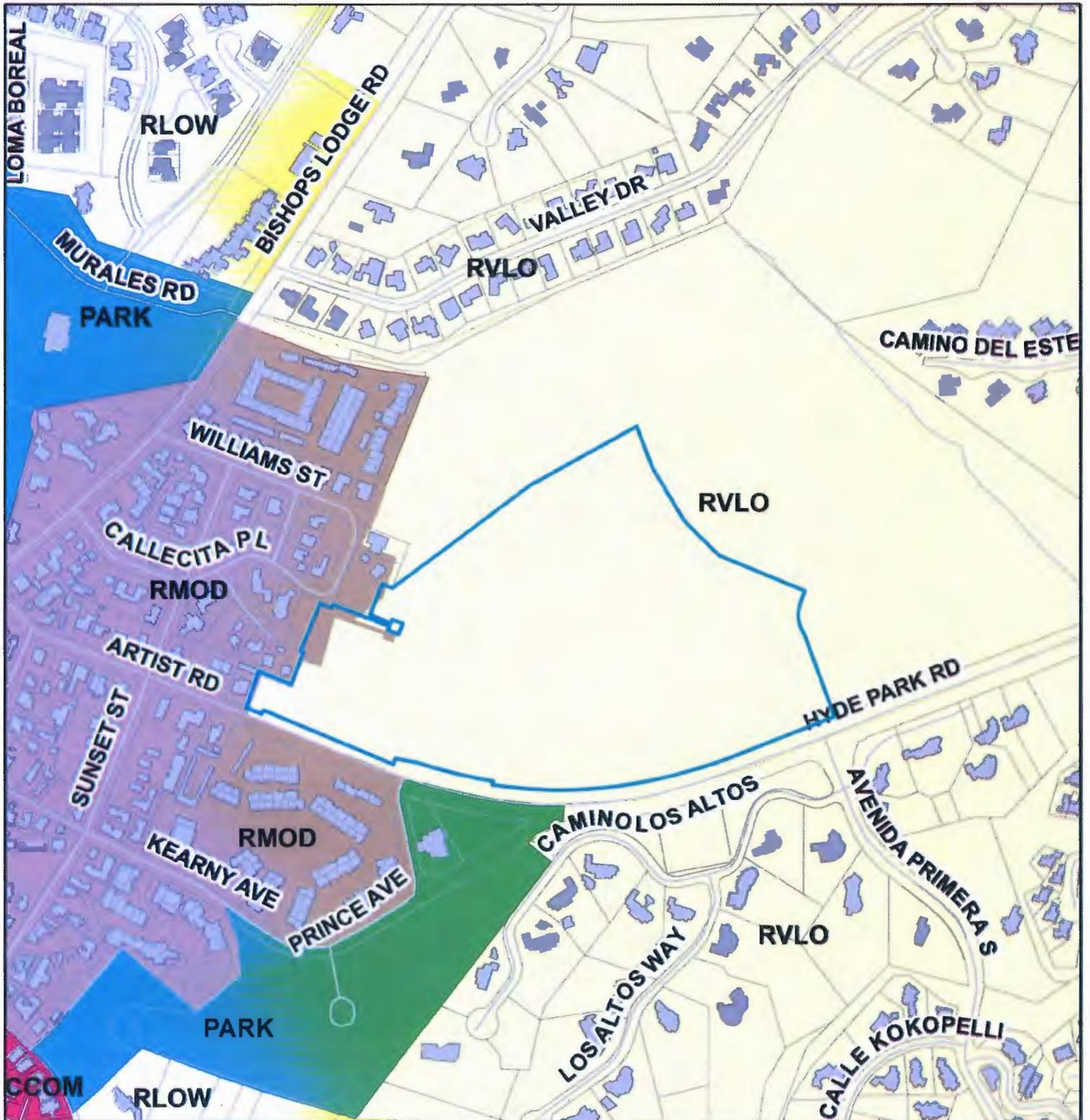
Maps

AERIAL



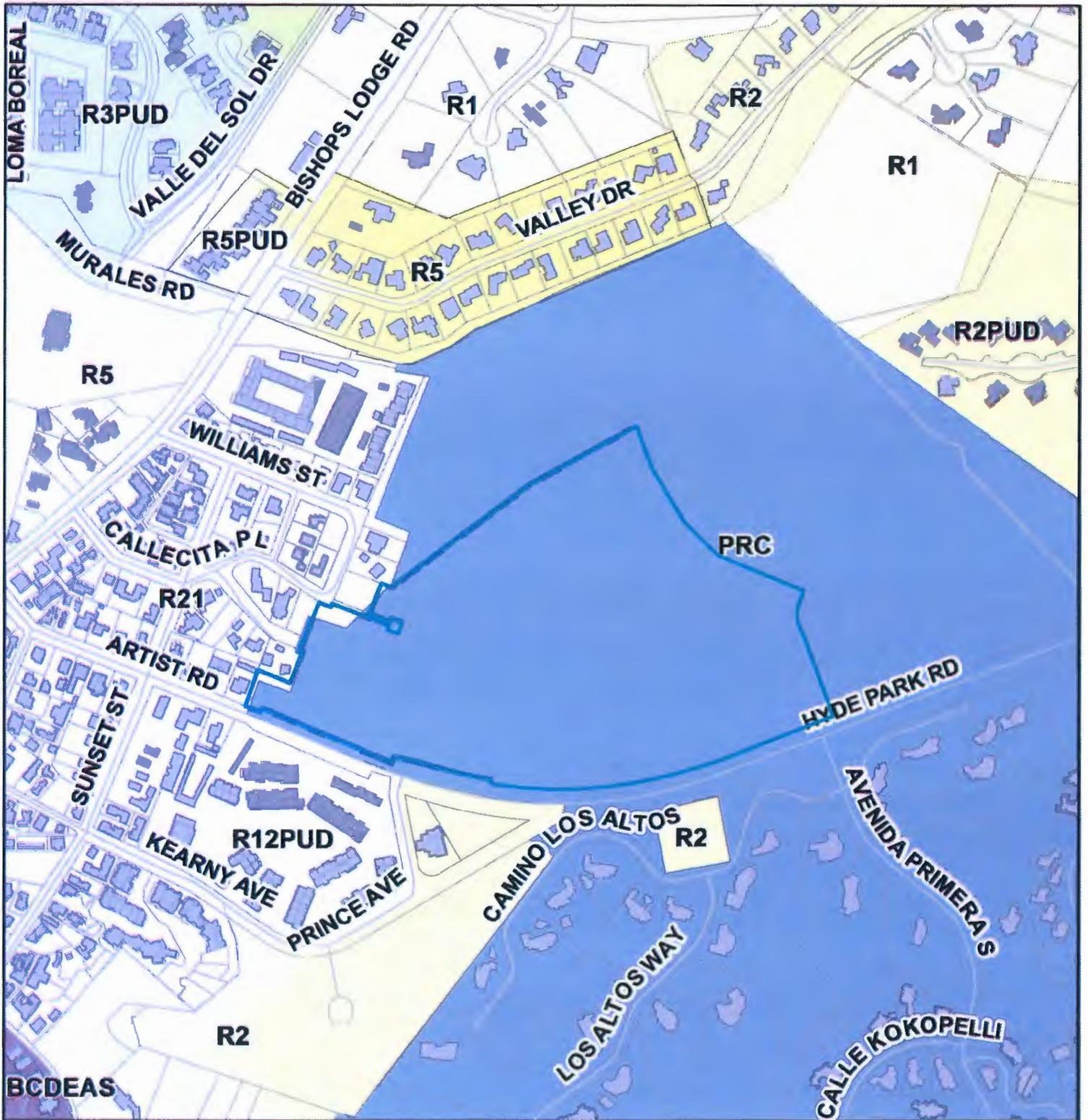
700 HYDE PARK ROAD

FUTURE LAND USE MAP



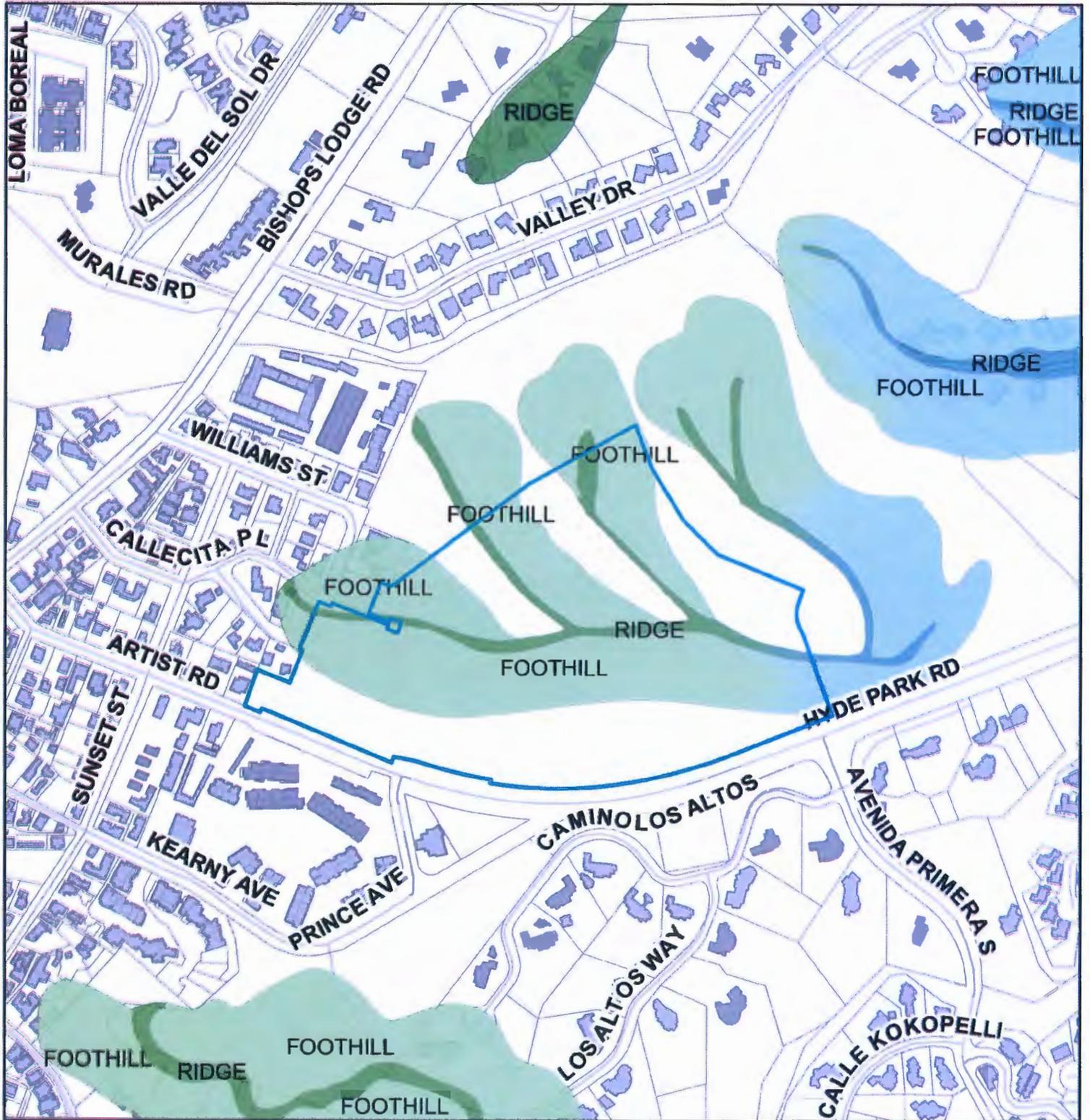
700 HYDE PARK ROAD

ZONING



700 HYDE PARK ROAD

ESCARPMENT OVERLAY ZONE



700 HYDE PARK ROAD

70-1000 W

SPECIAL ORDINANCE E

DEVELOPMENT DATA

1. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

2. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

3. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

4. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

5. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

6. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

7. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

8. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

9. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

10. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 I, _____, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office on this _____ day of _____, 19____.

1. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

2. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

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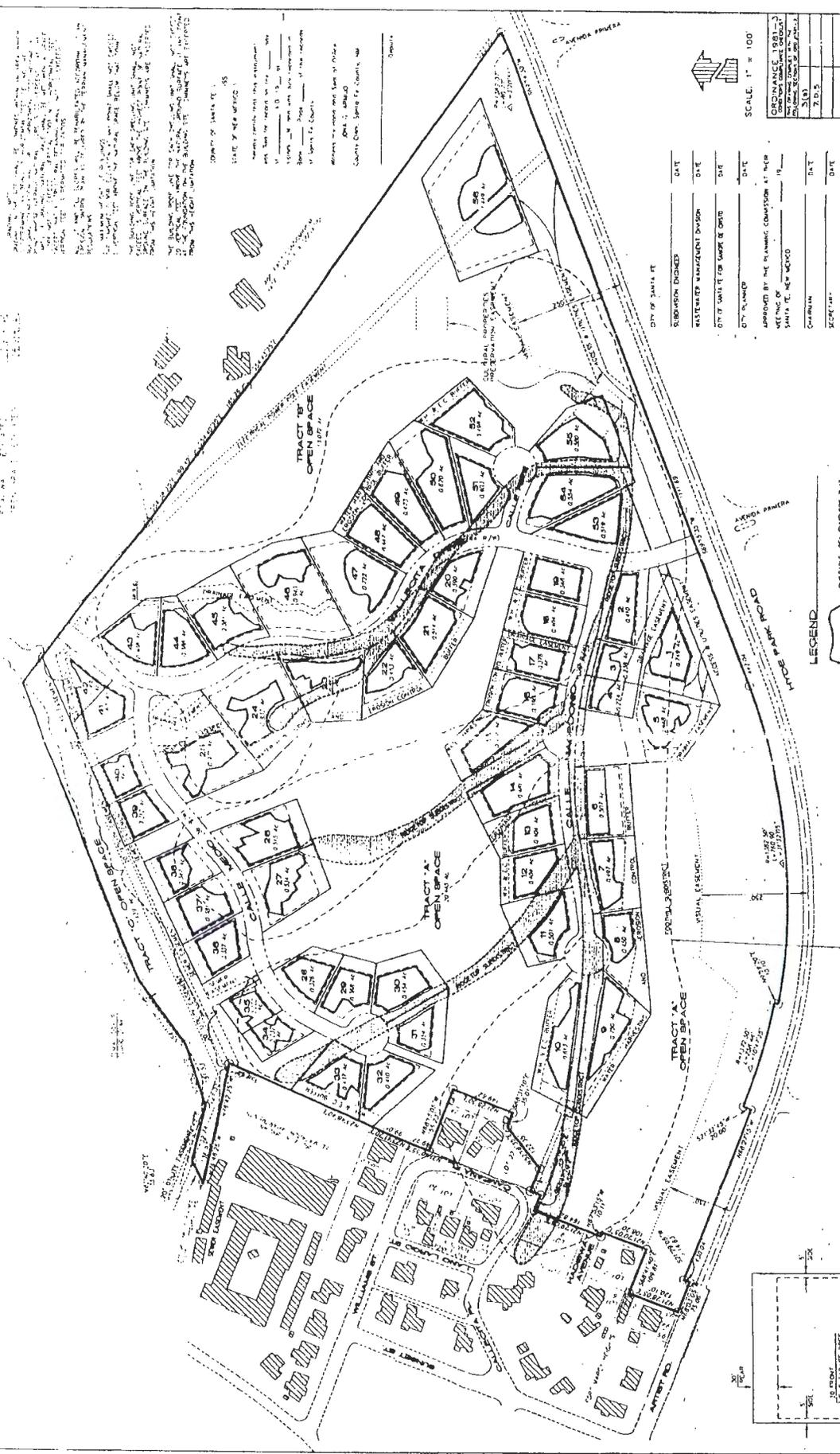
6. THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORD WITH THE CITY ENGINEERING DEPARTMENT REGULATIONS AND THE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO.

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SCALE: 1" = 100'

CITY OF SANTA FE
 SUBMISSION DIVISION
 REGISTERED MANAGEMENT DIVISION
 CITY OF SANTA FE WORKS DEPT.
 CITY ENGINEER
 APPROVED BY THE PLANNING COMMISSION AT THEIR MEETING OF _____
 SANTA FE, NEW MEXICO
 CHAIRMAN
 SECRETARY

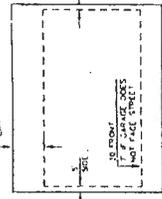
PROJECT NO.	11-243	
DATE	11-24-83	
PROJECT NAME	DEVELOPMENT PLAN (RESIDENTIAL)	
OWNER	LOS MEDICOS SUBDIVISION, SANTA FE, NEW MEXICO DEVELOPMENT COMPANY, INC.	
DESIGNER	LOS MEDICOS SUBDIVISION, SANTA FE, NEW MEXICO DEVELOPMENT COMPANY, INC.	
REVISIONS		
NO.	DATE	DESCRIPTION
1	11-24-83	PRELIMINARY
2	11-24-83	FINAL

LEGEND

RESIDUAL AND DEVELOPER'S TRACT
 CITY ENGINEERING DEPARTMENT REGULATIONS

CROSS REFERENCE

SEE CITY ENGINEERING DEPARTMENT REGULATIONS FOR THE CITY OF SANTA FE, NEW MEXICO FOR THE CITY OF SANTA FE, NEW MEXICO.



TYPICAL LOT SETBACKS

City of Santa Fe, New Mexico

Planning Commission

Exhibit D

Other Materials

419679

CONDITIONS OF ORDINANCE 1981-3 ESTANCIA PRIMERA PROJECT
PLANNED RESIDENTIAL COMMUNITY - PRC

The property described as follows:

Two certain tracts of land lying and being situated within the City of Santa Fe, State of New Mexico, being more particularly described as follows:

TRACT A:

Beginning at a point on the north right of way line of Hydro Park Road from which manhole No. X 5-C3 bears:

S 81° 14' W 56.75 feet;

thence from said point and place of beginning along the following bearings and distances:

- N 21° 50' E 120.1 feet;
- S 68° 27' E 110.1 feet;
- N 21° 38' E 108.24 feet;
- N 67° 30' W 10.1 feet;
- N 21° 46' E 164.8 feet;
- S 68° 16' E 39.93 feet;
- N 21° 48' E 24.9 feet;
- S 68° 06' E 57.12 feet;
- N 52° 44' E 122.45 feet;
- S 67° 56' E 35.1 feet;
- N 22° 02 1/2' E 149.78 feet;
- N 68° 01' W 155.4 feet;
- N 21° 23' E 49.9 feet;
- N 23° 39' E 99.3 feet;
- N 24° 05 1/2' E 358.3 feet;
- N 78° 47' W 153.7 feet;
- N 76° 44' W 130.25 feet;
- N 62° 56' E 55.55 feet;
- S 76° 19' E 132.8 feet;
- N 72° 56' E 151.6 feet;
- N 54° 45 1/2' E 185.2 feet;
- N 68° 43' E 752.6 feet;
- S 51° 19' E 486.95 feet;
- S 54° 27' E 383.1 feet;
- S 54° 29' E 1023.15 feet,

thence 80.91 feet along a curve to the right whose chord bears:

- S 67° 15' W 80.9 feet;
- S 69° 36 1/2' W 1553.9 feet,

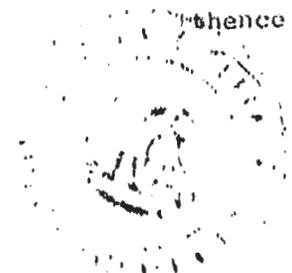
thence 759.05 feet along a curve to the right whose chord bears:

- S 85° 16' W 749.6 feet;
- N 10° 28' E 10.06 feet,

thence 258.81 feet along a curve to the right whose chord bears:

- N 73° 24' W 258.43 feet;
- S 22° 46 1/2' W 19.7 feet;
- N 68° 09' W 430.0 feet;
- S 23° 20' W 14.5 feet;
- N 67° 32' W 75.12 feet,

477,744
 23 April 1981 2:34 PM
 679-685
 County Clerk, Santa Fe County, N.M.
 Dolores K. Hagan Deputy



419680

to the point of beginning. All as shown on plat of survey by Jack G. Horne, entitled "The Prince Estate-North of Hyde Park Road", dated February 12, 1980.

TRACT B:

Beginning at a point from which manhole No. W3K2-2 bears N 27° 46' E., 46.7 feet, thence from said point of beginning:

S 78° 05' W 118.0 feet;
S 80° 28 1/2' W 434.56 feet;
S 9° 14' W 92.0 feet;
S 43° 50' E 120.0 feet;
S 84° 17' W 295.2 feet;
N 63° 31' W 39.83 feet;
S 19° 42' W 85.0 feet;
N 53° 13' W 225.6 feet;
N 63° 41' W 79.92 feet;
S 23° 58' W 187.1 feet;
N 65° 00' W 66.1 feet;
N 33° 05' W 34.0 feet;
N 58° 54' W 31.3 feet;
N 34° 10' E 397.1 feet;
N 73° 04 1/2' W 172.56 feet;
S 25° 50' W 214.3 feet;
N 74° 23' W 109.5 feet;
N 77° 31' W 35.1 feet;
N 28° 00' E 221.0 feet;
S 73° 04 1/2' E 50.3 feet;
N 37° 21' E 1026.19 feet;
N 50° 18' W 93.95 feet;
N 59° 27' E 125.55 feet,

thence 291.87 feet along a curve to the left whose chord bears:

N 84° 25' E 291.4 feet;
S 10° 56' E 189.69 feet;
N 79° 04' E 209.3 feet;
N 11° 00' W 208.9 feet;
N 60° 45' E 33.4 feet;
N 69° 36 1/2' E 1550.7 feet,

thence 145.19 feet along a curve to the left whose chord bears:

N 66° 08' E 145.13 feet;
S 54° 30 1/2' E 1693.1 feet;
S 53° 01' W 1984.46 feet;
N 78° 03' W 330.14 feet;
N 80° 56' W 665.03 feet;
N 78° 55' W 357.4 feet;
N 18° 45' E 201.54 feet,

to the point and place of beginning. All as shown on plat of survey by Jack G. Horne, entitled "The Prince Estate-South of Hyde Park Road", dated February, 1980. (the property)

was zoned by the governing body as a PRC with an average density of 2.38 units per acre, up to 450 units, on January 28, 1981.

The property, as zoned, has the following conditions attached thereto:

1. Detailed engineering soils and drainage reports, including type and location of all on-site and off-site drainage retention structures, shall be submitted to the Department of Public Works of the City for the entire development at the preliminary plat submittal for the first phase. Included in this condition is that all dwelling units for the cluster developments be sited on those submittals.
2. Detailed engineering plans and reports for all on-site roadway improvements shall be submitted to the Department of Public Works of the City for the entire development at the time of preliminary plat approval for the first phase. Included in this condition is the design plans for the Hyde Park Road-Estancia Primera inter-section.
3. No commercial development in Phase 1 or 2. Commercial development shall be considered by the City of Santa Fe Planning Commission (the Commission) at the time of final plat approval for Phase 3. As such, the preliminary plat for Phase 3 shall include a design for both bases:
 - (a) if it remains as residential
 - (b) if it is approved for commercial
4. Submittal of architectural style guidelines to be adhered to by builders shall be submitted at the time of final plat for Commission approval for each phase of development.
5. Sewer assessment to be paid by developer for each dwelling unit as per established Commission policy for off-site sewer facilities improvement serving the area of the development, as adopted by the Joint City-County of Santa Fe Planning Commission at its meeting of October 23, 1980.
6. The developer will share in the costs of off-site roadway improvements as may be required by the Commission at different phases in this development. The developer's share shall be proportionate to the development's impact on those required improvements.
7. SITE PLANNING CRITERIA, TOPOGRAPHY, GRADING CRITERIA, LIMITATION ON MAXIMUM HEIGHT OF BUILDINGS, ADDITIONAL SUBMITTALS AND CONDITIONS & MISCELLANEOUS:
 - A. SITE PLANNING CRITERIA. All of the conditions of the City of Santa Fe Land Subdivision Regulations, including the Terrain Management Regulations, shall apply to the property which is the subject of the PRC Ordinance except for and subject to the specific variances and restrictions set forth herein below in subparagraphs 7.A.1. through A.3.
 1. Topography. No portion of any building can extend more than 40 horizontal feet or to a point more than 10 vertical feet, whichever is more restrictive, beyond a point whose average natural slope is 20 percent. The slope analysis map submitted by NMRI and verified by the City Planning Department shall be the basis for this determination.

The slope analysis to be submitted by NMRI shall be the basis for this determination.

419682

2. Grading Limits. Grading on the site shall be confined within an area which is determined as being 15 horizontal feet beyond the building foundation wall as determined in (1) above, or 30 horizontal feet beyond a point whose average natural slope is 20 percent. At the limits of grading, natural grade shall be met with a graded slope not to exceed 1 vertical foot in 3 horizontal feet, except that structural retaining wall, not to exceed 5 vertical feet, is permitted for patios.

All cut and fill slopes will be rehabilitated according to an approved Erosion Control Plan as required by the Terrain Management Regulations.

3. Maximum Height of Buildings.

a. The finished floor elevation at any point shall not exceed 5 vertical feet above the natural grade below that point.

b. The building roof line for each dwelling unit shall not exceed 15 vertical feet above the highest point of natural ground surface on the building site. Chimneys are excepted from this height limitation.

c. The building roof line for each dwelling unit shall not exceed 20 vertical feet above the natural ground surface at any point at the building foundation on the building site. Chimneys are excepted from this height limitation.

B. ADDITIONAL SUBMITTALS AND CONDITIONS. NMRI shall satisfy the following conditions and make the following submittals before either a preliminary development plan under the Planned Residential Community Ordinance or a Preliminary Subdivision Plat is approved by the Commission.

1. The preliminary subdivision plat for the entire PRC parcel will be submitted to the Department of Planning and Development of the City together with all reports and plans required by the Terrain Management Regulations.

2. In addition to the provisions of the Terrain Management Regulations, the Grading Plan shall include for each tract: (1) the grading envelopes which define the horizontal limits of grading, (2) limitations to the cut and fill expressed in vertical feet above or below natural ground elevations, and (3) the typical grading cross-sections. Before any grading may occur on any tract, the individual tract will be field staked, a certified engineer employed by the developer or builder will be present on the site, and the City Engineer will be called to inspect the field staking for conformance to the approved Grading Plan.

3. In addition to the provisions of the Terrain Management Regulations, the Storm Drainage Plan shall include preliminary engineering designs of all storm drainage facilities, an analysis of off-site drainage impacts, and designs of mitigating storm drainage control measures.

4. Preliminary plans and profiles for all streets to be dedicated to the City and preliminary profiles and typical sections for all private streets shall be submitted with the preliminary subdivision plat.

5. A phasing program for development incorporating schedules by tract or phase for all required on-site and off-site improvements shall be submitted with the preliminary subdivision plat.

C. GUARANTEES. NMRI, in order to guarantee compliance with the plans and conditions of approval of the final subdivision plat for each individual PRC tract, agrees to the following:

1. Master Homeowners Covenants, Conditions, and Restrictions shall be submitted to the City Department of Planning and Development prior to preliminary plat approval by the Commission.

2. Master Homeowners Covenants must provide for assessments to maintain all private improvements, including private streets, drainage and erosion control works, and open space. Covenants shall provide for a maintenance contract and scheduled maintenance of all private improvements with assessments specified by type of improvement. Also, the covenants shall contain a provision wherein the French drains of units selected by the association on a random sample basis and shall be inspected and tested on a regular basis.

3. Performance bonds or equivalent legal performance instruments, acceptable to the City Attorney, shall be provided to the City prior to final plat approval of each individual PRC tract or development plan approval to insure that all public and private improvements are constructed, repaired and maintained as required by the final subdivision plat. Bonds will be identified by type of improvement and by stage of development.

4. NMRI and its successors in interest, including the homeowners or the homeowners' association, shall provide necessary liability and property damage insurance in order to protect adjacent property owners from failure of drainage and erosion control structures which were required for the development.

5. One year after installation or rehabilitation of some of the check dams, representatives of NMRI and the City Engineer shall inspect the check dams and French drains, if any. The purpose of the inspections is to ascertain future adjustments to the maintenance or design of such drainage facilities.

D. MISCELLANEOUS.

1. No increase in unit count for any tract or any transfer of units from one tract to another shall occur without an amendment to the PRC zoning district which requires the review and approval by the Commission and City Council.

2. Approval of specific dwelling unit counts for each individual PRC tract is conditioned upon approval of grading, drainage and site plans by the City Staff and Commission. Dwelling unit counts for cluster

housing tracts are based upon an average ground coverage by buildings, garages and patios of 2000 square feet per unit within an approximate 30 foot by 65 foot land area. If the average size of the units within a cluster PRC tract exceeds 2000 square feet or if serious terrain management or other problems are presented in the preliminary subdivision plat, then the City Staff may recommend to the commission that the number of dwelling units be reduced. A reduction in the number of dwelling units in a PRC tract will not require an amendment to the zoning of the PRC district.

3. NMRI or its successors in interest, but not including the developers or builders of individual PRC tracts, will be responsible for the provision of a site engineer during construction phases. Said site engineer to be on call during all construction phases and available to be on site within 24 hours after notice.

4. All conditions of the PRC zoning district and the subdivision plats are affirmative covenants running with the property, binding upon any and all successors in interest. I.e. these Conditions of Ordinance 1981-3 Estancia Primera PRC Planned Residential Community - PRC are covenants running with the property and binding upon any and all successors in interest.

5. In order to provide a visual easement along Hyde Park Road, a variable setback of between 150 and 250 feet, measured from the centerline of the road shall be established. Solid fences or walls will be prohibited within this easement.

6. An open-space easement of at least 100 feet has been established along the escarpment above Hillside Avenue. All buildings shall be located at least 100 feet from the lot lines of properties abutting or with access from Hillside Avenue as shown by the PRC Master Plans approved by the City on January 28, 1981.

7. The phrase "commission" means the Santa Fe City Planning Commission or its successor in interest.

8. TRACT O DEVELOPMENT CONDITIONS:

A. Tract "O", as shown on the map approved by the City of Santa Fe on January 28, 1981, or as amended by the final plat, is not to be developed before January 1, 1984.

B. Six (6) months written notice is to be given by NMRI or the developer to the property owners affected by the development of Tract "O" of NMRI or the developer of Tract "O"'s intent to apply for final plat approval for the development of Tract "O".

C. Ninety (90) days prior to the submission of any final plans and plats to the commission, NMRI or the developer of Tract O will furnish to said property owners a copy of such plans and plats for examination.

D. If the drainage plans are unacceptable to the owners affected by the development of Tract "O", upon written request made by such owners within thirty (30) days after receipt of such plans, NMRI will contribute up to \$5,000 to pay an independent engineer, licensed by the State of New Mexico, to assist such owners in devising a drainage plan which will be reasonably acceptable to and which will reasonably protect the property of such owners and permit the development of Tract "O".

E. These conditions shall be binding upon NMRI or the developer of Tract "O" and any assignee or successor in interest and shall inure to the benefit of such owners affected by the development of Tract "O", their heirs, executors, administrators and assigns.

F. Such owners will furnish to the developer, in writing, their names, addresses and location of their property affected by the development of Tract "O".

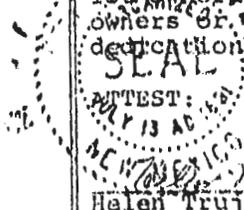
9. OFF SITE IMPROVEMENTS.

A. NMRI will participate in the cost of required off-site improvements on a pro-rated basis to be determined by NMRI and the City to the following streets and intersections:

1. Hyde Park Road
2. Otero Street intersection with Paseo de Peralta
3. Hyde Park Road intersection with Bishop's Lodge Road
4. Bishop's Lodge Road intersection with Paseo de Peralta

B. Improvements to the intersection of Hyde Park Road and the Estancia Primera street system shall be constructed at the sole expense of NMRI.

C. Between the North boundary of Tract K and the South boundary of Tract J, as shown by the Estancia Primera PRC Map approved by the City Council on January 28, 1981, NMRI grants to the City an easement for a roadway and right-of-way and utility purposes for an R-1 roadway built to presently existing city standards. If the developer of the adjacent property on the easterly boundary of the Estancia Primera development is required by the City to construct a public roadway from Gonzalez Road to the Estancia Primera development, NMRI or its successors in interest will dedicate said easement to the City as a right-of-way and shall construct the roadway within the Estancia Primera development which is the subject of the easement, to City standards as above, at NMRI's expense or the expense of its successors in interest. NMRI shall, by covenants in deeds to lot owners or unit owners in tracts J and K, inform said lot owners or unit owners of the easement and the conditions of dedication of this easement as right-of-way to the City.



ATTEST:
Helen Trujillo, Clerk

CITY OF SANTA FE
Arthur E. Trujillo, Mayor

APPROVED:
Frank Coppler, City Attorney

**Response to
Conditions from
Ordinance 1981-3**
(Applicant's response is in italics)

The property, as zoned, has the following conditions attached thereto:

1. **Detailed engineering soils and drainage reports, including type and location of all on-site and off-site drainage retention structures, shall be submitted to the Department of Public Works of the City for the entire development at the preliminary plat submittal for the first phase. Included in this condition is that all dwelling units for the cluster developments be sited on those submittals.**

“Engineering drawings have been submitted with the preliminary plat application that detail the on-site drainage structures. There are no off-site drainage structures. This is not the first phase of the project but the developer has complied with this condition in conformance with the terrain management regulations of the City Code. This is not a cluster development project. Detailed geotechnical investigation will be provided for final plat submittal.”

2. **Detailed engineering plans and reports for all on-site roadway improvements shall be submitted to the Department of Public Works of the City for the entire development at the time of preliminary plat approval for the first phase. Included in this condition is the design plans for the Hyde Park Road-Estancia Primera intersection.**

“This does not apply to Hacienda de Mirasol since this was a condition of phase 1 of Estancia Primera.”

3. **No commercial development in Phase 1 or 2. Commercial development shall be considered by the City of Santa Fe Planning Commission (the Commission) at the time of final plat approval for Phase 3. As such, the preliminary plat for Phase 3 shall include a design for both bases:
(a) if it remains as residential
(b) if it is approved for commercial**

“No commercial development is proposed for the project and this condition does not apply.”

4. **Submittal of architectural style guidelines to be adhered to by builders shall be submitted at the time of final plat for Commission approval for each phase of development.**

“Although this is not the final plat application the escarpment regulations will serve as the architectural guidelines for this project. This is also shown on Sheet 4-3 of the plan set. The escarpment regulations did not exist in 1981. These regulations are the most comprehensive and recognized standards for development in the hillside areas of Santa Fe.”

5. Sewer assessment to be paid by developer for each dwelling unit as per established Commission policy for off-site sewer facilities improvement serving the area of the development, as adopted by the Joint City-County of Santa Fe Planning Commission at its meeting of October 23, 1980.

“This condition does not apply to the Subdivision since the sewer is entirely the responsibility of the developer and the property is not included in a sewer assessment district.”

6. The developer will share in the costs of off-site roadway improvements as may be required by the Commission at different phases in this development. The developer’s share shall be proportionate to the development’s impact on those required improvements.

“The Traffic Impact Study demonstrates that there are no off-site impacts that rise to a level that requires the contribution for off-site roadway improvements.”

7. **SITE PLANNING CRITERIA, TOPOGRAPHY, GRADING CRITERIA LIMITATION ON MAXIMUM HEIGHT OF BUILDINGS, ADDITIONAL SUBMITTAL AND CONDITIONS AND MISCELLANEOUS:**

A. Site Planning Criteria. All of the conditions of the City of Santa Fe Land Subdivision Regulations, including the Terrain Management Regulations, shall apply to the property which is the subject of the PRC Ordinance except for and subject to the specific variances and restrictions set forth herein below in subparagraphs 7.A.1. through A.3

1. **Topography.** No portion of any building can extend more than 40 horizontal feet or to a point more than 10 vertical feet, whichever is more restrictive, beyond a point whose average natural slope is 20 percent. The slope analysis map submitted by NMRI and verified by the City Planning Department shall be the basis for this determination. The slope analysis to be submitted by NMR shall be the basis for this determination.
2. **Grading Limits.** Grading on the site shall be confined within an area which is determined as being 15 horizontal feet beyond the building foundation wall as determined in 1 above, 30 horizontal feet beyond a point whose average natural slope is 20 percent. At the limits of grading, natural grade shall be met with a graded slope not to exceed 1 vertical foot in 3 horizontal feet, except that a structural retaining wall, not to exceed 5 vertical feet, is permitted for patios.

“All cut and fill slopes will be rehabilitated according to an approved Erosion Control Plan as required by the Terrain Management Regulations.”

3. Maximum Height of Buildings.

- 1. The finished floor elevation at any point shall not exceed 5 vertical feet above the natural grade below that point.**
- 2. The building roof line for each dwelling unit shall not exceed 15 vertical feet above the highest point of natural ground surface on the building site. Chimneys are excluded from this height limitation.**
- 3. The building roof line for each dwelling unit shall not exceed 20 vertical feet above the natural ground surface at any point at the building foundation on the building site. Chimneys are excluded from the height limit.**

“Although they were considered exceptions of variances in 1981 they have been superseded by the escarpment regulations that are substantially more definitive.”

B. ADDITIONAL SUBMITTALS AND CONDITIONS. NMRI shall satisfy the following conditions and make the following submittals before either a preliminary development plan under the Planned Residential Community Ordinance or a Preliminary Subdivision Plat is approved by the Commission.

- 1. The preliminary subdivision plat for the entire PRC parcel will be submitted to the Department of Planning and Development of the City together with all reports and plans required by the Terrain Management Regulations.**

“It is assumed that this condition was satisfied at the time the first preliminary plat or plan was submitted for review by the Planning Commission for the first phase of the project.”

- 2. In addition to the provision of the Terrain Management Regulations, the Grading Plan shall include for each tract: (1) the grading envelopes which define the horizontal limits of grading, (2) limitation to the cut and fill expressed in vertical feet above or below natural ground elevations, and (3) the typical grading cross-sections. Before any grading may occur on any tract, the individual tract will be field staked, a certified engineer employed by the developer or builder will be present on the site, and the City Engineer will be called to inspect the field staking for conformance to the approved Grading Plan.**

“Engineering drawings have been submitted with the application describing the limits of grading for the roadways and drainage improvements and the slope ratio for the grading that is proposed for the site. Grading cross sections for the roadways are included in the plan set. The developer agrees to have a licensed engineer on site for the field staking and call the City Engineer for inspection of the staking prior to commencement of grading on the site.”

- 3. In addition to the provisions of the Terrain Management Regulations, the Storm Drainage Plan shall include preliminary engineering designs of all storm drainage facilities, an analysis of off-site drainage impacts, and designs of mitigating storm drainage control measures.**

“A drainage report has been prepared and submitted with the application showing the pre and post conditions for drainage leaving the site from the development. The drainage improvements are detailed in the engineering drawings.”

- 4. Preliminary plans and profiles for all streets to be dedicated to the City and preliminary profiles and typical sections for all private streets shall be submitted with the preliminary subdivision plat.**

“Preliminary plan and profiles for the public and private roads are shown on the engineering plans.”

- 5. A phasing program for development incorporating schedules by tract of phase for all required on-site and off-site improvements shall be submitted with the preliminary subdivision plat.**

“It is assumed that this condition was satisfied with the initial preliminary subdivision plat.”

C. GUARANTEES. NMRI, in order to guarantee compliance with the plans and conditions of approval for the final subdivision plat for each individual PRC tract, agrees to the following:

- 1. Master Homeowners Covenants, Conditions, and Restrictions shall be submitted to the City Department of Planning and Development prior to preliminary plat approval by the Commission.**

“The section of the restrictive covenants requiring maintenance of the drainage facilities and other commonly owned facilities has been submitted to Land Use and City Attorney.”

- 2. Master Homeowners Covenants must provide for assessments to maintain all private improvements, including private streets, drainage and erosion control works, and open space. Covenants shall provide for a maintenance contract and scheduled maintenance of all private improvements with assessments specified by type of improvement. Also, the covenants shall contain a provision wherein the French drains of units selected by the association on a random sample basis and shall be inspected and tested on a regular basis.**

“This provision does not comply with this project since Master Homeowners Covenants do not apply to this parcel and French drains are not proposed.”

- 3. Performance bonds or equivalent legal performance instruments, acceptable to the City Attorney, shall be provided to the City prior to final plat approval of each individual PRC tract or development plan approval to insure that all public and private improvements are constructed, repaired and maintained**

as required by the final subdivision plat. Bonds will be identified by type of improvement and by stage of development.

“A Letter of Credit will be submitted for all public or quasi-public improvements as required by City policies and code regulations.”

- 4. One year after installation or rehabilitation of some of the check dams, representatives of NMRI and the City Engineer shall inspect the check dams and French drains, if any. The purpose of the inspections is to ascertain future adjustments to the maintenance or design of such drainage facilities.**

“The city will inspect the installation of storm drain improvements and repairs as part of the normal city inspection process. If the City Engineer wishes to inspect the storm water improvements one year after installation the developer has no objection to that inspection.”

D. MISCELLANEOUS.

- 1. No increase in unit count for any tract or any transfer of units from one tract to another shall occur without an amendment of the PRC zoning district which requires the review and approval by the Commission and City Council.**

“A significant reduction in the allowable density is proposed with this application.”

- 2. Approval of specific dwelling unit counts for each individual PRC tract is conditioned upon approval of grading, drainage and site plans by the City Staff and Commission. Dwelling unit counts for cluster housing tracts are based upon an average ground coverage by buildings, garages and patios of 2000 square feet per unity with in an approximate 30 foot by 65 foot land area. If the average size of the units within a cluster PRC tract exceeds 2000 square feet or if serious terrain management or other problems are presented in the preliminary subdivision plat, then the City staff may recommend to the commission that the number of dwelling units be reduced. A reduction in the number of dwelling units in a PRC tract will not require an amendment to the zoning of the PRC district.**

“The consulting engineer has designated building sites in excess of the 2000 square foot requirement. The developer has voluntarily reduced the number of units due the terrain.”

- 3. NMRI or its successor in interest, but not including the developers or builders of individual PRC tracts, will be responsible for the provision of a site engineer during construction phases. Said site engineer to be on call during all construction phases and available to be on site within 24 hours after notice.**

“The developer agrees to have qualified engineering inspectors on site during the construction of the subdivision improvements.”

4. All conditions of the PRC zoning district and the subdivision plats are affirmative covenants running with the property, binding upon any and all successors in interest. i.e. these conditions of Ordinance 1981-3 Estancia Primera PRC Planned Residential Community – PR are covenants running with the property and binding upon any and all successors in interest.

“No response required.”

5. In order to provide a visual easement along Hyde Park Road, a variable setback of between 150 and 250 feet, measured from the centerline of the road shall be established. Solid fences or walls will be prohibited within this easement.

“A visual easements is shown on the plans for the project with complies with this condition. Where the easement flares out beyond the 150 foot setback it is due to the ridgeline which is more visible from Hyde Park Road than others areas of the property.”

6. An open-space easement of at least 100 feet has been established along the escarpment above Hillside Avenue. All buildings shall be located at least 100 feet from the lot lines of properties abutting or with access from Hillside Avenue as shown by the PRC Master Plan approved by the City on January 28, 1981.

“This property nor buildings does not abut Hillside Avenue and therefore this condition does not apply.”

7. The phrase “commission” means the Santa Fe City Planning Commission or its successor in interest.

“No response required.”

8. TRACT O DEVELOPMENT CONDITIONS:

- A. Tract “O”, as shown on the map approved by the City of Santa Fe on January 28, 1981, or as amended by the final plat, is not to be developed before January 1, 1984.

“This condition does not apply.”

- B. Six (6) months written notice is to be given by NMRI or the developer to the property owners affected by the development of Tract “O” of NMRI or the developer of Tract “O”’s intent to apply for final plat approval for the development of Tract “O”.

“This condition does not apply.”

- C. Ninety (90) days prior to the submission of any final plans and plats to the commission, NMRI or the developer of Tract O will furnish to said property owners a copy of such plans and plats for examination.**

“This condition does not apply.”

- D. If the drainage plans are unacceptable to the owners affected by the development of Tract “O”, upon written request made by such owners within thirty (30) days after receipt of such plans, NMRI will contribute up to \$5,000 to pay an independent engineer, licensed by the State of New Mexico, to assist such owners in devising a drainage plan which will be reasonably acceptable to and which will reasonably protect the property of such owners and permit the development of Tract “O”.**

“This condition does not apply.”

- E. These conditions shall be binding upon NMRI or the developer of Tract “O” and any assigned or successor in interest and shall inure to the benefit of such owners affected by the development of Tract “O”, their heirs, executors, administrators and assigns.**

“This condition does not apply.”

- F. Such owners will furnish to the developer, in writing, their names, addresses and location of their property affected by the development of Tract “O”.**

“This condition does not apply.”

9.OFF SITE IMPROVEMENTS.

- A. NMRI will participate in the cost of required off-site improvements on a pro-rated basis to be determined by NMRI and City to the following streets and inter-sections:**

- 1. Hyde Park Road**
- 2. Otero Street intersection with Paseo de Peralta**
- 3. Hyde Park Road intersection with Bishop’s Lodge Road**
- 4. Bishop’s Lodge Road intersection with Paseo de Peralta**

“This condition does not apply.”

- B. Improvements to the intersection of Hyde Park Road and Estancia Primera Street system shall be constructed at the sole expense of NMRI.**

“This condition does not apply.”

C. Between the North boundary of Tract K and South boundary of Tract J, as shown by the Estancia Primera PRC Map approved by the City Council on January 28, 1981, NMRI grants to the City an easement for a roadway and right-of-way and utility purposes for an R-1 roadway built to presently existing city standards. If the developer of the adjacent property on the easterly boundary of the Estancia Primera development is required by the City to construct a public roadway from Gonzales Road to the Estancia Primera development, NMRI or its successors an interest will dedicate said easement to the City as right-of-way and shall construct the roadway within the Estancia Primera development which is the subject of the easement, to City standards as above, at NMRI's expense or the expense of its successors in interest. NMRI shall, by covenants in deeds to lot owners or unit owners in tracts J and K, inform said lot owners of unit owners of the easement and conditions of dedication of this easement as right-of-way to the City.

"This condition does not apply."

City of Santa Fe, New Mexico

Planning Commission

Exhibit E

ENN Materials



ENN GUIDELINES

Applicant Information

Project Name: Haciendas del Mirasol at El Mirasol

Name: North Cody
Last First M.I.

Address: 107 East Lupita Road
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code

Phone: (505) 699-9858 E-mail Address: buildnorth@gmail.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 detail about the criteria, consult the Land Development Code.

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 project will be very low density with only 8 homes on 28 acres. All the homes will follow the escarpment ordinance, the ordinance from February 2, 1981, and our CC&R's managed by an architectural review by the HOA. We are proposing an entry road, which will be built to city road standards. Then the road will turn to a private drive 20' wide. All roads will meet the code. All significant trees that are disturbed will be replanted or replaced. On these large parcels there are no set back infringements. There will be a lighting plan that will follow the escarpment ordinance and low street lights will be used if any. There is a trail system on the south side of Hyde Park for access to town, private trails on the property and the project is in close proximity to parks, schools and shops. There will be an entry sign to the development that will conform to the code.

(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.*

All significant trees will be accounted for and replanted or replaced. The arroyos will be cleaned and erosion prevention will be implemented, which will include repairing existing structures and building new catch dams. We will have a SWPPP plan in place that will protect the environment and mitigate the fire risk, spill potential, and trash maintenance. Open space will be maintained by the Owners or HOA. Lighting will follow the escarpment code as will the screening of homes and roads by landscaping. Existing vegetation will be protected by limiting traffic off of designated roads and by marking protected areas. The construction will not require any significant grading.

(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 not in the Historic District of Santa Fe, but will be in harmony with the design of Santa Fe and our heritage. An Archeological Study has already been approved by the Archeological Committee, on March 3, 1997, granting approval and a permit to remove or collect data from four non-significant archeological sites. One site LA-110505 was to be preserved and placed under an easement. This has been done and is shown on the plats. This was for the complete 69 acres. There are no archeological sites located on the 28-acre parcel.

(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.*

This property is zoned PRC and per the February 2, 1981 ordinance, shall not exceed 2.8 dwelling units per acre. With 8 homes with guesthouses on 28 acres, the project will be well within this density. The property will conform and will not exceed any surrounding limits. The project is surrounded by R-5, R-21 PUD and R-2 PUD.

(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.*

A Traffic Impact Analysis is in progress. The preliminary results indicate that there are no failing intersections for the existing condition. Offsite improvements to provide a left turn deceleration lane may be warranted.

(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.*

The project will stimulate the construction industry and all that goes along with it like architecture, design, goods, furnishings, appliances and cleaning companies. Our custom homes are constructed using local workers, materials, craftsmen and artisans as much as possible. The owners of these homes will contribute to the wellbeing of restaurants and shops throughout Santa Fe. This project will raise property values by restoring a property that has been used for a trash site for decades.

(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 fees paid by this project will generate revenue for the affordable housing trust, which will go towards down payment assistance for qualified low-income individuals to buy a home.

(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.*

This project will have fire suppression, which will help reduce the need for fire protection. The homes will be sustainably built to reduce the use of water. This will be accomplished by utilizing smart design to lower domestic water use and water harvesting. There will be a private sewer system that will help mitigate the impact on the existing infrastructure. The homes will be required to have solar grid tie systems to supplement the power grid and reduce the use of electricity. Dry utilities are available adjacent to the site on Hyde Park Road.

(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.*

All the homes in this project will be required to meet or exceed the City of Santa Fe's green building code. We will use smart design to reduce water line runs and low flow fixtures through the homes. All roof water will be used either actively or passively on the property. With a low density, residential community the impact will remain very low.

(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 will be a very walkable community both on the property and to the City. It will make access to downtown very appealing. With Fort Marcy Recreational Complex so close, it will give the opportunity for the residents of the project to access the facility on foot.

(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 infill project conforms to the City of Santa Fe's General Plan and the Estancia Primera PRC. The site is in close proximity to downtown employment centers.

(l) ADDITIONAL COMMENTS (optional)



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

School Notification as required by City Ordinance 14-8.18 AFCC 1987

- 1. Project Name: Haciendas del Mirasol
- 2. Location of Property: 700 Hyde park rd
- 3. Owner/Agent Name: 700HPR LLC. / Cody North
Mailing Address: 107 E. Lupitan Rd Santa Fe NM 87505
Phone & Fax: 505-699-9858
- 4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)	8	\$1.5M
Single Family (attached)		
Townhome/ Apartment		
Multi-Family		
Commercial		

- 5. Elementary School Zone for Proposed Development: Carlos Gilbert
- 6. Middle School Zone for Proposed Development: Copshaw
- 7. High School Zone for Proposed Development: Santa Fe High
- 8. Build out Rates (Year/s; #/yr): 5 years

Educational Services Center
610 Alta Vista
Santa Fe, NM 87505
Telephone (505) 467-2000
www.sfps.info

For questions & submittal, contact:
Santa Fe Public Schools, Property & Asset Management,
2195 Zia Road, Santa Fe NM 87505
505 467 3400



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

<i>Project Name</i>	Haciendas Del Mirasol
<i>Project Location</i>	700 Hyde Park Road
<i>Project Description</i>	8 lot subdivision on 28 acres
<i>Applicant / Owner</i>	700 HRP, LLC
<i>Agent</i>	Cody North
<i>Pre-App Meeting Date</i>	March 17, 2016
<i>ENN Meeting Date</i>	April 11, 2016
<i>ENN Meeting Location</i>	Downtown Public Library
<i>Application Type</i>	Preliminary Subdivision
<i>Land Use Staff</i>	Donna Wynant, Current Planning Div, Senior Planner/Case Manager
<i>Other Staff</i>	Greg Smith, Current Planning Division, Director; RB Zaxus, City Engineer
<i>Attendance</i>	59 community members, + 3 on applicant's team

Notes/Comments:

Meeting began at 5:40 pm. Introduction was given by Donna Wynant, case manager for the project, who gave an overview of the purpose of the ENN, timeframe, and ways to make one's voice heard in addition to speaking at the meeting and filling out a comment card. Ms. Wynant stated that the meeting will be recorded. Mr. Smith asked attendees to hold questions until the end of the presentation.

Presentation by Cody North, Eric Cornelius (Engineer for) and Mike Gomez (regarding Traffic Study):

Mr. Cody North stated four other public meetings took place before this ENN. The subject site is 28 acres out of what was originally 69 acres. The lots will be accessed by a private drive off of Hyde Park Road and across from Estancia Primera. The eight proposed lots will be for eight single family homes and will not be further subdivided as restricted by HOA covenants.

The private trail proposed along Hyde Park doesn't really connect to anything but will give access to maintain drainage ponds in the arroyo. As a private trail, the city would not maintain it, but would be accessible to the public.

Mr. North said that the proposed 8 units on 28 acres is very low density. The homes will be single story only, restricted by covenants. Property is in the escarpment and in the Mountainous and Difficult Terrain. No variances are requested with this proposal. No building in ridgetop, just driveways and utilities. Driveways are designed to meander through the trees. Any significant trees will be saved or replanted.

Drainage issues will be addressed as a result of this proposal. Each house will catch its own water with active and passive catchment systems. The new drive into the development with its rain gardens on both sides of the drive will result in less downstream flow than currently on the property. Existing dams will be restored and additional dams will be built to slow water flow and erosion. All houses will catch their own water and there will be water gardens along the main drive. Hyde Park is designated as a scenic byway with a 150'-200' setback.

There will be no street lights along the driveway, a luminary will be at the entrance and intersection. Signage at the entrance will be minimal and there will be pull off for mail boxes. The traffic impact analysis showed minimal impact on traffic.

The Engineer for drainage, Eric Cornelius said that a low pressure sewer system will be used to slow storm water runoff, which has been cleared with Wastewater Division. The development will improve drainage situation downstream by reducing peak storm runoff with less impact on nearby roads. Mr. Cornelius gave an overview of the different methods of a multi-level system to improve drainage to include watershed improvements, rain gardens, and passive and active water harvesting. Plans to clean up refuse and to reseed areas, along with brow ditches and vegetated swales will improve runoff. The existing check dams and channels will be rebuilt to slow runoff and reduce flooding downstream of this property.

Mike Gomez, traffic engineer, said the anticipated traffic to be generated from the 8 lot subdivision would be minimal with 7-8 cars during the morning peak and 7 during the evening peak. Mr. Gomez reported no failures would occur as a result of an additional eight homes.

Williams on Callecita: show evidence of drainage problems to improve situation. Multiple approach will be taken: watershed improvements, clean up bottles, barren areas, borrow ditches, vegetated swales. Direct to active and passive water. Check dams to slow down drainage.

Mike Gomez: Traffic analysis stated that the development would result in minimal traffic. Seven vehicles in the morning peak time and 8 in the peak pm.

Question and comments from the public:

Erosion control plan in place?
(Yes, it will be put in place)

Center turning lane into the subdivision?
(This will be discussed with the City's traffic engineer).

Any weekend construction?
(No this is not allowed by ordinance)

Limit on no outlet roads.
(Met with the City's Fire Marshal who required the property bulbouts & turnarounds)

Is the proposal in compliance with Ordinance 1981-3?
(Yes, the proposed development is within the parameters of Ordinance 1981-3.)

Any update on the other 40 acres (Ernie Romero's adjacent property on Tract 2)?
(Not involved with that development. Another ENN would probably be held for that property.)

Any other entrances into the development other than the one proposed and would the main entrance be shared with any proposed future development?
(Mr. North said he discussed this with the City's traffic engineer who wants the least amount of traffic turnouts. He discussed the entrance with Ernie Romero and they have an agreement to share the main entrance.)

Mike Gomez stated that prior to the ENN starting up, someone mentioned the possibility of doing a roundabout at the main entrance (which received an overwhelming negative response from the audience). Question was asked if this was feasible and if a stop light was an option. Mr. Gomez said a traffic light was not possible since it did not meet traffic warrants and that the traffic engineering study would be available to the public at the time of application, April 21, 2016.

Any entrance gate into the development?
(No plans for a gate for the main entrance across from Estancia Primera)

Congestion along Hyde Park during the ski season. An egress/ingress slow down lane should be considered.

Regarding downhill sewer lines, problems exist in the area, particularly with Callecita and Artist Road sewer lines. Will the sewer line from Haciendas del Mirasol connect with the Callecita sewer line? Mr. Cornelius said that they would connect to an existing manhole north of the property and not the Callecita line. Mr. North stated he

requested a new sewer line from Bishop's Lodge and requested an easement from the adjacent property to access the manhole.

Richard Folks of the Greater Callecita Neighborhood Association stated that adjacent property owners have experienced failed erosion control device with failed concrete structures and gabions in the arroyo. Mr. Folks pointed out areas that had problems and asked the question of the developer and the city as to who is liable for damage to nearby properties.

Suby Bowden, who was retained by the Greater Callecita Neighborhood Association, stated the Association felt that the developer should show the neighborhood plans for drainage, grading, erosion before making application. She added that plans should be available ahead of time to allow neighbors to hire their own engineer to evaluate the plans and that Mr. North should work with the adjacent property owner, Ernie Romero to show adjacent development and the connections to be made between them. She said the sanitary sewer was not shown and the neighborhood association erosion control, check dams, roadwork, etc. Equipment will be brought in to work on sewer lines on 30% slopes. She asked about erosion control for the sewer line. Ms. Bowden had other questions about drainage and the developer's engineer stated that they would check dam their property up to their property line. Mr. North said he would slow and stop water on his property to the property lines. Mr. Greg Smith explained the purpose of the ENN to allow the applicant to present their proposal, but were not required to submit plans to the level of detail that was being requested.

The question was raised about getting detailed plans to review. Mr. North stated that the application deadline is April 21st, at which time the plans would be public record. Mr Greg Smith of the City's Land Use Department

Ms. Bowden that projects in the escarpment must show buildable lots and said the neighbors hadn't seen a map that clearly showed the 30% slopes and that on a previous map, 6 out of 8 lots violated the escarpment rules- that they could not be built without at least half of 30% slopes. Ms. Bowden said it appeared that the buildings were pushed to the ridgetop instead of pushing them as far away from the ridgetop as possible. Ms. Bowden asked if the City would be reviewing this, and Mr. Smith said the City would do a detailed review of the engineers plan's once submitted. He also pointed out that 2,000 square feet of building area that met both requirement must be shown. Ms. Bowden requested the City look at the buildable sites first before approving 6 of the 8 lots at the ridge.

Raymond Herrera of the Historic Hillside Neighborhood said drainage issues still exist even after 30 years. Same promises were made 30 years ago as today.

Sue Hermann said her subdivision was strongly impact by the traffic problem and asked if Otero Street was included in the traffic study, - that the area was a bottleneck where cars parked on both sides of the street. Mike Gomez said that it was included in the traffic study in response to her request. Ms. Hermann also asked about whether or

not there would be active and passive requirements for roof runoff in the covenants and said this was an issue for Estancia Primera. She asked what size of cisterns would be required, and Mr. North said it would be based on the size of house. He said calculations for runoff would be required by the City as people apply for their building permits and this would be mandated by the HOA covenants. In response to the question regarding flood insurance, Mr. North replied that the HOA would have an insurance policy but wasn't sure about coverage for all drainage. Another neighbor asked if the 8 homeowners would buy insurance for everyone downstream. Mr. North HOA flood insurance would most likely cover drainage control failure, but not cover property owners other than those within the subdivision, and that the HOA would cover their easement and their drainage.

Mr. Bill Bontrager questioned the traffic study in that it did not cover the adjacent property and as a result was flawed. Mr. Gomez said that the traffic study did include the units for the adjacent property and the neighbors were welcome to review the traffic study with him.

The meeting was concluded at approximately 6:45 p.m.

Ms. Donna Wynant stated that any additional questions could be sent to her via email.

City of Santa Fe, New Mexico

Planning Commission

Exhibit F

**Communications from
Individual Neighbors**

700 Hyde Park Road
Land Use Dep't 200 Lincoln Ave 87501 Attn: Donna Wynant



Our Association has many concerns regarding the 700 Hyde Park Road proposed development. First, we need to feel fully protected by the Ordinance No. 1981-3 as Cody North doesn't respond to certain questions regarding this ordinance for his 28 acre tract such as drainage/erosion plans, terrain management regulations, building roof line (no pitched roofs) exceeding 15 feet. Mr. North's map shows 8 units are proposed, but he did not mention any casita type buildings (guest houses) that might be built on any of the eight properties. We would like to obtain any information regarding this.

When asked, he didn't answer regarding any communication/coordination with Ernie Romero's 40 acre tract. If the 28 acre is passed, we need to have all prospective buyers know that a possible 36 units (plus any guest houses) may be built directly beside them and possibly 10 other homes just below them. Also, he didn't answer if these units could be rented. What is your and the Planning Commission's position? We also heard that he would be exempt from the 20% affordable housing rule by paying a designated amount. Is that correct?

At the April 11th meeting, an architect stated that 6 of the 8 proposed homes violate the ridgetop building code. We need to know if you agree/disagree with this statement.

We also would like you to confirm that no construction will occur on weekends, if passed.

Mike Gomez of the City Traffic Engineering Division said there will be about 8 cars leaving/entering this 28 acre tract daily. A member of Estancia Primera pointed out that the remaining 40 acre tract was not accounted for as it would use the same entrance as the 28 acre tract. If a center turning lane is not done (again no response) at the entrance, this will certainly back up the vehicles on Hyde Park/Artist Road and will have an even more negative effect on leaving the Estancia Primera South exit. The Traffic Division also did not take into account the slow construction vehicles in and out of both tracts over the next five or so years, visiting guests, landscapers and other business related (example: Post Office) vehicles.

We are asking that the Traffic Division reassess the potential traffic problems (including the 189 homes in Estancia Primera), especially during ski season, when

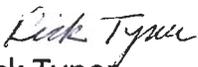
left turns onto the one entrance tracts could cause major traffic jams for both tourists and residents alike, including Artist Road and Sunset Street.

At the meeting, it was asked if we could review the erosion, sewer line and flood plans before going to the Planning Commission. Can you confirm that this will be done and have the plans provided to us? We also believe that cisterns should be utilized and regulated by the Planning/Land Use Department. Need your thoughts on this.

Mr. North again mentioned the implementation of a hiking trail. As there is little parking on the north side of Hyde Park Road, he did not address the potential parking problem, let alone the additional traffic. As was brought up at the last meeting, he did not mention that a trail already exists on the south side of Hyde Park Road. Why do we need two trails along both sides of the road?

We would like to have your comments.

Thank you.


Rick Tyner

President, 800 East Association
821 Camino del Este
Santa Fe, NM 87501
992-6828

WYNANT, DONNA J.

From: William <wrschiller@hughes.net>
Sent: Thursday, April 21, 2016 7:47 PM
To: WYNANT, DONNA J.
Subject: Proposed El Mirasol Project on Hyde Park Road

Dear Ms. Wynant: I am writing what I hope is a useful letter to you about the proposed building project, El Mirasol Development, on Hyde Park Road. I write this as a member of the Estancia Primera Board of Directors. As you most likely already know, our neighborhood is primarily concerned about the traffic problems both during and after the building phase. This, to us, also seems complicated by the fact that Hyde Park Road is a state and not a city road. These issues are made more difficult by the anxieties stimulated by this proposal. For what it is worth, several steps could be taken to relieve some of the anxieties. First, a credible study of the traffic issues which everybody would accept as being valid would be helpful. This would explicitly take into account such things as seasonal variations, intensity of the construction traffic and resultant traffic flow from the construction as it evolves with additional unit building. Up to now, the information available has raised considerable doubt as to its validity. I think that most involved with this would agree that some sort of mitigation of the increased traffic flow should be a part of the development. Whether this could be accomplished by building a left turn-out lane into the project or whether some other more complicated traffic relief would be necessary would be the result of deliberations by the traffic experts with input from the neighborhoods. Also, open discussion between the regulatory bodies, the developers and the neighborhoods would help to calm things down.

These comments bring up another related issue. The email traffic about this mostly reflects frustration regarding availability of reliable information. A real effort to remedy this issue would have positive results. The other neighborhoods have more complex issues than Estancia Primera, namely such things as building density, water drainage, building placement and many others which I expect have been communicated to you. The developers have to take a big slice of the responsibility for this. They have been somewhat evasive and obtuse about the content of their communications about the project. Residents of these involved neighborhoods are educated people with a keen sense about the quality of sincerity of these sensitive interactions. As a result of these unresolved issues, there is talk about hiring experts, lawyers and a broad selection of consultants. This can come to a resolution which everybody can live with if cool heads can prevail.

Please take my letter and also others which I hope have constructive content to help move the proposal to a place of rationality.

Sincerely,
William R. Schiller
Member, EPCSA Board of Directors

WYNANT, DONNA J.

From: James Beck <JandLBeck@comcast.net>
Sent: Monday, April 25, 2016 7:11 AM
To: CenturyLink Customer; WYNANT, DONNA J.
Subject: Haciendas del Mirasol

Dear Mr. North,

My name is Jim Beck. My wife and I live at 516 Camino Los Altos in the Estancia Primera neighborhood.

I am aware of your intent to develop a subdivision at 700 Hyde Park Rd.

As you probably know, there is growing opposition to your plans.

Our neighborhood HOA, of which I am secretary, is having its annual meeting on TH MAY 26th at 4 PM in the Clubhouse of Estancia Primera.

We cordially invite you or one of your representatives to attend this meeting. We think it would be beneficial for you to explain your plans and answer some questions.

Many people are receiving e-mails which cast your project in a negative light. We believe we need to hear your side.

The meeting will be limited to the members of our HOA, not open to the public. The purpose of the meeting would be for you to present your plans and answer some questions.

We would limit the discussion to no more than 30-40 minutes and the atmosphere will not be confrontational.

Please consider this request. We think the meeting would be beneficial, time well spent.

Please reply.

Thank you.

Jim Beck

Secretary

Los Altos Home Owners Association

983-1971

WYNANT, DONNA J.

From: jerryward100@comcast.net
Sent: Tuesday, April 26, 2016 9:12 AM
To: WYNANT, DONNA J.
Cc: Pat Jackunas; Schiller, William; Bontrager, A.; MICHIELLE H. MELTON; Pierce, Scottie; Van Essen, Owen; Wells, Eileen
Subject: Traffic impact of El Mirasol Development off Hyde Park Rd

Good morning Donna,

We are full time residents of Los Altos, a sub-division of Estancia Primera. Pat Jackunas, President of our homeowners association, suggested we forward you our thoughts and concerns regarding the traffic impact of the proposed new "El Mirasol" project off Hyde Park Road, accross from Estancia Primera. We understand that the developer has presented a limited traffic study as part of their application to the City Planning Commission, but that it addresses only their estimated impact from development of homes built on the initial 8 lots, and does not include the impact of development of the additional 36 lots in the second phase of the development as well as the potential for addition of guest houses on the lots.

We want to be sure the City Planning Commission takes into consideration the full impact of the complete development on increased traffic flows and safety. Some of the questions we feel need to be addressed are:

1. Is the planned entry to El Mirador from Hyde Park Rd directly across from the South Entrance to Estancia Primera the optimal location considering traffic flow and safety. Would a location further down or up Hyde Park Rd be better?
2. Is a left turn lane or other provision to facilitate left turns from Hyde Park Rd into El Mirador planned? During periods of heavy traffic flow such as ski season, cars waiting to make left turns into El Mirador could back up traffic coming up Hyde Park Rd. creating congestion and safety issues.
3. Similarly, what is planned to enable residents exiting from the Estancia Primera South Entrance to make left turns onto Hyde Park Rd during periods of heavy traffic? This is already an issue during periods of heavy traffic, especially during ski season and will increase with additional traffic.
4. What provisions will be made to facilitate the flow of construction traffic during during several years of construction, including safety considerations?

We would ask that you please include these questions and concerns in your consideration of plans for the El Mirador development. We believe other Estancia Primera residents have similar and/or additional concerns and questions.

Please let us know if you have questions regarding the issues we have raised or if we can provide additional information to help in your evaluation.

Respectfully submitted.

Robin and Jerry Ward
424 Los Altos Way
505-992-8215

WYNANT, DONNA J.

From: Errol Levine <cfaberge@msn.com>
Sent: Friday, April 29, 2016 12:07 AM
To: WYNANT, DONNA J.
Subject: Re: Proposed Haciendas del Mirasol Development - Question from Errol Levine

Hi Donna:

This is likely a duplicate email since I was not certain which email address to contact you at.

I am a resident of Estancia Primera. I have attended two meetings where Cody North made presentations including the recent ENN meeting at the Public Library. You said at that meeting that we could contact you if we have questions and I do have some as outlined below.

I have been favorably impressed by Cody's candor and the nature of the proposed development as he described it. However, as you know, there is a lot of noise about the project and a lot of misinformation is going around. I am therefore trying to educate myself about the project to the extent that I can.

I have obtained a copy of Ordinance 1981-3. In reading through it I found references to various tracts of land designated by alphabetical letters in upper case. I know that most of these apply to Estancia Primera. However, I do not know which tract or tracts so designated correspond to the proposed Haciendas del Mirasol development and which tract would cover the remainder of El Mirasol. Would you please provide me with that information?

My understanding also is that the proposed site of El Mirasol was originally part of Estancia Primera and that it was approved by the City as a Planned Residential Community by Ordinance 1981-3 when the rest of Estancia Primera, as it currently exists, was approved by the City. Is that correct?

In Cody's last presentation he mentioned that the proposed entry to Camino Mirasol was established by the Ordinance. In reading the Ordinance I found reference to the required setbacks from Hyde Park Road that he mentioned. However, there was no mention in the Ordinance of the development's entry being required to be opposite the south entry to Estancia Primera. I assume though that there were plats and plans that were attached to the Ordinance that I do not have? If there are such plans and plats dating back to 1981 do they show the entry to El Mirasol as being opposite to the south entry to Estancia Primera when the City approved the entire development?

Thank you and I look forward to hearing from you.

Sincerely,

Errol Levine MD

City of Santa Fe, New Mexico

Planning Commission

Exhibit G

**Communications from
Neighborhood Associations**

City of Santa Fe, New Mexico

Planning Commission

Exhibit H

Applicant Submittals



May 4, 2016

Santa Fe Planning Commissioners
City of Santa Fe
P.O. Box 909
Santa Fe, New Mexico 87504

RE: Haciendas Del Mirasol at El Mirasol

Dear Commissioners:

On behalf of 700 HPR, LLC., we submit the attached application for Preliminary Subdivision Plat and Master Plan approval. This property is part of the Estancia Primera Planned Residential Community (EPPRC). The property, which is north of Hyde Park Road (68.37 acres) is Phase 3 of the EPPRC. Phase 3 was subdivided in November 2015. The property now consists of two tracts of land. Tract 1 is owned by 700 HPR, LLC. Tract 2 is owned by HPR Properties, LLC. Tract 1, is proposed as Haciendas Del Mirasol at El Mirasol and will consist of 8 single-family residential dwelling units located on approximately 28.25 ± acres. Tract 2 is not a part of this application. See attached Preliminary Subdivision Plat and Master Plan, as presented in Figures 1 and 2, Appendix A.

The project is as follows:

REQUEST

We request Preliminary Subdivision Plat and Master Plan approval for Haciendas Del Mirasol at El Mirasol. We are requesting no variances. This project will be developed in one phase.

GENERAL DESCRIPTION

Haciendas Del Mirasol at El Mirasol is a proposed 8 lot residential subdivision. Each lot will be developed as a single-family home. All the homes will be subject to City Codes including the escarpment ordinance and Ordinance 1981-3 (PRC Ordinance dated February 2, 1981). The Covenants and Restrictions will be managed by an architectural review committee and by the Home Owners Association. We are proposing an entry drive, which will be built to city road standards. Then the road will turn to a private 20' wide driveway. All significant trees that are disturbed will be replanted or replaced. The only lighting that is proposed will be at the

intersection of Hyde Park Road and the Camino Mirasol Driveway. On lot lighting will conform to City codes. City water and private low-pressure sewer will serve the project.

LOCATION

Haciendas Del Mirasol at El Mirasol is located at 700 Hyde Park Road, within the City of Santa Fe. Project access is via Hyde Park Road.

EXISTING CONDITIONS

The property is undeveloped. However, the property has been used in the past as a “parking” area. There are numerous broken bottles and rubbish, which has been deposited on the property. Existing ground cover consists of pinon juniper with poor native grass cover. The many “parking” areas have resulted in rutting and erosion, which follows the tire tracks. In many areas, the ground cover is sparse due to the “parking.” Many of the arroyos exhibit severe erosion. There are several dozen rock / wire check dams which were reportedly constructed by the Civilian Conservation Corps in the late 1930s. Many of these structures have been breached or have failed and are in need of repair. Water, sewer, gas, electricity, phone, and cable utility infrastructure are accessible either via Hyde Park Road or via a sewer easement to the property by the El Matador Apartments.

LEGAL LOT OF RECORD

This property was subdivided in November 2015. The property now consists of two tracts of land. Tract 1 is owned by 700 HPR, LLC. The legal lot of record is attached as Figure 3, Appendix A. A lot line adjustment is planned for these two tracts, which will change the acreage for Tract 1 to 28.25 ± acres. This lot line adjustment is being submitted to accommodate the location of the entrance road and the entrance road sharing agreement.

EXISTING ZONING

The existing zoning for the Estancia Primera Planned Residential Community allows for a density that does not exceed 2.8 dwelling units per acre. With 8 units on 28 acres, the density is about one tenth of the allowed density at 0.29 dwelling units per acre. This project will be well within the density allowed. The zoning in the area ranges from Planned Residential Community District (PRC) to various densities of residential development. Zoning in the area includes R1, R2, R2PUD, R5, R12PUD, and R21. The property has the least density in the area and will not exceed the density allowed by the PRC.

DEVELOPMENT PLAN STANDARDS

Lot sizes range from 1.027 acres to 7.07 acres. Total buildable areas based upon the PRC ordinance, the escarpment ordinance, and terrain management regulations, ranges from 14,998 square feet to 65,416 square feet. Lots are shaped to accommodate the topography of the site. A siting plan is attached as Figure 4, Appendix A. Setbacks are per City Code.

LANDSCAPING, LIGHTING AND SIGNAGE CONCEPTS

Landscaping along the roadways will meet City Standards. All significant trees will be accounted for and replanted or replaced. Rain gardens will be used adjacent to the driveway to reduce runoff, capture, and reuse storm water for landscape purposes. Lighting will follow the escarpment code as will the screening of homes and roads by landscaping. Existing vegetation will be protected by limiting traffic off designated roads and by marking protected areas. The construction will not require any significant grading. There will be an entry sign to the development that will conform to the code.

TERRAIN MANAGEMENT

The development downstream was built in the 1940's or 1950's. The development was constructed with runoff discharging to the streets. This has caused drainage and flooding issues for the neighbors downstream. We will be mitigating these problems as a part of the project. We will exceed the City Code for drainage runoff control. The proposed development will be designed to protect and enhance the natural beauty of the land and vegetation, and will minimize soil erosion and sediment transport during storms. Low Impact Development (LID) design and construction techniques will be utilized on the site. The arroyos will be cleaned and erosion prevention will be implemented, which will include watershed restoration, repairing existing check dams, building new runoff control check dams and installation of mulched water absorption swales. We will have a SWPPP plan in place that will protect downstream areas from runoff and sediment during the construction. Open space will be maintained by the HOA. The construction will not require any mass grading of the site.

The HOA will require active and passive water harvesting features to be installed for every lot and will be responsible for inspection of on lot water harvesting features. The HOA will be responsible for inspection and maintenance of off lot water control features.

AFFORDABLE HOUSING

Fees will be paid into the Affordable Housing Trust in accordance with the City Code, which will go towards down payment assistance for qualified low-income individuals to buy a home.

ARCHAEOLOGY

This property is not located within a historic district of Santa Fe, but will be in harmony with the design of Santa Fe and our heritage. An archaeological study has already been approved by the Archeological Review Committee, on March 3, 1997, granting clearance for the project area as there are no archaeological sites located on Tract 1.

The project is asking for no variances. The project will be developed in accordance with City of Santa Fe Code. If you have any questions, please do not hesitate to contact me at 505/699-9858.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cody North', written over a light blue horizontal line.

Cody North
700 HPR, LLC

June 22, 2016

Donna Wynant
Land Use Senior Planner
PO Box 909, 200 Lincoln Ave.
Santa Fe, NM 87504

Re: Authorization Letter

Dear Ms. Wynant:

On behalf of 700 HPR LLC, I give James W. Siebert & Associates, Inc., authorization to act on behalf to assist with the pending application for master plan and preliminary plat approval for an eight lot subdivision located within Hacienda de Mirasol subdivision.

Sincerely,

Cody North

A handwritten signature in blue ink, appearing to read 'Cody North', is written over the printed name.

Response to Subdivision Approval Criteria

- (1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.

An archaeological report has been prepared for the subdivision. No archaeological or historical sites were discovered within the boundary of the subdivision. Every effort has been taken to minimize the removal of pinon trees including the careful location of the roadways and use of a low pressure sewer system that allows for the sewer system to avoid trees wherever possible. There is minimal disturbance to the drainages within the Subdivision. Existing check dams built during the depression in the 1930's will be restored and additional check dams will be constructed to reduce the existing arroyo bank erosion that is currently taking place. The area has been used illegally for parking and partying by trespassers and as living areas by transients, (often referred to as Hobo Hill). The broken bottles, trash and temporary camp sites will be removed from the property. With the construction of road and utility improvements the area will not be occupied by transients illegally living on the property. Given the fire pits that are located at various places on the property the chance of wild fires taking place on the property will be eliminated. This risk of a wild fire spreading to the adjoining residential dwellings is an asset to the neighborhood.

All significant trees will be replanted or replaced. A public trail is proposed along Hyde Park Road as a community asset.

- (2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).

The drainages on the property are not designated FEMA flood plains. The only disturbance to the drainage will be the repair of the existing check dams and controlling the erosion that is taking place on the main drainage. No construction will take place on slopes of 30 percent or greater with certain exceptions as permitted by the Land Use Code. Extraordinary engineering measures have been proposed to ensure the storm water generated by the development of the property is adequately detained on the property. Covenants have been provided to the city which mandate the maintenance of all storm water and erosion control structures and facilities on the property. This includes a schedule of inspection and repair as described on the engineering plans. The allowed density of the property, which is permitted by the underlying PRC zoning district, could develop at 2.8 dwellings per acre is proposed for development at one dwelling per

3.5 acres. This significant reduction in density substantially reduces the impact on the terrain created by the development of the site, including roads, utilities and homes.

The city agencies have reviewed the plans and find the engineering design to be in conformance with the City Code. The New Mexico Department of Transportation has reviewed the engineering report for Hyde Park Road and finds the Traffic Impact Study acceptable although not warranted since the traffic generation does not trigger a Traffic Impact Study for this level of development.

- (3) All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).

The plat and engineering drawings have been prepared to comply with all provisions of Chapter 14 Article 9.

- (4) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.

No variances have been requested for the subdivision. There is no aspect of the engineering or platting that is inconsistent or violates the provisions of Chapter 14.

- (5) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.

No exceptions to the Land Use provisions of the City Code are requested. There is no increase to an existing nonconformity since all platting and engineering design and standards have been prepared in conformity with the City Code.

PLAT OF LOT LINE ADJUSTMENT
& PRELIMINARY SUBDIVISION PLAT
FOR
700 HPR, LLC
A NEW MEXICO LIMITED LIABILITY COMPANY
&
700 HPR

ADJUSTING TRACT 1 AND TRACT 2, AS SHOWN ON A PLAT OF SUMMARY REVIEW SUBDIVISION FOR HPR PROPERTIES, LLC A NEW MEXICO LIMITED LIABILITY COMPANY & CI OPPORTUNITY FUND, LP, A TEXAS LIMITED PARTNERSHIP, CREATING TRACT A AND TRACT B FROM A TRACT OF LAND KNOWN AS ESTANCIA PRIMERA LYING NORTH OF HYDE PARK ROAD, CITY OF SANTA FE, SANTA FE COUNTY, NEW MEXICO.



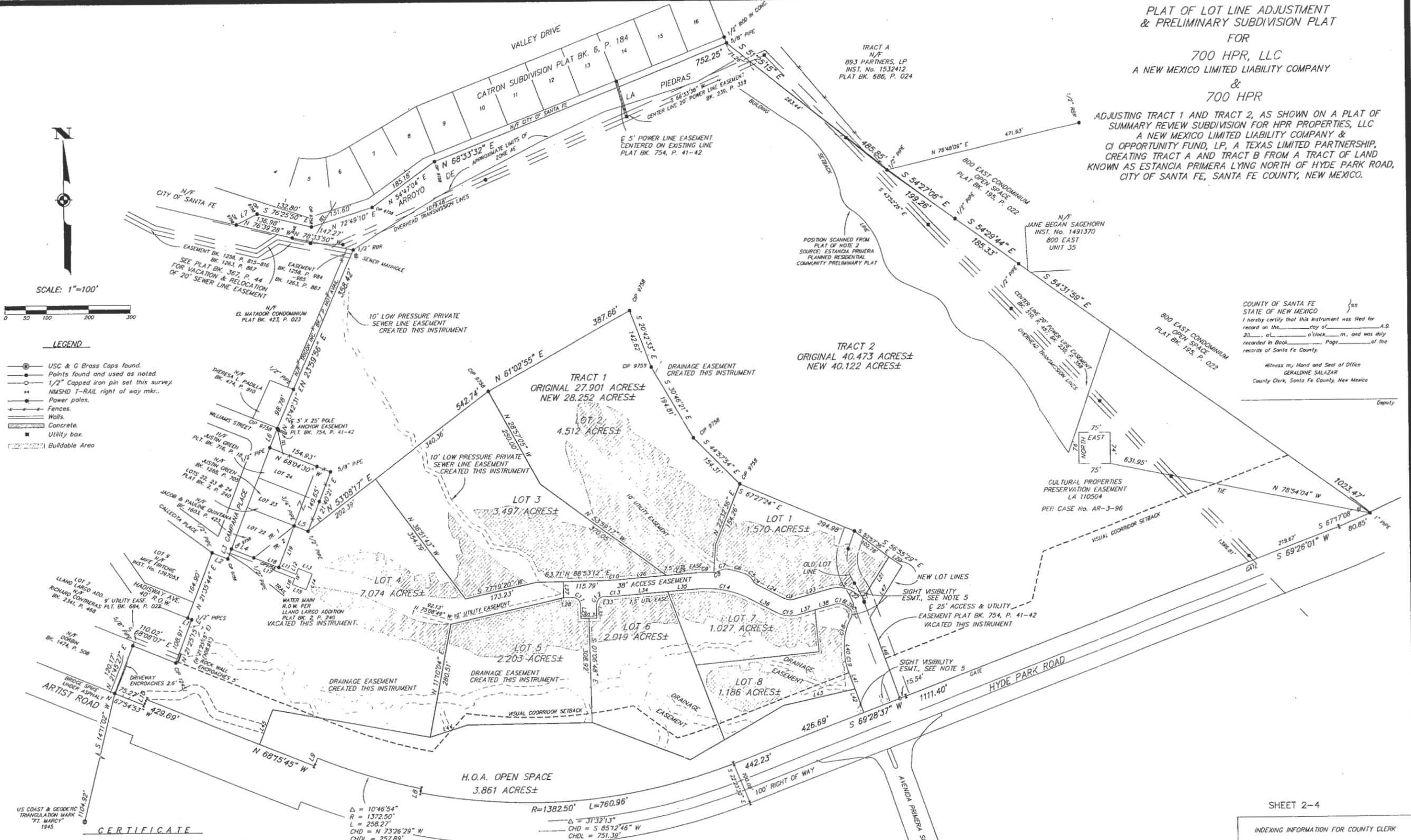
SCALE: 1"=100'



LEGEND

- USC & G Brass Caps found.
- Points found and used as noted.
- 1/2" Capped iron pin set this survey.
- ⊕ NMSHD T-RAIL right of way mkr..
- ⊕ Power poles.
- ⊕ Fences.
- ⊕ Walls.
- ⊕ Concrete.
- ⊕ Utility box.
- ⊕ Buildable Area

COUNTY OF SANTA FE } ss
STATE OF NEW MEXICO }
I hereby certify that this instrument was filed for record on the _____ day of _____ A.D. 20____, at _____ o'clock _____ m., and was duly recorded in Book _____ Page _____ of the records of Santa Fe County.
Witness my Hand and Seal of Office
GERALDINE SALAZAR
County Clerk, Santa Fe County, New Mexico
Deputy



CERTIFICATE
I, Philip B. Wiegell, a duly registered Professional Surveyor in the State of New Mexico hereby certify that I conducted and am responsible for this survey, that this survey and plat represent an actual survey made in the field by me or under my direction, that it meets the Minimum Standards for Surveys in New Mexico and that the information contained herein is true and correct to the best of my knowledge, information and belief.



PRELIMINARY
DATE OF FIELD WORK
14 APRIL, 2016
Philip B. Wiegell P.S. No. 9758
P.O. Box 22773 Santa Fe, NM.

SHEET 2-4

INDEXING INFORMATION FOR COUNTY CLERK

OWNER: HPR PROPERTIES, LLC,
CI OPPORTUNITY FUND, LP
LOCATION: 700 HYDE PARK ROAD
S 19° 17' N, R 10° E, N.M.P.M.
PROJECTED INTO THE SANTA FE GRANT
UPC: 1-055-099-155-279
SANTA FE COUNTY, N.M.

DEL RIO SURVEYS, INC.
PO BOX 22773 SANTA FE, NM 820-9200
Project No. 16020086 Dwg. PW Date 4/14/16
CHK. DV REV. 1

**Response to
Conditions from
Ordinance 1981-3**
(Applicant's response is in italics)

The property, as zoned, has the following conditions attached thereto:

- 1. Detailed engineering soils and drainage reports, including type and location of all on-site and off-site drainage retention structures, shall be submitted to the Department of Public Works of the City for the entire development at the preliminary plat submittal for the first phase. Included in this condition is that all dwelling units for the cluster developments be sited on those submittals.**

“Engineering drawings have been submitted with the preliminary plat application that detail the on-site drainage structures. There are no off-site drainage structures. This is not the first phase of the project but the developer has complied with this condition in conformance with the terrain management regulations of the City Code. This is not a cluster development project. Detailed geotechnical investigation will be provided for final plat submittal.”

- 2. Detailed engineering plans and reports for all on-site roadway improvements shall be submitted to the Department of Public Works of the City for the entire development at the time of preliminary plat approval for the first phase. Included in this condition is the design plans for the Hyde Park Road-Estancia Primera intersection.**

“This does not apply to Hacienda de Mirasol since this was a condition of phase 1 of Estancia Primera.”

- 3. No commercial development in Phase 1 or 2. Commercial development shall be considered by the City of Santa Fe Planning Commission (the Commission) at the time of final plat approval for Phase 3. As such, the preliminary plat for Phase 3 shall include a design for both bases:
(a) if it remains as residential
(b) if it is approved for commercial**

“No commercial development is proposed for the project and this condition does not apply.”

- 4. Submittal of architectural style guidelines to be adhered to by builders shall be submitted at the time of final plat for Commission approval for each phase of development.**

“Although this is not the final plat application the escarpment regulations will serve as the architectural guidelines for this project. This is also shown on Sheet 4-3 of the plan set. The escarpment regulations did not exist in 1981. These regulations are the most comprehensive and recognized standards for development in the hillside areas of Santa Fe.”

5. **Sewer assessment to be paid by developer for each dwelling unit as per established Commission policy for off-site sewer facilities improvement serving the area of the development, as adopted by the Joint City-County of Santa Fe Planning Commission at its meeting of October 23, 1980.**

“This condition does not apply to the Subdivision since the sewer is entirely the responsibility of the developer and the property is not included in a sewer assessment district.”

6. **The developer will share in the costs of off-site roadway improvements as may be required by the Commission at different phases in this development. The developer’s share shall be proportionate to the development’s impact on those required improvements.**

“The Traffic Impact Study demonstrates that there are no off-site impacts that rise to a level that requires the contribution for off-site roadway improvements.”

7. **SITE PLANNING CRITERIA, TOPOGRAPHY, GRADING CRITERIA LIMITATION ON MAXIMUM HEIGHT OF BUILDINGS, ADDITIONAL SUBMITTAL AND CONDITIONS AND MISCELLANEOUS:**

- A. **Site Planning Criteria.** All of the conditions of the City of Santa Fe Land Subdivision Regulations, including the Terrain Management Regulations, shall apply to the property which is the subject of the PRC Ordinance except for and subject to the specific variances and restrictions set forth herein below in subparagraphs 7.A.1. through A.3

1. **Topography.** No portion of any building can extend more than 40 horizontal feet or to a point more than 10 vertical feet, whichever is more restrictive, beyond a point whose average natural slope is 20 percent. The slope analysis map submitted by NMRI and verified by the City Planning Department shall be the basis for this determination. The slope analysis to be submitted by NMR shall be the basis for this determination.
2. **Grading Limits.** Grading on the site shall be confined within an area which is determined as being 15 horizontal feet beyond the building foundation wall as determined in 1 above, 30 horizontal feet beyond a point whose average natural slope is 20 percent. At the limits of grading, natural grade shall be met with a graded slope not to exceed 1 vertical foot in 3 horizontal feet, except that a structural retaining wall, not to exceed 5 vertical feet, is permitted for patios.

“All cut and fill slopes will be rehabilitated according to an approved Erosion Control Plan as required by the Terrain Management Regulations.”

3. Maximum Height of Buildings.

- 1. The finished floor elevation at any point shall not exceed 5 vertical feet above the natural grade below that point.**
- 2. The building roof line for each dwelling unit shall not exceed 15 vertical feet above the highest point of natural ground surface on the building site. Chimneys are excluded from this height limitation.**
- 3. The building roof line for each dwelling unit shall not exceed 20 vertical feet above the natural ground surface at any point at the building foundation on the building site. Chimneys are excluded from the height limit.**

“Although they were considered exceptions of variances in 1981 they have been superseded by the escarpment regulations that are substantially more definitive.”

B. ADDITIONAL SUBMITTALS AND CONDITIONS. NMRI shall satisfy the following conditions and make the following submittals before either a preliminary development plan under the Planned Residential Community Ordinance or a Preliminary Subdivision Plat is approved by the Commission.

- 1. The preliminary subdivision plat for the entire PRC parcel will be submitted to the Department of Planning and Development of the City together with all reports and plans required by the Terrain Management Regulations.**

“It is assumed that this condition was satisfied at the time the first preliminary plat or plan was submitted for review by the Planning Commission for the first phase of the project.”

- 2. In addition to the provision of the Terrain Management Regulations, the Grading Plan shall include for each tract: (1) the grading envelopes which define the horizontal limits of grading, (2) limitation to the cut and fill expressed in vertical feet above or below natural ground elevations, and (3) the typical grading cross-sections. Before any grading may occur on any tract, the individual tract will be field staked, a certified engineer employed by the developer or builder will be present on the site, and the City Engineer will be called to inspect the field staking for conformance to the approved Grading Plan.**

“Engineering drawings have been submitted with the application describing the limits of grading for the roadways and drainage improvements and the slope ratio for the grading that is proposed for the site. Grading cross sections for the roadways are included in the plan set. The developer agrees to have a licensed engineer on site for the field staking and call the City Engineer for inspection of the staking prior to commencement of grading on the site.”

- 3. In addition to the provisions of the Terrain Management Regulations, the Storm Drainage Plan shall include preliminary engineering designs of all storm drainage facilities, an analysis of off-site drainage impacts, and designs of mitigating storm drainage control measures.**

“A drainage report has been prepared and submitted with the application showing the pre and post conditions for drainage leaving the site from the development. The drainage improvements are detailed in the engineering drawings.”

- 4. Preliminary plans and profiles for all streets to be dedicated to the City and preliminary profiles and typical sections for all private streets shall be submitted with the preliminary subdivision plat.**

“Preliminary plan and profiles for the public and private roads are shown on the engineering plans.”

- 5. A phasing program for development incorporating schedules by tract of phase for all required on-site and off-site improvements shall be submitted with the preliminary subdivision plat.**

“It is assumed that this condition was satisfied with the initial preliminary subdivision plat.”

C. GUARANTEES. NMRI, in order to guarantee compliance with the plans and conditions of approval for the final subdivision plat for each individual PRC tract, agrees to the following:

- 1. Master Homeowners Covenants, Conditions, and Restrictions shall be submitted to the City Department of Planning and Development prior to preliminary plat approval by the Commission.**

“The section of the restrictive covenants requiring maintenance of the drainage facilities and other commonly owned facilities has been submitted to Land Use and City Attorney.”

- 2. Master Homeowners Covenants must provide for assessments to maintain all private improvements, including private streets, drainage and erosion control works, and open space. Covenants shall provide for a maintenance contract and scheduled maintenance of all private improvements with assessments specified by type of improvement. Also, the covenants shall contain a provision wherein the French drains of units selected by the association on a random sample basis and shall be inspected and tested on a regular basis.**

“This provision does not comply with this project since Master Homeowners Covenants do not apply to this parcel and French drains are not proposed.”

- 3. Performance bonds or equivalent legal performance instruments, acceptable to the City Attorney, shall be provided to the City prior to final plat approval of each individual PRC tract or development plan approval to insure that all public and private improvements are constructed, repaired and maintained**

as required by the final subdivision plat. Bonds will be identified by type of improvement and by stage of development.

“A Letter of Credit will be submitted for all public or quasi-public improvements as required by City policies and code regulations.”

- 4. One year after installation or rehabilitation of some of the check dams, representatives of NMRI and the City Engineer shall inspect the check dams and French drains, if any. The purpose of the inspections is to ascertain future adjustments to the maintenance or design of such drainage facilities.**

“The city will inspect the installation of storm drain improvements and repairs as part of the normal city inspection process. If the City Engineer wishes to inspect the storm water improvements one year after installation the developer has no objection to that inspection.”

D. MISCELLANEOUS.

- 1. No increase in unit count for any tract or any transfer of units from one tract to another shall occur without an amendment of the PRC zoning district which requires the review and approval by the Commission and City Council.**

“A significant reduction in the allowable density is proposed with this application.”

- 2. Approval of specific dwelling unit counts for each individual PRC tract is conditioned upon approval of grading, drainage and site plans by the City Staff and Commission. Dwelling unit counts for cluster housing tracts are based upon an average ground coverage by buildings, garages and patios of 2000 square feet per unity with in an approximate 30 foot by 65 foot land area. If the average size of the units within a cluster PRC tract exceeds 2000 square feet or if serious terrain management or other problems are presented in the preliminary subdivision plat, then the City staff may recommend to the commission that the number of dwelling units be reduced. A reduction in the number of dwelling units in a PRC tract will not require an amendment to the zoning of the PRC district.**

“The consulting engineer has designated building sites in excess of the 2000 square foot requirement. The developer has voluntarily reduced the number of units due the terrain.”

- 3. NMRI or its successor in interest, but not including the developers or builders of individual PRC tracts, will be responsible for the provision of a site engineer during construction phases. Said site engineer to be on call during all construction phases and available to be on site within 24 hours after notice.**

“The developer agrees to have qualified engineering inspectors on site during the construction of the subdivision improvements.”

4. All conditions of the PRC zoning district and the subdivision plats are affirmative covenants running with the property, binding upon any and all successors in interest. i.e. these conditions of Ordinance 1981-3 Estancia Primera PRC Planned Residential Community – PR are covenants running with the property and binding upon any and all successors in interest.

“No response required.”

5. In order to provide a visual easement along Hyde Park Road, a variable setback of between 150 and 250 feet, measured from the centerline of the road shall be established. Solid fences or walls will be prohibited within this easement.

“A visual easements is shown on the plans for the project with complies with this condition. Where the easement flares out beyond the 150 foot setback it is due to the ridgeline which is more visible from Hyde Park Road than others areas of the property.”

6. An open-space easement of at least 100 feet has been established along the escarpment above Hillside Avenue. All buildings shall be located at least 100 feet from the lot lines of properties abutting or with access from Hillside Avenue as shown by the PRC Master Plan approved by the City on January 28, 1981.

“This property nor buildings does not abut Hillside Avenue and therefore this condition does not apply.”

7. The phrase “commission” means the Santa Fe City Planning Commission or its successor in interest.

“No response required.”

8. TRACT O DEVELOPMENT CONDITIONS:

- A. Tract “O”, as shown on the map approved by the City of Santa Fe on January 28, 1981, or as amended by the final plat, is not to be developed before January 1, 1984.

“This condition does not apply.”

- B. Six (6) months written notice is to be given by NMRI or the developer to the property owners affected by the development of Tract “O” of NMRI or the developer of Tract “O”’s intent to apply for final plat approval for the development of Tract “O”.

“This condition does not apply.”

- C. Ninety (90) days prior to the submission of any final plans and plats to the commission, NMRI or the developer of Tract O will furnish to said property owners a copy of such plans and plats for examination.**

“This condition does not apply.”

- D. If the drainage plans are unacceptable to the owners affected by the development of Tract “O”, upon written request made by such owners within thirty (30) days after receipt of such plans, NMRI will contribute up to \$5,000 to pay an independent engineer, licensed by the State of New Mexico, to assist such owners in devising a drainage plan which will be reasonably acceptable to and which will reasonably protect the property of such owners and permit the development of Tract “O”.**

“This condition does not apply.”

- E. These conditions shall be binding upon NMRI or the developer of Tract “O” and any assigned or successor in interest and shall inure to the benefit of such owners affected by the development of Tract “O”, their heirs, executors, administrators and assigns.**

“This condition does not apply.”

- F. Such owners will furnish to the developer, in writing, their names, addresses and location of their property affected by the development of Tract “O”.**

“This condition does not apply.”

9.OFF SITE IMPROVEMENTS.

- A. NMRI will participate in the cost of required off-site improvements on a pro-rated basis to be determined by NMRI and City to the following streets and inter-sections:**
- 1. Hyde Park Road**
 - 2. Otero Street intersection with Paseo de Peralta**
 - 3. Hyde Park Road intersection with Bishop’s Lodge Road**
 - 4. Bishop’s Lodge Road intersection with Paseo de Peralta**

“This condition does not apply.”

- B. Improvements to the intersection of Hyde Park Road and Estancia Primera Street system shall be constructed at the sole expense of NMRI.**

“This condition does not apply.”

C. Between the North boundary of Tract K and South boundary of Tract J, as shown by the Estancia Primera PRC Map approved by the City Council on January 28, 1981, NMRI grants to the City an easement for a roadway and right-of-way and utility purposes for an R-1 roadway built to presently existing city standards. If the developer of the adjacent property on the easterly boundary of the Estancia Primera development is required by the City to construct a public roadway from Gonzales Road to the Estancia Primera development, NMRI or its successors an interest will dedicate said easement to the City as right-of-way and shall construct the roadway within the Estancia Primera development which is the subject of the easement, to City standards as above, at NMRI's expense or the expense of its successors in interest. NMRI shall, by covenants in deeds to lot owners or unit owners in tracts J and K, inform said lot owners of unit owners of the easement and conditions of dedication of this easement as right-of-way to the City.

"This condition does not apply."

Haciendas del Mirasol

Declaration of Covenants, Conditions, Restrictions and Easements.

3.3 Centralized Drainage Control Structures.

3.3.1 Inspection, Maintenance, Repair, and Replacement By Association. The improvements comprising the Centralized Drainage Control Structures shall be owned, operated, inspected, maintained, repaired and replaced by the Association, as provided in this Declaration and the Governing Documents, and, at the option, but not the obligation, of the City of Santa Fe, by the City of Santa Fe. The Association shall also be responsible for the maintenance of any and all Stormwater Ponding Areas. The Association shall maintain and keep the Centralized Drainage Control Structures and Stormwater Ponding Areas in a good working order and condition, and in compliance with all then applicable governmental requirements, including current and future written directions and requirements from time to time issued by the City of Santa Fe. The Stormwater Ponding Areas comprising the Centralized Drainage Control Structures specifically shall be maintained pursuant to the Maintenance Guidelines. The responsibility of the Association for the inspection, maintenance, repair and replacement of a particular Centralized Drainage Control Structure shall commence once the construction and installation of the same has been finally completed by the Declarant and accepted by the City of Santa Fe. The responsibility of the Association for the inspection, maintenance and repair of Stormwater Ponding Areas shall commence upon the filing of this Declaration for record in the real property records of Santa Fe County, New Mexico.

3.3.2 Report to City of Santa Fe. On an annual basis, on or before March 15 of each calendar year, the Association shall retain, at the Association's expense, a civil engineer, duly licensed in the State of New Mexico, and cause such engineer to prepare, and submit to the City of Santa Fe Planning and Land Use Division and the Streets, Drainage, & Fleet Maintenance Division, a written report, certified to the City of Santa Fe, detailing the inspection, maintenance, and repair activities, if any, over the prior calendar year by the Association with respect to the Centralized Drainage Control Structures and Stormwater Ponding Areas, and certifying to the City of Santa Fe that the Centralized Drainage Control Structures and Stormwater Ponding Areas have been maintained pursuant to the Maintenance Guidelines and are in a good working order and condition.

3.3.3 Rights of The City of Santa Fe. If the Association shall fail to so inspect, maintain, replace, or repair the Centralized Drainage Control Structures or Stormwater Ponding Areas under Section 3.3.1, or submit the required report certified by a civil engineer duly licensed in the State of New Mexico under Section 3.3.2, and such failure shall continue for a period of thirty (30) days after receipt of written notice thereof from the City of Santa Fe, then the City of Santa Fe shall have the right and power, in addition to any other rights and remedies of the City of Santa Fe, to so inspect, maintain, construct, replace, and/or repair the Centralized Drainage Control Structures and Stormwater Ponding Areas, and shall be entitled, and is hereby granted the right and power, to exercise all of the rights and powers of the Association, including the assessment and lien rights of the Association, set forth in this Declaration and the Bylaws with respect to the construction, inspection, maintenance, repair and replacement of the Centralized Drainage Control Structures or Stormwater Ponding Areas. Notwithstanding the

above to the contrary, the City shall not have the right to take the foregoing actions in the case of a failure by the Association which cannot, with due diligence, be cured within thirty (30) days, unless the Association shall fail to proceed promptly (except for unavoidable delays) after the giving of such notice from the City of Santa Fe and with all due diligence to cure such failure and thereafter to prosecute the curing thereof with all due diligence (it being intended that as to a failure not susceptible of being cured with due diligence within thirty (30) days, the time within which such failure may be cured shall be extended for such period as may be reasonably necessary to permit the same to be cured with all due diligence). Further notwithstanding the above to the contrary, the City of Santa Fe shall have the immediate right to enter and maintain, re-construct, construct, or otherwise take appropriate action to remediate emergency conditions with respect to the Centralized Drainage Control Structures or Stormwater Ponding Areas, when such emergency conditions are declared in writing by the City Manager, and the associated costs of such action shall be paid by the Association within sixty (60) calendar days after issuance of an applicable invoice for such remediation measures, including administrative costs.

3.3.4 Non-Liability of The City of Santa Fe. If the Association shall fail to fulfill its duties and responsibilities under the Declaration, and the City of Santa Fe shall exercise any of the rights and powers of the Association, then the City of Santa shall not be liable to Declarant, Association, or to any Owner, for any damage, loss, or prejudice suffered or claimed on account of the City of Santa Fe's exercise of such rights and powers. Each Owner, by acceptance of a deed to a Lot, does hereby expressly release the City of Santa Fe of and from any and all claims, demands, causes of action, for damages or otherwise, in any manner resulting from the City of Santa Fe's exercise of such rights and powers of the Association.

3.3.5 Indemnification. The Association shall indemnify, defend and hold harmless the City of Santa Fe, its elected officials, and employees from and against any and all loss, cost, expense or claims, including but not limited to reasonable attorneys' fees and expenses and costs of court, that arise out of any injury or death to person or damage to or loss of property, caused either by the negligent actions or inactions of the Association, its employees, contractors, etc., with respect to the Centralized Drainage Control Structures or Stormwater Ponding Areas, or as a result of any failure or default by Association to fulfill its obligations under this Declaration with respect to the Centralized Drainage Control Structures or Stormwater Ponding Areas.

3.3.6 Transfer to the City of Santa Fe. If the City of Santa Fe, or its assigns shall expressly agree to accept a dedication, by and through the Governing Body of the City of Santa Fe, or its assigns, of the Centralized Drainage Control Structures and Stormwater Ponding Areas, and undertake responsibility for the maintenance, repair and replacement of the Centralized Drainage Control Structures and Stormwater Ponding Areas, then the Association shall duly execute and acknowledge an appropriate instrument dedicating the Centralized Drainage Control Structures and Stormwater Ponding Areas (and associated easements if not previously dedicated to the City of Santa Fe), and the responsibilities for inspection, maintenance, repair, construction, and/or replacement of the same, and shall cause such instrument to be recorded in the records of Santa Fe County, New Mexico. Upon the recording of such notice, the provisions of this Declaration (including this Section 3.3) pertaining to the Association's responsibility and assessments for the inspection, maintenance, repair and replacement of the Centralized Drainage Control Structures and Stormwater Ponding Areas shall be no longer applicable.