

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

David Coss, *Mayor*

Councilors:

Rebecca Wurzburger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

Memorandum

To: Members of the Governing Body

From: Kelley Brennan 
Interim City Attorney
and Zachery Shandler
Assistant City Attorney

Re: Appeal of JenkinsGavin Design & Development, Inc.,
Agent for Aguafina Development LLC
from the September 12, 2013 Decision of the Planning Commission
in Case #2013-58 Denying its Application for Preliminary Subdivision Plat Approval
and a Variance from the City's Access and Traffic Calming Standards
Case No. 2013-93

Date: December 27, 2013 for the January 8, 2014 Meeting of the Governing Body

I. THE APPEAL

On September 20, 2013 JenkinsGavin Design & Development, Inc., Agent for Aguafina Development LLC (Appellant or Applicant), filed a Verified Appeal Petition (Petition) appealing the September 12, 2013 decision (Decision) of the City of Santa Fe (City) Planning Commission (Commission) (Appeal) denying Appellant's application (Application) for (1) preliminary subdivision plat approval to divide three parcels of land identified as Tracts B, C-1 and C-2 (collectively, the Property) into 23 single-family residential lots and (2) a variance (the Variance) from City Code (Code) §14-9.2(D)(8) to permit the construction of two private cul-de-sac Lot Access Driveways on Tracts C-1 and C-2 rather than a continuous subcollector street dedicated to the City connecting Agua Fria Street to Rufina Street. A copy of the Petition is attached as **Exhibit A**.

II. HISTORY OF THE CASE

Tract B is located at 4702 Rufina Street and contains 2.42± acres; Tract C-1 is located at 4262

Agua Fria Street and contains 5.61± acres; and Tract C-2 is located at 4701 Rufina Street and contains 3.44± acres. Tracts B and C-2 are zoned R-3 (Residential – 3 dwelling units/acre) and Tract C-1 is zoned R-5 (Residential – 5 dwelling units/acre). A sketch of the Property showing the proposed subdivision is attached as **Exhibit B**.

On March 13, 2013 the Governing Body voted after a public hearing (the March 13 GB Hearing) to rezone Tracts B and C-2 from R-1 (Residential – 1 dwelling unit/acre) to R-3 (Residential – 3 dwelling units/acre) (the Rezoning) in accordance with the recommendation of the Commission and with the General Plan Future Land Use Map designation of Tracts B and C-2 as Low Density Residential (3-7 dwelling units/acre). Tract C-1 was not included in the Rezoning application and was and remains zoned R-5. However, the Applicant offered to the Governing Body at the March 13 GB Hearing to (1) submit its request for subdivision and/or development plan approval to the Commission for the entire Property, including Tract C-1, as a single application; (2) develop Tract C-1 consistent with R-3 zoning, notwithstanding that it is zoned R-5; (3) not request to use Powerline Road as a primary or secondary access for either the Property or Tract C-1 as part of its application for such Commission approval, but to propose instead three base-course Lot Access Driveways, each serving eight lots; and (4) grant an easement to Abe and Kathleen Tapia and their successors across Tract C-1 to permit them to access Powerline Road (collectively, the Applicant Undertakings). The Applicant Undertakings were the result of discussions with certain neighbors of the Property, some of whom also testified at the March 13 GB Hearing. A copy of the relevant portion of the minutes of the March 13 GB Hearing is attached as **Exhibit C**.

The Appellant's offer to perform the Applicant Undertakings was a material consideration relied upon by the Governing Body in its approval of the Rezoning. The Governing Body also considered the comments of members of the public relating to the future development of the Property made at the March 13 GB Hearing and requested the Commission to fully consider those comments in reviewing and deciding upon applications for future subdivision and/or development plan approval for the Property. Findings of Fact and Conclusions of Law (GB Findings) embodying the Governing Body's action were adopted by the Governing Body on March 27, 2013 and were filed with the City Clerk as Item #13-0191. A copy of the GB Findings is attached as **Exhibit D**.

On August 1, 2013 the Commission held a hearing on the Application (the August 1 PC Hearing). Commission staff provided the Commission with a report (Staff Report) briefly describing the Application and recommending that the Commission deny the Application, but providing conditions to be adopted by the Commission in the event that it approved the Application (the Conditions). A copy of the Staff Report is attached as **Exhibit E**. At the conclusion of the August 1 PC Hearing the Commission denied the Applicant's request for the Variance. As the preliminary subdivision plat (Plat) submitted for the Commission's approval was dependent upon the grant of the Variance, the Commission denied the Applicant's request Plat approval as well. A copy of the relevant portion of the minutes of the August 1 PC Hearing is attached as **Exhibit F**.

On September 12, 2013 the Commission adopted Findings of Fact and Conclusions of Law

(Commission Findings) embodying its August 1, 2013 vote. The Commission Findings were filed with the City Clerk as Item #13-0920. A copy of the Commission Findings is attached as **Exhibit G**.

III. BASIS OF APPEAL

The Applicant claims that its request for the Variance was necessary to comply with the Applicant Undertakings and that the Commission failed to fully consider the concerns and comments of neighbors in its review of and decision on the Variance.

IV. RELIEF SOUGHT

The Applicant asks the Governing Body to grant the Appeal and approve the Application as submitted, subject to the Conditions, but only to the extent that they do not conflict with such grant and approval (the Revised Conditions).

V. ISSUES RAISED BY THE APPEAL; ANALYSIS

The primary issue on appeal is whether the Applicant's request for the Variance meets the requirements of Code §14-3.16. Since Plat approval was denied due to the denial of the Variance, approval of the Variance would eliminate the Commission's reason for denying approval of the Plat.

Code §14-3.16(B)(1) provides that the body making a decision on a variance request "...shall, based on the application, input received at the public hearing and the approval criteria set forth in [Code §14-3.16(C)], approve, approve with conditions or deny the variance application." Code §14-3.16(C) requires that all five criteria listed in that section be met for a variance to be approved.

The Commission Findings indicate that the Variance did not meet the criteria set out in Code §§14-3.16(C)(1)(a) and (2). Without the Variance, the Plat could not be approved, as it did not comply with Code §14-9.2(D)(8).

1. Code §§14-3.16(C)(1)(a)

Code §§14-3.16(C)(1)(a) requires a showing that "...unusual physical characteristics exist that distinguish the land...from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid[.]" While the Applicant argued that the configuration of the land on three separate parcels distinguished the Property from others in the vicinity, it also argued that the Governing Body in the GB Findings accepted the Applicant Undertakings as a method of addressing neighborhood concerns relating to density and traffic as the Property developed in the future, including the development of Tract C-1 to R-3 rather than R-5 standards and a roadway plan that did not permit through traffic from

Rufina Street to Agua Fria Street. The Commission, however, found that “...while the Property is composed of three tracts extending from Agua Fria Street to Rufina Street and across Rufina Street and its historic long narrow configuration imposes constraints on development, other properties in the vicinity are similarly configured and are subject to the same development regulations...”

The Governing Body may concur with the Commission’s analysis. Alternatively, the Governing Body may conclude that as a result of the obligations imposed by the Applicant’s compliance with the Applicant Undertakings, the physical characteristics of the Property as described by the Commission, including three tracts extending from Agua Fria to Rufina and across Rufina and its historic long narrow configuration, , there are constraints on the development of the Property that are unique to the Property and are not shared by other properties in the vicinity that are similarly configured, as the Applicant Undertakings modify the development regulations applicable to the Property. These additional constraints include the obligation to bring to the Commission for preliminary subdivision approval at the same time all three tracts that comprise the Property developed to R-3 density, when otherwise the Applicant might have developed Tract C-1 independently to R-5 density.

2. Code §§14-3.16(C)(2)

Code §§14-3.16(C)(2) requires that, to the extent that special circumstances are found in accordance with Code §§14-3.16(C)(1)(a), “...[they] make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.” The Applicant argued that it could not mitigate the traffic concerns and maintain R-3 density on Tract C-1 and comply with the requirements of Code §14-9.2(D)(8). The Commission, however, found that “...the development on Tracts C-1 and C-2 of a continuous subcollector street dedicated to the City connecting Agua Fria Street to Rufina Street is not infeasible and would connect future development at the approved Cielo Azul subdivision to the west with Rufina and Agua Fria.”

The Governing Body may concur with the Commission’s analysis. Alternatively, the Governing Body may conclude, if it finds under Code §14-3.16(C)(1)(a) that special circumstances exist, that it is infeasible to comply with the Applicant Undertakings and still comply with the requirements of Code §14-9.2(D)(8), since the Applicant Undertakings specifically provide for the Applicant “...to propose instead [of using Powerline Road as a primary or secondary access] three base-course lot access driveways, each serving eight lots...” While the Applicant may not be able to use Powerline Road to access the proposed subdivision in any event, due to questions relating to ownership of that roadway and the Applicant’s rights to such use, the three base-course driveways proposed by the Applicant to provide access to and egress from the subdivision are an alternative to the subcollector through-street from Aguafina to Rufina proposed in the Staff Report as a condition of approval of the Application.

In addition, and in accordance with Code §14-3.16(B)(1), the Governing Body may consider input from the public hearings related to the matter, including the March 13 Hearing, the August

1 PC Hearing and the hearing on the Appeal, in deciding whether to approve, approve with conditions, or deny the Variance and thus, the Plat.

VI. CONCLUSION

1. If the Governing Body concurs with the Commission and concludes that the Application does not comply with applicable Code requirements, it should deny the appeal and adopt the Commission Findings as its own. In this case, staff recommends that the Governing Body recognize that the Applicant has to the best of its ability complied with the Applicant Undertakings and ratify the Rezoning with a finding that Tracts B and C-2 are properly zoned R-3 (Residential – 3 dwelling units/acre) in accordance with the December 6, 2012 vote of the Commission recommending the Rezoning and with the General Plan Future Land Use Map designation of Tracts B and C-2 as Low Density Residential (3-7 dwelling units/acre).
2. If the Governing Body does not concur with the Commission and concludes that the Application complies with applicable Code requirements, it should grant the appeal and direct staff to draft findings of fact and conclusions of law reflecting its decision.



LUD Use Only

Time Filed: 3:25

Fee paid: \$ 100.00

Receipt attached:)

(date stamp)

RECEIVED

SEP 20 2013

3:25 pm

LAND USE DEPARTMENT

VERIFIED APPEAL

PETITION

#2013-93

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: AguaFina Development LLC

Address: 2A Los Tres Vecinos
Santa Fe, NM 87507

Phone: (505) 820-7444 E-mail Address: jennifer@jenkinsgarin.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: Please see attached letter of authorization.

authorize _____ to act as my/our agent to execute this application.

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: AguaFina Preliminary Subdivision Plat & Variance

Applicant or Owner Name: Jenkins Garin Design & Development, Inc.

Location of Subject Site: 4701 & 4702 Rufina St; 4262 Agua Fria St.

Case Number: 2013-58 Permit Number (if applicable): N/A

Final Action Appealed:

Issuance of Building Permit Other Final Determination of LUD Director

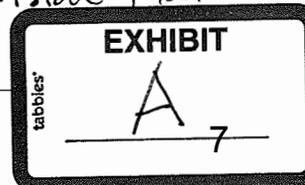
Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

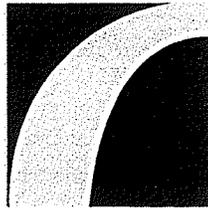
Basis for Appeal: The facts were incorrectly determined Ordinances/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:

Denial of Case # 2013-58, AguaFina Preliminary Subdivision Plat & Variance - Findings of Fact adopted 9/12/13.



Check here if you have attached a copy of the final action that is being appealed.



jenkinsgavin
DESIGN & DEVELOPMENT INC

September 20, 2013

Matthew O'Reilly
Director, Land Use Department
City of Santa Fe
200 Lincoln Ave.
Santa Fe, NM 87501

**RE: Appeal, Case #2013-58
Aguafina Preliminary Subdivision Plat and Variance**

Dear Mr. O'Reilly:

This letter is respectfully submitted on behalf of Aguafina Development, LLC to appeal the decision on the above referenced case by the Planning Commission at their meeting of August 1, 2013. The Planning Commission unanimously voted to deny the application.

The applicant is appealing the Planning Commission's decision based on the fact that the Planning Commission decision is contrary to the wishes of the neighborhood and the City Council, and will create harm for the neighborhood by mandating a higher density development. Therefore, the denial should be overturned.

Project History

- The proposed Aguafina Subdivision comprises 23 single family lots on ±11.47 acres. The project consists of three tracts, as follows: 4702 Rufina St. (Tract B, ±2.42 acres), 4262 Agua Fria Street (Tract C-1, ±5.61 acres), and 4701 Rufina St. (Tract C-2, ±3.44 acres). Tract C-1 is zoned R-5, while Tract C-2 and Tract B, formerly zoned R-1, were rezoned to R-3 on March 13, 2013.
- It has always been the applicant's intent to create a subdivision with generously sized lots that maintain a semi-rural character. The subdivision's market rate lots range from 0.34 acres (14,610 s.f.) to 0.71 acres (30,721 s.f.). Pursuant to the provisions of the Santa Fe Homes Program, four lots (20%) will be developed with affordable homes. An open space tract comprising 0.82-acres (35,838 s.f.) is included to provide for passive outdoor recreation in an existing densely vegetated area of Tract C-1.

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- From the beginning of the rezoning process to the present, the applicant has worked extensively with the neighbors, in particular the Las Acequias Neighborhood Association, to address concerns about increased density and traffic. Neighbors were opposed to the R-5 zoning originally requested for Tracts B and C-2 and made it clear they preferred R-3 zoning. In response to these concerns, the applicant agreed to move forward with R-3 zoning as recommended by the Planning Commission at their meeting of December 6, 2012.
- The neighbors also vehemently opposed R-5 density on Tract C-1, which is already zoned R-5. In response, the applicant agreed to limit development on Tract C-1 to R-3 density. In fact, the applicant is only proposing eight lots on Tract C-1, which is a density of 1.43 dwelling units per acre. In order to make it feasible to rezone to this lower density, it was necessary to generate a subdivision plan that did not include a roadway connecting Tracts C-1 and C-2. Such a roadway would have to be built to sub-collector standards, which would be cost prohibitive unless Tract C-1 were to be developed to R-5 density. Therefore, the only way to develop Tract C-1 at an R-3 density is to serve the subdivision with three separate base course Lot Access Driveways ending in cul-de-sacs, with Tracts B-1 and C-2 accessed from Rufina Street and Tract C-1 from Agua Fria Street. Please see the attached site plan.

City Council Rezone Approval

- At their meeting of March 13, 2013, the City Council unanimously approved the rezoning of Tracts B and C-2 from R-1 to R-3 (Case #2012-104). Tract C-1, not a part of that application, is zoned R-5.
- As the applicant stated multiple times at the City Council meeting, and had previously explained to the neighbors, the only way to develop Tract C-1 at R-3 density was to provide access via three separate Lot Access Driveways. In actuality, the applicant is only proposing eight lots on Tract C-1, which is a density of 1.43 dwelling units per acre. If a roadway were to be built connecting Tracts C-1 and C-2, it would have to be built to sub-collector standards, which would be cost prohibitive unless Tract C-1 were to be developed to R-5 density. The City Council was supportive of the plan. For example, Councilor Rivera thanked the applicant for listening to the concerns of Council and the neighbors, and for coming up with “what I think is a very reasonable plan, and for being transparent on what you plan to do with the northern piece...” Please refer to the attached Minutes of the March 13, 2013 City Council meeting.
- In conjunction with the rezone, the applicant agreed to various Applicant Undertakings as detailed in the Findings of Fact and Conclusions of Law (see attached). These Applicant Undertakings were agreed upon at the City Council meeting in response to neighbor concerns about density, traffic, and other issues. The Applicant Undertakings were memorialized in the Findings of Fact as follows:

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The Adjacent Parcel [Tract C-1] is not a subject of the Application. However, in accordance with discussions with certain neighbors of the Property, the Applicant offered to the Governing Body to (1) submit its request for subdivision and/or development plan approval to the Commission for both the Property and the Adjacent Parcel as a single application; (2) develop the Adjacent Parcel consistent with R-3 zoning, notwithstanding that it is zoned R-5; (3) not request to use Powerline Road as a primary or secondary access for either the Property or the Adjacent Parcel as part of its application for such Commission approval, but to propose instead three base-course Lot Access Driveways, each serving eight lots; and (4) grant an easement to Abe and Kathleen Tapia and their successors across the Adjacent Parcel to permit them to access Powerline Road (collectively, the Applicant Undertakings).

- Findings of Fact #6 and #7 clearly show the City Council's support of the Applicant Undertakings, as follows:
 6. The Applicant offered to the Governing Body to perform the Applicant Undertakings if the Governing Body approved R-3 zoning for the property.
 7. The Applicant's offer to perform the Applicant Undertakings is a material consideration relied upon by the Governing Body in its review of the Application.
- Item #12 in the Findings of Fact states that the City Council has "considered the comments of members of the public made at the hearing relating to the future development of the Property and the Adjacent Parcel and...mindful of the concerns of certain neighbors that are appropriately addressed in conjunction with the subdivision and development approval process, requests the Commission to consider fully such comments in reviewing and deciding upon applications for future subdivision and/or development plan approval for the Property and the Adjacent Parcel."

Basis for Appeal

- At the Planning Commission meeting of August 1, 2013, neighbors voiced support of the proposed subdivision plan. For example, Susan Cryner of 1051 Calle Don Roberto, Las Acequias, stated that she is "very concerned about density building in the City and in her neighborhood, in particular. She wants to support the density proposal. She would like to have the variance on the roadway allowed....She attended the Council meeting where the request for R-3 was not approved, and 'we were very happy with this.'"
- The City Council's directives and neighbor wishes notwithstanding, the Planning Commission disregarded both the neighbor comments and the Applicant Undertakings in their denial of the Preliminary Subdivision Plat and Variance applications.

- The applicant submits that the Planning Commission acted against the intent of the City Council's decision, and therefore that the denial should be overturned.

In conclusion, the City Council accepted the Applicant Undertakings as a package, thus enabling the applicant to develop the property in accordance with the neighbors' wishes. If the applicant is unable to proceed with development in compliance with the rezone approval, Tract C-1 will have to be developed to R-5 density.

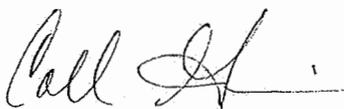
Thank you for your time and consideration in this matter. Please let us know if you have any questions or need additional information.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.



Jennifer Jenkins



Colleen Gavin, AIA

REYNALDO VARELA

2A Los Tres Vecinos
Santa Fe, NM 87507
(505) 690-5965

May 16, 2013

RE: 4262 Agua Fria St. (Tract C-1)
4701 Rufina St. (Tract C-2)
4702 Rufina St. (Tract B)

To Whom It May Concern:

This letter shall serve as authorization for JenkinsGavin Design & Development, Inc. to act on my behalf with respect to the referenced properties regarding land use applications to be submitted to the City of Santa Fe.

Please call should you have any questions or need additional information.

Thank you.

Sincerely,

Reynaldo Varela
Reynaldo Varela
for Aguafina Development LLC

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City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law

Case #2012-104

Aguafina Rezoning to R-3

Owner's Name – Aguafina Development, LLC

Applicant's Name – JenkinsGavin Design and Development, Inc.

THIS MATTER came before the Governing Body of the City of Santa Fe for hearing on March 13, 2013 upon the application (Application) of JenkinsGavin Design and Development, Inc. as the agent for Aguafina Development, LLC (Applicant).

The Applicant applied to rezone 5.89± acres of land (Property) from R-1 (Residential – 1 dwelling unit/acre) to R-3 (Residential – 3 dwelling units/acre). The Property is located south of Agua Fria Street and west of Calle Atajo at 4702 Rufina Street and 4262 Agua Fria Street, now known as 4701 Rufina Street. On December 6, 2012 the Planning Commission (Commission) voted to recommend to the Governing Body that the Property be rezoned to R-3 (Residential – 3 dwelling units/acre), subject to certain conditions (the Conditions). The Property is designated as Low Density Residential (3-7 dwelling units/acre) on the General Plan Future Land Use Map.

The Applicant also owns 5.632± acres of land (Adjacent Parcel) adjacent to the Property on the north, extending from Agua Fria south to approximately Powerline Road. The Adjacent Parcel is also designated as Low Density Residential on the General Plan Future Land Use Map and is zoned R-5 (Residential – 5 dwelling units/acre). The Adjacent Parcel is not a subject of the Application. However, in accordance with discussions with certain neighbors of the Property, the Applicant offered to the Governing Body to (1) submit its request for subdivision and/or development plan approval to the Commission for both the Property and the Adjacent Parcel as a single application; (2) develop the Adjacent Parcel consistent with R-3 zoning, notwithstanding that it is zoned R-5; (3) not request to use Powerline Road as a primary or secondary access for either the Property or the Adjacent Parcel as part of its application for such Commission approval, but to propose instead three base-course lot access driveways, each serving eight lots; and (4) grant an easement to Abe and Kathleen Tapia and their successors across the Adjacent Parcel to permit them to access Powerline Road (collectively, the Applicant Undertakings).

Findings of Fact and Conclusions of Law (Commission Findings and Conclusions) embodying the Commission's vote were adopted by the Commission on January 10, 2013 and were filed with the City Clerk as Item #13-0023. The Applicant originally sought the Commission's approval to rezone the Property to R-5, but withdrew that request by letter dated February 15, 2013, amending the Application to request R-3 zoning for the Property. The Application before the Governing Body is therefore consistent with the recommendation of the Commission.

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In accordance with the foregoing, and after conducting a public hearing, and having heard from staff, the Owner's representatives, residents of the neighborhood in which the Property is located, and certain interested others, the Governing Body hereby FINDS, as follows:

FINDINGS OF FACT

1. The Governing Body has authority, under Santa Fe City Code (Code) Sections 14-2.1 Table 14-2.1-1 and 14-2.2(A) to review and finally decide upon applications for rezoning in accordance with the procedures set forth in Code Section 14-3.5(B)(2) and applying the criteria set forth in Code Section 14-3.5(C).
2. Code Section 14-3.1(H)(1)(e)(2) requires that notice of a public hearing before the Governing Body be provided in accordance with Code Section 14-3.1(H)(1)(a) and that the applicant publish notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing (collectively, the Notice Requirements).
3. The Notice Requirements have been met.
4. The Governing Body reviewed the report dated February 19, 2013 for the March 13, 2013 City Council Hearing prepared by City staff (Staff Report), the recommendation of the Commission, the Commission Findings and Conclusions and the evidence introduced at the public hearing in accordance with the requirements of Code Section 14-3.5(B)(2)(a).
5. The Governing Body heard direct testimony from City staff, the Applicant, residents of the neighborhood in which the Property is located and certain interested others.
6. The Applicant offered to the Governing Body to perform the Applicant Undertakings if the Governing Body approved R-3 zoning for the Property.
7. The Applicant's offer to perform the Applicant Undertakings is a material consideration relied upon by the Governing Body in its review of the Application.
8. Commission Findings of Fact 2 through 10 and Conclusions of Law 1 through 3 accurately reflect the facts in this matter as presented at the hearing.
9. Commission Finding of Fact 12 accurately reflects the facts in this matter, with the deletion of the words, "However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property." The deletion reflects the Applicant's request to amend the Application to request R-3 zoning.
10. Commission Conclusion of Law 5 accurately reflects the facts in this matter, with the deletion of the words, "..., although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property." The deletion reflects the Applicant's request to amend the Application to request R-3 zoning.
11. The Governing Body accepts the Applicant's offer to perform the Applicant Undertakings in the event that the Governing Body approves the Application.
12. The Governing Body has considered the comments of members of the public made at the hearing relating to the future development of the Property and the Adjacent Parcel and, understanding that the Commission has the authority under the Code to review and approve with or without conditions or deny applications for subdivision and development plan approval, but mindful of the concerns of certain neighbors that are appropriately addressed in conjunction with the subdivision and development approval process, requests the Commission to consider fully such comments in reviewing and deciding upon applications

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for future subdivision and/or development plan approval for the Property and the Adjacent Parcel.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the hearing, the Governing Body hereby CONCLUDES and ORDERS:

1. The Commission Findings and Conclusions, a copy of which is attached hereto as Exhibit A, are adopted in part by the Governing Body as follows: Commission Findings of Fact 2 through 10 and, with the deletion of the words, “However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property”, Commission Finding of Fact 12; and Conclusions of Law 1 through 3 and, with the deletion of the words, “..., although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property”, Conclusion of Law 5. The foregoing enumerated Findings of Fact and Conclusions of Law are hereby adopted by the Governing Body and are incorporated in these Findings of Fact and Conclusions of Law as if set out in full herein. Those Findings of Fact and Conclusions of Law not specifically adopted herein are specifically not adopted.
2. The proposed rezoning is therefore approved, subject to the Conditions and subject further to the performance by the Applicant of the Applicant Undertakings.

IT IS SO ORDERED ON THE 27TH OF MARCH 2013 BY THE GOVERNING BODY OF THE CITY OF SANTA FE.

David Cross
Mayor

3-29-13
Date:

FILED WITH THE CITY CLERK:

Yolanda Y. Vigil
Yolanda Y. Vigil
City Clerk
3/27/13

4-2-13
Date:

APPROVED AS TO FORM:

Valley A. Bunnam
Geno Zamora
City Attorney

3/27/13
Date:

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

Case #2012-104 – Aguafina Rezoning
 Owner's Name – Aguafina Development, LLC
 Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on December 6, 2012 upon the application (Application) of JenkinsGavin Design & Development, Inc. as agent for Aguafina Development, LLC (Applicant).

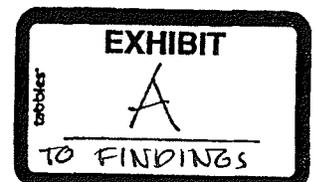
The Applicant seeks to rezone 5.73± acres of land (Property) that comprises the southern part of a single tract of land (the Tract) west of Calle Atajo that runs south from Agua Fria Street to south of Rufina Street. The Property is bisected by Rufina Street and is zoned R-1 (Residential – 1 dwelling unit/acre). The remainder of the Tract (the Remainder) is zoned R-5 (Residential – 5 dwelling units/acre). The Applicant seeks to rezone the Property from R-1 to R-5 so that the Tract is within a single zoning district. The Property is designated as Low Density Residential (3-7 dwelling units/acre) on the General Plan Future Land Use Map.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Under SFCC §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. SFCC §§14-3.5(B)(1) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.5(C).
4. SFCC §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on May 10, 2012.
7. SFCC §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:
 - (a) Scheduling and notice requirements [SFCC §14-3.1(F)(4) and (5)];
 - (b) Regulating the timing and conduct of the meeting [SFCC §14-3.1(F)(5)]; and
 - (c) Setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].



A-12

8. An ENN meeting was held on the Application at 5:30 p.m. on July 30, 2012 at the Southside Library at 6599 Jaguar Road.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in SFCC §14-3.1(F)(6).
11. Commission staff provided the Commission with a report (the Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the Rezoning, subject to those conditions contained in the Staff Report (the Conditions).
12. The Commission has considered the Rezoning Criteria and finds, subject to the Conditions, the following facts:
 - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

There has been a change in the surrounding area, with an increase in density as the City has expanded southward, altering the character of the Rufina Street corridor. Rezoning will bring the Property into compliance with the General Plan future land use designation for the Property of Low Density Residential (3-7 dwelling units/acre) and with the Plan policy supporting residential development within the future growth areas is built at a minimum gross density of 3 dwelling units/acre, and an average of 5 dwelling units/acre where topography allows.
 - (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

All the rezoning requirements of SFCC Chapter 14 have been met.
 - (c) *The proposed rezoning is consistent with the applicable policies of the General Plan [Section 14-3.5(A)(c)].*

The proposed rezoning is consistent with the General Plan's Low Density future land use designation for the Property.
 - (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [SFCC §14-3.5(C)(1)(d)].*

The proposed rezoning is consistent with the Plan's Low Density future land use designation for the Property and with the General Plan policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development in an area already served by public water and wastewater facilities.
 - (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)].*

Existing infrastructure, including water and sewer is sufficient to serve the increased density resulting from the rezoning. However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

A-13

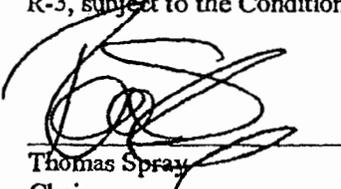
CONCLUSIONS OF LAW

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

1. The Rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with SFCC requirements.
2. The ENN meetings complied with the requirements established under the SFCC.
3. The Applicant has the right under the SFCC to propose the rezoning of the Property.
4. The Commission has the power and authority at law and under the SFCC to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.
5. The proposed rezoning meets the Rezoning Criteria, although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

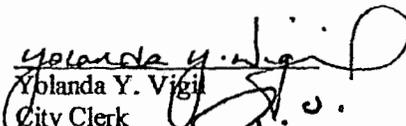
WHEREFORE, IT IS ORDERED ON THE 10TH OF JANUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-3, subject to the Conditions.


Thomas Spray
Chair

1/19/13
Date

FILED:


Yolanda Y. Vigil
City Clerk

1.14.13
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

1/10/13
Date:

A-14

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

Case #2013-58

Aguafina – Preliminary Subdivision Plat and Variance

Owner's Name – Aguafina Development LLC

Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 1, 2013 upon the application (Application) of JenkinsGavin Design & Development, Inc., as agent for Aguafina Development LLC (Applicant).

The Applicant seeks the Commission's approval of a preliminary subdivision plat to divide three parcels of land identified as Tract B, Tract C-1 and Tract C-2, totaling 11.47± acres located at 4702 Rufina Street (Tract B, at 2.42± acres), 4262 Agua Fria Street (Tract C-1, at 5.61± acres) and 4701 Rufina Street (Tract C-2, at 3.44± acres) (collectively, the Property) into 23 single-family residential lots (Project). Tracts B and C-2 are zoned R-3 (Residential – 3 dwelling units/acre) and Tract C-1 is zoned R-5 (Residential – 5 dwelling units/acre). The Applicant also seeks a variance (the Variance) from Santa Fe City Code (Code) §14-9.2(D)(8) to permit the construction of two private cul-de-sac Lot Access Driveways on Tracts C-1 and C-2 rather than a continuous subcollector street dedicated to the City and connecting Agua Fria Street to Rufina Street.

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

FINDINGS OF FACT

General

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and other interested parties.
2. Pursuant to Code §14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code §14-3.7(A)(1)(b) subdivisions of land must be approved by the Commission.
4. SFCC §14-2.3(C)(3) authorizes the Commission to hear and decide pursuant to SFCC §14-3.16 a request for a variance which is part of a subdivision request requiring Commission review.
5. Code §14-3.7(B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code §14-3.1(E).
6. Pursuant to Code §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.

A-15

7. A pre-application conference was held on May 23, 2013 in accordance with the procedures for subdivisions set out in Code §14-3.1(E)(2)(a) and (c).
8. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code §14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§14-3.1 (H), and (I) respectively.
9. Code §14-3.1(F)(2)(a)(v) requires an ENN for preliminary subdivision plats and Code §14-3.1(F)(2)(a)(vii) requires an ENN for variances.
10. Code §§14-3.1(F)(4) and (5) establish procedures for the ENN.
11. The Applicant conducted an ENN meeting on the Application at 5:30 p.m. on June 10, 2013 at the Southside Library at 6599 Jaguar Drive in accordance with the notice requirement of Code §14-3.1(F)(3)(a).
12. The ENN meeting was attended by the Applicant and City staff; approximately 31 members of the public were in attendance.
13. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the preliminary subdivision plat and variance be denied.

The Preliminary Subdivision Plat

14. Code §14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvements plans and other specified supplementary material and in conformance with the standards of Code §14-9 (collectively, the Applicable Requirements).
15. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have not been met, in that the Project is not in conformance with Code§14-9 without the Commission's approval of the Variance.

The Variance

16. SFCC §14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the Variance based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
17. The information contained in the Staff Report and the testimony and evidence presented at the hearing is not sufficient to establish with respect to the Applicant's request for the Variance from the design criteria of §14-9.2(D)(8) to permit the construction of two private cul-de-sac Lot Access Driveways on Tracts C-1 and C-2 rather than a continuous subcollector street dedicated to the City connecting Agua Fria Street to Rufina Street in that (a) while the Property is composed of three tracts extending from Agua Fria Street to Rufina Street and across Rufina Street and its historic long narrow configuration imposes constraints on development, other properties in the vicinity are similarly configured and are subject to the same development regulations; and (b) the development on Tracts C-1 and C-2 of a continuous subcollector street dedicated to the City connecting Agua Fria Street to Rufina Street is not infeasible and would connect future development at the approved Cielo Azul subdivision to the west with Rufina and Agua Fria.

A-16

CONCLUSIONS OF LAW

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

General

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

The Preliminary Subdivision Plat

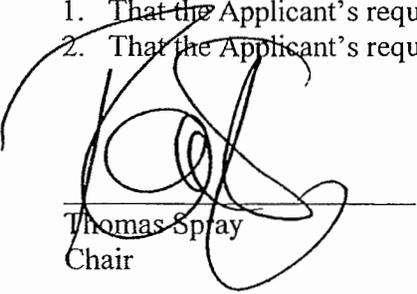
3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Applicable Requirements have not been met.

The Variance

5. The Commission has the power and authority under the Code to review and approve the Applicant's request for the Variance.
6. The Applicant has not met the criteria for a variance set forth in SFCC §§14-3.16(C).

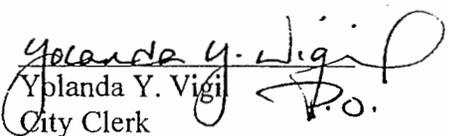
WHEREFORE, IT IS ORDERED ON THE 12TH OF SEPTEMBER 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That the Applicant's request for preliminary subdivision plat approval is denied.
2. That the Applicant's request for the Variance is denied.


Thomas Spray
Chair

9/12/12
Date:

FILED:


Yolanda Y. Vigil
City Clerk

9/13/13
Date:

A-17

APPROVED AS TO FORM:

Kelley A. Brennan
Kelley Brennan
Assistant City Attorney

9/12/13
Date:

A-18

City of Santa Fe
Cashiers Office
Santa Fe, NM 87504
(505)955-4333

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Development Review	
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Total	<u>\$100.00</u>
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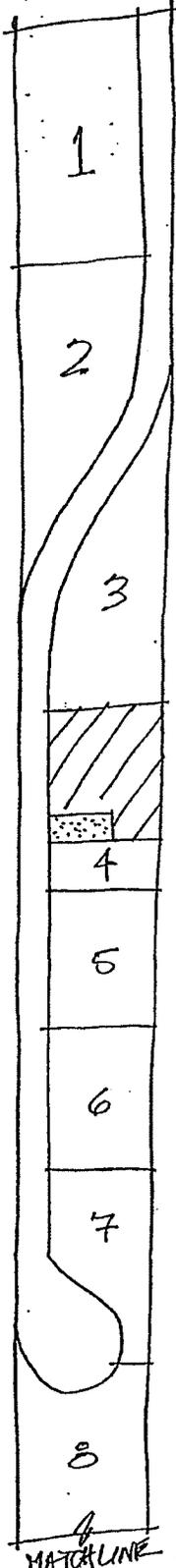
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Thank you!

A-19

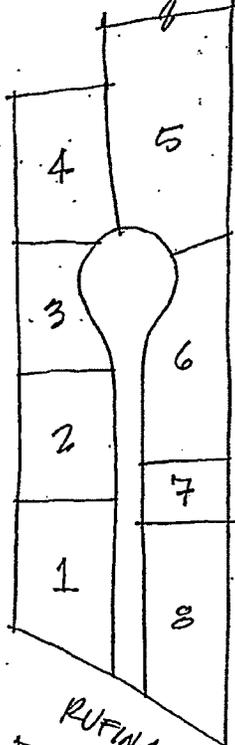
AGUA FINA

Tract C-1

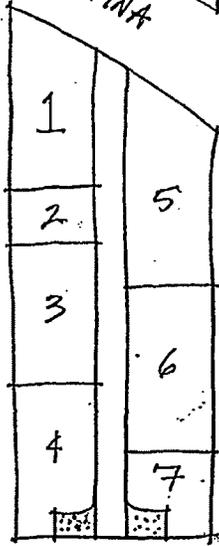


MATCHLINE

Tract C-2



Tract B



AGUAFINA SUBDIVISION

SITE PLAN

EXHIBIT
B

tabbles

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to adopt Ordinance No. 2013-11, as presented by staff.

DISCUSSION: Councilor Bushee explained that this isn't meant to prohibit activities, such as at the Railyard, as long as they get a permit. She said there are quite a few sections of City owned land and rights-of-way along the road off Hyde Park where people are parking and camping unlawfully, and having campfires. She said that is problematic in these dry weather conditions.

Councilor Calvert noted this is also happening in other areas such as in the Northwest Quadrant.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera and Councilor Trujillo.

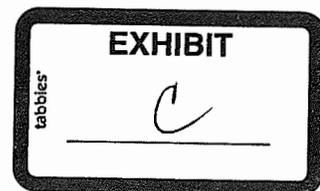
Against: None.

Explaining his vote: Councilor Trujillo said, "Yes, and Robert being that we just passed this one, I want to tell you right there on the Rail Trail between Alta Vista and 5th Street, right along the middle, there's a little section there where's this little arroyo, I don't know which one it is, deep in the back there are people camping there. People see it every day and we contacted them a few weeks back, but they're back. So, just for your information.

- 4) **CONSIDERATION OF BILL NO. 2013-2: ADOPTION OF ORDINANCE NO. 2013-12. CASE #2012-104. AGUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.89± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 RUFINA STREET. (HEATHER LAMBOY, CASE MANAGER).**

A Memorandum prepared February 19, 2013, for the March 13, 2013 City Council Hearing, with attachments, to Mayor David Coss and Members of the City Council, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

A copy of Ms. Lamboy's report statement for the record is incorporated herewith to these minutes as Exhibit "4."



A copy of a letter to the Mayor and City Councilors, with attached email, dated December 2, 2013, from Jennifer Jenkins, entered for the record by Linda Wilder Flat, is incorporated herewith to these minutes as Exhibit "5."

An aerial photograph and an aerial map, entered for the record by Jennifer Jenkins, are incorporated herewith collectively to these minutes as Exhibit "6."

Mayor Coss said, "And I understand this is a *de novo* hearing now, Geno." Mr. Zamora said, "That's correct. It'll be a full hearing, like it was the last time it was heard by this governing body."

Ms. Lamboy read her report [Exhibit "4"] into the record as follows:

Overview for Aquafina

On December 6, 2012, the Planning Commission found that all criteria for a rezoning have been met with the recommendation that the tracts be rezoned to R03 instead of the originally requested R-5.

At the City Council hearing on January 30, 2013, the City Council denied the applicant's request for rezoning, finding that the criteria for a rezoning were not met after hearing the public comment on the case.

At the following Council hearing, on February 13, 2013, the Council voted to rescind the denial and to rehear the case today.

Since the February 13 hearing, the applicant has formally modified the application to request R-3 instead of the originally requested R-5.

Staff would like to remind the Council that what is being considered tonight is a rezoning of the parcels adjacent to Rufina Street from R-1 to R-3. The separate parcel that is currently zoned R-5 (located north of Powerline Road) is not part of this application.

Visual aids may be presented tonight to give the Council an idea of how density may look as the parcels are subdivided. Please be aware that the Planning Commission has not reviewed either a Preliminary or Final Subdivision Plat, nor has the Development Review Team commented on these concept plans. The request before you this evening is only the rezoning of approximately 5.89 acres from R-1 to R-3.

*The Planning Commission recommends **CONDITIONAL APPROVAL** for R-3 for Tract B and Tract C-2 as outlined in the rezoning bill.*

Public Hearing

Presentation by the Applicant

Mayor Coss gave the Applicant 10 minutes to present their case.

Jennifer Jenkins and Colleen Gavin, JenkinsGavin Design and Development, 130 Grant Avenue, Suite 101, were sworn.

Ms. Jenkins, referring to Exhibit "6," said, "We are here this evening on behalf of Aguafina Development, LLC, in request for R-3 zoning, of approximately 5.89 acres located adjacent to Rufina Street that is shown 'here.' It's kind of hard to see but they're outlined in blue 'here' and then there's another parcel on the south side of Rufina here. 'This' is a point of contact. 'This' is the Las Acequias Neighborhood 'here,' and Lopez Lane is down 'here.' 'This' is the traffic signal at Calle Atajo."

Ms. Jenkins said, "We would like to show you a visual aid to share with you what our vision is for the property that we would pursue through a subdivision platting process if we are successful in achieving R-3 zoning this evening. And I'm going to go ahead and approach. I think it's difficult to utilize this, so we're going to pull up some boards."

Ms. Jenkins continued, "So this is also up on the screen, but just again, as a point of context, 'these' two parcels 'here' are the subject of tonight's application, 'these' two parcels, 'this' is about 3.4 acres, 'this' one's about 2.4 acres. They are currently zoned R-1. And with the R-3 zoning, the vision would be an 8 lot subdivision 'here' served by a private lot, access driveway, an 8 lot subdivision 'here,' also served by a private lot, access driveway. I'm also showing 'this' parcel 'here,' which is a 5.6 acre parcel that happens to be owned by the same owner of these parcels. And I'm showing this for illustrative purpose to reflect the communications. We've been meeting quite a bit with the Las Acequias Neighborhood, conferring with them to see if there was something we could achieve which was a win-win situation for everybody with respect to the property."

Ms. Jenkins continued, "This parcel, as Heather mentioned, is already zoned R-5. 'This' parcel permissibly would be 32 lots. We don't want to put 32 lots there. It's never been the intent. It's never been the vision. It's never been the program for this particular property owner. With R-3 'here,' we will be able to keep the density down 'here' as well. That's what we are able to accomplish with that."

Ms. Jenkins continued, "And so, in our communications with the neighbors, with the ability to access this property from Agua Fria, which is where it has frontage, the ability to serve this property with a private lot access driveway, we are able to keep the density what we're reflecting here. So, if we are successful this evening, our next step would be a subdivision plat. We plan to take all 3 tracts through the subdivision process simultaneously, and again, the caveat to this plan, obviously is the R-3 zoning 'here,' and again the ability to access these 3 little, 8-lot subdivisions, if you will, to access them via private lot access driveways with base course surfacing."

Ms. Jenkins continued, "We're not proposing any access at the Power Line Easement. That is eliminated. That 'ship has sailed.' The Council was very clear at our hearing in February that they did not want to see any access 'here,' so we have completely removed that from the plan, which sort of informed how this design came about. So, with that, I think we'll just leave it at that for the moment. I think that covers the high points, and be happy to stand for any questions."

Questions from the Governing Body

Councilor Rivera said the Fire Department typically requires two means of egress, and he doesn't see that here.

Ms. Jenkins said, "It's my understanding, Mayor, Councilors, that you can serve up to 30 dwellings with one means of egress and ingress. So, with doing just 8 lots each, there shouldn't be an issue with the emergency access.

Councilor Rivera asked if this has been cleared with the Fire Marshal.

Ms. Jenkins said there are earlier versions of this plan, and Ray Gonzales had looked at those plans, and there were similar concepts to this early on.

Councilor Rivera noted one of the residents on the other side of the property used Power Line Road to get in an out, and asked if he will still have access.

Ms. Jenkins said that is Mr. Tapia. She said, "We actually platted him an easement, just a narrow little 15 ft. easement only for the benefit of his property, so it's something that is private. It does not allow for any sort of cut-through traffic, or anything of that nature, but we have platted that easement to formalize his access."

Councilor Ives said Ms. Lamboy's Memo in the packet, notes that the Planning Commission recommended, "An emergency access shall be provided to the site from Agua Fria Street."

Ms. Jenkins said, "That was an earlier version of the plan where the R-5 parcel to the north only had access from Rufina. So we were accessing that entire stretch of property north of Rufina, only from Rufina. So in that program, they did want a secondary emergency access to Agua Fria. In this scenario, it wouldn't be necessary."

Councilor Dominguez asked Ms. Jenkins, "Do you have a handout of that?"

Ms. Jenkins said no, she didn't bring reduced copies of that. She said, "I would happy to provide that.."

Councilor Dominguez asked, "If there is any way, just for the hearing tonight, Geno, that we can identify that as Exhibit A or something, just to make it very clear."

Mr. Zamora said yes.

Mr. Jenkins said, "And we can provide this. We always provide all of our visual aids to the recorder, so that can be part of the record [Exhibit "6"]."

Speaking to the request

All those speaking were sworn en masse.

Linda Wilder Flatt, Las Acequias, 950 Vuelta del Sur [previously sworn]. Ms. Flatt said the Governing Body just a received a letter from the Las Acequias Association and Board [Exhibit "5"].

Ms. Flatt said, "This has been a long process. You guys have seen us quite a bit, and we're hoping this resolves everything. I would like to say this meeting tonight is very important, because this rezoning decision will set the stage for what happens with the 11 ½ acre parcel, Aguafina. You see the 9 listed conditions below [Exhibit "6"]. We believe, and we want to clarify the exact conditions we have set down in order for us to feel safe and guaranteed that the property will be developed as promised when it is rezoned to R-1. Unless all of the conditions listed below be made legally binding and enforceable in this actual plat, we will not have any guarantee that anything will be followed through with, from the owner, the JenkinsGavin Design Team or the buyers that purchase any one or all of the 24 lots as shown in the Jenkins/Gavin new plan."

Ms. Flatt continued, "I'm not going to read any more, but I would like for you to know that the most important thing is Number 1, is that we must be guaranteed that all conditions and restrictions will cover both pieces of land, both north which is R-5 and in the County at this time, and the one that you're deciding on tonight for R-3, which is the southern part. We must be guaranteed that that it will be legally binding and enforceable for being in the plat and that it will be on the record for all 11½ acres as one property. Thank you."

William Mee, 2073 Caminos de la Montoya, Agua Fria Village [previously sworn]. Mr. Mee said, "My concerns have basically been taken care of with Linda Flatt's Las Acequias letter [Exhibit "6"], and it will be on Section 9, which addresses the access to Agua Fria Street. There's a precedent that none of the City subdivisions actually enter Agua Fria Street, but we are willing to break that precedent with this particular subdivision with only 8 lots having access to Agua Fria, and then there would be an emergency gate between those 8 lots and the next 8 lots, which would then access Rufina. And the County Public Works Department has issued a conditional driveway permit to JenkinsGavin based on, if they fill in the plat with restrictions that cover number 9 in the Las Acequias letter [Exhibit "6"]. So, we're okay with it because it is such minimal use. Thank you."

C-9

Response by Applicant

Ms. Jenkins said, "I'm seeing this for the first time. A lot of this is not unexpected, but there are a few items that would be important to access. We are absolutely not in agreement to restrict guest houses. These are generous lots. They range from 3/4 acre to 1/3 acre. They're the largest lots in the vicinity. And the City Code permits accessory dwelling, mother-in-law units, and so we do not believe that is a fair request."

Ms. Jenkins said, "We are in agreement to, obviously as you can see from the plan we showed you, that there be no access via Power Line, except for Mr. Tapia and his family. We do not believe it is our responsibility to construct a gate. If that's something that Mr. Tapia chooses to do for his access, I think that would be... I don't think we're in a position to impose something on Mr. Tapia with respect to his access."

Ms. Jenkins said, "We are happy to work out something with respect to #6, regarding, when we go through the subdivision phase, if the City would prefer to provide park area, or would prefer us to provide Impact Fee funds. The City has already said they would prefer land at this point, but we can work that out at the subdivision stage. We do not feel it is our responsibility to fund a wall on Power Line, when we're not even using Power Line."

Ms. Jenkins said, "We are in agreement with the rest of these items, and just making it clear that the visual aid that you see before you, the concept that we would love the opportunity to implement, is contingent on a couple upon a couple of things. It's contingent upon our getting access to Agua Fria from the north parcel which we have already addressed with the County Clerk [inaudible] and we're able to serve each of these 8-lot subdivisions with private base course lot access driveways. That's how this is viable. And so we are in agreement with everything else listed in the letter, so I'd be happy to stand for more questions. Thank you."

Remarks from the Las Acequias Neighborhood Association

Ms. Flatt said, "I would like to explain a little bit further. We felt that, and I talked with Carmichael Dominguez before, that the situation with having park property was a decision that we also had a voice in, because we were right next to the property. And what we are requesting is, rather than having a small park in where they are, we would rather have the money put toward the wall, that would go along.... and that would help our park, if that makes sense."

Mayor Coss said then it would be an improvement to the park.

Ms. Flatt said, "It would be an improvement to the park, and it would certainly help the poor people that would be behind that wall, because it would stop the noise from the park. That is what we're willing to give, or to want for the park, which is what we would be asking for which would be park improvements."

Ms. Flatt continued, "I would like to correct one thing. I don't believe... I was sort of listening to William when he was saying that there would be an emergency exit to the south of those north 8 lots. Is that correct William."

Mr. Mee said, "Yes."

Ms. Flatt said, "Okay. That would go across the driveway from Mr. Tapia, and the other part that I feel is the responsibility of everybody involved, is to help support Mr. Tapia, in that he has the right-of-way across that easement on Power Line Road. And we felt, as an Association, we were trying to support his benefit in saying that there should be fencing along each side of that drive back to where he is and across Aguafina, so there is no access for the Aguafina people to get onto his road. Does that make sense. Okay. The second part to that is, we felt that because of the situation, a part of the money that would have been dedicated for the park preservation or upkeep or whatever, would be the wall and the second part would be that iron gate, because that would keep people from parking along the side of the park, which we've had a great deal of problem with. So part of that money would go toward that gate so that Mr. Tapia would have the ability to be able to get and out or all of his people get in and out. Does that make sense."

Ms. Flatt continued, "Let's see. I think everything else... the other thing is the guest house. One of the things that our Committee was concerned about was, is that we oftentimes see that a guest house ends up being split into another section on the property, where they end up having two individual families living on a one-family unit dwelling property. Does that make sense too. Okay."

Mayor Coss said, "Yes."

Ms. Flatt said, "Yes. The other thing is that we did cross out, as you see, on requiring homes have a permanent foundation, whether it be stick built or modular. Jennifer did say, in her last meeting, that she would attempt to have it set so there would be no manufactured homes if that was written in the covenants and in the information for the subdivision. Was there anything else Jennifer. Okay. We could share."

Ms. Jenkins said, "We are in agreement that obviously stick built homes will be on a permanent foundation. We're also in agreement, if there are modular homes or manufactured homes they will also be on a permanent foundation. We are not discriminating against what people may want to put there, but we have very strict architectural guidelines and covenants that address that. And we talked about those at the last hearing. And so everything will be at-grade and stuccoed and all these types of provisions to make sure it is an attractive neighborhood. And we know we are going to have stick built product in the neighborhood. We may have manufactured or modular homes in the neighborhood – we don't know for sure. But our goal is to make sure all that works cohesively and harmoniously together via the architectural guidelines that we're implementing. I think that's it. Thank you."

Ms. Lamboy said, "I am having a big concern here, because we are considering a rezoning this evening, which, we're trying to determine whether something is appropriate. There has been a lot of work

that the Las Acequias Neighborhood Association has put into this development, and I do laud them for their involvement. However, a lot of these are conditions that are dealt with at a site plan level.”

Ms. Lamboy continued, “With reference to the guest house issue, it’s quite possible, and actually staff has brought this up with the applicant whether no lots splits would be allowed and a note be placed on the plat. These are some issues that can be solved quite simply. But there’s danger there too, that in dealing with the street sizes and the street types, those have not been reviewed by Mr. Romero. Mr. Romero is here tonight to speak to these issues, but we have not had the benefit of the Development Review Team to be completely involved in this.”

Ms. Lamboy continued, “Another issue to remember, with reference to parks, is that there is a trail, the Acequia Trail that traverses the Power Line Road and connects to Cielo Azul to the west, where there is an easement that is already dedicated. And so, at some point in the site plan review, it would be appropriate for staff to make sure that there’s connectivity, at least pedestrian connectivity up from Agua Fria Road all the way through to Rufina, allowing the residents of this development to connect to the park facility that, if Las Acequias were to benefit from the funds, then the residents ought to benefits from something as well.”

Ms. Lamboy continued, “These are all site plan issues that can be worked out, at the Planning Commission level, but what is before the Council tonight is whether the density is appropriate and whether this is right for this part of town. And our Southwest Area Master Plan and our Code does provide for this density and is contemplated in our General Plan.”

Kelley Brennan, Assistant City Attorney, said, “I wanted to reinforce what Heather said, that this is a rezoning. A subdivision and development plan approval would come before the Planning Commission, and many of these comments should be addressed in that context. I understand that the Applicant has agreed, as a condition, if zoned to R-3, to develop the other parcel to R-3, and to make some design concessions. Those are things that are being offered up, but you cannot start tonight. It hasn’t been advertised. It’s not within the jurisdiction, right now, of this Council to impose a lot of these conditions on rezoning.”

Mayor Coss said we might want to ask which ones we can impose right now, and which ones we can’t.

Councilor Bushee said, “That’s where I was headed, before even Heather stood up, is exactly what we can apply as a condition of approval, and also noting they could go out and strike up their own kind of contract or agreement with the applicant or developer, apart from what we can condition. So I guess, I’d like to be really clear before we vote on anything, what exactly we can condition approval on, in terms of the rezoning. “

Ms. Brennan said, "The applicant has offered a number of things, specifically, as I recall to develop the other parcel, now zoned R-5, to the R-3, and then to bring them forward as a single parcel and to address the road issues that were identified at the last hearing for the neighborhood."

Councilor Bushee would like these spelled out very clearly, noting we have the letter from the Neighborhood Association [Exhibit "5"], but we don't have clearly what the applicant has agreed to, to impose as a condition of approval, and how these are carried forward to the plat and development review stage, so we can be sure the thing they want most, which is a guarantee that restrictions would cover both pieces and would be legally binding and legally enforceable. She asked how that will be recorded, noting it would matter in terms of our decision in the rezoning being presented tonight.

Ms. Brennan said, "She has offered that, and you can accept that offer and do a rezoning."

Councilor Bushee asked, "How is that somehow recorded – just through our rezoning vote tonight. Does it go onto the Plat. And then the other road issues. Can you address those as well. I'm assuming we're limited on all the other design issues and park issues and the like."

Ms. Brennan said, "I think the Power Line Road issue is something that is identified as something that the applicant has offered."

Responding to Councilor Bushee, Ms. Brennan said, "I think the applicant is the person who can explain what they are offering, to accept as conditions to the rezoning of the subject parcel to R-3."

Councilor Bushee asked how the Neighborhood Association is guaranteed that those are conditions and how they're placed.

Ms. Brennan said, "It's a condition of the rezoning, and it will be carried forward in the record, and when they come forward for Planning Commission approval, those would be reflected in the application."

Councilor Bushee said, "And so a lot of this other stuff will be dealt with through private contract, through covenants or what have you."

Ms. Brennan said, "And yes, before the Planning Commission Review process."

Councilor Bushee said, "Okay. So maybe I can hear from Jennifer what actually you are willing to impose as conditions."

Mayor Coss asked Councilor Dominguez if he has remarks, and he said no.

Ms. Jenkins said, "I do want to acknowledge staff's concerns. This is a conceptual site plan and we're not here doing subdivision today. However, we all know that with rezone applications, you can't really talk about a rezone until you know what the plan is, and that is why we have tried to be very

transparent and forthcoming throughout this entire process with our concepts, which changed a little as we got feedback from staff about different access requirements and everything.”

Ms. Jenkins continued, “So this is where we have sort of ended up, with respect to our request this evening. So, with respect to the parcels that are the subject of tonight's hearing, which are the 3.4 acre parcel “here,” and the 2.4 acre parcel on the south side of Rufina. Oh, I'm sorry, can we have the screen on, there we go. So again, this map is also what you see down here, so this is the 3.4 little over acre parcel here and the 2.4 'here.' What we would like the opportunity to do when we come in for subdivision is to two, 8-lot subdivisions that are served by base course lot access driveways. Those two things go together. You can't separate them. That is a critical part of this, and we've been very candid and up front with Las Acequias as well throughout this process about... they like this plan, we like this plan. I think there was some general consensus about this plan here. And with the ability to do that on these parcels we're talking about tonight, it enables us to keep the density low on the northern R-5 parcel as well. And it's just because these parcels happened to be under the same ownership.”

Ms. Jenkins continued, “It is my understanding that we can't place a condition on a neighboring parcel as a result of the rezoning, but I have been very candid, and very much on record about this being our intent. And my hope is, that as we move through the subdivision process, we are able to accomplish this. This is what we want to do. This is what the neighbors want us to do.”

Councilor Bushee said, “The neighborhood is treating it as one subdivision plan for 11½ acres. Jennifer is mentioning the 3.4 and a 2.4 and not mentioning the other... has this been advertised.”

Councilor Dominguez said he heard the Applicant say earlier they would be willing to treat all 3 in one subdivision application.

Councilor Bushee said, then we don't need to rezone the other anyhow.

Ms. Brennan said, “You can't rezone the other right now. It does not need rezoning. They have agreed to develop it to a lower intensity and that will be...”

Councilor Bushee said, “We're a step ahead of ourselves with the discussion of how the neighbors want to proceed. But it is essentially lowering the density overall, which is the main thrust of what the neighborhood would like to get out of this rezoning. Although, I think the road issues are key, and I'm not really getting that in writing anywhere from anybody, other than the Neighborhood Association. I just want something spelled out for the record, for all of us, to know what we're voting on. The conditions of approval. Still not there yet.”

Ms. Jenkins said, “With respect to the Power Line easement, we find it incredibly acceptable to say that none of the Aguafina lots would be entitled to access to Power Line easement. And as a condition of the rezone, we would be happy to agree to that, and that's also something we would definitely put on the subdivision plat.”

Councilor Bushee said, "Okay. And on Agua Fria."

Ms. Jenkins said, "We currently have a condition, if you will, sort of agreement with the County Public Works Department. Santa Fe County controls that stretch of Agua Fria, so we had to work directly with them about the possibility of accessing this property. And their caveat is, they're comfortable, as Mr. Mee stated, Santa Fe County is comfortable with allowing access to Agua Fria for that northern parcel as long as it is limited to 8 lots."

Councilor Bushee said, "And you're in agreement essentially with the language."

Ms. Jenkins said yes.

Councilor Bushee said, "Thirdly. Do we deal with parks here at all, or are we ahead of ourselves again."

Ms. Jenkins said we probably are a little ahead, noting that is at subdivision.

Councilor Bushee said, "It came up in the last hearing and that's why I'm wondering where we are with that, and I think that's all we can address here."

Ms. Brennan said, "Parks would be part of the planning process. And also, in further answer to your question about how this is embodied, we will do Findings of Fact and Conclusions of Law to embody your decision."

Councilor Bushee said, "I do recall the first hearing discussing parks and parks dedication and the City's request for land, and so I'd like to be as clear as we can be on this."

Ms. Brennan said, "There is a condition in your staff report, relating to parks that requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided, does not address park dedication. The applicant should provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees in order to comply with the Land Development Code requirement."

Ms. Flatt said, "Jennifer and her group, we have worked together. I'm not trying to present this and make it sound like we're presenting all this stuff that isn't a part of what we've discussed. The reason that I presented all of this, I was told by several people, legal people, that it is important for us to make sure that during this rezoning process, because it is only for one part of it, that we make it very clear that the whole thing needs to work together as one subdivision. That's one thing. And the second part is, is that all of these conditions are very important to us and it is an integral part, I think, of making it successful, and I

wanted it entered as a part of the record. And what Patti was asking is very true. Even though it's not really applicable to tonight's discussion, it is important and it needs to be recorded, and that's why I did the presentation."

Mayor Coss said, "That helps. Thank you."

Councilor Dominguez asked Ms. Brennan, "In terms of Findings of Fact and all that legalese stuff, would it still be appropriate enough for us to articulate some of these requests that aren't required for rezoning, maybe not accepted, but considered at the next phase. Just so that we make sure that we get it part of the record and it's not just a testimony, but that it be part of the Findings of Fact and Conclusions of Law."

Ms. Brennan said, "I think you can ask the Planning Commission and any other reviewing body to consider the concerns of the neighborhood as expressed tonight." Responding to Councilor Dominguez, Ms. Brennan said you could make a Finding and a recommendation.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to Adopt Ordinance No. 2013-12, approving Case #2012-104, and "along with that approval are the conditions that the applicant has agreed to, one of them is that the parcel to the north of Power Line Road be 8 lots as it's been articulated in the presentation by the applicant; limited access to Agua Fria; that Power Line Road also not be used as an access for the applicant or for the development or any other lots actually; essentially that one subdivision plan will be provided for all 11 ½ acres, asking if this is something we can do and Ms. Brennan said the applicant has agreed to that;" and with all conditions of approval as recommended by the Planning Commission, "and if there's anything that's conflicting that they be resolved appropriately."

DISCUSSION: Councilor Ives said, "And on that point, presumably, the emergency access from Agua Fria Street, if we're talking about that design doesn't apply."

Ms. Brennan said, "To the extent that this body's decision creates conditions that conflict with the Planning Commission's, this body's decision would control."

Councilor Dominguez said, "Okay, well then, there you go. Is that clear."

Ms. Brennan said it is clear.

DISCUSSION: Councilor Dominguez said, "So, then I guess, all the other things, I just want to make sure that that they're part of the record and findings, but I'll address those after."

Councilor Dominguez continued, "Let me just continue real quick, and maybe the second wants to speak to that. I just want to make sure that the Planning Commission and the applicant really consider the idea of requiring that all homes be on a permanent foundation, etc., I think that stuff has been articulated by the neighborhood already. I also want for the applicant to consider what the neighborhood has said with regards to the park and the monies that maybe would be allocated for the park, that they be used for some of the other amenities that they're looking at. And the other stuff, like Items #7 and #8, are really part of the covenants. Maybe the applicant can make sure that they work with the neighborhood to strengthen the covenants. We're really going to rely on the neighborhood to make sure that the covenants are followed, and that would even pertain to the idea that we have guest houses. The neighborhood is really going to have to make sure that the City is following the rules that we have in place with regard to guest houses, so I just want to make that part of the record as well. And I think that's it."

Councilor Rivera thanked Ms. Jenkins and the Neighborhood Association for getting together, and really listening to the concerns of this Council, and for you listening to the concerns of the neighbors, and for coming up with "what I think is a very reasonable plan, and for being transparent on what you plan to do with the northern piece is very helpful for my vote personally."

Councilor Rivera said, "What I wanted to do is to clarify and it's something that Councilor Ives brought up, but the emergency access off Agua Fria was only when the road was going to stretch from Rufina all the way to Agua Fria."

Ms. Jenkins said, "Yes. And I actually have a plan in here in my presentation that shows that. But yes, we had an earlier version of this when we were connecting to Power Line Road. We had no access to Agua Fria because of the quantity of lots, and we realized that probably wasn't going to be a reasonable solution, and we would end up creating a through street between Rufina and Agua Fria, and nobody wants that. And so, in the earlier version of the plan, when we met with Ray Gonzales, he said we're going to be serving this property in terms of emergency response from that Agua Fria Station. And so, that's when the emergency access was necessary."

Ms. Jenkins continued, "Under this program we have regular, full access to Agua Fria, so a secondary emergency... and Ray's perfectly comfortable serving 8 lots with a generous emergency turnaround, of course per his standards, and plenty of room to back up."

Councilor Rivera said then the recommendation made by the Planning Commission or staff, is a moot point.

Ms. Jenkins said it is not applicable, based on the program they are showing tonight.

Councilor Rivera said, "Mr. Mee was saying one thing about emergency access between the two turnaround points."

Ms. Jenkins said, "That hasn't come up yet. If that's something that Ray felt was important we could look at that. Based on my experience, I don't see that it's something he's going to want, but he might. And obviously, through the subdivision process, we'll be meeting with Ray and exploring that. What we like about this plan, is it really keeps Power Line Road out of the mix. There's no opportunities for cut-through traffic. And so, if that's something that Fire Marshal Gonzales wanted, we would just have to be very strategic about how we did that, because again, we don't want to encourage any traffic getting onto the Power Line Easement. It hasn't come up at this point, that it's necessary, but again, through the subdivision process, we will work that out with the Fire Marshal."

Councilor Rivera said in Ms. Jenkins initial presentation, she said that was not an option, that you were not going to have emergency access.

Ms. Jenkins said, "No. It's not our preference and I don't believe it will be necessary, per my understanding of the International Fire Code and access provisions."

Councilor Rivera said he believes she is right.

Councilor Ives said, "My recollection from our last time on this matter, was that the Power Line Easement was actually an easement held by the City, is that correct."

Ms. Lamboy said, "The Power Line Easement was recently dedicated through the lot split process that separated the R-5 parcel from that lower tract. And previously, there was no formal easement that was there. There was an informal drive, to the north of Las Acequias Park, was used by Mr. Tapia to access his property. As part of that review, we formalized that access easement so he would have access in perpetuity."

Councilor Ives said, "I'm think more of the Power Line Easement which is part and parcel of the Las Acequias, that's a City owned easement. So, presumably, we have some say or control over what use is made of it. Is that correct."

Ms. Lamboy said that is correct.

Councilor Ives said, "Again, I think it's within the Governing Body's power to deal with that and I appreciate the offer of the applicant to limit the use, but I really think that's probably more an inherent power of the Governing Body than the applicant in the first instance, and that is something that would play out presumably in the subdivision platting process."

Ms. Lamboy said, "I would certainly want to consult Ben Gurule of the Parks Department first to see what the role of that is, before we make any changes."

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Councilor Ives agreed. He said, "I note in the letter from the neighborhood, they want no changes to any of the shown plans from the new design, and honestly, this hasn't been through the Land Use Department yet, and they may impose additional requirements, obviously all designed to ensure that the property adheres to applicable City Codes and is safe. So it's not a matter of not necessarily wanting what you want, but there's a whole body of City law out there designed to ensure that any property which gets developed is developed properly, and will need to go through those processes, and I do trust Matt and his office to do the good job that they usually do in addressing any subdivision and plans that are submitted to them. I think that's all I have."

Councilor Dominguez said, "It's really about trying to get an appropriate density, that's really what we're leaning towards, and I think that's something that needs to be considered overall. That's it."

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera and Councilor Trujillo.

Against: None.

18. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

19. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of March 13, 2013, is incorporated herewith to these minutes as Exhibit "7."

Councilor Dimas

Councilor Dimas congratulated the Santa Fe High School Demon girls for making it to the semi-finals, noting St. Michael's won tonight and will be in the semi-finals. He said the Santa Fe Indian School girls will be in the semi-finals as well, but he doesn't know about Capital High. He said we wish everyone the best of luck.

Councilor Calvert

Councilor Calvert introduced a Resolution supporting continued enforcement and funding of the Federal Endangered Species Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law

Case #2012-104

Aguafina Rezoning to R-3

Owner's Name – Aguafina Development, LLC

Applicant's Name – JenkinsGavin Design and Development, Inc.

THIS MATTER came before the Governing Body of the City of Santa Fe for hearing on March 13, 2013 upon the application (Application) of JenkinsGavin Design and Development, Inc. as the agent for Aguafina Development, LLC (Applicant).

The Applicant applied to rezone 5.89± acres of land (Property) from R-1 (Residential – 1 dwelling unit/acre) to R-3 (Residential – 3 dwelling units/acre). The Property is located south of Agua Fria Street and west of Calle Atajo at 4702 Rufina Street and 4262 Agua Fria Street, now known as 4701 Rufina Street. On December 6, 2012 the Planning Commission (Commission) voted to recommend to the Governing Body that the Property be rezoned to R-3 (Residential – 3 dwelling units/acre), subject to certain conditions (the Conditions). The Property is designated as Low Density Residential (3-7 dwelling units/acre) on the General Plan Future Land Use Map.

The Applicant also owns 5.632± acres of land (Adjacent Parcel) adjacent to the Property on the north, extending from Agua Fria south to approximately Powerline Road. The Adjacent Parcel is also designated as Low Density Residential on the General Plan Future Land Use Map and is zoned R-5 (Residential – 5 dwelling units/acre). The Adjacent Parcel is not a subject of the Application. However, in accordance with discussions with certain neighbors of the Property, the Applicant offered to the Governing Body to (1) submit its request for subdivision and/or development plan approval to the Commission for both the Property and the Adjacent Parcel as a single application; (2) develop the Adjacent Parcel consistent with R-3 zoning, notwithstanding that it is zoned R-5; (3) not request to use Powerline Road as a primary or secondary access for either the Property or the Adjacent Parcel as part of its application for such Commission approval, but to propose instead three base-course lot access driveways, each serving eight lots; and (4) grant an easement to Abe and Kathleen Tapia and their successors across the Adjacent Parcel to permit them to access Powerline Road (collectively, the Applicant Undertakings).

Findings of Fact and Conclusions of Law (Commission Findings and Conclusions) embodying the Commission's vote were adopted by the Commission on January 10, 2013 and were filed with the City Clerk as Item #13-0023. The Applicant originally sought the Commission's approval to rezone the Property to R-5, but withdrew that request by letter dated February 15, 2013, amending the Application to request R-3 zoning for the Property. The Application before the Governing Body is therefore consistent with the recommendation of the Commission.



In accordance with the foregoing, and after conducting a public hearing, and having heard from staff, the Owner’s representatives, residents of the neighborhood in which the Property is located, and certain interested others, the Governing Body hereby FINDS, as follows:

FINDINGS OF FACT

1. The Governing Body has authority, under Santa Fe City Code (Code) Sections 14-2.1 Table 14-2.1-1 and 14-2.2(A) to review and finally decide upon applications for rezoning in accordance with the procedures set forth in Code Section 14-3.5(B)(2) and applying the criteria set forth in Code Section 14-3.5(C).
2. Code Section 14-3.1(H)(1)(c)(2) requires that notice of a public hearing before the Governing Body be provided in accordance with Code Section 14-3.1(H)(1)(a) and that the applicant publish notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing (collectively, the Notice Requirements).
3. The Notice Requirements have been met.
4. The Governing Body reviewed the report dated February 19, 2013 for the March 13, 2013 City Council Hearing prepared by City staff (Staff Report), the recommendation of the Commission, the Commission Findings and Conclusions and the evidence introduced at the public hearing in accordance with the requirements of Code Section 14-3.5(B)(2)(a).
5. The Governing Body heard direct testimony from City staff, the Applicant, residents of the neighborhood in which the Property is located and certain interested others.
6. The Applicant offered to the Governing Body to perform the Applicant Undertakings if the Governing Body approved R-3 zoning for the Property.
7. The Applicant’s offer to perform the Applicant Undertakings is a material consideration relied upon by the Governing Body in its review of the Application.
8. Commission Findings of Fact 2 through 10 and Conclusions of Law 1 through 3 accurately reflect the facts in this matter as presented at the hearing.
9. Commission Finding of Fact 12 accurately reflects the facts in this matter, with the deletion of the words, “However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.” The deletion reflects the Applicant’s request to amend the Application to request R-3 zoning.
10. Commission Conclusion of Law 5 accurately reflects the facts in this matter, with the deletion of the words, “..., although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.” The deletion reflects the Applicant’s request to amend the Application to request R-3 zoning.
11. The Governing Body accepts the Applicant’s offer to perform the Applicant Undertakings in the event that the Governing Body approves the Application.
12. The Governing Body has considered the comments of members of the public made at the hearing relating to the future development of the Property and the Adjacent Parcel and, understanding that the Commission has the authority under the Code to review and approve with or without conditions or deny applications for subdivision and development plan approval, but mindful of the concerns of certain neighbors that are appropriately addressed in conjunction with the subdivision and development approval process, requests the Commission to consider fully such comments in reviewing and deciding upon applications

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for future subdivision and/or development plan approval for the Property and the Adjacent Parcel.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the hearing, the Governing Body hereby CONCLUDES and ORDERS:

1. The Commission Findings and Conclusions, a copy of which is attached hereto as Exhibit A, are adopted in part by the Governing Body as follows: Commission Findings of Fact 2 through 10 and, with the deletion of the words, "However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property", Commission Finding of Fact 12; and Conclusions of Law 1 through 3 and, with the deletion of the words, "... , although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property", Conclusion of Law 5. The foregoing enumerated Findings of Fact and Conclusions of Law are hereby adopted by the Governing Body and are incorporated in these Findings of Fact and Conclusions of Law as if set out in full herein. Those Findings of Fact and Conclusions of Law not specifically adopted herein are specifically not adopted.
2. The proposed rezoning is therefore approved, subject to the Conditions and subject further to the performance by the Applicant of the Applicant Undertakings.

IT IS SO ORDERED ON THE 27TH OF MARCH 2013 BY THE GOVERNING BODY OF THE CITY OF SANTA FE.

David Cross
Mayor

3-29-13
Date:

FILED WITH THE CITY CLERK:

Yolanda Y. Vigil
Yolanda Y. Vigil
City Clerk
3/27/13

4-2-13
Date:

APPROVED AS TO FORM:

Villy A. Bunnam
Geno Zamora
City Attorney

3/27/13
Date:

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

Case #2012-104 – Aguafina Rezoning
Owner’s Name – Aguafina Development, LLC
Applicant’s Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on December 6, 2012 upon the application (Application) of JenkinsGavin Design & Development, Inc. as agent for Aguafina Development, LLC (Applicant).

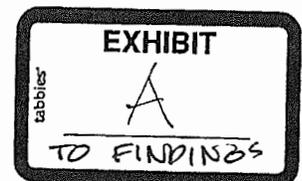
The Applicant seeks to rezone 5.73± acres of land (Property) that comprises the southern part of a single tract of land (the Tract) west of Calle Atajo that runs south from Agua Fria Street to south of Rufina Street. The Property is bisected by Rufina Street and is zoned R-1 (Residential – 1 dwelling unit/acre). The remainder of the Tract (the Remainder) is zoned R-5 (Residential – 5 dwelling units/acre). The Applicant seeks to rezone the Property from R-1 to R-5 so that the Tract is within a single zoning district. The Property is designated as Low Density Residential (3-7 dwelling units/acre) on the General Plan Future Land Use Map.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Under SFCC §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. SFCC §§14-3.5(B)(1) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.5(C).
4. SFCC §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on May 10, 2012.
7. SFCC §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:
 - (a) Scheduling and notice requirements [SFCC §14-3.1(F)(4) and (5)];
 - (b) Regulating the timing and conduct of the meeting [SFCC §14-3.1(F)(5)]; and
 - (c) Setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].



8. An ENN meeting was held on the Application at 5:30 p.m. on July 30, 2012 at the Southside Library at 6599 Jaguar Road.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in SFCC §14-3.1(F)(6).
11. Commission staff provided the Commission with a report (the Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the Rezoning, subject to those conditions contained in the Staff Report (the Conditions).
12. The Commission has considered the Rezoning Criteria and finds, subject to the Conditions, the following facts:
 - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

There has been a change in the surrounding area, with an increase in density as the City has expanded southward, altering the character of the Rufina Street corridor. Rezoning will bring the Property into compliance with the General Plan future land use designation for the Property of Low Density Residential (3-7 dwelling units/acre) and with the Plan policy supporting residential development within the future growth areas is built at a minimum gross density of 3 dwelling units/acre, and an average of 5 dwelling units/acre where topography allows.
 - (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

All the rezoning requirements of SFCC Chapter 14 have been met.
 - (c) *The proposed rezoning is consistent with the applicable policies of the General Plan [Section 14-3.5(A)(c)].*

The proposed rezoning is consistent with the General Plan's Low Density future land use designation for the Property.
 - (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [SFCC §14-3.5(C)(1)(d)].*

The proposed rezoning is consistent with the Plan's Low Density future land use designation for the Property and with the General Plan policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development in an area already served by public water and wastewater facilities.
 - (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)];*

Existing infrastructure, including water and sewer is sufficient to serve the increased density resulting from the rezoning. However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

D-9

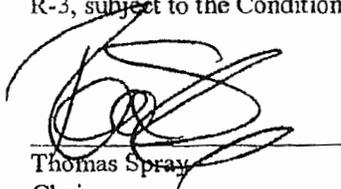
CONCLUSIONS OF LAW

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

1. The Rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with SFCC requirements.
2. The ENN meetings complied with the requirements established under the SFCC.
3. The Applicant has the right under the SFCC to propose the rezoning of the Property.
4. The Commission has the power and authority at law and under the SFCC to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.
5. The proposed rezoning meets the Rezoning Criteria, although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

WHEREFORE, IT IS ORDERED ON THE 10TH OF JANUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

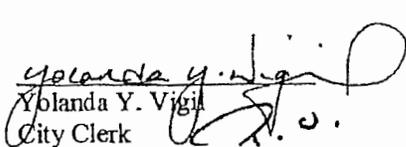
That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-3, subject to the Conditions.



Thomas Spray
Chair

1/10/13
Date:

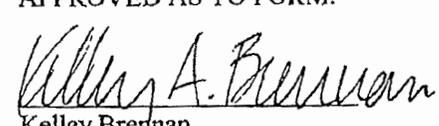
FILED:



Yolanda Y. Vigil
City Clerk

1.14.13
Date:

APPROVED AS TO FORM:



Kelley Brennan
Assistant City Attorney

1/10/13
Date:

D-6

City of Santa Fe, New Mexico

memo

DATE: July 15, 2013 for the August 1, 2013 Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department
Tamara Baer, ASLA, Planning Manager, Current Planning Division

FROM: Heather L. Lamboy, AICP, Senior Planner, Current Planning Division

Case #2013-58. Aguafina Preliminary Subdivision Plat with Variance. JenkinsGavin Design and Development, agent for Aguafina Development LLC, proposes a 23-lot single family residential subdivision. The application includes a request for a variance to Section 14-9.2(D)(8) to allow two cul-de-sac streets. The property is zoned R-5 (Residential, 5 dwelling units per acre, 5.61± acres) and R-3 (Residential, 3 dwelling units per acre, 5.86± acres) and is located at 4262 Agua Fria Street, 4702 Rufina Street and 4701 Rufina Street, west of Calle Atajo. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Land Use Department recommends **DENIAL** as outlined in this report.

Two motions will be required in this case, one each for the Preliminary Subdivision Plat and the Variance.

II. APPLICATION OVERVIEW

The proposed subdivision plat for Aguafina is related to the recent rezoning for the site. The Planning Commission heard the Aguafina Rezoning on December 6, 2012 and recommended a zone change from R-1 to R-3. The City Council first heard the recommendation of the Planning Commission at the January 30, 2013 meeting. At that meeting, the City Council denied the zoning request. At the Council's next meeting, the Governing Body voted to rescind their previous decision regarding the case and to re-hear the case on March 13, 2013. The Council held a *de novo* hearing on March 13 and approved a zone change from R-1 to R-3, retaining the Planning Commission's recommended Conditions of Approval. The Findings of Fact and Minutes from these hearings can be found in Exhibit A.

The applicant is requesting subdivision plat approval for a tract of land that is bisected by Rufina Street, between Agua Fria Road and Airport Road. In March, the tracts of land located at 4701

and 4702 Rufina Street were rezoned to R-3. The tract of land located at 4262 Agua Fria Street retained its R-5 zoning classification. This parcel is located in a part of Santa Fe that has experienced dramatic growth over the past decade. The northern portion of the subdivision (Tract C-1) is part of the Phase 2 Annexation Area.

The proposed 23-lot subdivision will have lot sizes that vary from 0.16 acres to 0.75 acre. The applicant is requesting a variance to Section 14-9.2(D)(8) SFCC 1987 to allow two cul-de-sac streets and not have through access through the subdivision. As proposed, 8 subdivision lots would be accessed via Agua Fria Street and end in a hammerhead turnaround, and the 8 lots north of Rufina would be accessed via Rufina and also end in a hammerhead turnaround. The 7 lots south of Rufina would end in a hammerhead turnaround for emergency and solid waste services; eventually that street would connect through to Airport Road once the adjacent property to the south is developed.

The area includes single family residential development, large lot residential development, and mobile home parks in the immediate vicinity. Zoning districts surrounding the subject property include Residential-7 PUD (R-7 PUD) in the Las Acequias neighborhood, Mobile Home Park (MHP) on either side of Rufina to the west (maximum density permitted in MHP zoning is 8 dwelling units per acre), and Residential-5 and Residential-6 to the north of the site. The proposed density for this project will be lower than surrounding residential development.

The Early Neighborhood Notification (ENN) meeting was held on July 10, 2013. Those in attendance expressed concern about the character of the development and how it would integrate with adjoining neighborhoods. Questions were asked about the access and the design of the proposed housing on the lots. For additional detailed information regarding the meeting, refer to the ENN Meeting Summary in Exhibit C.

III. SUBDIVISION APPROVAL CRITERIA

Section 14-3.7(C) 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.

Applicant Response: *As detailed on the plans, the natural features of the land have been taken into consideration through the following measures:*

- *Generous lot sizes that allow for ample open space.*
- *An 0.82-acre Open Space and Drainage tract between lots 4 and 5. The original road design was modified to preserve the considerable natural beauty of this portion of the property, including significant trees.*
- *A 20' wide Cultural Properties Easement between lots 5 and 6 to preserve the historic acequia that runs across the property.*
- *A 20' wide Trail Easement between lots 8 and 9.*

Staff Response: *The applicant has designed the road to have minimal impact on the drainage on the northern portion of the site, and a preservation easement has been provided for a branch of the Acequia Madre located on the site (review by the Archaeological Review Committee is complete, and the acequia has been placed in a conservation easement).*

- (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 *plattling* 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).

Applicant Response: *The land's gently sloping topography is eminently suitable for development. The property is not located within the 100-year flood plain.*

Staff Response: *Comments from the Development Reveal Team (DRT) reveal that the proposed design of the plat, which provides no connectivity between Agua Fria Street and Rufina Street, vehicular or pedestrian, is not in the best interest of the public health, safety, or welfare. Simply due to the fact that no through access has been provided, Fire Department response times increase for those lots located on the northern portion of the subdivision.*

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

Applicant Response: *The Preliminary Subdivision Plat complies with the standards of Chapter 14, Article 9. Please refer to the subdivision plans.*

Staff Response: *The applicant is requesting a variance to Section 14-9.2(D)(8) SFCC 1987; therefore, the plat will not comply with the Infrastructure Design Standards. In addition to creating turnarounds to prevent through access from Agua Fria Street to Rufina Street, the applicant will not construct the roads to the Lane Standard that will benefit the community through a safe drivable surface with a sidewalk for pedestrian safety.*

- (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 Response: *A Variance has been requested from Land Development Code §14-9.2 (D)(8): 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. No other nonconformities are proposed.*

Staff Response: *The proposed plat creates a nonconformity to Section 14-9.2(D)(8) SFCC 1987, unless the proposed variance is approved by the Planning Commission.*

- (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 Response: *Please refer to the response to (4) above.*

Staff Response: *There is no existing nonconformity.*

IV. VARIANCE REQUEST

Section 14-3.16(C) SFCC 1987 Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

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

Applicant Response: *In addition to its configuration on three separate parcels, unusual characteristics that distinguish this case pertain to the circumstances of the rezoning to R-3 that was granted by the City Council on March 13, 2013. Due to concerns about access and traffic, both the Council and the neighbors declared their support of a lower density subdivision, despite Tract C-1's existing R-5 zoning. The applicant agreed to keep Tract C-1 to an R-3 density, with the understanding that the only way to accomplish this was to access the subdivision via three separate Lot Access Driveways. Although staff requested access to all lots on Tracts C-1 and C-2 be from Rufina, this would necessitate additional improvements that would make the lower density financially feasible.*

Staff Response: *The applicant is correct in describing the discussion regarding density as the City Council hearing in March. However, the details of how the subdivision plat would be designed were not discussed in a thorough manner and tested against the approval criteria for a subdivision. No negotiation about a specific street type took place. The Findings of Fact from the City Council hearing have been included in this staff report packet and provide the details of the City Council recommendation, which states that the Planning Commission must consider the technical aspects of this case, but also recommends that the Commission also consider the requests made by the neighborhood. Staff finds that there are no unique physical characteristics that would prevent the construction of a Lane roadway that meets the requirements of Chapter 14. Additionally, there is no relationship between the R-3 density at which the applicant agreed to develop Tract C-1, how the subdivision is accessed, or the amount of traffic generated.*

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

Applicant Response: *Not applicable.*

Staff Response: *Not applicable.*

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

Applicant Response: *Not applicable.*

Staff Response: *There is no inherent conflict in the regulations. The Code requires that a Lane type roadway be constructed for 9 to 30 dwelling units (Section 14-9.2(B) SFCC 1987). Additionally, from a public safety perspective, connectivity provided via an accessed controlled roadway will permit emergency services to respond in a more timely fashion for the entire subdivision.*

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

Applicant Response: *Not applicable.*

Staff Response: *Not applicable.*

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

Applicant Response: *In order to mitigate traffic and maintain the R-3 density on Tract C-2 as requested by City Council and the neighbors, the property cannot adhere to the requirements of the Land Development Code §14-9.2(D)(8).*

Staff Response: *There are no special circumstances that make it infeasible to develop the property in compliance with the standards of Chapter 14. The City Council stated that the Planning Commission should consider the comments of the neighbors, and weigh them with the technical review of the subdivision application. This case does not provide any special circumstance that would make it infeasible to develop the property in compliance with the standards of Chapter 14. Staff's recommendation of a street built to the City Code Lane Designation, with limited access off *Agua Fria* and full access off *Rufina*, considers all aspects of Chapter 14 and is in the best interest of the public safety, health, and welfare. The applicant has deliberately limited the proposed subdivision to two separately accessed tracts of 8 lots in order to avoid the expense of constructing a street to City standards. Code specifically excludes financial cost as a reason for not developing to City standards.*

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

Applicant Response: *The proposed 23-lot subdivision is developed to an R-3 density, which is significantly lower than the surrounding densities including R-6, R-7, and MHP.*

Staff Response: *The proposed intensity of development for the site will average approximately 3 dwelling units per acre, which is lower than the surrounding densities which average 7 dwelling units per acre.*

- (4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:
- (a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

Applicant Response: *This request is an effort to accommodate the interests of the City Council and the neighbors. If cul-de-sacs are omitted, Tract C-1 will be developed to an R-5 standard, which will significantly increase intensity of use, including traffic.*

Staff Response: *When the property was rezoned in March, the applicant agreed to a lower density than that was originally proposed and existing on surrounding properties. A different category or lesser intensity of use would not correct the proposed variance; simply put, there is no obstacle to conformance with the code under the R-3 and R-5 zoning districts. In order to consider approval of a subdivision, the Planning Commission must find that Criterion 3 of Section 14-3.7(C) is met, which requires conformance to infrastructure design standards. The requested variance is not minimal, rather it seeks to circumvent a significant aspect of City Code.*

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

Applicant Response: *This Variance request is consistent with the General Plan Section 3, Land Use, which identifies "Urban Form" as a theme and guiding policy to "promote a compact urban form and encourage sensitive infill development." Limiting the subdivision to R-3 density accomplishes such sensitive and compatible infill development by serving as a bridge between denser existing subdivisions to the east and south, Cielo Azul to the west, and the more rural character of Agua Fria Village to the north.*

Staff Response: *The proposed variance is in conflict with the following General Plan Policies:*

5-1-G-3 *Increase the connectivity between neighborhoods and individual developments. [The proposed subdivision provides no connectivity.]*

5-1-G-5 *Improve the community orientation of new residential developments. [No community amenities have been provided, nor are there connections to adjacent residential neighborhoods through bicycle and pedestrian networks.]*

5.1.6 Residential Neighborhood Design Guidelines

Continue and extend the surrounding street-grid into neighborhoods where feasible.

- **Standard:** *At least one "through street" (i.e. street that runs through the entire stretch of a development) every 1,000 feet of any development. [This*

policy, also a code requirement per Section 14-9.2(D)(3) SFCC 1987 has not been met with the proposed subdivision plat.]

Street Connectivity

6-1-I-10

Provide for greater street connectivity...[standards are provided in this policy as to how to achieve connectivity]

6-3-I-9

Require pedestrian access and bikeway connections to the citywide system every 500 feet, where feasible, as part of subdivision review. [No sidewalks have been provided in this subdivision.]

6-3-I-18

...permit cul-de-sac streets in urban residential areas only where bicycle and pedestrian access between cul-de-sacs, adjacent streets, and/or open space areas is integrated with an areawide pedestrian/bicycle system. [Bicycle/pedestrian access is provided on the Powerline Road easement, but is not provided from Agua Fria Street to Rufina Street.]

The applicant refers to a compact urban form and sensitive infill development. Sensitive infill development provides a variety of opportunities to connect to community amenities and modes of transportation. The proposed subdivision plat provides no connections and does not meet General Plan Urban Design Criteria.

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

Applicant Response: *This Variance serves the public interest by complying with the wishes of the City Council and adjacent neighbors.*

Staff Response: *In judging public interest, the Planning Commission must balance the desires of the applicant and immediate neighbors with the public safety, health, and welfare and the interest of the community at large. By not providing through access for emergency vehicles, the proposal has an impact on safety through increased response times. By not providing sidewalks, the proposed subdivision impacts pedestrian safety and makes those living in the neighborhood more vehicle-dependent. By not providing an amenity for the neighborhood, public health and wellness is impacted. The proposed design of the subdivision plat is contrary to the public interest.*

- (6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

Applicant Response: *No response.*

Staff Response: *All provisions of Chapter 14 that impact this project are discussed in the Subdivision Approval Criteria and the Variance Approval Criteria.*

V. CONDITIONS OF APPROVAL

The Land Use Department and the Development Review Team are recommending **DENIAL** of the proposed subdivision. Many of the rezoning conditions have not been adequately addressed, and the proposed Variance does not meet the approval criteria (See especially the memoranda from the City Engineer for Land Use, RB Zaxus, Exhibit B-5, and from the City Traffic Engineer, John Romero, Exhibit B-2). If the Planning Commission finds in favor of the Variance, Conditions of Approval have been provided to give direction to the applicant on additional items that shall be addressed on the plat prior to Final Plat submittal.

VI. ATTACHMENTS:

EXHIBIT A: Conditions of Approval, Findings of Fact

1. Conditions of Approval
2. Findings of Fact, City Council Approval of Rezoning
3. City Council Minutes

EXHIBIT B: Development Review Team Memoranda

1. Request for Additional Information, Heather Lamboy
2. Traffic Engineering Comments, John Romero
3. Santa Fe County Public Works Division Memorandum, Paul Kavanaugh
4. Fire Marshal Comments, Reynaldo Gonzales
5. Technical Review Division Memorandum, Risana "RB" Zaxus
6. Affordable Housing Comments, Alexandra Ladd
7. Technical Review Division Memorandum, Noah Berke
8. Solid Waste Division Memorandum, Randall Marco
9. Wastewater Division Memorandum, Stan Holland
10. Wastewater Division Technical Service Evaluation, Stan Holland

EXHIBIT C: ENN Meeting Materials

1. ENN Public Notice Materials
2. ENN Meeting Notes

EXHIBIT D: Maps

1. Future Land Use Map
2. Zoning Map
3. Aerial

EXHIBIT E: Applicant Submittals

1. Transmittal Letter
2. Utility Service Application – Sewer
3. Utility Service Application – Water
4. Traffic Analysis for Aguafina Subdivision, Santa Fe Engineering
5. Proposed Subdivision Plat

City of Santa Fe, New Mexico

Exhibit A

**Conditions of Approval
Findings of Fact
City Council Minutes**

E-9

Aguafina Preliminary Subdivision Plat—Conditions of Approval

Planning Commission

Case #2013-58 – Aguafina Preliminary Subdivision Plat

Conditions	Department	Staff
<p>Review comments are based on submittals received on June 24, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> The roadway on Tract B shall be constructed to a Lane standard and dedicated to the City of Santa Fe. There is vacant property to the south of Tract B that will ultimately access this roadway, causing more than 8 lots to utilize this roadway. Per §14-9-2(E), this requires a Lane to be built; The roadway on Tracts C-1 and C-2 shall be constructed to a minimum of a subcollector standard and dedicated to the City of Santa Fe. The Traffic Engineering Division feels that this road shall be constructed through the entirety of both tracts from Rufina to Agua Fria, with public access being granted on to Rufina and emergency access granted onto Agua Fria. Although this portion of Agua Fria is within the County's jurisdiction, the Traffic Engineering Division does not feel that it will provide good access to what will be City residences. This area of Agua Fria has multiple access points and no medians to provide refuge for left-turners. The following rezoning condition has not been addressed: The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; The following rezoning condition has not been addressed: We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way. <p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <p>Shall comply with IFC requirements.</p> <ol style="list-style-type: none"> Fire Department Access shall not be less than 20 feet width. Fire Department shall have 150 feet maximum distance to any portion of the building on any new construction. The subdivision shall have water supply that meets IFC requirements. All Fire Department turn arounds shall meet IFC requirements and have proper signage. May require thru access for emergency vehicles depending on delay of response or water availability. 	<p>Traffic Engineering</p>	<p>John Romero/ Sandra Kassens</p>
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p>	<p>Fire</p>	<p>Rey Gonzales</p>

E-10

Aguafina Preliminary Subdivision Plat-Conditions of Approval

Planning Commission

Case #2013-58 – Aguafina Preliminary Subdivision Plat

Conditions	Department	Staff
<p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p> <ol style="list-style-type: none"> 1. The property shall connect to the existing public sewer mains through a public sewer line extension(s). 2. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application. <p>Based on the latest SFHP requirements, 20% of the proposed subdivision must be designated affordable, 10% within Income Ranges 2 and 3. Any fractional portion of a lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.</p> <p>CALCULATION for the SFHP requirement: = Total number of units multiplied by (0.2) = Number of Units Required = 23 total units x 0.2 = 4.6 SFHP units are required = 4 units constructed and a fractional fee paid for 0.6 units</p> <p>CALCULATION for the fractional unit fee: = Half the Price for a Tier 2,3 BR Home X Unit Fraction X .30 (70% Reduction) = \$69,000 X 0.6 percent X 0.3 = \$12,420 fractional fee</p> <p>Add a note to the Plat that on-lot stormwater ponding is required at the time of house construction for all lots except affordable lots.</p> <p>*Cover sheet vicinity map is outdated. Replace with more usable version, such as that provided on the Plat.</p>	<p>Wastewater</p>	<p>Stan Holland</p>
<p></p>	<p>Affordable Housing</p>	<p>Alexandra Ladd</p>
<p></p>	<p>Technical Review</p>	<p>Risana "R.B." Zaxus</p>
<p>The following rezoning condition has not been addressed: Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement. [The applicant proposes open space around the drainage on the northern portion of the site, but no amenity has been provided]</p>	<p>Current Planning</p>	<p>Heather Lamboy</p>

E-11

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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2013-12

AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FOR 2.453± ACRES IDENTIFIED AS
TRACT B AND THE SOUTHERN 3.432± ACRES OF TRACT C (IDENTIFIED AS
TRACT C-2), A PORTION OF SMALL HOLDING CLAIM 435 TRACT 3 WITHIN
SECTION 6, TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO PRIME
MERIDIAN, WHICH IS LOCATED WEST OF CALLE ATAJO BETWEEN AGUA FRIA
STREET AND RUFINA STREET, FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT
PER ACRE) TO R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE), AND
PROVIDING AN EFFECTIVE DATE. (“AGUAFINA REZONING,” CASE #2012-
104).

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

Section 1. That certain parcels of land comprising 5.89± acres (the “Property”) located within Section 6, Township 16N, Range 9E, New Mexico Prime Meridian, Santa Fe County, State of New Mexico, of which totals approximately 5.89 ± acres which are located within the municipal boundaries of the City of Santa Fe, are restricted to and classified as R-3 (Residential, 3 dwelling units per acre) as described in the legal description zoning map attached hereto [EXHIBIT A] and incorporated herein by reference.

Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No. 2001-27 is hereby amended to conform to the changes in zoning classifications for the

E-12

1 Property set forth in Section 1 of this Ordinance.

2 **Section 3.** This rezoning action and any future development plan for the Property is
3 approved with and subject to the conditions set forth in the table attached hereto [EXHIBIT B]
4 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
5 conditions recommended by the Planning Commission on December 6, 2012.

6 **Section 4.** This Ordinance shall be published one time by title and general summary
7 and shall become effective five days after publication.

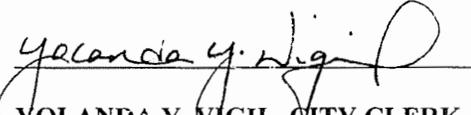
8 **PASSED, APPROVED AND ADOPTED this 13th day of March, 2013.**

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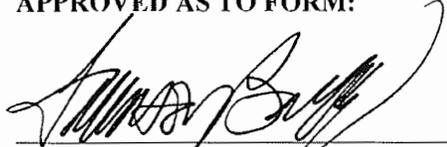
DAVID COSS, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



GENO ZAMORA, CITY ATTORNEY

LEGAL DESCRIPTIONS

TRACT C-2

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTIONS 6, T16N, R9E, AND BEING A PORTION OF S.H.C. 435, TRACT 3, N.M.P.M., DESIGNATED AS TRACT "C-2" IN SANTA FE COUNTY, STATE OF NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING TR1 OF P.C. 1255 1/2 AND CLOSING CORNER OF SECTION 6, T16N, R9E, N.M.P.M. BEARS N02°22'20"E, A DISTANCE OF 1646.34 FEET;

THENCE FROM SAID POINT AND PLACE OF BEGINNING S15°28'47"E, A DISTANCE OF 786.35 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1423.08, AND AN ARC LENGTH OF 250.87 FEET TOGETHER WITH A CENTRAL ANGLE OF 10°06'02" TO A POINT; THENCE N16°19'25"W, A DISTANCE OF 563.54 FEET TO A POINT; THENCE N65°27'52"E, A DISTANCE OF 94.09 FEET TO A POINT; THENCE N16°36'58"E, A DISTANCE OF 59.12 FEET TO A POINT; THENCE N64°20'19"E, A DISTANCE OF 135.87 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 3.432 ACRES. MORE OR LESS.

TRACT B

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTIONS 6, T16N, R9E, AND BEING A PORTION OF S.H.C. 435, TRACT 3, N.M.P.M., DESIGNATED AS TRACT "B" IN SANTA FE COUNTY, STATE OF NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING TR1 OF P.C. 1255 1/2 AND CLOSING CORNER OF SECTION 6, T16N, R9E, N.M.P.M. BEARS N07°01'17"W, A DISTANCE OF 2532.16 FEET;

THENCE FROM SAID POINT AND PLACE OF BEGINNING S15°29'21"E, A DISTANCE OF 439.82 FEET TO A POINT; THENCE S73°27'17"W, A DISTANCE OF 206.45 FEET TO A POINT; THENCE N16°32'43"W, A DISTANCE OF 564.11 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1321.08 FEET AND AN ARC LENGTH OF 248.36 FEET, TOGETHER WITH A CENTRAL ANGLE OF 10°46'17" TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 2.453 ACRES. MORE OR LESS.



Exhibit A, Page 1 of 1

E-1A

A-Z SURVEYING INC.
DECEMBER 13, 2012
L12-032

Aguafina Rezoning to R-5—Conditions of Approval
City Council

Case #2012-104 – Aguafina Rezoning to R-5

onditions	Department	Staff
<p>There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after the rezoning.</p>	<p>Technical Review</p>	<p>Risana "R.B." Zaxus</p>
<p>Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.</p>	<p>Current Planning</p>	<p>Heather Lamboy</p>

E-16

City Council Minutes: January 30, 2013

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, to approve the request for a transfer of ownership and location of Dispenser License #2536 from Raytone, Inc., d/b/a Tin Star Saloon, 411-B West Water Street to Alamo Wing Santa Fe, LLC, d/b/a Buffalo Wild Wings, 3501 Zafarano Drive, for on-premise consumption only, with the conditions of approval as recommended by the City Clerk.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera and Councilor Trujillo.

Against: None.

- 2) **CONSIDERATION OF BILL NO. 2013-1: ADOPTION OF ORDINANCE NO. 2013-4. CASE #2012-104. AGUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.89± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 AGUA FRIA STREET. (HEATHER LAMBOY, CASE MANAGER).**

A Memorandum dated January 14, 2013 for the January 30, 2013 City Council hearing, with attachments, to Mayor David Coss, Members of the City Council, regarding Case #2012-104 Aguafina Rezoning to R-5, is incorporated herewith to these minutes as Exhibit "11."

A copy of a power point presentation *Aguafina Rezone from R-1 to R-5*, entered for the record by Heather Lamboy, is incorporated herewith to these minutes as Exhibit "12."

A copy of the documents used by Jennifer Jenkins in her presentation is incorporated herewith to these minutes collectively as Exhibit "13."

A one page sheet of color photographs of the intersections for the proposed access[s] in this case, entered for the record by Cheryl Odom, is incorporated herewith to these minutes as Exhibit "14"

The staff report was presented by Heather Lamboy via power point. Please see Exhibit "11" for specifics of this presentation. She said, If approved, there will be a minimum of two more public hearings, with a subdivision review, first the preliminary subdivision plat and then the final subdivision plat, so there will be lot of opportunity for thorough vetting as well as another ENN meeting.

Public Hearing

Presentation by the Applicant

Mayor Coss gave the Applicant 10 minutes to make their presentation.

Jennifer Jenkins, JenkinsGavin, was sworn. Ms. Jenkins introduced Coleen Gavin and Mike Gomez, Traffic Consulting Engineer with Santa Fe Engineering.

Ms. Jenkins said, "I am going to be relatively brief. I think Heather covered all of the salient points very effectively. So, just kind of going back, we have the subject property. It's two parcels. It used to be one parcel, but when Rufina Street was built, it was divided up, so the northern piece is just under 3.5 acres, and the southern piece is just under 2.5 acres. And this is directly west of the existing Las Acequias Subdivision, but as you can see there are some large, undeveloped tracts in this area. As part of the central neighborhood area in the Southwest Area Master Plan, which of course we refer to regularly, in studying this of course as we move forward with these types of applications to understand what the intent was. So, we go there first and then we refer to the General Plan to see what is the City's visions for these particular parcels."

Ms. Jenkins continued, "So the General Plan is the bright yellow you see here, is low density residential with a density from 3 to 7 dwelling units per acre. And so based on the zoning that was around the property and the development plan that is around the property, was the impetus behind the request for R-5 zoning. As you can see here, the property directly north is already zoned R-5, and that was a recent action. This property, as Heather pointed out, is in the Phase 2 annexation area so it's part of the SPPAZO [Subdivision, Platting, Planning, And Zoning Ordinance] process. Zoning was assigned to the areas to be annexed, so that R-5 designation for that tract is a relatively recent occurrence. We also have R-6, we have R-5 and R-7 in the Las Acequias neighborhood. The MPH zoning in this area is developed at R-6 densities, on average. We calculated that, just so we could understand that. And as you move a little further west, we have more R-7, R-12, then... and so as you can see there is a nice mix of densities which is great, because in the central neighborhood area they talk about encouraging a mix of housing types and a mix of densities, because that is really the pattern that we see in this part of town and also with respect to Agua Fria Village. Agua Fria Village is our neighbor in this part of the City and so we have more of a rural pattern there."

Ms. Jenkins continued, "And so the vision we had for this related to really more generously sized lots for the project. Before our client even came to us to assist with this process, he did his own market research. He was interested in acquiring the property, what was the best use, what was appropriate here. And what his research told him is there was demand for some more generously sized lots in this area of the City that is so centrally located and access to services and jobs and schools and shopping and everything else, and because, as we see, a lot of things were being developed at much tighter densities. And interestingly, when we sent out the first Early Neighborhood Notice for our ENN meeting, we got a

rash of phone calls right away. All the calls we got were people who wanted to be put on the waiting list to buy a lot. So that was kind of encouraging, and our client was encouraged by that, and it's like, well maybe my market study was... there was some accuracy. So we have a list of people who were very interested in acquiring a lot in this area, and liking the idea of something a little more generously sized, a little more space around them, while being in town."

Ms. Jenkins continued, "So with respect to, obviously, the Southwest Area Master Plan which informs the General Plan designations in this area, we looked at how what we are proposing here is in compliance with the General Plan. The designation right now, we're out of compliance, with the designation of 3-7 dwellings per acre at R-1 zoning, so this request brings the property into compliance with the General Plan."

Ms. Jenkins continued, "Infill. We talk about infill a lot and this is a classic representation of infill in order to prevent sprawling at the edges of our City, utilizing our existing infrastructure in an efficient manner. Again, the compact urban form, that's also something that is a guiding policy that shows up throughout the City's General Plan and which infill is fundamental to the effort."

Ms. Jenkins continued, "And connectivity, neighborhood connectivity. It shows up in the Southwest Area Master Plan in the central neighborhood area. There is specific language that talks about attempts shall be made to connect existing neighborhoods, through the extension of local streets, that sense of connecting our neighborhood so not everything was a dead end, really, that shows up frequently throughout the Southwest Area Master Plan as well. And obviously affordable housing. We will obviously be in compliance with the Santa Fe Homes Program, so as new lots are created, new homes are built, there is obviously the creation of additional affordable homes for our community."

Ms. Jenkins continued, "So, when we first engaged in this process, our very first phone call to the City was to John Romero. First phone call, before we even scheduled our pre-application conference with Tamara and her staff, we went and met with John. We talked about access. We talked about do you need a traffic impact analysis. We talked about the scope of the project, and he said, you're dropping the bucket over here. We do not need a traffic impact analysis, based on the size of this project and the number of homes we're talking about, it's not really warranted at this point. And we talked about access and we talked about Power Line Road and he saw that as a wonderful opportunity to meet that provision for neighborhood connectivity. He loved the idea of not just forcing all of the cars onto the arterial of Rufina Street. That is stated throughout. We have to relieve some of the pressure from all of our arterials. And so, we took a look at traffic, and we're going to talk about traffic tonight. We're going to talk about it a lot, and so I want you to know we looked at it as well, and we looked at, as you probably know, the Metropolitan Planning Organization. They run annual counts all the time to keep track of the traffic volumes. And, interestingly, this right here is the exact point of our proposed access onto Rufina Street, right at the front door of the project."

Ms. Jenkins continued, "So the annual, daily traffic volumes at that location are about 11,500 cars. And that's a lot of cars. Rufina Street is an important arterial in this City. There is traffic on Rufina Street. Absolutely. And Rufina Street is classified as a secondary arterial. It is an important mover of people for our City, especially for that part of town. The City Code says, for secondary arterials, the capacity of those roadways is deemed to be up to about 15,000 cars a day. Once it gets beyond that, that's when the City starts look at, wow we need to improve this road, we need to widen this road, we need to up it to major arterial status, but Rufina is not there yet, based on its current level of improvements and its current traffic loads, it has secondary arterial status. So what this shows us is based on existing traffic volumes, there is still additional capacity on Rufina Street."

Ms. Jenkins continued, "So the projected average daily traffic for this proposed neighborhood is about 1.7% of the total, so as you can see, it's that metric.... when John Romero was looking at this and I don't want to put words into his mouth and I hope that you will speak with him this evening. Again, we're a drop in the proverbial bucket as far as the total volume of traffic that's happening in this area. And as we know, with roadways it's not about the road, it's about the intersections. Intersections are where the improvements need to be made over time to accommodate growth. And also we looked at the a.m. and p.m. peak [times], because when we talk about traffic, we talk about morning rush hour and evening rush hour. Those are the key times that must be looked at.

Ms. Jenkins continued, "Again our project looks at a total of 25 vehicles in an a.m. peak hour, p.m. peak hour, again about 1.7% of the total, so it's really a negligible amount of traffic when you looked at the context of what is happening in the neighborhood. So put that into context, it's about 1 car exiting the neighborhood every 3 minutes in those peak times. So here's a very important thing to understand. Although John Romero said it's part of this process based on the size of this project, the negligible traffic generation, I don't need a TIA right now. It's not warranted. However, we have a condition of approval that when we do our subdivision, absolutely John Romero is requiring a Traffic Impact Analysis. We have to appropriately design our access on Rufina Street. We have to understand what's happening at Calle Atajo. Are there additional improvements warranted at Calle Atajo. It's difficult to do a TIA until you know what your zoning is. It's difficult to do that until you know what your program is and what your [inaudible] count is, because all of that plays into those figures. So yes. A TIA will be conducted, but I think as we've shown here it is a negligible element to what is happening in the corridor."

Ms. Jenkins said, "And lastly, I just want to touch on a couple of other items is with respect to park dedication. You may here this evening, concerns from the Las Acequias neighborhood about their park. They have a very popular, well attended park for this part of town. And of course, as part of our process, we will be dedicating land as well for park open space land. You know we talked to the city and we also talked to the Parks Department to say, well you could have land or you could have money – which makes the most sense. Do you want impact fees where you can make improvements to nearby parks, or would you rather have land. Parks said we'd rather have land, and we said okay. So as part of the subdivision process, we will be meeting with the Parks Department to identify the optimal location for that, so it makes

the most sense for the new little neighborhood we're creating, as well as for the surrounding neighbors. So that will definitely be a part of the process, and is a requirement."

Ms. Jenkins continued, "So with that, I would be happy to stand for any questions. Thank you for your attention."

Councilor Dominguez said he has a question for Ms. Lamboy. He said, "In your presentation, I didn't catch all of it, but you talked about the number of units being from 29 to 17 on the southern tract."

Ms. Lamboy said, "That is correct. For the tract that was outlined in red in my presentation, and I can get back there."

Councilor Dominguez said, "That's from Rufina down to Power Line. Is that considered the southern tract?"

Ms. Lamboy said, "From power line to Rufina and then the tract that is just south of Rufina, which is approximately 3 acres. The tract to the north would allow approximately 25 dwelling units with its current R-5 zoning."

Speaking to the request

Mayor Coss gave each person 3 minutes to speak to the request.

All those speaking were sworn en masse

Liddy Padilla, President, Las Acequias Neighborhood Association [previously sworn], said they are an established neighborhood for 30 years, with 600 homes in the neighborhood. She said they realize development will happen and they are not opposed to development, but they would like for anything that comes in to reflect the same image they have in the Las Acequias Subdivision. She lives directly across from the park, and would be completely impacted by Power Line Road being made an entrance to Aguafina. She said there are 200 plus vehicles that come to the park, and it would be difficult for the people on the northern side of Las Acequias to get to and from Rufina into their homes. She said currently Las Acequias does not have two entrances/exits, and have only one from Rufina. She said the other neighbors are very concerned about Power Line Road being made a main entrance into that property.

Cheryl Odom, [previously sworn], said she has been a neighbor of the neighborhood for 15 years. She provided a photograph of the intersection of Calle Atajo and Rufina to show that it is a blind intersection. She doesn't know how many accidents have happened at that intersection, but she hears the crashes, and said that information could be interesting. She asked if every development does its own traffic study, and asked if it would be possible to do the entire stretch of Rufina now that it goes all the way

to Meadows and then to the bypass. She would presume traffic in that area has increased, so it is a concern. She is unsure when that traffic count was done. She said they aren't against development, but they are a little gun shy because of what happened on Zafarano and the development there. She said a lot of people use the urban trail on the southern end of the tract. She said they don't have urban trails in their area and it would be nice to have that, and asked if this is approved, what happens to that area. It is a nice little pocket with trees and such. She questions the advantageous quality of a denser zoning with this. She asked if you sell single lots, can all those lots be covered by the same covenants, or does it have to be piecemeal.

Ruth Solomon, 1076 Avenida Line, said Power Line Road runs behind her house. She has owned her home in Las Acequias for 18 years, and has seen the south side develop during that time. Her main concern is having Power Line Road turned into a major artery. She said she doesn't think you know what happens at the Park in the summer. She said people come in big trucks and stand in the middle of the street and talk to one another. She said she would suggest that you forfeit the idea of Power Line Road becoming the entrance, because people will come in through Rufina and cut through your development to get to the park. She said there is only one access into Las Acequias which is Calle Atajo, and there is a lot of activity on that street to service their community which is substantial. She said to have another entrance accessed through Las Acequias will impact them greatly. She said the park is beautiful, but during the summer it is a very big magnet for a lot of activity. She said people play volleyball there, mothers come with their children, but the traffic that comes through their community to get there has been very stressful for the people living there. She said to make Power Line another access to the park would influence your community as well. She said they know development is happening. They are glad to know the Planning Commission supported R-3 instead of R-5, which is a separate issue. She said the traffic and what is going on in their community, because of the park, is of great concern, opening Power Line will be a big big mistake. Power Line should be an access for emergency vehicles, and nothing else.

Katy Douthit [previously sworn], said her neighbor, Ruth Solomon, has said it all. She just wants to reinforce the issues about Power Line Road. They are not opposed to the development, but they are very opposed to opening Power Line Road. She said this is a very small, narrow, dirt road at the moment, and is the driveway for the gentleman in back. She said to have a minimum of 25 additional cars a day on that road is huge. Her back yard is against Power Line, which is a narrow dirt road between her back yard and the park, which already has a "lotta lotta" traffic on it, as Ms. Solomon said, in the summer months during the nice weather. So it's mostly a traffic concern that all of the Las Acequias residents are worried about, and people cutting-through from Rufina, through this new development into their park is their main concern.

Sidney R. Davis [previously sworn], said she has lived in Santa Fe for 28 years, and for the last 7.5 years she has owned and resided in a condominium at 1220 Senda del Valle, Apartment A. She said tonight, she is representing both HOAs for compounds 1 and 2, located respectively at 1220 and 1222

E-22

Senda del Valle. She said she has been a member of the Las Acequias Neighborhood Association since 2005, she has been involved in all of the efforts to preserve the character of our community here on the south side. To the south and west of their property, the current zoning is R-1 and they are concerned the about the zoning to R-5, now R-3 for the following reasons: 1) Traffic increase has been significant over the last 6 years causing noise, congestion and increased air pollution. There is gridlock, with increasing regularity, at Lopez and Calle Atajo. No traffic study has been done, but they know there's one on the way, and when done, it should be reviewed to study these kinds of population impacts, because there already is high density, and increasing units per acre will exacerbate the current conditions. 2) Families crossing Rufina from Senda del Valle on foot have more and more difficulty as cars go by at speeds making it dangerous for citizens to access the park. Rezoning to increase the units per acre will make this worse. She has a physical disability and she purchased her unit so she could walk to the park ½ block away. The park has fallen into disrepair. During peak usage there are so many people accessing the park so it is more difficult for someone like herself to walk without worrying about volleyballs and bicycles on the pathways which are so narrow two people can't pass shoulder to shoulder. The walkways are narrowing. Rezoning will make this worse. 3) If the goal is to preserve the character of the neighborhood, then increasing the zoning isn't part of the solution. Besides a traffic study, it would be advisable to take account the green spaces. The proposed development will take place near El Camino Real, and it behooves the community to give attention to managing the increasing populations, traffic and the green spaces or it will lose its character, once and for all.

Rick Martinez, President, Neighborhood Network, [previously sworn], said the Network voted to support Las Acequias neighborhood on this development, saying that Power Line Road is not an option, and the neighborhood has drawn a line in the sand saying Power Line Road should not be a throughway to the park. The park is important and the kids are important in the neighborhood and this should not be developed. He said Power Line Road is an easement that goes across to Calle Cielo, and is concerned it could be a throughway all the way to Lopez Lane. He said you need to consider the safety of the park and the safety of the kids that are there. He said Power Line should be used only as an emergency road, and never be opened for traffic. He thinks the Council should support the whole neighborhood and stay away from opening Power Line Road.

Paul Lucero, 1068 Avenida Linda, [previously sworn], said his property is against the north side of the proposed development and he lives near the park. He is concerned about the traffic congestion, and at times, Calle Atajo is the only entrance to the park. He said part of this development would be adding more traffic and congestion. He said the second issue is crime, noting there is a lot of graffiti, and there have been fights, and at night people are partying and there are a lot of beer bottles in the morning, along with a lot of trash. He asked the Council to consider this in making its decision.

Stefanie Beninato, P.O. Box 1601, Santa Fe, New Mexico [previously sworn], said she understood from the representative for the Applicant that there are supposed to be mixed densities in this

area. And what she heard and saw on the map, is that there is a lot of R-5 and R-6, particularly in this area already, and it's supposed to range from R-3 to R-7. The Planning Commission has recommended that it range from R-1 to R-3, and that is in the plan for the area and in the larger City plan. She said the Planning Commission is your resident expert group and you should rely on their opinion, rather than the Applicant's opinion which is driven by economic gain rather than the best interest of the neighborhood. She said the Planning Commission's decision, hopefully, is based on the best interest of the community, looking at the larger picture and long-term development. She thinks it behooves the City Council to give great weight to the Planning Commission's recommendation which is for R-3 zoning, which would help fulfill the goal of the plan

Linda Flatt, 950 Vuelta del Sur, Board of Las Acequias and Perfect Watch coordinator [previously sworn], said, "I think that I'm the summary, so I'm going to summarize. You've heard that the traffic is really bad, you all know that. I'm going to refer to Councilor Dominguez's statement that in the 4.5 square mile area of Airport Road there are 20,000 people and we are right in the middle of it. We have a lot of people in our community, we have 600 homes. We have one street that services right straight down through the center of our long, narrow community. It is congested. It is heavily trafficked, and it is one that is at a maximum right now. And you know that the park is really bad. Power Line Road, unfortunately, is right beside it. To meet the requirements for the Fire Department, I know that they are saying that there needs to be two entrances. Rufina could be the main entrance and Power Line Road could be only an entrance for emergencies or exits for emergencies. And also Agua Fria also has an emergency entrance and exit. So that would be two of those with the main entrance on Rufina. So if I travel from my house all the way down to Rufina, there is no other exit. I go straight down Calle Atajo to get out of the community, so I see there would be no difference in this community if they were to start and travel down to Rufina to exit."

Ms. Flatt continued, "Las Acequias agrees with the Planning Commission on the R-3. We feel that the zoning should be that. The density is high. What we agree with is that we know this will be a new community. We are asking that it be a community that will have strong deed restrictions, a community to be similar to our established community of over 30 years. Thank you."

Response/Clarification by Applicant

Ms. Jenkins said, "A couple of things I would like to clarify. With respect to... let me just pull up a better image here.... Okay, so this is a very zoomed-in of the Power Line Road easement. So what we have here, this is the Power Line Road easement which is 58 feet wide. It runs from 'here' all the way down to 'here.' This is the Las Acequias Park. This is Calle Atajo. This is the north end of the subject of the rezone. The Power Line Road easement ends right 'here,' and this is Mr. Tapia's home. I'm going to back up to something that maybe... okay. So here it is again. 'Here' is the Power Line Road easement. Mr. Tapia uses this driveway to access his residence, which is right 'here.' It does not extend 'this' way. it

stops. I have plats I would be happy to show you. Power Line Road has nowhere to go, unless it's through Mr. Tapia's living room. It stops right here."

Ms. Jenkins continued, "In the northern section of Las Acequias, that is north of Rufina, there's almost 200 homes there with one way in and one way out. Let's put the emergency issue aside. The City says if you have over 30 homes, you need two ways in and two ways out, and that is from a traffic flow standpoint. In order to give cars more than one way, the Power Line Road connection coming 'here' down to Rufina, actually will relieve congestion at Calle Atajo. That's the point of connectivity. That's the point of not sending all 200 households to one point of access. So, this is a.. if you look at this from a bigger... forget this little project, put that aside. The opportunity here for this level of connectivity is a service to the broader community, and I just want to reiterate the 58 foot easement stops here.'

The Public Hearing was closed

Councilor Bushee said, "It seems a misnomer to call Power Line Road a road. So, what's your sense of how this easement is used."

John Romero said, "It's not currently a road. Currently, it is a right-of-way reservation. The condition would be that they would turn it into a road that would be dedicated to the City. It is a reservation of right-of-way that is dedicated to the City, all 58 feet."

Councilor Bushee said, "That little dirt tract that is in there is how wide now."

Mr. Romero said, "The actual roadway that's on there now, I'm not sure, but they will be required to build a City standard road."

Councilor Bushee said, "This is reminiscent to me of Montano Street, which we just assured those neighbors that they would not have a new road bringing traffic into an already very dense neighborhood, and almost an over-used recreational area. So, what I would like to understand and maybe that's where I need Tamara, help me out. For this subdivision to go forward, they need two access points, is that correct."

Tamara Baer said, "That's correct. That's what the Fire Marshal has asked for Mayor and Councilor."

Councilor Bushee said, "Rufina Street doesn't cut it, and so what are the other options if Power Line Road is off the table."

Ms. Baer said, "The way that it was looked at, is that there would be an access all the way out to Agua Fria, but currently, we are looking at that as an emergency access only. And perhaps John Romero can speak to that. The property is owned by a single owner, that includes not just the area that's being

asked to rezone, but the portion above that, as well, which is currently zoned R-5. It's all under single ownership.

Councilor Bushee asked, "Why don't they develop them both at the same time, and give everybody an understanding of what they're intending to put in there."

Ms. Baer said, "I believe that is their intent."

Councilor Bushee asked, "Why are we dealing with it in a piecemeal fashion now?"

Ms. Baer said, "Because this is only is for rezoning. The upper portion is already been zoned R-5."

Councilor Bushee said, "I guess my point is, and you said that was done recently."

Ms. Baer said, "It was done at the time of SPPAZO [Subdivision, Platting, Planning, And Zoning Ordinance] that was approved by ELUC and ELUA."

Councilor Bushee said, "I really do feel for these people. I live in an R-5 zone on the West side. It's very dense, but the traffic concerns are real for people. I have a hard time getting in and out of West Alameda, people are always having accidents. But it sounds like there are no pedestrian amenities whatsoever. There's very little open space and green space for the neighborhood. And so you're asking us to rezone and compound an existing, I consider, problem. And so personally, I don't even consider Power Line a Road. I would suggest the developer look at developing the whole thing together with access from Agua Fria, so they can proceed. I know you want us to determine the rezoning issue here tonight. For my standards, R-3 would be sufficient."

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2013-4, approving the Aguafina Rezoning no higher than an R-3 zoning, that we eliminate the option of Power Line easement as an access point, with all conditions of approval as recommended by staff and the Planning Commission.

DISCUSSION: Councilor Bushee said she can't designate Power Line as an emergency access point, because there is no Fire Marshal here to tell me that they will want to build an emergency access there. She asked if that is what they want.

Ms. Baer said, "The Fire Marshal is happy with emergency access on Agua Fria."

Councilor Bushee said, "Then I am not asking for it there at Power Line at all, because once you start with an emergency access, it somehow sneaks itself into something else, so that would be my motion along with all other recommendations and that the Planning Commission recommended."

Councilor Dimas said, "I'm an expert in that area. I used to live just a block away. For 16 years I lived there. And I can tell you that Power Line Road not a road. My sympathy goes out to Mr. Tapia, if that actually is used, because it's going to be like a major highway going through, right by his house there. And I know he uses that driveway to get in and out of his house, so I have a real problem with that. I don't see any way possible of using Power Line Road, even as an emergency access or anything else. So I think I agree with Councilor Bushee and the motion for R-3. I don't have a problem with that, as long as the emergency access is Agua Fria or there is another access. Calle Tajo, I can tell you the traffic on that street is horrible, and we finally got it paved over there, so it's not a dirt road anymore. That was just a little extra thing I thought of to throw in there. The traffic in that area, if you've ever been in there early in the morning or late in the evening, is very heavy. And the park itself, there's a lot of kids in there that are playing, and in Power Line Road they're running out there chasing balls a lot of time and stuff, and we're just asking for a major accident to happen there. Those are my comments, but I would support the R-3."

Councilor Rivera said he agrees that Power Line Road is probably not an option, not even for emergency access. He said, "However, John, I was looking, just thinking of the normal flow of traffic coming out of that neighborhood. Most people would probably take, that are on the north side of that, probably would take a left to go to their work place. I've been on Rufina early in the morning and know that at that light, traffic is usually backed up beyond where this property is at. Have there been any studies as to how people would maneuver coming out of the north side of that property, taking a left onto Rufina."

Mr. Romero said, "When the study occurs, we will most definitely restrict left outs onto Rufina, directly onto Rufina, so that would have one point of the Power Line Access – people would have been able to utilize a signalized intersection to make a left turn onto Rufina."

Councilor Rivera said, "So then, really, the intention was to encourage people to use Power Line Road and then come up Atajo to the signal."

Mr. Romero said, "Yes. In addition to the General Plan, I think it's just good practice to utilize all of our signals to try to get as many people to... the ability to access our signals as possible. So that was the thought behind utilizing that right-of-way reservation.."

Councilor River said, "That makes sense. I also happen to agree with.. I've been in the Park in the evenings when traffic is almost at a stop, so to encourage people then to take Power Line Road onto Atajo to a busy park that has hundreds of kids in it doesn't make sense to me. So, for that, I don't think Power Line Road should be used either. My intention, my hope would be that this stays zoned R-1, but again, I don't want to restrict property owners from doing what they want with their property. I would be okay with R-3, but again, I would prefer that it just stays zoned R-1. That's all I have, Mr. Mayor."

Councilor Dominguez said, "I'm not sure there's much more to add. I know that, Jennifer, I've spoken with you in previous cases about the concern that I have with regard to density. I'm not asking you a question. I also feel like this really should be an R1 development. I said, for discussion, I have no problems, but

anyways, if I was interrupted... You have property to the south of this project that will need to be considered as well, and you're going to have some ingress and egress issues with that one."

Councilor Dominguez said, "So, the question that I have Jennifer for you, it's kind of confusing in the testimony at the Planning Commission. Are these going to be stick built homes, or are you leaving the option open to put manufactured homes in there."

Ms. Jenkins said, "Our client is looking to create and sell lots to individual homeowners."

Councilor Dominguez said, "There could be manufactured houses."

Ms. Jenkins said, "There could be, but there will definitely be stick-built homes here, in addition to, obviously, our affordable homes will be stick-built homes. And in addition to the communications we've had with our waiting list, you know, there will be stick-built homes. But we have developed restrictive covenants that require stucco, and require driveways, require landscaping, I mean, subdivision covenants, that actually, I kind of compared our covenants with Las Acequias and they're very similar in a lot of ways. And so, we want to create a quality community and neighborhood here."

Ms. Jenkins continued, "And if we could turn on the screen real quick, I can just give you a sense of, because Councilor Bushee asked about the vision out here. And so this Plan here, this is Rufina. The subject of the rezone is here. We have 7 lots that are about 1/3 acre each on the south side of Rufina. We have about, on the north side of Rufina in this area, 12 lots that are about 1/4 acre each. So we talk about a variety of housing types, in a variety of density. Our client had a vision, and his desire here, is to not mirror the Las Acequias neighborhood, which one could argue that would not be inappropriate, but to do larger lots. And up here, we have lots that reach up to 1/2 acre in size on the north side, and we are closer to Agua Fria Village. We see this as a transitional neighborhood between the more rural character of Agua Fria Village and R-7 frankly, and R-6."

Councilor Dominguez said, "So speaking of transition, because really the question was whether or not you were going to leave the option to have manufactured homes."

Ms. Jenkins said, "And the answer is yes."

Councilor Dominguez said, "So speaking of transition, I think this is even referenced in the Planning Commission minutes, why wasn't there an attempt then to do a lot split, although it will take an extra step, or a few extra steps, maybe, to facilitate and encourage that transition from high density to low density."

Ms. Jenkins said, "A lot split..."

Councilor Dominguez said, "I can remember at the Planning Commission they were talking about splitting, because it is one lot."

Ms. Jenkins said, "This area here, the northern piece that's been referenced, is a separate tract."

Councilor Dominguez asked if it is north from Power Line.

Ms. Jenkins said, "Between Power Line and Agua Fria, that is a separate tract of land. It has been split. It is zoned R-5."

Councilor Dominguez said, "I'm talking about the southern piece from Power Line."

Ms. Jenkins said, "And so the piece between Power Line and Rufina is a separate tract of land, just under 3.5 acres. It is independent. It is R-1 currently, and the piece on the south side of Rufina is just under 2.5 acres."

Councilor Dominguez asked, "So, why didn't you do a lot split at Rufina."

Ms. Jenkins said, "Rufina already splits these. There's already two tracts as the Rufina right-of-way. Am I not understanding the question. I apologize. The Rufina right of way splits that parcel."

Councilor Dominguez said, "Okay, I guess the other question that I have with regards to Power Line Road and the impact that it might have to the dwelling that's there already at the end of Power Line Road."

FRIENDLY AMENDMENT: Councilor Dominguez would like to amend the motion to require the developer to build a block wall or something in that area just to provide that protection." **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez asked John Romero, "I'm not a traffic engineer, but when you consider traffic, when you think about the number of trips that a development is going to have, I know that you look at all kinds of stuff – adjacent roads, feeders, everything that has to do with a particular requirement. Do you also take into consideration uses, in other words, the park. It's not just the traffic that is going to be generated from the project, but the traffic that is already generated by the park, and the space for vehicles in the area, although people shouldn't be using vehicles so much."

John Romero said, "When the study is performed, they will take existing traffic counts. For this type of development, the peak hours are in the morning when you leave for work and the afternoon when you come home from work. So those would be the hours that would be looked at. Those hours may not correlate with the peak hours of the park. If the peak hours of the park are in the evening, more than likely, the peak hours when this is going to affect are not going to overlap that. So these cars, if Power Line Road is opened, would not be using Atajo at the same time as the park-goers."

Councilor Dominguez asked, "Will the Applicant be looking at, when they do the traffic study, they're only going to do it at those two times. Can we mandate that they look at other times where the park is at its peak."

Mr. Romero said, "We can ask to do that, the only thing is we'd have to research to see if there is a way to project residential counts during those times. As it is, like in the p.m. peak, it's about a one to one ratio. For every house, there's one car that is generated. I would think during those off-peaks, it's going to be drastically lower. I don't know if they've ever come up with those. Maybe we'd have to do counts throughout the City...."

Councilor Dominguez said the park is getting vehicles from the neighborhood to that park. That's really the only park on the south side, so you're getting folks from all over Rufina and other places. He said hopefully we get other parks built and continue moving in that direction, so that we can relieve some of that traffic, but if that doesn't happen, we're going to continue to have excess traffic from other places to that park. And so, I just want to make sure that during the traffic study that is considered, and I have no idea how you would do it as a traffic engineer, but I think it needs to be considered."

Mr. Romero said they can ask the Applicant at a minimum, to look at current traffic conditions during the park's peak hours, and see what's happening, and see what we can do to improve it, at least at the signal, if there's a backup at the signal or something like that.

FRIENDLY AMENDMENT: Councilor Dominguez wants to mandate that the traffic study includes park peak hours – whatever traffic study they are going to need to provide. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

FRIENDLY AMENDMENT: Councilor Rivera said he would ask the sponsor, the maker of the motion, to amend the motion to provide that the zoning remain at R-1 zoning. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Bushee said it sounds as if I should have deferred to the Councilors from that District to make the motion.

Councilor Bushee said, "I'm wondering out loud how you get more pedestrian amenities, and not at the developers cost necessarily. Do folks use Power Line easement for pedestrian access to the park currently. [There was an inaudible response from the audience] Not really. Is it not comfortable."

The response was from the audience and inaudible.

Mayor Coss asked people to come to the microphone to comment.

Liddy Padilla [previously sworn] said, "People from around the area access actually through the Applicant or the Aguafina. They cut across through that property from all the mobile home parks on foot, because the City actually opened a gate, because they were knocking down the chain link fence all the time to access the park.

Councilor Bushee said, "That's probably going to change if they develop this."

Ms. Padilla said, "Because there aren't any trails."

Councilor Bushee said, "I see, but what I would ask, John, and I know traffic means cars to you, but I would really like the planners that we have to look... and I've been asking for this City-wide..., you know, some kind of analysis on pedestrian... we're not a very pedestrian friendly City. And since the density there, and the park there, it looks like... I know at one point this neighborhood looked at how to have some traffic calming measures, so I think that the City, on its dime, needs to be looking... and I expect the District 3 Councilors to follow up, but I really... It just really looks like... I mean I know, I use Atajo. I'm guilty to cut through to Rodeo Road and I know it's a primary kind of thoroughfare, and so you can't put speed humps, but there has to be better pedestrian access and ways to slow down the existing traffic. And I think that's why you'll see the reason up here tonight that people are willing to keep this at an R-1 zoning, is that it already has plenty of traffic impacts. And so, I'm just looking for a more comprehensive analysis of that area of how to make folks... they deserve to have a safe way to get to the only green spot they have, so I would just add, in whatever way, and we don't have that Trails and Open Space Planner position yet, but I really hope that we can do something out there."

Mr. Romero said the Santa Fe MPO is gearing up to do their pedestrian master plan City-wide, so he will be sure to forward your concerns to them when they look at this are."

Councilor Trujillo asked, "So, okay, if this stays at R-1, how many homes would be allowed on this parcel."

Ms. Jenkins said, "It's just under 6 acres, so it would be 6."

Councilor Trujillo asked if that is with rounding up.

Ms. Jenkins said, "Yes, that's rounding up, so with the density bonus, maybe 6 or 7."

Councilor Trujillo said, "Six at the most I think."

Ms. Jenkins said, "Or seven. Yes."

Councilor Trujillo said, "I'm going to go on with the Councilors from District 3." He said the way we, at the City, over the past few years, taking it back, we put the burden of traffic on ourselves. He said he was looking a buying a home in Las Acequias, and the traffic put me off and that's why he ended up moving to Bellamah. You look at some of these subdivisions we have built, and the biggest one is Tierra Contenta.

He said, "You have these tiny, tiny, tiny streets that one car can fit through. And I think that's something we as a Council need to start looking at when we're building subdivisions. Let's build some roads where cars can actually fit through. You look at Bellamah, we have 24 foot wide roads. We've got roads, and that's the way subdivisions should have built all the time. Bellamah is probably one of the best subdivisions built in the City and it was built right. We try to put so much into such a small space and that's the problem that I think that we as a City, as Councilors need to look at. Nobody wants all this huge development. The East side seems not to [inaudible] and shift everything to the South side. And I hate that. I've always hated that. I'm not a NIMBY – Not In My Back Yard. And Las Acequias was once in somebody's back yard, and it's a thriving community. I'm going to go along with the R-1 as proposed now."

Mayor Coss said, "Clarification, Geno. I think for an R-1 we just take no action, or deny the request. Right now the motion is for R-3."

Councilor Trujillo said, "But I have one question John. And I don't want to open up the can of worms, but via Calle Atajo, for years there has been, as it's going [inaudible] it just stops right there. And we're talking about connectivity in making the traffic flow throughout here. Are there plans to connect Calle Atajo with Agua Fria. Have we even discussed that. I'm not trying to open up a can of worms, but I just want to know – is that in the plan, because that's the whole plan, making Santa Fe work for everybody. I don't know where this is going to be somewhere in the future, I just don't know what are the plans for that section of District 3."

Mr. Romero said there are no current plans to connect Atajo to Agua Fria. The two planned connections, one of them for South Meadows, the second one is Calle P'o-Ae'Pi. That one is in the MPO's Master Transportation Plan."

Councilor Trujillo said Rufina is going to be exceeding in a few years, and we just built it up, and he already sees the traffic on it. He wants to look at ways to move traffic throughout the City, because everybody knows the grill is heavy to the south side.

Councilor Bushee said, "We made these narrow roads for Tierra Contenta, that was the wave of the day. But you go back to Casa Solana in the 1950's, they made these wide boulevards, and they're all complaining that the traffic's too fast and we had to start traffic calming programs, so we really have to... the planners change the vision from year to year it seems, so I don't know what is the highest and best practice on that front.

WITHDRAWAL OF THE MOTION: Councilor withdrew her Motion, and said she needs to restate her motion, given that she accepted a friendly amendment.

RESTATED MOTION: Councilor Bushee moved to deny this request.

EXPLAINING HER MOTION: Councilor Bushee said, "This way it will stay the same, and it does not have to accept then the Planning Commission conditions, because there is no rezoning if this motion passes.

DISCUSSION PRIOR TO SECOND. Councilor Bushee said, "And for the record, I don't believe I have to do anything around Power Line easement, because it is the City's easement, and so, it's in the future when you have those plans and studies through the MPO, it wants to be looked at for pedestrian access or something else, but do I need to do anything to make sure that it does not turn into a road.

Mr. Zamora said, "You are not able to do so in a denial."

Councilor Bushee said, great, but down the road, the Councilors from District 3 could look at something there. Okay, that's the restatement.

SECOND: Councilor Dominguez seconded the motion, commenting he wants to make sure that when the subdivision plan gets considered that these comments and that these potential conditions get considered by the Planning Commission at that time.

CLARIFICATION OF ACTION: Mayor Coss said Councilor Bushee has withdrawn her Motion, and restated it as a motion to deny the request.

CONTINUATION OF DISCUSSION ON THE RESTATED MOTION: Councilor Ives said he has questions of staff. He said, "I think you fairly effectively covered this, but I just want to go back to it. As part of the master planning process, what were properties like this to be zoned.

Ms. Lamboy said the area that is under consideration, the General Plan Amendment that was conducted after the Southwest Area Master Plan was adopted for a variety of densities, varying between 3 and 7 dwelling units per acre. So the resulting zoning would vary, according to the Southwest Area Master Plan, in that range, therefore the Planning Commission considered an R-3 zoning district as appropriate, given that information."

Councilor Ives said then the R-1, in that sense, would not comply with was called for under that master plan, and asked if this correct.

Ms. Lamboy said that is correct.

Councilor Ives noted the zoning of the properties surrounding this parcel to the east, he sees R-7 PUD, and asked what density that allows for.

Ms. Lamboy said that would be 7 dwelling units per acres, so in some areas of Las Acequias, in that portion of the neighborhood, there are some areas which are a little more dense, and some a little less dense. The MHP zoning district was analyzed by the Southwest Master Plan with 9.3 dwelling units per acre.

Councilor Ives said, "Then we have R-7 dwelling units to the east, 9 to the west in a Master Plan that calls for R-3 as a minimum. I will say that my own point of view is that compelling this landowner to continue at

an R-1 does not see appropriate, given all those considerations, especially as the property to the north, which I was believe was indicated to be part of the annexation, has already been zoned preliminarily as R-5 and R-6. Is that correct."

Ms. Lamboy said, "The zoning for the tract that is owned by the same property owner is R-5, just simply R-5, 5 dwelling units per acre."

Councilor Ives asked if Mr. Tapia's property is zoned R-4, and Ms. Lamboy said that is correct.

Councilor Ives said, "And I note that the Planning Commission, when they were considering this matter, indicated that... to reconsider a rezoning, one of the following conditions had to exist: *that there was a mistake in the original zoning, there had been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning, or a different use category is more advantageous to the community as articulated in the plan or other adopted City plans*."

Councilor Ives continued, "And the Findings of Fact noted that there has been a change in the surrounding area with an increase in density as the City has expanded southward. It goes on to state that, *'With the plan policy supporting residential development within the future growth areas, is built at a minimum gross density of 3 dwelling units per acre and an average of 5 dwelling units per acre where topography allows.'* What does the topography allow here, out of curiosity."

Ms. Lamboy said, "There's a lot of things that go into how density can be determined. Topography can impact where you're going to place the roads. It can impact where you can place your lots and how you organize the lots. So the highest and best use is expressed in the zoning, and then typically you get less of an actual layout in the end, but that's the highest and best use."

Councilor Ives said, "Presumably the topography immediately to the east, allows for an R-7, and the topography to the immediate west allows for an R-9."

Ms. Lamboy said that is correct.

Councilor Ives asked, "Is the topography here any different to your knowledge."

Ms. Lamboy said, "No. It is not."

Councilor Ives said, "I note that the findings indicated that impacts on traffic and other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the property, which I presume was why they opted for the R-3 density in the particular instance. The inadequacy of parks in area have nothing to do with this particular property, do they."

Ms. Lamboy said, "The only way it has affected this particular subdivision, is that there is a condition on this rezoning that it comply with a zoning requirement there either be impact fees or park lands that we dedicated. We consulted with Ben Gurule of our Parks Division, to determine whether lands or impact fees would be the better option. And he suggested land, and we are going to follow up on that when we get a subdivision phase."

Councilor Ives asked how much does the amount of land to be dedicated to parks relate to the density that is allowed on the property.

Ms. Lamboy said it is determined based on the density, so the more units you have, the larger the area that is required.

Councilor Ives said, "Allowing an R-3 or R-5 zoning for this property would actually increase the amount of park space the Applicant would have to set aside for park uses. Am I understanding that correctly?"

Ms. Lamboy said, "You are correct."

Councilor Ives said, "By allowing the greater density, we'd actually be, presumably, increasing the amount of park space available in this area."

Ms. Lamboy said this is correct.

Councilor Ives said, "I'm interested in the impact on traffic here, just generally. The Applicant indicated that Rufina Street, as a secondary arterial, is designed for a capacity of 15,000 cars per day. And they indicated the effect of building out this subdivision, and I presume it was at the R-5 level, although I'm not totally clear on that, would increase the traffic impact by 1.7%."

Ms. Lamboy said that is correct.

Councilor Ives said, "And increasing 11,000 odd cars by 1.7% will not put you anywhere close presumably to its designed capacity of 15,000 cars. Is that correct?"

Ms. Lamboy said, "We will still meet our levels of service for Rufina with this subdivision."

Councilor Ives asked when Power Line Road was created and dedicated to the City as a public street.

Ms. Lamboy said, "The Las Acequias Subdivision was developed in the 1980s, and Power Line was actually dedicated to the City. And a long time ago it was initially, possibly visualized as our western connection, and I think Rufina and its construction sort of made things change for that part of the City. And Power Line also is associated with the power lines as well, so there are certain limits on construction in that area. Now, just for your information, there is a multi-purpose trail that is proposed on the Master Plan. It's

called the Acequia Trail, and it's already been indicated on other master plans in the area like the Cielo Azul master plan, and would continue through this section of the right-of-way the City already."

Ms. Lamboy continued, "And for your information, with the lot split that the Applicant did to split the R-5 from the R-1 tract, there was no legitimate connection to Mr. Tapia's property. It was just sort of a gentleman's agreement, and now that right-of-way has been extended and dedicated to the City so that however it's going to be used, Mr. Tapia is guaranteed access to his property in perpetuity."

Councilor Ives said, "And so the Applicant, essentially, provided permanent secure access to Mr. Tapia is that correct."

Ms. Lamboy said that is correct.

FRIENDLY AMENDMENT: Councilor Ives said, "I will only say that I don't think that R-1 is appropriate here, given all those factors. The Southwest Area Plan calls for a minimum density of R-3, and that would be below the R-7 to the east and the effective R-9 through the Mobile Home Park designation to the west. Increased densities would result in additional park space. Additional park space was one of the issues that the Planning Commission indicated was lacking here. So, I can't support the motion as indicated, and would propose an amendment to allow for R-3 zoning there, as recommended by the Planning Commission, as called for by the Southwest Area Master Plan, and would make that as a friendly amendment.

MAYOR COSS SAID THAT AN AMENDMENT CAN'T BE MADE TO A MOTION TO DENY. He said we would have to have the motion fail and then make another motion.

Councilor Dominguez said, "I certainly respect and appreciate Councilor Ives your comments, and I certainly also respect and appreciate the work that Jennifer has done for many, many, many years. My problem though with some of this is that if we continue to allow density based on adjacent densities that exist, we are behind the 8-ball big time. Then we're going to not be able to build enough of anything for the amount of people that we will have in that area. At one time there was almost 50% of the property that was in the Southwest Area Master Planning Area, was vacant. And I would assume that it's, although it's probably decreased, there's still a lot of vacant land in the area that needs to be developed. And again, if we continue with the existing densities that are there now, we certainly will not be able to support that amount of people, that population."

Councilor Dominguez continued, "And with regard to the park space, what I submit is that again, I'm not sure where you're going to put more park space. They already have additional park space to the north of the existing park and what they need are resources or revenue or cash, really, to develop that park. So, I appreciate the argument that you're making that with higher density you're going to get more park space, but the reality is that in that particular area, there's not really much place you can put additional park space. So I just wanted to make those comments just for the record."

Councilor Ives said, "On that point. Really what, in my mind, is being proposed here, are amendments to the Southwest Area Master Plan to remove the minimum R-3 zoning that was recommended and adopted in that plan. I think considering it at that larger level will probably bring in all the folks who have undeveloped property who might have something to say to us about that as a group, rather than imposing it upon this one landowner, where I think and R-3 at a minimum is certainly appropriate."

Councilor Bushee said, "I just want to clarify a few things, and I'm sure that the attorneys will be writing new Conclusions of Law and Findings of Fact for this if there is an appeal of some sort. I think you started off Councilor, with saying this landowner had a right to more of some sort, or the implication was there. I don't know what the exact wording was."

Councilor Ives said, "I simply was pointing out that the Southwest Area Master Plan for this area calls for a minimum R-3 zoning, so in moving to that, it seemed to be complying with the requirements that we, as a City, had in fact imposed."

Councilor Bushee said, "Yeah, but, you made another statement and I don't recall exactly, I should have written it down, but it had more to do with, you know, depriving the landowner of something. When the landowner bought this land, it was R-1. And so, he was well aware of what the current zoning was. And when you look at the criteria, which you did list again for us, you will read, it says, *'There needs to be certain criteria in order to qualify for a rezoning.'*

Councilor Bushee continued, "So certainly, the attempt was to rezone on the basis that the Southwest Area Plan or the General Plan would encourage higher densities, more affordable housing and such. But when you look at, it says, the main reason they relied on for criteria in order to approve a rezoning is, *'The most significant change to the surrounding area is the pending annexation of many County properties along Rufina and Airport Road Corridors based on the future land use designations approved for this area by the City.'* And remember this is the City, not the County, part of the annexation process. *'The primary intent is to encourage low density residential development along the Rufina Corridor.'* I think R-1 is absolutely apropos here."

Councilor Bushee continued, "So I would say... and staff... and then, when you get back in the packet, when it says, then there's another one that says, *'Rezoning the southern portion of Tract C and B to R-5 will bring them into compliance with the General Plan.'* Well you can pretty much, if you read that General Plan of ours, you can find anything you want to justify one way or the other. But then it says, *'The two tracts that comprise the subject property are bordered by the Las Acequias Subdivision to the east, undeveloped property to the west, Agua Fria Village to the north and Roadrunner West Mobile Park to the west and south. The proposed generously sized lots [this is from the applicant] will serve as a transition between the semi-rural environment of Agua Fria Village and the dense surrounding subdivisions.'* So I think you can find what you want to find in that area, and think we're completely in line in terms of trying to recognize the intense development that's already gone on in that area, and that R-1 zoning is particularly appropriate to this lot."

Councilor Bushee continued, "And so I would suggest Councilor, when you go back and look. Forever, I've always wondered how Sol y Lomas stayed as wide open as it is, what is it, R-2 zoning or R-1. R-1. And large large lots, really lovely for folks that live there, very kind of rural in many ways. Right in the heart of the City, over near the hospital in kind of a busy area. And so I would just suggest that the R-1 zoning is very appropriate here."

Councilor Ives said, "And on that point, I would simply note that..."

Councilor Bushee said, "We're having a debate."

Councilor Ives said, "It's presumably why we're here. It does state in the Findings and Conclusions that, 'The General Plan Future Land Use Designation for the property of low density residential (3-7 dwelling units per acre), and with the Plan policy supporting residential development within the future growth areas is built at a minimum gross density of 3 dwelling units per acre.' So, while I agree R-1 is certainly lower than that, my point was it's lower than what's called for in the master plan that was adopted."

Councilor Bushee said, "Mayor, I had not finished with my first statement, and that the rezoning criteria that the Applicant chose not to apply was that there was a mistake in the original zoning, that said not applicable here. So I just... and staff also said not applicable. So I would just be really clear about that for the record."

Councilor Rivera said, "Again in looking at the property, I think had the property in question been the only property that the owner had in the area, I think I would have been a little more inclined to go to R-3, but in hearing that this same property owns all the property to the north, all the way to Agua Fria, that is already zoned R-5, I think keeping the property at R-1 gives quite adequate mixed use for the same property owner for the entire piece of land owned all the way to Agua Fria. So I just wanted to make that clear."

Mayor Coss said, "And I just would add onto that, I think Councilor Rivera makes a good point. And perhaps, if this going to be denied, the landowner might want to look at matching mixed zoning and take the R-5 down to R-3 and look at the overall thing. Why would he do that. To get that done, to spread the density out, to spread the housing out. That's okay, no responses, just a suggestion."

Mayor Coss continued, "The other thing I want to point out is what kind of flipped me, is hearing that we might need to broaden Calle Atajo, because I think that neighborhood has been through enough. And the one thing I'll point out, is when the Fire Marshal says I'm happy with an exit onto Agua Fria, then that's a County decision. Because then you're going into Agua Fria Village. And the reason that Las Acequias is one way in and one way out, is because of Agua Fria Village and what the County imposed back in the eighties. And I don't expect that will change. So, if my suggestion was illegal, okay. You'll have R-5 here and R-1 there, if the vote goes the way it looks like it's going to."

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Rivera and Councilor Trujillo.

Against: Councilor Ives.

Councilor Rivera said, "In talking to the City Attorney, and having voted in the majority on Item 10(w)(7), again and this is just a motion to publish."

MOTION: Councilor Rivera moved, seconded by Councilor Bushee, to reconsider Item 10(2)(7), in an attempt to keep everything open for consideration with regard to the CWA.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera and Councilor Trujillo.

Against: None.

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to approve publication of Item 10(w)(7) from the afternoon agenda, with the amendments and the substitute bill that was proposed.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Dimas, Councilor Ives and Councilor Rivera.

Against: Councilor Trujillo and Councilor Dominguez.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:05 p.m.

City Council Minutes: February 13, 2013

- f) ~~CONSIDERATION OF RESOLUTION NO. 2013-18 (COUNCILOR BUSHEE). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 42 ("SB 42"), RELATING TO AN APPROPRIATION TO THE NEW MEXICO STATE ECONOMIC DEVELOPMENT DEPARTMENT FOR CERTIFIED BUSINESS INCUBATORS STATEWIDE. (MELISSA BYERS)~~
- g) ~~REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 13, 2013:~~
~~BILL NO. 2013-8: AN ORDINANCE RELATED TO CAMPING ON CITY PROPERTY; AMENDING SECTION 23-4.11 SFCC 1987, AND CREATING A NEW SECTION 23-4.12 SFCC 1987 TO PROHIBIT CAMPING OR LODGING IN PARKS, UNLESS A PERMIT IS OBTAINED FROM THE CITY; AND PROHIBITING CAMPING ON ALL OTHER CITY PROPERTY (COUNCILOR BUSHEE AND COUNCILOR CALVERT). (ALFRED WALKER)~~
- h) *[Removed for discussion by Councilor Dominguez]*

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING - JANUARY 30, 2013

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of January 30, 2013, as presented.

VOTE: The motion was approved on a voice vote with Councilors Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting for the motion and none against.

9. PRESENTATIONS

There were no presentations.

CONSENT CALENDAR DISCUSSION

→ 10 (h) REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2012-104, AGUAFINA REZONING TO R-5. (KELLEY BRENNAN)

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to table the findings in Case #2012-104, pending the outcome on a motion to rescind the Council's decision on the case and to rehear it.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

END OF CONSENT CALENDAR DISCUSSION

- 11. **CONSIDERATION OF MOTION TO RESCIND THE ACTION TAKEN BY THE GOVERNING BODY AT ITS MEETING ON JANUARY 30, 2013, IN CASE #2012-104, CONSIDERATION OF BILL NO. 2013-1: ADOPTION OF ORDINANCE NO. 2013-4, AGUAFINA REZONING TO R-5, AND TO REHEAR SAID CASE AT THE MARCH 13, 2013 MEETING OF THE GOVERNING BODY (COUNCILOR DOMINGUEZ).**

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert, to rescind the action taken by the Governing Body at its meeting on January 30, 2013, in Case #2012-104, denying the application of the Aguafina Development, LLC, to rezone its property at 4702 Rufina and 4262 Agua Fria Streets to R-5, and to rehear the case at the March 13, 2013 City Council meeting.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to take the Findings in Case #2012-104, from the table.

DISCUSSION: Mayor Coss asked Ms. Brennan if this is the correct motion.

Ms. Brennan said yes, and if approved, then the Findings die without further action of the Council.

VOTE: The motion was approved on a voice vote with Councilors Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting for the motion and none against.

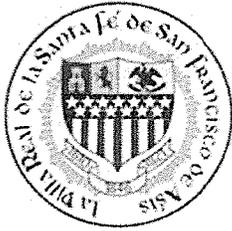
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City of Santa Fe, New Mexico

Exhibit B

Development Review Team Memoranda

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City of Santa Fe Land Use Department Request for Additional Submittals

<i>Project Name</i>	Aguafina Preliminary Subdivision Plat
<i>Project Location</i>	West of Rufina and Calle Atajo
<i>Project Description</i>	Case #2013-58. Aguafina Preliminary Subdivision Plat. JenkinsGavin Design and Development, agent for Aguafina Development LLC, proposes a 23-lot single family residential subdivision. The property is zoned R-5 (Residential, 5 dwelling units per acre, 5.61± acres) and R-3 (Residential, 3 dwelling units per acre, 5.86± acres) and is located at 4262 Agua Fria Street, 4702 Rufina Street and 4701 Rufina Street, west of Calle Atajo. (Heather Lamboy, Case Manager)
<i>Applicant / Owner</i>	Jennifer Jenkins, JenkinsGavin Design and Development
<i>Application Type</i>	Preliminary Subdivision Plat
<i>Land Use Staff</i>	Heather L. Lamboy, AICP 

Comments:

Additional information will be required in this case.

1. There is no note on the plat that states that lot splits will not be permitted. As I recall, this was a concern for the neighborhood, especially for Tract C-1, which has a higher permitted zoning density.
2. No landscape plan was provided with the submittal, and tree and species details should be provided. Street trees should be indicated on this plan. For additional detail, please see attached memorandum from Noah Berke.
3. Suggestions have been made by Stan Holland on the proposed design of the sewer lines. Please refer to his memorandum and address his concerns.
4. Addresses should be obtained for the lots within the subdivision. Please contact Marisa Sargent to begin this process.
5. The City Engineer has asked you to add some notes to the plat regarding addresses and on-site stormwater ponding.

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6. Solid Waste has expressed concern regarding sufficient access to the site.
7. Alexandra Ladd has shared the Santa Fe Homes proposal to illustrate that the project is in compliance with the City's affordable housing regulations.
8. John Romero mentioned in his memorandum that a number of the Traffic Division's conditions of approval associated with the rezoning have not been addressed in this subdivision plat proposal. Mr. Romero also reiterated that the subdivision's proposed roadway on Tract B must be constructed to a Lane standard and dedicated to the City of Santa Fe. On Tracts C-1 and C-2, the roadway shall be constructed to a minimum subcollector standard, and the roadway shall connect Agua Fria and Rufina Street (Agua Fria will have restricted access for emergency, pedestrian, and bicycle use only).
9. No traffic analysis of the Rufina Street access points has been provided.
10. No left-in access is being provided as required by a Traffic Engineering Division condition of approval.
11. It was mentioned in the rezoning public hearing process that a preliminary approval for a curb cut along Agua Fria was obtained through Santa Fe County. Please provide evidence of this concept approval to illustrate Santa Fe County's consent on this issue.

Finally, I would like to discuss the issue of the proposed cul-de-sac design of the subdivision. The Findings of Fact from the Aguafina Council Rezoning hearing state,

"The Governing Body has considered the comments of members of the public made at the hearing relating to the future development of the Property and the Adjacent Parcel and, understanding that the Commission has the authority under the Code to review and approve with or without conditions or deny application for subdivision and development plan approval, but mindful of the concerns of certain neighbors that are appropriately addressed in conjunction with the subdivision and development approval process, requests the Commission to consider fully such comments in reviewing and deciding upon applications for future subdivision and/or development plan approval for the Property and Adjacent Parcel." – Findings of Fact, #12, approved March 27, 2013

The Planning Commission will be provided with the minutes of the Council hearing, but will also be considering the requirements of the Land Development Code.

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Applicable General Plan Policies:

5-1-G-3 Increase the connectivity between neighborhoods and individual developments.

5-1-G-5 Improve the community orientation of new residential developments.

5.1.6 Residential Neighborhood Design Guidelines

Continue and extend the surrounding street-grid into neighborhoods where feasible.

- Standard: At least one “through street” (i.e. street that runs through the entire stretch of a development) every 1,000 feet of any development

Street Connectivity

Policy 6-1-I-10 Provide for greater street connectivity...[standards are provided in this policy as to how to achieve connectivity]

6-3-I-9 Require pedestrian access and bikeway connections to the citywide system every 500 feet, where feasible, as part of subdivision review.

6-3-I-18 ...permit cul-de-sac streets in urban residential areas only where bicycle and pedestrian access between cul-de-sacs, adjacent streets, and/or open space areas is integrated with an areawide pedestrian/bicycle system.

Section 14-8.15(D)(1) SFCC 1987 calls for dedication of trails where the Master Plan illustrates a planned trail. The Acequia Trail bisects this property and would be located to the west of Powerline Road. A trail should be illustrated here to connect to the City’s trail network and also to provide pedestrian connections to the street network.

Section 14-9.2(C)(6)(c) states that all new streets shall be dedicated and improved to the full width for which they are planned. Since the General Plan calls for street connectivity, Planning and Transportation staff is recommending a **lane** with limited emergency access at Agua Fria and full access at Rufina. This criterion also calls for the street to be improved with a sidewalk, is paved, and has a minimum 38-42 right-of-way width. Section 14-9.2(C)(7) state the criteria for those cases in which gravel may be considered as a surface for a street. It is the opinion of staff that the proposed Aguafina plat does not meet these criteria.

The approval criteria for subdivisions require compliance with Section 14-9 (Section 14-3.7(C)(3) SFCC 1987). When staff makes a recommendation to the

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Planning Commission, it will be based on a thorough analysis of General Plan policies and Land Development Code regulations.

As the proposal currently stands, Land Use staff cannot recommend approval for the proposed subdivision given the number of outstanding concerns regarding conformance with the General Plan, compliance with the subdivision approval criteria, and compliance with other provisions of the Land Development Code mentioned herein.

In order to stay on schedule, please submit the Traffic Analysis and revised plans to the City by **July 17, 2013**. If you have any questions, please feel free to contact me at 955-6656.

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City of Santa Fe, New Mexico

memo

DATE: July 10, 2013
TO: Heather Lamboy, Planning and Land Use Department
FROM: John Romero, Traffic Engineering Division Director *JR*
SUBJECT: Aguafina Preliminary Subdivision Plat (Case #2013-58)

ISSUE

Request for a 23-lot single family residential subdivision. The property is zoned R-5 (Residential, 5 dwelling units per acre, 5.61± acres) and R-3 (Residential, 3 dwelling units per acre, 5.86± acres) and is located at 4262 Agua Fria Street, 4702 Rufina Street and 4701 Rufina Street, west of Calle Atajo.

RECOMMENDED ACTION:

Review comments are based on submittals received on June 26, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

1. The following condition of approval was placed on the rezoning approval and has not been addressed. The condition as written in the Traffic Engineering memo dated August 22, 2012 states, "The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west."
2. The following condition of approval was placed on the rezoning approval and has not been addressed. The condition as written in the Traffic Engineering memo dated August 22, 2012 states, "We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way."
3. The roadway on Tract B shall be constructed to a Lane standard and dedicated to the City of Santa Fe. There is vacant property to the south of Tract B that will ultimately access this roadway, causing more than 8 lots to utilize this roadway. Per §14-9.2(E), this requires a Lane be built.
4. The roadway on Tracts C-1 and C-2 shall be constructed to a minimum of a sub-collector standard and dedicated to the City of Santa Fe. The Traffic Engineering Division feels that this road shall be constructed through the entirety of both tracts from Rufina to Agua Fria, with public access being granted on to Rufina and

emergency access being granted onto Agua Fria. Although this portion of Agua Fria is within the County's jurisdiction, the Traffic Engineering Division does not feel that it will provide good access to what will be City residences. This area of Agua Fria has multiple access points and no medians to provide refuge for left-turners. Also, the city has not received any documentation from the County signifying their concurrence with ultimate public access onto Agua Fria.

5. The roadway through Tracts C-1 and C-2 shall be constructed along the western property line from the Power Line Road easement to Agua Fria. This would benefit in providing future access to the relatively undeveloped property to the west.
6. The following condition of approval was placed on the rezoning approval and has not been addressed. The condition as written in the Traffic Engineering memo dated August 22, 2012 states, "The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be."
7. The following condition of approval was placed on the rezoning approval and has not been addressed. The condition as written in the Traffic Engineering memo dated August 22, 2012 states, "The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only." The developer is currently only showing right-in/right-out access and is not providing left-in access.

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

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Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Liz Stefanics
Commissioner, District 4

Kathy Holian
Commissioner, District 5

Katherine Miller
County Manager

**PUBLIC WORKS DIVISION
MEMORANDUM**

Date: July 23, 2013
To: Heather L. Lamboy, Senior Planner Land Use Department
From: Paul Kavanaugh, Engineering Associate *R*
Johnny P. Baca, Traffic Manager *JP*
Re: CASE # 2013 - 58 Aguafina Subdivision Preliminary Subdivision Plat

The referenced project has been reviewed for compliance with the Land Development Code, and shall conform to roads and driveway requirements of **Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads)**. The project is located within the Santa Fe City Limits, however, a driveway is being proposed off Agua Fria Street located within the Traditional Community of Agua Fria Village, within the Santa Fe County Zoning Jurisdiction and is situated west of Lopez Lane and east Willy Road. The applicant is requesting a Subdivision Preliminary Plat Approval for a subdivision, located on 5.612 acres parcel of land.

Access:

The project is proposing to construct a full access northeast of the property for eight (8) lots with a permitted guesthouse for each lot. At present, Agua Fria Street is a twenty-four (24') feet paved road with two twelve (12') feet driving lanes. The applicant has provided Santa Fe County with a Traffic Analysis prepared by Santa Fe Engineering Consultants, LLC, dated July 18, 2013. The purpose of this study is to assess the traffic impacts the proposed project may have on the proposed access and Agua Fria Street and identify any necessary street improvements to this proposed access.

Conclusion:

Public Works Staff has reviewed the Traffic Analysis prepared by Santa Fe Engineering Consultants, LLC, for the Aguafina Subdivision and feels that they can support an access off Agua Fria for Tracts C-1 of the project.

- A note shall be placed on the Plat which states **Tract C-1 Lots are prohibited from any further subdividing.**
- A note shall be placed on the Plat which states, **Any amendments to the plat affecting Tract C-1 would require Santa Fe County Public Works Review and Approval.**

City of Santa Fe, New Mexico

memo

DATE: July 1, 2013
TO: Heather Lamboy , Case Manager
FROM: Reynaldo Gonzales, Fire Marshal *RDG*
SUBJECT: Case #2013-58 Aguafina Preliminary Subdivisoin.

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

1. Shall comply with IFC requirements.
2. Fire Department Access shall not be less than 20 feet width.
3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
4. Shall have water supply that meets IFC requirements.
5. All Fire Department turn around shall meet IFC requirements and have proper signage.
6. May require thru access for emergency vehicles depending on delay of response or water availability.

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City of Santa Fe, New Mexico

memo

DATE: July 8, 2013

TO: Heather Lamboy, Case Manager

FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department

RE: Case # 2013-58
Aguafina Preliminary Subdivision Plat

The following review comments are to be considered conditions of approval:

*Provide an address table on the Plat, and indicate affordable lots.

*Add a note to the Plat that on-lot stormwater ponding is required at the time of house construction for all lots except affordable lots.

*Cover sheet vicinity map is outdated. Replace with more usable version, such as that provided on the Plat.

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SFHP FOR SALE UNIT CALCULATION WORKSHEET

The project has an area of approximately 11.47 acres, of which 5.61 acres are zoned R-5, permitting 5 dwelling units per acres and 5.86 acres are zoned R-3, permitting three dwelling homes per acre. The required number of SFHP units is 20% of the total units, 10% each in Income Ranges 2 and 3. The project proposes 23 homes.

CALCULATION for the SFHP requirement:

- = Total number of units multiplied by (0.2) = # of Units Required
- = 23 total units x 0.2 = **4.6 SFHP unit(s)** are required
- = 4 units constructed and a fractional fee paid for .6 units

CALCULATION for the fractional unit fee:

- = Half the Price for a Tier 2, 3 BR Home X Unit Fraction X .30 (70% Reduction)
- = \$69,000 X 0.6 percent X .3 = **\$12,420** fractional fee

AFTER JUNE 8, 2014, the SFHP requirement will revert to 30% of total units so that the calculation will be the following:

- = Total number of units multiplied by (0.3) = Total number of SFHP units required.
- = 23 Total Units X 0.3 = **6.9** SFHP units required
- = 6 units constructed and fractional fee due for .9 unit.

NOTE: The home prices and fractional fee schedule shall be modified by the City according to Section 8.7.3 of the SFHP Administrative Procedures to reflect annual changes in the median income levels. The SFHP Home prices and Fractional Fees shown in this SFHP Proposal are the prices in effect at the time this Proposal is made. The current SFHP prices, which are in effect at the time the SFHP Home is made available for sale or the fractional fees are paid, determines the actual SFHP Home Price and/or amount of fractional fee. The prices are updated annually. **After June 8, 2014, the SFHP reverts to its pre-amendment requirement of 30% affordable units, 10% each in Income Ranges 2, 3 and 4.**

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SANTA FE HOMES PROGRAM HOME SALES PRICING SCHEDULE

Effective January 2013*

<i>Income Range</i>	<i>Two Bedrooms 1-2 person HH (900 sq ft min)</i>	<i>Three Bedrooms 3-4 person HH (1,150 sq ft min)</i>	<i>Four Bedrooms 4-5 person HH (1,250 sq ft min)</i>
2 (50-65%AMI)	Max. Price: \$122,750 __0__ Units	Max. Price: \$138,000 __2__ Units	Max. Price: \$153,250 __0__ Units
3 (65-80%AMI)	Max. Price: \$159,500 __0__ Units	Max. Price: \$179,500 __2__ Units	Max. Price: \$196,250 __0__ Units \$199,250
4 (80-100%AMI)	Max. Price: \$196,250 __0__ Units	Max. Price: \$220,750 __0__ Units	Max. Price: \$196,250 __0__ Units \$245,250

Prices reflect 2013 HUD median incomes.

Refer to Section 26-1.16 (B) and the SFHP Administrative Procedures. For specific requirements contact The Office of Affordable Housing.

FRACTIONAL FEE SCHEDULE - 2013

20% Requirement-2013*									
Based on Income Tier 2 three BR Home (\$138,000)									
# of units in development	2	3	4	5	6	7	8	9	10
20% unit fraction	0.4	0.6	0.8	1	1.2	1.4	1.6	1.8	2
70% Reduced Fee	\$8,280	\$12,420	\$16,560	\$20,700	\$24,840	\$28,980	\$33,120	\$37,260	\$41,400

Formula=\$69,000*X unit fraction X.3 (70% Reduction)

NOTE: The home prices and fractional fee schedule are modified by the City according to Section 8.7.3 of the SFHP Administrative Procedures to reflect annual changes in the median income levels. The SFHP Home prices shown in this SFHP Agreement are the prices in effect at the time this Agreement is made. The current SFHP prices that are in effect at the time the SFHP Home is made available for sale or the fractional fees are paid, determines the actual SFHP Home Price and/or amount of fractional fee. The prices are updated annually. **After June 8, 2014, the SFHP reverts to its pre-amendment requirement of 30% affordable units, 10% each in Income Ranges 2, 3 and 4.**

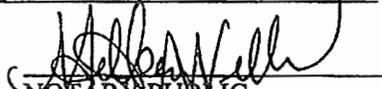
EXHIBIT 1

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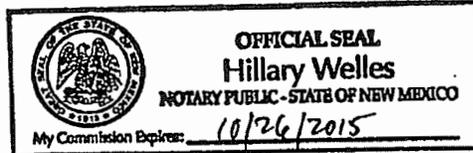
ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this 2nd day of July, 2013, by Reynaldo Varela.


NOTARY PUBLIC

My Commission Expires:

10/26/2015



REVIEWED BY:


OFFICE OF AFFORDABLE HOUSING

7/3/13
DATE

Attach:

- Exhibit 1 - Subdivision layout (proposed)
- Exhibit 2 - Pricing Schedule
- Exhibit 3 - SFHP calculation worksheet

extension fee and an exemption from the retrofit and consumptive water rights requirements for the SFHP units.

G. REVISIONS, MODIFICATIONS AND SUPPLEMENTATION OF THIS PROPOSAL. In the event that the SFHP Developer or the City make material modifications, including modifications to the number of lots or units or the area covered by the Proposal, a revised SFHP Proposal shall be promptly submitted to the Office of Affordable Housing in order to provide a SFHP Proposal that is current and reflects the intended development.

H. CERTIFICATION. SFHP Developer proposes to provide income verification in selling the SFHP units for certification by the City or its agent as complying with the SFHP Ordinance.

I. ACCESS. SFHP Developer proposes to grant access to the City or its agent to inspect the records of SFHP Developer for the SFHP units in order to determine compliance with the SFHP Ordinance and the SFHP Agreement.

IN WITNESS WHEREOF, this Proposal is made the day and year first written above.

SFHP DEVELOPER:

Reynaldo Varela
Reynaldo Varela
AGUAFINA DEVELOPMENT, LLC

STATE OF NEW MEXICO)

)ss.

COUNTY OF SANTA FE)

Ten percent (10%) of the total dwelling units shall be sold at or below the Affordable Home Price for Income Range 2; and

Ten percent (10%) of the total dwelling units shall be sold at or below the Affordable Home Price for Income Range 3.

Should there be homeowners' association dues, the sale price shall be reduced so that the buyer's mortgage home loan principal amount and , accordingly, the buyer's monthly mortgage payments are reduced by an amount equal to the assessed fee in excess of seventy-five dollars (\$75.00). SFHP Developer proposes to deliver the SFHP unit(s) **proportionally to the market rate units.**

C. SUCCESSORS IN TITLE. SFHP Developer proposes to develop the Property consistent with this SFHP Proposal. In the event that SFHP Developer sells, assigns, leases, conveys, mortgages, or encumbers the Property to any third party, the third party shall be required to execute a SFHP Agreement consistent with this Proposal prior to obtaining any City approvals. SFHP Developer proposes to record applicable regulatory agreements or liens in the public records that will ensure long-term affordability of the SFHP units.

D. REPORTING. SFHP Developer proposes to sign an affidavit declaring that the sale prices did not exceed the amount specified in the SFHP Agreement.

E. MONITORING. SFHP Developer proposes to provide such information and documentation as the City may reasonably require in order to ensure that the actual sales were in compliance with the SFHP Agreement.

F. DEVELOPMENT INCENTIVES. SFHP Developer **does** request a 15% density bonus and a reduction in the amount of submittal fees for development review applications, waivers of the building permit fees, capital impact fees, and sewer extension fees proportional to the number of SFHP units. SFHP Developer also **does** request a reduction to the water utility

CITY OF SANTA FE
SANTA FE HOMES PROGRAM
PROPOSAL

"Aguafina"

4262 Agua Fria Street/4701-2 Rufina Street, Santa Fe, New Mexico

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this 2nd day of July, 2013 by Aguafina Development LLC ("SFHP Developer").

RECITALS

- A. SFHP Developer is the developer of **4262 Agua Fria Street/4701-2 Rufina Street**, hereinafter referred to as the "Property".
- B. SFHP Developer desires to develop the Property.
- C. It is understood that all representations made herein are material to the City and that the City will rely upon these representations in permitting or approving development of the Property.

PROPOSAL

SFHP Developer proposes to comply with the SFHP requirements as follows:

- A. **DEVELOPMENT REQUEST.**
 - 1. SFHP Developer seeks **preliminary and final plat** approval.
 - 2. The Property is to be developed as **twenty-three (23) for-purchase homes.**
- B. **SFHP PLAN.** SFHP Developer proposes to build **twenty-three (23) dwelling units.** SFHP Developer agrees to comply with the Santa Fe Homes Program ordinance. Twenty percent (20%) of the total number of "for sale" dwellings offered for sale in an SFHP development shall be SFHP Homes, as follows:

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City of Santa Fe, New Mexico

memo

DATE: July 1, 2013
TO: Heather Lamboy, AICP, Land Use Planner Senior
FROM: Noah Berke, CFM, Planner Technician Senior
SUBJECT: Request for Additional Submittals for Case #2013-58, Aguafina Preliminary Subdivision Plat

Below are comments for the Aguafina Preliminary Subdivision Plat request. These comments are based on documentation and plans dated June 19, 2013:

- Provide Landscape Plan as per Article 14-8.4 "Landscape and Site Design"
- Provide further details showing new and existing plants. Include species and size.
- Provide detail showing how proposed project is in compliance with Article 14-8.4 (G) "Street Tree Standards". Provide street trees in 5 foot wide planter strip along roads and provide 5 foot wide sidewalk after planter strip.
- Provide analysis of how many trees and shrubs are required and how many are actually provided
- Show compliance with Article 14-8.4 (F)(2)(e). Provide details on compliance with this Article.

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LAMBOY, HEATHER L.

From: MARCO, RANDALL V.
Sent: Friday, June 28, 2013 3:28 PM
To: LAMBOY, HEATHER L.
Subject: 2013-58

Heather,

This project is tight. Safety issues and concerns about ingress and egress from the main streets and turnarounds in the cul de sacs. Safety issues that cars will be parking in the streets and our trucks cannot enter. Islands at the main streets a problem.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

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MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: July 1, 2013

To: Heather Lamboy, Case Manager

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

Subject: Case 2013-58 Aguafina Preliminary Subdivision Plat

The subject property is accessible to the City sanitary sewer system. As a condition of approval the property and structures shall be connected to the City's public sewer collection system.

The Applicant shall address the following comments:

1. A Utility Service Application shall be submitted to the Wastewater Division for this project.
2. Replace the sanitary sewer notes in the plan set with the current City of Santa Fe Sanitary Sewer Notes.
3. Indicate the flow direction of the existing Power Line sewer line with respect to the new sewer line. Is the new sewer line intersecting with the flow entering facing upstream?
4. Review the proposed sewer line connections to the new manhole in Rufina Street. Would it help to reverse the placement of the water and sewer lines to avoid conflict with the angle of connection to the new sewer manhole?
5. Station 1+15 show a water service line going thru a sewer manhole.

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City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

David Coss, *Mayor*

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

July 22, 2013

Jenkins Gavin
130 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501

Subject: Sewer Service for 4262 Agua Fria Street and 4701 and 4702 Rufina Street

Dear Ms. Jenkins:

This letter is in response to your sewer service technical evaluation application request to obtain sewer service for the properties at 4262 Agua Fria Street and 4701 and 4702 Rufina Street. The properties are shown as Tracts C-1 and C-2 on the plat titled Lot Split for Aguafina Development, LLC recorded in Book 755, Page 039 and Tract B on the plat titled Lot Line Adjustment for Estate of Cecilia M. Bachicha recorded in Book 743, Page 038 & 039 at the Santa Fe County Clerks.

City sanitary sewer service is available to serve this property. There are existing public sewer mainlines located in Agua Fria Street, Rufina Street and the power line access road. City of Santa Fe public sanitary sewer service is available to serve this property through a public sewer line extension.

The Wastewater Management Division will provide sewer service to the subject property within a reasonable time, provided, however, that the owner of this property complies with the requirements of service set forth in the attached sewer service technical evaluation report and all applicable ordinances, rules and regulations now or hereinafter in effect.

You may contact me at 955-4637 if you have any questions.

Sincerely,

Stan Hollard, PE
Wastewater Management Division

cc: File

Doug Flores

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Wastewater Management Division Sewer Service Technical
Evaluation Report

Issued Date: July 22, 2013

Applicant's Name: Aguafina Development, LLC

Agent: Jenkins Gavin

Location of Property: The property addresses are 4262 Agua Fria Street and 4701 and 4702 Rufina Street located west of Calle Atajo.

Jurisdiction: City of Santa Fe

Use of Property: Residential

Legal Description: The properties are shown as Tracts C-1 and C-2 on the plat titled Lot Split for Aguafina Development, LLC recorded in Book 755, Page 039 and Tract B on the plat titled Lot Line Adjustment for Estate of Cecilia M. Bachicha recorded in Book 743, Page 038 & 039 at the Santa Fe County Clerks.

Number of Lots: Three (3)

Acreage of property: Tract B = 2.453+/-, Tract C-1 = 5.632 +/-, Tract C-2 = 3.432+/-

Infrastructure Requirements for Sewer Service:

City sanitary sewer service is available to serve this property. There are existing public sewer mainlines located in Agua Fria Street, Rufina Street and the power line access road.

The property shall connect to the existing public sewer mains through a public sewer line extension(s). The design of the public sewer line extensions for this project is subject to review and approval by the City of Santa Fe Wastewater Management Division.

Any future lot splits or sewer service connections for properties not referenced in this evaluation shall require review and approval by the Wastewater Management Division. Please note that each lot shall be served through separate sewer service connections.

Additionally it is noted that as a condition of approval, the City of Santa Fe sewer utility expansion charges (UEC) shall be paid. The UEC charges will be due at the time of building permit application

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TERs\Aguafina Subdivision.doc

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It is noted that the Owner/Developer is responsible for obtaining all proper sewer easements for sewer service.

READ THE FOLLOWING GENERAL REQUIREMENTS CAREFULLY SINCE THESE REQUIREMENTS APPLY TO PUBLIC SEWER EXTENSIONS

The general requirements for a sanitary sewer connection or main extension are as follows:

- **Financial:**
The owner/developer must be financially responsible for all design and construction costs plus applicable Sewer Impact Fees and service connection charges.
- **Inspection:**
The owner/developer shall be responsible for providing inspection by a professional engineer during the construction of the sanitary sewer. The owner/developer will provide the City with the following immediately upon completion of a sanitary sewer main extension:

Record drawings (as-built drawings) for the development, certified by an engineer registered in the State of New Mexico.

Certification by a NM professional engineer that the lines and manholes were constructed in accordance with plans and specifications and in accordance with relevant standards. The engineer will certify that he/she has conducted site inspections and reviewed test results during the installation of the sanitary sewer

Television inspection. The owner/developer shall provide a certified copy of sewer line inspection and record tapes at his/her own expense.

- **Design and Construction:**
All lines and connections into existing lines must be designed and certified by a professional engineer registered in the State of New Mexico. The design must be performed in compliance with applicable local and state design standards and approved by the city staff prior to construction. The Wastewater Management Division's standards shall be incorporated into the completed plans. **The Wastewater Management Division must approve engineering plans for all sanitary sewer main extensions.**

Construction must be performed by a licensed utility contractor. The construction contractor must include the appropriate bonds and guarantees to ensure the facilities are completed and remain in compliance with the design for a period of one year after being accepted by the city. The owner and/or contracting agent shall be responsible for any damage during construction to the existing sewer system.

Sanitary sewer service line connections (lateral lines) constructed as part of the main extension shall not become operational until such part of the main sewer line has been accepted by the Wastewater Management Division.

- **Easements:**

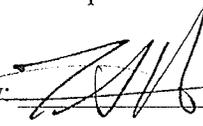
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TERs\Aguafina Subdivision.doc

E-65

All public sanitary sewer lines must be installed within public rights-of-way or the appropriate legally recorded sanitary sewer easements. The Owner/Developer is responsible for obtaining all sewer easements needed for service. The book and page and recording date for the easements must be provided. Easements must have adequate vehicle access from public rights-of-way and must be 20' wide for sanitary sewer only and 25' wide when other approved utilities are included within the easement. The dedication statement relating to a sewer easement shall make it clear that any obstruction that encroaches upon the easement is placed there at the owner's risk.

- Limiting Conditions:

This statement of availability applies exclusively to the property described above. This document verifies that at the time it was issued sufficient capacity was available in the receiving line. It does not guarantee capacity through the life of the sanitary sewer. Any zoning or conceptual changes made to the development area will require our re-evaluation of the sanitary sewer availability and our re-issuing of this statement. This technical evaluation report will be valid for a period of one year from the date of issue date.

Reviewed by:  _____

Date: 7-22-13

City of Santa Fe, New Mexico

Exhibit C

**Early Neighborhood Notification
Meeting Materials**

E-67



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

<i>Project Name</i>	Aguafina Preliminary Subdivision Plat with Variance
<i>Project Location</i>	4701 and 4702 Rufina Street, 4262 Agua Fria Street
<i>Project Description</i>	Preliminary Subdivision Plat with Variance Request
<i>Applicant / Owner</i>	Jennifer Jenkins, JenkinsGavin Design and Development
<i>Pre-App Meeting Date</i>	May 10, 2012
<i>ENN Meeting Date</i>	June 10, 2013
<i>ENN Meeting Location</i>	Southside Library
<i>Application Type</i>	Preliminary Subdivision Plat
<i>Land Use Staff</i>	Heather L. Lamboy, AICP
<i>Other Staff</i>	
<i>Attendance</i>	31 members of the public, 3 from JenkinsGavin DD

Notes/Comments:

Ms. Lamboy began the meeting by introducing herself and explaining the Early Neighborhood Notification process and providing a brief history of the Aguafina Rezoning process. She encouraged meeting participants to feel free to ask questions and offer suggestions. She explained that the applicant has not yet applied for the Subdivision Plat and now was a good time to have input on the project. Then Ms. Lamboy explained the public hearing review process and gave estimated hearing dates. Finally, she introduced Ms. Jennifer Jenkins.

Ms. Jenkins started the meeting by explaining that the purpose of the Subdivision Plat was to provide the public with the next level of detail now that the rezoning process was complete. Ms. Jenkins commented that there are two hearings associated with the platting process, one for the Preliminary Plat and another for the Final Plat. She stated that her team was hopeful, if the Preliminary Plat process goes smoothly, that the Final Plat would be considered in October.

Ms. Jenkins then referred to an aerial photograph of the site. She stated that the plat includes 3 separate parcels with two zoning classifications. The

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northernmost parcel, designated as Tract C-1, has an R-5 zoning classification, while the southern two tracts, Tract C-2 and Tract B, were approved for R-3 by the City Council in March 2013.

Ms. Jenkins stated that the property would not be accessed via Powerline Road. She stated that the proposed site plan calls for 8 lots to be accessed from Agua Fria Road at the north. She commented that the road curves due to the natural drainage and the engineer's desire to have as little impact as possible on that drainage as the road crosses over it. Ms. Jenkins commented that, in the design of the subdivision, they were attempting to slow down the drainage flow due to the regular problem of flood experienced by neighbors to the west. Ms. Jenkins stated that the 8 lots in this section of the subdivision would vary in size from $\frac{3}{4}$ acre to $\frac{1}{3}$ of an acre, on a total of 5.5 acres. Ms. Jenkins stated that all lots in the subdivision would be accessed via private driveways constructed with base-course.

A neighbor asked what protection the lots would give from thieves. Ms. Jenkins commented that vacant lots tend to attract ill intent and typically crime decreases when there are neighbors with more eyes on the neighborhood.

A neighbor asked if, since the zoning is R-5 for this tract, whether eventually future owners could develop at a higher density than that which is proposed in the subdivision plat. Ms. Jenkins responded that if the appropriate notes are placed on the plat, lots would not be permitted to be divided in the future.

A neighbor asked whether there would be a fence behind the new houses. Ms. Jenkins pointed out that there is already fencing along the Las Acequias side of the tract and none is proposed for the new subdivision. She commented that it is likely that backyards will be fenced.

Ms. Jenkins then reviewed the other two tracts that are part of the proposed plat. Tract C-2 (north of Rufina) is proposed to have 8 lots that vary in size from $\frac{3}{4}$ acre to 0.16 acre. Tract B (south of Rufina) is proposed to have 7 lots that vary in size from $\frac{1}{2}$ acre to 0.17 acre. Ms. Jenkins stated that 4 affordable homes would be constructed on the smaller lots, and that they would definitely be off wood frame construction (in other words, not manufactured housing).

In response to a neighbor, Ms. Jenkins pointed out that the rear setback for the lots would be a minimum of 15 feet. In response to another question, Ms. Jenkins stated for that portion of the road abutting Las Acequias, the minimum setback distance would be 4-5 feet because the developer wants to preserve as many of the existing trees as possible as a buffer. In response to Ms. Lamboy's question as to whether street trees would be provided, Ms. Jenkins responded that they were not willing to commit to street trees throughout the development. Ms. Jenkins stated that trees will be required by the covenants to be planted in

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the front yards. Ms. Jenkins stated that the road would be used for both pedestrian and vehicular access.

In response to a question regarding access off Agua Fria Street, Ms. Jenkins replied that since the access would only serve 8 lots, the County has stated that there is no concern. [Staff has asked for direct correspondence from the County stating this as correct]

Regarding the proposed development standards, Ms. Jenkins indicated that she met with Liddie Padilla and Linda Flatt and discussed the proposed setbacks (which are typical to the R-3 and R-5 zoning districts), CCRs, proposed landscaping and areas which are not to be disturbed, including drainages and the archaeological easement, and required foundations and stuccoed exteriors for all the housing in Aguafina.

In response to a question regarding Accessory Dwelling Units, she stated that on a 20,000 sf average lot, the maximum lot coverage is 40%, which would be 8,000 square feet. The City code permits the construction of guesthouses up to 1,500 square feet, and they must be one-story and of the same architectural style as the main house. Additionally, additional parking must be provided for guesthouses on the lot. A neighbor asked whether accessory dwelling units could be rented and Ms. Jenkins replied yes.

A neighbor asked whether Section 8 housing was proposed in this development. Ms. Jenkins replied no, that this housing would be owner-occupied. The neighbor asked whether the housing would be 1 or 2 story, and Ms. Jenkins replied that it could be either, zoning permits residences to have a height of up to 24 feet.

In response to a question about manufactured homes, Ms. Jenkins stated that there is no prohibition proposed, but manufactured homes will be regulated by CCRs and must be placed on a permanent foundation and have a stucco exterior. The neighbor expressed concern that it would look like the mobile homes placed along Rufina Street in the Todos Santos neighborhood.

A neighbor asked whether the owner would be selling the lots. Ms. Jenkins stated that the property owner is not a developer, and would not develop the houses. She stated that the lots would be sold and then developed by future property owners.

A neighbor commented how they liked the idea of staggering setbacks for the houses along the street and curving the street. Ms. Jenkins pointed out that there would be a homeowners association that would pay for road maintenance. When asked what the price of the lots will be, Ms. Jenkins replied that she is unsure of what the market will be in 2014, but estimated that the big lots would sell for around \$100,000.

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Ms. Jenkins pointed out that, with regard to the manufactured homes, all the homes must meet U.S. Housing and Urban Development (HUD) guidelines. She estimated that it would be a sizable amount of money to purchase a manufactured home, bring it to an Aguafina lot, place it on a permanent foundation, and stucco it so that it blends with other housing in the neighborhood. She stated that the goal is to do well by the neighborhood with the controls and to add value.

A neighbor asked about drainage. Ms. Jenkins replied that each lot is responsible for its own stormwater control, and that there will be a common detention pond for drainage from the road. She stated that swales will be designed along the road to collect water and direct it to the common drainage pond. She stated that the road would be 20 feet wide maintained base course with a 38 foot right-of-way. She commented that if she were required to pave the roads for the subdivision, the cost would be astronomical and prices would go up. She stated that the only way to keep the low density in the neighborhood is to save costs through infrastructure construction.

Ms. Lamboy explained City Code requirement with reference to road construction, and explained that if the proposal remains as it stands, that City staff would recommend denial for the project. She commented that the City's Traffic Engineer John Romero understands that the proposed road cannot be accessed via Agua Fria due to concerns by the Village and County and the likely unintended consequence of cut-through traffic. Mr. Romero recommends only emergency, pedestrian, and bicycle access via Agua Fria.

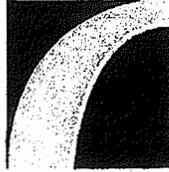
In response to Ms. Lamboy's comments regarding staff concern, Ms. Linda Flatt asked whether a vote from the neighborhood could convince staff to change their recommendation. Ms. Lamboy commented that the venue for expressing neighborhood support for the site plan as it stands would be with the Planning Commission, who has the authority to consider such variances to the Code.

A neighbor observed that many pedestrians access the Las Acequias park through the Aguafina tract, especially from Roadrunner Trailer Park. The neighbor suggested installing a trail in this section and establishing an easement for public access, otherwise people may cut through back yards or will be forced onto Rufina.

A neighbor asked whether there would be any opportunity to provide property at a reduced rate for a police officer. Ms. Jenkins replied that many officers qualify for the affordable housing program, and through that program no requirements can be made for the type of applicant.

The meeting concluded at about 7pm.

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jenkinsgavin
DESIGN & DEVELOPMENT INC

NEIGHBORHOOD MEETING

May 24, 2013

RE: AGUAFINA SUBDIVISION

Dear Neighbor:

This letter is being sent as notice of a neighborhood meeting to discuss an application for Preliminary Plat approval for a 23-lot residential subdivision (see attached site plan). The subdivision comprises three parcels: 4701 Rufina St. (Tract C-2, totaling ±3.43 acres), 4702 Rufina St. (Tract B, totaling ±2.45 acres), and 4262 Agua Fria Street (Tract C, totaling ±5.63 acres). Tracts B and C-2 received rezoning approval from R1 to R3 at the City Council meeting of March 13, 2013, and Tract C-1 is zoned R5 (Residential, 5 dwelling units per acre).

The neighborhood meeting is scheduled for:

Time: 5:30 PM
When: Monday, June 10, 2013
Where: Southside Library
6599 Jaguar Drive
Santa Fe, NM 87507

Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

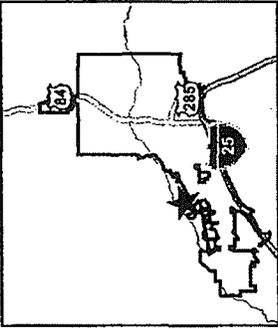
Attached please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Jennifer Jenkins at 505-820-7444 or jennifer@jenkinsgavin.com.

Sincerely,

Jennifer Jenkins

Encl: Vicinity Map
Site Plan

E-72

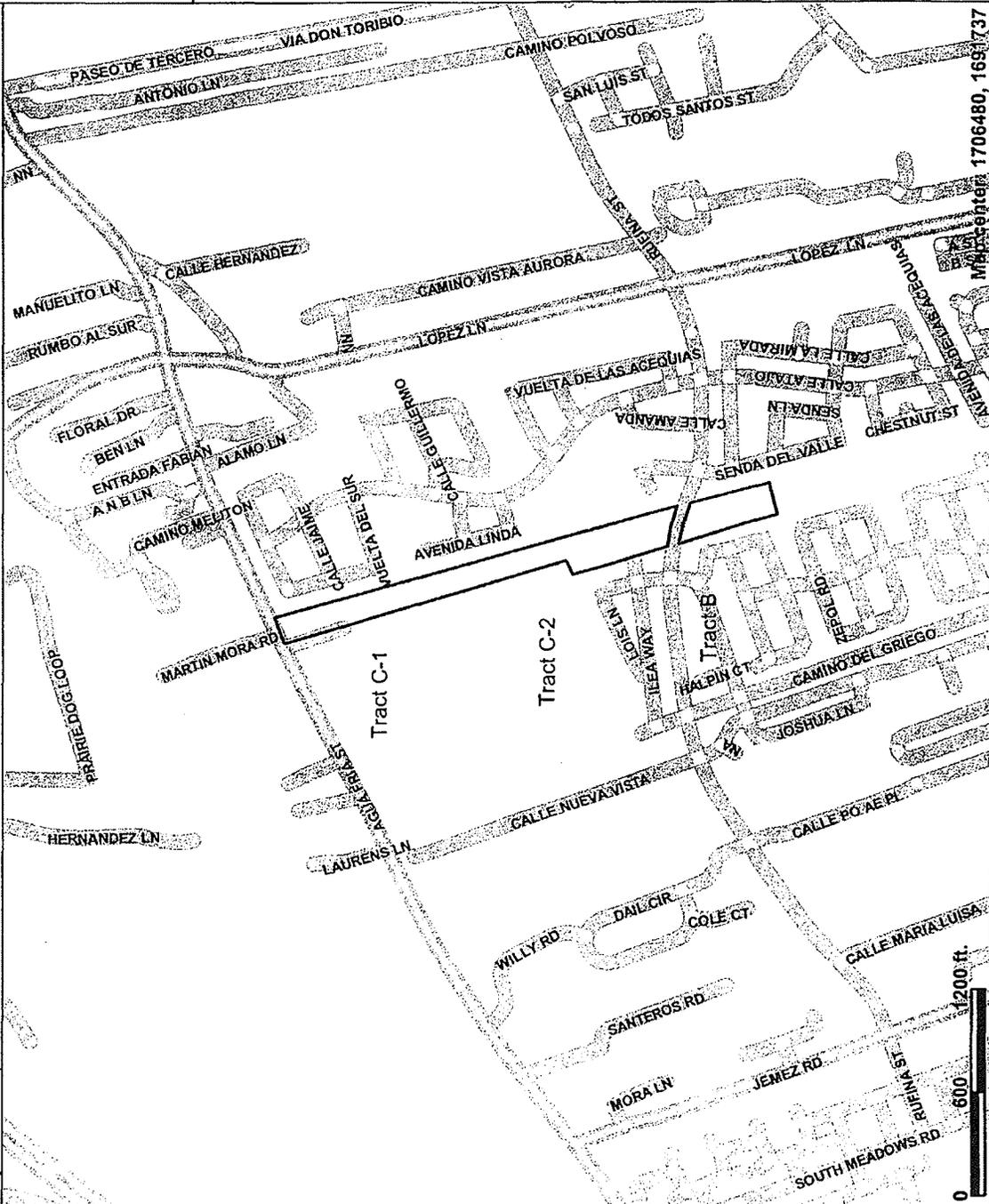


Legend

- Major Roads and Highways
- Other Roads and Streets

Scale: 1:10,749

Vicinity Map



Map Reference: 1706480, 1694737

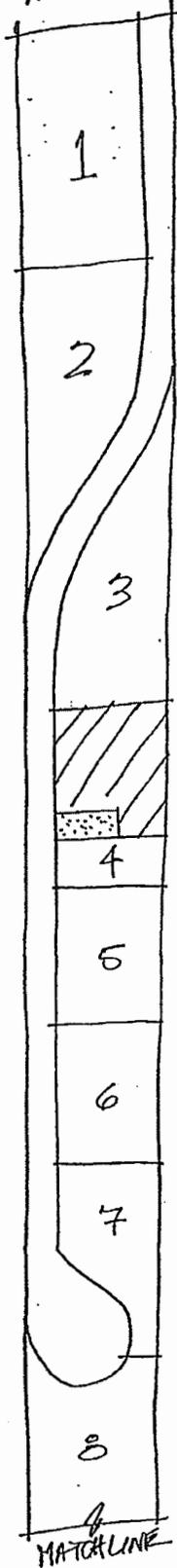


This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

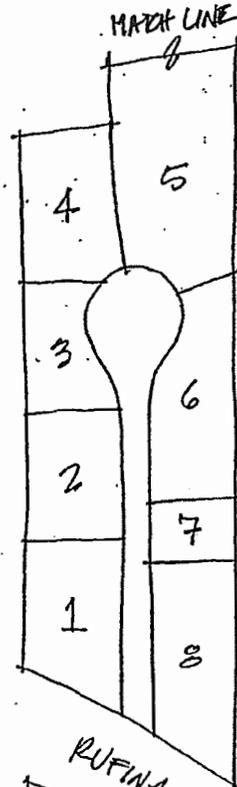
E-73

AGUA FRIA

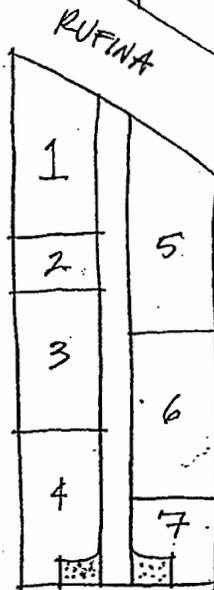
Tract C-1



Tract C-2



Tract B



AGUAFINA SUBDIVISION

SITE PLAN

E-74



Early Neighborhood Notification (ENN) Guidelines

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

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

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

Preliminary Plat approval is requested for a 23-lot residential subdivision comprising three parcels, as follows: 4701 Rufina St. (Tract C-2, totaling ±3.43 acres), 4702 Rufina St. (Tract B, totaling ±2.45 acres), and 4262 Agua Fria Street (Tract C, totaling ±5.63 acres). Tract C-1 is zoned R5 (Residential, 5 dwelling units per acre), and Tracts B and C-2 are zoned R3 (Residential, 3 dwelling units per acre). The proposed subdivision is in keeping with the residential character of the surrounding neighborhoods, which include a mix of R5, R7, MHP (Mobile Home Park), R6, and RMLD (Multiple Family-12 dwelling units per acre). The lots, ranging in size from one-third of an acre to slightly under an acre, are significantly larger than those in neighboring communities.

(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 terrain management regulations will be met. The lots are generously sized, providing open space and outdoor recreation opportunities. The property is not in an escarpment, flood plain, or environmentally sensitive area. Trash and fire will be under the jurisdiction of the City of Santa Fe. There will be no hazardous materials onsite.

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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.*

Tract C-1 and most of Tract C-2 are located in the River and Trails Archaeological Review District. Per Land Development Code requirements, an archaeological survey is being performed, and a clearance permit will be obtained prior to final plat approval. Tract B and a small portion of Tract C-2 are located in the Suburban Archaeological Review District. Since Tract B comprises only ±2.45 acres, no archaeological clearance permit will be necessary.

(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.*

Surrounding and adjacent parcels are variously zoned R5, R7, MHP (Mobile Home Park), R6, RMLD (Multiple Family-12 dwelling units per acre). The City's General Plan designations for the surrounding neighborhood include Transitional Mixed Use and Low Density Residential (3-7 dwelling units per acre). Therefore, the proposed subdivision is consistent with the land use and density of the surrounding areas and complies with the General Plan's Future Land Use designation.

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

The three parcels will be accessed separately by non-connecting Lot Access Driveways. Tract C-1 will be accessed via Agua Fria Street, and Tracts B and C-2 will be accessed via Rufina Street. Tracts C-1 and C-2 driveways will end in cul-de-sacs, while Tract B will provide a hammerhead turnaround. Due to the project's small size, minimal traffic impacts are anticipated. Adequate parking will be provided for all lots.

(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 positively impact the economic base of Santa Fe by providing needed housing in the Rufina/Agua Fria area, which will in turn positively impact local businesses. Initially, the Project will provide jobs in construction and real estate services.

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

The Project will contribute to housing choices for Santa Fe residents by serving families of varying incomes. The Project will provide affordable units in compliance with the Santa Fe Homes Program, thereby increasing the availability of affordable housing in the neighborhood.

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

There is currently adequate fire and police protection. The Project will be served by existing utility infrastructure, which is available adjacent to the site.

E-78

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

The Project will comply with the City's Water Budget Ordinance, thereby offsetting any increased demand on the water system.

(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.*

The generously sized lots will provide ample outdoor recreation areas. In addition, Tract C-1 will contain an open space area adjacent to the existing Las Acequias open space, thereby further promoting neighborhood integration and recreation.

E-79

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

The Project is consistent with the City's policies regarding infill, which support a compact urban form.

ADDITIONAL COMMENTS (Optional)

E-80



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

Project Name: Aguafina Subdivision **Meeting Date:** June 10, 2013
Meeting Place: Southside Library **Meeting Time:** 5:30 p.m.

Applicant or Representative	Name	Address	Email
<input type="checkbox"/>	John Michel	1444 Acequia Barbada W	AIC.nm.os@luc.com
<input type="checkbox"/>	Maria M. Padilla	1091 Avenida Linda	
<input type="checkbox"/>	Alicia F. Lopez	950 VUELTA DEL SUR	
<input type="checkbox"/>	LINDA WILDER FLETT	950 VUELTA DEL SUR	linda@segiardof.com
<input type="checkbox"/>	Nadine Stafford	1432 Acequia Barrada	
<input type="checkbox"/>	Susan Cresoi	1064 Avenida Linda	screspi@a.com
<input type="checkbox"/>	William MEE	2073 Camino Samuel Morley	WilliamHenryMEE@aol.com
<input type="checkbox"/>	Abe Tapie	P.O.B. 15944	
<input type="checkbox"/>	ARLEN CONLSTON	908 Melita del Sur St	aralen@deafmitel.com
<input type="checkbox"/>	Carmen Delgado	1280 Chestnut St 87507	emdelgado2@earthlink.net
<input type="checkbox"/>	NADIA K. COLO	1259 ZEPHYRUS #227	
<input type="checkbox"/>	Rebenta Carter	1123 Vuelta de las Acequias	

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

Heather Lamboy

Printed Name of City Staff in Attendance _____ Date 6/10/13
 Signature of City Staff in Attendance _____

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

ET-81



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

Project Name: Aguaфина Subdivision **Meeting Date:** June 10, 2013
Meeting Place: Southside Library **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below		Name	Address	Email
<input checked="" type="checkbox"/>	↓	Hilary Welles	130 Grant Ave, Ste 101	hllary@jenkinsgavin.com
<input checked="" type="checkbox"/>		Jennifer Jenkins	"	jennifer@"
<input checked="" type="checkbox"/>		Colleen Gavin	"	Colleen@"
<input type="checkbox"/>		Eija Archuleta	923 Vuelta del Sur	eija_archuleta@msn.com
<input type="checkbox"/>		Sandy Bess	935 Vuelta del Sur	
<input type="checkbox"/>		Daniel Forrest	1443 Alceguia Borata W	
<input type="checkbox"/>		Larry Hurliga	"	
<input type="checkbox"/>		Ted Carlson	1194 Senda del Norte	sherpwood@cybor.mesa.com
<input type="checkbox"/>		Susan Krueger	1051 Calle Don Pedro	
<input type="checkbox"/>		Hiddy Padilla	4304 Alceguia Ln	hiddy@jg.com
<input type="checkbox"/>		Janet Kimberling	4313 Calle Andrew # C	
<input type="checkbox"/>				
<input type="checkbox"/>				

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

Heather Lamboy

Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

Date

6/10/13

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

* Bulk mail

E-02



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

Project Name: Aguafina Subdivision
Meeting Date: June 10, 2013

Meeting Place: Southside Library
Meeting Time: 5:30 p.m.

Applicant or Representative Check Box below

	Name	Address	Email
<input type="checkbox"/>	Heather Lamb	1123 Health Sciences Bldg	heather.lamb@cityofsf.com
<input type="checkbox"/>	Richard Hesse	12500 Grand Ave NE	Richard.Hesse@fuse.edu
<input type="checkbox"/>	Joseph Serrano	1085 Avenida L. 4th	aj.serrano@sf.com
<input type="checkbox"/>	FABIAN TRUJILLO	1157 Virella Blvd NE	Fabian.s.fab513@yahoo.com
<input type="checkbox"/>	DAVE TAYLOR	947 Vuelta del Sur	edetailer@cs.com
<input type="checkbox"/>	Liz Wilds	1130 Senda del Valle	lizwilds@yahoo.com
<input type="checkbox"/>			

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

Heather Lamb

Printed Name of City Staff in Attendance

Heather Lamb

Signature of City Staff in Attendance

6/10/13

Date

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

E-03



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

Project Name: Aguafina Subdivision **Meeting Date:** June 10, 2013
Meeting Place: Southside Library **Meeting Time:** 5:30 p.m.

Applicant or Representative	Name	Address	Email
<input type="checkbox"/>	1 <u>GLENN COUCH / Sierra Vista MHP</u>	<u>1299 Zepol RD</u>	<u>glenn@uniprop.com</u>
<input type="checkbox"/>	2 <u>RAY OLIVARI</u>	<u>1452 Acequia Borwick W</u>	
<input type="checkbox"/>	3 <u>JOSE LOPEZ</u>	<u>1274 Sendera del Valle. B7507</u>	
<input type="checkbox"/>	4 <u>MARIA PACHIK</u>		
<input type="checkbox"/>	5		
<input type="checkbox"/>	6		
<input type="checkbox"/>	7		
<input type="checkbox"/>	8		
<input type="checkbox"/>	9		
<input type="checkbox"/>	10		
<input type="checkbox"/>	11		
<input type="checkbox"/>	12		

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

Heather Lamboy [Signature] 6/10/13 Date
Printed Name of City Staff in Attendance Signature of City Staff in Attendance

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

E-84

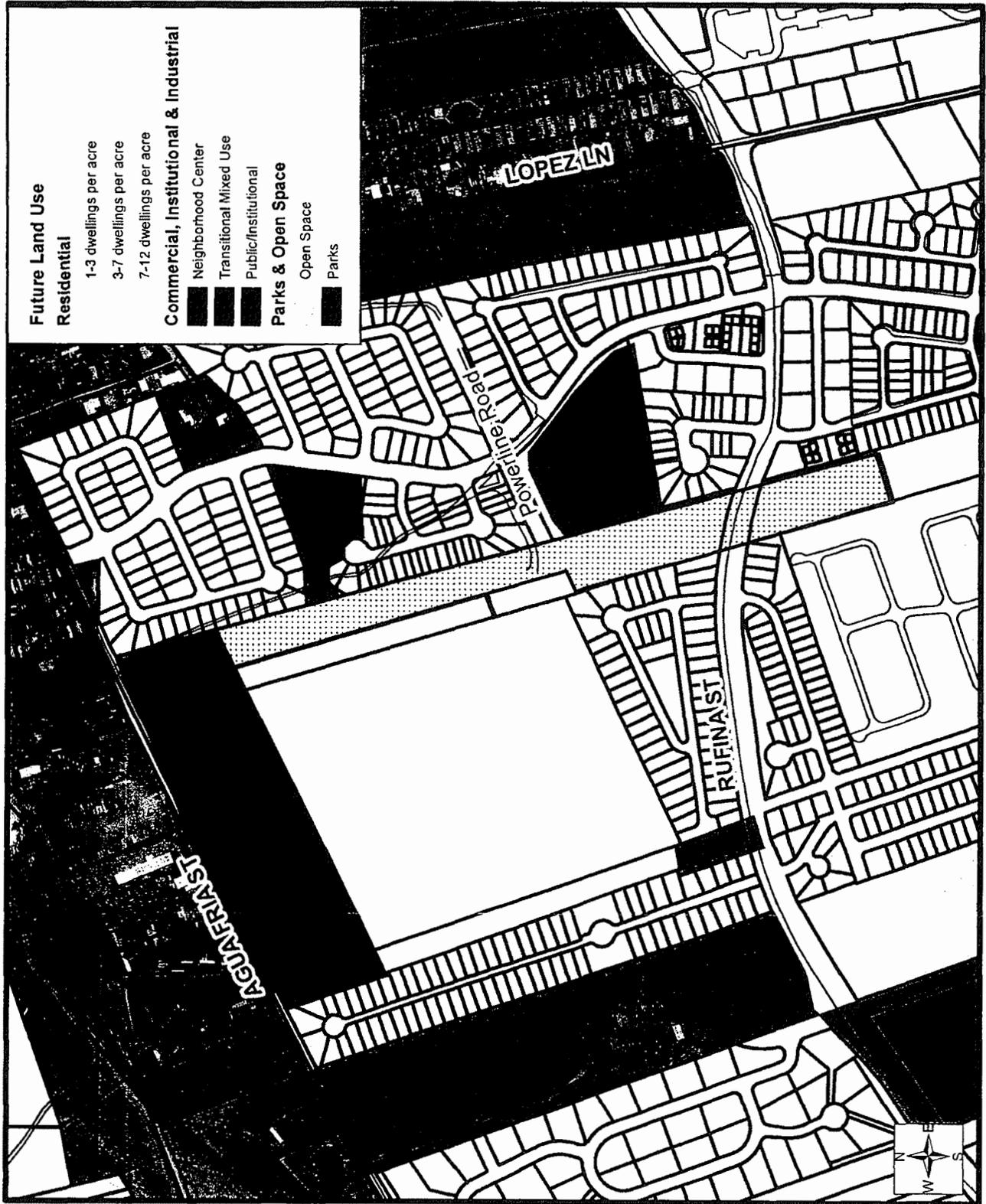
City of Santa Fe, New Mexico

Exhibit D

Maps

E-89

AGUAFINA PRELIMINAR Y SUBDIVISION PLAT

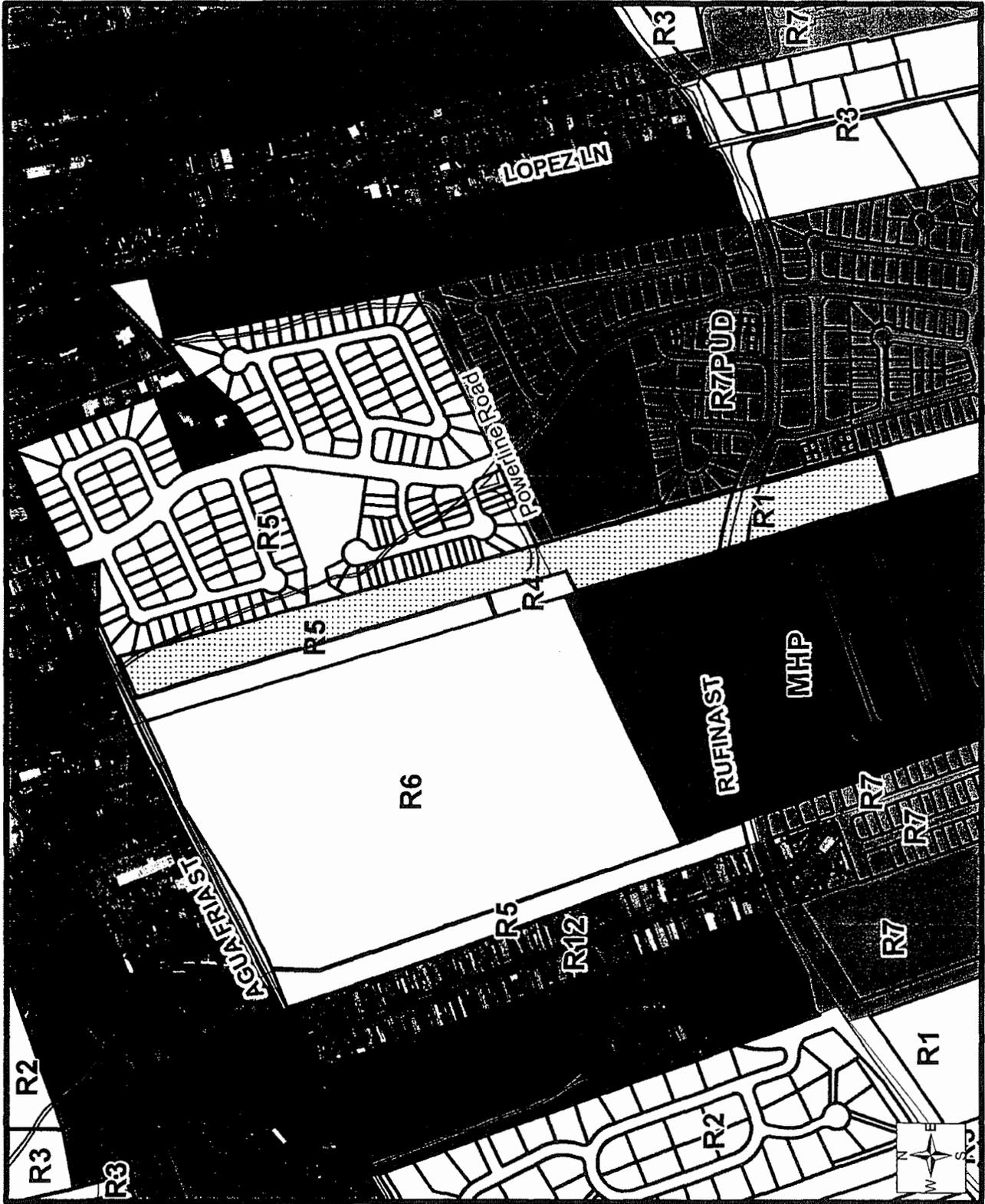


Future Land Use	
Residential	
1-3 dwellings per acre	[Pattern]
3-7 dwellings per acre	[Pattern]
7-12 dwellings per acre	[Pattern]
Commercial, Institutional & Industrial	
Neighborhood Center	[Pattern]
Transitional Mixed Use	[Pattern]
Public/Institutional	[Pattern]
Parks & Open Space	
Open Space	[Pattern]
Parks	[Pattern]

Tract Proposed for Subdivision Outlined in Red

E-86

AGUAFINA PRELIMINARY SUBDIVISION PLAT - ZONING



Tract Proposed for Subdivision Outlined in Red
R-1 portion of Tract rezoned to R-3 Effective 3/13/13

E-87

AGUAFINA PRELIMINARY SUBDIVISION PLAT - AERIAL



Tract Proposed for Subdivision Outlined in Red

E-88

City of Santa Fe, New Mexico

Exhibit E

Applicant Submittals

E-09



jenkinsgavin
DESIGN & DEVELOPMENT INC

June 24, 2013

Heather Lamboy, Senior Planner
City of Santa Fe Current Planning Division
200 Lincoln Ave.
Santa Fe, NM 87501

**RE: Letter of Application
Aguafina Preliminary Subdivision Plat and Variance Request**

Dear Heather:

This letter is respectfully submitted on behalf of Aguafina Development, LLC in application for Preliminary Subdivision Plat and Variance approval for three parcels: 4702 Rufina St. (Tract B, ±2.42 acres), 4262 Agua Fria Street (Tract C-1, ±5.61 acres), and 4701 Rufina St. (Tract C-2, ±3.44 acres), for consideration by the Planning Commission on August 1, 2013. A 23-lot residential subdivision is proposed. Tract C-1 is zoned R-5 (Residential, 5 dwelling units per acre), and Tracts B and C-2 are zoned R-3 (Residential, 3 dwelling units per acre).

Project Summary

The proposed subdivision comprises 23 single family lots on ±11.47 acres. The market rate lots are generously sized with the intent to maintain a semi-rural environment, ranging from 0.34 acres (14,610 s.f.) to 0.71 acres (30,721 s.f.). Pursuant to the provisions of the Santa Fe Homes Program, four lots (20%) will be developed with affordable homes. An open space tract comprising 0.82-acres (35,838 s.f.) is included to provide space for passive outdoor recreation in an existing densely vegetated area of Tract C-1.

Access

In accordance with the Conceptual Site Plan presented as part of the recent rezone process, the subdivision will be accessed via three private 20-foot base course Lot Access Driveways, as described below:

- The seven lots on Tract B will be accessed via Rufina Street from the north, ending in a hammerhead emergency turnaround. An existing 50' access and utility easement is located along this tract's east boundary, which serves Tract A to the south (owned by others). This easement will be relocated to accommodate the proposed Lot Access Driveway, while still providing access to Tract A. In addition, this easement is subject to future dedication to the City for public right-of-way and a note to this effect has been placed on the plat.

E-90

- The eight lots on Tract C-2 will be accessed via a 30' access and utility easement from Rufina Street to the south, also ending in a hammerhead emergency turnaround.
- The eight lots on Tract C-1 will be accessed from Agua Fria via a 30' access and utility easement ending in a hammerhead emergency turnaround. Per the request of the Fire Marshal, an additional emergency turnaround is provided north of the open space.

The Lot Access Driveways will be private and maintained by the Aguafina Homeowners Association. Furthermore, vehicular access is prohibited between Lots 8 and 9 and to the Powerline easement east the Project. A note to the effect has been placed on the plat.

Terrain Management

Tract B slopes gently down from the southeast corner in a general west/northwesterly direction. Storm water from the driveway and the affordable lots will be collected in drainage swales on either side of the driveway, which terminate in two small detention ponds adjacent to Rufina Street. Similarly, Tract C-2 slopes gently in a westerly direction. Storm water from the driveway and the affordable lot will be collected in drainage swales on either side of the driveway, which terminate in two small detention ponds adjacent to Rufina Street. The low point on Tract C-1 is in the middle of the parcel in an existing drainage corridor. This area will be preserved as open space and will serve as the detention pond for the driveway and the affordable lot. Existing upstream storm water flows will be accommodated with two 48" CMP's under the driveway. This proposed drainage pond will serve to collect this water, promote percolation, and slow its release along its historic east/west flow pattern. Please see the attached Grading and Drainage Plan and Drainage Calculations Summary for further information.

All of the market rate lots will be required to provide requisite storm water detention on-site and a note to the effect has been placed on the plat.

Water and Wastewater

Water service will provided via new 8" waterlines connecting to existing mains in Agua Fria and Rufina Street. The annual water budget for the 19 market rate lots is 4.75 afy. Accordingly, retrofit and/or conservation credits will provided and/or purchased to offset this demand.

Wastewater from Lots 1 – 3 will gravity flow to the existing sewer line in Agua Fria via a new 8" line. Lot 4 will flow to Agua Fria via a 2" low pressure line. Lots 5-8 will gravity flow to the existing sewer line at the north end of Tract C-2. Lots 9 – 23 will gravity flow to the existing main in Rufina Street.

Variance Request

To accomplish the above described access plan, a Variance is requested from Land Development Code §14-9.2 (D)(8): *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*

E-91

natural or built features prevent continuation of the street. The responses to the Variance Criteria are as follows:

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

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

In addition to its configuration on three separate parcels, unusual characteristics that distinguish this case pertain to the circumstances of the rezone to R-3 that was granted by City Council on March 13, 2013. Due to concerns about access and traffic, both the Council and the neighbors declared their support of a lower density subdivision, despite Tract C-1's existing R-5 zoning. The applicant agreed to keep Tract C-1 to an R-3 density, with the understanding that the only way to accomplish this was to access the subdivision via three separate Lot Access Driveways. Although staff requested access to all lots on Tracts C-1 and C-2 be from Rufina, this would necessitate additional improvements that would make the lower density financially infeasible.

- (b) *the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; N/A*
- (c) *there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or N/A*
- (d) *the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts). N/A*
- (2) *The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.*

In order to mitigate traffic and maintain the R-3 density on Tract C-2 as requested by City Council and the neighbors, the property cannot adhere to the requirements of Land Development Code §14-9.2 (D)(8).

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

E-92

The proposed 23-lot subdivision is developed to an R-3 density, which is significantly lower than surrounding densities including R-6, R-7, and MHP.

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

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

This request is an effort to accommodate the interests of the City Council and the neighbors. If cul-de-sacs are omitted, Tract C-1 will be developed to an R-5 standard, which will significantly increase intensity of use, including traffic.

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

This Variance request is consistent with the General Plan Section 3, Land Use, which identifies "Urban Form" as a theme and guiding policy to "promote a compact urban form and encourage sensitive and compatible infill development." Limiting the subdivision to R-3 density accomplishes such sensitive and compatible infill development by serving as a bridge between denser existing subdivisions to the east and south, Cielo Azul to the west, and the more rural character of Agua Fria Village to the north.

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

This Variance serves the public interest by complying with the wishes of the City Council and the adjacent neighbors.

Archaeology

An archaeological survey of the property was performed, and a clearance permit was issued on June 6, 2013 (see attached). An historic acequia was identified on Tract C-1. Per the conditions of the permit, a 20-foot wide conservation easement has been added to the plat to protect the acequia.

Santa Fe Homes Program

In accordance with the current provisions of the Santa Fe Homes Program, 20% of the lots will be developed with affordable homes – Lots 5, 11, 18, and 23. A Santa Fe Homes Program Proposal is included with this application.

E-93

Early Neighborhood Notification

An Early Neighborhood Notification meeting was held on June 10, 2013. Neighbors expressed support of the site plan. Questions and concerns included preservation of existing trees on the north part of Tract C-1; proposed subdivision covenants; location of driveways; and pedestrian access. Please refer to the ENN Notes for a full summary.

In support of these requests, the following documentation is submitted herewith for your review and consideration:

- Subdivision Application
- Variance Application
- Letter of Owner Authorization
- Warranty Deed
- Lots of Record
- Drainage Calculations Summary
- Archaeological Clearance Permit
- SFHP Proposal
- Subdivision Plans
- Application fees in the amount of \$3,440.00, as follows: Subdivision \$2,850.00; Variance \$500.00; Posters \$90.00

Please let us know if you have any questions or need additional information. Thank you.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.

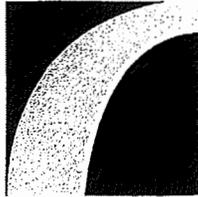


Jennifer Jenkins



Colleen C. Gavin, AIA

E-94



jenkinsgavin
DESIGN & DEVELOPMENT INC

July 22, 2013

Heather Lamboy, Senior Planner
City of Santa Fe Current Planning Division
200 Lincoln Ave.
Santa Fe, NM 87501

**RE: Subdivision Approval Criteria
Aguafina Preliminary Subdivision Plat and Variance Request**

Dear Heather:

This letter is submitted as an addendum to the above application, which was submitted on June 24, 2013. Our responses to the Subdivision Approval Criteria are outlined below.

§14-3.7 (C) 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.*

As detailed on the plans, the natural features of the land have been taken into consideration through the following measures:

- Generous lot sizes that allow for ample open space.
 - An 0.82-acre Open Space and Drainage tract between lots 4 and 5. The original road design was modified to preserve the considerable natural beauty of this portion of the property, including significant trees.
 - A 20' wide Cultural Properties Easement between lots 5 and 6 to preserve the historic acequia that runs across the property.
 - A 20' wide Trail Easement between lots 8 and 9.
- (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 land's gently sloping topography is eminently suitable for development. The property is not located within the 100-year flood plain.

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

The Preliminary Subdivision Plat complies with the standards of Chapter 14, Article 9. Please refer to the subdivision plans.

- (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.*

A Variance has been requested from Land Development Code §14-9.2 (D)(8): *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.* No other nonconformities are proposed.

- (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.*

Please refer to the response to (4) above.

Thank you for your consideration. Please let us know if you have any questions or need additional information.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.



Jennifer Jenkins



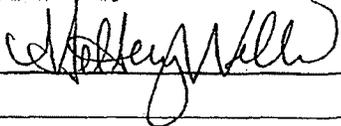
Colleen C. Gavin, AIA

E-96

**City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION**

OWNER: <u>Aguafina Development LLC</u> Mailing Address: <u>2A Los Tres Vecinos</u> <u>Santa Fe, NM 87507</u> Phone Number: <u>505-820-7444</u> Mobile Number: <u>505-930-6149</u>	*Only if Applicable AGENT: <u>Jeneins Gavin</u> Title: <u>Agent</u> Mailing Address: <u>130 Grant Avenue, Ste 101</u> <u>Santa Fe, NM 87501</u> Phone Number: <u>505-820-7444</u> Mobile Number: <u>505-930-6149</u>
---	--

Information Provided By: Check one: Owner Agent

Signature:  Date: 7/11/13

Technical Evaluation to be Sent to: Check one: Owner Agent

COMMENTS: _____

APPLICANTS, PLEASE NOTE:

- Ordinance 2008-53, prohibits new connections outside the presumptive city limits including the Agua Fria traditional historic community (AFTHC) unless specific conditions are met. Applications for service outside the presumptive city limits and AFTHC must include documentation showing these conditions are met or the application will be rejected. The documents required are shown below.
- A map of the proposed project in relation to the existing city limits and the presumptive city limits
- A detailed description of the proposed development including the type and size of proposed land uses
- The health, safety and welfare or other legal reason for the connection
- A site water budget
- Documentation from the County of Santa Fe that county water service is not available
- Documentation from the wastewater division regarding sewer availability
- A certified Santa Fe Homes Proposal as set forth in Section 14-8.11 SFCC 1987 if applicable

E-98

**City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION**

*Fill in all highlighted fields on this application. Applicant must sign and date application.

Check one only:

- Sewer Service Technical Evaluation Request
- Water Service Technical Evaluation Request
- Agreement for Metered Service (AMS)
- Agreement to Construct and Dedicate Public Improvements (ACD)
- Annexation Application Water Budget
- Water Offset Program/Water Rights Compliance Evaluation Request

WORK ORDER # _____

Applicant Name: Agua Fria Development, LLC
 Project Address: 4262 Agua Fria St. 4701 & 4702 Rufina St.
(Tract C-1) (Tract C-2) (Tract B)

***Required - Attach a Plat of the Property (legal lot of record and proposed development)**

Tracts C-1 & C-2 2013 755 039 T16N, R9E, S6
 Plat Filing Information: Year 2012 Book 743 Page 038, 39 Township, Range, Section: T16N, R9E, S6 & 7

Location: (check one only) Inside Corporate City Limits Outside Corporate City Limits

Property Uniform Property Code: 8-2 Tract C-1 1-049-076-268-440 Existing Well: Yes No

Legal Description including lot size: See plat

Short Description of Project: Residential 23-lot subdivision.

Construction Start Date: December 2013

***RESIDENTIAL PROJECT - Complete the following**

- | | |
|--|--------------------|
| 1. Type of project: (i.e. Single Family Residence, Subdivision, Lot split, Apartments) | <u>Subdivision</u> |
| 2. Total number of lots approved on final plat/development plan: | <u>N/A</u> |
| 3. Total number of homes existing or under construction: | <u>N/A</u> |
| 4. Size of service requested: (5/8", 3/4", 1" or 2") | <u>5/8"</u> |

*Please fill in all categories below that apply for which water service is requested:

--- COMPLETED BY APPLICANT ---

Number of Lots or Units	
_____	Single Family Dwelling Unit, lot size less than 6,000 sq. ft.
<u>2</u>	Single Family Dwelling Unit, lot size 6,000-10,890 sq. ft.
<u>21</u>	Single Family Dwelling Unit, lot size greater than 10,890 sq. ft.
_____	Mobile Home (in Mobile home park)
_____	Accessory Dwelling Unit
_____	Apartment/Condominium
_____	Senior Complex
<u>23</u>	Total

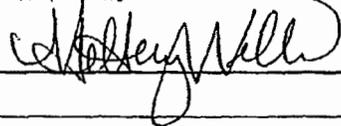
--- COMPLETED BY STAFF ---

Water Use Factors	Annual Water Demand
.15 afy per d.u.	_____
.17 afy per d.u.	_____
.25 afy per d.u.	_____
.17 afy per d.u.	_____
.09 afy per d.u.	_____
.16 afy per d.u.	_____
.12 afy per d.u.	_____

Total Residential Water Demand _____ AFY

E-99
1

**City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION**

<p>OWNER: <u>Aguafina Development LLC</u></p> <p>Mailing Address: <u>2A Los Tres Vecinos</u> <u>Santa Fe, NM 87507</u></p> <p>Phone Number: <u>505-820-7444</u></p> <p>Mobile Number: <u>505-930-6149</u></p>	<p>*Only If Applicable</p> <p>AGENT: <u>Jensins Gavin</u></p> <p>Title: <u>Agent</u></p> <p>Mailing Address: <u>130 Grant Avenue, Sk 101</u> <u>Santa Fe, NM 87501</u></p> <p>Phone Number: <u>505-820-7444</u></p> <p>Mobile Number: <u>505-930-6149</u></p>
<p>Information Provided By: Check one: Owner <input type="checkbox"/> Agent <input checked="" type="checkbox"/></p> <p>Signature: <u></u> Date: <u>7/11/13</u></p>	
<p>Technical Evaluation to be Sent to: Check one: Owner <input type="checkbox"/> Agent <input checked="" type="checkbox"/></p>	

COMMENTS: _____

APPLICANTS, PLEASE NOTE:

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- A detailed description of the proposed development including the type and size of proposed land uses
- The health, safety and welfare or other legal reason for the connection
- A site water budget
- Documentation from the County of Santa Fe that county water service is not available
- Documentation from the wastewater division regarding sewer availability
- A certified Santa Fe Homes Proposal as set forth in Section 14-8.11 SFCC 1987 if applicable

E-100

Santa Fe Engineering Consultants, LLC



Civil and Traffic Engineering
Construction Management
Land Development

1599 St Francis Drive, Suite B
Santa Fe, N. M. 87505
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July 17, 2013

Mr. John Romero, P.E.
City Traffic Engineer
Public Works Department
Post Office Box 909
Santa Fe, New Mexico 87504

RE: TRAFFIC ANALYSIS AT AGUAFINA SUBDIVISION, SANTA FE, NEW MEXICO

Dear Mr. Romero:

The purpose of this letter is to examine the existing traffic conditions, to estimate the traffic generated by this development, to determine the impact of the development on the existing roadway infrastructure, and to provide recommendations for improvements to meet City of Santa Fe requirements.

The proposed Aguafina Subdivision is located on three tracts of land consisting of Tract C-1 (± 5.61 acres), Tract C-2 (± 3.44 acres), and Tract B (± 2.42 acres). Tracts C-1 and C-2 are bordered on the north by Agua Fria Street and on the south by Rufina Street. The Tract B is bordered on the north by Rufina Street. The development will consist of 8 single family dwelling units on Tract C-1, 8 single family dwelling units on Tract C-2, and 7 single family dwelling units on Tract B. The site is located within Section 6, Township 16 North, Range 9 East, N.M.P.M. Tracts B and C-2 are inside the City of Santa Fe limits, and Tract C-1 is within the Presumptive City Limits. The tracts are located to the west of the intersection of Rufina Street / Senda del Valle. The Vicinity Map is presented in Figure 1, Appendix A.

I. DESCRIPTION OF PROPOSED DEVELOPMENT

A. Land Use and Intensity

The proposed land uses are presented in Table 1. The Site Plan is presented in Figure 2, Appendix A.

TABLE 1 PROJECT DATA	
LAND USE	SIZE
Tract C-1, 5.61 acres	8 Residential DU
Tract C-2, 3.44 acres	8 Residential DU
Tract B, 2.42 acres	7 Residential DU

B. Phasing and Timing

The project is proposed to be constructed in one phase beginning in the year 2013.

C. Zoning

The project site is within the city limits and the Presumptive City Limits. Tract C-1 is zoned R-5 and Tracts C-2 and B are zoned R-3.

D. Access Points

Tract C-1 will be accessed via Agua Fria Street and Tracts C-2 and B will be accessed via Rufina Street. One access point is proposed for each tract. However, the Rufina access will be restricted. Northbound and southbound left turn movements will be restricted. These roads will be aligned to form a four way intersection with Rufina Street. Access will be limited to right-in, right-out, and left-in movements.

II. STUDY AREA CONDITIONS

A. Study Area

The area of influence consists of Rufina Street and Agua Fria Street. The Agua Fria Street portion is outside the City limits and is not a part of this study.

B. Existing Land Use

The study area existing land use varies from residential development to vacant land. The Existing Conditions Map is presented in Figure 3, Appendix A.

Tracts C-1 and C-2 are bordered by Agua Fria Street on the north, residential property on the east, vacant land and residential on the west, and Rufina Street on the south. Tract B is bounded by Rufina Street on the north, residential property on the east and west, and vacant land on the south.

C. Other Known Development Activity

The Cielo Azul Development was approved in 2006, and is located off Rufina Street approximately 1,250 feet to the west. It is not known if or when this project may occur. There are no other known developments planned in the area.

D. Existing Roadway System Characteristics

Access to the site is provided by Rufina Street. The Existing Roadway Network is presented in Figure 4, Appendix A.

1. Rufina Street

Rufina Street is classified as a minor arterial street according to the Santa Fe Functional Road Classifications Map. Rufina Street is a two lane, two way, urban street. Rufina Street is an east-west street, which connects Siler Road to South Meadows Road. Rufina Street ties to other major roadways at Calle Atajo, Camino De Los Lopez (County Road 61E), Richards Avenue, Zafarano Drive, and Calle De Cielo.

Rufina Street in the vicinity of the project is a two-lane, two-way roadway with bicycle lanes. Rufina Street has an asphalt width of thirty two (32) feet; with four foot wide bicycle lanes on both sides of the street; two foot wide curb and gutters on both sides of the street; five foot wide concrete sidewalks on both sides of the street; with a four foot wide planting strip on both sides of the street. The speed limit on Rufina Street is thirty-five (35) miles per hour.

E. Programmed Transportation Improvements

According to Staff, there are no plans for upgrading this section of Rufina Street.

F. Alternative Travel Modes

For this analysis no reduction or adjustment of trip generation numbers was made for alternative modes of travel. There is currently no bus service provided along Rufina Street.

III. ANALYSIS OF EXISTING CONDITIONS

A. Daily and Peak Hour Traffic Volumes

The Santa Fe New Mexico 2011 Annual Average Daily Traffic Volumes as prepared by the Santa Fe MPO was used to obtain existing traffic volumes on Rufina Street. The MPO Map is presented in Figure 5, Appendix A. The average daily weekday traffic in the vicinity of the project is 11,482 vehicles per day. In order to estimate the peak hour traffic volume, it was assumed that 12% of the average daily traffic occurs in the peak hours.

B. Level of Service Criteria

According to the Table 15.C-1, the Minimum Acceptable Level of Service Standards of the State Access Management Manual, for an urban minor arterial, the minimum acceptable level of service is D at signalized and unsignalized intersections. A level of service F shall not be accepted for individual movements.

C. Existing Level of Service

Existing level of service calculations could not be performed for this project, since the proposed intersection does not exist.

D. Safety Analysis

This segment of Rufina Street is on a tangent with mild grades and excellent sight distance.

E. Operational and Safety Deficiencies

Long queues on eastbound and westbound Rufina Street were observed at the intersection of Rufina Street / Calle Atajo. Traffic queued back for the eastbound movement almost to the intersection of Rufina Street / Senda del Valle; and almost to the intersection of Rufina Street / Lopez Lane. The queues were of short duration and cleared through one cycle of the signal.

IV. ANALYSIS OF PROPOSED CONDITIONS

A. Trip Generation

The traffic generated by a development is dependent on the size and type of the land use and its characteristic pattern. Traffic Generation Rates were determined using utilizing the Online Traffic Impact Study Software by Transoft Inc. (OTISS), dated 2012. The OTISS software is based upon the ITE Trip Generation Handbook, 9th Edition.

The development will consist of 8 single family dwelling units on Tract C-1, 8 single family dwelling units on Tract C-2, and 7 single family dwelling units on Tract B.

There are four independent variables available for projecting trip generations, the number of dwelling units, the number of persons, the number of vehicles, and the number of acres. For this report, the number of dwelling units will be used. The projected traffic generated by this land use by tract, is presented in Tables 2 through 5. The Trip Generation Calculations are presented in Appendix B.

TABLE 2 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT C-1 8 DWELLING UNITS ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	1
7-9 A.M. Peak Hour Exit	5
7-9 A.M. Peak Hour Total	6
4-6 P.M. Peak Hour Enter	5
4-6 P.M. Peak Hour Exit	3
4-6 P.M. Peak Hour Total	8

Source: Institute of Transportation Engineers
 Trip Generation, 9th Edition

TABLE 3 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT C-2 8 DWELLING UNITS ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	1
7-9 A.M. Peak Hour Exit	5
7-9 A.M. Peak Hour Total	6
4-6 P.M. Peak Hour Enter	5
4-6 P.M. Peak Hour Exit	3
4-6 P.M. Peak Hour Total	8

Source: Institute of Transportation Engineers
 Trip Generation, 9th Edition

TABLE 4 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT B 7 DWELLING UNITS ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	1
7-9 A.M. Peak Hour Exit	4
7-9 A.M. Peak Hour Total	5
4-6 P.M. Peak Hour Enter	4
4-6 P.M. Peak Hour Exit	3
4-6 P.M. Peak Hour Total	7

Source: Institute of Transportation Engineers
 Trip Generation, 9th Edition

Tract C-1 will not access Rufina Street. The total site generated traffic that will access Rufina Street is presented in Table 5.

TABLE 5 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT C-2 AND TRACT B ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	2
7-9 A.M. Peak Hour Exit	9
7-9 A.M. Peak Hour Total	11
4-6 P.M. Peak Hour Enter	9
4-6 P.M. Peak Hour Exit	6
4-6 P.M. Peak Hour Total	15

Source: Institute of Transportation Engineers
 Trip Generation, 9th Edition

B. Trip Distribution and Assignment

The origins and destinations and the efficiency of the various streets serving the site will determine directions from which traffic approach and depart the site. The approaching and departing patterns were estimated based upon analogy using counts conducted at the intersection of Rufina Street / Calle Atajo in November, 2005 and are presented in "Traffic Impact Analysis for Final Plat Submittal for Cielo Azul Subdivision, Santa Fe, New Mexico," dated August 2006, prepared by Santa Fe Engineering Consultants, LLC.

The Directions of Approach and Return are presented in Figure 6, Appendix A. The Site Generated Traffic for the AM and PM peak hours are presented in Figure 7, Appendix A.

C. Traffic Analysis

The traffic was analyzed to determine the level of service at each intersection for each condition. All analysis for capacity calculations were performed using the 2010 Highway Capacity Software by McTrans. The results are presented in Table 6. The calculations are presented in Appendix B.

TABLE 6 SUMMARY OF LEVELS OF SERVICE PROPOSED CONDITION TWO WAY STOP CONTROLLED INTERSECTIONS						
Movement	AM Peak Hour			PM Peak Hour		
	Delay (Sec/Veh)	LOS	95% Queue (Veh)	Delay (Sec/Veh)	LOS	95% Queue (Veh)
Eastbound Left	8.4	A	0.00	10.0	B	0.01
Westbound Left	10.0	B	0.00	8.4	A	0.01
Northbound Right	16.8	C	0.04	11.5	B	0.02
Southbound Right	11.5	B	0.03	16.8	C	0.03

N/D indicates No Data

D. Intersections and Proposed Access Points

According to Table 18.C-1, "Access Spacing Standards for Intersections and Driveways," of the State Access Management Manual, the intersection spacing between an unsignalized intersection for an urban minor arterial with a speed limit between 35 and 40 MPH is 660 feet for a full access driveway and 275 feet for a partial access driveway.

The existing spacing between the intersection of Rufina Street / Lois Lane and the proposed driveway is 320 feet. The existing spacing between the intersection of Rufina Street / Senda del Valle is 342 feet. See Figure 8, Appendix A for intersection spacing.

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E. Speed Change Lanes

In accordance with Table 17.B-2, "Criteria for Deceleration Lanes on Urban Two-Lane Highways," of the State Access Management Manual, the driveways were checked to determine if they met the requirements for left-turn and right-turn deceleration lanes.

A right-turn deceleration lane is not warranted for the driveway serving Tract C-2 of the development. For the driveway serving Tract B, the driveway does not meet the warrant for a right-turn deceleration lane.

For the driveway serving Tract B, a left-turn deceleration lane is not warranted. For the driveway serving Tract C-2, a left-turn deceleration lane is not warranted.

F. Warrant Review

A traffic signal warrant analysis for the intersection was not performed due to the low volume of traffic.

V. CONCLUSIONS

Based upon the analysis conducted for this project, the proposed driveways would operate at acceptable levels of service. The following recommendations are made for the proposed driveways.

A. For the driveway serving Tract C-2:

1. The driveway should be constructed as a restricted access driveway, allowing right in, right out, and left in movements.
2. A right-turn deceleration lane is not warranted.
3. A left turn deceleration lane is not warranted.

B. For the driveway serving Tract B:

1. The driveway should be constructed as a restricted access driveway, allowing right in, right out, and left in movements.

2. The right turn deceleration lane is not warranted.
3. A left turn deceleration lane is not warranted.

If you have any questions or desire additional information, please do not hesitate to contact us.

Sincerely,



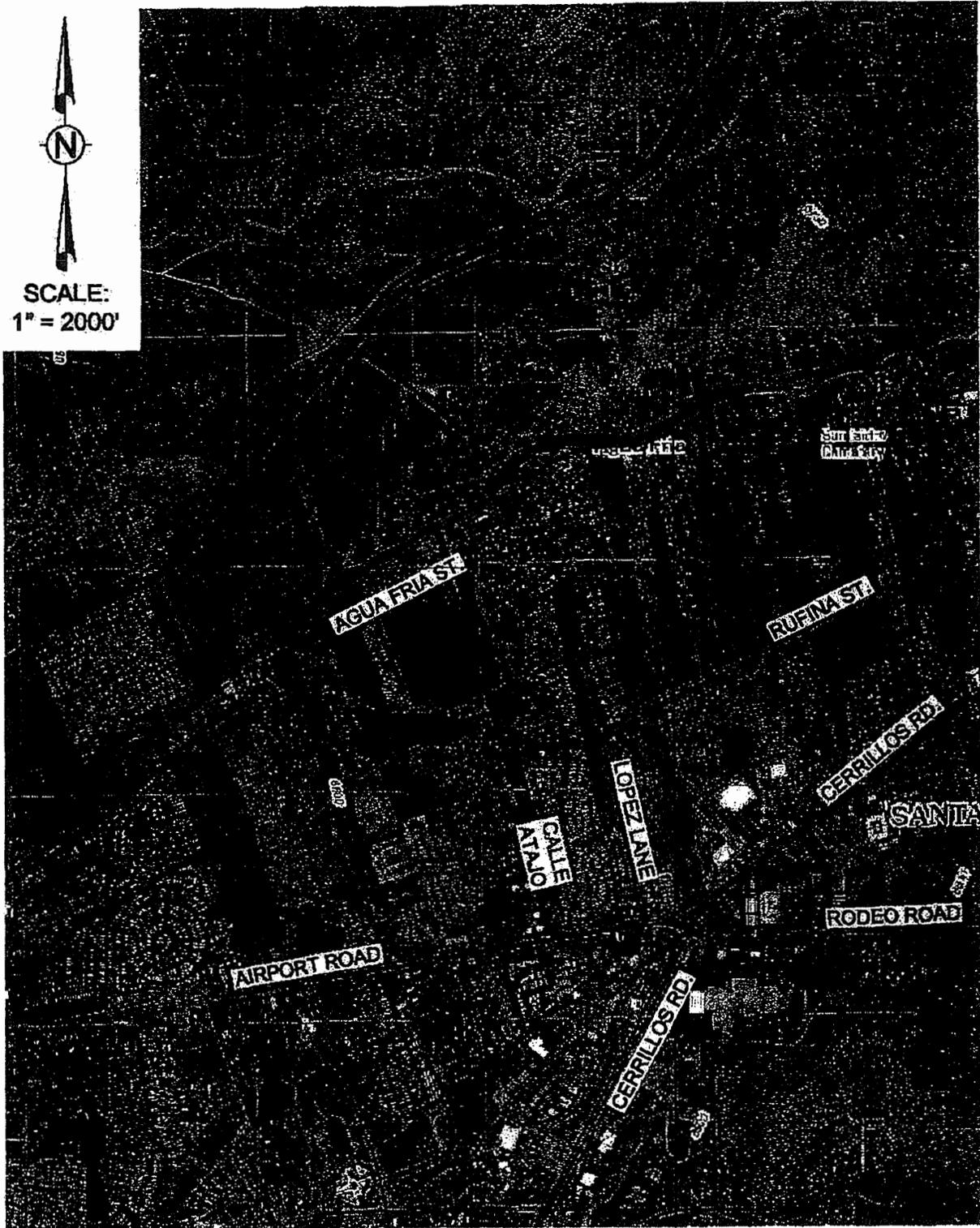
Michael D. Gomez, P.E., P.T.O.E
Santa Fe Engineering Consultants, LLC.

**APPENDIX A
FIGURES**

E-110



SCALE:
1" = 2000'



REFERENCE:
USGS Quadrangle Maps Entitled
"Agua Fria, NM" Dated 2011 and
"Turquoise Hill, NM" Dated 2010

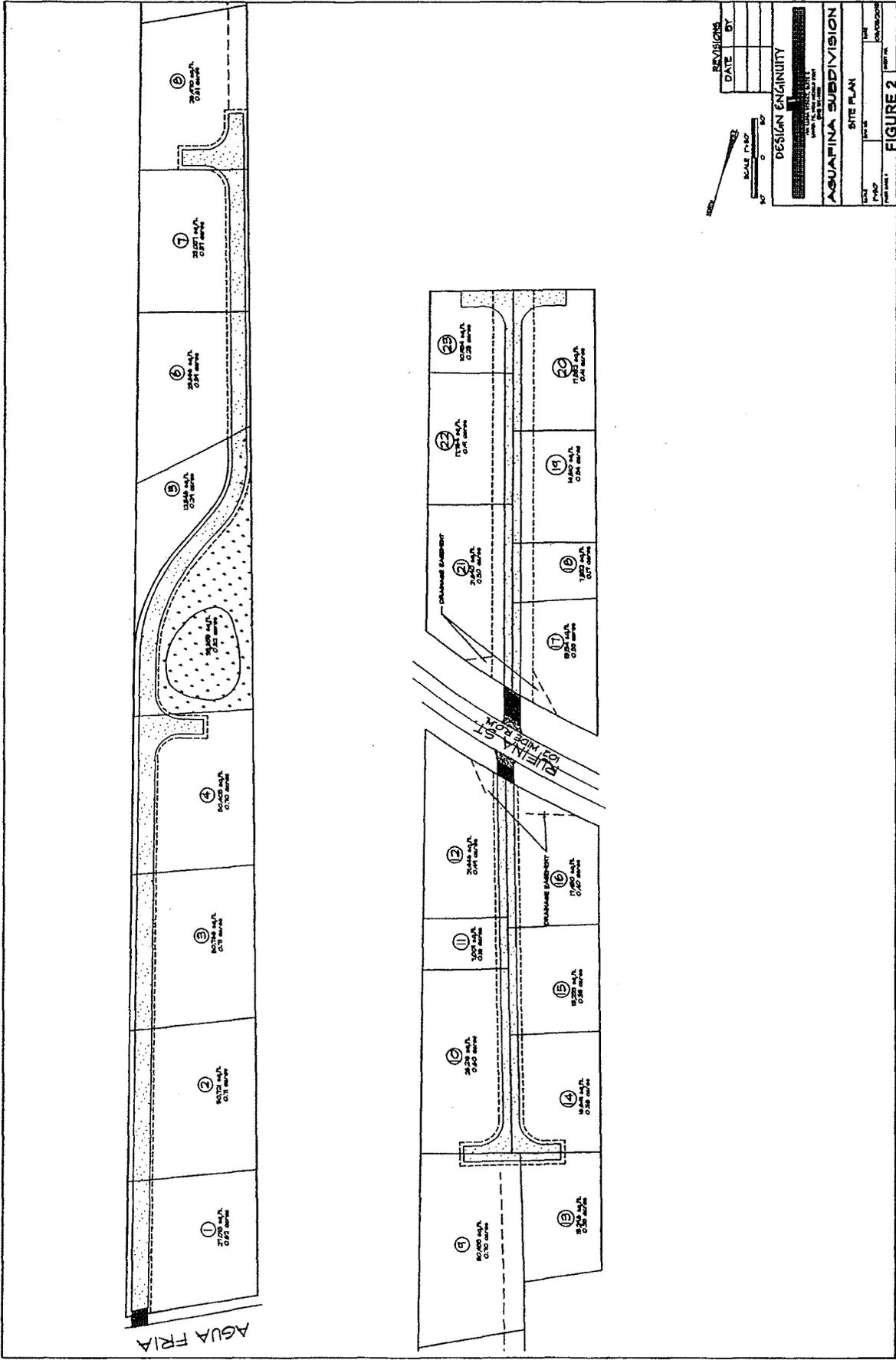
LEGEND

DENOTES RECENTLY
CONSTRUCTED ROAD



VICINITY MAP
FIGURE 1

E-111



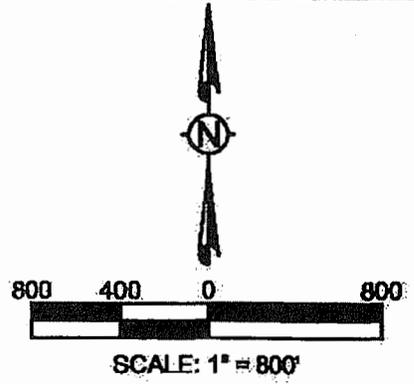
E-112



REFERENCE:
rgis.unm.edu 3.75 Minute Quarter Quadrangle Map
op160906ne, op160906nw, op160906se, and op160906sw
all within the City of Santa Fe.

EXISTING CONDITIONS MAP
FIGURE 3

E-113



REFERENCE:
 rgls.unm.edu 3.75 Minute Quarter Quadrangle Map
 opl60906ne, opl60906nw, opl60906se, and opl60906sw
 all within the City of Santa Fe.

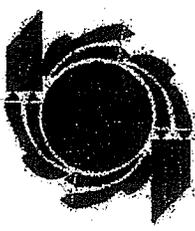
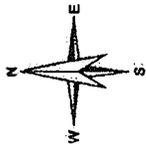
EXISTING ROAD NETWORK
 FIGURE 4

E-119

**Santa Fe, New Mexico
2011 Annual Average
Daily Traffic Volumes**

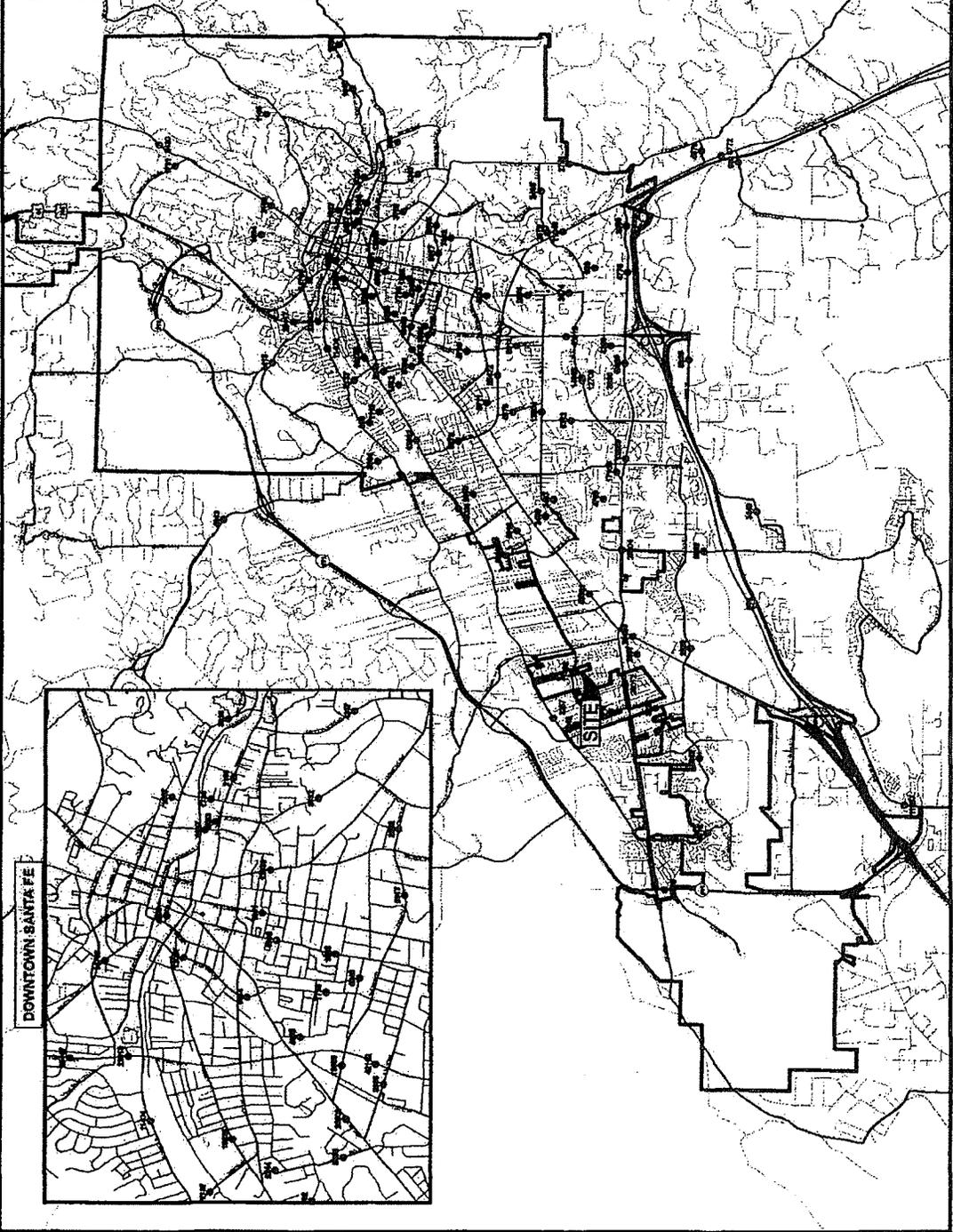
Legend

- MPO Tube Count Station*
 - NHDOT Count Station**
 - City Limits
 - ~ Major Roads
 - ~ Minor Streets & Routes
- *MPO Tube Count data is collected on weekdays for a 24-hour period and adjusted by the New Mexico Department of Transportation to reflect traffic volume with the Traffic Monitoring Standards.
- **NHDOT Count Station data is collected 24 hours a day, 365 days per year and reflects a Year Annual Average Daily Traffic volume for the location.
- Values are reflect total vehicles per Day (VTD) (i.e. both directions added together)

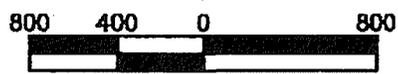


Prepared by the
Santa Fe Metropolitan Planning Organization
in cooperation with the
New Mexico Department of Transportation,
the local government of Santa Fe,
Santa Fe Metropolitan Planning Area,
and the U.S. Department of Transportation,
Project Highway Administration.

This information is for informational use only.
The City of Santa Fe and the Metropolitan Planning Organization
accept no responsibility for continuing data accuracy
without necessary.



**ANNUAL AVERAGE DAILY TRAFFIC VOLUMES
FIGURE 5**



SCALE: 1" = 800'

REFERENCE:
rgls.unm.edu 3.75 Minute Quarter Quadrangle Map
op160906ne, op160906nw, op160906se, and op160906sw
all within the City of Santa Fe.



LEGEND	
NOTES PEAK HOUR TRAFFIC PERCENTAGE	48%
DENOTES MOVEMENT	—

DIRECTIONS OF APPROACH AND RETURN
FIGURE 6

E-116



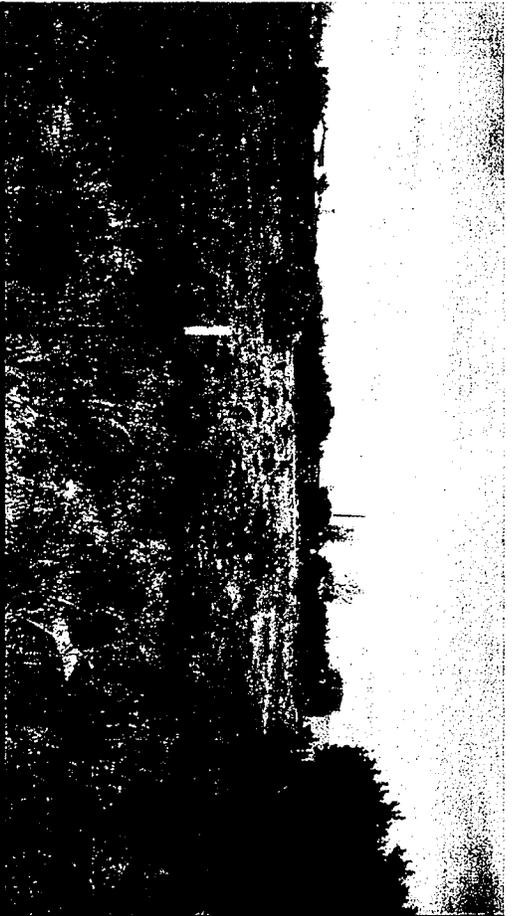
Aguafina

Case #2013-58 Preliminary
Subdivision Plat



Exhibit "B"

E-117



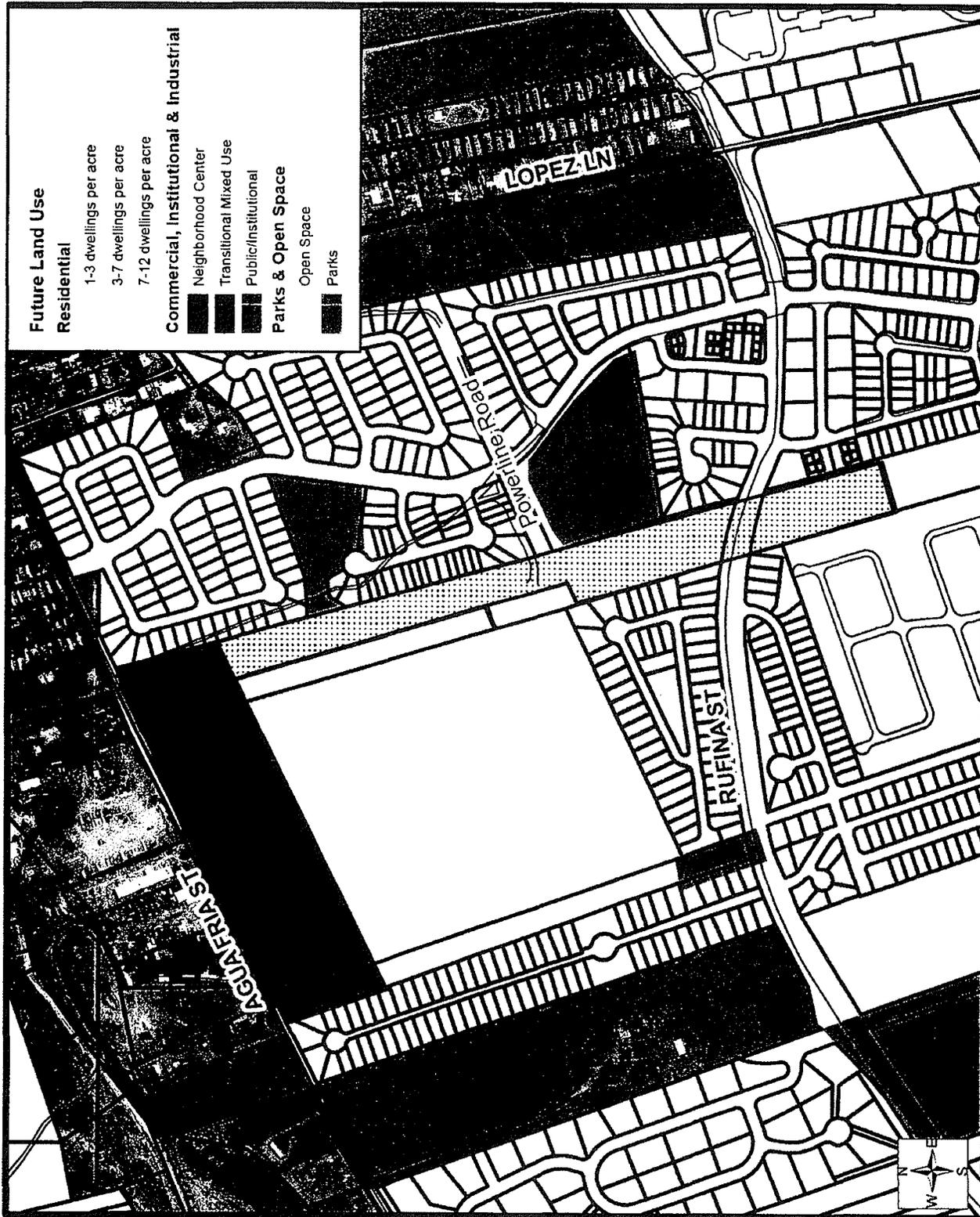
Request:

- **Subdivide 11.52± acres into 23 single-family lots**
- **Split zoning**
 - **R-5 for northern 5.63± acres**
 - **R-3 for southern 5.89± acres**
- **Lot sizes vary 6,700 square feet to 0.75-acre**



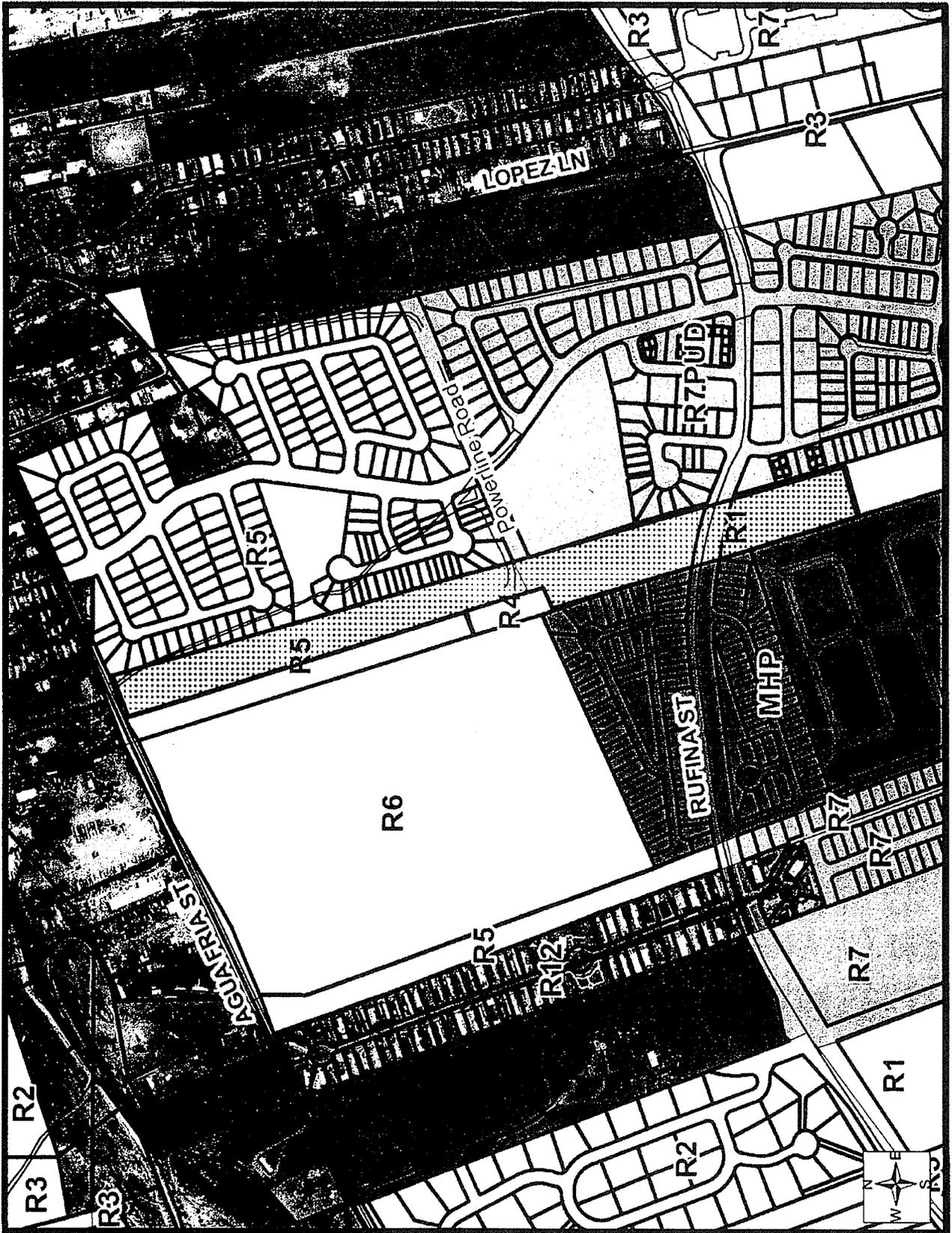
E-118

AGUAFINA PRELIMINARY SUBDIVISION PLAT



E-119

AGUAFINA PRELIMINARY SUBDIVISION PLAT - ZONING



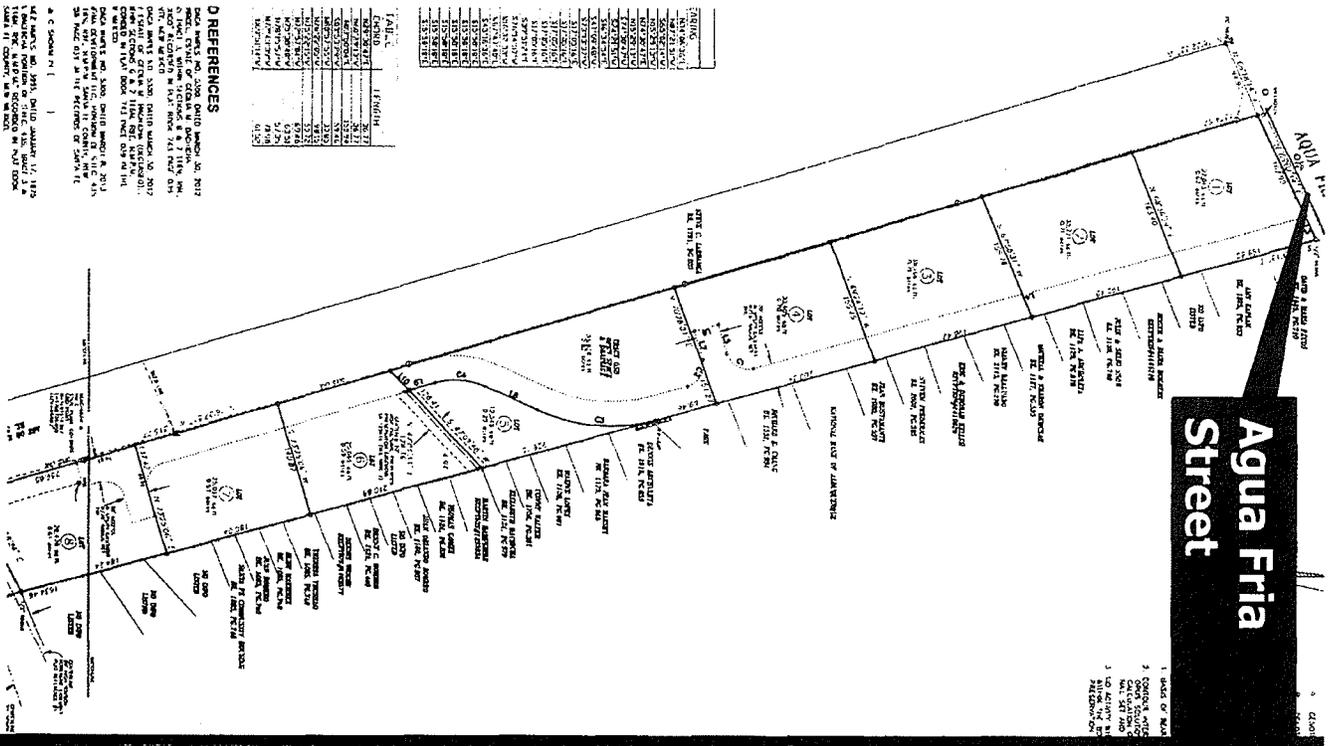
E-120

AGUAFINA PRELIMINARY SUBDIVISION PLAT - AERIAL



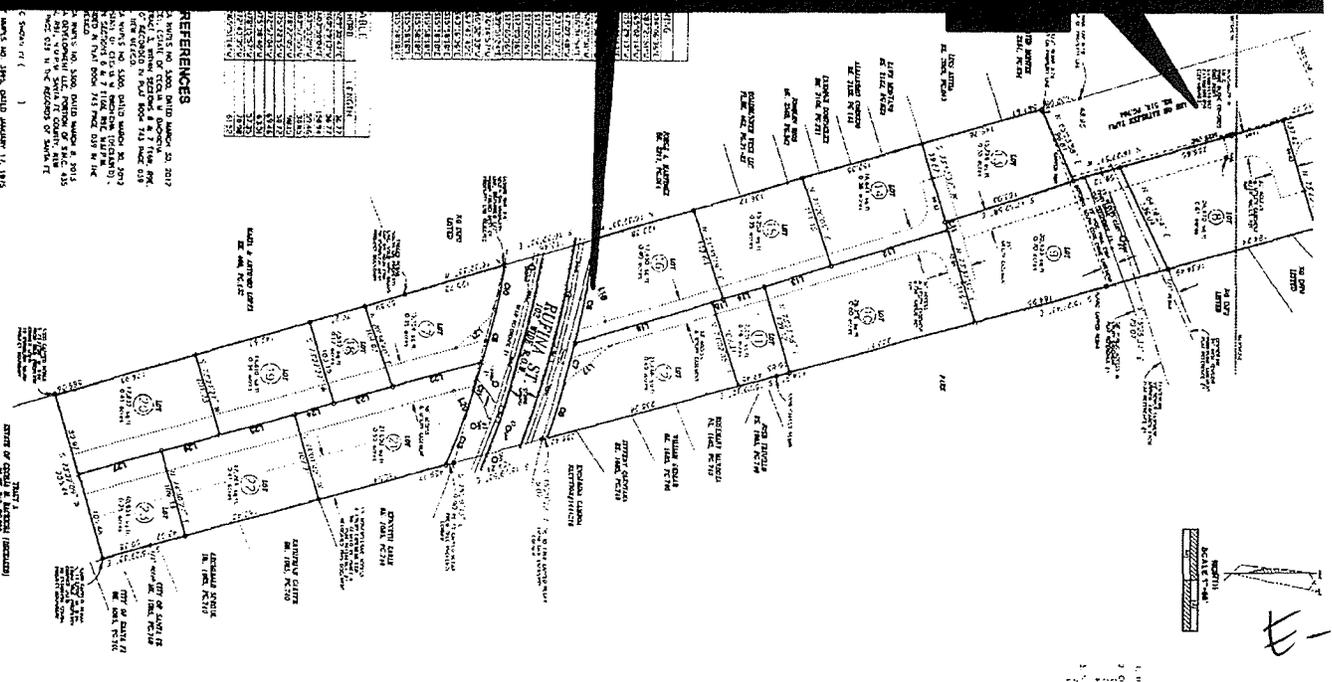
E-121

Agua Fria Street



Tapia Property

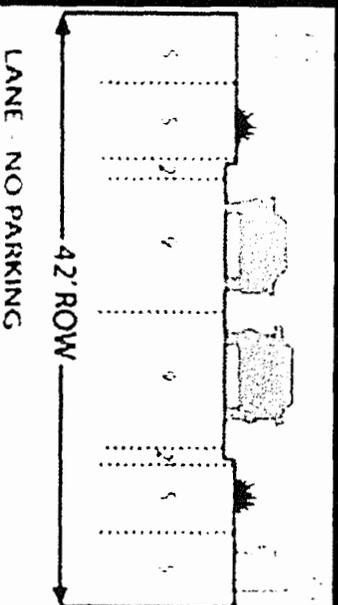
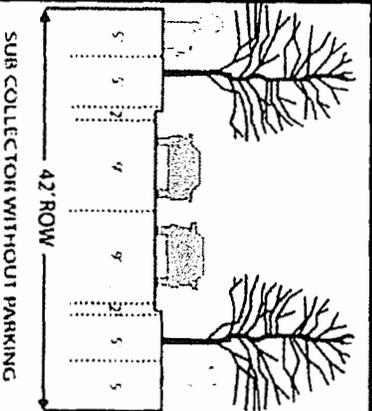
Rufina Street



E-122

Aguafina

- Traffic Engineer & Fire state site should have two points access
- Subcollector/Lane as minimum street standard
- Agua Fria Road access point for emergency access only



E-123

Aguafina

Criteria for judging whether a subdivision can be approved:

- Consideration for natural features and historic resources
- Public agency review – public safety, health, and welfare
- Comply with Chapter 14, Article 9 (Infrastructure Design Standards)



E-124

Aguafina

Variance:

- **Special Circumstances**
- **Inherent conflict in regulations**
- **Infeasible because of special circumstances**
 - **Is feasible to construct a through street to the Subcollector/Lane Standard**
- **Property can be used without variance**



521-3

Aguafina

Rezoning Conditions of Approval:

- Future Access through Cielo Azul (stub-outs)
- Roads built to City of Santa Fe standard and dedicated as public right-of-way
- Park dedication/amenity



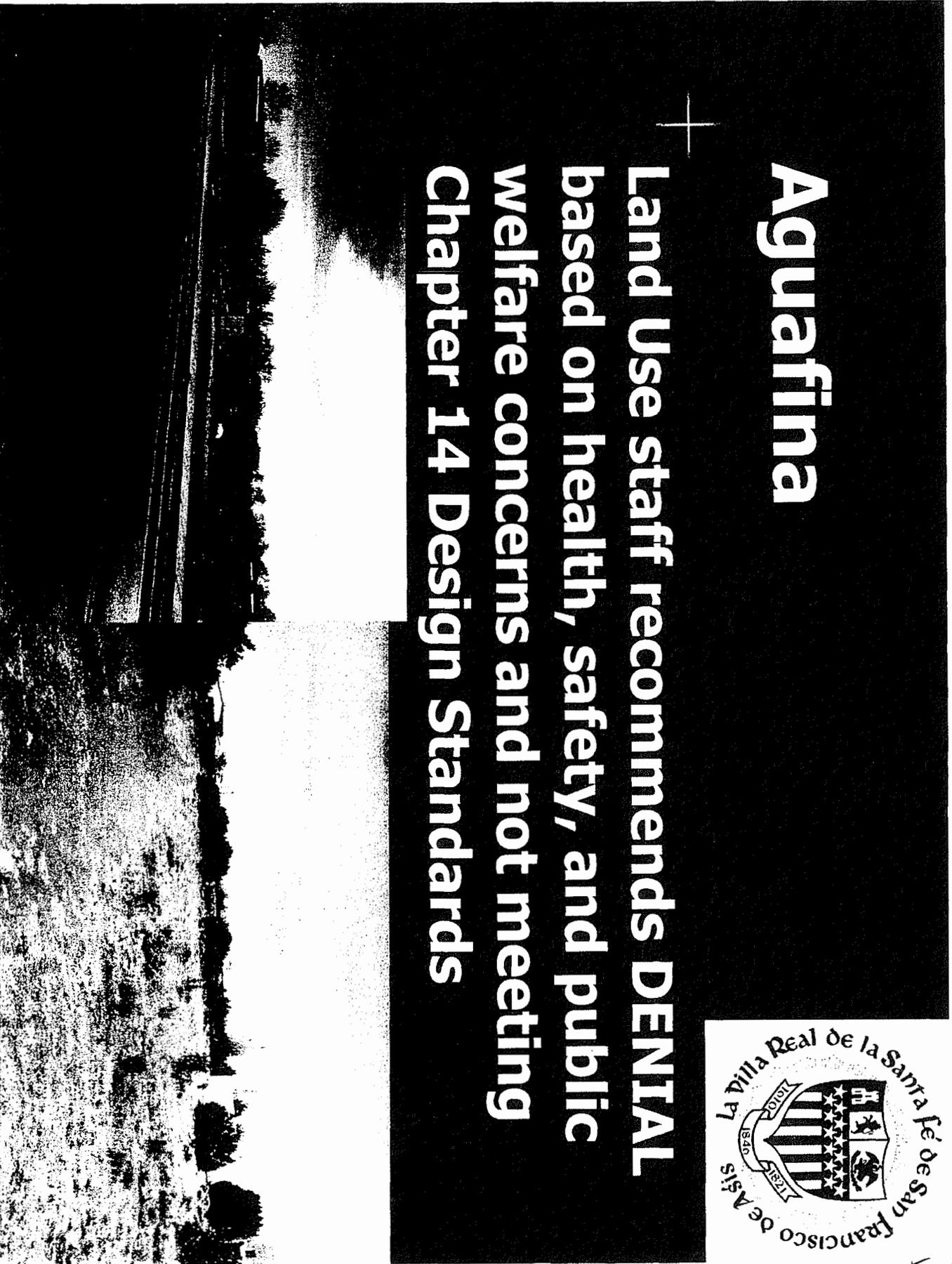
E-126

Aguafina

Land Use staff recommends **DENIAL**
based on health, safety, and public
welfare concerns and not meeting
Chapter 14 Design Standards



E-127



There was a short break here

- 3. CASE #2013-58. AGUAFINA PRELIMINARY SUBDIVISION PLAT WITH VARIANCE. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT LLC, PROPOSES A 3-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION. THE APPLICATION INCLUDES A REQUEST FOR A VARIANCE TO SECTION 14-9.2(D)(8) TO ALLOW TWO CUL-DE-SAC STREETS. THE PROPERTY IS ZONED R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE, 5.61± ACRES) AND R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE, 5.86± ACRES) AND IS LOCATED AT 4262 AGUA FRIA STREET, 4702 RUFINA STREET AND 4701 RUFINA STREET, WEST OF CALLE ATAJO. (HEATHER LAMBOY, CASE MANAGER)**

A Memorandum, with attachments, prepared July 15, 2013, for the August 1, 2013 meeting, regarding this case, is incorporated herewith to these minutes as Exhibit 7."

A power point presentation *Aguafina Case #2013-58 Preliminary Subdivision Plat*, entered for the record by Heather Lamboy, is incorporated herewith to these minutes as Exhibit "8."

A power point presentation *Aguafina Properties*, entered for the record Jennifer Jenkins, JenkinsGavin Design and Development, is incorporated herewith to these minutes as Exhibit "9."

Heather Lamboy presented information in this case via power point. Please see Exhibits "7" and "8," for specifics of this presentation.

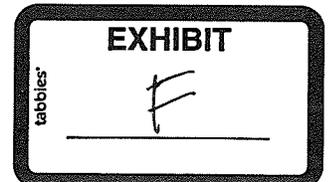
Public Hearing

Presentation by the Applicant

Jennifer Jenkins and Colleen Gavin of JenkinsGavin Design & Development, Agents for the owner, were sworn.

Ms. Jenkins presented information via power point. Please see Exhibit "9," for specifics of this presentation. Ms. Jenkins said, she is here this evening on behalf of Aguafina Development, LLC, requesting a Preliminary Plat approval for the little over 11 acres which Ms. Lamboy described.

Ms. Jenkins said, "I'm going to back up a little bit with a little more background, when we were last before you on this project. 'This' parcel here is zoned R-5, has been zoned R-5 since 2009 I believe. But when we first came before you, 'this' parcel that you see 'here' in R-5, was all one parcel. It was just one tract of land that had a split zoning situation, you might recall. The northernmost 5½ acres of the parcel was R-5, the southernmost 3.4 acres was R-1, and then there was another parcel down here on the south side of Rufina, about 2½ acres that was R-1. Our original rezone request was to make everything R-5. The General Plan in this area is 3-7 dwellings per acre, based on the surrounding zoning of R-6, R-7 and a



mobile home park and a lot of fairly dense activity.' It felt like an appropriate zoning category, and again, trying to kind of remedy a split zoning situation."

Mr. Jenkins continued, "The wishes by this body at the time was a recommendation for R-3 zoning, and actually we were quite comfortable with R-3, because we liked the larger lots, a little more of a semi-rural environment, so we were quite comfortable with that. So what we did, prior to going to City Council, is we went ahead and split the R-5 piece off, so we didn't have the split zoning issue. It's on its own parcel, it's its own legal lot of record, so we didn't have that split zoning problem any more."

Ms. Jenkins continued, "So we went to Council, again comfortable with your recommendation for R-3 zoning for the southern two tracts 'here.' It was an interesting night. I shall never forget it, and at that time, it was the desire of the Council to deny our request and have the property remain R-1. We were somewhat stunned by that decision, but it was the wish of the Council. So then we had to step back the next day and do some serious regrouping, like what does that mean. Well, what that meant was we have R-5, and if we're limited to R-1 on the other parcels, we have to maximize what we do on the R-5 piece. We can't spread the density out among those three parcels anymore because of that limitation. If we have to go with the R-1 if we're stuck on the R-1 on those parcels in terms of 30-32 lots on the R-1 piece. Nobody wanted that. The neighborhood was comfortable with R-3, we were comfortable with R-3, but for whatever reason we were not successful when conveying that."

Ms. Jenkins continued, "Long story short, at the following hearing [Council meeting] the City Council rescinded that decision and kind of gave us a clean slate, if you will, with respect to our request. And we came back, we formally amended our application to R-3, we went to Council and we were granted R-3 zoning on the southern two parcels."

Ms. Jenkins continued, "So now, we're at our next step and we are here for a Preliminary Plat Approval, and one of the requests of the neighborhood was that we bring all three parcels in as one project, one subdivision, and that's what we are doing tonight. As Heather mentioned, because of the long skinny nature of our subject property 'here,' I'm actually going to do this a little old school and approach the Board."

[STENOGRAPHER'S NOTE: There was a search for the portable microphone which, when found did not work, presumably because the battery was dead.]

Ms. Jenkins continued, "So, let me just, until we get that resolved, and I can approach. We find ourselves in a really interesting situation. We have worked with the neighborhood to keep the density down, that was the desire. The big concern was what's going to happen with that R-5 piece. And so we are able, as we conveyed very clearly at City Council the second time around, the third time around, that we can keep the density low on the R-5 piece. We absolutely can do that, but we needed the R-3 to make that work, so again, we could spread the density around. And there are some other things that make that possible."

Ms. Jenkins continued, "With respect to City Roadway Standards, which we're probably going to talk about a little tonight, there is a City Roadway Standard that's called a 'Lot Access Driveway.' It is a

legal, permissible roadway standard in the City Code. It has limitations, in term of only a maximum of 8 lots can be accessed with a lot access driveway. And there is a reason it's only a maximum of 8 lots, because 8 lots generate very little traffic. And if you have, say a base course, more of a semi-rural type roadway, it's good to have that in situations where you have low traffic generation. So basically, we took each of these parcels and we created small, little, almost compounds, if you will, of 8 lots and then the southernmost parcel has 7 lots. Each of them access by a lot access driveway. It is that configuration, that plan that makes it feasible for us to only do 8 lots on Tract C-1 when 32 lots would be permitted. We are happy with this program, based upon our discussions with the neighborhood, they are happy with this program as well. Oh, we do have a mike."

Ms. Helberg said she believes the battery is dead in the microphone.

Ms. Jenkins said, "If you can see the board, we're going to just move it right along."

Chair Spray said, "We can see that just fine. If you can stay right there behind the mike, we'll get it. We're good. Thank you. Maybe we can find a battery in the meantime."

Ms. Jenkins, using an enlarged drawing of the site, continued, "So 'this' is in a landscape format. And so what we have 'here,' is we have Agua Fria, which is 'here,' but that is the north end of the site as you can see on the board. 'Here,' we have Rufina. 'This' is the R-5 tract, which is Tract C-1. Tract C-2 is 'here,' which is R-3, and then Tract B is 'here,' which is also R-3. So, as you can see, our lots are the most generously sized lots in this neighborhood, easily, 1/3 acre up to 3/4 acre, and that was purposeful. And, as you might recall, there was discussion about access via the Power Line Road easement which is 'here.' We are not accessing via that. Mr. Tapia, who lives in the blue roofed house you can see right 'here,' we platted an easement for him. 'That' is his point of access. So we platted just an access easement for his purposes right across 'here.' We have also platted a 20 foot trail easement in 'this' location, per staff request. I think the vision is, at some point, there would be a trail connection and, maybe the power line easement, since it's apparently not going to be used for any type of roadway improvements, could be converted to some sort of pedestrian amenity over time."

Ms. Jenkins continued, "There was a question that came up regarding the emergency access. Originally when... we've had a couple of different discussions with Fire Marshal Gonzales about this, and what was explained to me is, the first responder here is actually the Agua Fria Station. And so we had an iteration of this plan at one point, that we only had an emergency access at Agua Fria. And that was requested by Mr. Gonzales, because that's where the first responders were coming from. But, obviously the emergency access is no longer necessary, because we have full access 'here,' approved by the Santa Fe County Public Works Department, because 'this' stretch of Agua Fria is still in the County's jurisdiction. And that comes down and we have an emergency turnaround 'here,' and then we also have the access coming off Rufina, again with emergency turnarounds at either end with the lots as described as generous sized."

Ms. Jenkins continued, "The way we have these dead ends done, again to prevent any sort of cut-through traffic that might try to get over to Power Line Road, we are here to keep cars off that road. The neighborhood and the City Council were very clear that that is not to be utilized, and we have designed this

strategically to ensure that. And 'this' may be a little bit easier to see. We've cut it into two parcels 'here,' so 'this' is the northernmost piece. And one thing I would like to address... actually, I'm going to back up to address that."

Ms. Jenkins continued, "In 'this area 'here,' Heather mentioned that this is a passive, kind of open space park area. The Las Acequias formal park is 'here,' and this is like I said, kind of a more passive, open space park area. And we have created about 8/10 of an acre, just under an acre of land 'here.' Very, very pretty in here. It collects water, which is great. There are a lot of mature trees. There is a lot of grass cover. It's actually quite lovely in terms of a passive, outdoor recreational space where you could take your dog, have a picnic. And so, we thought 'this' was really the optimal place to sort of create a connection to Las Acequias's outdoor space, as well as create an amenity for our neighborhood as well."

Ms. Jenkins continued, "Per the park dedication requirements in the City Code, if we were to actually dedicate a formal park, it would be 6,000 sq. ft., which is smaller than most of the lots we have here, certainly for a park. If we were to just do an open space dedication, it would be ½ acre. We are providing 6 times more land than you would have to provide if you did a formal park. And we're providing 1½ times the open space that would be required. So we feel this is a great use of this very pretty area of the property, so we would ask to be allowed to proceed in that fashion, for the purposes of our open space requirement."

Ms. Jenkins continued, "And also 'this' shows the improvements we're making to Rufina. We have right in, right out and left in access. At this point, we do not have left out access, so as you can see, we are developing what we commonly refer to as 'pork chops,' in order to address that."

Ms. Jenkins continued, "And then a lot of discussion occurred when we here last time, as well as at City Council, about the kinds of restrictive covenants that... because we obviously will have a homeowners association here, which will be collecting monthly dues and maintaining the roadways, maintaining any drainage facilities as the City requires. So, the neighborhood, we talked a lot about, well what kind of homes are going to be here, what will they look like and all these types of questions. Our client is not a home builder. Our client wants to create these lots, and potentially sell lots to builders, or sell lots to individuals who may want to build a home there. And so, in order to insure some cohesiveness among what goes on here, architecturally with respect to the homes, we have developed and will continue to develop restrictive architectural guidelines that govern how the homes will look and the materials used, and how these front yards will be landscaped, and maintenance requirements. The standard homeowner association stuff that we see."

Ms. Jenkins continued, "We will be submitting our formal covenants with our final plat application, because the City requires review of those prior to approval of final plat. And we will continue to work closely with Las Acequias as we develop those restrictive covenants. Our goal is that this is an attractive neighborhood, and that is their goal, and so we will work together to ensure that."

Ms. Jenkins continued, "So in closing, we ask for your support of this tonight, because this is the only way it can happen in a way that we have worked closely with the neighborhood to ensure keeping the density down. I really run into problems when I try to keep the density down, but this is the situation we

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have, somewhat, which is unfortunate. I have the utmost respect for staff. We have respectfully agreed to disagree on this, and I completely respect their position and point of view on this, but the situation we are in is that, with this plan, as designed, we are able to keep only 8 lots on 11½ acres. That's been our marching orders, and we have work diligently to fulfill that. And so, we ask for your support, and with that, I would be happy to stand for any questions."

Speaking to the Request

All those speaking were sworn en masse

Susan Cryner, 1051 Calle Don Roberto, Las Acequias. Ms. Cryner said she is very concerned about density building in the City and in her neighborhood, in particular. She wants to support the lower density proposal. She would like to have the variance on the roadway allowed. She has been involved with this from the beginning. She attended the Council meeting where the request for R-3 was not approved, and "we were very happy with this." She said she doesn't know how this got put before this Commission again and it surprised her. She said they agreed with JenkinsGavin to tell the Council that we would be happy with R-3 if we could keep the density down. The reason it wasn't approved by the Council initially, was because of density issues. They were not told at the time that their proposal was contingent on this roadway, and if she had known, she would not have agreed. She said at this point "we are kind of stuck." She said she is disappointed information was withheld that "we would have like to have known when we made these decisions.' She said, "I am supporting the roadway so we can keep the density down.

Angelo Jaramillo, resident of Las Acequias Neighborhood, said when he attended the ENN meeting on July 10, 2013, one of the questions posed by residents to Ms. Jenkins was, to what extent the residents have any control over the development of this project. He said the response was, "Pretty customary and just issuing and kind of in light of what our previous speaker just mentioned as far as telling the residents not necessarily what they wanted to hear, but what the developer thought that they should hear." He said he has been to enough ENN meetings to know that the residents of any community have every right to control, pretty much, 100% of any aspect of proposed development that comes through their neighborhood which will impact the quality of their life in one way or another.

Mr. Jaramillo continued, saying, "I do want to commend City staff for their recommendation of denial of this project, exclusively focusing on the public safety issue. In addition to that commendation, I also want to comment Jennifer Jenkins. I have been able to witness her in action on many occasions in the past with other proposals of development. And I have to say, in terms of working with the neighborhood to achieve some sense of consensus or understanding, in terms of developing projects, it more often than not, comes out unilaterally in favor of the developer, which is typical of Santa Fe. And that being stated, I do want to add one recommendation to this Commission. If you do decide to vote in favor, as opposed to City staff recommendation, I know there is a caveat where developers can be held accountable whether or not they were inclusive of residential input. Where a financial component of the development project itself can be placed in a pool or a pot, particularly affecting the Las Acequias Park which recently has become an outstanding public safety issue and a very grave concerns to the residents

of Las Acequias. If for some reason the R-3 or R-5, or any technicalities that were not truthfully communicated to the residents of Las Acequia is approved tonight, I would wholeheartedly recommend that the developer is held accountable to at least create some financial resource to where the lighting could be affected, or the parking or the high impact of traffic which is a public safety issue on Calle Atajo can be reduced. That way, at the very least, you do include some of the sentimentally and very, I think, sincere input from the community itself. As a resident of Las Acequias I just wanted to put forth that. Thank you."

Linda Flatt, 950 Vuelta del Sur, Board of Las Acequias. She said she has appeared before this Commission quite a bit about Aguafina. She feels they have beaten a trail here. She said, "We are kind of between a rock and a hard spot." She said, "What I am feeling now, is we agreed and voted on, the Las Acequias community did, that we would approve the 8, 8, and 7, the three divisions, of the community because we were concerned about density, because of our park, because it is right behind that park area. And it has been a burden with the park and being concerned about what's being built there."

Ms. Flatt continued, "But, may I refresh our memory. We have been back and forth, and when it was before the Council, the Council did pass this plan after much discussion as Jennifer did say. And now, it seems, and I am confused by this, that the staff is now changing its position, because they're now saying that we have to have the full roadway. In some respects, I agree with that, because I would like to know that we would have sidewalks. I would like to know that we have good drainage, the best we can have next to our neighborhood."

Ms. Flatt continued, "At this point, we have agreed to the development that JenkinsGavin put forward as a total community, but the responsibility is that JenkinsGavin needs to reassure us as a community that the development has made has strong covenants, that the roadways are strong and will be the best in base course and that they have good drainage. All of these things concern us. We are now to the point where we realize the two cul de sacs, in question tonight, need to be done for this plan to work. So, in that respect, Las Acequias agrees with that. But our strong recommendation is that the houses be of high quality, that they built on permanent foundations, that we have good lighting, landscaping and that the covenants are strong and that there is a good maintenance program so this community is responsible. And they take pride in their community like Las Acequias does. Thank you."

Susan Cryner, 1051 Calle Don Roberto, Las Acequias, came back to the microphone and the Chair recognized her for a very brief remark. Ms. Cryner said as an association, they made many recommendations in meetings with JenkinsGavin. She said, "We want to make sure that all the recommendations that we made are in the covenants. And also what has not been addressed is, if this roadway has to be per the ordinances, we would have everything exiting onto Rufina, so everything from the housing will be exiting onto Rufina instead of part Agua Fria, part Rufina. Rufina is highly utilized, and I think in the zoning meeting with the Councils, representatives of 75% utilization, we have many blocks that are not developed in this area and we are already very close to capacity, and I think this is very important. This is a safety issue, and that we have more egress."

The Public Testimony Portion of the Public Hearing Was Closed

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The Commission commented and asked questions as follows:

- Commissioner Harris said he wants to talk about the big picture on process. He said Table 14-2-1 provides that this Commission is to review and decide. He asked if there an appeal process back to the Governing Body as the result of our decision.

Ms. Brennan said there is an appeal to the Governing Body.

- Commissioner Harris said in the minutes of the March 13, 2013, Council meeting, Ms. Brennan says, on page 32, "Ms. Brennan said, 'To the extent that this body's decision creates conditions that conflict with the Planning Commission's, this body's decision would control.'"

Ms. Brennan said this is correct.

- Commissioner Harris asked if the Applicant Undertakings said on page 1 of Exhibit A, are synonymous with conditions that came out of the City Council meeting.

Ms. Brennan said the Applicant offered to do these things, if the Council zoned R-3, and the Council did. The adjacent parcel wasn't before the Council and they couldn't rezone it. So, these 4 things were offered to the Council and the Council accepted them and rezoned as R-3.

- Commissioner Harris said he understands and asked, in the Council's mind, if they are synonymous with conditions.

Ms. Brennan said she believes so, and believes that the Council left to the Commission a number of other things such as many of the things that were to go into the covenants that were not within the realm of their authority, given what was before them.

- Commissioner Harris said the Commission didn't have the letter from the Las Acequias association and we don't know its content. He said, "In my way of thinking, the Council left to this body many of the infrastructure issues that have been raised as part of staff's response. I just want to make sure, that in the Findings and Fact what are known and defined as Applicant Undertakings also can be viewed as the conditions of approval the Council imposed for approving the rezoning."

Ms. Brennan said yes.

- Commissioner Harris said we know we are not the ultimate decision-makers on subdivisions, even though the Table seems to suggest that. There is an appeal process that goes back to the Governing Body.

Ms. Brennan said there is an appeal process and the Governing Body, as the delegating authority has significant statutory power too which is part of what is behind her comment.

- Commissioner Harris reviewed conditions under Applicant Undertakings as follows: "1) The application would cover all 3 parcels, C-1, C-2 and B, and develop the adjacent parcel C-1 consistent with R-3 zoning, even though it is zoned R-5. Also not use Power Line Road as primary or secondary access for the development. And the fourth one is the easement for the Tapia family as Ms. Jenkins pointed out." He said, "So those were the only conditions I could see that came out of that March 13th Council meeting. There was no discussion about parks, for example, none of the other things that have been raised in the Staff Report."

Ms. Brennan said, "I think, Commissioner, that the discussion about parks was specifically left as part of this discussion. The Governing Body was speaking to parks, among other things, as before the Planning Commission, and asking the Planning Commission to listen to, and consider the comments of the neighbors. And I would just point out that Condition #3 included not use Power Line Road and proposed instead a 3 base course lot access driveway. So I just point that out."

- Commissioner Harris said it was proposed, so that was an acknowledgment that it is a proposal that was coming from the applicant, but he doesn't see that as a condition being proposed. Not to use Power Line Road he interprets as a condition.
- Commissioner Harris said, "Under the Findings of Facts and Ms. Lamboy in her summary statement, also highlighted this particular paragraph, just reminding the Commission, the Governing Body acknowledged the members of the public and their comments and 'to be mindful of the concerns of the neighbors that are appropriately addressed in conjunction with the subdivision and development review process. It also says, 'And understand the Commission is the authority under the Code to review and approve, with or without conditions, or deny.' So, that's kind of the background for me. I do have some other questions on some of the technical issues, but I'd like to hold those off for a bit and allow other Commission members to speak to this application."
- Commissioner Schackel-Bordegary said, "I would like to respectfully request a little better understanding of my fellow Commissioner Harris's line of questioning. Can you cut to the chase, cut it down to size. What are we talking about. This is really complicated. I think this case would be a wonderful case study for a graduate study in planning on stakeholder involvement. I'm serious, it's complicated. What are you talking about, I guess. Where did you go with our attorney on that."
- Commissioner Harris agreed it is very complex, commenting he spent a lot of time reviewing this and trying to sort this out. He said the sorting had to do with what he asked Ms. Brennan. We're here to review and decide, according to 14-2.1, but that really is not the case. There is other, considerable authority granted to the Governing Body that allows an appeal process to go back to them. He said, "Not that, even if we are the ultimate decider, would I say we should ignore what the Governing Body said. I just wanted to make sure that I understood, kind of, the process and protocol. And that was the first point that I wanted to make, and then also to clarify whether the defined Applicant Undertakings really should be or were considered as conditions by the Governing Body. So, for instance, if we came back on any one of them, not granting the

easement to the Tapias, that's an easy one, there would be an appeal process by the Tapias, I assume, and they could overrule us, because we basically ignored their conditions."

- Commissioner Harris continued, "And your other quote, from that night, said ultimately their conditions rule the day, is the other thing that I read. Again, just trying to sort out process and protocol, and also just see what conditions have already been imposed."
- Commissioner Schackel-Bordegary said, "To cut it down. The City Council, whatever they ruled that night is governing what we are deciding here tonight. You have interpreted and confirmed that those are conditions of the City Council's approval, those 4 things. And by the way, I do interpret, to propose instead, 3 base course lot access driveways. To me, that translates into the proposal that we have here. That's why we have this proposal at all. I don't understand."

Ms. Brennan said, "The only light I can shed on it, Chair Spray and Commissioners, is that it provides a framework in which you exercise your discretion."

- Chair Spray said, so we have the discretion to take it, and there is a process in place that if someone wants to take it back to the Council, then they can do so."
- Commissioner Harris said he didn't read the whole paragraph on Finding of Fact #12, which really acknowledges that the Governing Body's considered the comments of the members of the public, made at the hearing, 'understanding the Commission has the authority under the Code to review and approve with or with conditions or deny applications for subdivision and development plan approval, but mindful of the concerns of certain neighbors that are appropriately addressed' in the subdivision development process. I think they're really saying to pay closer attention to the neighbors than to the applicant, is part of what I'm saying here, is how I would read it. Because they do want us to review and approve with or without conditions. Again, this gets back to the technical issues of driveway access versus lane, subcollectors, parks, those kinds of things, and other comments from Mr. Romero. Again, it's confusion and I just wanted some guidance on this, and I think I've got it, and I hope I haven't confused my fellow Commissioners, but it seems I have."
- Commissioner Schackel-Bordegary said, "As I understand that, and I'm going to paraphrase crudely, and pardon that characterization. But we've looked at this a few times. We have the minutes from the meeting. It went to the Governing Body, and the Governing Body shot it down, the rezoning, right, to R-1. It was appealed. The Council rescinded its decision at a later time. I'm curious about that process, but I'm not going to ask that here and now. They ended up taking it back up at another Council meeting, and I think exactly what Commissioner Harris is saying is that the Council, in its authority, listened to the neighbors, helped designed what they wanted. They listened and said we're going to approve this. And the bottom line or the objection is the through traffic, is the density. The through traffic and density are the two issues. So in this process, the City Council then heard that from the neighbors. And that's what we've got here tonight. It's a neighborhood designed process. It doesn't meet City Code. Is that right. Okay, I'm done. I'm ready for a vote. I want to hear what my fellow Commissioners say."

- Commissioner Pava said, "This parcel isn't unique in Santa Fe. The potential for development on these long, narrow parcels, but I don't know that makes it unique in terms of granting a variance. And given the surroundings with the variety of densities, I would think as a planner I could look at this property and develop it per City Code and Standards. It may not meet all of the neighborhood's requirements, but then again that is only one of the factors in land development. It's an important factor, but so is public health, safety and welfare and City Code. I think all of us combined spent at least 3 hours reviewing this material. It is complicated and I thank Commissioner Harris for trying to clarify the big picture, and Commissioner Bordegary for the same. I really don't have questions for the Applicant, but I must say I support staff's position on this. Is Mr. Romero here. Can he speak to this a little bit. That would be helpful."

John Romero, Director, City Traffic Division, asked to what point he would like him to speak.

- Commissioner Pava said he thought from reading Mr. Romero's Memo of the past week, that there are some real issues. He asked if anything new that has been presented tonight to change his mind. He is trying to decide whether to support staff in the variance, and ask the Applicant to go back to the drawing board on subdivision design.

Mr. Romero said, "During the rezoning process, the conceptual design presented to me when the application was first submitted, showed a road from Rufina all the way to Agua Fria, with an emergency access to Agua Fria. It also showed, basically, on the south side of Rufina what they have proposed. So in his staff report, I recommended that both roads be built to certain City Standards. The reason for that, starting with the southern piece on the south side of Rufina, is there is a vacant piece of property south of that, that when developed, we would want to access that road. Because of that, it would kick that road and the number of units that access it over the 8 unit threshold which is the maximum allowed for a private driveway."

Mr. Romero continued, "On the northern side, I had conditioned that it be developed to a subcollector, because it would be accessing all of the properties created by this subdivision. It also would be accessing properties developed in Cielo Azul at some future point. And that was a spinoff of one of my other conditions which was to provide means of access to Cielo Azul which is to the west. When Cielo Azul came in, we had a condition on that development, to provide access to vacant properties to the east. This type of property is pretty common in this area, the long, skinny tract. People subdivided it this way because there was a ditch on the top and a river on the bottom and that's how they did it."

Mr. Romero continued, "So what we're trying to do is to get these individual tracts that come in one at a time, and when all is said and done, make it look like one, big cohesive development, to the best of our ability. That was the premise behind all my conditions. I did make that clear to the applicant and they were aware of it. I was aware of the reasoning for wanting to keep it rural and all of that, but in my opinion Code and proper development would necessitate that it be built to City standards and connected to other roads. Obviously not through Power Line to Calle Atajo, because that was conditioned out by City Council."

- Commissioner Pava said he appreciates that he's looking at the longer term and larger picture of land use, what is good for the City as a whole and the surrounding neighborhoods. He asked the minimum right of way required for an acceptable street.

Mr. Romero said for a subcollector it is 42 feet.

- Commissioner Ortiz asked if access to this subdivision will be public or private.

Ms. Jenkins said the roadways, per City Code, lot access driveways are defined as private roadways and will be maintained by the homeowners. She said the concept of that was created by City Code. The only variance before the Commission this evening is because of the cul de sacs. She said, "If lot access drives were such a health, welfare and safety issue, why is it in the Code anyway. It's not [a health, welfare, safety issue]. We don't have issues from the Fire Marshal. We have one variance request with respect to maintaining the cul de sacs and that it is. Lot access driveways are viable, utilized frequently and we're asking for the opportunity to utilize that.... it is a City standard. It's not a City owned street, but it very much is a City standard."

- Commissioner Ortiz asked if one of the driveways is 1,500 feet long.

Ms. Jenkins said yes. She said there is an emergency turnaround at the end, but at the halfway point, there is another turnaround location per the request by Fire Marshal Gonzales.

- Commissioner Ortiz said, theoretically, if we approve this, and you built the roads with base course, the homeowners association would maintain all the roadways, and Ms. Jenkins said this is correct.
- Commissioner Ortiz said, as a former City Streets Director, he was happy with base course, but they require a lot of maintenance, and we aren't meeting the minimum criteria.
- Commissioner Bemis said, "I would just like to quote, 'Many of the zoning conditions have not been adequately and the proposed variance does not meet the approval criteria.' And that's under conditions of approval."
- Chair Spray said the conditions on page 8 of 8 provide, "If the Planning Commissions finds in favor of the variance, conditions of approval have been provided to give direction to the Applicant on additional items. It shall be addressed on the plat, prior to final plat submittal, which is included in the packet and has been shared with the applicant as well." He asked if this is correct.

Ms. Baer said yes.

Chair Spray said he presumes the applicant agrees with these conditions.

Ms. Lamboy said staff would defer to the applicant on that issue.

- Chair Spray asked if the applicant agrees.

Ms. Jenkins said, "With respect to the conditions of approval, obviously there are quite a few conditions that we are not in agreement with, primarily relating to the roadway standards. But with respect to other comments received from Wastewater, the City Engineer and other comments received from the Fire Marshal, we are in agreement with those. As I mentioned, I do have concerns about staff's comments regarding the park, and that's why I brought that up, so I would be happy to revisit that. So we are not in agreement with that condition. We feel like we have more than provided for the intent of those provisions in the Code."

- Commissioner Padilla asked in the event the denial does go forward, what are the options for the applicant after a denial.

- Ms. Lamboy said the process would be the following. There would be Findings of Fact that would be adopted relative to the denial at the next Planning Commission hearing at the beginning of September. Then, after that time, there would be a 30 day appeal period in which any party can choose to appeal the decision of the Planning Commission to the City Council. If it is appealed, then it would go to the City Council at the earliest convenient date that affects public notice.

- Commissioner Padilla asked if there is an option other than denial to allow the process to continued, to be reviewed. What are the options available to us, as a Planning Commission.

Ms. Lamboy if the Commission finds it is in the best interest of the community as well as the applicant to further study this further, go back to the neighborhood, try to find a good solution, then the case can be postponed.

- Commissioner Padilla said the through street is a contentious issue. He said Commissioner Harris made him aware that there will be a gate at Agua Fria.

Ms. Lamboy said, "That is correct. The gate would be accessible for emergency vehicles, Police and Fire. If it is a through street, the Agua Fria Traditional Village doesn't want the access, the extra traffic. With 8 lots or fewer, then both the Traditional Village as well as County staff feel that won't impact Agua Fria sufficiently."

- Commissioner Padilla said currently, Lots 17-23 to the south are accessed off Rufina. Lots 9-16 are also accessed off Rufina. He asked for an explanation of how access comes off Lots 1-8, how is that accessed.

Ms. Lamboy said currently as proposed, it would come off Agua Fria. If it is what staff is proposing, then access would be via Rufina, or eventually when the connection is made, through Cielo de Azul to an exit to Agua Fria that has been approved.

- Commissioner Harris asked Mr. Romero his recommendation for the intersection of Rufina.

Mr. Romero said, "There are two scenarios. One, if the subdivision is approved as proposed, with only 8 lots accessing off the north. They've done a portion of the traffic study that shows, volume wise, turn bays are not required. The only thing I asked them for is to do a capacity analysis to determine if there is sufficient capacity for vehicles to make left-outs. So there's enough capacity for them to make left-ins, right-in, right-outs. They haven't determined the left-out portion. The reason that is important is if left-outs experience a lot of delay, they are going to have to do a better job channeling it than what they propose right now. They put a pork chop that kind of directs cars to the right, but it won't physically prevent cars from wanting to make a left. They're going to make a left. In my opinion, the only way to effectively do that, if that is the case that it's needed, is to provide a median with median barrier, and that would involve widening of the roadway."

Mr. Romero continued, "Now if what staff's proposing, one continuous road from Rufina all the way to the northern end of the property, up against Agua Fria with emergency access to Agua Fria, there's a good chance that would necessitate a left-in turn bay, I'm not sure about a right-in, that might also be needed. A traffic study would have to be performed to determine that definitively."

- Commissioner Harris said then in either scenario Mr. Romero would not recommend a left-out.

Mr. Romero said that is yet to be determined. We'd have to look at it. According to Jennifer, they're saying they do not meet the spacing requirements for a left-out. I'd have to review that, and if that was the case, they would have to do something more than what they've proposed. Because, again I don't think that will effectively prevent people from making a left-out. It's just going to make it a little more convoluted than if it was just a regular access point.

- Commissioner Harris said, your point of view is that, even with 8 lots, the left-out is problematic because of the potential for "stacking people backing up."

Mr. Romero said he doesn't know if this is the case. A capacity analysis hasn't been performed to determine that, but access is based on what we have in place so we don't have what's on Agua Fria and Alameda. Just strip development full access, after full access after full access. If you have so many of those so closely spaced together it cumulatively degrades the function of the [inaudible], which in this case would be Rufina. So it's just having those full access points. That's why we have access spacing requirements. Two different that things that help determine whether left-outs are allowed or not."

- Commissioner Harris asked Ms. Flatt how the Las Acequias Association feels about the proposal, the solution to the parks and open space. He said Ms. Jenkins represented that there is a physical connection from what they're proposing for their open space to an already existing open space in Las Acequias.

Ms. Flatt said actually what Ms. Jenkins calls a park, they call a field, because there isn't any development in it, and it isn't used at this point. She said the City has talked about developing it somewhat, but haven't moved forward with that. She said, "We are so gun shy of parks right now,

I don't know, to be honest, what the rest of community feels about the connection between my little park and that field park. I'm not sure that there is much connection actually. The topographic area goes down into kind of a ditch area which would have to be redeveloped if they were going to continue that out into a park. Is that what you were saying, do you know what I mean. Okay. I don't think that that has been a real discussion with us. We were so intent on the other factors, that I'm not certain that we really have discussed that at any length. I don't foresee that we would particularly want to have more people come into our community, because we have enough trouble with people coming into our community with the other park."

- Commissioner Harris said she uses the term park, but he thinks it is open space, and that's how it was characterized. He doesn't know if that open space would meet the Code requirement for parks or open space. He asked staff after hearing what is proposed and Ms. Flatt's response, if there is a possibility of meeting the park or open space requirement with this solution.

Ms. Lamboy said there is no real amenity being proposed to the community. This is a drainage way, and it is open space, but there is no real exercise area, no place for a tot lot. There is nothing that could benefit the community. She understands there have been problems with the parks in the area, but this does not meet minimum standards, by any means.

- Commissioner Harris said Ms. Flatt seems hesitant to say this would be a welcome solution. He said, "What I've heard you say is that it does not meet the requirements of Chapter 14 for parks. Correct."

Ms. Lamboy said yes.

- Commissioner Harris said he has seen the letter from the County, Mr. Baca and Mr. Cavanaugh, saying that there would be no issues with the County for 8 lots or less, in terms of access to Agua Fria. He didn't see anything in the packet about first responders from the Agua Fria Fire Department, and asked if that has been discussed.

Ms. Lamboy said she didn't speak to the County Fire Department, but she did follow up with Fire Marshal Rey Gonzales when that came up. She said he told her on the phone and then followed-up in the Memo, about how this would be under City jurisdiction, and we shouldn't expect anything from the County. She said, "Maybe they can get there, but the protocol is to not expect service from the County."

- Commissioner Harris said, for him, that argues for the through street, the street through from Rufina to Agua Fria, with limited access emergency gate. He thinks ultimately the first response would be by the City Fire Department.
- Commissioner Harris said, "So, in summary, I'd just like to give my view of the technical issues. I would agree with staff, as I've just said, that the emergency response necessitates a through street. I also think, in any event, even if the variances were required for the cul de sac, I think that right of way should be dedicated to the City and those streets should meet City standards, whether

they be lane or subcollector. I think that's very important. I think we all have a notion of connectivity in neighborhoods. And I think, in terms of safety, to my way of thinking, sidewalks are a feature that allows neighbors to walk comfortably from one house to the other, even if it is down the road."

- Commissioner Harris continued, "The other issues, the park issues, I've gotten clarification there. I think it's not resolved as yet, and so I agree with staff, and I'm going to fall on the side of denial."
- Commissioner Villarreal said, "There's a lot of things that I want to mention about this. I feel like we've spun out, because we're trying figure out how it ended up on our plate. Again, I feel like most of this is because we are given opportunity to try to figure out how to make it work, and I feel like a lot of things we are considering as conditions, are not really conditions. They're up to us to figure out if they make sense. Based on the packet material, based on what Mr. Romero has stated, we have constantly drilled in with all the other projects, in terms of our Commission, how we decide about connectivity. And this is all about connectivity. We make it happen with other cases, we require it. And if we're looking at cul de sacs, this is not how you create connectivity. I live in a neighborhood off Agua Fria that has the exact same problem. It was developed piecemeal, so our street doesn't connect to the next street, which you probably could just walk across and you would be able to get into another neighborhood and eventually into places to walk, to eat, etc. It just doesn't make any sense to me to be able to do cul de sacs. I don't feel like they are community oriented. My whole issue at the beginning of this particular case, from the beginning was that there are traffic issues, and we haven't really resolved them. And I think it makes it even worse to try to use cul de sacs as an option."

Commissioner Villarreal said, "So, with that being said, and without getting into the emotional side of things, because it's back to us. This kind of relates to a lot of things that happen, about movidas that happen in our communities, that end up pitting community members against City staff. And I feel that's where we are today. I think this could have been worked out. I think the neighbors weren't given much of a choice. They had to make concessions and say, okay, well this is what we have, this is what we have to figure out. That's not how communities are empowered. I think we need to deny it tonight, or we have an option to go back to the drawing board and try to figure out some other options. But I don't appreciate having threats, saying, well if you don't give us cul de sacs, we're going to give you more density. What's that about. That just doesn't make any sense. I would hope that one of my fellow Commissioners has a motion we can make this evening which will ameliorate all these issues that we talked about tonight."

- Commissioner Schackel-Bordegary said, before her fellow Commissioner just spoke, my original motion would be to postpone this case. I now want to recommend denial, which is in support of City staff. The reason I would want to postpone it is, judging by this, and other nights we spend here looking at proposals for this area of our City, it's been very painful, and we're spending a lot of time, and neighbors are being pitted against neighbors. We're putting our Traffic Engineer on the stand time after time, who is saying we're trying to connect here. What it begs for, it's a study area, it's the subject of growing pains in our City. It bumps right up against Agua Fria, and we're not working this out with them. I think we need a site visit, even if we deny this case. I would not

like to look at any more cases in this section of the City without working with them. Ourselves, we need to be on the ground out there and quit talking about this stuff from this chamber all the way across town. Because it is historic patterns we are now trying to shoehorn modern development in, and it takes the form unfortunately, of density and traffic."

Ms. Baer said, "If you're going to make a vote, if you would please vote on the variance first and then the Preliminary Subdivision Plat.

– Chair Spray said then we have to have two votes on this topic.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to deny the request for a variance in Case #2013-58, Aguafina Preliminary Subdivision Plat with Variance.

VOTE: The motion was approved on the following roll call vote [7-0]:

For: Commissioner Bemis, Commissioner Harris, Commissioner Ortiz, Commissioner Pava, Commissioner Padilla, Commissioner Schackel-Bordegary and Commissioner Villarreal.

Against: None.

Chair Spray said, "I assume the Preliminary Subdivision Plat is not moot at this point, Ms. Baer. Do we still need to address that. Ms. Lamboy."

Ms. Baer said, Yes."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to deny the request for a Preliminary Subdivision Plat in Case #2013-58, Aguafina Preliminary Subdivision Plat with Variance.

DISCUSSION: Chair Spray asked Ms. Brennan if it is appropriate to deny this case, or if it is not just to approve that would be appropriate, and asked Ms. Brennan how we should word this.

Ms. Brennan said, "Yes, you can deny it. They can come back with another... you're denying... it's a preliminary denial."

VOTE: The motion was approved on the following roll call vote [7-0]:

For: Commissioner Bemis, Commissioner Harris, Commissioner Ortiz, Commissioner Pava, Commissioner Padilla, Commissioner Schackel-Bordegary and Commissioner Villarreal.

Against: None.

There was a short break here

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

Case #2013-58

Aguafina – Preliminary Subdivision Plat and Variance

Owner's Name – Aguafina Development LLC

Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 1, 2013 upon the application (Application) of JenkinsGavin Design & Development, Inc., as agent for Aguafina Development LLC (Applicant).

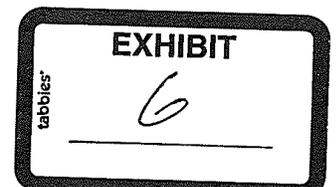
The Applicant seeks the Commission's approval of a preliminary subdivision plat to divide three parcels of land identified as Tract B, Tract C-1 and Tract C-2, totaling 11.47± acres located at 4702 Rufina Street (Tract B, at 2.42± acres), 4262 Agua Fria Street (Tract C-1, at 5.61± acres) and 4701 Rufina Street (Tract C-2, at 3.44± acres) (collectively, the Property) into 23 single-family residential lots (Project). Tracts B and C-2 are zoned R-3 (Residential – 3 dwelling units/acre) and Tract C-1 is zoned R-5 (Residential – 5 dwelling units/acre). The Applicant also seeks a variance (the Variance) from Santa Fe City Code (Code) §14-9.2(D)(8) to permit the construction of two private cul-de-sac Lot Access Driveways on Tracts C-1 and C-2 rather than a continuous subcollector street dedicated to the City and connecting Agua Fria Street to Rufina Street.

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

FINDINGS OF FACT

General

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and other interested parties.
2. Pursuant to Code §14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code §14-3.7(A)(1)(b) subdivisions of land must be approved by the Commission.
4. SFCC §14-2.3(C)(3) authorizes the Commission to hear and decide pursuant to SFCC §14-3.16 a request for a variance which is part of a subdivision request requiring Commission review.
5. Code §14-3.7(B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code §14-3.1(E).
6. Pursuant to Code §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.



7. A pre-application conference was held on May 23, 2013 in accordance with the procedures for subdivisions set out in Code §14-3.1(E)(2)(a) and (c).
8. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code §14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§14-3.1 (H), and (I) respectively.
9. Code §14-3.1(F)(2)(a)(v) requires an ENN for preliminary subdivision plats and Code §14-3.1(F)(2)(a)(vii) requires an ENN for variances.
10. Code §§14-3.1(F)(4) and (5) establish procedures for the ENN.
11. The Applicant conducted an ENN meeting on the Application at 5:30 p.m. on June 10, 2013 at the Southside Library at 6599 Jaguar Drive in accordance with the notice requirement of Code §14-3.1(F)(3)(a).
12. The ENN meeting was attended by the Applicant and City staff; approximately 31 members of the public were in attendance.
13. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the preliminary subdivision plat and variance be denied.

The Preliminary Subdivision Plat

14. Code §14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvements plans and other specified supplementary material and in conformance with the standards of Code §14-9 (collectively, the Applicable Requirements).
15. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have not been met, in that the Project is not in conformance with Code §14-9 without the Commission's approval of the Variance.

The Variance

16. SFCC §14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the Variance based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
17. The information contained in the Staff Report and the testimony and evidence presented at the hearing is not sufficient to establish with respect to the Applicant's request for the Variance from the design criteria of §14-9.2(D)(8) to permit the construction of two private cul-de-sac Lot Access Driveways on Tracts C-1 and C-2 rather than a continuous subcollector street dedicated to the City connecting Agua Fria Street to Rufina Street in that (a) while the Property is composed of three tracts extending from Agua Fria Street to Rufina Street and across Rufina Street and its historic long narrow configuration imposes constraints on development, other properties in the vicinity are similarly configured and are subject to the same development regulations; and (b) the development on Tracts C-1 and C-2 of a continuous subcollector street dedicated to the City connecting Agua Fria Street to Rufina Street is not infeasible and would connect future development at the approved Cielo Azul subdivision to the west with Rufina and Agua Fria.

CONCLUSIONS OF LAW

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

General

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

The Preliminary Subdivision Plat

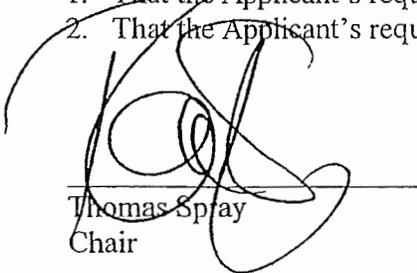
3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Applicable Requirements have not been met.

The Variance

5. The Commission has the power and authority under the Code to review and approve the Applicant's request for the Variance.
6. The Applicant has not met the criteria for a variance set forth in SFCC §§14-3.16(C).

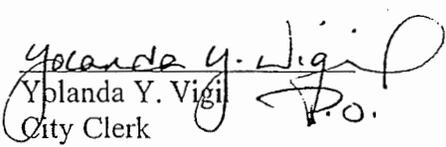
WHEREFORE, IT IS ORDERED ON THE 12TH OF SEPTEMBER 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That the Applicant's request for preliminary subdivision plat approval is denied.
2. That the Applicant's request for the Variance is denied.


Thomas Spray
Chair

9/12/13
Date:

FILED:


Yolanda Y. Vigil
City Clerk

9/13/13
Date:

6-3

APPROVED AS TO FORM:

Kelley A. Brennan

Kelley Brennan
Assistant City Attorney

9/12/13
Date:

6-4