



Agenda

CITY CLERK'S OFFICE

DATE 11/18/14 TIME 9:30

SERVED BY Dominique Quintero

RECEIVED BY Shirley Harting

PLANNING COMMISSION

Thursday, December 4, 2014 - 6:00pm

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

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

MINUTES: November 6, 2014

FINDINGS/CONCLUSIONS:

Case #2014-97. Honda-Subaru Dealership Development Plan.

E. CONSENT CALENDAR

1. Case #2014-103. Village Plaza Final Subdivision Plat Time Extension. Report of the Land Use Director's approval of a one-year administrative time extension for a Final Subdivision Plat for 12 lots on 61.05+/- acres. The property is located east of NM 599, west of Plaza Central, and extends north and south of Jaguar Drive. The time extension would extend the Final Subdivision Plat approval to November 4, 2015. Santa Fe Planning Group, Inc., agent for Richard Cook. (Zach Thomas, Case Manager)

F. OLD BUSINESS

1. Case #2014-94. Hart Business Park- Phase II Final Subdivision Plat. James W. Siebert and Associates, agent for SFCC 599 LLC, request Final Subdivision Plat approval for 6 lots on 12.03± acres. The property is zoned I-1 (Light Industrial) and is located at 4501 Hart Rd. (Donna Wynant, Case Manager) (**POSTPONED FROM NOVEMBER 6, 2014**)

G. NEW BUSINESS

1. Case #2014-104. 2504 and 2505 Siringo Lane Rezoning. Daniel Smith, and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential - 1 dwelling unit per acre) to R-3 (Residential - 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane. (Zach Thomas, Case Manager)

2. **Case #2014-106. Villas de Sophia Final Development Plan and Final Subdivision Plat.** Monica Montoya, agent for Ted Chagaris, requests Final Development Plan and Final Subdivision Plat approval to create 6 single family lots on 1.00± acre. The property is zoned R-7 PUD (Residential, 7 dwelling units per acre, Planned Unit Development) and is located on Siringo Road, south of the intersection of Calle Contento and Siringo Road. (Donna Wynant, Case Manager)

H. STAFF COMMUNICATIONS

I. MATTERS FROM THE COMMISSION

J. ADJOURNMENT

NOTES:

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

SUMMARY INDEX
CITY OF SANTA FE
PLANNING COMMISSION
December 4, 2014

| <u>ITEM</u> | <u>ACTION</u> | <u>PAGE</u> |
|--|-----------------------|-------------|
| CALL TO ORDER/ROLL CALL | Quorum | 1 |
| APPROVAL OF AGENDA | Approved [amended] | 1-2 |
| <u>APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS</u> | | |
| MINUTES – NOVEMBER 6, 2014 | Postponed to 01/08/15 | 2 |
| FINDINGS OF FACT AND CONCLUSIONS OF LAW CASE #2014-97. HONDA-SUBARU DEALERSHIP DEVELOPMENT PLAN | Approved | 2 |
| <u>CONSENT CALENDAR</u> | | |
| CASE #2014-103. VILLAGE PLAZA FINAL SUBDIVISION PLAT TIME EXTENSION. REPORT OF THE LAND USE DIRECTOR'S APPROVAL OF A ONE-YEAR ADMINISTRATIVE TIME EXTENSION FOR A FINAL SUBDIVISION PLAT FOR 12 LOTS ON 61.05± ACRES. THE PROPERTY IS LOCATED EAST OF NM 599, WEST OF PLAZA CENTRAL, AND EXTENDS NORTH AND SOUTH OF JAGUAR DRIVE. THE TIME EXTENSION WOULD EXTEND THE FINAL SUBDIVISION PLAT APPROVAL TO NOVEMBER 4, 2015. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK | Approved | 3 |
| <u>OLD BUSINESS</u> | | |
| CASE #2014-94. HART BUSINESS PARK – PHASE II FINAL SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR SFCC 599, LLC, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR 6 LOTS ON 12.03± ACRES . THE PROPERTY IS ZONED I-1 (LIGHT INDUSTRIAL) AND IS LOCATED AT 4501 HART ROAD | Postponed to 01/08/15 | 3 |

ITEM**ACTION****PAGE****NEW BUSINESS**

CASE #2014-104. 2504 ANDS 2505 SIRINGO LANE REZONING. DANIEL SMITH AND LINDA DURAN FOR ROBERT H. & SARAH S. DURAN, REQUEST REZONING OF TWO 1-ACRE PARCELS FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-3 (RESIDENTIAL – 3 DWELLING UNITS PER ACRE). THE TWO PARCELS ARE CURRENTLY DEVELOPED WITH RESIDENTIAL USES AND ARE LOCATED AT 2504 AND 2505 SIRINGO LANE

Postponed to 01/08/14

3-4

CASE #2014-106. VILLAS DE SOPHIA FINAL DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT. MONICA MONTOYA, AGENT FOR TED CHAGARIS, REQUESTS FINAL DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT APPROVAL TO CREATE 6 SINGLE FAMILY LOTS ON 1.00± ACRE. THE PROPERTY IS ZONED R-7 PUD (RESIDENTIAL, 7 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT) AND IS LOCATED ON SIRINGO ROAD, SOUTH OF THE INTERSECTION OF CALLE CONTENTO AND SIRINGO ROAD

Approved w/conditions

4-18

STAFF COMMUNICATIONS

Information/discussion

18-20

MATTERS FROM THE COMMISSION

Information/discussion

20-24

ADJOURNMENT

24

**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
December 4, 2014**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Michael Harris, at approximately 6:00 p.m., on Thursday, December 4, 2014, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Commissioner Michael Harris, Chair
Commissioner Dan Pava, Secretary
Commissioner Lisa Bemis
Commissioner Brian Patrick Gutierrez
Commissioner Lawrence Ortiz
Commissioner John Padilla
Commissioner Angela Schackel-Bordegary
[Vacancy]

MEMBERS EXCUSED:

Commissioner Renee Villarreal, Vice-Chair

OTHERS PRESENT:

Lisa Martinez, Director, Land Use Department
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Zachary Shandler, Assistant City Attorney
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

A Memorandum dated December 4, 2014, with attachments, to the Planning Commission, from Current Planning Division, regarding Additional Information, is incorporated herewith to these minutes as Exhibit "1."

Ms. Baer said there are requests to postpone Item #F(1) Case #2014-94, Hart Business Park Phase II Final Subdivision Plat under Old Business, and Item #G(1) Case #2014-104, 2504 and 2505 Siringo Land Rezoning, under New Business to the Planning Commission meeting of January 8, 2015.

MOTION: Commissioner Bemis moved, seconded by Commissioner Padilla, to approve the Agenda, as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Schackel-Bordegary voting in favor of the motion and no one voting against [6-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – NOVEMBER 6, 2014

After discussion, it was suggested to postpone consideration of the minutes of November 6, 2014, to the meeting of January 8, 2014, so Ms. Helberg can review the tapes to verify several points in the minutes.

MOTION: Commissioner Padilla moved, seconded by Commissioner Bemis, to postpone consideration of the minutes of the meeting of November 6, 2014, to the meeting of January 8, 2014.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Schackel-Bordegary voting in favor of the motion and no one voting against [6-0].

2. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A copy of the Findings of Fact and Conclusions of Law in Case #2014-97, Honda-Subaru Dealership Development Plan, is incorporated herewith to these minutes as Exhibit "2."

a) CASE #2014-97. HONDA-SUBARU DEALERSHIP DEVELOPMENT PLAN.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2014-97, Honda-Subaru Dealership Development Plan, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Schackel-Bordegary voting in favor of the motion and no one voting against [6-0].

E. CONSENT CALENDAR

1. **CASE #2014-103. VILLAGE PLAZA FINAL SUBDIVISION PLAT TIME EXTENSION. REPORT OF THE LAND USE DIRECTOR'S APPROVAL OF A ONE-YEAR ADMINISTRATIVE TIME EXTENSION FOR A FINAL SUBDIVISION PLAT FOR 12 LOTS ON 61.05± ACRES. THE PROPERTY IS LOCATED EAST OF NM 599, WEST OF PLAZA CENTRAL, AND EXTENDS NORTH AND SOUTH OF JAGUAR DRIVE. THE TIME EXTENSION WOULD EXTEND THE FINAL SUBDIVISION PLAT APPROVAL TO NOVEMBER 4, 2015. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK. (ZACH THOMAS, CASE MANAGER.)**

A Memorandum prepared November 10, 2014 for the December 4, 2014 Meeting, with attachments, to the Planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Ortiz, to approve the Consent Calendar, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Schackel-Bordegary voting in favor of the motion and no one voting against [6-0].

F. OLD BUSINESS

2. **CASE #2014-94. HART BUSINESS PARK – PHASE II FINAL SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR SFCC 599, LLC, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR 6 LOTS ON 12.03± ACRES . THE PROPERTY IS ZONED I-1 (LIGHT INDUSTRIAL) AND IS LOCATED AT 4501 HART ROAD. (DONNA WYNANT, CASE MANAGER) (Postponed from November 6, 2014)**

A Memorandum prepared November 24, 2014 for the December 4, 2014 Meeting, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "4."

This item is postponed to the Planning Commission meeting of January 8, 2014.

G. NEW BUSINESS

1. **CASE #2014-104. 2504 ANDS 2505 SIRINGO LANE REZONING. DANIEL SMITH AND LINDA DURAN FOR ROBERT H. & SARAH S. DURAN, REQUEST REZONING OF TWO 1-ACRE PARCELS FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-3 (RESIDENTIAL – 3 DWELLING UNITS PER ACRE). THE TWO PARCELS ARE CURRENTLY DEVELOPED WITH RESIDENTIAL USES AND ARE LOCATED AT 2504 AND 2505 SIRINGO LANE. (ZACH THOMAS, CASE MANAGER)**

This item is postponed to the Planning Commission meeting of January 8, 2014.

2. **CASE #2014-106. VILLAS DE SOPHIA FINAL DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT. MONICA MONTOYA, AGENT FOR TED CHAGARIS, REQUESTS FINAL DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT APPROVAL TO CREATE 6 SINGLE FAMILY LOTS ON 1.00± ACRE. THE PROPERTY IS ZONED R-7 PUD (RESIDENTIAL, 7 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT) AND IS LOCATED ON SIRINGO ROAD, SOUTH OF THE INTERSECTION OF CALLE CONTENTO AND SIRINGO ROAD. (DONNA WYNANT, CASE MANAGER)**

A Memorandum prepared November 18, 2014, for the December 4, 2014 meeting, with attachments, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

A letter prepared October 27, 2014, for December 4, 2014 Planning Commission Meeting, with attachments, to the Planning Commission, from Monica Montoya, Montoya Land Use Consulting, Inc., regarding this case, is incorporated herewith to these minutes as Exhibit "6."

The *Villas de Sophia Final Development Plan and Final Subdivision Plat*, with attachments, is on file in, and copies can be obtained from, the Land Use Department.

Donna Wynant presented information in this case via overhead. Please see Exhibit "5," for specifics of this presentation.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in this report [Exhibit "5"].

Public Hearing

Presentation by the Applicant

Monica Montoya, Montoya Land Use Consultant, Agent for the owner, Ted Chagaris, was sworn. Ms. Montoya thanked staff, commenting they have been wonderful throughout this process.

Ms. Montoya said, "Donna did a good job describing the application. The only thing I wanted to add is we do agree with the conditions of approval. We've worked very closely with staff on the design that we have today. Just to emphasize a little bit. We did get approval for Villas de Sophia in 2007 for 8 units. The current application drops that by 2. The reason it wasn't constructed back in 2007 was, of course, because of the economic conditions, and the property owner was unable to develop. And so now that things are a bit better, he is able to do that."

Ms. Montoya continued, "The current design, we did reduce that from 8 to 6 units. The original approval also did have a 25-foot wide private driveway. But as Donna mentioned, over the years, there has been the potential for development to the south of Villas de Sophia, and so the City asked us to widen a 25-foot private driveway into a 36-foot wide public [road]. It will still be a private driveway for maintenance by the owners of Villas de Sophia, but it will be constructed to Public Street standards. The developer has taken on the additional cost of constructing it to public street standards. And as Donna mentioned, this right of way may or may not be used at some point in the future. There are several other potential access points for properties to the south, but this will add, and the developer has agreed to it, will add another potential way to get to the properties to the south."

Ms. Montoya continued, "We ask that the Commission consider that this will be a good project, located in a good part of town. It will be a good project for single family residences for families. We ask that the Commission consider that we will be contributing \$24,000 toward the City's affordable housing program with this development."

Ms. Montoya continued, "And Donna also mentioned at the last meeting, Chair Villarreal was requesting that we look further into the entrance detail. I'm sure all you guys have all of that in your packet, but I'm happy to elaborate on it if you would like. We worked it so there would be some pretty good access into our private driveway. And with that, I stand for any questions."

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Padilla said the Commission is being asked to consider this evening, per the final paragraph of the Memo, "Review of the development plan for innovative design and variations of standards." He said as he reads #1, "Attach portals to encroach in the 15' minimum rear yard setback up to 5' of the rear property line," we are actually encroaching 10 feet into the setback. He asked if that is correct.

Ms. Wynant said that is correct.

Commissioner Padilla asked how that is innovative design.

Ms. Baer said, "As you know, innovative is a matter of judgment, and it's up to the Planning Commission to make that call. I think the main point to consider, in this case is, especially given the increase in the right-of-way that the City has requested and the Applicant has agreed to, really compresses the amount of developable area. And staff felt that the design that has been provided, especially with the three zero setback configuration, allowed 6 units to be developed in this part of town which is fairly close to the center of town, and that would provide family housing in a good location and at a relatively affordable price. So, we felt that was sufficient in order to allow certain deviations to occur. And that's also the nature of the PUD, I would point out. So the PUD allows the Planning Commission to make these, I would call

them deviations, deviations from standard regulations or standards of the Code. And this happens to be one of them. So, the porch, in and of itself, I think allows a covered area for outdoor enjoyment in a relatively densely configured project."

Commissioner Padilla said, "A follow up question to that. I appreciate the expansion of the right-of-way to 36 feet. We know it should have been 38 feet, but the exception now is granting the exception of a 36-foot wide right-of-way. And that is east-west on the property. The portals that are mentioned, are on the north and south side of the property. So one, I'm kind of wondering why we are allowing such a large encroachment into a building setback. If we were in any other development, we would have probably not been as willing to allow an encroachment into that setback. So it's just a statement. I just wanted to clarify that. I can see the impact on Units 3 and 4 with the east-west widening of the right-of-way, but I really don't see it on the north and south ends of Lots number 1, 2, 6 and 5. So, I've got a question about that, and how that really speaks to innovative design."

Commissioner Padilla continued, "The other thing is the setbacks for the coyote fence. We're basically putting that coyote fence right on the property line. So, why does that require a variance to the setback. Fences typically are placed on property lines, so how is that a variance on the setback."

Ms. Wynant said, "That's a requirement. It's a recent amendment to the Code for subdivisions of 6 lots or more. They are to place their wall or fence 5 feet into their property, and then line that, I think it's up to 75% coverage of that wall, we'll just call it that, it's a generic reference I think, with thorny plants. And we had some questions, what does that consist of, but essentially we'll look at that when it comes through for building permits. But that was to prevent or reduce the amount of graffiti or tagging, which I understand, on coyote fencing you don't get too much of that, but I believe that there are some posts and things. So they're going to place that kind of thing in there, and that's what's that's about. And so that right-of-way is so wide there from the curb to the lot line, that we talked to the applicant about it. And we looked at the arrangement of any kinds of street trees in that area, and they're not located between the sidewalk and the curb. They're more like, if there are any street trees there, they're on the other side of the sidewalk where there's more room to grow, so we wanted them to place those trees there, and then these plant materials right up to the fence."

Commissioner Padilla said, "I remember that from the preliminary plan, and I thought the placement of the trees was much better off between the back of the sidewalk and the north property line. Okay, I just wanted clarification as to why we're on the setback and needed a variance on that property line."

Commissioner Padilla continued, "The other thing is, in the application, the Applicant states that the homes would be single-story. And in the packet there is an elevation which would be the typical unit. They provided the elevation to the typical units, and I'm wondering, on sheet 20 of the packet, they've got their typical units. And again, speaking to innovative design, I was wondering how that was.... do we consider the unit design as an area for innovative design. I don't know if that's really in our purview to talk about that. It seems pretty straightforward, you know, Pueblo Revival style and so forth. I don't know if we were looking at innovative design there. But my real question is, is the ability of the developer to build two-story within the maximum allowable height, the 24 feet. However, there is a request to not have the

required setbacks. I believe in the presentation by staff, it was mentioned that allowing them appropriate floor area to develop a second story. Obviously there is significant or substantial floor area in a single story design. How does not requiring them to do setback requirements going away from a sheer wall, how does not allowing them to have to do the setback encroach or impede their ability to actually fully develop this property."

Ms. Baer said, "It doesn't necessarily impede the ability of them to develop the property. I think it anticipates a new owner, a subsequent owner, say 10 years from now, who wants to expand their unit. Maybe they have another child, maybe they have their grandma move in, something like that. It gives them the ability to build up, and then it gives the adjacent unit the same ability, so that really you would have more of a town house configuration. You could have, eventually, two-story units with a shared wall."

Commissioner Padilla said, "The only place we're concerned with that is at the zero property line. Is that correct."

Ms. Baer said that's correct.

Chair Harris said, "If I could just ask a question real quick, just to clarify. So I had the same concern as Commissioner Padilla on the last point. So, really the setbacks, we're not concerned... with this variation, we're not concerned with the setback. Basically, it's a common wall, a zero lot line wall. Correct."

Ms. Baer said, "Yes. That's where we would not require it at the common wall."

Chair Harris said, "Which I think makes sense."

Commissioner Schackel-Bordegary said, "Since my fellow-Commissioner Padilla brought up design issues, and maybe this is more of a question for the Applicant, in terms of designing and adding the portal, what the thinking was as far as that goes – to break up the façades or the function of a portal. Do you care to describe the design process that went into adding portals or portales."

Ms. Montoya said, "With this development, our architect actually has drawn out floor plans. And the design, or the intent of the design in order to make it a cohesive development, was to have all of the front homes or the front doors of the homes facing the interior. I'll use Donna's drawing. Actually, I will use this one Donna, thank you. 'This' plan right here, Commissioner, is a drawing of the yard requirements, the City of Santa Fe yard requirements. And so, on my drawing right here, this is Siringo Road and this is Villa Sophia, right here is our driveway entrance. So this is the center of the development. Each one of the homes, their entrances, face the interior courtyard. The back yards of each of the homes will end up on four lots, 1 and 2 on the north side, which faces Siringo Road, and for lots 5 and 6 on the south side. And the most logical place for the backyards, and portals and covered spaces for those, would be against those two property lines."

Ms. Montoya continued, "Now because of the yard requirements, the north property line and the south property line were considered special yards under the Chapter 14 requirements. Even though they behave as rear yards to these units, they're called special yards. And so, it's basically a Code interpretation of yard and setbacks, and how these homes work better in their design to accommodate the residents. Does that answer the question."

Commissioner Schackel-Bordegary said, "So, are all the portals, I'm looking at the elevation... they're not all facing inside. If you said this, the front doors are the ones that have portals."

Ms. Montoya said, "It will be the backyards of each of the homes."

Commissioner Schackel-Bordegary said, "Well, actually, the elevation facing Siringo has portals."

Ms. Montoya said that is correct.

Commissioner Pava said, "This is just a comment about the design. It appears that each unit has a two-car garage, guesstimating from the simple drawings. And how did staff view the.... this is a PUD, but how did staff view the off-street parking requirement. How is that accommodated. There seems to be a gate at the entrance to the courtyard. But then on Villa Sophia, is that where it's assumed guests may park or on the adjacent Siringo [Road]."

Ms. Baer said, "No, actually, each of those two garage spaces are what's required for each dwelling unit. There are additional parking spaces for guests, or if people choose to park outside, I'm not sure those are indicated, but if you look at, for example the development plan, in front of the garages there is additional parking. And I don't recall the number of spaces. Maybe Ms. Montoya can point that out."

Ms. Montoya said, "So 'this' is the area that Tamara is referring to. Each of the units have two parking spaces within their garages to meet the minimum requirement for that unit. In front of those garages is a 20 foot space for 3 additional parking spaces on Lots 1, 2, 5 and 6, and 2 additional spaces for guests in front of Lots 4 and 3."

Commissioner Pava said, "I'm all for minimizing the parking requirements and maximizing the living areas. I live on a lot that is 3,200 sq. ft., off Camino Alire, and at my density you could put almost 14 of our units... it works. I was just concerned about the parking in this particular case, so these are larger units. And eventually, somebody may opt to convert a garage, for example, and those kinds of issues may come up. On the other hand, maybe these people will start just owning or affording one car, who knows. Thank you."

Ms. Montoya said maybe they'll take the bus, because the bus stop is just down the street, and Commissioner Pava said there's a really nice Rail Runner station not too far away either.

Commissioner Padilla said, "A follow up question in the line of questions or concerns I had from the preliminary. Could staff could respond to the concern of queuing up to the gate. As you come in on Villa Sophia, you are on the west side of that road. As you turn into the driveway, where is the call box. Or

how do I, as an owner of this unit, access that gate and open that gate. Are we concerned at all, did Traffic talk about the issue of queuing and possible cross-traffic going out of there and the implications."

Ms. Baer said, "I don't believe that was a concern for traffic. Where they're concerned about queuing, is primarily in a commercial situation, especially with a drive-through or drive-up window like Starbuck's or McDonald's or something like that. In a situation like this, the only reason cars would be stopped on Villa Sophia would be if the gate were jammed, or if there was a very large party and everyone was coming in at once. Otherwise, there's room probably for, and I'm estimating here, but I would say at least 5, if not 6 cars to stack before they got to the gate. Presumably the others would have an electronic device that would open the gate. I can't tell you where the call box is, but maybe Ms. Montoya could, although I did see a separate call box for pedestrian access on their drawing."

Commissioner Padilla said, "Question for Ms. Montoya. Ms. Montoya could you talk to us a little bit about.... as I'm coming in, as an owner coming into the facility and a second owner going out of the facility. Obviously the going out is going to be on right hand side going out, and right hand side going in, so they're on opposite sides. How does someone arriving at the property access the gate, and where do they access the gate."

Ms. Montoya said, "Are you talking about the vehicular gate."

Commissioner Padilla said yes, vehicular.

Ms. Montoya said, "What we did, was we prepared a diagram in response to the discussion at the last Planning Commission hearing. We put together this diagram for you to show you how we anticipate, or how we see this working. And so, what you're looking at right here is the detail of the entrance of the development. 'This' is the first car you're referring to, turning into the development. And 'this' is the car leaving the development. 'This' is a retractable gate here, which the owners have the ability to open electronically. These gates will retract back. There's also a couple of pedestrian gates that we added."

Commissioner Padilla asked, "Could you slide that down so I can see the pedestrian gates."

Ms. Montoya said, "The pedestrian gate is right 'here,' so they have the ability to come in and out through that gate right 'there.' So it all fits nicely."

Commissioner Padilla said, "How wide is that sidewalk. Ms. Montoya, if I may, I'm the car coming in, is there a keypad or is it through a gate operator."

Ms. Montoya said, "There is a box right 'here,' so there will be the ability to open it electronically, and there's also a call box."

Commissioner Padilla said, "Not a key pad."

Ms. Montoya said that is correct.

Commissioner Padilla said, "So a visitor coming in, how does the visitor without a key pad, or a gate opener, they get out of their car and walk up to the control box."

Ms. Montoya said, "Yes. They will have the ability to punch in a code, or they'll have the ability to call the property owner, and the property owner can open it for them. They do this in Vista Primera."

Commissioner Padilla said, "But you would physically get out of the vehicle."

Ms. Montoya said, "Yes. That's an option."

Commissioner Padilla said, "It's not an option, it's what you have to do. Right. As a visitor."

Ms. Montoya said, "As a visitor, that is correct."

Commissioner Padilla said, "You would have to get out of your vehicle, go to the key pad and either key in the code or call an owner."

Ms. Montoya said that is correct. She said it's the same setup that, for example, Vista Primera has.

Commissioner Padilla said, "In reference to the pedestrian gate, if you'll slide that down just a little bit, I believe the sidewalk coming down is the 5 foot width, correct, coming from north south."

Ms. Montoya said that is correct.

Commissioner Padilla said, "The gate that you have where the point of the pen is, that is a 3 foot gate. Is that sidewalk 3 feet wide. Wouldn't it need to be maintained at 5 feet to be able to meet ADA compliance."

Ms. Montoya said, "That is the sidewalk into the development for the public right of way. It is a 5 foot minimum, but it does meet requirements for interior sidewalks."

Commissioner Ortiz said, "A pedestrian walking there would dial up the owner or punch in the code to open the gate."

Ms. Montoya said that is correct.

Commissioner Ortiz said, "Question for Ms. Montoya. I just wanted to make a comment. They do have to have a call box in the middle between the cars. That's how Vista Primara is set up. I live in Vista Primera. You drive up to the call box and reach out on the driver's side and punch in a code, call the homeowner and they can open the gate. Or if you have remotes that will open it without having to do that. But for visitors, they do have to have a call box in on an island somewhere in the middle. I think it would be really cumbersome for somebody to have to get out and go over the right side to open the gate and then have to come back while the gate is retracted. I think that's something you have to consider on this."

Ms. Montoya said, "We will configure that. I know we did look into several options for this. There are other subdivisions in the City that use the same setup. I believe you are correct. One option is to get out of the vehicle, walk to the call box and enter a code in order to enter, that's one option. That's correct."

Councilor Ortiz said, "I would advise that you do put it on an island or something, because we experience those issues where they knock it down all the time, so we had to put in an island to control the cars coming in. And we've had a lot of issues out there with our gates, but that's something that needs to be considered and make it as easy as possible for the visitors. I think the owners will have some kind of sensor to hit it and open it, but I think the visitors will have issues and problems on that."

Ms. Montoya said, "We are happy to add that as condition of approval, that we visit that with staff to their satisfaction."

Commissioner Gutierrez said, "On the entrance deal we're talking about, I see the 20 foot driving lane and we were talking about a 36 foot entrance. My question is, is the stacking area staying the same at 24 feet so the car is definitely out of the way. Or since it's going to be 36 feet is it taking away from the stacking area."

Ms. Montoya said, "If I understand your question correctly, there will actually be a 20 foot driving lane, the width of the road is 36 feet, but there's actually a 20 foot driving lane which is minimum. And what we anticipate happening is the queuing, and please stop me if I'm not answering your question correctly, but the queuing would occur on the driving lane. So a car would come 'this' way if there were someone at the entrance gate, they would wait in line behind, at 'this' point here, and once the car at the entrance moved in, they could drive in behind it. Does that answer your question. The 20 foot minimum is the...."

Commissioner Gutierrez said he understands the 20 foot minimum, but the stacking area is staying at 24 feet, that gate is not going to move..... so there is a vehicle or a UPS truck sitting there that people can't get around in the future if they need to go down 'this' road or 'this' driveway where it's sticking out and the gate is only set at 10-12 feet, and you have a 30 foot truck sitting there."

Ms. Montoya said, "We ask you to consider that this is very common or similar to other public rights of way within the City limits where someone is pulling into their driveway, if they're waiting for traffic to clear so they can maneuver their way into their driveway, there may be the possibility of someone having to wait a moment to enter. We propose this is very similar to how it's set up on other public rights of way."

Commissioner Gutierrez said, "I guess I'd say to that, is the only difference is that there's a gate that needs to be operated and used before they can enter, as opposed to somebody just taking a left into their driveway, and delivery trucks, things of that kind might.... If that is moved, if you're coming back in and you say this isn't working for us, we'd like less of a stacking area. A regular car will fit in 20 feet, but more than that isn't going to fit in that area."

Ms. Montoya said they will take that into consideration.

Commissioner Gutierrez said, regarding the Declaration of Covenants and Conditions, just a few things he saw. He said, "It's still talking about 8 townhouse lots, and I don't know if this makes a difference or not. I know these were filed in 2007 when you were doing all of this."

Ms. Montoya said, "That is absolutely correct. These homeowners documents will be revised to address the current development after final approval and before the finalizing of the subdivision plat. It is one of the conditions that we agreed to as a part of the application."

Commissioner Gutierrez said, "The parking restrictions. It was brought up earlier about two-garage parking and parking in front. In Section 12 [page 7] it says, 'If an owner owns 2 or more vehicles, no more than 2 vehicles at a time shall be parked in the designated parking area. Any other vehicles belonging to the owner shall be parked outside the property, and guests shall also be parked outside the property'."

Ms. Montoya said, "We can certainly work on these covenants to address the concern you have. We are absolutely happy to do that. These aren't set in stone."

Commissioner Gutierrez said, "I understand. I just foresee a car sitting on Villa Sophia because it can't park inside. Somewhere there are going to be vehicles, depending on how tight parking is in this area."

Commissioner Schackel-Bordegary said, "Back to the entrance detail that we're spending a lot of time with. The sidewalks. So above it is Siringo, correct. That's a north arrow and then Siringo. So does that pedestrian gate open into or onto a 3 feet wide sidewalk, and then does that connect up to Siringo's sidewalk. What is the connection to the existing sidewalk."

Oralynn Guerrerortiz, Design Engineer, Project Engineer, was sworn. Ms. Guerrerortiz said, "The gate does swing into the project, not out to the public right-of-way, and that sidewalk will connect to the Siringo Road sidewalk, and then there will be new ramps crossing the access road that we'll have to install too."

Commissioner Padilla said, "One final question for staff, and I believe we brought up this question at the preliminary review. Villa Sophia only goes south just beyond the gate. My question, I believe at the preliminary review, was what happens when development to the south occurs. Who bears the expense of connecting the rest of Villa Sophia to the south of the Villas de Sophia development. Who is responsible for developing that balance of the road."

Ms. Baer said, "The answer is the subsequent developer of the property, not this property [owner]."

Chair Harris said, "I think of this as the motor court inside the 3 buildings that comprise the 6 lots. And I wondered what studies have been done, even just schematically, to try and soften that motor court. I think there might be some opportunities in front of some of the units, not at the garage, but at the side. I

know you walk around to the side of the building to your front door. Have there been any studies associated with trying to soften the impact. It's all hard surfaces in there, and I think the marketplace would appreciate a little bit more greenery back there."

Ms. Baer said, "I think landscape, especially in the form of shade and ornamental trees in front of the units, would go a long way toward having that softening effect. I might add, though, that it might make a really nice play court for children riding their bikes, because it's going to be relatively safe. It's very little traffic. It's going to be separated from any sort of public access. I could see someone putting up a basketball hoop. I can see kids drawing with chalk or riding their tricycles even in that area, as a play area."

Chair Harris said, "Again, I didn't really see any real opportunity within the core of the motor court. I was thinking in terms of adjacent to the building in some areas. Ms. Montoya can you speak to that. Has there been any discussion on that."

Ms. Montoya said, "If I may refer you to sheet 21A of your plan set, which is our landscape plan. We've designated on this page the location of our proposed plantings, but this is also not set in stone. We can certainly add additional vegetation and trees throughout, if that is the wish of the Commission. There certainly are opportunities for additional trees between the clusters of houses. There's opportunity for planters inside of the drive area, which you're calling the drive court. There are 4 areas in there where we could possibly put planters that might green it up a little bit. We can certainly do that."

Chair Harris said, "I think that would be important, quite frankly for the development. And again, I don't want to create obstructions, or I'm not suggesting creating obstructions within the motor court. But again, a few examples I see might be in line with the common wall where you have the garages, just as Commissioner Ortiz spoke to the island for a punch pad over there. There might be an opportunity there for, maybe not wide, but 4-5 feet, it might come out a ways. Again, it would perhaps involve a little bit of reconfiguring of your sidewalks. But as you go from the front of the building and you wrap around, it seems like along the front of the building there, it's all paved. And it seems if you were to shift the sidewalk out a little ways and present the opportunity.... There is nobody that I can see that will be parking between, say the edge of the garage and, as you move over toward the sidewalk. Do you understand what I'm talking about there. Is that clear."

Ms. Montoya said, "Yes I understand. I think we would, if it would please the Commission, we would entertain a condition that we work with staff to accommodate that design on your behalf, before finalizing of our final landscape, subdivision and development plan."

Chair Harris said, "Thank you, for my purposes I think that would be important."

Commissioner Bemis said, "I want to ask you about lighting. Do you have any in this courtyard, or coming down outside where the keypad is. Do you have some lighting in the courtyard that would be, not objectionable to anybody, but at least for safety. What is the lighting going to be like in there, in the courtyard and in the entryway."

Ms. Montoya said, "We put a lot of thought into lighting for the development, and what we did not want to do was to create lighting and glare to adjacent properties. So all of our lighting will..... we don't propose any pole lighting, but instead we propose lighting through bollards in the parking area and directed into the parking area from the buildings themselves. So we intend for it to be soft lighting with landscaping transition in there."

Commissioner Schackel-Bordegary said, "Building on your line of interest around the, I think as I interpret, the sort of breaking up of the asphalt. I do note in our packet, is a letter from the Applicant who states that he is one of the few builders, of course there are probably more now in Santa Fe, who has the LEEDS certification, and he's committing to building to at least a gold level. And I'm not fully apprised on the levels of LEEDS certification. But I would think, part of the design consideration is the hardscaping, and what materials would be used for that, unless I missed it in the packet, and it calls for asphalt. There are permeable materials to use for driveways to cut down on impervious cover, and it helps recharge the aquifer. Is that something that is contemplated for this, in terms of building material for that courtyard."

Ms. Montoya said, "I'm not sure that we've gotten that detailed. I think the intent at this level is to asphalt the driveway area for maintenance purposes. It just makes it a little easier is what the thinking was. I don't think we were intending to do anything other than that. The owner is here, and we can certainly discuss it, and perhaps discuss that with staff."

Ms. Guerrerortiz said, "I would love a client to be willing to use permeable pavement. I haven't convinced anybody to use it because of the cost. We would have done base course because it would be allowed because it's only 6 units, and would allow more permeability, or a gravel surface or something like that. But because this is relatively flat and it's going to have fairly intense traffic just because it is small, I was worried about long term maintenance, and how that might be a headache for the owners. But, every drop on this site ends up going into a retention pond. If you actually get into the analysis of trying to recharge, it's more effective recharge ponds than spreading it thinly because there's more of a driving course. So, I do feel good that we will be able to recharge with this development. And someday I pray I will have a client who is willing to spend the extra money to do some permeable pavement."

Commissioner Schackel-Bordegary said, "I appreciate that. I've seen it around town, and it is a cost issue, but there are ways... it's a design issue of doing certain strips of the permeable. Thanks for that."

Commissioner Schackel-Bordegary, "The School District. I'm curious just because I live in this area. This is from Santa Fe Public Schools it looks like, and they note that the elementary school for the proposed development is Pinon. And that puzzles me, because Chaparral is closer and Nava is closer. And Pinon is overcrowded. So I would like to note that."

Ms. Montoya said she can't pretend to understand how the districts are divided up.

Commissioner Schackel-Bordegary asked if the School filled out the form and gave that assignment, or if it is something she did.

Ms. Montoya said, "That is actually data from the City GIS. I'm sure that's where we got it. I see Tamara and Donna. Where did I get it. I didn't make it up, I got it from somewhere."

Commissioner Schackel-Bordegary said she would like, for the record, to note that the latest status should be checked, noting school boundaries keep changing. She said right now, she doubts it is Pinon.

Commissioner Padilla said, "Two follow up questions. I believe Ms. Guerrerortiz mentioned that all the runoff goes to a pond. I've got a question in reference to your pond that is located in the southwest corner. On your temporary erosion plan it states, 'Spreading pond to create sheet flow leaving the site.' So question in reference to that, it appears that in the final permanent erosion control plan it is still sheet flows off the site. Is that allowed."

Ms. Guerrerortiz said, "This was actually a direction of a subdivision engineer who is no longer with the City, but the premise still stands. Everything flows to the retention pond, but then there's a pipe, a manhole, a pipe combination that takes it out to where it naturally flows, which is the west side of the property. The problem is, on the west side of the property there are no drainage easements. And what is there is actually a big pond. It's a very unusual situation. I don't know why, but the neighboring property owner literally has a large pond on their property, primarily fed by a storm drain system that comes off Siringo Road. Maybe Commissioner Ortiz can help us on why that happened, I don't know. But anyway, not that it's your fault because you know more than I do about the history of some of the City roadways."

Ms. Guerrerortiz continued, "The problem is, we don't have any drainage easements on that property and it naturally is coming from this property in a sheet flow method. And so we were directed by the Subdivision Engineer to go ahead and leave it, and try to convert it back from the pipe into a sheet flow leaving the site. And then hopefully, that land may get developed, and they'll probably continue a storm drain system and try to fill up that hole. But literally, there is a big pond next door to us."

Commissioner Padilla said, "In all my years of planning and developing, I have never been allowed to sheet drain off my site onto a neighboring property or to a public right of way, public street. I've also been required to, unfortunately, control my neighbor's flow, the historic flow onto my property, and basically the response I was given is, you have to deal with it because it's historical flow. So I'm just surprised that we are going to allow a development to sheet drain off their property onto an existing property, whether there just so happens to be a pond there or not. Could staff speak to that."

Ms. Baer said, "We would have to check with the City Engineer for Land Use on the current status of that. As Ms. Guerrerortiz said, I believe this was approved by a previous engineer."

Ms. Guerrerortiz said it was directed by previous engineer.

Ms. Baer said, "We will certainly look at that more closely, and again as we get into the details of the permitting of this project. I do know that the historic flow off the property you're allowed to continue. But anything that is generated by the development in terms of additional stormwater, has to be dealt with on the property. So I think that's consistent with the direction that you were given. I don't think anyone was picking on you."

Commissioner Padilla said, "No, I don't think that. When I saw that I highlighted it."

Responding to a question from Ms. Baer, Commissioner Padilla said he is looking at sheet 13 of the packet.

Ms. Baer said she will follow up on this.

Commissioner Padilla said, "Ms. Montoya, question. Why the need for gates. I think in this area, the only place I can recall gates being, are in very large apartment condominium projects and such. This is a relatively small, 6 unit development, even it was an 8 unit development, it is a small development. We've had many projects that have come to us that are 6, 8, 10 units without gates. What is the reason or rationale behind wanting to have a gate, in essence creating a gated community within what we've called a good neighborhood. I believe you even stated a good project in a good neighborhood, not that all our neighborhoods aren't good, I'm just wondering why there is a need to gate this community."

Ms. Montoya said, "I think it was something that was provided to provide exclusivity for the development. It isn't intended to keep anyone out or in, it was just a feature I think the owner wanted for his development, and yes to create a gated community if you will. I don't think there was any intent to make a statement about the neighborhood by any means. It was to create a character that he wanted for his development."

Commissioner Padilla said he feels a gated community really really defines exclusivity as opposed to inclusiveness. He reiterated that Ms. Montoya mentions in her testimony this is a good project in a good part of town, and never used the word affordable. He said she did say they made a contribution to the Homes Program, so obviously they aren't in the affordable range and will be in the market range, and he just wonders why it needs to be a gated community. He would like the owner to consider it not being a gated community so it doesn't appear exclusive.

Ms. Montoya said, "Thank you. It's so noted."

Commissioner Schackel-Bordegary thanked him for raising this issue, because she had the same question and observation, because there aren't any gated enclaves along Siringo, and said she hopes this doesn't start a pattern. She said she said she was just walking a neighborhood abutting the arroyos, trying to figure out how to walk her dog, parking on Siringo and walking along the arroyo. She said you cannot get to the arroyo from any of those neighborhoods, from Cerrillos to the High School, because it's been built that way. She said some of the developments that have gone in are gated, and they have signs saying, do not come through here, you're not allowed to come through here, this is for residents only. She said this is on the Siringo side of town, and not the exclusive East Side. She said she had to walk all the way to one of the main streets to get to the trail to come up the arroyo.

Commissioner Schackel-Bordegary said, "I don't think we intend to do that, but the effect of gated communities, adding up, block people out from walking around the neighborhoods, so maybe that's food for thought."

Ms. Montoya said, "Commissioner Bordegary, your comments are noted. Thank you."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Bemis, to approve Case #2014-106, Villas de Sophia Final Development Plan and Final Subdivision Plat, with all conditions of approval as outlined in the Staff Report.

DISCUSSION: Ms. Baer asked if the Commission wanted to add any other conditions.

Commissioner Schackel-Bordegary said, "Yes, okay. Let me see if I can outline them. With consideration given to what we've discussed here tonight with respect to gatedness, the stacking or the concern around controlled access box, landscaping in the motor court, and the covenants reflect the revised development."

Ms. Baer said, "Just a question for clarification to help staff, when you say consideration given, you're not making it a condition, for example, that they not be gated, right."

Commissioner Schackel-Bordegary said, "That is my understanding."

Chair Harris said, "That's right. I think there is a distinction here. There certainly... a part of the conversation was a gated community, and the Applicant acknowledged and would give it consideration. But on the other hand, what I remember the Applicant saying is there would be a condition for increased landscaping within what I call the motor court."

Commissioner Schackel-Bordegary said, "Yes, i.e. planters or e.g. planters."

Chair Harris said, "I will leave it up to staff and the Applicant to work that out. I think there are opportunities, we all agree there's opportunities without saying how we're going to solve it. It's just, you know, we're going to provide more of a plantscape. So that's the only condition that I heard. I think there was, again, a review of the covenants. We know they're dated. They weren't necessarily.... and it even references 8 units. I think Commissioner Gutierrez made a good point on how the parking is going to be handled. And those documents, those covenants, are internal to the development. And it is my understanding, in the past, we have not required certain language within those covenants. Correct, Ms. Baer."

Ms. Baer said, "Mr. Chair, that's correct. We review them primarily for drainage easements and maintenance of those drainage easements."

Chair Harris said, "So again, consideration for the language in the covenants as they are brought current for the development, certainly consideration, discussion on gates. Is there any other category of consideration, and I only know of one condition."

Commissioner Padilla said, "I thought there was also a review of the sheet flow on the ponding, was that not another consideration?"

Chair Harris said, "That's at the staff level."

Commissioner Padilla said, "Staff level. Okay."

Commissioner Padilla said, "A call box and a median to protect it, just to deal with that, make it a little bit easier for visitors."

Chair Harris said, "As a condition."

Commissioner Padilla said, "That's a consideration."

Chair Harris said, "All right, thank you. And Commissioner Padilla what I heard Ms. Baer say in response to your good comments on the sheet flow, that at the appropriate time in the application there would be a review by the current engineer within the Land Use Department for compliance. I think we would find that it would be consistent with your experience and what Ms. Baer said."

Chair Harris asked, "Do we have clarity then on the one condition, and the various items for consideration."

VOTE: The motion, with conditions, was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, Padilla, Pava, Schackel-Bordegary voting in favor of the motion and no one voting against [6-0].

H. STAFF COMMUNICATIONS

Ms. Baer said staff distributed the draft 2015 Planning Commission Schedules, noting the Summary Committee draft Schedules were distributed earlier today at the Summary Committee. She noted these are still draft until the final version is approved by the City Clerk, which typically happens in January based on other committee meetings. She said it is essentially the same schedule we've been following with the alternate/second meeting of the month, and the continuing meeting on the first Thursday.

Ms. Baer said Chair Harris asked for member contact information, and that will be emailed to the Commission, with a paper copy provided at the next meeting.

Ms. Baer said she followed up on a request from Commissioner Pava, Commissioner Bordegary and other Commissioners, for a study session on December 18, 2014. They did invite Long Range Planning, but both planners will be out of town at that time. However, they expressed interest in future study sessions and would be happy to participate in those.

Ms. Baer said the most recent Code updates were adopted with an effective date of October 21, 2014. She said it is Supplement No. 30 for those who have a paper code. She asked that Commissioners let her or Geraldine Gurule know how recent their code updates are, noting in the very beginning there is

the supplement page which comes with instructions says Supplement No. "Such and such." She reiterated the most recently adopted is Supplement No. 30, and she will provide those as necessary. She said the on-line codification hasn't happened, but should happen shortly, possibly as soon as next week.

Commissioner Padilla said his latest supplement is number 27.

Ms. Baer said they will provide 28, 29 and 30, and will ask him to insert those, but it goes much farther back, they will provide a whole new paper version. Unidentified said he didn't have the paper version, but would like one.

Ms. Baer said she would like to make a correction to the Memorandum on the Hart Business Park Correction to memo on Hart Business Park, because information changed after the Memo was generated. She said there was some consideration, when we had the presentation the last time, of whether the cul de sac would have to continue all the way to Hart drive. The case was postponed for resolution of that matter. She said, "We thought originally that perhaps it would require a variance, which would have required an ENN. It really would have slowed the project down for at least two months. And another interpretation of the Code would be that, if there is a finding that says something prevents the continuation of a road, the Planning Commission can approve not having it continue. So the Applicant is going to make that case. He will be preparing that with his engineer for presentation to you at the January 8, 2015 meeting, as stated in the beginning of this meeting in terms of the agenda. And we won't be looking at a variance for that. So I just wanted to make that clarification, because in your packet it says they are going to be asking for a variance."

Chair Harris said, "Perhaps I don't have the most supplement in my binder. I actually spent a little time this afternoon trying to find some of the language on cul-de-sacs and road connectivity. Could you be sure in the staff report that you provide the reference that you're going to draw upon, or actually the language within the Code."

Ms. Baer said, "We will absolutely do that. And actually it's in the former report as well. It's the Code Section 14-9.2 something, that says that cul-de-sacs and dead end streets are prohibited unless there is some particular reason where the street can't continue, and Mr. Smith is going to read it to you. It includes topography, existing development, a number of other items, but he can tell you the specific code section."

Greg Smith said, "Since I have the Code handy, and since a question was asked by Commissioner Harris, we've been looking into this. 14-9.2(D)(8) is the standard regarding cul-de-sacs and other dead end configurations."

Chair Harris said he contacted Ms. Gurule about a directory for the Commissioners. He said, "Maybe I'm going to ask Mr. Shandler to remind us... I sometimes feel like the quasi-judicial sermon that we get pretty consistently is appropriate, but it sometimes feels like, I don't want to say a gag order, but it sometimes limits the conversation. And I think, under Matters from the Commission, I think we're going to talk about the study session a little bit more. But I think the idea is, in the study session to really start a

dialogue, particularly to the larger questions that we're asked to consider. So that was my notion of having a directory if I wanted to contact someone and talk about the Southwest Sector, the tour we saw, and some things like that, without getting into the specifics of any particular case. And I also think, you tell me, but after a case has been considered and acted upon, closed in other words, there is no reason that we can't compare notes on that, I would think. Do you have any thoughts on that, Mr. Shandler."

Zachary Shandler, Assistant City Attorney, "Mr. Chairman, I'll be prepared to provide longer comments maybe at the study session. Generally speaking, email horrifies me, because the public thinks that is the smoking gun. So with that stern warning, as part of the opening remarks, once a matter is closed Commissioners can talk to each other. The danger about email is 'Forward,' 'Reply All,' and suddenly you have an electronic rolling quorum. So, in the 21st Century, it's a balancing act. And I'll be prepared, and I'll work with staff, and I'll give you more detailed guidance in advance of that meeting."

Chair Harris said he would appreciate that. He said this was something he wanted to mention to Mr. Shandler this evening, and he didn't expect an answer tonight, but he would like a more full explanation of our limits, and what are the possibilities for dialogue.

I. MATTERS FROM THE COMMISSION

Commissioner Ortiz reported on the Summary Committee meeting today, noting it went well. He said they approved one case, 8 Bonita Lane Lot Split, the one with Morris Apodaca. It went fairly well.

Discussion on the proposed Study Session

The Commissioners commented and asked questions as follows:

- Chair Harris said, "I would like to know... I have talked very briefly with Ms. Baer, and it's my understanding that no real agenda has been set as yet, but there's been a discussion about perhaps having some presentations of some sort. And what my thoughts are, and I really do want to hear what the Commissioners have to say. A couple of things, and because I've been a participant in study sessions, I think whoever is there, I would like to see us get off this podium, to be at a table where we can look across the table and make eye contact. Not only among ourselves, but with staff or whomever is speaking, allowed to speak. So I don't know where that might occur. It is somewhat dependent on room availability, but I think it's important to get off the podium for a study session. Commissioners, do you have thoughts on that."
- Commissioner Schackel-Bordegary said, "I think it's an excellent idea and I would suggest we meet in that room down the hall that has a table, we can look at plans and stuff more together. So I hadn't thought of it, but you're right. If this is a study session, I guess I'm going back to I'm not sure what the agenda has been, but I guess that's what we're talking about right now."

Ms. Baer said, "We've reserved that room."

- Chair Harris said, "Very good. How many people can be seated in that room."

Ms. Baer said there are number of seats at the table, and another row of chairs can be placed behind them. Her only concern would be if there is a big turnout and then she is unsure what we would do.

- Chair Harris said, "I have something to add that might generate a little bit more of a turnout. So you've reserved the room, and that's great, I appreciate that. I also think we should organize it and limit it to, I was going to propose, 2 hours. I would like to define it in such a way that it's not open-ended. I would have looked forward to a discussion, and perhaps a presentation of material similar to what we saw last month that Commissioner Pava circulated that came from Long Range Planning. It was still in draft form. That type of presentation. What I didn't want, in my opinion, was a pitch from Pulte Homes. I think it might be appropriate to have a discussion. Ross Peak was mentioned, and Commissioner Bordegaray really wanted to have a dialogue. She raised the issue, to your credit, last month about the big picture, but she brought it down to the Ross Peak level. And I know there's some changes."
- Chair Harris continued, "And again, in a study I don't know to what degree we can talk about those proposed changes. I think that might be a gray that you would have to help us on Mr. Shandler. To me, I think the study session, and really Commissioners, jump in here, it really is, as much as anything, to establish a dialogue that will be continued. In my experience as part of this body, or the BCD-DRC, for instance, we never had study session. So that goes back a little over 4 years. I think that.... had you anticipated an overview of Las Soleras. I know that, in general, the focus certainly was the south side, not specifically just the southwest sector, and not just specifically Las Soleras. What have your thoughts been."

Ms. Baer said, "Primarily, I was looking for direction from the Commission to see what it was that you wanted to do. My expectation was that we would have some large graphics that would show various areas. Since we recently had a brief overview of Las Soleras, I didn't think that would necessarily be something you wanted to do again, other than to have the maps with the master plan. So something like that, and a somewhat larger context to show where Walmart is, the highway, that sort of thing. But I'm happy to provide whatever graphics. If there are specific things you are looking for, we can do that too."

- Chair Harris said, "I think that would be good. I know that I asked for my own copy of the master plan for Las Soleras at that time. I think a reminder, because it is complex, and it's also been a moving target. So, for instance, I had a hard time tracking the various conditions that were placed at the time, and what's still applicable, and what's been modified. So if there could be some sort of summary statement, or list, if that's not unreasonable. It was a long list of conditions, is what I remembered, and perhaps however you chose to approach that would be fine. Maybe just a narrative to give us the tenor of the conditions. Or if you just want to provide those again. The conditions that are still alive and appropriate, I think would be important."

- *[Commissioner Schackel-Bordegary's remarks here are for the most part inaudible because her microphone was turned off.]*
- Commissioner Schackel-Bordegary said, "Master plans are undergoing a different life. They don't have the same meaning they have in the past." *[The balance of her remarks are inaudible because her microphone was turned off]*
- Commissioner Padilla said, "With the comment from Commissioner Bordegary is there any reason we wouldn't consider moving it to the second meeting in January, the twenty-second, if we've got issues with key staff being available. So just a question."
- *[Commissioner Schackel-Bordegary's remarks here are inaudible because her microphone was turned off]*
- Chair Harris said, "I would like, again, to me it's starting a dialogue that is outside and off the podium. I think I've tasked, and Mr. Shandler has accepted... he's going to provide a little bit more background about what this dialogue can look like. And I think that would be good, because I think we've kind of lost track of that a little bit. And I personally think the pendulum has gone a little too far. I feel kind of removed from my other Commissioners. So that to me is important. I think that having a discussion of Las Soleras, just a reminder, giving us a bit more context of what's coming, I still think would be valuable. And I don't want to take a lot of time. It is the 18th of December. And if we can do it all in an hour, I think that would be fine. That's pretty much where I.... again, what I wanted to get away from, what I hoped we weren't... I thought we were going to see some other presentations from specific developments, and that's not what I wanted to do at this time."
- *[Commissioner Schackel-Bordegary's remarks here are inaudible because her microphone was turned off]*
- Chair Harris said, "And one conversation that I'd also like to start and we heard it this evening, and we heard it primarily from Commissioner Padilla. What does innovation mean. What does it mean to the Commissioners. What does it mean to staff, and certainly what does it mean in the context of our Land Use Code. I have a hard time finding it. I have a hard time finding innovation in the solutions that were presented, including this evening, so I'd really like to hear what people think."
- *[Commissioner Schackel-Bordegary's remarks here are inaudible because her microphone was turned off]*
- Chair Harris said, "I really would like to hear a little more about what the Commissioners have to say and what staff has to say. And it's a non-judgmental conversation that we can have in a study session that we really can't have up here. If we just had those, Mr. Shandler, had some discussion of Las Soleras, and then what innovation means to us as well as in the context of the Code, to me that's plenty. What do people think."

- Commissioner Pava said, “I would just suggest, if I might, that at a future date, a study session where both of the Long Range Planners, or at least Mr. Liming makes a presentation and explains his state of the City, his update. There’s a lot of interesting material that is presented there that contextually would help us as a framework when we’re up here on the dais making decisions. And I understand they can’t be there on the 18th, and we don’t need to wrap it all up in one. I’m sure, with advance notice, we can have them to come to another session that would be very interesting.”
 - Chair Harris said, “Part of my notes, in thinking about this, I remembered your comment, Commissioner Pava about how you feel that sometimes you’re primarily in a reactive mode, and that’s a little bit part of what I’m saying here, too. I would like to, as a body, to get out ahead of it and do that through these study sessions and through a dialogue. I have one more thing I want to discuss after we close out on the study session.”
 - Commissioner Padilla said, “I would agree and I would support where we’re headed with this, and I think what we need to do is look at language in the Code, such as what I mentioned this evening, the whole idea of innovation. What was presented to us this evening was very cookie cutter. One plan that was used. That’s not innovative to me, and maybe what we need to do is look at other language in the Code and make sure, especially with the updates, to have an opportunity to take a look at those and ask questions about that also. And as you say, not necessarily in this format, but in an open format where we can have dialogue, disagreement and conversation about what we’re supposed to be doing, and how.”
 - Chair Harris asked, “Does that provide the direction you were hoping for, without a burden. We really don’t want to burden you.”
- Ms. Baer said, “No burden whatsoever and I had no expectation, so I’m good.”
- Chair Harris said, “So we’re going to meet, just to confirm, December 18, 2014, 6:00 p.m. We’re going to meet in the room down the hall. Okay.”

Discussion on Fred Rowe Forum

Chair Harris said, “Ms. Gurule sent out a notice on the 24 of November. This is the session on the 11th and 12th, a forum that’s put together by Fred Rowe and others. And I believe on the 11th, in the afternoon, there’s a session on land use. You might want to fill us in on this, Ms. Martinez. I was struck by the fact that this body was not contacted. I don’t know, really.”

Ms. Baer said, “No, you were contacted.”

Chair Harris said, “I mean to participate.”

Ms. Baer said, “No, you were invited.”

Chair Harris said, "I think we have something to say. I didn't bring the second part. I know that Ms. Martinez will be in attendance, former Land Use Director Jack Hyatt and Subie Bowden will be there. But I thought it would be better if perhaps one of the Commissioners would have been invited in order to speak about what's going on, and what our thoughts are, including what we're trying to do with the study sessions. I didn't know what anybody else thought when that came across your screen. I will attend. I want to hear what people have to say, and I'll probably speak, too."

[Commissioner Schackel-Bordegary's remarks here are inaudible because her microphone was turned off]

Chair Harris said this evidently is the 7th annual one of these forums.

[Commissioner Schackel-Bordegary's remarks here are inaudible because her microphone was turned off]

Chair Harris said he has a pretty thick skin and doesn't know if he felt slighted. However, in terms of effectiveness of really understanding what's happening with land use issues, it seemed appropriate to invite somebody from the Commission. He said, "I think it's more effective if there is more current information."

[Commissioner Schackel-Bordegary's remarks here are inaudible because her microphone was turned off]

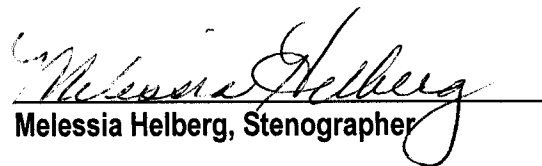
Ms. Baer said, "I just wanted to clarify that there is no charge for that for the Commissioners. I think that wasn't entirely clear, so you just let them know you're coming. They'll probably give you a free lunch."

Chair Harris said Commissioners should have the schedule, but if they don't they can contact Geraldine Gurule. He said, "What I remember is about 2:00 p.m. on the 11th, it's the first day. You think it's at 1:00 p.m. Okay. Anyway, it will be interesting."

J. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 8:00 p.m.


Michael Harris, Chair


Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

DATE: December 4, 2014
TO: Planning Commission
FROM: Current Planning Division
RE: Additional Information

The attached information is not in your December 4, 2014 Planning Commission packet.
The information is in the following order:

Case #2014-104. 2504 and 2505 Siringo Lane Rezoning.

- Requests for postponement from Applicants.

Exhibit "1"

GURULE, GERALDINE A.

From: THOMAS, ZACHARY E.
Sent: Tuesday, December 02, 2014 11:31 AM
To: GURULE, GERALDINE A.
Subject: FW: Request to Postpone Meeting

-----Original Message-----

From: Dan Smith [<mailto:dan3eyes@aol.com>]
Sent: Monday, December 01, 2014 9:22 PM
To: THOMAS, ZACHARY E.
Cc: Linda Duran
Subject: Request to Postpone Meeting

Hi Zach,

Following our meeting this afternoon I believe there was a consensus that it would be in the applicants best interests to delay appearance before the planning commission to have time to prepare a request for an exemption from the sidewalk easement and construction requirements.

This letter is to request a one-month delay until the January 8 meeting. Thank you for your assistance and clarification of several items today.

Dan Smith

GURULE, GERALDINE A.

From: THOMAS, ZACHARY E.
Sent: Tuesday, December 02, 2014 11:31 AM
To: GURULE, GERALDINE A.
Subject: FW: Request to postpone-reschedule Planning Commission Meeting

-----Original Message-----

From: Linda Duran [<mailto:lduranslp@msn.com>]
Sent: Monday, December 01, 2014 10:22 PM
To: THOMAS, ZACHARY E.
Subject: Request to postpone-reschedule Planning Commission Meeting

To: Land Use Development Review a Team
Fr: Linda Duran
Re: postpone-reschedule Planning Commission Meeting

Applicant, (2504 & 2505 Siringo Lane Rezone Project) Linda Duran, requests postponement of proposals to the Planning Commission Meeting scheduled for 12-6-2014 and reschedule to the 1-8-2015 Planning Commission Meeting.

Thank you for your consideration.

Sincerely,

Linda Duran

Sent from my iPad

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

Case #2014-97

7511 Cerrillos Road Honda/Subaru Dealership Development Plan

Owner's Name – Honda/Subaru Dealership

Agent's Name – Wayne Lloyd & Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on November 6, 2014 upon the application (Application) of Wayne Lloyd & Associates as agent for Honda/Subaru Dealership (Applicant).

The Applicant seeks development plan approval to construct 44,369 square feet in two buildings on 7.73± acres (the Project) on Cerrillos Road. The Property is zoned C-2 (General Commercial) within the Cerrillos Road Corridor Zone 4 and is located at the intersection of Cerrillos and Ocate Roads.

Development plan approval is required because the Project has a gross floor area in excess of thirty thousand square feet or more located within any district in the City.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and there were no members of the public interested in the matter.
2. The Commission has the authority under Code §14-2.3(C)(1) to review and decide applications for development plan approval.
3. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN), notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an ENN meeting [§14-3.1(F)(2)(a)(iv)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. An ENN meeting was held on the Application on September 9, 2014 at the Santa Fe Southside Library at 6599 Jaguar Drive.

Exhibit "2"

7. Notice of the ENN meeting was properly given.
8. The ENN meeting was attended by representatives of the Applicant, City staff and no other interested parties attended and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
9. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the development plan and recommending approval by the Commission.
10. Commission staff added a condition at the hearing that the need for the bus stop would be subject to confirmation from Santa Fe Trails.

The Development Plan

11. Pursuant to Code §14-3.8(B)(3)(a), approval of a development plan by the Commission is required prior to new development with a gross floor area of thirty thousand square feet or more located within any district in the City.
12. The Project includes new development with a gross floor area of approximately 44,639 square feet.
13. A development plan is required for the Project.
14. Code §14-3.8(B)(4) requires that development plans described in §14-3.8(B)(3) must be reviewed by the Commission.
15. The development plan for the Project is required to be reviewed by the Commission.
16. Code §14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
17. The Applicant has complied with the Submittal Requirements.
18. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
 - (a) That it is empowered to approve the development plan for the Project [§14-3.8(D)(1)];
 - (b) That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)]; and
 - (c) That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project [§14-3.8(D)(1)].
19. The Commission finds the following facts:
 - (a) *The Commission has the authority under the section of Code Chapter 14 cited in the Application to approve the development plan [Code §14-3.8(D)(1)(a)].*
The Commission has the authority to grant development plan approval for the Project.
 - (b) *Approving the development plan will not adversely affect the public interest [Code §14-3.8(D)(1)(b)].*
Approving the development plan for the Project will not adversely affect the public interest because the development plan addresses issues involving access, parking, loading, landscaping, terrain management, environmental services, waste water, fire protection, lighting and signage/architecture.

- (c) *That the Project use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project [Code §14-3.8(D)(1)(c)].*

The Project is compatible with and adaptable to buildings and uses of abutting property and other properties in the vicinity because C-2 zoning allows automotive sales, service of automotive vehicles and retail. Zone 4 of the Cerrillos Road Highway Corridor extends from Airport Road to the southern City limits and regulates lots depth, height, setbacks, yards, lot coverage and landscaping. The existing zoning surrounding the property is C-2 except for the southwest property which is I-1 (Light Industrial). The prior business on the property was a manufactured housing dealership called Homes of America. The property is vacant.

20. Code §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of area and to implement the policies of the general plan.

CONCLUSIONS OF LAW

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

General

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

The Development Plan

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

WHEREFORE, IT IS ORDERED ON THE 4th DAY OF DECEMBER, 2014 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the development plan.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

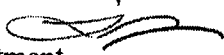

Date:


City of Santa Fe, New Mexico

memo

DATE: November 10, 2014 for the December 4, 2014 Meeting

TO: Planning Commission

VIA: Lisa Martinez, Director, Land Use Department 
Tamara Baer, ASLA, Manager, Current Planning Division 

FROM: Zach Thomas, Senior Planner, Current Planning Division 

Case #2014-103. Village Plaza Final Subdivision Plat Time Extension. Report of the Land Use Director's approval of a one-year administrative time extension for a Final Subdivision Plat for 12 lots on 61.05+/- acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive. The time extension would extend approval to November 3, 2015. Santa Fe Planning Group, Inc. agent for Richard Cook (Zach Thomas, Case Manager)

I. RECOMMENDATION

The Land Use Director has **APPROVED** the applicant's request for a one-year time extension. This approval is being reported to the Planning Commission in accordance with SFCC Section 14-3.19(C).

II. APPLICATION OVERVIEW

The Village Plaza Development Plan and Final Subdivision Plat were approved by the Planning Commission per their approval of the Findings of Fact and Conclusions of Law on November 3, 2011. The expiration date of the approval was November 3, 2014.

The approval consisted of a Final Subdivision Plat for 12 lots on 61.05± acres and approval of a Development Plan for 100,500 square feet of retail uses, 140,800 square feet of office uses, 56,600 square feet of community service uses, and 20 live/work dwelling units.

The agent for the owner of the property is requesting the one-year extension of the Final Subdivision Plat. While the Development Plan has been vested with the ongoing site grading, road preparation and work associated with the interchange at NM 599, a time extension for the

Exhibit 12

Final Subdivision Plat has not been recorded and therefore needs the requested time extension to stay valid. (See **Exhibit C**).

As stated in the approval criteria, the administrative extension may not approve revisions to the development approvals or amendments to the conditions of approval. If any amendment, or change to the conditions of approval were requested, those requests would need to be considered by the Planning Commission through the full public hearing process, including the requirement of an Early Neighborhood Notification (ENN) meeting.

III. APPROVAL CRITERIA

Section 14-3.19(C) SFCC 1987 Time Extensions

(2) **Administrative Extensions**

- (a) The land use director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the land use director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.
- (b) Administration time extensions approved by the land use director, pursuant to this Subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The land use director shall identify the action taken and place it on a consent agenda for the planning commission. The land use director shall provide the planning commission with the applicant's written application and the land use director's written proposal. The planning commission may accept, reject or modify the proposal.

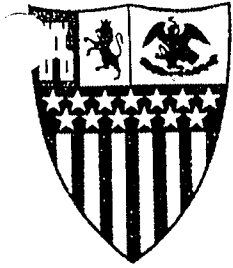
IV. ATTACHMENTS:

EXHIBIT A: Land Use Director Letter of Approval of One Year Time Extension

EXHIBIT B: Development Plan and Final Subdivision Approval

- 1. Findings of Fact
- 2. Staff Report

EXHIBIT C: Letter of Application



City of Santa Fe, New Mexico

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

Javier M. Gonzales, Mayor

Councilors:

Peter N. Ives, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4

November 17, 2014

Scott Hoefl
Santa Fe Planning Group, Inc.
P.O. Box 2482
Santa Fe, NM 87504

**RE: Request for Time Extension of Development Approval(s) per §14-3.19(C) SFCC 1987
Village Plaza Final Subdivision Plat**

Dear Mr. Hoefl,

I have reviewed the request you submitted on October 21, 2014 for a 1-year time extension of the following development approval(s):

Case #2011-90. Village Plaza Final Subdivision Plat – A Final Subdivision Plat for 12 lots on 61.05+/- acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive.

I have determined that no substantive changes have occurred to the regulations or policies that apply to the previous approvals, to the proposed development, or to the circumstances that apply to the site and vicinity, since the Planning Commission granted approval on November 3, 2011. Therefore, in accordance with SFCC 1987 Section 14-3.19, a one-year time extension is approved for the Village Plaza Final Subdivision Plat, subject to the original conditions of approval as approved by the Planning Commission of the City of Santa Fe on November 3, 2011.

The time extension will allow the plat to be recorded prior to the extended deadline, as provided in SFCC Section 14-3.19. The approvals will expire if you do not record the plat or file for another time extension prior to November 3, 2015. SFCC Section 14-3.19 requires that the grant of this time extension be reported to the Planning Commission by placement on the Commission's consent Agenda. The Planning Commission may accept, reject or modify this approval.

Feel free to contact me at 505-955-6617 if you have questions regarding this matter.

Sincerely,

Lisa Martinez
Land Use Department Director

Cc: Project File

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

Case #2011-89 – Village Plaza Development Plan
Case #2011-90 – Village Plaza Final Subdivision Plat
Applicant's Name – Santa Fe Planning Group, Inc.
Owner's Name – Richard Cook

THIS MATTER came before the Planning Commission (Commission) for hearing on September 15, 2011 upon the application (Application) of Santa Fe Planning Group, Inc. as agent for Richard Cook (Applicant).

The Applicant seeks the Commission's approval of the final subdivision plat and development plan for 12 lots on 61.05+/- acres of land located east of New Mexico State Highway 599 (NM 599), west of Plaza Central and north and south of Jaguar Drive (Property). The Commission approved the preliminary subdivision plat for the Property on August 4, 2011 under Case #2011-68.

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and members of the public interested in the matter.
2. Pursuant to Code Section 14-2.3(B) the Commission has the authority for approving subdivision plats within the corporate boundaries of the City.
3. Code Section 14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [Code Section 14-3.7(B)(5) and (6)] and criteria for the Commission's approval [Code Section 14-3.7(C)] (collectively, the Applicable Requirements).
4. Code Section 14-9 sets out subdivision design, improvement, and dedication standards and requirements.
6. Code Sections 14-3.7(B)(2) and 14-3.1(F)(2)(a)(vii) require compliance with the early neighborhood notification (ENN) requirements of Code Section 14-3.1(F) for final subdivision plats where a preliminary plat has not previously been approved.
7. A preliminary subdivision plat was approved by the Commission on August 4, 2011; therefore no ENN is required in this case.
8. Pursuant to Code Section 14-2.3(C)(1) the Commission is authorized to review and approve or disapprove certain development plans in accordance with applicable Code provisions.
9. Code Section 14-3.8(A)(1)(a) requires development plan approval by the Commission for new construction with a gross floor area of 30,000 square feet or more located within any zoning district of the City.
10. Code Section 14-3.8A)(7) sets out certain general submittal requirements (the Required Submittals) for development plans.
11. The Applicant has made the Required Submittals in accordance with Code.

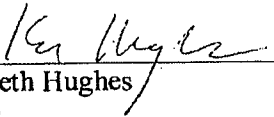
12. Commission staff reviewed the final subdivision plat and development plan for conformity with Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat and development plan be approved, subject to certain conditions set out in such report (the Conditions).

CONCLUSIONS OF LAW AND ORDER

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

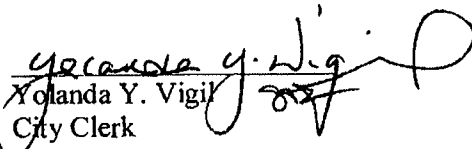
The final subdivision plat and development plan for the Project are approved, subject to the Conditions.

IT IS SO ORDERED ON THE 3 OF NOVEMBER 2011 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE


Kenneth Hughes
Chair

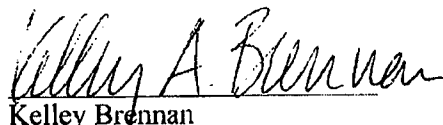
11-3-11
Date:

FILED:


Yolanda Y. Vigil
City Clerk

11/4/11
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney



11/3/11
Date:


City of Santa Fe, New Mexico

memo

DATE: September 2, 2011 for the September 15, 2011 Planning Commission Meeting

TO: Planning Commission

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

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

Case #2011-89. Village Plaza Development Plan. Santa Fe Planning Group, Inc., agent for Richard Cook, requests Development Plan approval for 100,500 square feet of retail uses, 140,800 square feet of office uses, 56,500 of community service uses, and 20 dwelling units on 61.05± acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive. (Heather Lamboy, Case Manager)

Case #2011-90. Village Plaza Final Subdivision Plat. Santa Fe Planning Group, Inc., agent for Richard Cook, requests Final Subdivision Plat approval for 12 lots on 61.05± acres. The property is located east of NM 599, west of Plaza Central, and north and south of Jaguar Drive. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

Cases #2011-89 and #2011-90 are combined for purposes of staff report, public hearing and Planning Commission comment, but each is a separate application and should be voted upon separately.

II. APPLICATION OVERVIEW

The Village Commercial area on the western edge of Tierra Contenta is identified as a commercial node on the Tierra Contenta Master Plan. The purpose of these commercial parcels was to balance commercial and residential uses to enable access to shopping opportunities within the Tierra Contenta neighborhood. Planned commercial locations included Plaza Contenta at Paseo del Sol and Jaguar Drive, Plaza Central (western edge of Tierra Contenta adjacent to NM 599), the commercial parcels adjacent to Cerrillos Road, between Las Soleras Drive and Herrera Drive (eastern edge of Tierra Contenta), and the Village Commercial component at Jaguar Drive, which

is the subject of these Development Plan and Subdivision Plat applications.

The same developer as the Pavilion Business Park, which is located on the west side of the recently-approved NM 599 interchange at Jaguar, purchased the Village Commercial tracts in Tierra Contenta. With the approval of the Pavilion Business Park, the NM 599 overpass and road infrastructure are being developed, which support development of the Village Plaza parcels.

The Planning Commission approved the Preliminary Subdivision Plat on August 4, 2011. Much of the discussion at that hearing centered on the Economic Impact Analysis and the proposed trail network. The Planning Commission was clear to the applicant that the trail network was an important feature of the development and would support multi-modal use, both for transportation and recreational purposes.

There are several remaining issues that need to be addressed before plat recordation:

1. **The Governing Body must approve the related Annexation (Case #2011-69), General Plan Amendment (Case #2011-70), and Rezoning (Case #2011-67) before the Development and Final Subdivision Plat can be recorded.** The Planning Commission recommended approval with conditions at the August 4, 2011 hearing, and the cases are tentatively scheduled to be heard at the October 12, 2011 City Council hearing.
2. **Complete deletion of frontage road south of the Jaguar/NM 599 interchange from the MTP 2010-2035 Future Regional Roadway Network Map.** The New Mexico Department of Transportation (NMDOT), in a letter dated July 20, 2011 from Miguel Gabaldon, District 5 Engineer, has requested an amendment to the MTP 2010-2035 Future Regional Roadway Network Map to remove the frontage road. The public comment period for the proposed amendment ended on August 30, 2011, and no comments were received. The MPO Technical Coordinating Committee made the recommendation to the Transportation Policy Board (TPB) to remove the frontage road at their meeting on August 22, 2011. The TPB will hold a public hearing on the matter at their meeting of September 8, 2011 and make a final decision as to whether to remove the frontage road at that time. The letter from Miguel Gabaldon is attached in Exhibit B.
3. **Provide additional information on the proposed trail network.** There is a need to connect with the regional trail network, the Tierra Contenta trail network, and to provide on-site amenity trails on the property. Although the applicant has provided more detailed information on the location and types of trails in this development, there are a few missing connections, including access trails from the Arroyo Chamiso to Lot 1 and Lot 3A and identification of trails that would be maintained by the Business Owner Association. Additionally, a financial commitment needs to be made to connect the Arroyo Chamiso Trail to the City's Southwest Activity Node Park to the east and the Pavilion development to the west. An approved conceptual design for the underpass connection at New Mexico 599 shall be provided prior to plat recordation. These recommended conditions of approval are outlined in the memorandum from Eric Martinez.
4. **Coordinate with the Southwest Activity Node Planning Team for the Construction of Jaguar Drive and Plaza Central.** The design, construction, and drainage of these two roadways impact the usable area of the Southwest

Activity Node. The applicant shall insure that the viability of this important recreational area will not be negatively impacted, and shall coordinate the road designs with programmatic elements of the park. Recommendations regarding the design of Plaza Central and Jaguar Drive have been outlined in a memorandum from Landscape Architect Claudia Horn.

IV. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team (DRT) Memoranda, Minutes

1. Southwest Activity Node Memorandum and Exhibits, from Design Office, Landscape Architect, to City Staff
2. Traffic Engineering Division Memorandum, John Romero
3. Technical Review Division Memorandum, Risana Zaxus
4. Wastewater Division Memorandum, Stan Holland
5. Water Division Memorandum, Antonio Trujillo
6. Roadways and Trails Engineering, Eric Martinez
7. Santa Fe Metropolitan Planning Organization, Keith Wilson
8. Fire Department, Rey Gonzales
9. August 4, 2011 Planning Commission Minutes
10. August 4, 2011 Planning Commission Findings of Fact and Conclusions of Law

EXHIBIT C: Maps

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

EXHIBIT D: Applicant Submittals

1. Justification Letters
2. Proposed Development Plan and Final Subdivision Plat

EXHIBIT E: ENN Materials

1. Meeting Notes 5-12-11

SANTA FE PLANNING GROUP, INC.

**P.O. Box 2482
Santa Fe, NM 87504
505.983.1134; 505.983.4884 fax**

October 21, 2014

Lisa Martinez
Land Use Director
City of Santa Fe Land Use Department
200 Lincoln Avenue, P.O. Box 909
Santa Fe, NM 87504

RE: Tierra Contenta Village Plaza
Cases #2011-89, 90

Dear Ms. Martinez:

The Tierra Contenta at Village Plaza Final Development Plan and Final Subdivision Plat will expire on November 4, 2014, (three years from the date of the approved Findings). We would like to proceed at this time with a request for an administrative extension of the Final Plat pursuant to Section 14-3.19(C)(2a) of the City of Santa Fe land development code.

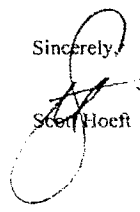
We would like to recognize in writing that it is our opinion that the Final Development Plan is vested due to the commencement of the "qualifying offsite improvements," namely the work on the NM599 Interchange as well as qualifying "onsite" improvements, which include the grading work for the project.

PROJECT INFORMATION & ENTITLEMENTS HISTORY

The project was approved for Final Development and Final Plat in September 15, 2011 (the findings were approved on November 3, 2011). The construction work for the project commenced in year 2013 with an emphasis on site grading, road preparation, and preparation for the new interchange at NM599. We anticipate that with the Interchange at NM599 will be complete in the Spring 2015. Our work will turn to the final infrastructure improvements for TCVP.

We appreciate your consideration of our request and if you concur with our assessment will be placed on the consent agenda of the Planning Commission. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,



Scott Hoefft

City of Santa Fe, New Mexico

memo

DATE: Prepared November 24, 2014 for the December 4, 2014 meeting

TO: Planning Commission

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

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

Case #2014-94. Hart Business Park- Phase II Final Subdivision Plat. James W. Siebert and Associates, agent for CCSF 599 LLC, requests Subdivision Plat approval for 6 lots on 12.03± acres. The property is zoned I-1 (Light Industrial) and is located at 4501 Hart Rd. (Donna Wynant, Case Manager)

REQUEST FOR POSTPONEMENT

The applicant requests postponement of the Final Subdivision Plat from the December 5, 2014 meeting to allow for another ENN meeting requesting a variance from public street standards required of the stub out street from the Hart Court cul-de-sac to the west property line of the subdivision.

Exhibit "11"



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

MEMORANDUM

Date: November 24, 2014

To: Donna Wynant

From: James W. Siebert ^{for} ~~WD~~

Re: Hart BP Final Subdivision Plat Case #2014-94

On behalf of CCSF 599 LLC., I am requesting a postponement of the December 4, 2014 Planning Commission meeting due to a request of a variance of Section 14-9.2(D)(8) which prohibits dead end. The variance request requires a second ENN meeting.

City of Santa Fe, New Mexico

memo

DATE: November 19, 2014 for the December 4, 2014 Meeting

TO: Planning Commission

VIA: Lisa Martinez, Director, Land Use Department
Tamara Baer, ASLA, Planning Manager, Current Planning Division

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

Case #2014-106. Villas de Sophia Final Development Plan and Final Subdivision Plat. Monica Montoya, agent for Ted Chagaris, requests Final Development Plan and Final Subdivision Plat to create 6 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, 7 dwelling units per acre, Planned Unit Development) and is located on Siringo Road and south of the intersection of Calle Contento and Siringo Road. (Donna Wynant, case manager)

I. RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

Two motions will be required in this case, one each for the Final Development Plan and the Final Subdivision Plat.

II. APPLICATION OVERVIEW

The Planning Commission approved the Preliminary Development Plan and Preliminary Subdivision Plat at its October 2, 2014 meeting subject to conditions (see Exhibit D: PC Minutes and Findings).

The R-7/PUD (Residential, 7 dwelling units per acre/Planned Unit Development), allows variations as a PUD to development standards through review of the development plan for innovative design and variation of standards. These variations include:

1. Attached portals to encroach in the 15' minimum rear yard setback up to 5' of the rear property lines on lots 1 & 2 and 5 & 6,
2. Zero setback for lots 1 & 2, 3 & 4 and 5 & 6.
3. Zero setback is permitted for the coyote fence at the Siringo Road property line.

The applicant has stated that homes will be single story, but would like to reserve the right to build two-story homes in the future since the maximum height allowed is 24 feet. Since the required step backs on any second story from the lot line would be 10 feet, the applicant is requesting a variation from that standard where the buildings are shown at a zero setback. The approval would also allow zero setback for any second stories.

As stated in the Preliminary Subdivision Plat staff memo, the Land Use Department supports the easing of these development standards without which it would be difficult, if not impossible, to achieve the approved R-7 density on this site.

The Via Sophia right-of-way continues to the south end of the property via an "irrevocable offer to dedicate" clause on the plat in the event the City chooses to utilize it for potential future development to the south of the subdivision. The right-of-way at 36 feet wide is 2 feet less than the minimum required 38 feet of width for a lane with a sidewalk on both sides of the street. The requirement for a sidewalk will be included along the west property line when the adjoining property is developed and connects to Via Sophia. Any future development to the south required to access Siringo Road from Via Sophia will then be required to complete the road from the point at which it ends on the Villas de Sophia property.

Street trees are provided on the south side of the sidewalk on Siringo Road, rather than between sidewalk and curb, allowing more room for growth. Thorny shrubs will be planted along coyote fence as shown on the landscape plan, along the north property line per Section 14-8.5(J)(2)(b) to provide some protection against tagging.

The applicant is not providing any affordable units, but instead is providing a contribution to the Santa Fe Homes program in line with the requirements of that program. Santa Fe Public Schools have been notified of the proposed development and have not indicated any concerns in accommodating the small number of children to be expected from this development.

The driveway that gives access to the site from Siringo Road (Via Sophia) will operate as a private drive and be maintained by the development's homeowner association until such time that the City accepts the drive as a public street. An "irrevocable offer to dedicate" extra space south of the drive will provide good connectivity to other properties to the south, particularly giving access to the east/west easement that connects the property to Calle Ensenada, further to the west.

III. CONCLUSION

The Land Use Department recommends approval of the Final Development Plan and the Final Subdivision Plat subject to minor red line corrections from Traffic and Engineering and to standard conditions of approval from Fire.

In conclusion, the proposed Final Development Plan complies with code requirements and Final Subdivision Plat conforms substantially with the Preliminary Plat as approved. The conditions of approval are generally of a technical nature and can be met at time of subdivision plat recordation.

IV. ATTACHMENTS

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Comments, Sandra Kassens
2. Technical Review Division Memorandum, Risana "RB" Zaxus
3. Technical Review Division Memorandum, Noah Berke
4. Fire Marshal Comments, Reynaldo Gonzales
5. Water Division Memorandum, Dee Beingessner
6. Wastewater Division Email, Stan Holland

EXHIBIT C: Maps

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

EXHIBIT D: Applicant Submittals

1. Final Subdivision Plat
2. Final Development Plan

EXHIBIT E:

1. 10/2/14 Planning Commission meeting minutes
2. 11/6/14 Findings of Fact and Conclusions of Law

**Villas de Sophia-
Final Development Plan and Final Subdivision Plat
Conditions of Approval**
Case #2014-106

| Conditions | Department | Staff |
|---|---------------------------|-------------------|
| <p>1. The Developer shall revise the grade of the roadway, "Via Sophia" to have a slope of 2% or less for the first 25 feet from where it accesses Siringo Road with a 20 ft. vertical curve in the road profile adjacent to this level area.</p> <p>a. We met with the Design Engineer on Friday, November 14, 2014 to clarify this condition, and she agreed to make the changes prior to final approval.</p> <p>2. The Developer shall replace the number 25 with 36 within the fourth sentence of the Dedication and Affidavit statement On sheet 5 of the plan set, (page 1 of the 2 of the Plat of Survey), to be consistent with the ingress and egress easement shown on sheet 6 of the plan set (page 2 of 2 of the plat of survey).</p> | Traffic Engineering | Sandra Kassens |
| <p>1. On the Plat, add a statement to the Dedication and Affidavit that the irrevocable offer to dedicate Via Sophia can be vacated only by resolution of the Governing Body.</p> <p>2. On the Plat, revise City of Santa Fe note #3 to refer to Santa Fe Homes Proposal.</p> <p>3. On the Plat, revise City of Santa Fe note # 15 to refer to the 36' ROW offer instead of private driveway.</p> <p>4. On the Development Plan, revise note #5 to refer to the 36' ROW instead of driveway.</p> <p>5. Prior to recording, the affordable housing fee must be paid.</p> <p>6. Prior to recording, a financial guarantee must be provided in the amount of an engineer's estimate of the cost of construction in the public right-of-way plus the cost of site grading and erosion/sediment control.</p> | Technical Review Division | Risana "RB" Zaxus |
| <p>1. Compliance with Article 14-8.4 (J)(2) will be done at time of permit and verified at time of final inspection.</p> <p>2. The applicant work with staff to choose some alternative trees other than those listed, which will be decided on before final recordation.</p> | Technical Review Division | Noah Berke |
| <p>1. Shall comply with the International Fire Code (IFC) 2009 Edition.</p> <p>2. Shall provide an approved fire protection water supply in accordance with 2009 IFC Section 507.</p> <p>3. Shall provide fire apparatus access road/s in accordance with 2009 IFC Section 503.</p> | Fire | Rey Gonzales |
| <p>1. The proposed development will require a main extension with individual metered service connections for each lot. The water plan for this phase must be approved by the water division prior to issuance of Agreement to Construct and Dedicate for the water main extension.</p> <p>2. Fire service requirements will have to be determined by the Fire Department prior to development.</p> | Water Division | Dee Beingssner |

EXHIBIT A

City of Santa Fe, New Mexico

memo

DATE: November 17, 2014

TO: Donna Wynant, Land Use Division

VIA: John J. Romero, Traffic Engineering Division Director *JR*

FROM: Sandra Kassens, Engineer Assistant *SK*

SUBJECT: Villas de Sophia Amended Development Plan & Final Subdivision Plat (Case# 2014-05.)

ISSUE:

Monica Montoya, agent for Ted Chagaris, requests amended Development Plan and Preliminary Subdivision Plat approval to create 6 single family lots on 1.00± acres. The property is zoned R-7 (Residential, 7 dwelling units per acre, Planned Unit Development) and is located on Siringo Road and south of the intersection of Calle Contento and Siringo Road.

RECOMMENDED ACTION:

Review comments are based on submittals received on October 29, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

Condition no. 1 from our Sept. 18, 2014 staff conditions is restated here;

1. The Developer shall revise the grade of the roadway, "Via Sophia" to have a slope of 2% or less for the first 25 feet from where it accesses Siringo Road with a 20 ft. vertical curve in the road profile adjacent to this level area.
 - a. We met with the Design Engineer on Friday, November 14, 2014 to clarify this condition, and she agreed to make the changes prior to final approval.

Minor Correction:

1. The Developer shall replace the number 25 with 36 within the fourth sentence of the Dedication and Affidavit statement On sheet 5 of the plan set, (page 1 of the 2 of the Plat of Survey), to be consistent with the ingress and egress easement shown on sheet 6 of the plan set (page 2 of 2 of the plat of survey).

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

DATE: November 12, 2014

TO: Donna Wynant, Land Use Senior Planner
Case Manager

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

RE: Case # 2014-05
Villas de Sophia Final Development Plan and
Final Subdivision Plat

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

On the Plat, add a statement to the Dedication and Affidavit that the irrevocable offer to dedicate Via Sophia can be vacated only by resolution of the Governing Body.

On the Plat, revise City of Santa Fe note #3 to refer to Santa Fe Homes Proposal.

On the Plat, revise City of Santa Fe note # 15 to refer to the 36' ROW offer instead of private driveway.

On the Development Plan, revise note #5 to refer to the 36' ROW instead of driveway.

Prior to recording, the affordable housing fee must be paid.

Prior to recording, a financial guarantee must be provided in the amount of an engineer's estimate of the cost of construction in the public right-of-way plus the cost of site grading and erosion/sediment control.

City of Santa Fe, New Mexico

memo

DATE: November 19, 2014
TO: Donna Wynant, AICP, Land Use Planner Senior
FROM: Noah Berke, CFM, Planner Technician Senior
SUBJECT: Final Comments for Case #2014-05 Villas de Sophia Final Development Plan & Final Subdivision Plat

Staff has reviewed the plan set for Case #2014-05, Villas de Sophia Final Development Plan and Final Subdivision Plat. Based on the plans submitted, staff recommends conditions of approval in regards to landscaping. The conditions shall be:

- 1.) Compliance with Article 14-8.4 (J)(2) will be done at time of permit and verified at time of final inspection.
- 2.) The applicant work with staff to choose some alternative trees other than those listed, which will be decided on before final recordation.

If these conditions are added by Planning Commission, then staff feels that the applicant has satisfied the requirements of Article 14-8.4 "Landscaping and Site Design".

City of Santa Fe, New Mexico

memo

DATE:11/03/14

TO: Donna Wynant, Case Manager

FROM: Deputy Fire Marshal Jaome Blay

SUBJECT: Case # 2014-106 Villas de Sophia Final Development Plan and Final Subdivision Plat.

VIA: Fire Marshal Rey Gonzales

The following requirements shall be addressed prior to approval by the Planning Commission:

Shall comply with the International Fire Code (IFC) 2009 Edition.

Shall provide an approved fire protection water supply in accordance with 2009 IFC Section 507.

Shall provide fire apparatus access road/s in accordance with 2009 IFC Section 503.

Attachments: (0)

EXHIBIT B-4

City of Santa Fe
memo

DATE: November 3, 2014
TO: Donna Wanant, Land Use Senior Planner, Land Use Department
FROM: Dee Beingessner, Water Division Engineer *DB*
SUBJECT: Case # 2014-106 Villas de Sophia Final Subdivision Plat

The proposed development will require a main extension with individual metered service connections for each lot. The water plan for this phase must be approved by the water division prior to issuance of an Agreement to Construct and Dedicate for the water main extension.

Fire service requirements will have to be determined by the Fire Department prior to development.

City of Santa Fe, New Mexico

memo

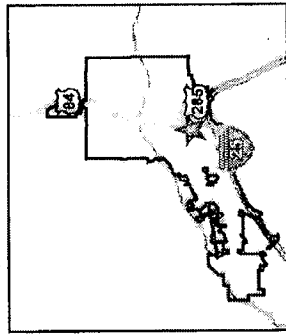
DATE: November 3, 2014
TO: Donna Wynant, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2014-106 Villas de Sophia Final Development Plan and Subdivision Plat

The subject property is accessible to the City sanitary sewer system.

There are no comments for the Applicant to address regarding the design of the public sewer system serving this project.

EXHIBIT B-6

Villas de Sophia- Aerial Map



Legend

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

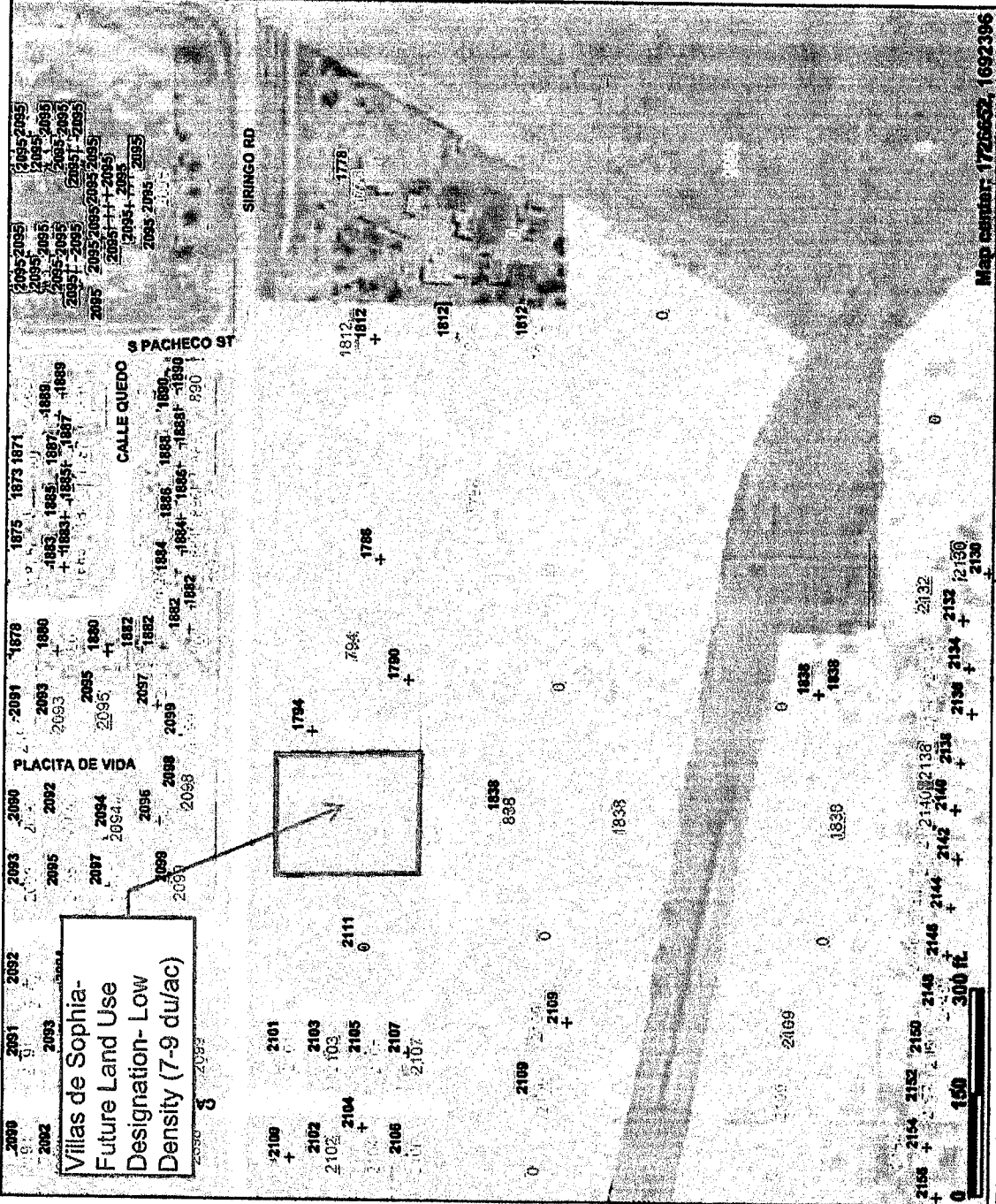
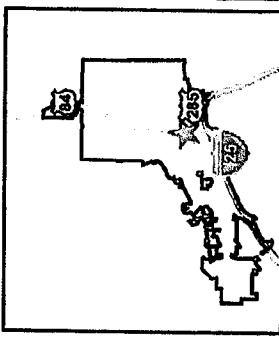


Scale: 1:5,468



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.

Future Land Use Map



Legend

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Future Land Use
 - Mountain/Corridor (1 dwelling per 10+ acres)
 - Very Low Density (1-3 dwellings per acre)
 - Low Density (3-7 dwellings per acre)
 - Moderate Density (7-9 dwellings per acre)
 - Medium Density (7-12 dwellings per acre)
 - High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional
- Open Space

Scale: 1:2,671

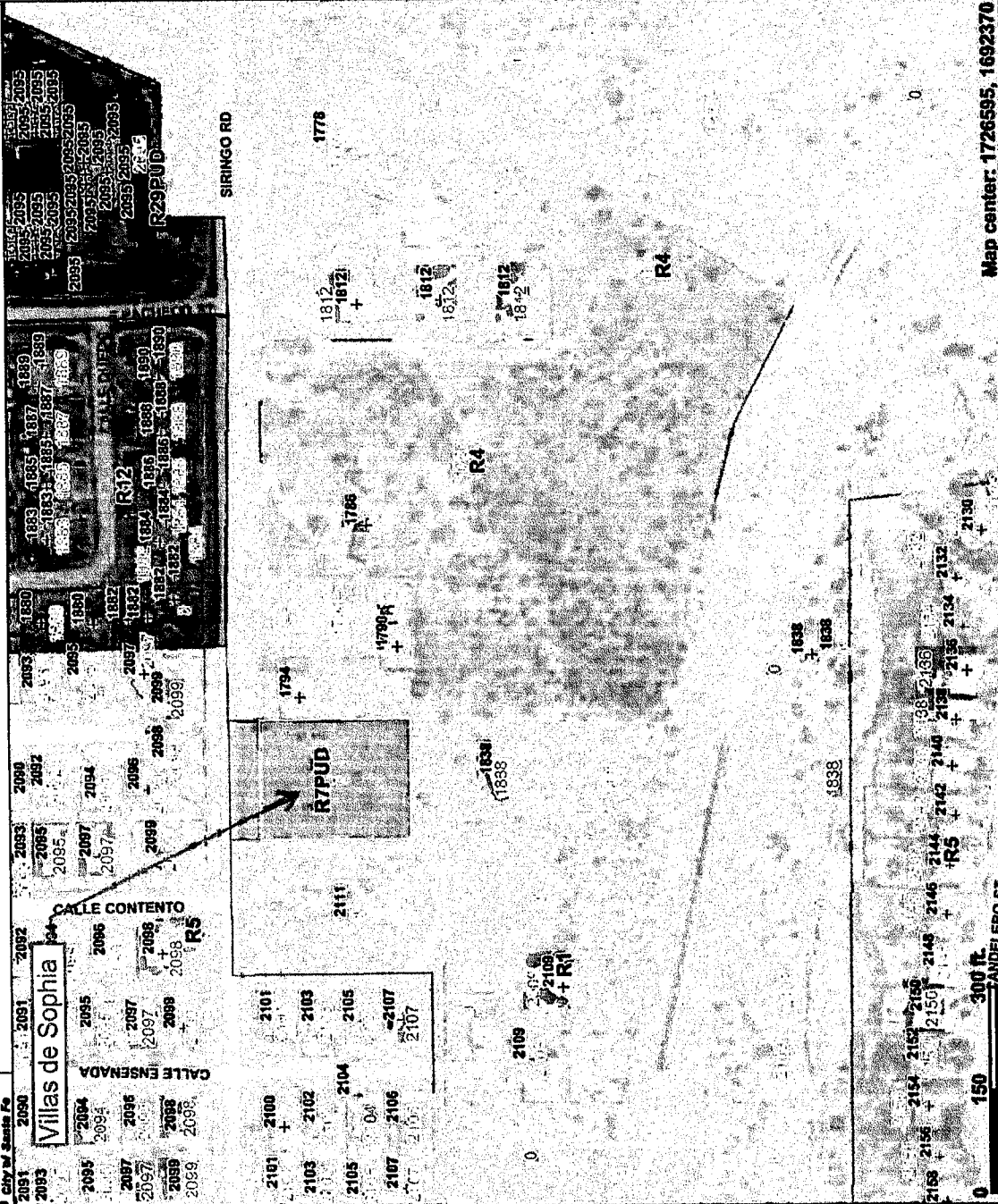
Map center: 1726652, 1692396

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.

Color copy is available in the Clerk's office

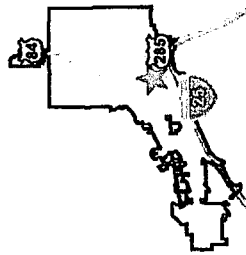
EXHIBIT C2

Zoning Map



Map center: 1726595, 1692370

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.



Legend

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Zoning
- RR Rural Residential
- R1 (PUD) Single-Family 1du/1ac
- R2 (DT), (PUD), (AC) Single-Family 2du/1ac
- R3, (PUD) Single-Family 3du/1ac
- R4 Single-Family 4du/1ac
- R5, (DT), (PUD), (AC), R6 Single-Family 5-du/1ac
- R7, (PUD), R8 Single-Family 7-du/1ac
- RCS, RCSAC Compound 5du/1ac
- RCS, RCSAC Compound 5du/1ac
- R10, (PUD) Multiple-Family 10du/1ac
- R12, (PUD) Multiple-Family 12du/1ac
- R21, (PUD) Multiple-Family 21du/1ac
- R29, (PUD), (AC) Multiple-Family 29du/1ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park

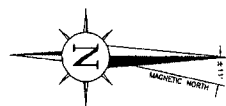
Scale: 1:2,671



* Color copy is available in the clerk's office *

CALE CONTENTO

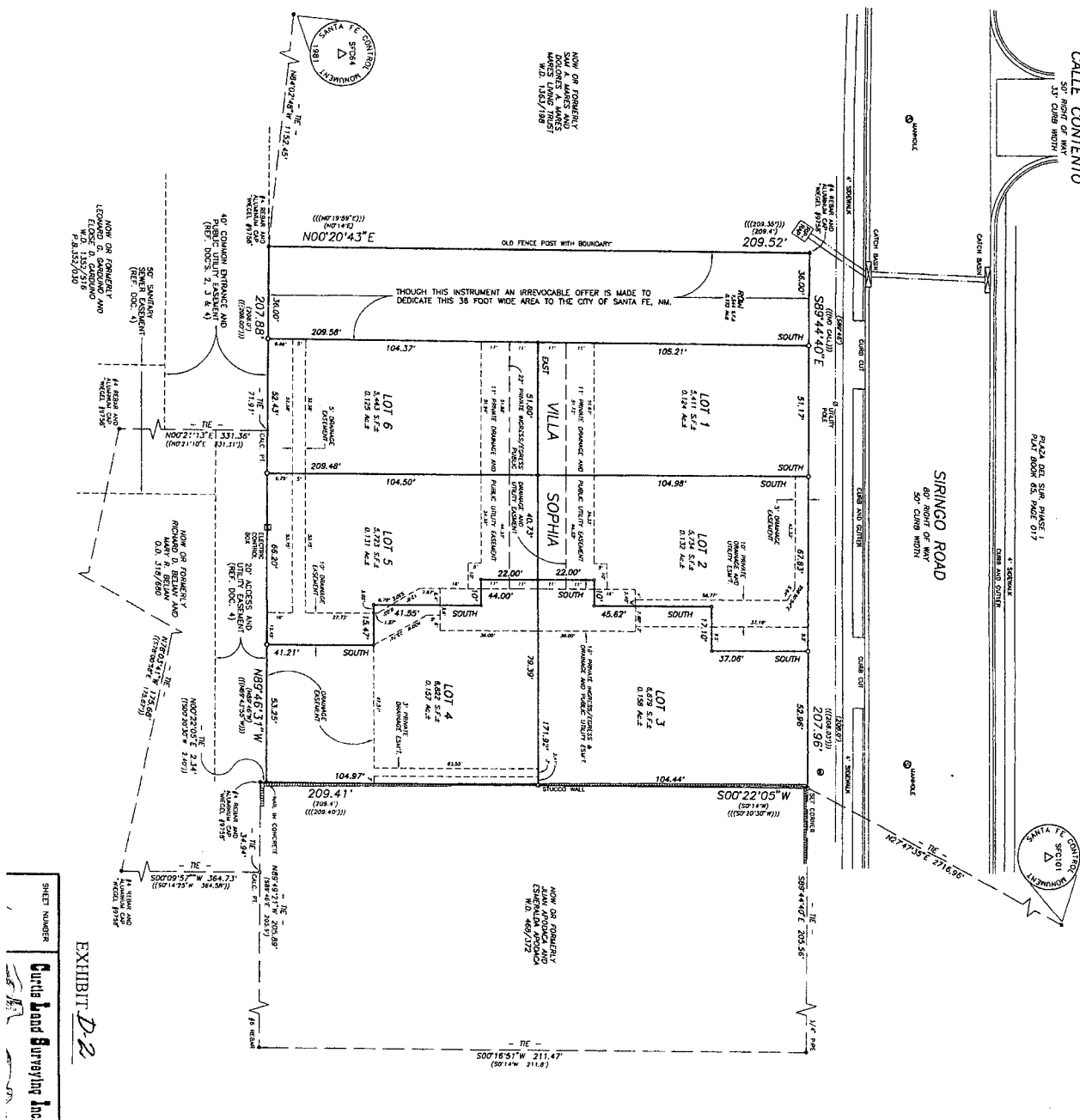
PLAZA DE SUR, PHASE I
PLAT BOOK 03, PAGE 017



SCALE: 1" = 20'
20 0 10 20

- SYMBOL LEGEND**
- CORNER FOUND AS SHOWN
 - CORNER SET THIS SURVEY
 - CORNER SET BY OTHER SURVEY
 - CALCULATED POINT NOT FOUND
 - PROPERTY LINES
 - EGRESS/INGRESS, DRAINAGE & UTILITY EASEMENT
 - DRAINAGE & UTILITY EASEMENT
 - SEWER ACCESS LID
 - OVERHEAD UTILITY WIRES & POLE
 - U.G. ELECTRIC CONTROL BOX
 - CATCH BASIN AND CULVERT
 - VARIOUS OTHER STRUCTURE WALL

NOTE: ALL INTERIOR EASEMENT AND LOT LINES RUN CARDINAL DIRECTIONS EXCEPT WHERE NOTED. DISTANCES SHOWN ARE ACCURATE TO TWO DECIMAL PLACES, WHETHER SHOWN OR NOT.



Full-Size original is available in the clerk's office

2. **CASE #2014-05. VILLAS DE SOPHIA AMENDED DEVELOPMENT PLAN AND PRELIMINARY SUBDIVISION PLAT. MONICA MONTOYA, AGENT FOR TED CHAGARIS, REQUESTS AMENDED DEVELOPMENT PLAN AND PRELIMINARY SUBDIVISION PLAT APPROVAL TO CREATE 6 SINGLE FAMILY LOTS ON 1.00± ACRE. THE PROPERTY IS ZONED R-7/PUD (RESIDENTIAL, 7 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT) AND IS LOCATED AT 1840 SIRINGO ROAD. (DONNA WYNANT, CASE MANAGER)**

A Memorandum, with attachments, prepared September 18, 2014, for the October 2, 2014 meeting, regarding this case, is incorporated herewith to these minutes as Exhibit "5."

A Memorandum dated October 2, 2014, to the Planning Commission from the Current Planning Division, regarding additional information on Case #2014-05, Villas de Sophia Amended Development Plan and Preliminary Subdivision Plan, with attachments as noted, is incorporated herewith to these minutes as Exhibit "6."

The Villas de Sophia Development Plan and Subdivision Plat, dated August 14, 2014, is incorporated herewith to these minutes by reference, and copies are on file in, and can be obtained from, the City of Santa Fe Land Development Department.

Donna Wynant presented information in this case. Please see Exhibits "5" and "6" for specifics of this presentation.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in the Staff Report [Exhibit "5"].

Public Hearing

Presentation by the Applicant

Monica Montoya, 726 Gregory Lane, Montoya Land Use Consulting, Agent for the owner was sworn. Ms. Montoya introduced the Project Team, Orallynn Guerterortiz, Project Engineer and Ted Chagaris, owner of the property. She thanked staff, noting Donna Wynant and Tamara Baer have been very helpful to them throughout the design process.

Ms. Montoya presented information and answered questions using an enlarged drawing of the subject site. Ms. Montoya said, "Donna did a wonderful job of describing the project to us. I'll just point out a couple of things for you on our boards. 'This' top one 'here,' is our development plan, Siringo Road is 'here.' We provide a public access as requested by the Traffic Engineer into the subdivision. From that public access, you enter a driveway into the center of our units. So there will be two units 'here,' two units on the east side of the property and two units on the south side of the property."

Ms. Montoya continued, "The little interesting fact that I wanted to share with you is that Villa Sophia is Ted Chagaris's mother, and so the subdivision is named after his mother which I think was kind of cool."

Ms. Montoya continued, "And so, as Donna mentioned, each one of these lots, several of them will provide private open space, but we do have portals on the back yards of each of the ones and those are what you are seeing in the front of the elevation at 'this' point. This elevation does show a row of trees between the sidewalk and the front wall of the subdivision along Siringo Road. We will be moving those trees to the north side of the sidewalk. We don't have a problem with that at all, and we agree that it would make the character and the streetscape of Siringo Road very nice. Architectural style, of course, is Pueblo Style as you can see 'here.' Our rendering does show a single story rendition of what we're thinking these will look like. We would like to reserve the right to build a two-story unit as long as we are in the requirements of R Codes. And so I just wanted to mention that, at some future time when we're in for building permit and a buyer wants a two-story home, we reserve the right to build one if we comply with the R-Codes."

Ms. Montoya continued, "We did a lot of work with the neighbors. We had the Neighborhood Notification meeting which Donna mentioned. Our neighbor, Mr. Mares is very happy with us and he has submitted a letter of support. His property is right 'here.' He's happy with us because he's going to get access to his land at some future point when and if he develops the property. Our neighbors to the south 'here,' will also have the ability to connect to Siringo Road through our public right of way. So that's basically our contribution to connectivity to otherwise landlocked properties to the south of us. Basically, we feel this is a very nice infill, median income development. We're very happy with it and hope you are too, and with that we stand for any questions."

Vice-Chair Villarreal asked Ms. Montoya, if anyone from her team would like to speak.

Ms. Montoya said if there are questions with regard to design, Ms. Guerrerortiz is available.

Mr. Chagaris said he has no remarks at this time.

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Ortiz said in John Romero's comments, he asked for 25 feet of slope as it approaches Siringo Road, but on the plans it has 20 feet. He asked if this is going to be corrected, noting someone highlighted that.

Oralynn Guerrerortiz, 1427 Luisa Street, Suite A, Owner of Design Enginuity [previously sworn], said, "I have had several discussions with John Romero. ... I'm pulling out my notes to find out how it landed in the end here, because I know I did some redlines to this project. What we talked about

was that we have to come up to keep the water in Siringo Road, so the water wouldn't flow down our driveway. And so, I think it's 4 or 5 feet related to that rise, and then we're going to have 20 feet at 2%.. So, together it's 25 feet between the two where it's coming up just 6 inches and then going 2%, and he was okay with that. And I'm not sure if the plans in front of you reflect that final decision from him. But I think how I left it with John was we were going to take care of it before we went to final before you all."

Commissioner Ortiz said, regarding the drainage easement, your drainage runs from southeast to the southwest, and there is an existing 24 inch culvert, and you are going to hook up to that. He asked what is the width of the easement on the west side.

Ms. Guerrerortiz said, "The actual width is really narrow, it's only 5 feet if I recall correctly, for where the CMP pipe is. Are you concerned about if they have to dig it up and it will disturb more than 5 feet."

Commissioner Ortiz said a few years ago, we had a field trip to that area on another case and he recalls that easement looked really shabby and not too defined. He hopes that they will define the easement a little better to get the drainage to flow properly. He said, "And I know, at your southwest corner you plan on sheet flowing that through the riprap pad and everything. So I'm hoping it is well defined, not only throughout the whole west side, but a little bit to the south side. I just remember it wasn't really defined, the drainage system through there."

Ms. Guerrerortiz said, "The 5 foot easement is to incorporate a 15 inch CMP, which is the outlet of the drainage pond. My feeling is, when Mares develops he will want to continue the pipe through the public easement out of his property. But because we're not in a position to do work on his property, and there isn't any clear defined drainage way, it really is a sheet flow now situation. We were requested by staff to leave it as a sheet flow situation. But the reality is, when Mr. Mares wants to develop, he will make it more of a storm drain to connect it and get it passing through his property. He does have... it's an unusual property. I don't know if you remember Mr. Mares, but it's like a bowl, but he has an exit CMP drainage pipe that would make a lot of sense to connect this line to."

Commissioner Padilla said Ms. Montoya mentioned that the public access is down the walk and then through the driveway. He said, "If I understood the testimony earlier, there are two gates that are going to be there."

Ms. Montoya said yes.

Commissioner Padilla asked how that is a public access with two retractable gates.

Ms. Montoya, pointing to the enlarged drawing, said, "Public right of way. Siringo Road. Public right of way. Our driveway. That retractable gate will enclose a driveway and it will retract back 'this' way, so it won't encroach or impede into the public right of way at all."

Commissioner Padilla said, "So public access, that's vehicular access to me. If somebody was walking to the property, I can see where they've got a sidewalk coming from north to south, and if they were walking there, they would get to that gate and they wouldn't have access in. Is there public access for both vehicular and pedestrian, and if so, how is it addressed here."

Ms. Baer said, "I think the public access was not referring to the private development aspect of this proposal, only to the vehicular and pedestrian access which will access further to the south, if and when that property develops. So the private part of this development does not have public access. It's private."

Ms. Montoya said, "If this helps, Mr. Padilla, 'this' is private."

Commissioner Padilla said, "Understood. So, if I was, I'm just going to ask a general question then to Ms. Montoya. If I am an owner of Lot 2 and I wanted to take my bike out, how do I get out."

Ms. Montoya said, "You would have access from the parking lot, through the gate.."

Commissioner Padilla said, "So it's a controlled gate."

Ms. Montoya said, "It's a controlled gate for use by the residents."

Commissioner Padilla said, "Then question for staff. As we look to, as was mentioned in the testimony, connectivity to the south as it develops in the future, and then also thinking about a case we had last Commission meeting, the road is only developed up to, and the sidewalk only developed up to the entrance to this private development. What is the guarantee, or how are we guaranteed that the improvements do happen on the south portion of this development for future connectivity. Can you address that."

Ms. Baer said, "There's an irrevocable offer to dedicate. So if and when that road does develop and the need for it happens, on the plat there will be an irrevocable offer to dedicate. And we will accept it once that road has been constructed."

Commissioner Padilla said, "So the developer, or the developer now, ultimately if these are condominiums or however they are conveyed or sold, they would be responsible for the expansion. There is an irrevocable letter."

Ms. Baer said, "No. It is an irrevocable offer to dedicate, which means it's on the plat and the City could, and presumably would take over that roadway, Villa Sophia, once it becomes access to properties developed further to the south. There is no obligation on the part of the current owner to develop the remaining portion to the edge of their property. So, depending on how the development happens, it could be that, say someone came in with a lot of apartments to the south here, they would be responsible for making that final connection."

Commissioner Padilla said, "Thank you, that's the clarification I wanted. Thank you staff, thank you Ms. Montoya."

Commissioner Padilla continued, "The other question is in reference to... off Siringo Road we have a wide, I'm looking at your landscape plan, sheet 20, there is the existing sidewalk. And I can understand and appreciate not tearing up an existing sidewalk to widen it to 5 feet, when everything else is 4 feet. What is happening between the back of the sidewalk and the balance of the right of way to this property. Is that being improved at all. Is there any proposed landscaping, or is it just a wall. And then the second question on that. That wall, I'm looking at your engineering plans, and I'm seeing a wall that varies from about 1 foot to about 4 feet. Am I reading that correctly. That's your Grading Plan 9."

Ms. Montoya said, "With regard to your question with regard to what is happening in the right of way along Siringo Road, behind this sidewalk our rendering is showing a bit of a difference from what it will actually look like. But 'these' trees will actually be placed. So what you're seeing 'here,' are some trees that are located between the sidewalk and the fence, or the wall. But these trees actually will be at the request of staff, and we'll place 'these' trees between the sidewalk and the street."

Ms. Wynant said, "I would like to make a correction if it is appropriate. I think I can answer this. I did talk to Monica, Ms. Montoya, earlier today. And what I was saying is that as it is portrayed on the colored development plan, the top image there with all the green 'there,' in our discussions, we really felt that that was not enough room for street trees. And we felt that it was more important to put street trees between the sidewalk and the front property line. So I think there was that misunderstanding over the phone was that this is what was at fault. And since we are showing it to you this evening, I should have mentioned that earlier, but the street trees, typically they're between sidewalk and curb. But we looked at Siringo Road. It didn't fit the character, and there were no other street trees there. And where they did exist in that area, they were between the sidewalk and the curb, and we thought that was good way to soften or add some landscaping to the site, along with... what's required is some of these thorny types of plants, we should have a better word for that, some kind of barrier type thorny plants along the, well it's a bit of a retaining wall and a coyote fence on top. And 'this' right here, that's actually portrayed it correctly. So that rendering is just fine. Probably, with the exception of on the side 'there,' for the rendering Monica is holding, is that there should be some street trees... there are some street trees along where they're showing some shrubs."

Commissioner Padilla said, "Thank you Ms. Wynant, that was my confusion. I saw where it would seem more appropriate in that back of the sidewalk to the property line to accommodate the landscaping better in that area."

Ms. Montoya said, "The trees 'there' actually work better for our residents and will cause shade in their back yard, so we like that idea better."

Commissioner Padilla said, "Then I guess the follow-up question for Ms. Guerrerortiz is, I'm seeing the low wall and I was like, that's not much of a yard wall. And now that I'm aware there's a rendering down there, I see you're doing a coyote fence on top of that."

Ms. Guerrerortiz said, "And if I could just enunciate a little further. You are right. Most of that wall is 3-4 feet, it just dies down at the end to be one foot. And the other thing that we added, which you might have noticed on the grading plan, is that there is actually an ADA wheelchair passing space, which is

something staff suggested, because it is a 4 foot wide sidewalk for the most part, to create a small section that was 5 feet wide on our property so there was a little bit more room to go around. I just wanted you to be aware that at least there would be a small zone that would be 5 feet wide."

Commissioner Padilla said, "My last question is... you state in the Staff Report that two parking spaces are provided, each in an attached garage, and three additional spaces in front of each garage of Lots 1, 2, 5 and 6. If we've got two cars in the garage, and you are parking two behind in tandem, where is the third car parked. It's obviously not behind the garage. Is it in front of the residence."

Ms. Montoya said, "That is correct. The distance, if you're looking at our development plan, the distance 'here,' is equal to three cars for Lot 1, and three cars for Lot 2, tandem cars behind the two parking spaces in the garage."

Commissioner Padilla said, "So the Staff Report is that the three are... you're calling that behind the garage, or rather in front of the garage."

Ms. Montoya said that is correct.

Commissioner Padilla said, "Question for staff. Is that a parking requirement for this development."

Ms. Baer said, "There is a provision for a certain number of units. If you have a certain number of units, you have to provide some guest parking. I have to check and I'm happy to do that, to see what that threshold is, but generally each house, each dwelling unit, is required to provide two parking spaces. So let me check to see exactly what that threshold is."

Commissioner Padilla said, "And then the follow up question as far as access to the property. If I am a visitor to the owner of Lot 2, is there a call box that I pull up to, and if that is the case, if I'm a visitor, will I be sticking out into the driveway or the road, Villa Sophia. Is there enough room for a car or cars to queue up in front of that gate."

Ms. Montoya said, "20 feet. We can look at that very closely before Final Development Plan. We'll make a note that we need to have 20 feet. Yes, that's a good question."

Commissioner Padilla said, "I would just make a recommendation that staff take a look at that, because of the fact that, well I'm visiting Lot 2, but there's also someone for Lots 4 and 6 there and we're stacking up. Granted there is no continual traffic in there, but in the event that the development to the south does indeed proceed or happen in the future, we want to make sure that we don't have queuing problems in that area."

Ms. Montoya said, "Thank you. We'll take a look at that more closely and have a response to that before Final."

Commissioner Padilla said, "Last question. The Staff Report states that 'The applicant is not providing affordable units, but instead is providing a contribution to the Santa Fe Homes Program in line with the requirements for the program.' At some point, would we be able to see what that requirement is, and the amount of contribution."

Ms. Baer said, "It may be in the Memorandum from Alexandra Ladd, included in your Staff Report. The requirement changed to say that if you're building under 10 residential units, you are not required to build affordable. You can make a contribution instead. Are you seeing it."

Commissioner Padilla said, "Yes. I see it there now. \$24,000."

Vice-Chair Villarreal said, "I had a follow up on the concern about the gate. I was curious, I don't know the design you're thinking about, but wouldn't it make sense if someone was a pedestrian, that maybe they have a code for a door that actually accesses the property, versus having to go through a gate that cars are going through. I'm just trying to visualize this, and if you have thought about that. Because I just can't imagine standing there and having to call in and I'm waiting and cars are behind me like Commissioner Padilla was describing. I know you said you would address that."

Ms. Montoya said, "Yes. I've got a note here. We'll take a closer look at that."

Ms. Baer said, "And I do have an answer for you. Per Section 14-8.6 Off-Street Parking and Loading, C(1) Off Street Visitor Parking in Single Family Development. 'In single family, residential developments, depending on the size and layout of the development, and if driveways are located in such proximity to each other that adequate visitor parking is unavailable on the street, the Planning Commission may require that additional visitor parking of up to one-half space per dwelling unit be accommodated within the development.' So, it's not a requirement. The Planning Commission has the discretion to require it, if you think it's necessary...."

Vice-Chair Villarreal thanked Ms. Baer, and asked Commissioner Padilla if this answered his question, and Commissioner Padilla indicated that it did.

MOTION: Commissioner Ortiz moved, seconded by Commissioner Bemis, to approve Case #2014-05, Villas de Sophia Amended Development Plan, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

MOTION: Commissioner Ortiz moved, seconded by Commissioner Padilla, to approve Case #2014-05, Villas de Sophia Preliminary Subdivision Plat, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla and Villarreal voting in favor of the motion and no one voting against [5-0].

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

Case #2014-05

Villas de Sophia Amended Development Plan
Villas de Sophia Preliminary Subdivision Plat

Owner/Applicant's Name – Ted Chagaris
Agent's Name – Monica Montoya

THIS MATTER came before the Planning Commission (Commission) for hearing on October 2, 2014 upon the application (Application) of Monica Montoya, as agent for Ted Chagaris (Applicant).

The Applicant requests an Amended Development Plan and Preliminary Subdivision Plat to create 6 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, 7 dwelling units per acre, Planned Unit Development) and is located at 1840 Siringo Road, which is south of the intersection of Calle Contento and Siringo Road.

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

FINDINGS OF FACT

General Information & Preliminary Subdivision

1. The Commission heard reports from staff and received testimony and evidence from the Applicant.
2. Pursuant to Santa Fe City Code ("Code") § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on October 11, 2013 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.

9. The Applicant conducted an ENN meeting on the Application at 5:30 p.m. on January 16, 2014 at the Genoveva Chavez Center in accordance with the notice requirement of Code § 14-3.1(F)(3)(a).
10. The ENN meeting was attended by the Applicant and City staff; there were eight members of the public in attendance.
11. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the "Applicable Requirements").
12. City Land Use Department staff ("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") evaluating the factors relevant to the Application and recommending approval by the Commission of the Application, subject to those conditions contained in the Staff Report (the "Conditions").

Development Plan

13. A Planned Unit Development ("PUD") is a zoning overlay and one was adopted for this property as part of the re-zoning in 2007.
 14. A development plan was required as a condition of the re-zoning of the property.
 15. The Applicant submitted a Development Plan, which was approved at that time.
 16. The Applicant has submitted an Amended Development Plan.
 17. The Commission has authority under Code § 14-3.8(C)(4) to review amendments to development plans.
 18. Code § 14-3.8(C) and § 14-3.19(D) requires applicants for Amended Development Plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the "Submittal Requirements").
 19. The Applicant has complied with the Submittal Requirements.
 20. The purpose of the Planned Unit Development is to allow variations to development standards through review of the development plan.
 21. The Commission has considered the criteria established by Code § 14-5.7(E) and finds the following facts: (1) *the development, design and landscaping standards permitted in the PUD may vary from the standards of the underlying district, provided that findings of fact are made that such variation:*
 - (a) *Meets the PUD purpose and intent set forth in Subsection 14-5.7(A) by creating a united development that is superior to what would be otherwise be attainable;* (b) *is appropriate in relation to the overall development [§14-5.7(E)(1)(b)]; and (c) minimizes the impact on surrounding properties [§14-5.7(E)(1)].*
- The development standards to which changes are proposed are the following: (a) sheds and portals may encroach into yard setbacks; (b) landscape requirements pertaining to yard walls facing the street may be implemented within the right of way between the sidewalk and the property line. The variations to the development standards are needed because without which it would be difficult to achieve the approved R-7 density on this site. The proposal is a modest infill development that will create additional moderate income housing in a centrally located part of the City. Landscaping development in the

right of way adjoining Siringo Road will further enhance the roadway, both for motorists and pedestrians, and promote walkability.

22. The Commission has considered the criteria established by Code §14-5.7(E) and finds the following facts:

(2) The density of population and intensity of land use allowed by the underlying zoning district shall be the overall density and intensity in the PUD. As long as the overall PUD density and intensity remained unchanged, the density and intensity of different local sites within the PUD may vary. [§14-5.7(E)(2)].

The proposal consists of six single family homes, each 1,762 square feet with two car attached garages. The property is 1.00± acre in size (43,553 square feet) and is zoned R-7/PUD (Residential, 7 dwelling units per acre/Planned Unit Development), which is consistent with its General Plan designation of Residential- Low Density (3 to 7 dwellings per acre).

23. The Commission has considered the criteria established by Code §14-5.7(E) and finds the following facts:

(3) Examples of the development, design and landscaping standards variable in the PUD include lot size, housing type, housing configuration, yards/setbacks, height, lot coverage, distance between buildings, terrain management and mountainous and difficult terrain. Where no variation of a development, design or landscaping standard has been approved, the development, design or landscaping standard at issue shall be the same as in the underlying district. [§14-5.7(E)(3)].

The layout as shown in the Amended Development Plan meets minimum setback requirements, except for portals that extend into the 15 foot rear yard and zero lot line between units, also as allowed. The layout as shown in the Amended Development Plan meets landscape requirements, except landscape requirements pertaining to yard walls facing the street may be implemented within the right of way between the sidewalk and the property line.

24. Code § 14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of area and to implement the policies of the general plan.

CONCLUSIONS OF LAW

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

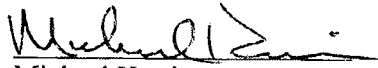
General

1. The proposed Preliminary Subdivision Plat and Amended Development Plan was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.
3. The Commission has the authority to review and approve the Preliminary Subdivision Plat subject to conditions.

4. The Commission has the authority to review and approve the Amended Development Plan subject to conditions.
5. The Applicant has complied with all applicable requirements of the Code with respect to the Amended Development Plan and Preliminary Subdivision Plat, including the Applicable and Submittal Requirements.

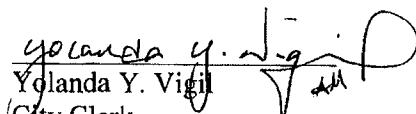
**WHEREFORE, IT IS SO ORDERED ON THE 6TH OF NOVEMBER 2014 BY
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That the Applicant's request for the Amended Development Plan and the Preliminary Subdivision Plat is approved, subject to conditions as provided in the Staff Report.


Michael Harris
Chairperson

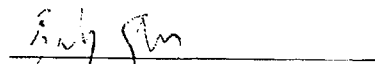
11/6/14
Date:

FILED:


Yolanda Y. Vigil
City Clerk

11/7/14
Date:

APPROVED AS TO FORM:


Zachary Shandler
Assistant City Attorney

11/6/14
Date:

MONICA MONTROYAL and Use Consultant, Inc

October 27th for December 4th Planning Commission Meeting

Planning Commission Members
C/O Donna Wynant
Land Use Senior Planner
Current Planning Division
200 Lincoln Avenue
Santa Fe, N.M. 87502

SUBJ: Villas de Sophia/Final Development Plan and Final Subdivision Plat.

Dear Donna,

On behalf of Mr. Ted Chagaris, this application is submitted by Montoya Land Use Consulting, Inc. and Design Enginuity to request Final Development Plan and Final Subdivision Plat approval for Villas de Sophia. **Exhibits A1-4.**

APPLICATION OVERVIEW

On October 29, 2007, the City Council approved R7PUD zoning for the Villas de Sophia development which at that time proposed 8 residential units. Around the same time, the Planning Commission approved preliminary and final development plan. The project was never built because of economic conditions. Several conditions were imposed on the rezoning by the City Council in 2007 which have been incorporated into the 2014 application design and discussed later in this report.

On October 2, 2014, the Planning Commission granted preliminary development plan and preliminary subdivision plat approval of the new design. The major differences between the 2007 plan and the current plan are the reduction of density from 8 to 6 dwelling units, thereby eliminating the need for variances which were granted, the design of Via Sophia including the increased width from 25' to 36', and its construction from private street standards to public street standards, which was requested by the City traffic engineer with the new application. The developer accepted the changes associated with Via Sophia in the interest of cooperating with the City's objective, even though it meant increased construction costs and loss of buildable area for residences because the development would be shifted to the east. The basic layout and design of the development are the same.

Villas de Sophia is a 1 acre vacant tract located on the south side of Siringo Road, slightly east of the intersection of Calle Contento. **Exhibit B1.**

Exhibit "6"

MONICA MONTROYAL and Use Consultant, Inc

October 2014
Villas de Sophia/Final Development Plan and Final Subdivision Plat
Page 2 of 11

The layout of the lots provide for a unified community with common parking at the center of the 6 units. Each home has a fee simple lot accommodating its minimum code requirements including parking. Pueblo style architecture is proposed using earth tone hues and coyote fencing at yard perimeters to create privacy. The view from Siring Road will be attractive with landscaping consisting of shrubs and trees between the sidewalk and the coyote fencing at the property line.

Via Sophia T's off Siringo Road along the west property line to a point where it intersects with the front driveway entrance to the development and the parking area. The residences circle the parking area with 2 attached units on the north, east, and south sides of the parking lot.

While Via Sophia is only required to be constructed from Siringo Road to the development entrance, the right-of-way continues to the south end of the property via an "irrevocable offer dedicate" clause on the plat in the event the City chooses to utilize it for potential future development to the south of the subdivision. The method of conveyance is consistent with the original Council approval.

CONDITIONS OF PRELIMINARY DEVELOPMENT PLAN AND SUBDIVISION PLAT

The enclosed application is modified to accommodate the October 2, 2014 Planning Commission conditions of approval when they granted preliminary development plan and preliminary subdivision plat, these of which were mostly minor in nature. Attached is the City conditions table with compliance methods incorporated on the right column.

Exhibit C1-2.

REVIEW OF SFCC COMPLIANCE

Lot of Record. The 1 acre tract (43,553 sq. ft.) is recognized as a legal lot of record because it was created prior to the City subdivision regulations, specifically, via a survey named Tract C of the Amended Plat for Lands Surveyed for Josefita Chavez de Santana done by Walter G. Turley and dated January 24, 1951. It was later surveyed in 1994.

Exhibit D1-3.

October 2014
Villas de Sophia/Final Development Plan and Final Subdivision Plat
Page 3 of 11

Zoning and Density. As mentioned in the opening, the City Council granted R7PUD zoning (7 du/ac, Planned Unit Development) on October 29, 2007 finding that the project was consistent with the purpose and intent of the R7 and PUD standards. We propose that the current application continues compliance with the purpose and intent of the standards which are intended to allow for greater intensity, encourage infill development on undeveloped land among other criteria. The purpose and intent of the R7 district is as follows:

14-4.2 (E) R-7, R-8 and R-9 Residential Districts

(1) Purpose

These districts are designed to accomplish the following:

- (a) to allow a greater intensity of residential land use;*
- (b) to encourage infill development on undeveloped or underdeveloped land in order to promote compact urban form and promote efficient use of public infrastructure and services; and*
- (c) to allow a density that enables affordability.*

The PUD standards allow for innovative site planning and design. Three design allowances are provided for as follows:

1. Attached portals are permitted to encroach into the 15' minimum rear yard setback up to 5' of the rear property lines on lots 1&2 and 5&6,
2. Zero setbacks are permitted for second stories between lots 1&2, 3&4 and 5&6.
3. Zero setback is permitted for the coyote fence at the Siringo Road property line.

All other district standards are complied with. We propose that these exceptions are consistent with the purpose and intent of the PUD zone district.

14-5.7 PUD PLANNED UNIT DEVELOPMENT DISTRICT
(Ord. No. 2011-37 § 7)

(A) Purpose and Intent

- (1) This section is intended to allow the creation of planned districts, each conceived as a unit of cohesive development and integrated uses in either a single development operation or a planned series of development operations that may take place over a period of several years. It is also*

October 2014
Villas de Sophia/Final Development Plan and Final Subdivision Plat
Page 4 of 11

*intended to **allow and encourage innovative site planning and design** to ensure that each planned unit development compatibly integrates with development on adjoining properties and creates an attractive, healthful, sustainable and stable environment for living and working that is superior to the development attainable under existing zoning regulations.*

- (2) *It is further intended that PUD regulations in this section and throughout Chapter 14 accomplish the purposes of land use regulation to the same degree that existing zoning regulations do in cases where planning and development are not on a unified basis.*

The PUD allows for innovative design and variation of standards provided that specific findings are made. The interpretation of yards and front, side and rear setbacks are partly the reason for the variation of portal setbacks. The second story setbacks are needed in order to create a cohesive attractive stepback approach on attached residences should a second story be built. While it is not the intent of the developer to construct 2 story residences at this time, it is not intended to deny future residents the opportunity if they choose, especially since the district permits 2 story structures and many exist within the neighborhood.

The property line abutting Siringo Road is interpreted as a special street yard, but the setbacks which apply to the structures are rear yards because the yard space functions as such. The homes on lots 1&2 meet the 15' minimum setback, and because of the PUD, the portals may be 5' with the appropriate finding. The southernmost property line of the subdivision is also interpreted as a special yard. Once again, the homes on lots 5 & 6 meet the 15' minimum setback and the portals are 5' from the property line. The coyote fence along Siringo is on the property line rather than the distance equal to its height.

The finding of fact provisions for proposed allowances and applicant responses are as follows:

14-5.7 (E) Standards

- (1) *The development, design and landscaping standards permitted in the PUD may vary from the standards of the underlying district, provided that findings of fact are made that such variation:*

- (a) *meets the PUD purpose and intent set forth in Subsection 14-5.7(A) by creating a unified development that is superior to what would otherwise be attainable.*

The relaxing of setbacks for portals, second story additions and fence at Siringo Rd, as stated herein do not affect the integrity of the subdivision design which creates an attractive, healthful, sustainable and stable environment for its residents. Additionally, the location of portals on affected lots are not visible to east properties. Second stories are common in the area and allowed by residential districts. Fences on the front property lines along Siringo Road are common.

- (b) *is appropriate in relation to the overall development, and*

Each of the homes in the subdivision have a portal leading to a back yard. It is only in the case of lots 1 & 2 and 5 & 6 that the interpretation of special yard creates a need for a variation in setback even though they are designed as an integral part of the development layout. The allowance for 0' second story setbacks as stated herein will eliminate the undesirable "U shape" approach should a second story be setback 10' from the subject property lines between lots 1&2, 3&4 and 5&6. It is only in these cases where 2nd stories can be 0'. A fence on the Siringo Road property line will provide a more usable yard space for residents on lots 1 & 2.

- (c) *minimizes the impact on surrounding properties.*

The impact on surrounding properties will be minimal. The east properties may view a second story structure which is common in the area.

- (2) *The density of population and intensity of land use allowed by the underlying zoning district shall be the overall density and intensity in the PUD. As long as the overall PUD density and intensity remain unchanged, the density and intensity of different local sites within the PUD may vary;*

The density is not affected by any of the allowances. The density is 6 for a site that allows 7.

- (3) *Examples of the development, design and landscaping standards variable in the PUD include lot size, housing type, housing configuration, yards/setbacks, height, lot coverage, distance between buildings, terrain management and mountainous and difficult terrain. Where no variation of a development, design or landscaping standard has been approved, the development, design or landscaping standard at issue shall be the same as in the underlying district.*

MONICA MONTROYAL and Use Consultant, Inc

October 2014
Villas de Sophia/Final Development Plan and Final Subdivision Plat
Page 6 of 11

The PUD specifically lists yards and setbacks as qualified standard variables which may be incorporated in a development design.

In summary, the development setback breakdown is as follows:

Setbacks Requirements of SFCC:

Siringo Road/Walls and Fences: 6' minimum (setback distance = height)
Siringo Road/Special Street Yard: 15' minimum
Via Sophia/Primary Street Front: 7' minimum
Interior Driveway: 20' from edge of driveway easement to garage door
East Property Line/Side Yard: 5' for single story, 10' for 2 story
Attached single story dwellings between lots 1 & 2, 3 & 4 and 5 & 6: 0'

Setback Allowance with PUD Zoning:

Attached Portals (lots 1 & 2, 5 & 6): 5' minimum
Second story setbacks between lots 1&2, 3&4 and 5&6: 0'
Fence setback at Siringo Road: 0'

Height. The R7 district permits a height of 24'. While the intent of the developer is to build single story units, it is not the intent to prohibit future residents to expand. In this event, it is intended that additions meet the minimum code requirements for height which is 24' or whatever is permitted by code at the time of construction.

Lot Coverage. The code allows up to 40% lot coverage, 55% with private open space. All lots within the development comply with minimum lot coverage requirements. Lots 1&2 and 5&6 utilize private open space. Lots 3&4 do not. Detailed calculations are depicted on the final development plan.

Landscaping. Street trees are placed along Siringo Road between the south side of the sidewalk and the north property line, allowing trees more room for growth. Barrier plantings are placed along the coyote fence to cover at least 75% of the fence. Trees are also placed along Via Sophia in a similar manner as those along Siringo Road. See sheets 2/A and 2/B of the plan set for details of locations and types of vegetation.

Parking. The code requires 2 parking spaces per dwelling unit. An additional .5 per unit is provided to satisfy a City Council condition of the original rezoning. Lots 1, 2, 5 and 6 have 2 garage parking spaces plus 3 spaces in front of the garage. Lots 3 and 4 have 2 garage spaces plus 2 spaces in front of the garage. A total of 16 spaces are required including city code and City Council conditions. The plan adds over flow beyond the required for a total of 28 spaces.

Lighting. Proposed lighting is depicted on the development plan. Anticipated lighting needs for the parking area can be accommodated by building mounted lights on each of the homes and sidewalk path lighting. The control box at the entrance will be lit. This design intends to serve as an attractive alternative to pole lighting which can cause glare. Lighting designs are required to be submitted at the time of construction per Section 14-8.9(C)(1).

Walls and fences. The R7 district permits a height of 6'. Coyote fences are planned in the rear and side yards of each lot to provide for privacy including along the Siringo Road property line. In cases where retaining walls are used in combination with fences, maximum allowable heights apply. Please refer to the development plan for location of planned walls and fences. A fence is not planned at the south end of the Via Sophia easement.

Development Access. Primary access is off Siringo Road. Via Sophia T's off Siringo Road along the west property line and ends at the driveway entrance to the parking lot of the subdivision. Via Sophia was originally approved by the City Council as a 25' wide ROW. At the request of the Traffic Engineer, the developer agreed to widen Via Sophia to 36' and construct it to public street standards including sidewalk on the east side, curb, 2 drive lanes, landscape buffer and asphalt. Additional land is reserved and dedicated along the remaining west boundary to the south end of the subdivision as required by the City Council with the idea that in the future, the City may accept it as an option or means of access to potential future development to the south of the Subdivision. The developer has agreed to an "irrevocable offer to dedicate" the ROW to the city for future use. The City may accept the offer to dedicate any time, or may vacate the offer to dedicate by resolution of the Governing Body. Until such time, the homeowners association will maintain the ROW until the City exercises its authority. If the City determines at some future date that the ROW is not needed, only the Governing Body can vacate the easement.

In order to determine whether or not the ROW is needed, a comprehensive access study of the area to the south would be beneficial, taking into account projected densities and

whether already existing dedicated public access easements are already sufficient service the area.

At least 2 other known dedicated access easements could be potential candidates for access:

- 1) A 40' wide dedicated access easement from the South Ridge Subdivision to the west.
- 2) A 40' dedicated access easement along the west and south boundary of the adjacent property, 20' of which is in the South Ridge Subdivision, and partially within the adjacent neighbors property. **Exhibit E.**

There may be opportunities from the east as well. Until a plan is adopted by the City, ROW will be piece mill and required on a case by case basis which may or may not appropriately service the area. In any event, Via Sophia provides an additional option should the City choose to use it.

Development Entrance Gate. A retractable gate with pedestrian access is planned for the entrance to the parking lot and will have an opticom mechanism for emergency access. The fire marshal has blessed the idea of the gate as long as they have emergency access. At the request of the Planning Commission chair at the October 2, 2014 hearing, a detail of the area depicts the proposed design including stacking for 1 vehicle which we believe is sufficient. **Exhibit F.**

Sidewalks. A 4' public sidewalk exists along Siringo Road which is in great condition. The City has stated that this sidewalk is sufficient to accommodate the subdivision. An additional sidewalk will be installed along the east side of Via Sophia from Siringo Road to the driveway entrance of the development.

Water. A 12-inch water line lies under Siringo Road. This line will be tapped with an 8-inch public main located within a dedicated public right-of-way on Via Sophia. A fire hydrant will be installed within the Siringo Road right of way on the east side of the project access driveway. The 8-inch line will terminate at the south end of the property with a 2-inch flushing hydrant. The six individual water meters for the project will be placed behind the curb on Via Sophia. The service lines to the individual homes will lie within a public utility easement placed in the project parking areas. The entire project is expected to use 0.94 acre-feet of water per year. **Exhibit G.**

Sewer. Wastewater from the 6 proposed homes will be collected in a new proposed public gravity sewer main extension. Each home will have a separate sewer service line off of the public sewer. Two new manholes will be installed on the project, and one

October 2014
Villas de Sophia/Final Development Plan and Final Subdivision Plat
Page 9 of 11

manhole will be installed on the existing public sewer main located within Siringo Road. All new lines will be 8-inches and meet all City standards.

Dry Utilities. Along the south side of Siringo Road lie cable, phone, gas and electric lines. The electric line is an overhead line. New Mexico Gas and an underground PNM line also exists along the southern boundary of the project site. It is anticipated that all dry utilities will be fed to the project via a joint trench stemming from Siringo Road and passing through a public utility easement between lots 2 and 3. Transformers, phone and cable boxes will be placed in medians in the project parking area. Gas meters will be bundled and electric meters will be on the individual homes. Final dry utility plans will be determined by the utility companies.

Terrain Management. The project set of drawings includes the existing topography of the project site. The site's slope analysis indicates areas of 0-20%, 20-30% and 30% or greater slopes. The slopes are primarily less than 10%, with an average grade of 5% towards the west and south. There is 379 square feet of 30% slope which will be disturbed by this project. Near the project entrance there are manmade steep slopes created by the construction of Siringo Road improvements. These steep slopes will also be disturbed. There are no known hazardous conditions on the property. An existing drop inlet exists at the planned project entrance. This drop inlet will be relocated up gradient (to the east) 42-feet. A new stormwater manhole will be installed at the current drop inlet location which will be connected to the new drop inlet and the drop inlet located on the north side of Siringo Road by 24-inch corrugated metal pipes.

The site vegetation coverage is of moderate density, primarily grasses and weeds with some juniper and pinion trees. The Soil Conservation Services has mapped the project site as Panky fine sandy loam is generally pale brown and is typically found on the flatter terrain. Permeability is slow due to the clay content and the shrink-swell potential is high.

There are no offsite flows or FEMA flood zones impacting the project site. To mitigate the increase in post-development storm water flow rate leaving the site, drainage will be directed into a 3500 cubic foot detention pond. This pond will have a controlled release less than the natural peak discharge from the site. The pond will drain into a 15-inch corrugated metal pipe that discharges to another small pond filled with rock. This pond will serve to slow the flows and have them leave the site as sheet flow. The reason for this non-typical discharge is that there are no drainage easements on the neighboring property; therefore, the design mimics the natural condition of sheet flow discharge from this project site.

During construction operations silt fences and a rock lined construction entrance will be installed to prevent soil from leaving the site. Grading operations will be completed quickly while the roads and any disturbed areas will be stabilized immediately, to limit the exposure of disturbed soils. All cut slopes will be 2:1 and fill slopes will be 3:1 or gentler. All disturbed areas will be stabilized and revegetated with a native grass seed mixture. In addition, extensive landscaping is planned. Construction notes included in the drawings address all clearing and grading requirements.

Homeowner's documents. Common areas including drainage easements, parking lot, entrance gate, etc. will be maintained by the homeowners. Via Sophia and the extended dedicated access easement will also be maintained by the homeowners until and if the City or future developers to the south use it. Homeowners documents were approved and recorded with the original 2007 application. We anticipate creating an addendum to the documents to address the widening of Via Sophia to be approved by staff and recorded with the final development plan and final subdivision plat. **Exhibit H1-17.**

Early Neighborhood Notification. An early neighborhood notification meeting was held with the preliminary development plan and preliminary subdivision applications on Thursday, January 16, 2014. Eight neighbors reviewed the application, participated in discussion and asked questions regarding how the development would impact their living conditions. Seven of these folks owned property within the 300' radius. City staff was present to assist in the discussion. None of those present opposed the project.

Since the ENN meeting, a letter of support has been submitted by the adjacent west property owner. **Exhibit I.**

Santa Fe Homes Program. A Santa Fe Homes Proposal has been implemented which provides for a contribution to the program. Because the project is comprised of less than ten (10) units, the SFHP ordinance does not require construction of SFHP homes. Instead, a payment of \$24,840 will be contributed for a fractional fee portion of a home in accordance with the adopted schedule. **Exhibit J1-7.**

Green Building Standards. The original City Council approval incorporated a condition that the project be built to Energy Star standards. This condition carries forward with the current application as the Green Building Standards which is understood to be an updated more restrictive method of construction. The developer commits to these standards. **Exhibit K.**

MONICA MONTROYA Land Use Consultant, Inc

October 2014
Villas de Sophia/Final Development Plan and Final Subdivision Plat
Page 11 of 11

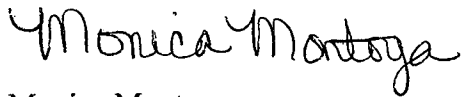
Schools. A "Project Effect on Student Population" form was submitted to the Santa Fe Public Schools with preliminary development plan and preliminary subdivision applications. Schools serving the project are Pinon Elementary, Capshaw Junior High and Santa Fe High School. We anticipate that the impact on schools from families of 6 additional homes in the neighborhood would be minimal. **Exhibit L.**

Archeological Review District. The subject property lies within the Suburban Archeological Review District. Permits are only required for developments with 10 or acres.

CONCLUSION:

We sincerely appreciate your consideration of our final development plan and final subdivision plat application. Please contact me with any questions.

Sincerely,



Monica Montoya
Montoya Land Use Consulting, Inc.

Xc: Ted Chagaris, Owner
Oralynn Guerrerortiz, Project Engineer

Exhibits:

- A. 1-4 Final Development Plan & Final Subdivision Plat Application Forms
- B. 1 Vicinity Map/2011 Image
- C. 1 Planning Commission Conditions Table
- D. 1-3 Lot of Record
- E. 1 Potential Future Access Plan
- F. 1 Development Entrance Detail
- G. 1 Utility Service Application/Water Use Analysis
- H. 1-17 Homeowners Documents
- I. Letter of Support/Mr. Mares/Adjacent Neighbor to West
- J. 1-6 Santa Fe Homes Program Proposal
- K. 1 Letter from Development Owner Regarding Green Building Commitment
- L. 1 Santa Fe Public Schools Impact Form



(date stamp)

DEVELOPMENT PLAN APPLICATION

Parcel Information

Project Name: Villas de Sophia Final Development Plan

Address: VIA Sophia

Property

Size:

1 acre

Current Use of Land: VACANT

Proposed Use of Land: 6 residential units

Does a Rezoning application
accompany this application?

YES
☐

NO
☒

Are any variances required?

YES
☐

NO
☒

Preapplication Conference Date: _____

Early Neighborhood Notice (ENN) meeting date: 1-16-14

Zoning: R7 PUD

Property Owner Information

Name:

Ted

CHAGARIS

First

Last

Address:

24 Ridge Rd

Street Address

Santa Fe

City

Suite/Unit #

NN

87505

State

ZIP Code

Phone: (505) 670-2533 E-mail Address: tedchag@gmail.com

Applicant/Agent Information (if different from owner)

Company Name: MONTAÑA LAND USE CONSULTING, INC.

Name:

MONICA

MONTAÑA

First

Last

Address:

726 Gregory Lane

Street Address

Santa Fe

City

Suite/Unit #

NN

87505

State

ZIP Code

Phone: (505) 412 1016 E-mail Address: MONICA@MNTYA.COM

Correspondence Directed to:

☐ Owner

☒ Applicant

☐ Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: Villas de Sophia

I/We authorize MONTAÑA LAND USE CONSULTING, INC. to act as my/our agent to execute this application.

Signed:

[Signature]

Date:

10/24/14

Signed:

N/A

Date:

—

Submittal Checklist (Requirements found in Section 14-3.8 SFCC 1987)

☒ Six (6) 24"x36" plan sets and one (1) CD are required. Please include the following:

| | | | | |
|--|--|---|---|--|
| <input checked="" type="checkbox"/> Letter of Application (intent, location, acreage) | <input checked="" type="checkbox"/> Statement addressing approval criteria | <input checked="" type="checkbox"/> Legal Lot of Record, Legal Description | <input checked="" type="checkbox"/> Development Plan (as defined by Section 14-3.8 SFCC 1987) | <input checked="" type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications |
| <input checked="" type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 1987) | <input type="checkbox"/> Traffic Impact Analysis (if required) N/A | <input type="checkbox"/> Proof of Compliance with Conditions of Annexation Approval (if applicable) N/A | <input checked="" type="checkbox"/> Sewer and Water Plan (including profiles and details) | <input type="checkbox"/> Phasing Plan (if applicable) N/A |
| <input type="checkbox"/> Archaeological Clearance (if applicable) N/A | | | | |

Development Plan Submittal Requirements, as defined by Section 14-3.8(C) SFCC 1987:

Applicants for developments that require development plans under this section shall submit plans and other documentation as required by the land use director that show compliance with the applicable provisions of the Santa Fe City Code as provided in Section 14-3.1(C) (Form of Application), including plans that show:

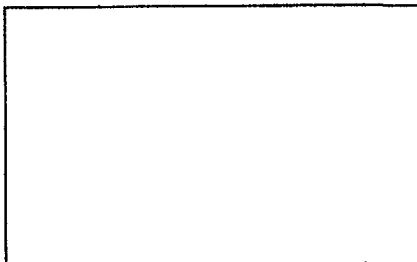
- (a) existing conditions on the site and within two hundred (200) feet of the site;
- (b) proposed modifications to the site, including the locations of existing and new structures, grading, landscaping, lighting, pedestrian and vehicular circulation, parking and loading facilities;
- (c) the types, extent and intensity of land uses that are proposed;
- (d) proposed modifications to the infrastructure serving the site, including public and private streets, driveways and traffic control measures and utilities;
- (e) documentation of compliance with development standards such as required yards, lot coverage, height of structures and open space;
- (f) the phases of development, if applicable;
- (g) for residential development, a proposal for provision of affordable housing as required by Section 14-8.11 (Santa Fe Homes Program);
- (h) a development water budget as required by Section 14-8.13;
- (i) for a development plan or final development plan, sufficient detail to clearly show how each applicable development standard is to be met and identify any variance or waiver required;
- (j) for a preliminary development plan, sufficient detail to demonstrate the feasibility of meeting all applicable development standards, including an analysis of the type and extent of variances or waivers required, specific requests for which may be included.

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 1987. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.

Signature: Monica Montoya Date: 10/27/14

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.



SUBDIVISION APPLICATION

Parcel Information

Project Name: Villas de Sophia Final Subdivision Plat
Address: VIA Sophia Property Size: 1 acres
Current Use of Land: VACANT Proposed Use of Land: 6 residential units
Does a Rezoning application accompany this application? YES ☐ NO ☒ Are any variances required? YES ☐ NO ☒
Preapplication Conference Date: _____
Early Neighborhood Notice (ENN) meeting date: 1-16-14 Zoning: R7 PUD
Check One: Preliminary Plat ☐ Final Plat ☒ UPC Number: 105 309 611 849 300 0000

Property Owner Information

Company Name: Pez Espada LLC
Name: Ted Chagaris
First Last
Address: 24 Ridge Road
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code
Phone: (505) 670-2533 E-mail Address: tedchag@gmail.com

Applicant/Agent Information (if different from owner)

Company Name: Montoya Land Use Consulting, Inc.
Name: Monica Montoya
First Last
Address: 726 Gregory Lane
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code
Phone: (505) 412 1016 E-mail Address: monica@mntya.com
Correspondence Directed to: ☐ Owner ☒ Applicant ☐ Both

Agent Authorization (if applicable)

I am the owner and record title holder of the property located at: Villas de Sophia
I authorize Montoya Land Use Consulting, Inc. to act as my agent to execute this application.
Signed: Paul Chagaris Date: 10/24/14

Submittal Checklist (Requirements found in Section 14-3.7 SFCC 1987)

☒ Six (6) 24"x36" plan sets and one CD containing the same information as the paper set (PDF) are required. Please include the following:

| | | | | |
|---|---|--|--|--|
| <input checked="" type="checkbox"/> Letter of Application (intent, location, acreage) | <input checked="" type="checkbox"/> Legal Lot of Record, Legal Description | <input checked="" type="checkbox"/> Preliminary Plat or Final Plat | <input checked="" type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications | <input checked="" type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 2001) |
| <input type="checkbox"/> Traffic Impact Analysis (if required) NA | <input checked="" type="checkbox"/> Sewer and Water Plan (Profiles and details – Final Plat only) | <input type="checkbox"/> Phasing Plan (if applicable) NA | <input type="checkbox"/> Archaeological Clearance (if applicable) N/A | <input type="checkbox"/> |

Subdivisions per Section 14-3.7 SFCC 1987:

Preliminary Plat (Section 14-3.7(B)(3) SFCC 1987)

See above for submittal requirements. See also Section 14-9 Infrastructure Design, Improvement and Dedication Standards.

Final Plat (Section 14-3.7(B)(4) SFCC 1987)

The final plat shall conform substantially to the preliminary plat as approved.

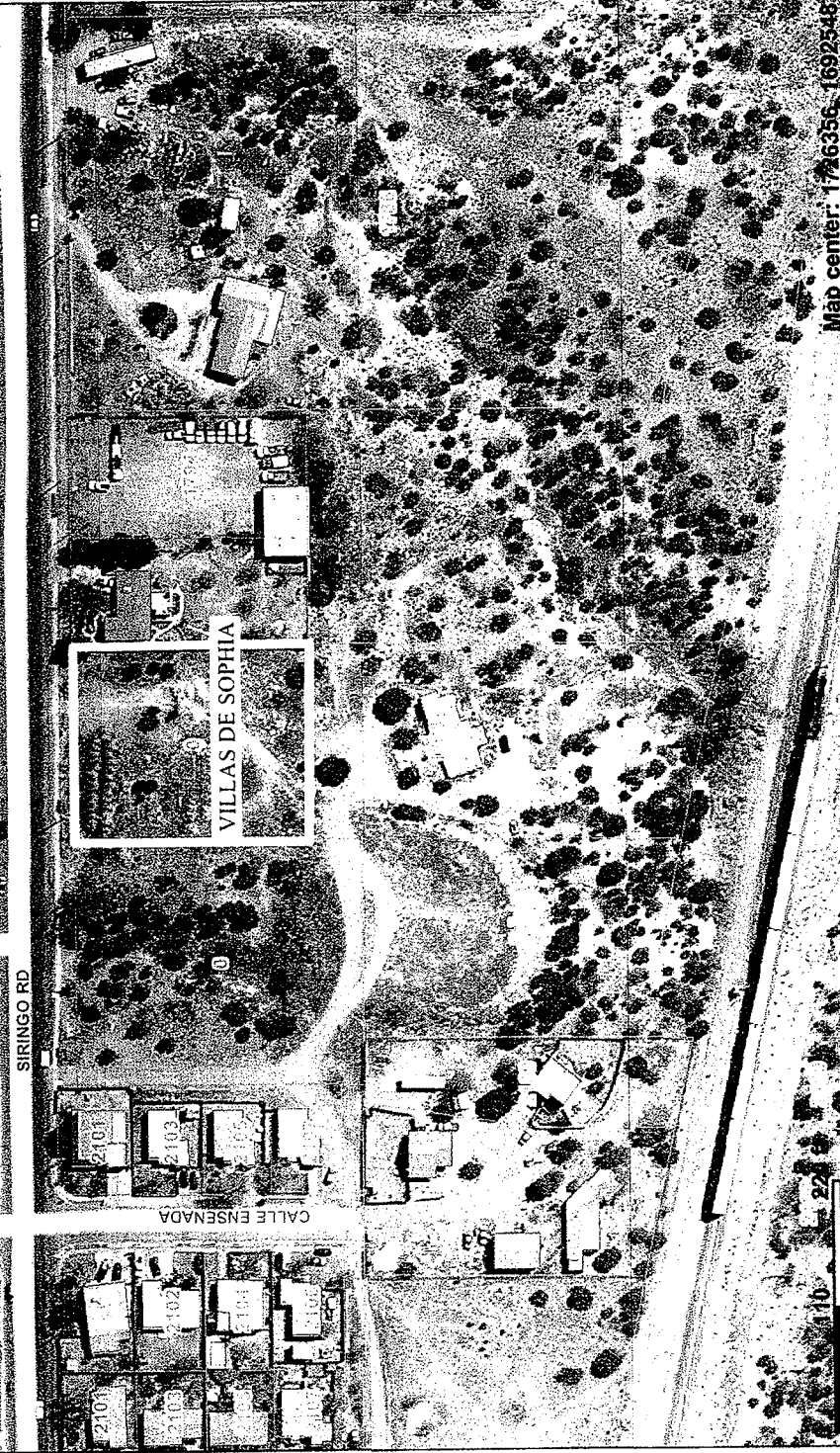
Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 1987. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.

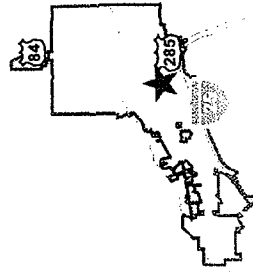
Signature: Monica Montoya Date: 10/27/14







A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Please contact the Land Use Department staff at (505) 955-6585 with any questions.

Geographic Information System



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.



- Legend**
-  City Limits
 -  Parcels
 -  Building Footprint
 -  Santa Fe River
 -  Major Roads and Highways
 -  Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution



Scale: 1:1,941

Villas de Sophia-
Preliminary Subdivision Plat and Amended Development Plan
Conditions of Approval
Case #2014-05

| Conditions | Department | Staff | Applicant Compliance |
|--|---------------------|-------------------|---|
| <ol style="list-style-type: none"> The Developer shall revise the grade of the roadway, "Via Sophia" to have a slope of 2% or less for the first 25 feet from where it accesses Siringo Road with a 20 ft. vertical curve in the road profile adjacent to this level area. On sheet 6 of the plan set, the Developer shall make the following corrections to the irrevocable offer to dedicate note: <ol style="list-style-type: none"> Change the width from 26 to 36; and Complete the wording from "C" to "City of Santa Fe". On Sheets 9 and 10 A: <ol style="list-style-type: none"> Correct the typo on the ADA wheelchair passing space note; the note reads "ADD" but should read "ADA". <p>The following review comments are to be considered conditions of approval:</p> <ol style="list-style-type: none"> On Subdivision Plat Dedication and Affidavit (sheet 5), revise "private unit development" to read "planned unit development." Also, remove "private" in describing the ingress, egress, and public utility and drainage easement. On sheet 6, revise the designation "Roadway" to read "ingress, egress, and public utility and drainage easement." Maximum retaining wall height is 6 feet. Revise sheet 12 to reflect this. | Traffic Engineering | Sandra Kassens | <ol style="list-style-type: none"> Plans have been modified. Corrections to spelling made on sheet 6. Corrections made on sheets 9 and 10a. |
| <ol style="list-style-type: none"> Shall Comply with International Fire Code (IFC) 2009 Edition. Shall meet fire department access which would require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, conditions of terrain, climatic conditions or other factors that could limit access as per IFC 2009 Edition section 503.1.2. Shall meet water supply requirements as per IFC 2009 Edition. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width. | Fire Dept. | Reynaldo Gonzales | <ol style="list-style-type: none"> Corrections to spelling made on sheet 5 Corrections to language made on sheet 6 Corrections to sheet 12 were completed. <p>Fire Department Comments are general in nature and applicable to all development projects. To assure compliance with Fire standards, our project team met with the fire marshal. There were no major issues with the design. The fire marshal also accepted the entrance gate off Via Sophia as long as it had an Opticom mechanism.</p> |

Villas de Sophia-
Preliminary Subdivision Plat and Amended Development Plan
Conditions of Approval
Case #2014-05

| Conditions | Department | Staff | Applicant Compliance |
|---|--------------------|----------------|---|
| <p>8. Fire Department Access shall not be less than 20 feet width minimum to any new construction.</p> <p>9. Shall have a fire department turn around as per IFC 2009 edition if driveway exceeds 150ft or sprinkle any new construction.</p> <p>10. Shall have a drivable surface that will bear the weight of a fire engine and kept maintain in all-weather like conditions.</p> | | | |
| <p>The fee (\$24,480) must be paid when the final subdivision documents are recorded or in situation s where these documents are not required, at the time of building permit application.</p> | Affordable Housing | Alexandra Ladd | The affordable housing fee will be paid per Housing Proposal. |
| <p>1. Place street trees along Siringo Road along the south side of the sidewalk, not in the narrow planting strip between sidewalk and curb, allowing the trees more room for growth.</p> <p>2. Provide a lighting plan for the development.</p> <p>3. Provide building elevations with the final subdivision plat submittal.</p> <p>4. Provide a water budget, as required by Section 14-8.13.</p> <p>5. Provide in front of the fence, facing Siringo Road per Section 14-8.5(J)(2)(b) to consist of predominantly thorny or other barrier plantings that will cover a minimum of seventy-five percent of the face of the fence or wall at maturity.</p> | Current Planning | Donna Wynnant | <p>1. The landscape plan has been revised to show street trees along Siringo Road between the south side of the sidewalk and the north property line of Villas de Sophia.</p> <p>2. Lighting is depicted on the development plan. Also, see application report for details.</p> <p>3. Building elevations are included in the plan set.</p> <p>4. See attached Utility Service Application which budgets .09 af/yr.</p> <p>5. Revisions made to landscaping plan.</p> |

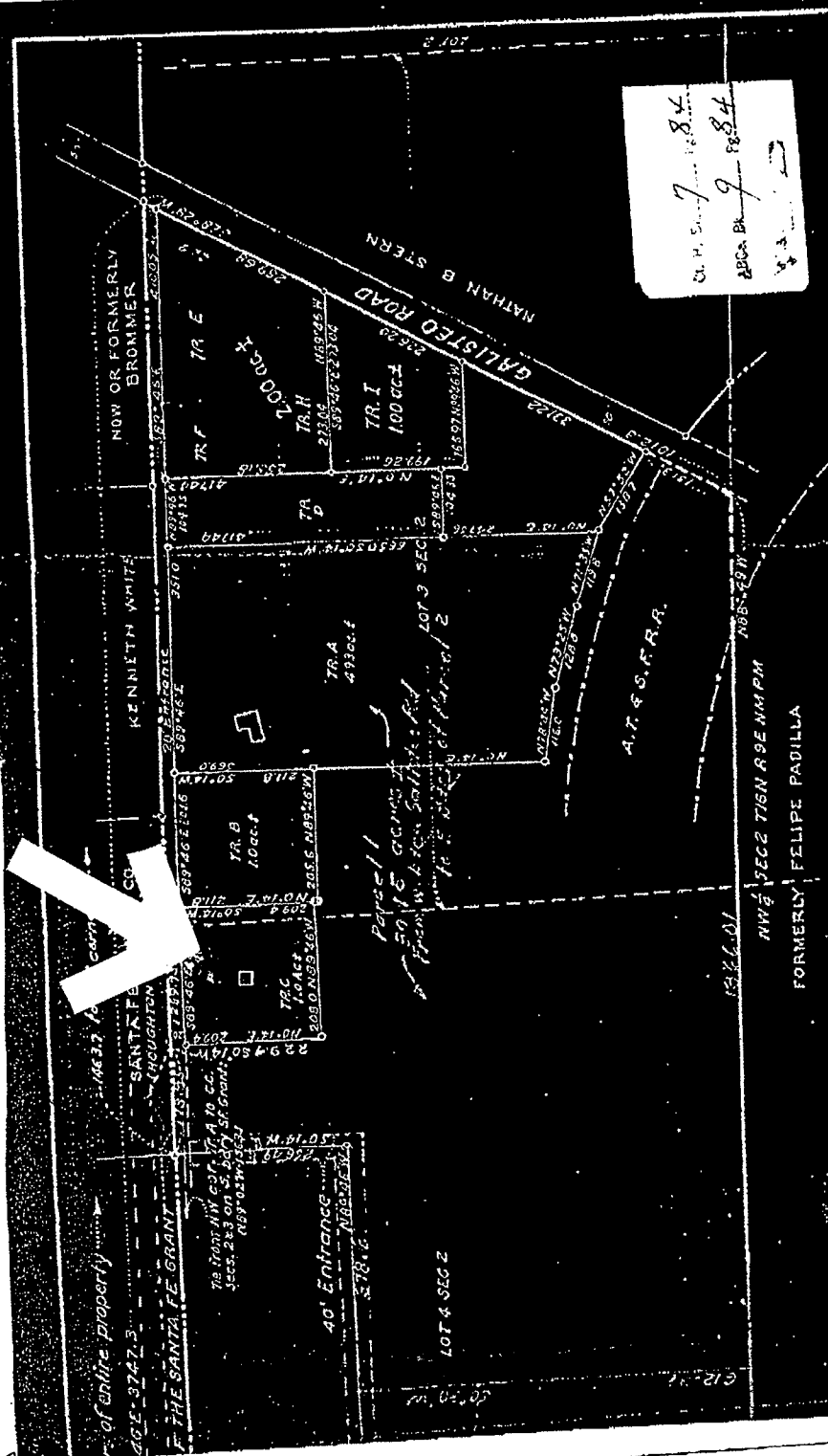
C2

57515

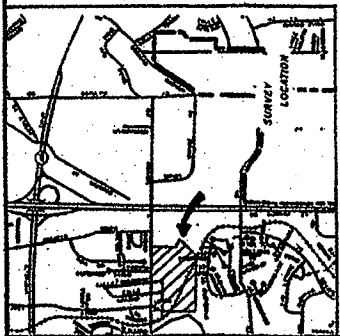
Ca. H. 50-7 7 84
APCA BK 9 84

AMENDED PLAT
LANDS SURVEYED FOR
JOSEFITA CHAVEZ DE SANTANA
SANTA FE COUNTY N MEX

TRANSCRIPTION
SECTION
CLERK, DISTRICT ATTORNEY,
COUNTY OF SANTA FE,
NEW MEXICO.



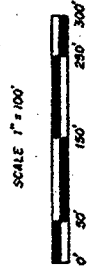
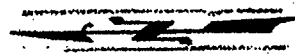
[illegible]



VICINITY MAP

THE FOLLOWING SURVEY WAS DONE WITH THE FREE CONSENT AND IN
 ACCORDANCE WITH THE ORDINANCES OF THE CITY OF SANTA FE,
 NEW MEXICO, AND THE ORDINANCES OF THE COUNTY OF SANTA FE,
 NEW MEXICO, AND THE ORDINANCES OF THE STATE OF NEW MEXICO,
 AND THE ORDINANCES OF THE UNITED STATES OF AMERICA,
 AND THE ORDINANCES OF THE TERRITORY OF NEW MEXICO,
 AND THE ORDINANCES OF THE TERRITORY OF ARIZONA,
 AND THE ORDINANCES OF THE TERRITORY OF CALIFORNIA,
 AND THE ORDINANCES OF THE TERRITORY OF IDAHO,
 AND THE ORDINANCES OF THE TERRITORY OF MONTANA,
 AND THE ORDINANCES OF THE TERRITORY OF NEBRASKA,
 AND THE ORDINANCES OF THE TERRITORY OF NEVADA,
 AND THE ORDINANCES OF THE TERRITORY OF NEW YORK,
 AND THE ORDINANCES OF THE TERRITORY OF NORTH CAROLINA,
 AND THE ORDINANCES OF THE TERRITORY OF NORTH DAKOTA,
 AND THE ORDINANCES OF THE TERRITORY OF OHIO,
 AND THE ORDINANCES OF THE TERRITORY OF OKLAHOMA,
 AND THE ORDINANCES OF THE TERRITORY OF OREGON,
 AND THE ORDINANCES OF THE TERRITORY OF PENNSYLVANIA,
 AND THE ORDINANCES OF THE TERRITORY OF RHODE ISLAND,
 AND THE ORDINANCES OF THE TERRITORY OF SOUTH CAROLINA,
 AND THE ORDINANCES OF THE TERRITORY OF SOUTH DAKOTA,
 AND THE ORDINANCES OF THE TERRITORY OF TENNESSEE,
 AND THE ORDINANCES OF THE TERRITORY OF TEXAS,
 AND THE ORDINANCES OF THE TERRITORY OF VERMONT,
 AND THE ORDINANCES OF THE TERRITORY OF VIRGINIA,
 AND THE ORDINANCES OF THE TERRITORY OF WASHINGTON,
 AND THE ORDINANCES OF THE TERRITORY OF WEST VIRGINIA,
 AND THE ORDINANCES OF THE TERRITORY OF WISCONSIN,
 AND THE ORDINANCES OF THE TERRITORY OF WYOMING,
 AND THE ORDINANCES OF THE TERRITORY OF ARIZONA,
 AND THE ORDINANCES OF THE TERRITORY OF CALIFORNIA,
 AND THE ORDINANCES OF THE TERRITORY OF IDAHO,
 AND THE ORDINANCES OF THE TERRITORY OF MONTANA,
 AND THE ORDINANCES OF THE TERRITORY OF NEBRASKA,
 AND THE ORDINANCES OF THE TERRITORY OF NEVADA,
 AND THE ORDINANCES OF THE TERRITORY OF NEW YORK,
 AND THE ORDINANCES OF THE TERRITORY OF NORTH CAROLINA,
 AND THE ORDINANCES OF THE TERRITORY OF NORTH DAKOTA,
 AND THE ORDINANCES OF THE TERRITORY OF OHIO,
 AND THE ORDINANCES OF THE TERRITORY OF OKLAHOMA,
 AND THE ORDINANCES OF THE TERRITORY OF OREGON,
 AND THE ORDINANCES OF THE TERRITORY OF PENNSYLVANIA,
 AND THE ORDINANCES OF THE TERRITORY OF RHODE ISLAND,
 AND THE ORDINANCES OF THE TERRITORY OF SOUTH CAROLINA,
 AND THE ORDINANCES OF THE TERRITORY OF SOUTH DAKOTA,
 AND THE ORDINANCES OF THE TERRITORY OF TENNESSEE,
 AND THE ORDINANCES OF THE TERRITORY OF TEXAS,
 AND THE ORDINANCES OF THE TERRITORY OF VERMONT,
 AND THE ORDINANCES OF THE TERRITORY OF VIRGINIA,
 AND THE ORDINANCES OF THE TERRITORY OF WASHINGTON,
 AND THE ORDINANCES OF THE TERRITORY OF WEST VIRGINIA,
 AND THE ORDINANCES OF THE TERRITORY OF WISCONSIN,
 AND THE ORDINANCES OF THE TERRITORY OF WYOMING,

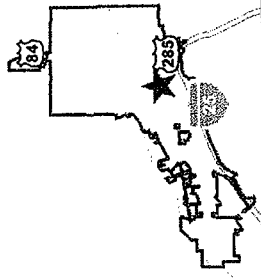
STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 THE FOLLOWING INSTRUMENT WAS ACKNOWLEDGE BEFORE ME THIS 21ST DAY
 OF JANUARY, 1903, BY
Philip B. Wright AT COMMISSION EXPIRES 9-13-07
 NOTARY PUBLIC



SCALE 1" = 100'

USCL BRASS CAP
 1 MILE N.W.
 SOUTH BOUNDARY
 SANTA FE GALT

Dedicated Access Study

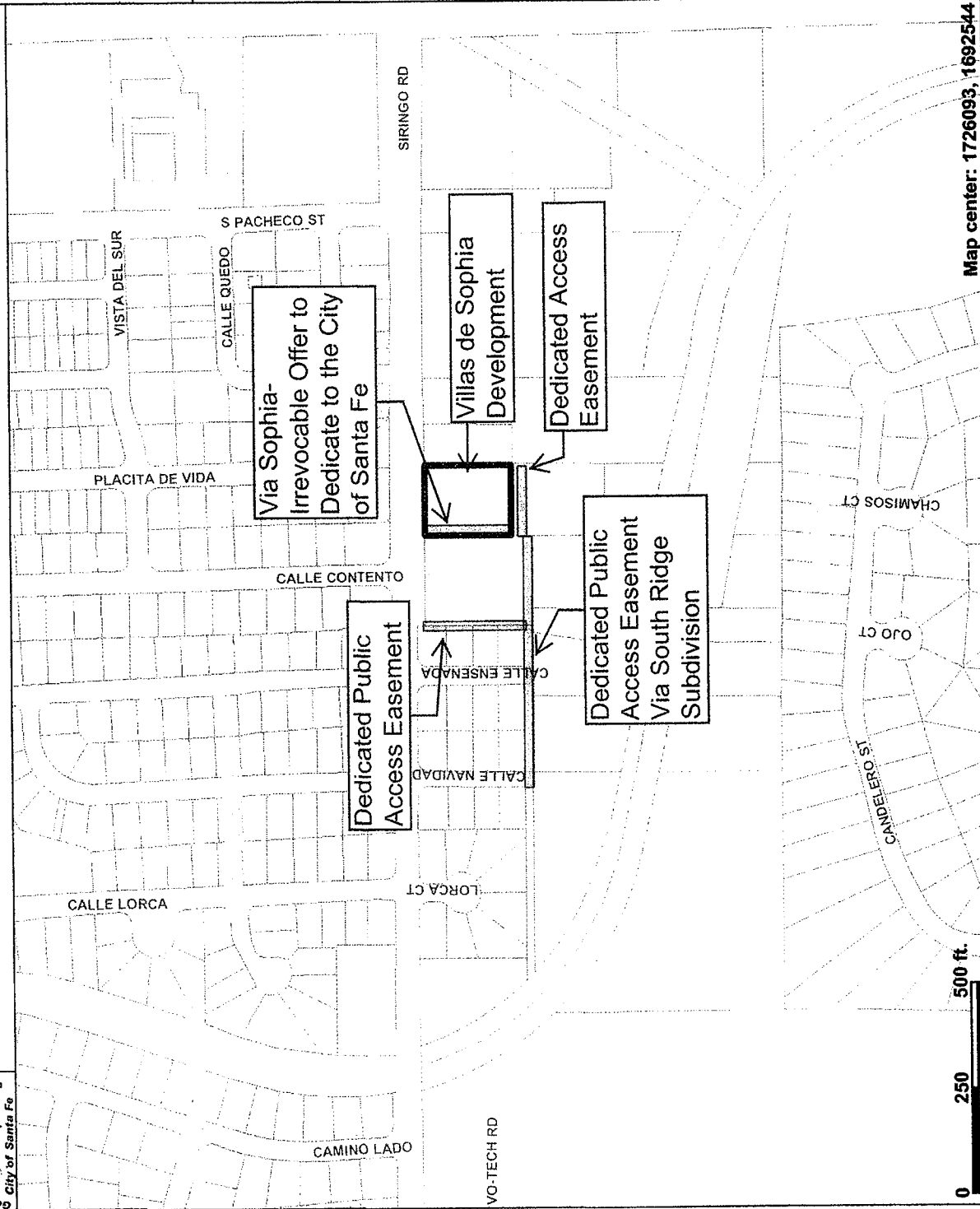


Legend

- City Limits
- Parcels
- Subdivisions in & Around City
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets



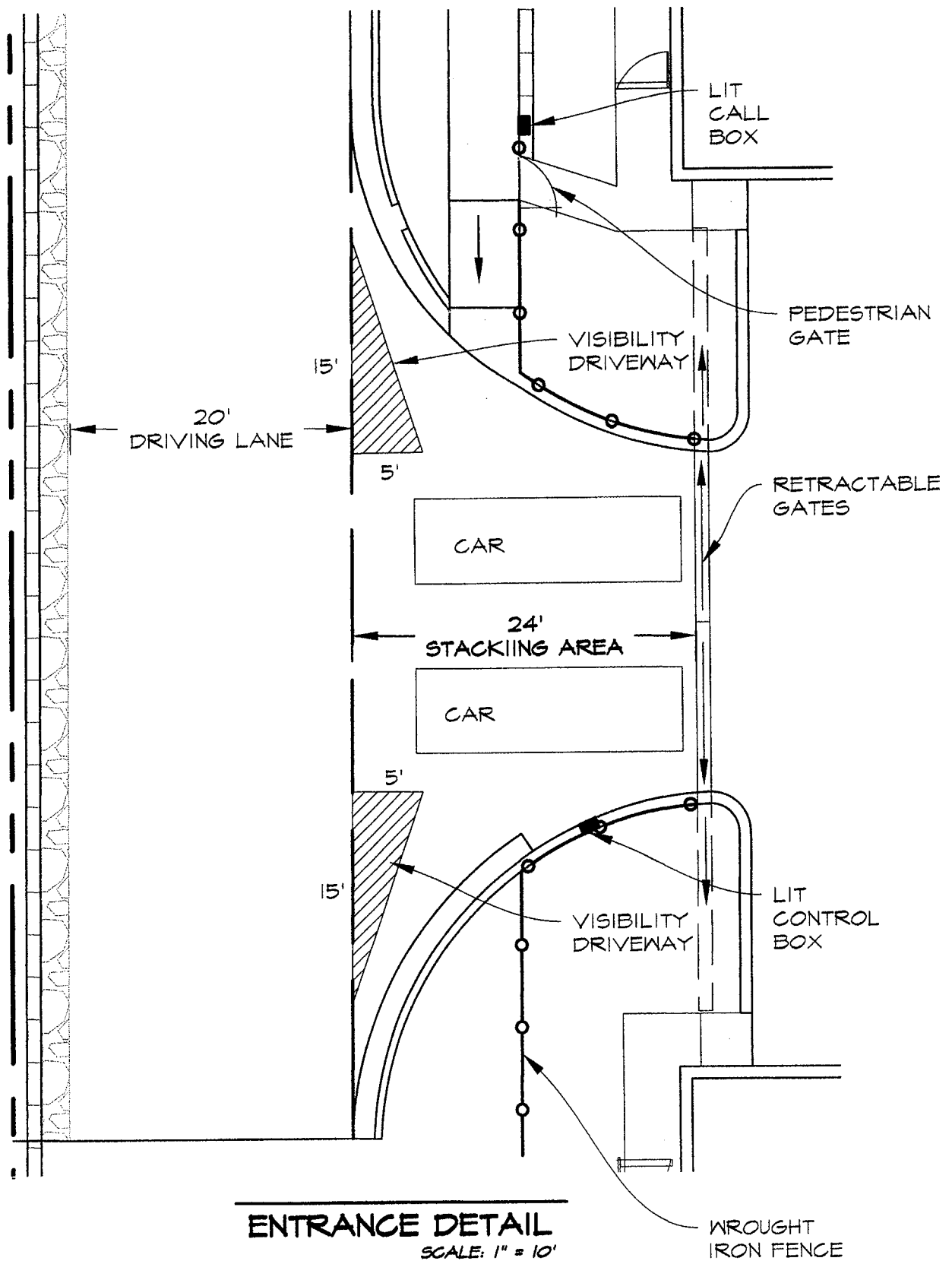
Scale: 1:4,389



0 250 500 ft.

Map center: 1726093, 1692544

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.



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: Ted Chagaris

Project Address: Siringo Road

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

Plat Filing Information: Year _____ Book _____ Page _____ Township, Range, Section: _____

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

Property Uniform Property Code: 1053096118493000000 **Existing Well:** Yes _____ No ☒

Legal Description including lot size: Tract C of the Amended Plat for Lands Surveyed for Josefita Chavez de Santana done by Walter G. Turley and dated January 24, 1951. 1 acre

Short Description of Project: Revised Development Plan and Preliminary and Final Subdivision for 6 residential units.

Construction Start Date: 2014-2015

***RESIDENTIAL PROJECT - Complete the following**

1. Type of project: (i.e. Single Family Residence, Subdivision, Lot split, Apartments) x
2. Total number of lots approved on final plat/development plan: 6
3. Total number of homes existing or under construction: 0
4. Size of service requested: (5/8", 3/4", 1" or 2") _____

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

--- COMPLETED BY APPLICANT ---

**Number of
Lots or Units**

- 6 Single Family Dwelling Unit, lot size less than 6,000 sq. ft.
Single Family Dwelling Unit, lot size 6,000-10,890 sq. ft.
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

6 **Total**

--- COMPLETED BY STAFF ---

**Water Use
Factors**

**Annual Water
Demand**

- .15 afy per d.u. 0.9
.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 0.9 **AFY**

G

**DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF
VILLAS DE SOPHIA SUBDIVISION**

THIS DECLARATION, made on the date hereinafter set forth by Pez Espada, LLC, a New Mexico limited liability company (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in the City of Santa Fe, County of Santa Fe, State of New Mexico, consisting of eight (8) townhouse lots, which property is more particularly described in Article I, Section 7 below.

WHEREAS, the Property will be developed into eight Townhouses, built as two triplexes (on Lots 1, 2 and 3, and on Lots 6, 7 and 8) and one duplex (Lots 4 and 5).

WHEREAS, Declarant wishes to impose covenants and restrictions on the Property to facilitate the formation and maintenance by the lot owners of a quality living community.

NOW, THEREFORE, Declarant hereby declares that all of the Property shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

Section 1. "Areas of Common Responsibility" shall mean and refer to the exterior stucco the Buildings; all walls and fencing; the paved access road, driveway and parking areas; the

common open space area on Lot 4, including landscaping placed in that area; the drainage easement area on Lot 5, including the retention pond located in that area; the front and side walkways serving each Townhouse; and the shared portions of utility lines.

Section 2. "Association" shall mean and refer to Villas de Sophia Homeowners Association, Inc., a New Mexico nonprofit corporation, its successors and assigns.

Section 3. "Building" shall refer to a triplex or duplex built on multiple Lots.

Section 4. "Common Expenses" shall mean and include the actual and estimated expenses of operating the Association, including any reasonable reserve as may be found to be necessary and appropriate by the Board of Directors and the Members pursuant to this Declaration, the Bylaws, and the Articles of Incorporation of the Association.

Section 5. "Declarant" shall mean and refer to Pez Espada, LLC, a New Mexico limited liability company.

Section 6. "Lot" shall mean each of eight (8) separate parcels of land as designated on the Plat for the Property. Each Lot contains a Townhouse, an attached portal area, a rear private open space area, and front and side walkways. Portions of each Lot are designated as Areas of Common Responsibility.

Section 7. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Property, or to the purchaser(s) of a Lot under a New Mexico real estate contract, but shall exclude contract sellers and others having an interest in a Lot merely as security for the performance of an obligation.

Section 8. "Property" shall mean and refer to that certain real property described as the Villas De Sophia Subdivision in Santa Fe, New Mexico, the plat for which was recorded in Book ____, page ____, records of Santa Fe County, New Mexico.

Section 9. "Townhouse" shall mean and refer to each residential unit on a Lot. The term Townhouse shall include the portals attached to the unit and any additions to the unit as permitted herein.

ARTICLE II

PROPERTY RIGHTS

Section 1. Owner's Rights of Use, Ownership and Possession and Easements of Enjoyment. Each Owner shall be entitled to exclusive use, ownership and possession of his Lot, subject to the Association's right to maintain Areas of Common Responsibility, and subject to the easement for driveway and parking purposes created under Article IX below. The ownership rights of each Owner shall, however, be subject to this Declaration, to such rules and regulations as may be adopted by the Association pursuant to Article V below, and to any restrictions or limitations contained in any amendment to this Declaration.

Section 2. Use by Others. Any Owner's right to use his or her Lot shall extend to the members of the Owner's family, and to social invitees, subject to reasonable regulation by the Board of Directors and in accordance with procedures it may adopt. An Owner shall be deemed to have delegated his right to use of the Lot to the tenant of any leased Townhouse.

ARTICLE III

USE RESTRICTIONS.

Section 1. Permitted Uses. The use of each Lot is restricted to that of a single family residence and accessory uses as permitted herein. Except for those activities conducted as a part of the marketing and development program of the Declarant, no industry, business, trade or commercial activity (other than home occupations without employees, public visits or nonresidential storage) shall be conducted, maintained or permitted on any part of a Lot. The

Association, acting through the Board of Directors, shall have standing and the power to enforce use restrictions contained in this Declaration or any subsequent declaration as if such provisions were a regulation of the Association.

Section 2. Covenant Against Waste. Nothing shall be done or kept in any Townhouse or on any Lot which will increase the rate of insurance for the entire Property, above rates applicable for residential use, without the prior written consent of the Association. No Owner shall permit anything to be done or kept in his Townhouse or on his Lot which will result in the cancellation of insurance for the Condominium or the contents thereof, or which would be in violation of any law. No waste will be committed in on the Property.

Section 3. Preservation of Structures. Nothing shall be done in any Townhouse or in, on or to any Lot which will impair the structural integrity of the Buildings, which will jeopardize the soundness of same and the safety thereof, which would structurally change the Buildings, except as is otherwise provided herein, or which would reduce the value of or impair easements, servitudes, rights, privileges, or hereditaments belonging to or in any way appertaining to the Property.

Section 4. Outdoor Storage and Debris. There shall be no storage in the private open space or portal areas of the Property. Storage on the portals shall be limited to porch furniture and decorative accessories such as planter boxes, wind chimes and bird feeders. Storage sheds shall be permitted in the private open spaces of the Property provided that a shed shall be no taller than the adjacent privacy fence. There shall be no obstruction of the walkways or parking areas, nor shall any debris, garbage or trash be permitted to accumulate outside the Townhouses, except for reasonable periods of time during remodeling or other construction on a Townhouse.

REC'D CLERK RECORDED 02/05/201

Section 5. Common Areas. Nothing shall be altered or constructed on or removed from the Common Open Space and Drainage Easement areas facilities, except upon written consent of the Association.

Section 6. Additions and Improvements. No structure, exterior alteration or addition shall be constructed on any Lot until and unless the following items shall have been submitted to and approved in writing by the Board of Directors of the Association. (i) an elevation thereof, which shall show the exterior of the proposed structure, addition or alteration, the specifications, and color of the exterior, and the location thereof, and (ii) if requested by the Board, a plan view rendered by a New Mexico licensed architect residing in the Santa Fe, New Mexico area. If the foregoing plans are approved, the Board shall indicate such approval in writing, and shall do so only if, in its best judgment, the plans conform to these Covenants and Restrictions and are in harmony with the existing structures as to external design, materials, color and finished elevation. Any addition to or expansion of a Townhouse must, in addition, be approved in writing by must be approved in writing by the connecting Owner(s).

Section 7. Prohibition of Unlawful Uses. No immoral, improper, offensive or unlawful use may be made of the Property and Owners shall comply with and conform to all applicable laws and regulations. A violating Owner shall hold the Association and other Owners harmless from all fines, penalties, costs and prosecutions for the violation thereof or noncompliance therewith.

Section 8. Signs. An Owner shall not cause or permit any sign or advertisement (other than uniform "For Sale" signs and signs, of a maximum five (5) square feet in size, identifying the Owner or occupant by name or the Townhouse by number of address, or both, approved by the Association) to be placed on the exterior surfaces or in the windows of his Townhouse or on

his Lot. Declarant shall however be entitled to erect signage larger than five (5) square feet in size to advertise the Property during the marketing and sales phase of the development.

Section 9. Nuisances. It shall be the responsibility of each Owner to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition within his or her Townhouse or on his or her Lot. No noxious, offensive, dangerous or unsafe activity shall be carried on in any Townhouse, nor shall anything be done therein either willfully or negligently, which may be or become an annoyance or nuisance to the other Owners or occupants. No Owner or occupant shall make or permit any disturbing noises by himself or herself, his or her family, servants, employees, agents, visitors and licensees, nor do or permit anything to be done by such persons that will interfere with the rights, comforts or convenience of other Owners or occupants. No Owner or occupant shall cause noise or play, or suffer to be played, any musical instrument or operate or suffer to be operated a phonograph, television set, radio or similar device at such high volume or in such other manner that it shall cause unreasonable disturbance to other Owners or occupants.

Section 10. Exterior Equipment. An Owner shall not cause or permit any fixtures or equipment, including radio, television or similar reception device, to be attached to the exterior surfaces of his Townhouse. Notwithstanding the foregoing, satellite dishes and television antennae shall be permitted if approved by the Board of Directors prior their installation. In addition, solar energy collector panels or attendant hardware or other energy conservation equipment may be installed if and only if it is integrated as a harmonious part of the architectural design of a structure, as determined in the sole discretion of the Board pursuant to Article III, Section 6 hereof.

Section 11. Landscaping. All landscaping installed by an Owner on his Lot or by the

Association in the common areas shall follow xeriscape principles and conform to the Rules of the Association. Recommended trees are pinon, juniper, aspen and Nuevo Mexicano Forestia. Trees and plants may be trimmed by the Association if they are actually blocking views from a Townhouse. Such trimming shall be done in an attractive manner and shall be limited to those parts of the plants which are blocking actual views from a Townhouse. Otherwise, no trees shall be removed, except for (a) diseased or dead trees; and (b) trees needing to be removed (i) to promote the growth of other trees, or (ii) for safety reasons.

Section 12. Parking Restrictions. Motor vehicles belonging to Owners shall be parked within available parking spaces at all times. No parking shall be permitted anywhere on the Property except within the designated parking areas. If an Owner owns two or more vehicles, no more than two vehicles at a time shall be parked in the designated parking area, and any other vehicles belonging to that Owner shall be parked outside the Property. Vehicles belonging to guests of Owners shall be parked in designated parking areas, if available; otherwise, guest vehicles shall be parked outside the Property.

Section 13. Parked Vehicles. An Owner may park in on his Lot only operating and licensed automobiles and pickup trucks. There shall be no outside storage or parking upon any Lot of any automobile, commercial vehicle, truck, tractor, mobile home or trailer (either with or without wheels), camper, camper trailer, boat or other watercraft, boat trailer, or any other transportation device of any kind, except (a) storage or parking of such items by Owners within their designated parking spaces, (b) a trailer or truck may be parked in the driveway area in front of a Townhouse on a short-term basis while the same is being unloaded or while services are being performed on the Townhouse by persons who use such trailer or truck; and (c) temporary parking by visitors in designated parking areas and in accordance with rules and regulations

designated and promulgated by the Board. No person shall assemble, disassemble, repair or restore any vehicle of any kind upon any Lot, except for emergency repairs, and then only to the extent necessary to enable movement thereof to a proper repair facility.

Section 14. Pets. No animals, livestock or poultry of any kind shall be raised, bred, or kept within any Townhouse or on any Lot, except that dogs, cats or other household pets may be kept within Townhouses and fenced private open spaces, if permitted by the Rules and Regulations of the Board of Directors, and provided that such pets are not kept, bred or maintained for any commercial purpose. Any pet causing or creating a nuisance or unreasonable disturbance or noise shall be permanently removed from the Property upon three (3) days written notice following Notice and Hearing from the Board of Directors. The owner shall hold the Association harmless from any claim resulting from any action of his or her pet. Seeing eye dogs and hearing ear dogs will be permitted for those persons holding certificates of necessity.

Section 15. Tents, Trailers, and Temporary Structures. Owners and occupants shall not place upon any part of the Property any tent or trailer or any structure of a temporary nature, such as a tent or shack.

Section 16. Outlets. All dryers will have lint filters, which will remain installed and prevent lint from accumulating in the vent duct. All stove hoods will have grease screens, which will remain installed and prevent grease from accumulating in the vent duct. All such filters and screens will at all times be used and kept in clean, good order and repair by the Owner.

Section 17. Encroachments. None of the rights and obligations of the Owners created herein shall be altered in any way by encroachments due to settlement or shifting of structures or

any other cause. There shall be valid easements for the maintenance of any such encroachments so long as they shall exist; provided, however, that in no event shall a valid easement for an encroachment be created in favor of an Owner or Owners if said encroachment occurred due to the willful conduct of said Owner or Owners.

Section 18. Suspension of Voting Rights. The Association shall have the right to suspend the voting rights of an Owner, as both a member and director of the Association, for any period during which any assessment against his Lot remains unpaid; and for a period not to exceed sixty (60) days for any material infraction of its published rules and regulations.

Section 19. Right of Prevention. The Association shall have the right to prevent any Owner from hindering or encroaching upon the lawful rights of other Owners.

Section 20. Trash Receptacles. All trash bins provided by the City of Santa Fe shall be rolled out to Siringo Road on the designated days for pick-up by the City's Waste Management Division.

ARTICLE IV

MEMBERSHIP AND VOTING RIGHTS

Section 1. Every Owner shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot. Co-owners of a Lot shall jointly or collectively constitute one member.

Section 2. The Association shall have two classes of voting membership:

Class A. Class A members shall be all Owners with the exception of the Declarant and shall be entitled to one vote for each Lot owned.

Class B. The Class B member shall be the Declarant and shall be entitled to two (2) votes for each Lot owned. The Class B membership shall cease and be converted to Class A

membership on the happening of either of the following events, whichever occurs earlier:

(a) when the total votes outstanding in the Class A membership equal or exceed the total votes outstanding in the Class B membership, or

(b) on January 1, 2013.

ARTICLE V

RULES AND REGULATIONS

The Board of Directors may establish reasonable rules and regulations concerning the use of the Property and individual Townhouses. The rules and regulations of the Association may impose stricter standards than those contained in this Declaration. Copies of such regulations and amendments thereto shall be furnished by the Association to all Owners prior to their effective date. Such regulations shall be binding upon the Owners, their families, tenants, guests, invitees, and agents until and unless such regulation, rule, or requirement shall be specifically overruled, cancelled, or modified by the Board or the Association in a regular or special meeting by the vote of Class A members holding a majority of the total votes in the Association and by the vote of the Class B member, so long as such membership shall exist. The Board shall have the authority to impose reasonable monetary fines and other sanctions, and monetary fines may be collected by lien and foreclosure as provided in Article VI.

ARTICLE VI

COVENANTS FOR MAINTENANCE AND ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Declarant, for each Lot owned within the Property, hereby covenants, and each Owner of any Lot, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges, and (2) special

assessments for capital improvements; all such assessments, together with interest, costs and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such Lot at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to the Owner's successors in title, unless expressly assumed by them.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively to promote the privacy, recreation, health, safety, and welfare of the residents in the Property, to pay for insurance on the Property, and for the maintenance and repair of the Areas of Common Responsibility, including the paved access road.

Section 3. Board Recommendation of Budget; Notice and Quorum. The Association shall, on or before December 15 of each calendar year, adopt a budget and fix the annual assessments for the ensuing year based on the adopted budget. The Board of Directors shall meet on or before October 31 of each year to determine and recommend a budget and annual assessment level for the Association. The Association's membership shall meet on or before November 30 to review and decide upon the budget and assessment level recommended by the Board. Written notice of any meeting at which an annual or special assessment will be considered shall be sent to all members not less than fifteen (15) days nor more than thirty (30) days in advance of such meeting in the manner provided in the By-Laws of the Association. At the first such meeting called, the presence of members or of proxies entitled to cast seventy-five percent (75%) of all the votes of both classes of membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice and

quorum requirements. No such subsequent meeting shall be held later than December 31 of the following year. If the Membership fails to agree upon and pass a budget and assessment level by January 15, the Board's recommendations on those matters shall be deemed to be approved automatically.

Section 4. Special Assessments for Capital Improvements. In addition to the annual assessments authorized in Section 3 above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of capital improvements within the Areas of Common Responsibility, including fixtures and personal property related thereto, provided that any such assessment shall have the affirmative vote of three-fourths (3/4) of all the votes cast in person or by proxy, at a meeting of the Membership duly called for this purpose.

Section 5. Rate of Assessment. Both annual and special assessments shall be fixed at a uniform rate for all Townhouses and may be collected on a quarterly basis or other convenient basis as selected by the Board of Directors of the Association. Written notice of the annual assessment shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid.

Section 6. Effect of Nonpayment of Assessments: Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of ten percent (10%) per annum. The Association may do any one or all of the following:

- (a) file a lien against the delinquent Lot for any unpaid assessment by recording an

affidavit of such fact in the office of the County Clerk of Santa Fe County,

(b) bring an action at law against the Owner personally obligated to pay the same,

and

(c) foreclose upon the lien against the Lot. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use or abandonment of his Townhouse or Lot.

In the event any of the foregoing actions are taken by the Association, the Owner shall be obligated to pay to the Association reasonable attorney's fees and necessary costs incurred by the Association in enforcing its rights and taking such action.

Section 7. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage and to the Declarant's interest as the legal owner under any real estate contract. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure, or the termination of a real estate contract by the Declarant, shall extinguish the lien of such assessment as to payments which became due prior to such sale, transfer or termination. No such sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

Section 8. Owner's Obligation to Repair. Each Owner shall at the Owner's expense maintain and repair (a) the interior of his Townhouse, subject to the obligation for shared maintenance of a party wall with an adjoining Owner; (b) the roof, doors and windows of his Townhouse; (c) the rear private open space area and landscaping on his Lot; and (d) the portal area attached to his Townhouse.

Section 9. Association Right to Repair. In the event an Owner fails to make repairs or to

perform maintenance, which failure materially and adversely affects the health or safety of the residents of Villas de Sophia, or their rights of enjoyment of their Townhouses, or the value of the Townhouses, the Association shall have the right to perform such repairs or maintenance to the extent necessary to rectify the adverse impact upon the other residents and Townhouses, and if it performs such repairs or maintenance, then it shall bill the Owner the actual cost of such work plus reasonable handling charges, and such total amount billed shall accrue interest at the rate of ten percent (10%) per annum from the date billed and shall be and remain a continuing lien upon the Owner's Lot until such amount is paid. The Owner shall promptly pay when due all charges which give rise to any lien which may hereafter be filed against his Lot.

Section 10. Entry for Repairs. The Association or its agents may enter any Townhouse or other portions of a Lot when necessary, and upon reasonable notice to the Owner or other occupants of the Townhouse, in connection with any maintenance, landscaping or construction for which the Association is responsible. Such entry shall be made with as little inconvenience to the Owner as practicable, and any damage caused thereby shall be repaired by the Association out of the common expense fund. Notwithstanding the foregoing, in connection with such entry, the Association shall not be responsible to the Owner for loss or damage by theft or otherwise of articles which may be stored by the Owner in the Townhouse or any portion of the Lot.

Section 11. Owner Obligation to Insure. Each Owner shall maintain in force and effect, throughout the period of his ownership of a Townhouse, liability insurance for his Townhouse, in amounts and types of coverages as are customary in the community for similar residential dwellings. The Association may from time to time prescribe the liability coverage to be maintained by each Owner, and each Owner shall periodically provide proof to the Association that the required insurance is in effect. The Association shall be named as an

additional insured on each liability policy maintained by an Owner.

Section 12. Dedication of Access Road. As noted on the Plat, the access road to the Subdivision is subject to a reserved right by the City of Santa Fe to require dedication of the road for public use. Upon such dedication, the City will take over responsibility for maintenance and repair of the access road, and the Association's responsibility for maintenance and repair of that road shall cease.

ARTICLE VII

CREATION OF EASEMENTS

Declarant hereby creates and establishes perpetual, non-exclusive easements, for the benefit of and appurtenant to all Lots, for ingress, egress, drainage and utilities, as shown on the Plat. Use of the easements shall be limited to the Owners, their family members, and their business and social invitees, to representatives of the applicable utilities, and to employees of the City of Santa Fe and any other governmental agencies with jurisdiction. The Association may promulgate and enforce additional rules concerning the use and maintenance of the easement areas.

ARTICLE VIII

GENERAL PROVISIONS

Section 1. Enforcement. The Association, the Declarant, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by

judgment or court order shall in no way affect any other provisions, all of which other provisions shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of thirty (30) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended by an instrument signed by Owners representing not less than seventy-five percent (75%) of all votes entitled to be cast. Any such amendment must be recorded.

Section 4. Failure of Association to Insist on Strict Performance; No Waiver. The failure of the Association to insist in any one or more instances, upon the strict performance of any of the terms, covenants, conditions or restrictions of this Declaration, or to exercise any right or option herein contained, or to serve any notice or to institute any action, shall not be construed as a waiver or a relinquishment for the future of such term, covenant, condition or restriction, but such term, covenant, condition or restrictions shall remain in full force and effect. The receipt by the Association of payment of any assessment from an Owner, with knowledge of the breach of any covenant hereof, shall not be deemed as a waiver of such breach, and no waiver by the Association of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the Board of Directors.

Section 5. Interpretation. The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the operation and maintenance of a planned residential development.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has caused this Declaration to be executed this 6 day of February, 2008.

CLERK RECORDED 02/06/200

Ted Chagaris
Managing Member

CLERK RECORDED 02/06/200

CLERK RECORDED 02/06/200

CLERK RECORDED 02/06/200

Notary Public

CLERK RECORDED 02/06/200



CLERK RECORDED 02/06/200

CLERK RECORDED 02/06/200

CLERK RECORDED 02/06/200

CLERK RECORDED 02/06/200



9/20/14

Ted Chazaris
c/o 726 Gregory Lane
Santa Fe, NM 87505

Ted, I wish you ~~success~~
in the approval of your
project on Slinger Rd. I know
it is well planned and will
a positive and stabilizing
effort to the area. I
support and endorse its
approval.

Sincerely
Sam Mares

Mr. Sam Mares
3300 La Mancha Dr. NW
Albuquerque, NM 87104

Ph. 505 247-2875
Cell 328-7707

WYNANT, DONNA J.

From: * LADD, ALEXANDRA G.
Sent: Tuesday, September 16, 2014 10:38 AM
To: WYNANT, DONNA J.
Cc: Monica Montoya (monica@mnty.com)
Subject: RE: Villas de Sophia
Attachments: Villas Sophia Corrected.pdf; Proposal Villas de Sophia Feb 5.pdf

Donna –

Here's the memo. Once you've approved the revised documents, the applicant will need to sign an affordable housing agreement and pay the fee of \$24,480 before recording their final subdivision documents.

Thanks!

-Alexandra

From: WYNANT, DONNA J.
Sent: Tuesday, September 16, 2014 10:35 AM
To: LADD, ALEXANDRA G.
Cc: Monica Montoya (monica@mnty.com)
Subject: Villas de Sophia

Hi Alexandra

Could you please send me your memo regarding the Villas de Sophia development? This proposal was submitted in January by Monica Montoya for Ted Chagaris and they finally submitted their revised plans on 8/25/14. The info below was sent out by Geraldine regarding this DRT case and I attached your memo regarding the fractional fee for this development back in February for your review. Thanks Alexandra.

Donna J. Wynant, AICP

Land Use Senior Planner
City of Santa Fe Land Use Department
200 Lincoln Ave., Box 909
Santa Fe, NM 87504-0909
(505) 955-6325
(505) 955-6829 (fax)
djwynant@santafenm.gov

Case #2014-05. Villas de Sophia Amended Development Plan and Preliminary Subdivision Plat. Monica Montoya, agent for Ted Chagaris, requests amended Development Plan and Preliminary Subdivision Plat approval to create 6 single family lots on 1.00± acre. The property is zoned R-7/PUD (Residential, 7 dwelling units per acre/Planned Unit Development) and is located at 1840 Siringo Road. (Donna Wynant, Case Manager)

Here's the link to the plan set and letter of application for the case:

[\\file-svr-1\\Public\\$\\Land Use\\2014-5 Villas de Sophia- Amended Dev Plan & Prelim Sub Plat](\\file-svr-1\\Public$\\Land Use\\2014-5 Villas de Sophia- Amended Dev Plan & Prelim Sub Plat)

BACKGROUND TO THIS SUBMITTAL:

The applicant, Ted Chagaris received rezoning, development plan and subdivision approval for an 8 unit development in 2008 for Villas de Sophia but was never built. (Case #M2007-40 &

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 __0__ Units | Max. Price: \$153,250 __0__ Units |
| 3 (65-80%AMI) | Max. Price: \$159,500 __0__ Units | Max. Price: \$179,500 __0__ Units | Max. Price: \$199,250 __0__ Units |
| 4 (80-100%AMI) | Max. Price: \$196,250 __0__ Units | Max. Price: \$220,750 __0__ Units | Max. Price: \$245,250 __0__ Units |

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.**

SFHP FOR SALE UNIT CALCULATION WORKSHEET

The project has an area of approximately 1 acre(s), zoned R-7/PUD, permitting 7 dwelling units per acres. The project proposes 6. Because the development is comprised of fewer than ten (10) units, the SFHP does not require construction of any SFHP Homes.

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 1.2 percent X .3 = \$24,480 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.
 = 6 Total Units X 0.3 = 1.8 SFHP units required
 = 1 unit(s) constructed and fractional fee due for 0.8 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.

City of Santa Fe, New Mexico

memo

DATE: February 3, 2014

TO: Donna Wynant, Senior Planner
Tamara Baer, Planning Manager
RB Zaxus, Engineer Supervisor

FROM: Alexandra Ladd 
Housing Special Projects Manager

RE: Applicability of SFHP requirements to the proposed "Villas de Sophia" subdivision

The proposed subdivision, "Villas de Sophia" will be composed of six (6) for-sale homes. The attached proposal, signed in January of 2014, outlines the requirement to pay a fee in lieu of providing units. This is allowed under the provision in the Santa Fe Homes Program (SFHP) that projects of two - ten units are not required to provide units.

The fee is calculated as follows:

$$\begin{aligned} &= 6 \times .20 = 1.2 \\ &= \$69,000 \times 1.2 \times .30 \text{ (70\% fee reduction)} = \$24,480 \text{ fractional fee} \\ &\text{*1/2 price of Tier 2, 3 BR home} \end{aligned}$$

The fee (\$24,480) must be paid when the final subdivision documents are recorded or in situations where these documents are not required, at the time of building permit application.

ACTION REQUIRED:

See attached proposal; Exhibit B provides fee schedule and Exhibit C provides methodology for calculating requirement.

City of Santa Fe
SANTA FE HOMES PROGRAM

P R O P O S A L

"Villas de Sophia"
Located off Siringo Rd (addressing pending), Santa Fe, New Mexico

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this 24 day of January, 2014 by Pez Espada, LLC ("SFHP Developer").

R E C I T A L S

- A. SFHP Developer is the developer of Located off Siringo Rd (addressing pending) hereinafter referred to as the "Property".
- B. SFHP Developer desires to subdivide and 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.

P R O P O S A L

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

A. DEVELOPMENT REQUEST.

1. SFHP Developer seeks preliminary and final subdivision plat and revised development plan approval.

2. The Property is to be developed as 6 for-purchase homes.

B. SFHP PLAN. SFHP Developer proposes to build six (6) dwelling units.

Developer agrees to comply with the Santa Fe Homes Program ordinance. Because the development is comprised of fewer than ten (10) units, the SFHP does not require construction

of any SFHP Homes. The SFHP Developer agrees to make a payment of \$24,840 for the fractional portion of a SFHP Home, as calculated pursuant to SFHP. The payment shall be made to the City of Santa Fe Affordable Housing Trust Fund (AHTF) for affordable housing.

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.

D. 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.

E. 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._

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

SFHP DEVELOPER:



Ted Chagaris, Managing Member

STATE OF NEW MEXICO)
)ss.

COUNTY OF SANTA FE)

ACKNOWLEDGEMENT

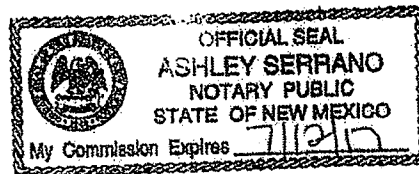
The foregoing instrument was acknowledged before me this 23rd day of January, 2014, by Theodore 'Ted' Chagarris.

[Signature]
NOTARY PUBLIC

My Commission Expires:

7/12/17

REVIEWED BY:



[Signature]
OFFICE OF AFFORDABLE HOUSING

1/31/14
DATE

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



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

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

1. Project Name: Villas de Sophia
2. Location of Property: Siringo Road
3. Owner/Agent Name: Ted Chagaris, owner / Montoya Land Use Consulting, Inc.
Mailing Address: 726 Gregory Lane, Santa Fe, NM 87505
Phone & Fax: (505) 412 1016 monix@mntya.com
4. Unit Matrix

| PROJECT EFFECT ON STUDENT POPULATION | | |
|---|---------------|---------------|
| Unit Type | Unit Quantity | Average Price |
| Single Family (detached) Single Family (attached) Townhome/ Apartment Multi-Family Commercial | 3 duplexes | |

5. Elementary School Zone for Proposed Development: Pinon Elementary
6. Middle School Zone for Proposed Development: Capshaw
7. High School Zone for Proposed Development: Santa Fe High School
8. Build out Rates (Year/s; #/yr): 2015

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

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

EXHIBIT L