City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 4/20/15 TIME 11:15am
SERVED BY Guadalupe Gurrola
RECEIVED BY Alicia Martinez

AMENDED

PLANNING COMMISSION
Thursday, May 7, 2015 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. ELECTION OF SECRETARY
E. APPOINTMENT OF LONG RANGE PLANNING COMMITTEE MEMBERS
F. APPROVAL OF CONSENT AGENDA
G. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: April 2, 2015
FINDINGS/CONCLUSIONS:
Case #2015-17. Lovato Family Transfer Subdivision Plat.
Case #2015-18. Camino De Jacobo Special Use Permit.
Case #2015-20. 600 Galisteo Street General Plan Amendment.
Case #2015-21. 600 Galisteo Street Rezone.
Case #2015-14. 1615 Old Pecos Trail Lot Split.
Case #2015-15. 1615 Old Pecos Trail Special Use Permit.
Case #2015-16. 1615 Old Pecos Trail Development Plan.

H. CONSENT

1. **Case #2015-35. The Pavilion Office Complex Development Plan and Final Subdivision Plat Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a Development Plan and Final Subdivision Plat for 34 lots on 371.2± acres located west of NM 599, between Airport Road and I-25, and east of the Santa Fe Municipal Airport. Twenty-six lots (285 acres) are zoned BIP (Business Industrial Park), 8 lots (86 acres) are zoned C-2 (General Commercial). The time extension would extend approvals to April 7, 2016. Scott Hoeft, agent for Commercial Center at NM 599. (Zach Thomas, Case Manager)

I. OLD BUSINESS
J. NEW BUSINESS

1. An Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending Subsection 14-6.1(C), Table 14-6.1-1, Table of Allowed Uses to correct typographic errors in the designation of districts within which Sheltered Care Facilities are permitted, and making such other stylistic or grammatical changes that are necessary. (Councilor Lindell) (Greg Smith)

City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 4/15/15 TIME 1:45
BY Geraldine Quintana

PLANNING COMMISSION
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2. An ordinance amending Section 14-2.3(D) SFCC 1987 to establish membership requirements for the Planning Commission. (Councilor Bushee) (Lisa Martinez)

3. ***Case #2015-36. 108 Vigil Lane Certificate of Compliance.*** *Sommer, Karnes & Associates, Agent, request Planning Commission approval of a Certificate of Compliance in order to establish legal lot of record per the procedures set out in SFCC 1987 14-3.7 (A)(7). The request may include a variance to lot area and access requirements. The property is +/- 0.16 acres, zoned R-5 (Residential – 5 dwelling Units Per acre), and is located at 108 Vigil Lane. (Zach Thomas, Case Manager)*

4. **Case #2015-30. Tune Up Café General Plan Amendment.** Liaison Planning Services, Inc., agent for JC Rivera, LLC, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.13± acres of land from Low Density Residential (3-7 dwelling units per acre) to Community Commercial. The property is located at 536 Cortez. (Donna Wynant, Case Manager)

5. **Case #2015-31. Tune Up Café Rezoning.** Liaison Planning Services, Inc., agent for JC Rivera, LLC, requests rezoning approval of 0.13± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-2 (General Commercial). The property is located at 536 Cortez St. (Donna Wynant, Case Manager)

6. **Case #2015-28. 2400 Agua Fria Road Variance.** James Siebert agent for Andrew Roybal requests a Variance to Table 14-9.2-1: Design Criteria for Street Types to be allowed to subdivide 0.54+/- acres into two lots. The property is zoned R-5 (Residential-5 dwelling units per acre). (Dan Esquibel, Case Manager)

7. **Case #2015-27. 2400 Agua Fria Road Lot Split.** James Siebert agent for Andrew Roybal requests plat approval to subdivide 0.54+/- acres into two lots (Tract E-2A +/- .29 acres and Tract E-2B +/- 2.0 acres). The property is zoned R-5 (Residential-5 dwelling units per acre). (Dan Esquibel, Case Manager)

8. **Case #2015-32. Delgado Compound Final Subdivision Plat.** David Smith, representing Next Wave Ventures, requests Final Subdivision Plat approval to create four lots located at 209 and 211 Delgado. The 0.66+ acre property is zoned RC-8AC (Residential Compound, 8 dwelling units per acre, Arts and Crafts Overlay). (Dan Esquibel, Case Manager)

K. STAFF COMMUNICATIONS
L. MATTERS FROM THE COMMISSION
M. ADJOURNMENT

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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.**

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PLANNING COMMISSION MEETING
Monday, May 7, 2015

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MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
May 7, 2015

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, May 7, 2015, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:
Commissioner Michael Harris, Chair
Commissioner Renee Villarreal, Vice-Chair
Commissioner Brian Patrick Gutierrez, Secretary
Commissioner Katharine Anne Chavez
Commissioner Vince Kadlubek
Commissioner Piper Kapin
Commissioner Lawrence Ortiz
Commissioner John Padilla
Commissioner Angela Schackel-Bordegary

OTHERS PRESENT:
Lisa Martinez, Director, Land Use Department
Greg Smith, Director, 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

Mr. Smith noted that Case #2015-36, 108 Vigil Lane Certificate of Compliance has been requested to be postponed by the Applicant and the staff.

MOTION: Commissioner Villarreal moved, seconded by Commissioner Kapin, to approve the Agenda as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0]

D. ELECTION OF SECRETARY

NOMINATION: Commission Ortiz, seconded by Commissioner Padilla, nominated Commissioner Gutierrez to serve as Secretary of the Commission.

VOTE: There were no other nominations at this time, and the nomination was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0]

E. APPOINTMENT OF LONG RANGE PLANNING COMMITTEE MEMBERS

Chair Harris noted that there are 3 vacancies on the Committee.

Mr. Smith said it may be possible to modify the meeting time for the Committee to move the meeting from the morning to the noon hour.

Chair Harris said Mr. Reed Liming said that can be possible and the members who agree to serve can work that out with Reed Liming.

NOMINATIONS: Commissioner Padilla, seconded by Commissioner Ortiz, nominated Commissioner Villarreal to serve on the Long Range Planning Committee.

Commissioner Villarreal, seconded by Commissioner Gutierrez, nominated Vince Kadlubek to serve on the Long Range Planning Committee.

Commissioner Villarreal and Commissioner Kadlubek said they will accept the nomination.

VOTE: There were no other nominations at this time, and the nominations were approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0]

Commissioner Padilla asked if this is a Committee of 2 or 3 members.

Mr. Smith said typically there are 3 members per the enabling Resolution.

Chair Harris said it can function at 2 for all practical purposes. He said the Commissioners who are ready to serve in that capacity should be allowed to serve.

Mr. Smith said, "For the record, it is possible that the officers and the Committee assignments would be modified when and if Commissioners terms are expiring in June, and depending on who is reappointed, and it's possible we'll be looking at these membership issues again in July."

Chair Harris asked if this takes care of this business appropriately.

Mr. Smith said, "The record would show that the Commission appointed two of its members to that Committee."

NOMINATION: Commissioner Schackel-Bordegary, seconded by Commissioner Padilla, nominated Commissioner Kapin, to serve on the Long Range Planning Committee.

Responding to Commissioner Kapin, Chair Harris said the Committee meets monthly, and as Mr. Smith said, the schedule will be adjusted to accommodate the members of the Committee, which can be worked out between the Committee and Mr. Liming.

Commissioner Kapin said she would accept the nomination.

VOTE: There were no other nominations at this time, and the nomination was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0]

Chair Harris said it's likely there will be another discussion in July about the Long Range Planning Committee as well as the Summary Committee, and asked Mr. Smith if that is fair to say.

Mr. Smith said it certainly is a possibility, not a likelihood, that it will need to be revisited, depending on the timing of appointments. He said as we've discussed previously, these terms technically expire on July 1st and members continue until the Mayor and Council appoint replacements. He said it isn't clear to staff when appointments may or may not occur.

F. APPROVAL OF CONSENT AGENDA

MOTION: Commissioner Chavez moved, seconded by Commissioner Villarreal, to approve the Consent Agenda, as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

CONSENT AGENDA DISCUSSION

H(1) CASE #2015-35. THE PAVILION OFFICE COMPLEX DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT TIME EXTENSION. REPORT OF THE LAND USE DIRECTOR'S APPROVAL OF A ONE-YEAR ADMINISTRATIVE TIME EXTENSION FOR A DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT FOR 34 LOTS ON 371.2± ACRES LOCATED WEST OF NM 5999, BETWEEN AIRPORT ROAD AND I-25, AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. TWENTY-SIX LOTS (285 ACRES) ARE ZONED BIP (BUSINESS INDUSTRIAL PARK), 8 LOTS (86 ACRES) ARE ZONED C-2 (GENERAL COMMERCIAL). THE TIME EXTENSION WOULD EXTEND APPROVAL TO APRIL 7, 2016, SCOTT HOEFT, AGENT FOR COMMERCIAL CENTER AT NM 599. (ZACH THOMAS, CASE MANAGER)

A Memorandum, with attachments, prepared April 22, 2015 for the May 7, 2015 meeting, to the Planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "1."

A copy of The Pavilion Development Plan and Preliminary Subdivision Plat Submittal, Development Plan Sheet 1 of 5 with attached Plat, is incorporated herewith to these minutes as Exhibit "2."

Chair Harris said he sent an email to Mr. Thomas, noting Mr. Smith and Mr. Shandler participated as well. He said his question had to do with a statement in Mr. Hoeft's request for the time extension, as follows: "We would like to recognize in writing that it is our opinion that the Final Development Plan is vested due to the commencement of 'qualifying off site improvements,' namely the ongoing work on the New Mexico 599 interchange, which we anticipate will be complete in July 2015."

Chair Harris said this development is important to the City, and everybody acknowledged that when they worked on it in 2010-2011, with the first time extension in 2014. He hasn't seen the quoted language before and would like to know what it means and what the effect will be. He said in his question to Mr. Thomas and Mr. Smith, they agree with this statement.

Mr. Thomas said this is correct.

Chair Harris asked Mr. Thomas to provide background about the import of that statement.

Mr. Thomas said the Applicant's letter stated that the Final Development Plan was vested due to the commencement of the qualifying site improvements. He said two entitlements are associated with the overall development. One is the Development Plan, the other is the Final Subdivision Plat. He said to have the Development Plan vested there needs to be some kind of qualifying site improvement occurring. He said the Applicant has stated that is occurring as the result of the construction of the overpass and infrastructure around there, that is consistent with the timing of the initial approval of the project.

Mr. Thomas said, "Second to that is the Final Subdivision Plat, which is the main portion of the requested extension. Prior to recording it, they have to bond for certain improvements and such. He said the Applicant has stated that will occur over the coming year. To simplify the process, remove any ambiguity in what is actually being extended, we just extended both entitlements which the Applicant had asked for in the request for a time extension, and they are entitled to a second administrative approval at this point."

Mr. Thomas said, "Staff would concur with the Applicant that qualifying site improvements have occurred for the vesting of the Development Plan, but again the Final Subdivision Plat hasn't been bonded for prior to a recordation, so that's the origin of that situation."

Chair Harris asked the impact of the term vesting.

Mr. Harris said it means they have, in essence, used the entitlement of the Development Plan, so they have begun building it.

Chair Harris said he found no graphic representing the Development Plan, or the subdivision plat, and he had asked for that to made available, noting it wasn't available in a format that could be transmitted electronically. He said Mr. Hoeft has brought something for us to look at.

Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Agent for the Applicant was sworn.

Chair Harris noted that the Commission made a field trip to the area, and said in view of the recent press, he thought it would be appropriate to bring Commission members current about the status.

Responding to the Chair, Mr. Hoeft said he provided the Development Plan for the Pavilion, the Santa Fe Commercial Center as it is now called, as well as the plat [Exhibit "2"].

Mr. Hoeft said, "Going back to the question that was addressed to Mr. Thomas, I went ahead and requested the Development Plan just to make sure, because according to the Code if you have qualifying off site improvements, it automatically extends. I didn't want to go ahead and request the Plat and find out two years from now that I was wrong and everyone disagreed. I put that into the letter as a formality to make sure we are all on the same page as we move forward."

Chair Harris agreed saying he thought it was prudent, but he hadn't seen that before.

Mr. Hoeft said, "The Development Plan for the most part, deals with the commercial complex to the east of 599."

Mr. Thomas said it's actually to the west of 599, commenting he has boards in that regard.

Mr. Hoeft, using the overhead and drawings of the subject site, said, "So if you're looking at this Plan, you can see 599 comes down and the subject of tonight's hearing, the extension, is on the west side, which is toward the Airport. And Santa Fe Commercial Center was approved in 2010/2011. It's essentially

a business park of light industrial and office uses up to 1 million square feet. The subject site is 371 acres, and what has started is the interchange. And we're a little behind, hence the extensions, because it took 2 years to get the interchange approved through the Department of Transportation, mostly because they weren't used to a private developer building an interchange. And so that process took some time to get through. We commenced this year and it is anticipated it will be completed by the end of the summer. And if you drive out to the site, you can see the center abutment is the latest work. The entrance ramps will be completed, and what you'll see probably in the coming months, is traffic being diverted up the entrance ramps and then away from the center, because ultimately, we have to start doing the girder work across the Interchange."

Mr. Hoeft continued, "And that's the interchange. If you go to the east side of the project, on the Tierra Contenta side, that's approved as well and that's called Village Plaza at Tierra Contenta. We have an extension for that as well earlier this year, and that's mostly the retail side of the project. So we have office on the east side and the retail on the west side of the project. And that is what you see if you look at the grading work that has been done on the west, Tierra Contenta side."

Mr. Hoeft continued, "As we move forward with the project, we are approved through Final Development Plan. If any uses come forth, they'll have to go through the building permit process at the City. If we have any changes that are not consistent with the Development Plan, that would have to come back to you and amend the Development Plan submittal. The Design Guidelines that we work with on the east side of the highway are Tierra Contenta. And so Dave Thomas, James Hicks and the Architectural Board of Tierra Content are who reviews the submittals for the buildings on the east side of the road. And then on the west side, The Pavilion, with the Santa Fe Commercial Center, that will go through the City of Santa Fe and our guidelines which have been approved through the City."

Chair Harris asked, in the area where the roundabout will be built, will the extension of Jaguar Drive from the interchange connect to currently where Jaguar Drive ends.

Mr. Hoeft said, "If I can point on this, let me just verify where I believe you are. You stopped 'here' at the end of Jaguar, and right now 'this' is to subgrade at 'this' level and that ultimately heads down to the SWAN Park, which is 'here,' which is pretty much complete, with the exception of the turf from what I understand. I think they are waiting on the watering before they start planting the turf, and they may have started already, I don't know, I haven't been out there in a couple of weeks. And so then, you take Jaguar over, up to the interchange and that will go across all the way to the Airport some day.

Chair Harris said he understands, and read that as one of the conditions, and actually the way things were written up, the interchange and the connection of Jaguar are kind of the same phase. He wanted to know what access will be provided to the park.

Mr. Hoeft said in the short term, access is provided to the park with the subgrade, noting a contractor will start to lay gravel base course for immediate access to the Park this summer, and that will get us through our Interchange Project. And then the project will switch to the infrastructure on the east side which will be the Jaguar extension to the interchange, south to SWAN and then will begin to move north on Plaza Central. He said, "Curb, gutter and utilities will be laid, combined with asphalt. The interim

strategy is the gravel base course, until we finish the interchange, and then our attention switches to the roundabout area and completing that area."

Responding to the Chair, Mr. Hoeft said everything has been worked out with the City.

Chair Harris said, "I thought it was important for everybody to hear what you had to say, because you're the man who is heading it up and has the most information."

Mr. Hoeft said they are in contact with the SWAN people, and visit with Mary MacDonald on a regular basis, noting there are lot of nuts and bolts and nitty-gritty things that need to be resolved as you would imagine, on a project of this size. And he thinks they're all on the same page. They know the gravel base course is a short term solution, and ultimately we all know that we need to lay the infrastructure for the balance of the project. It is a matter of parsing it out and timing.

Commissioner Padilla noted this is the second extension, and asked if there is the possibility of a third extension request.

Mr. Thomas said the Code allows two administrative time extensions, and there basically is no option for a third. The entitlements would expire at that time if certain steps weren't taken to either commence site improvements or record the Plat.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to approve Case #2015-36, The Pavilion Office Complex Development Plan and Final Subdivision Plat Time Extension.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

G. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES –APRIL 2, 2015

The following corrections were made to the minutes:

Global correction "Rosen" to "Rosenmann"
Page 16, paragraph, 3, lin 2, correct as follows: "...many ~~restraints~~ constraints on..."
Page 17, paragraph 4, line 2, correct as follows: "....reason ~~that~~ the property could be ~~raised~~ razed.."
Page 18, line 1 under Discussion, correct as follows: "...remind ~~them~~ everyone..."
Page 22, paragraph 2, line 3, "..the centers and ~~quarters~~ corridors concept..."
Page 54, statement of Joe Trujillo, line 5, correct as follows: "...and ~~independent~~ dependent on..."
Page 68, paragraph 12, line 2, correct as follows: "..the ~~Elks Lodge~~ the neighborhood association.."

Page 69, paragraph 6, line 2, correct as follows: "...convention center as...."
Page 70, paragraph 3, line 2, strike the first sentence as follows: "~~Chair Harris said Spears was the local architect~~."
Page 73, paragraph 5, line 1, correct as follows: "Mr. ~~Fabian~~ Joe Trujillo kind..."
Page 73, paragraph 5, line 3, correct as follows: "...~~dual~~ reality and..."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Chavez, to approve the minutes of the meeting of April 2, 2015, as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

2. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A copy of the Findings of Fact and Conclusions of Law in Case #2015-17, Lovato Family Subdivision Plat, is incorporated herewith to these minutes as Exhibit "3."

A copy of the Findings of Fact and Conclusions of Law in Case #2015-118, Camino de Jacobo Special Use Permit, is incorporated herewith to these minutes as Exhibit "4."

A copy of the Findings of Fact and Conclusions of Law in Case #2015-20, 600 Galisteo Street General Plan Amendment, and Case #2015-21, 600 Galisteo Street Rezone, are incorporated herewith to these minutes as Exhibit "5."

A copy of the Findings of Fact and Conclusions of Law in Case #2015-14, 1615 Old Pecos Trail Lot Split, Case #2015-15, Old Pecos Trail Special Use Permit, and Case #2015-16, Old Pecos Trail Development Plan, are incorporated herewith to these minutes as Exhibit "6."

1) CASE #2015-17. LOVATO FAMILY TRANSFER SUBDIVISION PLAT.

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve the Findings of Fact and Conclusions of Law in Case #2015-17 Lovato Family Transfer Subdivision Plat, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

2) CASE #2015-18. CAMINO DE JACOBO SPECIAL USE PERMIT.

MOTION: Commissioner Villarreal moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2015-18 Camino de Jacobo Special Use Permit, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

3) CASE #2015-20. 600 GALISTEO STREET GENERAL PLAN AMENDMENT

MOTION: Commissioner Villarreal moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2015-20 600 Galisteo Street General Plan Amendment, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

4) CASE #2015-21. 600 GALISTEO STREET REZONE

MOTION: Commissioner Villarreal moved, seconded by Commissioner Kadlubek, to approve the Findings of Fact and Conclusions of Law in Case #2015-21, 600 Galisteo Street Rezone, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

5) CASE #2015-14. 1615 OLD PECOS TRAIL LOT SPLIT

Mr. Shandler said, "From the minutes, it is clear this was a well attended meeting. So for the record, 'Under City Code, a party may appeal after a final action is taken. The final action kicks in either at the earlier of, a) 31 days after the verbal decision, or b) when the Commission adopts the written Findings of Fact.' In this situation, the Commission verbally voted on April 2, 2015, so the final action kicks in either at the earlier of 31 days after the verbal decision which would be May 4, 2015, or when the Commission adopts the findings, which would be this evening, May 7, 2015. Therefore the City Attorney's Office is advising parties that the earlier date, May 4, 2015, is the date that started the appeal clock. Again, I'll say for the record, the earlier date, May 4, 2015, is the date that starts the appeal clock. Under City Code a party has 30 days to appeal Subdivisions or Development Plans and 15 days to appeal the Special Use Permits.' This means a party has up to May 19, 2015, to file the paperwork to appeal to the Council over the Special Use Permit, that's Case #2015-15, and they have until Jun 3, 2015, to file the paperwork to

appeal to Council over the Subdivision and Development Plan, which would be Case 2015-14, and 2015-16. Thank you."

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2015-14, 1615 Old Pecos Trail Lot Split, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

6) CASE #2015-15. 1615 OLD PECOS TRAIL SPECIAL USE PERMIT

Commissioner Villarreal noted in case caption in the Findings it says Case #2015-5, and it is Case #2015-15.

Mr. Shandler said, "In the case caption, you are correct, we will make that typographical change.".

MOTION: Commissioner Padilla moved, seconded by Commissioner Chavez, to approve the Findings of Fact and Conclusions of Law in Case #2015-15, 1615 Pecos Trail Special Use Permit, with the amendment.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

7) CASE #2015-16. 1615 OLD PECOS TRAIL DEVELOPMENT PLAN

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve the Findings of Fact and Conclusions of Law in Case #2015-16, 1615 Old Pecos Trail Development Plan, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

H. CONSENT

1. *[Removed for discussion by Chair Harris]*

I. OLD BUSINESS

There was no Old Business.

J. NEW BUSINESS

1. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATION OF DISTRICTS WITHIN WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR LINDELL). (GREG SMITH)

A Memorandum, with attachments, prepared April 28, 2015 for the May 7, 2015 meeting, to the Planning Commission, from Greg Smith, Director, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "7."

Greg Smith presented information in this case. Please see Exhibit "7," for specifics of this presentation.

The Commission commented and asked questions as follows:

- Commissioner Schackel-Bordegary asked what precipitated this proposed change.

  Mr. Smith said, "There was an inquiry of staff regarding which districts in which a sheltered care facility might be allowed in, and we looked at the updated Code and said, 'oops.' Fortunately, it was discovered before there was a formal application and a permit request."

- Chair Harris said as he looked at the chart and the definitions in Chapter 14, there is no definition for adult day care, and would like an explanation on the various categories under Human Services here.

  Mr. Smith said, "The Code has, for example, more than 15 pages of definitions. If we had a definition for every permitted use category we would be up to 60-75 pages of definitions. So the practice sense has been that if a common sense interpretation of a particular type of use will generally suffice, we stay with that. The sheltered care facility is one that was created specially by an amendment provided by the City department that works with those kinds of care facilities, as needing clarification and a definition for this particular class of outpatient services and inpatient services that were out-client services and in-client services."

- Chair Harris said he noticed, in the next category Foster Homes License by the appropriate State agency, the way he reads the definition it is up to 8 children. And then we have human services establishment that is defined in Chapter 14 that is more than 25 persons being served. We've all

read the definition for sheltered care facilities which is 9 to 25. He said since adult day care isn't defined, he wondered if that was a gap. He has seen no classification for 1 through 7, and asked if that was discussed previously, or should it be addressed in the future.

Mr. Smith said, "Within the category of adult day care, there is not a specific limit as to the number of persons, in part, because, in each of the residential districts where that occurs it is a special use permit type of use. So, for example, if you are caring for, in your home, the residential care of senior citizens, you might be able to get administrative approval of your permit without a public hearing. But if you are providing adult day care services to people who did not live in the home with you, in each situation, whether that was 1 or 100 seniors who were being provided day care, you would be coming to the Board of Adjustment or to the Planning Commission for a permit approval."

- Chair Harris said on this Ordinance and the next one, as Mr. Smith said, we are a recommending body to the Governing Body.

Public Hearing

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

MOTION: Commissioner Padilla moved, seconded by Commissioner Villarreal, to recommend approval to the Governing Body, of the proposed amendments to the Land Development Code, Chapter 14, 1987, amending Subsection 14-6.1(C) and Table 14-6.1-1, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [8-0].

2. AN ORDINANCE AMENDING SECTION 14-2.3(D) SFCC 1987, TO ESTABLISH MEMBERSHIP REQUIREMENTS FOR THE PLANNING COMMISSION (COUNCILOR BUSHEE). (LISA MARTINEZ)

A Legislative Summary for this Ordinance, dated April 24, 2015, prepared by Jesse Guillen/ Rebecca Seligman, Legal Department, regarding this case is incorporated herewith to these minutes as Exhibit "8."

Jesse Guillen, Legislative Liaison, City Attorney's Office, presented information in this case. Please see Exhibit " 8," for specifics of this presentation.

Public Hearing

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Kadlubek asked the effect of the proposed bill on the current makeup of the Commission, when is it effective, and how would these requirements be phased in.

  Mr. Guillen said it would affect future appointments, and doesn't believe it would affect anyone currently serving on the Commission.

  Mr. Shandler said, "The current text which isn't being changed, is that members shall serve until their successors have been appointed and qualified."

- Commissioner Kadlubek said the follow up question is with a term coming up, which one of these requirements are phased in first. Is it the District, the Neighborhood Network, commenting he is trying to see how we would fill these seats according to these requirements.

  Mr. Guillen said he doesn't know the answer to that.

- Commissioner Kadlubek said he appreciates effort to get representation from a broad cross section of Santa Fe, and definitely appreciates the effort to get representation from each District. He said there is a lot of common sense there. He said, with regard to the not so slight requirements for nominees from the Old Santa Fe Association, the Santa Fe Neighborhood Network, the local Affordable Housing Roundtable, a representative of the architecture, construction, development real estate community and a landscape architect or a landscape design community, these strike him as lacking. He said, "I see Historic, I see Neighborhoods, I see affordable housing, I see architecture and development and landscaping, but I don't see representation from the business community, from the green building community, the youth community or the arts community. So I guess in drafting this, what went into coming up with these 5 specific criteria for requirements."

  Mr. Guillen said that was something in consultation with Councilor Bushee, so it was a back and forth dialogue on what options there were, and this was what was decided on. He said, "I did do research for planning commissions from other municipalities around the country. The majority of them did have requirements that the various districts within the City are represented, but for the most part, there were no requirements for specific professions, just that they be qualified to serve on the Commission.

- Commissioner Kadlubek said the Mayor makes the appointment and the Government Body has consent. He said there is a process of vetting of requirements that could happen within that process. He said it does make sense to have representatives of architecture, construction development on the Commission, and a landscape architect or designer make sense as well, commenting those are more general.

- Commissioner Kadlubek continued, saying with regard to specific nominations from the Old Santa Fe Association and the Santa Fe Neighborhood Network, he said being new on the Commission, he has no background information on these Associations. He knows a little about the Old Santa Fe Association, but knows less about the Neighborhood Network. He asked if there is any complementary material to explain to us who these organizations are that will be nominating planning commissioners.

  Mr. Guillen said he too is new to the job, so he isn't well versed in those organizations and can't answer that question.

- Commissioner Kadlubek said he believes the Old Santa Fe Association is more of a historic preservation association, reiterating he doesn't know much about the Neighborhood Association. He said in visiting their website it seems they are a political non-profit with a specific interest in stopping development. He said, "I would like to have a lot more information about these organizations if they're going to have such a strong hand in the process of what makes up this body. Could that be supplied. I don't know the process, and do I ask that be supplied at a later date."

- Chair Harris said we're going to have discussion tonight. We are recommending, but we can postpone consideration. We don't have to recommend, take a formal action this evening, and asked Mr. Smith if this is correct.

  Mr. Smith said, "There have been occasions in the past where the Commission has postponed to a specific date to get more information from the Sponsor. The Commission in the past has asked that the Sponsor appear before them to do that. I defer to Mr. Guillen with regard to the specifics. There have also been instances where the Council Sponsor has indicated that they did not intend to wait for the Commission recommendation before they introduced the matter at the Council level. So, I'm not sure whether the Councilor sponsor has expressed urgency to the staff involved with drafting it."

- Chair Harris asked him to repeat his remarks.

- Mr. Smith said, "In the past the Commission has postponed this type of case to a specific date with a request for more information. There are also cases where the sponsor has indicated to the Commission that the matter will be scheduled for a hearing at a particular Council date, with or without the formal action of the Commission. I'm not in a position on this bill.... land use staff does

not have information from the sponsor as to the urgency of getting this matter before the full Council for a hearing. Although, we would note that it is likely appointments or reappointments will be made in June for Commissioners whose terms expire in July."

- Commissioner Kadlubek reiterated he knows really nothing about these organizations, noting he couldn't find information on the Affordable Housing Roundtable on line. He asked if the Neighborhood Network represents all neighborhoods, or only neighborhood associations or specific neighborhoods, and said it is important to know in which those neighborhoods lie. He wants more information about that. He said it makes sense to ask for further information about these organizations, definitely the Old Santa Fe Association, the Santa Fe Neighborhood Network, and the Housing roundtable. He thinks this has to be delayed beyond the June appoint of Planning Commission members, commenting it is too soon for him to make a decision.

- Chair Harris said we certainly can postpone this item. He appreciates Commissioner Kadlubek's comments which are in sync with many of his own. He said, "Or we can make a statement to the Governing Body that we do not recommend these changes. Correct."

  Mr. Smith said, "I believe the procedural actions are: recommend approval, recommend denial. There might be some language the Commission might indicate, unable to recommend approval without additional information. Or to postpone to a specific date."

- Commissioner Kapin asked Mr. Guillen to speak to the question of what is the objective of this change from Councilor Bushee. What is the problem she is attempting to solve.

  Mr. Guillen said she never communicated that to him directly, so he can't answer that question.

- Commissioner Kapin said she agrees with Commissioner Kadlubek, and what feels appropriate to her and what she likes is the four districts being recommended and would feel comfortable recommending that, but she would not be comfortable with the rest.

- Commissioned Schackel-Bordegary asked Mr. Guillen, regarding the current composition, if he can tell us how the composition of the Commission currently tracks in terms of Districts, as well as some of these categories. She asked if he did that research on "those of us sitting up here."

  Mr. Guillen said he is not familiar with that, and this was brought to him after the most recent appointments to the Planning Commission.

- Commissioner Schackel-Bordegary asked when the most recent Planning Commission appointments were made, and if that was at the last Council meeting. She said, "I'm going to read that: 'The composition is 9 members who are qualified by training, experience and ability to exercise sound and practical judgment on civic, social, economic and governmental affairs. Appointment and Term. The members of the Planning Commission shall be appointed by the Mayor with the advice and consent of a majority vote of all the members of the Governing Body. Members shall serve two-year overlapping terms, maintaining the original overlap of Planning

Commission terms. Members shall serve until their successors have been appointed and qualified.' Again, you may not be the person to answer this, but one of the things I think some of us have wondered is how all of our terms are expiring at the same time. I would actually like to point that question to the City Attorney or the Land Use Director acting tonight."

- Mr. Smith said, "The provision in the Code indicates that the Commissioners will continue to serve until their replacement is appointed. The terms of one-half the Commission members expire each year. There were four slots who had not had their replacements appointed, and one vacancy. Commissioner Pava and Commissioner Bemis were essentially serving past the expiration date of their terms and that's why those were up for replacement last month."

- Commissioned Schackel-Bordegary said those whose terms are now expiring are Commissioner Padilla, Commissioner Villarreal, Commissioner Harris, Commissioner Ortiz and Commissioner Schackel Bordegary. So one person continually has been on the Commission.

  Mr. Smith said Commissioner Gutierrez was appointed to a term that will expire in 2016.

- Commissioner Schackel-Bordegary said then the four Districts refer to the City Council Districts.

  Mr. Guillen said yes.

- Commissioner Schackel-Bordegary asked if anybody has verified that the four districts have been represented on the Commission for the last several years.

  Mr. Smith said staff hasn't done that, and he can't guarantee that is the case.

- Chair Harris said when he was with the Land Use Department, Mr. Lamboy did track the geographic representation at the time. *[Chair Harris's remarks here are inaudible because his microphone was turned off]*. He said he thinks Commissioner Pava and Commissioner Bemis terms expired in June 2014, and they continued to serve.

  Mr. Smith said he concurs with the Chair on the expiration date of the terms.

- Commissioned Schackel-Bordegary asked Mr. Guillen what other cities he researched in terms of the composition of the Planning Commission to base this Ordinance on.

  Mr. Guillen said he doesn't have a list in front of him, but there were two in California, one in Pennsylvania.

- Commissioned Schackel-Bordegary asked if those municipalities were similar in size, or what was the criteria for the research.

  Mr. Guillen said they were similarly sized.

- Commissioner Schackel-Bordegary said it is good for us to be talking about this tonight, because "you are about to have a pretty different Planning Commission composition. That's my impression of why this has come up. It is surprising to see it in this form tonight, as a trained City planner, with a Masters Degree in Community and Regional Planning from the University of Texas at Austin, and a Masters Degree in Planning. And Planning is not in here. And on the Commission for the last several years, we've been commended for being the most professional Planning Commission in the City of Santa Fe, if not others. There have been 3 of us that are planners. Dan Pava was a licensed Planner *[inaudible]*. So I don't know that I would recommend denial. I'll see what we decide here tonight, but I think we should pass our comments on *[inaudible]* according to how we, the Planning Commission see it. And I certainly will add something on planners. I will say that planners tend to look at qualitative and quantitative data integrated, and I don't know what discipline does that but planning. So you can't have a Commission, I think, that can function very well and *[inaudible]* has anything less than 2 planners on it."

- Commissioner Schackel-Bordegary continued, "I absolutely believe architecture, design landscape, we've had the benefit up here. I'm the veteran Commissioner here tonight, and had the benefit of being on this Commission with people who know infrastructure, know how to build it, know how to design it. You need to lay all that out. The beauty of this is that we've always had community members with that expertise and experience represented up here. So I would not want to see us prescribe that ala a big city, and make it be formalized. If we were to make it formalized it better darn sure have people with degrees and experience in community and regional planning."

- Commissioner Schackel-Bordegary continued, "Let's see, I think I had one more question. I know the Historic District Review Board, I used to be the Historic Case Planner, has requirements for their members and that makes sense. And I think the Old Santa Fe Association is one of those slots on the Historic Design Review Board. I do believe the historic preservation interests should also be very well represented on this Board. Again, we have people in this City who wear several hats and carry that with them in the spirit of preserving Santa Fe. I wouldn't want to see that proscribed. However, if we decide it should be, we will have to expand this list quite a bit to include the multi-faceted talents of this City."

- Commissioner Schackel-Bordegary continued, "The local Affordable Housing Roundtable represents a strong community value, so of course they should be on there, but Commissioner Kadlubek has raised good questions about what does that really mean and who would that be. The Neighborhood Network, I have some real questions about that as well. Again, neighborhood preservation, strong value in this community. If you're sitting up here and this is how you put neighborhoods, you probably don't belong up here. But about factually verifying it..... Again, I have a question, is Santa Fe going to such a formalized membership criteria. So those are my comments, and I appreciate this opportunity to discuss it, since this is so timely for all of us."

- Commissioner Schackel-Bordegary continued, "For our new members sitting up here, welcome. And I do want to say, the generation component, Santa Fe is facing... I said this at the last meeting, too sleepy didn't go through the minutes, I didn't crack them. I welcome you to the Commission. I welcome new blood of all ages and we do need to be more forward thinking. And

you are inheriting the City and inheriting it from many of us who have saved it, to be there for us to save it. And that means the 90-80-70-60-50-30-30 somethings, and so you carry a great responsibility in maintaining this community. And that's what I wanted to say. Thank you."

- Chair Harris said he would like to, mostly reinforce some of the comments he's heard and just provide a little bit more clarification about what he thinks the process holds. We've verified that we have 5 Commission members whose terms expire at the end of June 2015. And as you said, this language hasn't changed. "Members shall serve until their successors have been appointed and qualified." He also wants to make sure the Commission members understand they can resign if they choose not to continue past their term.

  Mr. Smith said, "If I may, just for the record and because I've not been in on the recent meetings, I believe that our staff has advised the existing Commissioners that they may address a letter to the Mayor indicating that they are interested in having their terms extended. And if they are interested in continuing to do that, and haven't submitted that the letter to the Mayor, they should do so immediately. I would have noted that under communications from staff at the end of the meeting."

  Chair Harris said the sitting Commissioners have heard that if they're interested in continuing, they should submit a letter. But what he hasn't heard anybody say, per the City Committee Rules, that they can resign, rather than the limbo that has occurred in the past.

- Chair Harris said, "As to the proposed Ordinance, to me it represents... I don't understand why, so I have to assume that it's a statement that the way it's worked in the past or the way it's working now, represents a failure and it needs to be changed. Because we already have geographic balance and we have had, and our City Committee rules call for that, and we've honored that. So, it's either a failure, or I think more likely, it's a political statement. Because the Old Santa Fe Association does represent, and they have a strong voice and they use it periodically and generally, graciously. But I don't see a reason for them to have a formal seat at the table as a Commissioner."

- Chair Harris continued, "And when it comes to Neighborhood Network, again, we've got a process with the ENN process, we have a very active Neighborhood Network. And I agree, it seems to be a loose confederation. It doesn't have any formal status that I'm aware of, and it certainly doesn't cover the whole City, and so I don't see any reason for it to be allowed to have consistently a seat at the table. Affordable Housing Roundtable. You know we have City staff that handles affordable housing. We have any number of Ordinances related to affordable housing and it shows up during most every one of our considerations. So that, and particularly, when we've looked at the 1999 General Plan, the themes that were stated, most people would acknowledge that the City has come a long way in working toward affordable housing."

- Chair Harris continued, "It's really not very far at all when it comes to economic development, which is another stated them. When I first read this, I had similar... I made a quick list, Chamber of Commerce, Green Chamber of Commerce, Santa Fe Community Foundation. On the south side we have being formed, again a loose network not formally, the Quality of Life Initiation. And that's

where the growth is, that's where the families are, and I think really needs a seat at the table, if anybody does. And the representatives from various groups, construction development I think they have been pretty well covered in the past. I look around and I see a Registered Architect, I see a Professional Engineer for myself. I hold two GB98's as a contractor, a construction man. And planners, I would agree with Commissioner Schackel Bordegary if we had to have anybody, I think it would be planners. Or the last category, landscape. Again, we've got any number of standards that are documented in Chapter 14. I see no reason to have a landscape architect or landscape designer allowed to have consistently a seat at the table."

- Chair Harris continued, "So, again, in terms of professionals, surveyors. Every document we look at has a plat, just about every one needs comments and corrections. And so again, that would probably be somebody I would add to the list of substitute categories. So I really... I think if, in fact, the sponsor is going to take it through the Committee process, I think the Commission should have a voice in what they think. They should hear it. Perhaps postponement for additional information is appropriate, or in my own view, denial is appropriate."

- Chair Harris continued, "But, that's really what I wanted to say, I was really almost offended by this. Okay."

- Commissioner Villarreal said, "I have the same issues that my fellow Commissioners brought up, so I won't repeat them. And I think all of us just need some clarification, definitions would be nice. I think what strikes me the most is that these required groups that were really specified, architecture, landscape, etc. I also think that we're not considering that City staff has that professional expertise. And they're the ones that vet these projects first and foremost and really dive into the details. We have to listen and understand that expertise is important for out decisions. Sometimes I thought I was really getting into the nitty-gritty. It's an insult to the staff that really does this on a daily basis."

- Commissioner Villarreal continued, "I do think it's a little short sighted to start picking out groups and professional expertise that we need. I think it is important, but then we need to consider the whole gamut, not just what's listed here. And we haven't talked about transportation expertise, or economic development, or utilities, engineering you said, but then also the makeup other than just the Districts. What about ethnic balance, what about gender balance, age, you don't even think about that. And do we need to consider that. It really depends on how much time people have to be a volunteer member of the Commission up here. And then the other group that never gets considered, it seems like, is the immigrant community, and do we have a representative from the immigrant community. We usually don't. So that's something to consider. It would be helpful to define these groups before wanting membership from them."

- Commissioner Villarreal continued, "I do feel, and I think this a question posed to either Councilor Bushee, or whoever else is helping shape this legislative piece, is that the Old Santa Fe Association, I'm not quite sure how much dealings they have on the south side of the community. It's really focused on the historic area of Santa Fe, and all the new subdivisions and areas that are fairly recent, and I'm not sure how they represent that community as a whole. And then the

Neighborhood Association, just to be cognizant of who the Neighborhood Network represents, which neighborhood associations they represent, but also to remind ourselves that it is important to have neighborhood association's participation, but they don't always represent the communities they're from, so that's something to consider. And then local Affordable Housing Roundtable, I think that's a good idea, but that in itself makes up, not just affordable housing, but the homeless community, a lot of service providers, a lot of non-profit service providers, so maybe those are members-at-large. I'm not quite sure. I'm just throwing out these ideas to think about, because we really need to flesh this out a lot better."

- Commissioner Villarreal continued, "I think I've covered my points, and again, planning wasn't involved, but I was just assuming we'd fall into that, but maybe I don't know. So I'll hand it to my fellow Commissioners. Thank you."

- Commissioner Padilla said, "I would like to echo and support the comments made by my fellow Commissioners tonight, and I would like to express a great disappointment with the lack of information provided by our Legislative representative here tonight. There should have been more information, or someone to be able to speak to this. I would also like to refer to the City of Santa Fe FIR, and Item #4 that states, 'Changing the requirements for members of the Planning Commission would ensure that highly qualified members of the community, with a relevant professional background, would sit on the Commission...' I frankly take that or infer that, that your current seated Planning Commissioners are not qualified, and I take exception to that. I would just like to express that."

- Commissioner Padilla continued, "And the other question I have, is I see the 4 Districts need to be represented. You have 5 affinity groups or associations that you would like to be included to this, plus 4 members to be appointed at large. My question to you then, Mr. Guillen, is that 13 members of a Planning Commission that you're recommending."

  Mr. Guillen said no, it's the same numbers as on the current Commission.

- Commissioner Padilla asked, "How do you select which ones are not represented. Do you say, well okay, we won't have Affordable Housing on there, we'll only have 1 member at large. How are those decisions made as to how you fill a Planning Commission with qualified individuals."

  Mr. Guillen said he believes that would be left to the Governing Body to determine when they vote on if they're approved or not.

  Mr. Shandler said, "This is a Councilor bill, so staff just did what the Councilor wanted. So it's important to convey those messages. I'm sure part of Mr. Guillen's job is to later confer with the Councilor on your comments. But be aware, he is neutral on this matter. He is not supporting it or opposing it. His job is just to memorialize what a Councilor wanted to do."

- Commissioner Padilla asked the reason Councilor Bushee wasn't here this evening to present this and support it.

Mr. Guillen said doesn't know the answer. He said, "I believe she knew the committee process it was taking."

- Commissioner Ortiz said, "I'll make this quick. When I looked at this, I said, well, you know, the reality of all this is, we do serve at the pleasure of the Mayor, and he does whatever he's going to want to do. Whatever Mayors want to do, they're going to do that. When I saw the 5 bullets, the bottom two, okay I understand that. I didn't see any engineering, I didn't see any surveying. I thought the top 3 were special interest, and in the political aspect, the reality of things is again, we serve at the pleasure of the Mayor and the Governing Body. But I also see an Ordinance that outlines exactly how it's supposed to happen, so why do we have a bill. It's already sitting in the Ordinance, and the fact of the matter is the Mayor is going to appoint who he thinks is best suited to his administration. And that's what I see as the reality in this. So I just wanted to make that point."

- Commissioner Gutierrez said, "Up until tonight, I was the new kid on the block. I don't have much time on the Commission. Reading over this, it's not a diverse amount of people, none of those members here, and it's already been said. If I wanted to become a member of the Old Santa Fe Association, how do I do it. What do I have to do. Where do I belong. The Neighborhood Network knows me. So I guess, my bullet points would probably say somebody who knows how to read, somebody with common sense, the ability to understand, listen and ask questions in the best interest of the City. Thank you."

- Commissioner Chavez said, "I would echo what everyone else has said tonight and I don't feel the need the need to repeat that. And then, I basically just have a technical question. So for d(2)(A)(1), (2) and (3), it says and specifically, (1) and (2), it says one member shall be a nominee of the Old Santa Fe Association. And my question is, would that nominee be nominated by the Old Santa Fe Association. And, if so, is that then in conflict with Section 3 that says the Planning Commission shall be appointed by the Mayor, and that cannot be interpreted to be a conflict."

  Mr. Shandler said, "I don't think it would be a conflict. The way the Historic Board works, is that the Association forwards a name to the Mayor's Office, and then the Mayor's Office, if they like that name, will then move forward on that. So it's kind of a two-step process."

- Commissioner Kadlubek said, "I just want to say, just more of a personal statement, and just to sort of be on the record here. I do question the timing, the why now. It seems like we've had... Councilor Bushee has had 20 plus years to have these sorts of requirements, and I do question the move of why now. And I can't help but to read this and think that this is all coming out of the recent hoopla over my own appointment. And I just want to be clear that when I went through that process of having to talk to media or other Councilors, or other people in the community who advised me, it was repeated over and over again, that I had to carry a neutrality to the Commission. And I had to be neutral in order to listen to the neighborhoods and to understand situations from the part of me that lives in the neighborhood, because I think all of us here live in neighborhoods I would imagine."

- Commissioner Kadlubek continued, "So that part of being in the neighborhood is part of me, and to think from that part of my heart, and to also think about the Code, and to also think about the part of me that's a business owner, and to think about the part of me that is born and raised in Santa Fe and cares about the City and cares about its future development. So I'm bringing all these things to the table, and finding a neutral place. I think it's a slippery slope, because I think that should be more of what's asked of the Commission members is a general neutrality, rather than trying to find that neutrality by seating 9 people who all have differing opinions. So I do want to just sort of be on the record to say that I am coming from a place of sympathy from all those places, and I think I do represent at least a few of these things here, so."

- Commissioner Villarreal said just a technical addition to consider so we don't run into the same situation with a large number of Commissioners terming-out at the same time, but we should have language about terms and being staggered to avoid large numbers of terms expiring at the same time. So another addition, including all the other comments that were just made tonight. Thank you.

- Commissioned Schackel-Bordegary said this is in the committee process, and asked if this will go to other Committees. Mr. Guillen said he doesn't remember what the next one is, but he believes it will go to Finance, Public Works and to the City Council for a Request to Publish before waiting approximately 30 days for a public hearing.

- Commissioner Schackel Bordegary said this has been a really interesting conversation, to bring it back down to neutrality and community. She said, "I really think it served the purpose of us having the conversation in public and that was probably the intent from Councilor Bushee, I don't know. Mission accomplished here. And I don't know how much of a role we continue to play as a Planning Commission, because tonight we get to look at it and all make comments. But I think I'm hopeful that this will lead to more dialogue and resolution of what it is Santa Fe wants for a Planning Commission. And I do think it's very clear, and that's what I said at the meeting. There's an age divide in Santa Fe that we're all struggling with. So, that's painful, but that's where we are. And to duke it out and to be political is really not very constructive and it's certainly disheartening. But, again, back to the positive. This is a dialogue and we're having it, because it's happening and that's my last statement on that. Thank you."

MOTION: Commissioner Kadlubek moved, seconded by Commissioner Chavez, to not recommend approval of the proposed Ordinance change, based on the Commission's comments and the belief that the current Chapter 14 language suffices.

FRIENDLY AMENDMENT: Commissioner Villarreal said, "I would like to make a Friendly Amendment to the maker of the motion to add the last sentence that we are okay with is currently on the books, and I don't necessarily agree with that, but I think what is presented tonight needs to be fleshed out and provided in more detail or some objective or why this came about and some more detail. So I would ask to scratch that last sentence you said." **THE AMENDMENT WAS FRIENDLY TO MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

DISCUSSION ON THE MOTION AS AMENDED: Commissioner Padilla said, "By not supporting this proposed bill to move forward, that ends the discussion. That does not bring it back to this body for further discussion and conversation, correct."

Mr. Shandler said, "That is correct. It would not come back here, but it would advance to the other City Council committees."

Mr. Padilla said, "With the position of not supporting the proposed bill as written."

Mr. Shandler said, "That would be noted in the agenda caption for those other City Council committees."

Mr. Padilla said, "I would just like to make sure that my fellow Commissioners understand that it will not come back to this body for conversation or discussion, with a vote not to support."

Commissioner Villarreal said, "Point of clarification. Can you explain that point."

Commissioner Padilla said, "Yes. And I would ask staff, or Mr. Shandler, to correct me if I'm wrong, by the motion that is on the floor currently, it will not come back to this body for review and comment. If a motion to postpone is made, with a specific date and specific issues that we would like addressed, then it would come back to this body for further discussion. Or should I say, it could come back to this body for further discussion."

Mr. Shandler said, "I think that's right. It could. I would have to research more whether the Councilor could just proceed on. That's part of the legislative process Mr. Guillen and I are learning, but 'could' sounds like the right word."

Chair Harris said, "If I may say, it could also move forward whether we recommend or not recommend, or postpone, it could move forward according to the pace of the Governing Body."

Commissioner Padilla said, "I guess a question for staff or Mr. Guillen, is what is the position of the Councilor to move this forward, and what is the need for a timely process on this."

Mr. Guillen said, "I don't know what timeline she's looking at. It's my understanding that it could go through the rest of the Committee process, regardless of what decision is made here tonight, or for future meetings."

CLARIFICATION OF THE MOTION BY THE CHAIR PRIOR TO VOTE: Chair Harris said, "On the proposed Ordinance, we have a motion to not recommend to the Governing Body the Ordinance as written We have a second. We have a Friendly Amendment that clarified the Motion and basically just reduced it down to the not recommend. That's what it did."

VOTE: The motion, as amended, was approved on the following Roll Call vote [6-2]:

For: Commissioner Villarreal, Commissioner Chavez, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Kapin and Commissioner Ortiz.

Against: Commissioner Padilla and Commissioner Schackel-Bordegary.

Explaining his vote: Commissioner Padilla said,"I'd like to vote no on this and make a statement that I would have liked to have additional information presented to us for deliberation, but my vote is no."

Explaining her vote: Commissioner Schackel-Bordegary said, "Like Commissioner Padilla, I'm going to vote no for the same reason *[inaudible because her microphone wasn't turned on]*.

3. **CASE #2015-36. 108 VIGIL LANE CERTIFICATE OF COMPLIANCE. SOMMER, KARNES & ASSOCIATES, AGENT, REQUEST PLANNING COMMISSION APPROVAL OF A CERTIFICATE OF COMPLIANCE IN ORDER TO ESTABLISH LEGAL LOT OF RECORD PER THE PROCEDURES SET OUT IN SFCC 1987 14-3.7(A)(7). THE REQUEST MAY INCLUDE A VARIANCE TO LOT AREA AND ACCESS REQUIREMENTS. THE PROPERTY IS ± 0.16 ACRES, ZONED R-5 (RESIDENTIAL – 5 DWELLING UNITS PER ACRE), AND IS LOCATED AT 108 VIGIL LANE. (ZACH THOMAS, CASE MANAGER)**

A Memorandum dated April 28, 2015 for the May 7, 2015 Meeting, to the Planning Commission from Zach Thomas, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "9."

This item is postponed to the next meeting of the Planning Commission

4. **CASE #2015-30. TUNE UP CAFÉ GENERAL PLAN AMENDMENT. LIAISON PLANNING SERVICES, INC., AGENT FOR JC RIVERA LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.13± ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (3-7 DWELLING UNITS PER ACRE) TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT 536 CORTEZ. (DONNA WYNANT, CASE MANAGER)**

Items J(4) and J(5) were combined for purposes of presentation and discussion, but were voted upon separately.

A Memorandum, with attachments, prepared April 22, 2015, for the May 7, 2015 meeting, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, regarding Case #2015-30 and Case #2015-31, is incorporated herewith to these minutes as Exhibit "10."

A letter dated May 6, 2015, To Whom It May Concern, from Keren James, in support of these cases, presented for the record by Dolores Vigil, is incorporated herewith to these minutes as Exhibit "11."

A Memorandum dated May 7, 2015, to the Planning Commission, from Current Planning Division, regarding Additional Information, is incorporated herewith to these minutes as Exhibit "12."

Mr. Smith said, "Partly for the benefit of new Commissioners, they are reminded that this is a *quasi judicial* case. It raises interesting procedural questions we've tried to simplify, and I hope we did not over-simplify them, and certainly at any point if the Commissioners do have questions of staff, either myself or the City Attorney, in procedural issues we'll be happy to respond on them. It's a case that kind of points out the strengths and weaknesses of the traditional zoning regulations that the City of Santa Fe has. There is an argument to be made that zoning is either you approve it or you deny it. Either property is zoned C-2 or it is not zoned C-2. Staff analysis on this case has raised a number of issues where, in common sense terms, if it's possible we do sit down and [inaudible] this rezoning makes sense to the extent that it will achieve the stated ends of the Applicant to address problems that have occurred in the operation of an existing business. It's not at all clear to staff that the final approval of the rezoning can be made absent to important aspects of the Applicant's proposal. First that the lot be consolidated with the lot on which the existing restaurant operates. There is very limited potential for any reasonable C-2 parcel of the size of the 1 lot at Cortez that is being rezoned today. But also that over the years that I've been working, there is a history of cases where the Planning Commission and City Council have added conditions of approval that tend to micromanage a project, and may be on the edge of what is an acceptable legal terms of restricting uses of property and unfairly limiting the rights of the property owner to exercise zoning that has been approved for their property."

Mr. Smith continued, "Our recommendation to the Commission, and Ms. Wynant will go into more details about the background and the rationale. However, it is not clear that this rezoning case should be approved unless there are effective ways to ensure that, first, the lots will be consolidated. And, second, that there would be some type of hearing process before there is any significant intensification or expansion or a change to the use of the property. Our recommendation to the Commission is essentially to say that staff concurs that on balance, the stated intent of the Applicant to provide more effective parking for the existing restaurant operation is a worthwhile goal. It noted also that there are 4 categories of *[inaudible]* type of use in the allowed use table. The applicant is operating, according to the application, within the only class that does not require a hearing in front of the Board of Adjustment to intensify the use within this proximity to a residential neighborhood. So with that general background, I'll defer to Ms. Wynant if the Chair agrees."

Donna Wynant presented information in this case via overhead. Please see Exhibit "10," for specifics of this presentation.

Ms. Wynant said she would like to read the conclusion into the record, as follows: "Staff concurs with the applicant's contention that the Plan Amendment and Rezoning of the property at 536 Cortez Street would meet the applicable criteria for approval, but only if development is limited to construction of a parking lot expansion for the restaurant at 1115 Hickox St., as stated in the application materials. Unrestricted development of the property [and that I would like to say means that unrestricted

development, and you can look at that last exhibit in your packet of all the different kinds of things that are allowed in a C-2 District which is quite extensive] under a C-2 zoning [all the things that could go in there] would not meet the approval criteria for the requested General Plan Amendment and Rezoning. The vision of the application to propose C-2 PUD, [which is C-2 with a Planning and Development Overlay] would be the only clear method to ensure that future development would not adversely affect surrounding land uses. Staff supports the proposed rezone subject to the attached DRT conditions of approval. And those conditions include provisions for consolidation of the lots at 536 Cortez and 1115 Hickox, removing the backup parking spaces that block the sidewalk on Cortez Street, adjustment of the Hickox Street right-of-way to eliminate encroachments as previously approved by the Governing Body and then correction of setback violations for non-permitted structures at the north and south property lines at 1115 Hickox. That is referring to a walk-in cooler and storage structure that we did get a building permit application on and it is waiting for this process to go forward so that the properties are all combined and that those setback violations are not issues any longer."

Ms. Wynant continued, "So you can see on your DRT chart there might be some other things mentioned, so you can see those. So therefore, staff is recommending approval subject to all those conditions."

Mr. Smith said, "Mr. Chairman, I would state for the record, that the Staff Recommendation is that the application before the Commission, with the amendment, that those conditions together would support a staff recommendation for approval."

Chair Harris said, "I think all of us are little unclear about the meaning of your statement and what you would propose.'

Mr. Smith said, "The Commission is not being asked to vote on this, when in fact it's not clear that the Commission has the authority to make any requirements with a straight C-2 rezoning that would restrict the applicant to only the development as shown in this plan. If the application were amended to a Planned Unit Development Overlay District, the Commission would be voting on a rezoning case that did include this Plan *[inaudible]* very much like it. And that development overlay other than as shown in that plan would require the applicant to come back through a public hearing process at the Commission and/or the Council."

Chair Harris said, "To make sure I understand, what you're saying it's triggered by the Applicant making an amended application, correct."

Mr. Smith said, "So staff's recommendation is it's now going to the Commission which can make the appropriate findings to approve the zoning without the amendment to a PUD or some other method of ensuring that the scope of development will be effectively limited."

Chair Harris said, "Again, is it a requirement that the Applicant make an amended application, or are you saying that the Commission can amend basically the staff's formal recommendation."

Mr. Smith said, "The Code states that the Commission and Council can approve rezoning to a more restricted class of development. It's not clear that that type of amendment without a development plan submitted would have any real effect."

Chair Harris said, "I hate to say it, but I don't think you're providing very clear guidance on this."

Mr. Smith said, "I'm sorry, so the staff findings for a C-2 PUD with a plan similar to the one shown on the screen tonight would clearly meet the approval criteria. C-2 zoning without a restriction to the plan shown on the screen would likely not meet the approval criteria."

Chair Harris said, "My question is, why didn't staff recommend formally what you've described in terms of C-2 PUD."

Mr. Smith said, "Mr. Chairman, if it would be more clear, then staff would be happy to phrase the recommendation as postpone with direction to the Applicant to amend and present a PUD with a preliminary development plan."

Commissioner Padilla said, "In fairness to the Applicant, the case that is before us tonight, and as presented by staff this evening, is a request for a C-2 Rezoning, not a C-2 PUD, even though in your conclusions you clearly state that revision of the application to propose a C-2 Planned Unit Development would be the only clear method to ensure future development. The case before us is a C-2 application. Is that what you're putting on this applicant as a condition of approval, that they come forward with a C-2 PUD application."

Mr. Smith said, "To try and be clear. If the choice is between approval of C-2 without restrictions, the staff would recommend denial of the straight C-2 rezoning. It is not clear that the straight C-2 rezoning would meet the approval criteria. We've offered the PUD as an alternative to the denial that we would otherwise recommend."

Chair Harris said we probably will have some follow-up questions once we get to discussion of any motions, but "I think we'll set that discussion aside for right now, and I think, unless you have further information you want to provide, Ms. Wynant, I think we should hear from the Applicant."

Ms. Wynant said, "I'm fine, Mr. Chair."

Public Hearing

Presentation by the Applicant

Christopher Graeser, attorney, 316 East Marcy, said "I'm an attorney under my oath." Mr. Graeser presented information using the overhead. Mr. Graeser said, "As I go through the staff report on this, it's clear that what's staff is saying is it meets the requirements, it's consistent with the Code, there's no harm to the neighborhood. I think those findings are made throughout and accordingly, staff supports the proposed rezone, subject to the DRT conditions of approval. And we accept all of those conditions, by

the way. All of those conditions are acceptable, including one Mr. Smith expressed concern, that if you condition it on ensuring that the lots are consolidated, that that actually happen. And the City's had spotty history in following up on that. We certainly commit to do that, and I'll put a note on my agenda to make sure it happens within the 30 days."

Mr. Graeser continued, "Commissioners, this is a neighborhood café. Tune Up wants to be a good neighbor. This is a local business, a walkable business for many many people, but it's not walkable for everybody. And the biggest concern we hear expressed by neighbors, by far the biggest concern raised at the ENN, was lack of off street parking, or to put it another way, excessive on-street parking. And this application addresses exactly that. This application is solely to be able to use the adjoining lot which Jesus and Charlotte purchased for parking for the restaurant. There's no intent to change the use, to build a new building. There won't be any expansion of the dining room, it's not going to become a nightclub, they have no liquor license, they don't intend to get a liquor license. The one thing they would like to do, and have no current intentions to do, and can't afford to do. But what they would like to do is to expand the kitchen slightly. Jesus emailed me a picture a while ago, and I want to show it to you, because I just feel badly for these guys. That's the kitchen. As I said, the only change they would be looking at is trying to add 200 sq. ft. to the kitchen at some point if they could."

Mr. Graeser continued, "At the risk of repeating myself, I think that nearly all the concerns expressed by the neighbors, will be addressed by more parking, and by working with the delivery trucks to keep them off Cortez. They have been doing that, they will continue to do it. It typically is only a problem when a new driver gets on a route and doesn't know to stay off Cortez. There is definitely concern about the backout spaces, right in 'here,' and 'those' will be eliminated with the new plan."

Mr. Graeser continued, "Tune Up Café supports putting a 4-way stop at Cortez and Hickox. I talked to Mr. Romero and it's not warranted at this time. He said one of the things they look at is not enough accidents there. I suggested by simply lending my car to my mother a couple more times, I would take care of that. He indicated that wasn't a good idea."

Mr. Graeser continued, "This application is for 536 Cortez property, not the 1115 Hickox property. The Hickox property, the Tune Up Café property is zoned C-2, has been zoned C-2, and is subject to the entire C-2 use list. The application is simply for the parking lot to bring that into the C-2 zoning."

Mr. Graeser continued, "The staff suggestion or interest or concern about making it a Planned Use Development, and the suggestion that we should apply for PUD for both parties, the Tune Up Café property and the property which will be consolidated. And what I get it's not because of this application, not because of the intended use which does fully comply with the Code and is consistent, but because of what could happen in the future. I think the term the staff report uses is unrestricted development. And we get it. We get the concern. If you look at the use list for C-2, there are some things that are totally compatible with allocation of that neighborhood – antique store, art supply, barber shop, book shop – things about the size of my office building. There's days we have a total of 6 trips in and out of that building, that would be compatible. There also are things in the use list that are incompatible with that

location, with that area with that size of property, because the use list does include filling stations, bars and cocktail lounges, flea markets, sewerage pumping stations and those would not be appropriate and we get that."

Mr. Graeser continued, "And our concern about a PUD is that it unfairly limits the existing property which is C-2 zoned. It limits its utility, it limits its value and it isn't part of this application. That restaurant has been an amenity to the neighborhood, it's doing well, hopefully it will continue doing well for many years, or indefinitely. If it doesn't, if it closes for some reason, if the Tune Up Café becomes Tune Up's not here, then what. It is really unfair to do a PUD and you're going to be held to this restaurant use, when I think that's probably not even what the neighbors would prefer to see out there. They might prefer to see something less intense. And that's a major concern of the PUD, is preserving the utility, the future value of the property, to say nothing of having to go through the whole process again."

Mr. Graeser continued, "Many of you may recall the Hands of America Case I was in front of you on a couple of months ago, the wood shop, and that time, we made a representation to the Commission that we were working with the neighbors, we would continue to work with the neighbor on that use list, on uses that concern them. We did that. We sat, we had a really good meeting, we went through and checked off uses, argued about them, talked about them and ended up agreeing, to the point it was my idea to come up with some kind of contract or private covenants or such, because Mr. Shandler informed us that the City couldn't impose those conditions on its own. And in fact the neighborhood representative just stood up and said, as long as Mr. Graeser says that on the record, we're comfortable with that. And everyone is really happy. And I see this is a perfect example of that sort of situation. We're entirely willing to work with the neighbor, to sit with them, go through those uses and to identify uses that are not appropriate, and to make that commitment either publicly on the record, or as part of a private contract. But those uses won't be allowed and won't be used on that property."

Mr. Graeser continued, "I understand Mr. Smith's concern that this doesn't really satisfy the City's ability to do something about future uses or have a public hearing if some of those more incompatible uses were to occur. And I'm not sure this does address that, other than Mr. Shandler, but we could also impose covenants to allow the City to enforce those. I don't know if the City gets into that or not. But I do have a concern when you look at the PUD criteria. They just don't seem to be applicable to this situation. It talks about plan districts, encouraging innovative site planning design, for a project that is superior to the development obtainable under existing zoning regulations and creating unified development that is superior to what would otherwise be attainable. You know, superior is nice, but that's not what we're going for here. I don't think we're trying to do anything different, anything innovative. We're just trying to build a parking lot. And I just don't see the PUD as being applicable or relevant there, also it would be a really small planned unit development."

Mr. Graeser continued, "There is one gentleman who lives north of the 536 property who was a little concerned about the potential use of the parking lot, and I actually think that *[inaudible]* discussion about using the innovative buffering solution makes a lot of sense there. Rather than just a 15 foot strip, we could talk about getting some really intense plantings there to really block that."

Mr. Graeser continued, "I think that's about what I have. If you have any questions, Dolores Vigil is here to address any more technical planning questions."

Chair Harris said he is sure there will be questions, but first he wants to open the public hearing portion of the case, and come back to him in a little bit.

Speaking to the Request

All those speaking were sworn en masse

Rachelle Woods, 123 Spruce Street [previously sworn], said she doesn't understand much about the details of zoning, etc, but she works on Hickox, and this is an incredible enlivener in the neighborhood for all the businesses. She said most people who live in the neighborhood patronize the Tune Up Café. She said, "I want the City to support them to do what they can do to keep making us happy."

Jaz Reis [previously sworn], said she lives in the neighborhood, and the Tune Up Café does a great job. She said her only complaint is on street parking. She said, "I hope you will approve this. I don't understand the stuff you've been spending the last half hour talking about, I think it would be great if you approved their plan to add some parking. Thank you."

Matt Kelly, 534 Cortez [previously sworn], said he lives just north of the proposed parking lot. His problem is, as you can see, part of his house is right on the property line, and my house is on the right, and it's right on the property line. He said, "As I understand this program, a 6 foot wall is going to be put up right adjacent to my wall. What I would like, basically, is to maintain access to the wall. Right now, I have to ask a friendly neighbor just to look at the wall even. But if should need some repairs, I would like some break or something in the wall so I could walk around it with a ladder and a wheelbarrow. I just want access to it, and I'm wondering if there could be some bend or something in that wall so I have better access to it, please."

Daniel Werwath, 1726 Agua Fria Street [previously sworn], said you might remember me as having been nominated to your board, prior to a really exciting bit of publicity. I found it interesting to hear your discussion earlier tonight about qualifications for the board. I declined my nomination because, frankly, so I can do what I'm going to do right now, and speak in favor of a small business owner who is successful, trying to be more successful and compatible with their neighborhood and respond to neighborhood concerns. He said, "I have dealt with lots of PUDs. I've done them. They're big. This isn't a planned unit development, this isn't a threshold. There is adequate development review controls, at the permitting level, at special use level. The idea of subjecting this to a planned unit development is burdensome for a small business center. So I'm just here to say, please consider approving this tonight. I think these guys have shown great good faith in working with neighbors, the community and the City, so I hope you will approve it this evening. Thank you."

Raymond Aranda, President, Aranda Plumbing [previously sworn], said he is directly across the street from his good friend and business owners, Charlotte and Jesus. He has known them since they bought the place 8 years ago. He said he has made it a great success. He said it is a wonderful place to eat. They do have a small problem with the parking. He said he has offered his 8 spaces for their use after work, after 5:00 p.m., and on Saturdays after 1:00 p.m. He said Jesus has taken that opportunity for parking, and he has no problem with it. He said Jesus works 7 days a week, and the restaurant is complementary to this small area. Mr. Aranda said he has been in this location for almost 65 years, and it just complements the area. He said, "The reason he should get approval for the parking lot, is because during the work day, he has to park parallel on the north side and parallel on the south side of Hickox. So that little space off Hickox is just for two cars, so that creates a little problem. So by him getting approval to park his other vehicles, what he's proposing now would just be a great help. It would help the traffic. It would just be wonderful for everyone concerned. Having that at Cortez, where he parks, there's a blind parking spot when you're trying to cross because there are cars. So I highly recommend that you approve this request."

Vicky Romero, 528 on Cortez [previously sworn], read a statement into the record as follows: "Walking on Cortez Street toward Hickox, a person must get off the sidewalk and walk on the street. Restaurant traffic parks on the side of the restaurant overlapping not only on the sidewalk, but also on the street. This is dangerous because it's right on the intersection, plus sidewalks are meant for pedestrians. The problem was discussed at the last meeting. A City employee at this meeting said he would discuss the problem with the restaurant owners, get it corrected and let the restaurant monitor the situation. To date, it is the same situation. There are no compact cars only signs, large vehicles park there and most of the time they are overlapping in to the sidewalk and into the street. On Hickox Street, curbs are painted yellow in front of the restaurant and in front of the triplex. This is ignored by everyone. It is dangerous, because traffic going into Hickox does not have a clear view of oncoming traffic. There are always accidents happening at this intersection. We need bump-outs at this intersection. Our street, Cortez Street, is full of cars parked on both sides of the street. This leaves our street a one-way street. If you enter from the north side, you must wait for the south side to clear to continue. Summer is coming on. The situation is going to get worse. The restaurant is open from 7:00 a.m. to 10:00 p.m., sometimes 11:00 p.m. when the last person leaves. This restaurant is open 7 days a week, 15 to 15 ½ hours a day. People throw their cigarette butts, empty miniature bottle and the like for us all to clean up. If you allow them to rezone commercial, please do not do so until you make Cortez Street resident parking only and also install bumpouts on Hickox Street as you get out of Cortez Street. Please do not sentence us to a lifetime of having to put up with Tune Up restaurant traffic."

Dolores Vigil, Liaison Planning Services [previously sworn], read a letter of support for this application into the record from a neighbor, Keren James, urging the Commission to approve this change [Exhibit "11"]. Please see Exhibit "11" for the text of this letter.

<u>The Public Testimony Portion of the Public Hearing Was Closed</u>

Disclosure: Commissioner Kadlubek said, "Before I have any questions or comments about this, I just want to ask Mr. Shandler. I was employed by the Tune Up Café 5 years ago. I have no association currently. I worked for them for about 6 months, and was just wondering if you would consider that to be a conflict of interest. If so, I would happily recuse myself."

Mr. Shandler said, "Mr. Chair, that doesn't rise to a conflict of interest. You can remain as a voting member."

Commissioner Padilla, speaking to Dolores Vigil, said he is looking at two site plans, one before you on the podium and Exhibit A in our packet. He said Mr. Kelly mentioned there is a problem with the property line and the 6 foot wall that's being proposed. He said Exhibit A of the plan which is in the packet, shows the existing building is right on the property line. He said the plan on the screen right now, shows the building off the property line. The concern was being able to have access to the wall. He asked Ms. Vigil to explain and clarify which one of those is accurate.

Ms. Vigil said, "When we drew up the site plan, we actually had to work off an old survey plat, and we didn't have accurate information. We did have an *[inaudible]* that was done by a surveyor. And he did point out, in his disclosure statement that this was not for development purposes, so we tried to work within our means as best we could. As you know, once the rezoning is approved, we would have to do an official survey. So, for clarification, what we're looking at, is from 'this' corner from the northwest corner of the property to the east, where the neighbors' home actually touches the property. I believe his house is actually on the property line. So what we're proposing to do is to put a 6 foot long, from 'here' to 'here,' leave it open and then another 6 foot long from 'here' to the edge of the sidewalk."

Commissioner Padilla said, "Right now, you see the existing building off the property line."

Ms. Vigil said, "Right, but it is actually on the property line."

Commissioner Padilla said, "Then Mr. Kelly would have access to the south side of his residence which abuts what you are calling the property line."

Ms. Vigil said, "Yes sir. If you would see 'here,' there's a wall that goes along, that's where we assume the property line is. So we just have it on our property, the 6 foot wall, and leave that portion of the wall open so he would be able to access his property."

Commissioner Padilla said, "In reference to the comment from Mr. Aranda. Mr. Aranda had mentioned that there is after hours use of parking in that lot. Approximately how many spaces are in Aranda Plumbing's parking lot.'

Ms. Vigil said, "He said 8."

Mr. Padilla said, "And I guess Mr. Graeser, question, are those parking spaces compensated or are they provided to the Tune Up Café at no cost."

Ms. Vigil said, "No, they have been offered by Mr. Aranda to be used."

Commissioner Kapin asked if the C-2 PUD zoning affect the property value, or have the potential to affect it. She said, "Just to be clear, would a property zoned that way be less valuable than a property just zone C-2,"

Mr. Smith said, "I'm not sure I can answer that question reliably. It is possible it would decrease the value to someone who wanted to change this. It's possible it would increase the value to someone who wanted this specific Ordinance that actually guarantee the particular use is permitted on the property."

Commissioner Kapin said, for clarification, you are requesting that there is a consolidation with the already owned C-2 zoned property, and would "that force that one to be rezoned to something that they didn't.... like they didn't purchase it as C-2 PUD zoned property. So you're saying they would have to change that."

Mr. Smith said, "So the C-2 PUD would have to be applied to both properties. If there is not a PUD overlay applied, then the existing Hickox property would simply extend the boundary of the C-2 District to include the new parcel without any overlay district issue being involved."

Chair Harris asked John Romero to speak to the issue of how best to deal with parking and traffic – explain your recommendations.

John Romero, Traffic Engineer, said, "We've dealt with this area in the past, and parking is a problem. So just like everyone explained, because of lack of available parking, people park very close to that intersection and it makes it difficult for people to see when they're exiting Cortez onto Hickox. So we paint the curbs yellow. My understanding is that parking prohibition does get violated. So it's requested that we place all way stops to help prevent the sight distance problem. We haven't recommended it, because it has not met warrants. My opinion is the problem is lack of parking. And the proposed project as presented solves that problem. We receive parking problem complaints on Cortez Street. I think this further does it."

Mr. Romero continued, "Regarding establishing neighborhood parking, the Parking Division currently is working on establishing a policy for that. Because neighborhood parking isn't as simple as placing a sign and having people know who is a neighbor, who is not. Each vehicle has to get a permit, and a lot of times people do not enjoy that added hassle in having to park in front of their house. They 're trying to come up with a policy to polls streets to see if that is the consensus of the entire street."

Mr. Romero continued, "Regarding the parking complaint about blocking the sidewalk. As you can see right 'here,' 'this' is where people currently park off Cortez and their vehicles overhang onto the sidewalk. It is one of our conditions that they eliminate those parking spaces. I understand that is on a separate piece of property, than what is being zoned, but to consolidate them, in my opinion, brings that separate property into the fold of this approval. So our recommendation is for them to remove the 3 parkings, and repair the curb and gutter, that way it prevents that parking."

Mr. Romero continued, "The other thing, regarding the delivery trucks, a condition is to have them work with Parking Division to establish a green loading zone, that way it's clear where it is supposed to be. That loading zone can be designated for certain times, so that way patrons of the restaurant can use it during non-loading zone times. So say from 6:00 a.m. to 10:00 a.m., it's a loading zone, after that, it's free parking for anybody. The Parking Division will work with the restaurant owner to try to establish those times that accomplish both parking situations."

Chair Harris asked where would the Loading Zone be. For example, if it was on Hickox in front of the restaurant, that would exacerbate the sight line problems described by some of the neighbors. Do you know where that loading zone likely would be.

Mr. Romero said, "Where they currently load is on the east side of Cortez, but we would go out there and verify that for all those reasons. We would not want to encroach into the existing yellow curbs areas the City has painted, so it would have to be somewhere exclusive of those areas, but obviously with enough room to handle the truck."

Chair Harris said on the east side of Cortez to exit, they would need to travel the distance of Cortez.

Mr. Romero said, "I'm sorry, it'll be on Hickox on the east side of Cortez. We would not put it on Cortez, that's what we're trying to avoid."

Chair Harris said part of the recommendation is the traffic pattern we see with a right turn only exiting onto Cortez. He said reconfiguration of parking spaces is necessary for an entrance and exit onto Hickox. Is that possible.

Mr. Romero said, "I don't know if they have the room. My understanding is what they're trying to do is to address the neighborhood concern that people exiting the restaurant want to use Cortez. In my opinion, that doesn't necessarily happen for people that are parked in there. I think they do experience some restaurant traffic cruising Cortez Street trying to find parking, but I think this is a separate issue. People that are parked in that parking lot, in my opinion, they would go to the most convenient street which would be Hickox. Regardless of what side of town you're going to, Hickox is the most convenient street to use, whether you're going to St. Francis Drive, or on toward Agua Fria or Alameda."

Chair Harris said that pattern still puts traffic on Cortez, right turn only.

Mr. Romero said it is only for a quarter block.

Chair Harris asked, "In your mind, is that preferable to just having an entrance and exit directly onto Hickox. You could pick up some parking space at the end where you turn onto Cortez."

Mr. Romero said, "I would be fine with an exit and entrance."

Chair Harris said you're fine either way, and Mr. Romero said, "Either way."

Mr. Shandler said, "This is to the applicants, but while Mr. Romero is up there. So the Property Management Division has been waiting 3 years for the land swap. So now that you're here, I'd like to know your commitment when that's going to be complete and when you're going to do Mr. Romero's two conditions. Will you give us a timetable."

Mr. Graeser said, "Attorney Shandler, there seems to be a little confusion on who was waiting on who. It's certainly the intention to do that, and the intention currently is to do the entire survey at once, so the survey for the lot consolidation and the land swap at the same time."

Mr. Shandler said, "Can you be a little more specific. A citizen said summer is coming up. Is this going to be resolved. Are you going to do what Mr. Romero wants you to do by the summer time."

Mr. Graeser said the Planner has a better idea on the timing.

Ms. Vigil asked him to repeat that, noting the applicant is here and may want to give you a more definite date as to when that might happen. She said, "I know there are some financial constraints. We're doing development on the property. I would like to say, for the record, that when we first met, I did bring this to his attention, because staff had brought it to my attention and why it's actually part of the condition. And so his intention was to get that done as part of the surveying for consolidation, which makes more sense..... also, I think part of that is that once the rezoning is approved, then they have 30 days to get the consolidation completed. Correct."

Mr. Shandler said, "That's true in the consolidation, but I'm talking about Mr. Rivera getting rid of the 4 parking places, restoring the sidewalk, getting that loading zone. When will we see that."

Jesus Rivera, owner was sworn. Mr. Rivera said, "My intention is to do it at the same time, to start probably with the rezoning."

Mr. Shandler said, "I asked two questions, and one of them was the swapping of the property, you're on City property. The second question though, is when are you going to get rid of those 4 parking spaces and rebuild the sidewalk. When will you do that."

Mr. Rivera said, "Again, when happen the rezoning. Thanks."

Commissioner Padilla said, "On page 13 of 14, in the Conclusion, the second paragraph states: 'Staff supports the proposed rezone subject to the attached DRT Conditions of Approval.' Those conditions include the following, that you stated I believe in your Staff Report. So staff supports the proposed C-2 Rezoning, is what I'm reading in there. Is that correct."

Mr. Smith said, "The conclusion is stated two different ways. On the first page it states that the PUD would be required to enforce compliance with those conditions. As we've discussed, and I believe, that the Applicant has made specific representations about the timing of compliance with those, and what it is to comply with those that have not been in the application materials prior to this point. The staff has more assurances at this point than we have had in the past, and would, no doubt, for the Commission if

they recommend approval of that, the PUD process, staff would still note that it is not clear that we have enforceable deadlines on some of these things, other than the Applicant's statement. But we may defer to the judgment of the Commission and the Council on that issue."

Commissioner Kadlubek said he is new to the process and is trying to figure out the timing of everything. He asked, "Was the applicant, and this is a question for staff, was the Applicant, or was there any point during this application process, that the Applicant could have been made aware of the shift in going to a C-2 PUD, and/or the conditions that you included in here. It seems like a lot of this is sort coming up now, and it seems like this isn't in the best interest of a business that's trying to do what's right for the neighborhood.. That the staff could have sort of led them into a certain direction that could have seen success, and I'm just wondering if there is a chance for that, or if this is the process that this is the moment for that."

Mr. Smith said, "The staff could have done a better job of communicating at the time they finished with the Applicant. They did make the final recommendation available to the Applicant last week. We did have a brief discussion with the Applicant. We advised the Applicant that there are ongoing concerns about the enforcement of the parking and other issues going back to actually to prior to the time that the Council adopted the Resolution about the process. So, specifically, on the PUD, that seemed after various discussions that it might be a very appropriate mechanism to ensure enforcement of ongoing concerns they have been discussing, in fact, ever since the building permit was issued for the kitchen expansion in 2008, there have been ongoing discussions about these issues."

Commissioner Gutierrez said, "Mr. Smith the Building Permit was issued in 2008 to expand the kitchen."

Mr. Smith said, "A Building Permit was issued in 2008 to expand the kitchen. We subsequently discovered that there had in fact been another addition that had not gotten the permit, and that is the one that we're discussion is still pending. Staff issued the permit to expand the kitchen and change the seating arrangement in 2008. That was on the west side of the building. The addition on the north side, had been done prior to that, and staff did not discover that no permit had obtained for that until last year, in 2014."

Commissioner Gutierrez said, "Mr. Graeser and Mr. Rivera, you did mention that you would like to further expand the kitchen that you're working in tight quarters. Is this not possible without the use of the second property, Cortez Street property."

Mr. Graeser referred the question to Dolores Vigil.

Ms. Vigil said, "In 2008, they did apply for a permit for an expansion on the dining area only, and an additional bathroom. The kitchen was not part of the application at the time. If you look at the Site Plan, you'll see that within the C-2 on the east side of the property there is a 15 foot setback. So that's approximately 15 feet, so there would be no expansion to that side of the building. The only expansion that would occur would have to go to the north for the kitchen. And it makes sense, because the kitchen is on that side anyway."

Commissioner Gutierrez said without the zoning, the C-2, expansion of the kitchen won't happen .

Ms. Vigil said, "It wouldn't happen."

Mr. Smith said, "If I could respond to Commissioner Gutierrez. Part of the difficulty in correcting the problem in getting an after the fact permit for the kitchen expansion on the north, was that there is a requirement that there be a 15 foot landscape buffer between the Commercial District and the Residential District. So absent approval of the rezoning and consolidation of the property, there would be setback and property line issues, and there also would be buffer issues that could be resolved only by demolishing that addition, or by getting a variance from the Board of adjustment. And so, rezoning will solve the problem. A variance could solve the problem. Demolition of the addition could solve the problem."

Commissioner Gutierrez asked, "With C-2 PUD, will that restrict expansion of the kitchen."

Mr. Smith said, "Depending on how the C-2 PUD was approved, it could set a specific limit on seating capacity, it could set a specific limit on the footprint. The *[inaudible]* I believe is that a substantial expansion is prohibited without an amendment to the PUD Plan."

Commissioner Villarreal said she knows we're not talking about the kitchen expansion this case. She asked, "If there were into the future, an expansion of the kitchen, wouldn't that compromise what you're proposing now as parking spaces. In the area you're looking at parking, and you want to expand something, how would that look like. Wouldn't that compromise the parking in the future.

Mr. Graeser said, "It would be right in 'here.' It's not part of the parking. We're not talking about anything large. It shows you a picture of that kitchen. There would be some spacing here to put a little something. That's what they would like to do if they could afford it at some point."

Commissioner Villarreal asked Mr. Graeser if there is the possibility of an in/out to Hickox, and asked if he has explored that as an option instead of using Cortez as an exit.

Mr. Graeser said this design was developed in consultation with City staff, to make something acceptable to City staff, and it would be reasonable to try to redesign it if that is a direction.

Commissioner Villarreal asked, "But in your expertise, given the space in the current parking area and going into the new parking area, what is your opinion about that option."

Mr. Graeser said Ms. Vigil has a sketch of something that would work doing that.

Dolores Vigil said, "It's redlined all over the place, but this is one of the site plans we've drawn up and worked out. Really, actually, we were trying to avoid going onto Cortez in the beginning. And after meeting with staff and Traffic Engineer, they recommended we go onto Cortez as a right turn only. We might be able to meet that criteria of going in and out through Hickox. Here's another one which actually shows the parking spaces."

Commissioner Villarreal asked Mr. Rivera's opinion about going in through the current parking lot, going towards the back and what it looks like when people are exiting through the old parking lot.

Ms. Vigil said, "One thing we found out when doing this study is that we'll lose a couple of parking spaces along 'here' because of the width, but we'll end up with maybe two tandem parking spaces on the west side of the existing parking lot."

Commissioner Villarreal said then it would take away existing parking spaces, and asked if that would add to the new parking area.

Ms. Vigil said they may be able to get one more in the back.

Commissioner Villarreal asked what would be the total parking spaces under this scenario.

Ms. Vigil said approximately 12 with one handicapped space, versus 15 originally.

Commissioner Villarreal said she knows the area and is a patron of the restaurant, commenting that Cortez is a difficult street because it's narrow. She said Cortez is an issue and asked John Romero to elaborate on the issue Ms. Romero brought up about the bump-outs and if that is a possibility and what that would look like.

Mr. Romero said he thinks what she is talking about is a bulb-out in the area of "No Parking," that way people can't park there. He said, "On the Hickox, I'm not sure if that would fix what she's talking about parking on both side. We would have to prohibit parking on one side of the street, and in a lot of our older streets in the City, we basically take the stance of 'leave well enough along.' Because they were build back when we didn't know better about wide to build our streets. Back to what Dolores said about staff's direction to do an entrance and/or exit onto Hickox. The kind that she showed, cut off 'here' parking all the way to the end. In addition to having 3 less parkings, if someone can't find parking they have to back all the way out. And in order to avoid that, we would have to get rid of even more to make a turnaround. To me, to get the most bang for our buck and to fix what I really think is the major problem in this area of off street parking, was to allow that access point onto Cortez."

Commissioner Villarreal said that is what she was getting at, but she wanted him to explain that, since we didn't have another option. She noted what he sketched out, is that the area he said is painted yellow in front of the restaurant on Hickox.

Mr. Romero said it might not be that far, and he is unsure of the extent, but it's not to scale.

Commissioner Villarreal said, "I guess in my opinion, because there will be additional parking and Mr. Aranda has generously offered his spaces primarily for evening patrons, the other property I believe functions in the same. They close at 5:00 p.m., and there is additional parking. It's really lunch that's problematic. I think if there is a way to see that this goes with additional parking then consider in the future if there is a need for resident only parking, let's see efforts that are more elaborate than just putting up a sign and saying residents only. The residents have to go through the process of getting permits and it's

not easy, and she thinks people who have lived in other cities realize that's not a fun process."

Commissioner Chavez asked, regarding the recommendation for the C2 PUD zoning, what the concerns of staff are. Is it concerns about enforcement of the current plan and making sure it is enforced as we oversee it, or is it concerns about future use if we expand that property into C-2 and the possible uses for that property might be altered by being expanded.

Mr. Smith said, "In thinking of an answer to the multiple part question. The first part is we are concerned about being able to ensure that the plan being discussed currently will be the plan that is built, and concern if there is not some restriction on the use in the form of PUD or some other way, that there is a potential that, first this plan would occur, and second that other things might occur which would have adverse impacts on the neighborhood, such as significant expansion of the seating capacity of the restaurant, modification or changes to use that could include, hypothetically, tearing down the build and construction of a 2-3 story office or other type of building in its place. As Mr. Graeser pointed out, if you look at the list of possibles in the C-2, there are some that would be more objectionable than a restaurant there, and many that would be less objectionable. The PUD would provide a public hearing process that would ensure a public process before any significant change to the use occurred."

Commissioner Chavez asked if the business maintained the C-2 zoning, for example, what process would be necessary to tear down the building and rebuild.

Mr. Smith said, "If the square footage of the new building was less than 10,000 sq. ft., it would be to update a building permit for most of the uses. Some of the uses, such as a nightclub, would require a special use permit. A mini-office and retail and personal service type uses would not require a special use permit, but there would be no public hearing process whatsoever."

Mr. Smith said, "Just briefly in response to previous questions about the two-way versus the one-way parking, the practical difference might be to allow the increase of one space net. The other practical impact could be to eliminate 10 fee of landscaping between the parking lot or between the parking lot and the property line. The driveway is more narrow on the one way driveway than the driveway that would be required for a two-way driveway."

Chair Harris said earlier Mr. Graeser said he wanted to respond to some of the neighbors comments and asked if he would like to do so now.

Mr. Graeser said, "I think a number of them were addressed. Mr. Kelly is concerned about access to the back of his house, and we certainly can take care of that. And then again, I think the innovative site design with buffering so there wouldn't be a wall, but probably some landscaping there, so he isn't looking at the parking lot. I think that was addressed.

Mr. Graeser continued, "Ms. Romero had three primary concerns. One was not having a sidewalk on Cortez and that's going to be addressed because those parking spots will go away and the sidewalk will be restored there."

Mr. Graeser continued, "To address Attorney Shandler's concern, I talked to my client and this will all be done at the same time, when all the approvals are done, the parking lot gets built. Those parkings spots will be removed, the sidewalk will be built. It will all be done at the same time."

Mr. Graeser continued, "Ms. Romero had a concern about the sidewalk and folks parking on Cortez which is something we're trying to address by adding a number of spots and hopefully making that happen. She had concern about trash, and whether or not that's coming from Tune Up, we can't say, but Jesus did say he will send an employee out on a regular basis to pick up trash on Cortez just as a good neighbor gesture. Those are what I wanted to address. Yes I think that takes care of it unless you have questions."

Chair Harris asked if Ms. Romero would like to speak.

[Ms. Romero's remarks here were for the most part inaudible.] Ms. Romero said something about the bumpouts on Cortez. She said, "Looking west toward St. Anne's Church, same thing, right on that intersection you can't see and I would suggest bumpouts on both sides so that you have a clear view of the traffic coming."

Commissioner Kadlubek said earlier Mr. Romero had said an all-way stop wasn't warranted, and asked what warrants an all-way stop.

Mr. Romero said the primary warrant for it is the amount of side street traffic. The reason for that is that it is as a federal requirement, and secondly, if they didn't use that, they would have stop signs at every single intersection. People would ignore them because there is a lot and because there's not enough side street traffic to "keep them hones," so it ends up creating more crashes than what you try to prevent.

Commissioner Kadlubek asked if pedestrian traffic is considered for all-way stops, or would that be a crosswalk. He said for this property, off-street parking happens on the south side of Cortez and if you're crossing to walk to Tune Up, to him that the most dangerous component.

Mr. Romero said they don't put stop signs for traffic calming, because there is an area on Galisteo at Coronado where they put an all-way stop to slow down traffic, and we were requested to remove it because it was a nuisance. He said, "The City had measured before speeds, and we now measured after speeds and it didn't change them which is consistent with national studies. As far as ease of getting across the street, the way we would measure it is the number of sufficient gaps for pedestrians to cross, and it's a function of how far they have to cross, and we measure gaps in traffic. I would think there would be enough gaps in this area. To put it in perspective, we recently did a gap study on Rodeo Road across from Genoveva Chavez Center, and granted there you only have to cross one direction at a time and there are signals metering it, that one met enough gaps to allow 60 opportunities within an hour for a pedestrian to cross, so I would think this pace would be sufficient.

Commissioner Kadlubek said in looking at the parking table, there is different criteria for parking for a restaurant and a different criteria for an eating and drinking establishment and asked the difference between the two.

Mr. Smith said that language was adopted into the Code at various times starting in 1962, and at this time, the practical answer is nobody knows for sure. In 2008, the staff approved the permit for the *[inaudible]* expansion. We looked at the number of spaces and found that the existing parking lot on the premises met that requirement. There was a period of time before that, when the unwritten policy was to use the higher of the two requirements. He said the Commissioners and staff have said that we need to look at the parking requirements, and that is still true.

Commissioner Padilla said, regarding page 3 of 14, under Item D, paragraph 2, it addresses seating capacity, parking, and the seating capacity is up to 40 inside with up to 19 outside, so a total of 59 patrons. He said the requirement for parking is being calculated on the 1 space per 200 sq. ft. of net usable area. He asked the required parking for this side.

Ms. Wynant said, "This is the crux of the problem. We looked at the number of parking spaces which was 1 for 200, that's the least intense of the calculations. It came out to be about 7 parking spaces, and 1 per 50 was 30 spaces. So really, even with the expansion of the new parking lot, it's not meeting the parking requirement I've calculated by 1 per 50." She said it's not enough parking for everything that's going on there, permitted or unpermitted, and it makes a big difference as to what factors are used. There are minimum standard, and then there is the reality of business doing its day to day operation and you can see the results. There's just not enough parking there."

Commissioner Padilla said right now the Tune Up Café at 1115 Hickox is not compliant, it is basically a non-conforming site and a non-conforming use in terms of parking. He said the rezoning and the addition of 8 parking spaces gives them a total of 15, and even at that point it still would not be in compliance with the required parking. It would alleviate some of the issues, but even with the expansion it would continue to be non-conforming. Correct."

Mr. Smith said, "I would like to say officially in the record, that staff is of the opinion that the parking is legally non-conforming because in fact it was City staff that issued the permit for the current pricing capacity with that number of spaces. Our record does not clearly show whether the employee who issued the parking determined that it was conforming to the standards based on 1 per 200, or whether they give them credit for previous non-conformities, or made some other interpretation. I think it's clear that had we to do it over again, we would have applied the higher parking requirement before we issued the permit."

Chair Harris said we've heard what can be done in C-2, many of which are entirely inappropriate. He said we also heard Mr. Graeser say they would look at some limitations on the uses. He said, "And my question to you, perhaps, Mr. Shandler because I also heard Mr. Smith say that it's unclear how far a commission can go, as an advisory body in terms of limitations on the property. He asked if there is a defensible mechanism, covenants being negotiated to run with the property, if it were to be zoned straight C-2.

Mr. Shandler said, "It's the City Attorney's position that the City is not going to get involved with that. If the private parties want to do that, they can, but the City is not going to put limits on zoning."

Chair Harris said we really would have to accept the parties representations about what they're willing to do. Trust.

Mr. Shandler said, "There was some discussion earlier about there are mechanisms that are in place, and that's why the City Attorney's Office position is that you cannot put limits on zoning."

Chair Harris said he understands, but he is bothered because there seems to be a pattern of improvements and uses, seating area and other things that were conditions that were applied earlier that haven't been met. If it boils down to negotiations between the parties, we have to disregard that pattern in some ways, and asked if Mr. Graeser would like to respond.

Mr. Graeser said he understands the Chair's concerns. He said as parties, we have a full legal right to impose covenants to enter into a contract, and can see a number of different avenues to getting there, with members of the neighborhood who are concerned about some of those uses. They are willing to strike out a whole lot of those uses by covenant or private contract, which isn't something the City can enforce, but "certainly the folks who live in the area who are concerned about it can enforce that."

Mr. Graeser said his point about the case on Hands of America was that by the time they finished the process the parties had developed such trust that no one was requiring a contract. They were just happy with me standing up and saying, "We're not going to put in a kennel here. We make that commitment. They are fine." He isn't suggesting that anyone has to trust them in this case, but he is suggesting they can impose privately negotiated covenants as restrictions on the land.

Chair Harris said the conversations would be with concerned neighbors primarily on Cortez. He asked if there has been discussion with a formal neighborhood association.

Mr. Graeser said, "As far as I know there is no formal neighborhood association. Part of what we're dealing with here are the City staff's concern about potential other future uses, knowing the neighborhood has expressed concerns about potential future other uses, but we're saying we are happy to address them despite that."

Chair Harris said he wants to be sure everyone understands what Mr. Smith said earlier, and we can ask him to reiterate that. He said boils down to a recommend for approval with conditions. He said, "There are some qualifying statements in there that don't clearly come across as recommendations for C-2 PUD."

Mr. Smith said, "I'll see if I can state it even more simply than previously. Essentially the core of the findings to approve the General Plan Amendment and the Rezoning are compatibility with surrounding uses. The Applicant had the opportunity to file an application that would have provided a legally enforceable Development Plan that could only have been changes at a public hearing process. The Applicant chose not to do that. The Commission needs to decide whether, in their judgment, the finding of

compatibility with surrounding land uses can be made for a C-2 rezoning that does not include any enforceable Development Plan or other restriction on how the property would be used in the future, short of simply complying with the Code requirements in effect for C-2 Districts."

Commissioner Gutierrez said, "Two issues, parking and a kitchen, are those your two issues."

Mr. Graeser said, "Those are the two primary issues facing the use of that property, yes. It has a really small kitchen, and that's not what we are here for, but we want to put it out there because that is a concern of something we would like to deal with at some point. Parking is the primary one, buying that lot next door and turning it into a parking lot seemed to be the best way to address that."

Commissioner Gutierrez said, listening to Mr. Smith earlier, "with the PUD you can address the parking and you may be able to address the addition of space for the kitchen. He asked, "How do you guys feel about taking this back and talking with City staff about addressing both those concerns at once."

Mr. Graeser said, "We would disagree with that. We objected during the process for several reasons. The first is it is someone onerous to go back, start over and go through the whole PUD process. The second is it unfairly limits the potential use of the property that is currently zoned C-2, and could be used for a wide range of uses that may be very appropriate for that property, if as I said, this restaurant does not end of being there forever. There are number of other uses allowed in the C-2 Use List that this property could be used for, and it's simply not one thing."

Commissioner Gutierrez said, "Mr. Smith on the second property, if it went PUD, if you guys could work something out, could he keep the zoning on the C-2 zoning in the front."

Mr. Smith said, "I do not think that would practically effective. I had not thought about that. I believe it would not meet the rezoning criteria unless they were consolidated, and consolidation would prevent the two different districts. In other words, one lot could not be zoned partly C-2 PUD and partly C-2, and so. It's an interesting suggestion, although I don't think it would practical in terms of Code compliance, and it layers more obstacles that we can solve."

Commissioned Schackel-Bordegary said, "This has been a neighborhood community building business. I understand the legal zoning issues here. I do not see the value or utility of applying onus zoning onto this to change something in real time that is community. So, I'm in my last few meetings on the Planning Commission, so I'm going out on a limb to say this and I don't ever want to see parking requirements prevent businesses and neighborhoods from having businesses in them. It's the beauty of Santa Fe. We should not separate uses. We should not prevent businesses from conducting themselves if they don't have parking that meets whatever Codes, arcane and otherwise that we have in this. So, I've had it with the Code. And I don't want to see a business not to be able to stay in the neighborhood because of parking or traffic. So get it back guys. Santa Fe developed mixed use, okay. This is my second to the last meeting on the Planning Commission, and I've got leave to go put my daughter to bed. So you guys carry on, you're doing great and that's all I've got to say. We didn't have a lot of neighborhoods serving businesses. I've got no restaurants out on Rodeo Road I can walk to. None. Yucca. Rodeo. None. Subway, maybe. Okay, bye, good night."

Commissioner Schackel-Bordegary departed the meeting

Chair Harris thanked Commissioner Schackel-Bordegary.

Commissioner Chavez said she also thinks she is inclined to trust these business owners, especially given the testimony of the community. She said, "I think they are acting in good faith, and I am inclined to forward with the requirements in the DRT conditions of approval, but to keep the C-2 zoning in that. And how to construct that as a motion."

MOTION: Commissioner Chavez moved, seconded by Commissioner Kadlubek, to recommend approval of Case #2015-330, Tune Up Café General Plan Amendment to the Governing Body, to change the parcel of land from low density to Community Commercial.

VOTE: The motion was approved on the following Roll Call vote [7-0]:

For: Commissioner Villarreal, Commissioner Chavez, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Kapin, Commissioner Ortiz and Commissioner Padilla.

Absent for the vote: Commissioner Schackel-Bordegary.

5. CASE #2015-31. TUNE UP CAFÉ REZONING. LIAISON PLANNING SERVICES, INC., AGENT FOR JC RIVERA LLC, REQUESTS REZONING OF 0.13± ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (3-7 DWELLING UNITS PER ACRE) TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT 536 CORTEZ. (DONNA WYNANT, CASE MANAGER)

MOTION: Commissioner Chavez moved, seconded by Commissioner Padilla, to recommend approval of Case #2015-31, Tune Up Café Rezoning, 536 Cortez Street, with all staff conditions of approval set out in the Staff Report and with a clarification by the second "that the conditions of approval are noted on page 13 of the Staff Report [Exhibit "10"] where it states 4 bullet items and the attached DRT conditions."

DISCUSSION: Mr. Smith said, "For the record and for the Recording Secretary, I would qualify that staff conditions of approval are recommended in Section 6 of the Staff Report [Exhibit "10"] on page 13, at the bottom and immediately following pages, Exhibit A, Exhibit E(1) and B(2), include conditions of approval recommended by staff, apart from the PUD."

VOTE: The motion was approved on the following Roll Call vote [7-0]:

For: Commissioner Villarreal, Commissioner Chavez, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Kapin, Commissioner Ortiz and Commissioner Padilla.

Absent for the vote: Commissioner Schackel-Bordegary.

6. **<u>CASE #2015-28</u>. 2400 AGUA FRIA ROAD VARIANCE. JAMES SIEBERT AGENT FOR ANDREW ROYBAL REQUESTS A VARIANCE TO TABLE 14-9.2-1; DESIGN CRITERIA FOR STREET TYPES TO BE ALLOWED TO SUBDIVIDE 0.54± ACRES INTO TWO LOTS. THE PROPERTY IS ZONED R-5 (RESIDENTIAL – 5 DWELLING UNITS PER ACRE). (DAN ESQUIBEL, CASE MANAGER)**

Items H(6) and (7) were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.

A Memorandum, with attachments, prepared April 24, 2015, for the May 7, 2015 meeting, to the Planning Commission, from Daniel Esquibel, Land Use Planner Senior, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "13."

Dan Esquibel presented information in this case. Please see Exhibit "13," for specifics of this presentation. Mr. Esquibel noted there is an error in the case caption, noting Tract E-2B should be ±0.2 acres and not 2.0 acres.

<u>Public Hearing</u>

<u>Presentation by the Applicant</u>

James Siebert, Agent for Andrew Roybal, owner was sworn. Mr. Siebert said, "To reinforce what staff said, this is a situation where we have a lot, there's two homes on it. Those homes have been permitted by the City previously. There may be a question, well, how did that come about. As long as you don't exceed 6 dwelling units and you satisfy the underlying zoning density you can do that process without going through the subdivision or a formal application to the Planning Commission. Mr. Roybal would like to split the lot. He has a nephew living in one of the units right now. It's the goal of the nephew to eventually save up enough money to actually buy the lot, and it would be much simpler to do this as an actual subdivided lot than, for example, a condominium development. You can finance it much easier. With that, I'll answer any questions you may have. We agree with all conditions as stated by staff."

Andrew Roybal, 13 Silver Rock Road [previously sworn], said, " I appreciate this, and like I said, I'm trying to help out my nephew. This property has been in my mom's family for a long time, and I was able to purchase a piece of it from her cousin, and I would like to keep it that way. And my nephew was *[inaudible]* from me for 5-6 years, and he's looking to purchase. And I would like to be able to help him out. He won't be able to purchase both houses, so I would really like to help him purchase one house and get a foothold in Santa Fe and be able to stay here in Santa Fe right where the family roots are. So that's about it."

<u>Speaking to the Request</u>

There was no one speaking to the request.

<u>The Public Testimony Portion of the Public Hearing Was Closed</u>

Commissioner Padilla said, "Question for staff. The road in question is accessed to the north from Agua Fria Street.

Mr. Padilla said that is correct.

Commissioner Padilla asked, "Is there is continuation or access south to what I think would be Otowi. Is that correct."

Mr. Esquibel said, "It would not. It dead ends into piece of property."

Commissioner Padilla asked Fire Marshal Rey Gonzales, "One of the requirements in your response to this case, is #7, that 'any driveway with a distance greater than 150 feet from the roadway, is required to provide emergency vehicle turnaround that meets IFC requirements. We're obviously more than 150 feet away from Agua Fria, which is the main road. Is there a turnaround requirement placed on this lot split."

Fire Marshal Gonzales said, "Those are put in for any remodel or new construction because it is existing. It is grandfathered in on the lot split, but we do put those comments in, because if there is a sale of the lot, whoever is purchasing the lot knows that there are conditions that may or may not be able to be met."

Commissioner Padilla said, "A question for the owner. On this property, in the event of any remodeling, any remodeling proposed on either of the two residences that would be on Lot E 2-A, and Lot E 2-B, you understand the requirement that an emergency turnround would have to be installed at the point of any renovation or remodeling."

Mr. Siebert said, "Just a clarification from Fire Marshal Gonzales. It was my understanding that the 150 feet is measured from the roadway, and it is not measured from the private roadway, not from Agua Fria."

Fire Marshal Garcia said, "We do measure from the existing roadway on the current driveway. So whatever that designated road is, we would measure the 150 feet."

Mr. Siebert said, "So the applicant agrees with that condition as stated by the Fire Marshall. Yes."

Commissioner Villarreal asked who maintains the road.

Mr. Roybal said it is maintained by the homeowners who live there.

Chair Harris said the Fire Marshal's conditions are triggered by an application for building permit and remodeling, but it doesn't say that on the plat, and says its going to be done now.

Fire Marshal Gonzales said, "How this is structured is that all of the conditions will be dealt with as redlines prior to the plat being filed. So the conditions the Fire Marshal would like to see on the plat, would

get on the plat prior to filing and prior to the Greg signing that plat and being made of record.

Chair Harris said all of the conditions are listed, but not written here as being triggered on the building permit application. He said this case is similar to one on Siringo Lane where public sewer and water are available to the property line, and there is a 5 foot utility easement on one side and then there is a 20 foot private easement is how it is described. So where is the sewer line run. I see in the Memo from the Water Division that it seems the water line is in the private easement.

Mr. Esquibel said, "Water and sewer are both available to this property, so the sewer is in the roadway and I think one of those lots is served by water or sewer, and the second lot will be served by sewer, but the City is going to require a grinder pump for that connection. I've talked with the Applicant, because there currently is a well on the property and he has agreed to connect both houses to our City services which does comply with the General Plan as we further reduce the number of wells taking up groundwater resources. So between connecting to the water system, and connecting to the sewer system, we both are available within the right of way. I'm not sure, I think water is coming in from the back... they're both coming in from Agua Fria, along that road."

Chair Harris said, "Again, it's not a right of way. It's shown as a private easement, unless it's described inaccurately."

Mr. Esquibel said, "It is a private easement and in fact, it's actually kind of a separate lot. It's not part of this property, so like most of the lots on Agua Fria, what they did back in the day, is they created a separate lot that acted as that roadway. That's how they did it, even on my property, when it went to the City. So you have this separate lot that acts as your driveway. Nobody owns it, it's just there. And a lot of these properties along that area did the same thing and this is one of them. So nobody owns the property, but it provides service to them as well as access to all of the lots along there."

Chair Harris said this is the reason he said it is similar to the one on Siringo Lane, where there were City services provided to property owners that abutted the private easement, and it was paved and maintained by the City. He doesn't doubt this happens, but it also seems like this is an opportune time to try and clean a few things up. He asked Fire Marshal Gonzales if he has had a situation where there were objections to access because of private easements.

Fire Marshal Gonzales said, "Most definitely. The way the Code changes, things are grandfathered in, prior to when the Code existed or the current Code is in place, so we definitely do come across that as time progresses and as time goes by, we try to bring things up to Code and the intent of the comment. That way if there are modifications or construction we can upgrade the situation and bring it up to Code so we have more access."

Responding to the Chair, Fire Marshall Gonzales said in an emergency situation if we have access we are going to take it.

Chair Harris said if there is a break in the City water line, he presumes the City would feel an obligation to go onto private property and prepare the lines.

Chair Harris said it continues to be a problem in situations where we have public utilities, public improvements on private property. That's the problem.

Commissioner Padilla said, "Point of clarification, water and sewer do exist. Are they currently connected to residents that are proposed for this lot split."

Mr. Esquibel said the houses aren't serviced by the well, noting the Applicant has agreed to connect to City services which are running in the private road.

Commissioner Padilla said, "I guess a follow up question for Mr. Esquibel. As a single lot, one accessory dwelling or guest house would be allowed on both of these properties, correct."

Mr. Esquibel said, "Correct, if he can meet the standards for a guest house or an accessory dwelling."

Mr. Smith said, "For the record, if he can provide access or other fire suppression to meet the Fire Code requirements in place."

Chair Harris asked what is the future use of the well, or will it be capped.

Mr. Esquibel said, "Our Water department did not require him to cap the well. And the Applicant did agree as part of the application and the process, to switch from his primary use of that well to City services. Although, I do believe in the discussion, he wanted to utilize that well there for landscaping and irrigation purposes."

Chair Harris said he wanted to bring that up, because we have seen it in the past and that's been the practice and the agreement by the Commission that we think it's appropriate. He said, "We love to see the connection to City services and what that means for our water supply and groundwater. But we also understand the importance of maintaining the use of the well, and to use it for irrigation has generally been considered agreeable."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve Case #2015-28, 2400 Agua Fria Variance, with all staff conditions of approval as set out in the Staff Report [Exhibit "13"].

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote [7-0].

7. <u>CASE #2015-27</u>. 2400 AGUA FRIA ROAD LOT SPLIT. JAMES SIEBERT AGENT FOR ANDREW ROYBAL REQUESTS PLAT APPROVAL TO SUBDIVIDE 0.54± ACRES INTO TWO LOTS (TRACT E-2A ±0.29 ACRES AND TRACT E-2B ± ~~2.0~~ <u>0.2</u> ACRES). THE PROPERTY IS ZONED R-5 (RESIDENTIAL – 5 DWELLING UNITS PER ACRE.) (DAN ESQUIBEL, CASE MANAGER)

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve Case #2015-27, Agua Fria Road Lot Split, with all staff conditions of approval, as set out in the Staff Report [Exhibit "13"].

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote [7-0].

8. CASE #2015-32. DELGADO COMPOUND FINAL SUBDIVISION PLAT. DAVID SMITH, REPRESENTING NEW WAVE VENTURES, REQUESTS FINAL SUBDIVISION PLAT APPROVAL TO CREATE FOUR LOTS LOCATED AT 209 AND 211 DELGADO. THE 0.66± ACRE PROPERTY IS ZONED RC-8AC (RESIDENTIAL COMPOUND, 8 DWELLING UNITS PER ACRE, ARTS AND CRAFTS OVERLAY). (DAN ESQUIBEL, CASE MANAGER)

A Memorandum, with attachments, prepared April 24, 2015, for the May 7, 2015 meeting, to the Planning Commission, from Daniel Esquibel, Land Use Planner Senior, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "14."

Daniel Esquibel presented information in this case. Please see Exhibit "14" for specifics of this presentation.

Public Hearing

Presentation by the Applicant

David Smith, 233 Delgado Street, Next Wave Ventures, Agent for the owner was sworn. Mr. Smith said, "I don't have in particular to add to what Dan has said and what we had in the previous hearing. But Chairman and board, I would like to summarize the fact that this particular property was one lot, nearly 2/3 of an acre with 4 rental units on it. One was a duplex. There were actually two small houses. So in terms of overall density, we're proposing to have 4 lots, each with single family. The existing structures will be consolidated and remodeled into single family units that will occupy two of the lots. There will be two lots created that sometime in the future, not necessarily by current owners, would have residences on them. So with that, I'll take questions."

Speaking to the Request

Larry Archibald was sworn. Mr. Archibald said, "I haven't seen the plat that is here on this piece of paper, or can you put it up on the screen. Very good. I own property at 208 Delgado Street, across the street from this. And the thing that I'm interested in is whether or not each of the new lots will have an addition to the house that's being built there, the right to build a guest house or an accessory dwelling, which would seem to me to yield 8 potential dwelling units in an area not zoned for 8 dwelling units within this size property. I don't know the answer to the question, so I thought I would ask it."

Mr. Esquibel said, "Every legal lot of record within the City of Santa Fe has the ability to build an accessory dwelling unit. The hard part of developing all of the accessory structures is dependant on the lot coverage of the lot. As you can tell by the lots here, that they're quite small and they're going to yield some smaller houses. So, given setback requirements, given parking requirements, given separation between structures from adjacent properties, it would be difficult to develop a house and guest house, however, it's not impossible. And that would be an opportunity for the applicant to design into these lots if he so wishes. A guest hours or accessory dwelling unit is exempt from the density calculations of the Code, because it's not looked at as a dwelling unit."

Mr. Esquibel continued, "As I explain it to many of the people who come into my office, I look as an accessory dwelling unit as a detached bedroom with a kitchen and a bathroom, because they are attached to the main unit. They cannot be severed, or sold and there are specific conditions attached to an accessory dwelling unit. They have specific size regulations, height regulations, parking regulations. They do have the ability to develop closer to rear and sideyard property lines, provide they meet the standards for adjacent properties. And they also have to be of the same architectural style as the main dwelling unit. The owner/occupant of an accessory dwelling unit must live on the property in either one or the other. He can rent out the other, but they're accessory structures, similar to a shed, a garage. They are unique in that they have all the components of what would typically be a dwelling unit, versus a studio without a question."

Mr. Esquibel continued, "But to answer his question, yes. If the architect involved was able to design both house and guest house, meeting all of the standards appropriate to developing a guest house for a permit, we would issue that permit."

Mr. Archibald asked, "What are the off-street parking requirements for both the house and the guest house."

Mr. Esquibel said, "A single family dwelling, outside of the Business Capital District, requires 2 parking spaces. A guest house, if that guest house is under 1,000 sq. ft., requires 1 parking space. If the guest house exceeds 1,000 sq. ft., but less than 1,400 sq. ft., it requires 2 parking spaces. So that would be that requirement."

Chair Harris said, "Although he said off-site, what you're really saying is on the property, on the lot."

Mr. Esquibel said, "That is correct. We do not allow off-site parking. They have to be on-site. So again, given size requirements and lot coverage requirements..... and when we're talking lot coverage, just so that we're clear on lot coverage and the complexities of the smaller lots, we do not include the actual driveway that is part of the easement of the subdivision when we calculate lot coverage. We extract that and the net acreage is used for the lot coverage. So you end up with a smaller amount to build on. So these lots would be difficult to build [an accessory dwelling]. I won't say it's impossible, but it would be difficult."

Noel Bennett, 522 E. Alameda, was sworn. Ms. Bennett said they are just on the other side of the fence and she wondered if there are any pictures they can see. She said everybody else has pictures, and asked if anything has been submitted they can look at.

Mr. Esquibel removed an aerial photo from the packet and put it on the overhead for Ms. Bennett to view.

Chair Harris said 'this' is the only photo we have and asked if she understands what she is looking at.

Ms. Bennett said, "I sort of do and the one that's on the upper right hand corner there, it looks like the guest house isn't attached, or did I misunderstand that a guest house is supposed to be attached."

Mr. Esquibel said, "A guest house does not have to be attached to the main dwelling unit, it can, but it does not have to be. And as the Applicant, and we have discussed this with the Applicant, because given the density of each lot now that he's divided the property as a whole there is going to be some remodeling to that so that it is one house. And I believe the guest house may be being eliminated in favor of increasing the main house, if I remember a previous conversation with the architect. So is going to be some remodeling to eliminate the second dwelling in favor of one dwelling through the remodeling, which would bring this property further in compliance with the overall subdivision regs."

Mr. Archibald said it appears that some of the existing dwellings are right on the property line.

Mr. Esquibel said, "That is correct. There are some structures that are right on the property line. They would be considered legal non-conforming. One of the reasons the Applicant was required to go the H Board, was within the RC8 District, you are allowed to have closer setbacks, but the only way you can do that is with a 6-8 foot high wall along the property at the front, side or the back, depending on where the setback is going to be. So, as a result of the existing conditions on the property, the Applicant agreed to build these walls to come into compliance for the subdivision and the new lot lines he is creating to avoid variances or non-conformities."

Mr. Archibald what will happen when remodel 'this' property at the top on the right, the fact that part of it is still on the lot line is still okay.

Mr. Esquibel said, "There would be no requirement for him to demolish that house. However, I think that, given the questions the Applicant is asking, it would probably be better asked of the Applicant where their design is going with that property."

Mr. Smith, using the overhead, said, "The existing, which at one time was a garage, is in the process of being attached to what was the duplex, which will no longer be a duplex, but this, yes, does touch the property. There are properties all around that actually back up to this lot. There's several. There's one on 'this' lot, there's a shed 'here' that backs up to the property line. So any new construction is not any closer than 5 feet, the requirement is 5 feet from the property line. So only the existing structure here which has been on the property line forever, I guess."

Mr. Archibald said, "Could you also point out where the actual lot lines are."

Mr. Smith said, "I will point out the lot lines without any words.... maybe I can. There's a lot line that goes from the existing, almost down the middle, it almost splits the back. It's location here is determined by the previous entrance/easement that has been there. Then there's a lot line 'here,' that creates the 4 different lots. 'This' is an existing house that Dan was talking about. We're putting walls in front of it to comply with zoning."

Chair Harris asked Mr. Esquibel to elaborate.

Mr. Esquibel said, "What I might add, for the benefit of this particular case, is that this whole subdivision falls within the Historic Design Review Board's purview when it comes to construction and design. And this body is charged with defining the lots for this property. All other construction will have a lot more detail and eyes on it for the construction and architecture that would happen when they're getting ready to design. So when the neighbors want to know more about what's going to happen, there will be a public hearing where they will be able to provide their input to a body that's actually going to control the architecture and the construction on all of these lots and how they're going to be designed, where they're going to be placed and so forth."

Ms. Bennett asked if it would be possible to learn where the walls are going to be.

Chair Harris said, "No. Again, as Mr. Esquibel said. We're not looking at a development plan here."

[Ms. Bennett's remarks here are inaudible because she was talking at the same time as the Chair]

Mr. Esquibel said, "Mr. Chair, those walls have already gone through the Historic Design Review Board and they've been approved. Typically, walls are place on the property line. So, if you will look right along the center of that property where the existing house is on the first lot, upper lot, there is a wall that is going to be right on the property line. And there's going to be another wall between the two bottom lots where I believe... you got approval for the second lot right there."

Mr. Smith said, "No. That will be addressed at a future Historic meeting."

Mr. Esquibel said, "So, again, all these will be addressed at the Historic Design Review Board, where the neighbors will be able to have a greater impact in design and location with the body that will actually be approving the structures that will be on that property."

<u>The Public Testimony Portion of the Public Hearing Was Closed</u>

Commissioner Villarreal said, "Just to clarify, most of us have seen this case already, and that's why we don't have questions, because it really hasn't strayed from the original design at the Subdivision Plat at all."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Chavez, to approve Case #2015-32, Delgado Compound Final Subdivision Plat, with all conditions of approval as set out in the Staff Report [Exhibit "14"].

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote [7-0].

K. STAFF COMMUNICATIONS

Greg Smith welcomed the new Commission, saying the entire Commission conducted itself very well tonight, including the new Commissioners. He said, "Thank you again for your participation and for your careful attention to the issues.

Mr. Smith said, for the new Commissioners requesting paper copies of Chapter 14, there has been a delay in the photocopy process upstairs and they will provide those as soon as possible.

Mr. Smith told Commissioners to contact him, or other members of the staff, with any questions on any of the logistics, and such.

Mr. Smith reminded the Commissioners a meeting has been scheduled on May 21, 2015, to consider the Las Soleras Master Plan Amendments and the two subdivision cases within Las Soleras.

L. MATTERS FROM THE COMMISSION

Commissioner Chavez said she be able to attend the meeting on May 21st, because of a conflict, which she advised when he was appointed.

Chair Harris said she will be excused.

Commissioner Villarreal said she will be unable to attend the meeting on May 21st, because of a work commitment, which is unfortunate.

Commissioner Villarreal welcomed the new Commissioners.

Commissioner Villarreal asked the current situation with filling Tamara Baer's vacancy.

Mr. Smith said there have been preliminary discussions with Lisa Martinez and the H.R. Department. At this point the position is not slated to disappear with the budget, but he is unsure what the replacement plan will be. He said until there is another staff member on board, he will be the primary liaison to the Commission for the development review process.

Commissioner Villarreal said she hopes the position is filled soon with a qualified person, thanking Mr. Smith for filling in.

Chair Harris welcomed the new members of the Board. He said there is a lot swirling around right now. He said, "I know for myself, and I know that I can speak for other Commissioners, no matter what went on before or in the press or not, we all welcome you. I was impressed with what I heard and saw during the orientation, and certainly this evening. I know you'll do a great job, and I think you represent a slice of our town, a portion of our population that perhaps has been under-represented, and so I think it's great you're here. And when is comes to qualifications, the way the Code reads now, you are capable, you are experienced, you are professional in your own lives and you have the interest of the whole community at heart, and I think that's the most important criteria. I think you're going to enjoy it."

Chair Harris asked staff to check in with Director Martinez because there have been discussions about a timeline on the update to the General Plan which is a 1999 document, and long past its useful life. There was a commitment in a formal session with the Housing & Economic Development, directed by Kate Noble, noting the Long Range Planning personnel are in that department. There was an acknowledgment in both cases that the process was going to be more than just a community visioning exercise, certain milestones along the way where the Planning Commission would be involved. He didn't asked for a certain date to see the timeline. It was represented that the goal is to have that in place in January 2016. There was to be an initial presentation by Ms. Noble on the community vision process at the first meeting in May. He is going to press this, because he wants to see something set out which is what is needed to make it happen.

Mr. Smith said he will communicate this to both Ms. Martinez and Ms. Noble.

Mr. Smith said now that there is a full Planning Commission to work with Mr. Liming and the Long Range Planning Committee, they hope to get up and running on that process quickly.

Chair Harris said Mr. Liming has accepted responsibility to take the lead, he just wants to see what the future looks like.

Commissioner Kadlubek thanked the Chair and staff for the orientation, which was greatly appreciated, and for the support tonight in "this pretty daunting thing." He said, "It made me realize that I hope, as all of your terms are running up, that the Mayor does retain a few of the seats, or a couple of the seats, in hopes of capturing the institutional memory and to be able to run the meetings smoothly. I think that's become pretty clear, so I wanted to throw that out there. It seems pretty obvious, and I would be quite fearful if that wasn't to be the case."

A Commissioner asked the reality in moving forward when 3 of the 4 members are "literally brand new." She said you may not have answers to that, but it is certainly of concern to her.

Chair Harris said the point he wanted to make is that it is an individual decision, and the reason he spoke to the issue that people continue to serve until their successor is appointed. So, it is an individual decision of whether to send a letter to the Mayor requesting reappointment, or just continue on until a

replacement is made, or resign. He said the only one he knows for sure about, is Commissioner Schackel-Bordegary who said this is her next to last meeting. He reiterated he has no idea what is going to happen.

Mr. Smith said Lisa Martinez, Land Use Director, has been interviewing new candidates with the Mayor, but there is no indication as to how many Commissioners might be retained or replaced.

Responding to the Chair, Mr. Kadlubek asked if the hearing on May 21st will be held here in the chambers.

Chair Harris said yes. He said, "Unlike Morning Star, this is a new subdivision which typically doesn't draw as much public attention or controversy for that matter, I don't think. If you hear otherwise, staff will suggest we move."

Mr. Smith said, "At this point we do not anticipate sufficient members of the public to have to move that meeting. But also in thinking back, I'll give you exact dates on the 21st. There are no Council hearings scheduled on cases the Commission has reviewed prior to the meeting on the 21st. A City Council hearing is tentatively scheduled on Blue Buffalo or the El Rio Project in mid to late June."

Chair Harris said, to repeat, you haven't seen a schedule, but you anticipate the Council will hear Blue Buffalo/El Rio which is Blue Buffalo.

Mr. Smith said the 500 Galisteo Rezoning Case is likely to be at that same meeting. He will confirm the dates at the Commission meeting on May 21, 2015.

Commissioner Chavez expressed thanks to staff and her fellow Commissioners for their welcome and support which means a lot to her coming in new.

M. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 10:45 p.m.

Michael Harris, Chair

Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

DATE: April 22, 2015 for the May 7, 2015 Meeting

TO: Planning Commission

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

FROM: Zach Thomas, Senior Planner, Current Planning Division

Case #2015-35. The Pavilion Office Complex Development Plan and Final Subdivision Plat Time Extension. Report of the Land Use Director's approval of a one-year administrative time extension for a Development Plan and Final Subdivision Plat for 34 lots on 371.2± acres located west of NM 599, between Airport Road and I-25, and east of the Santa Fe Municipal Airport. Twenty-six lots (285 acres) are zoned BIP (Business Industrial Park), 8 lots (86 acres) are zoned C-2 (General Commercial). The time extension would extend approvals to April 7, 2016. Scott Hoeft, agent for Commercial Center at NM 599. (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 Pavilion Office Complex 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 April 7, 2011. The expiration date of the approval was April 7, 2014. A one-year administrative time extension was granted in 2014 extending the expiration to April 7, 2015. This is the second and final administrative time extension permitted under SFCC Section 14-3.19(C) and extends the expiration to April 7, 2016.

The approval consisted of a Preliminary Subdivision Plat for 34 lots on 371.2± acres and approval of a Development Plan for 35 buildings. Eight lots (86 acres) are zoned C-2 (General

Exhibit "1"

Commercial) and 26 lots (285 acres) are zoned BIP (Business/Industrial Park).

The agent for the owner of the property is requesting the second and final one-year extension of the development approvals to allow additional time to complete NM599 Interchange work (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

Planning Commission

Exhibit A

Letter of Approval

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

April 17, 2015

Scott Hoeft
Santa Fe Planning Group, INC.
P.O. Box 2482
Santa Fe, NM 87504

RE: Request for Time Extension
The Pavilion Office Complex Development Plan and Final Subdivision Plat

Dear Mr. Hoeft,

I have reviewed the request you submitted on April 7, 2015 for a time extension of the development approvals that were granted for the Pavilion Office Complex Development Plan and Final Subdivision Plat. 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, that would affect the validity of those approvals. Therefore, in accordance with SFCC 1987 Section 14-3.19, a one-year time extension is approved for the Pavilion Development Plan and Final Subdivision Plat, subject to the original conditions of approval as approved by the City of Santa Fe Planning Commission per their approval of the Findings of Fact and Conclusions of Law on April 7, 2011.

The time extension will allow development activities to commence prior to the extended deadline, as provided in SFCC Section 14-3.19. This is the final time extension and the Final Subdivision Plat will expire if you do not record the Plat prior to April 7, 2016.

Specifically, the time extension is approved for the following previous development approvals:

- Case # 2010-163 and #2011-05. Development Plan and Final Subdivision Plat for 34 lots on 371.2 acres located west of NM 599, between Airport Road and I-25, and east of the Santa Fe Municipal Airport. Twenty-six lots (285 acres) are zoned BIP (Business Industrial Park), 8 lots (86 acres) are zoned C-2 (General Commercial).

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 reverse this approval.

Feel free to contact me at 505-995-6617 if you have questions regarding this matter.

Sincerely,

Lisa Martinez
Land Use Department Director

Cc: Project File

City of Santa Fe, New Mexico

Planning Commission

Exhibit B

Finding of Fact
Staff Report

ITEM # 11-0471

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

Case #2010-163 – The Pavilion Office Complex Development Plan
Case #2011-05 – The Pavilion 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 March 17, 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 34 lots on 371.20+/- acres of land west of New Mexico Route 599 (NM 599) and southeast of and adjacent to the Santa Fe Airpo t (Property). The Property includes two zoning districts, one containing 296+/- acres of land zoned BIP (Business and Industrial Park), containing 26 lots and the second containing 76.13+/- acres of land zoned C-2 (General Commercial), containing 8 lots. The preliminary development plan approved by the Commission on January 20, 2011 included 32 lots; the additional two lots were created for sewer lift stations, one serving each zoning district. The development plan includes four phases, with the first phase comprised primarily of 7 lots zoned C-2 and 1 lot zoned BIP, identified as Lots 1-8; the second comprised of lots on the western portion of the Property identified as Lots 9, 13, 18, 25-30; the third comprised of lots along the southern edge of Pavilion Loop Road identified as Lots 19-23; and the fourth comprised of lots located along the eastern portion of the Property adjacent to NM 599. Other improvements required prior to any development on the Property, are the extension of Jaguar Drive and the construction of an overpass over NM 599 serving vehicles and pedestrians. The development plan also includes 5 bus stops along Pavilion Loop Road and the creation of a trail network connecting to the Arroyo Chamiso and Arroyo Hondo trail systems, as well as a multi-use trail connecting to the NM 599 Rail Runner station.

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.

EXHIBIT B1

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 January 20, 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 7TH OF APRIL 2011 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

Signe Lindell
Chair

Date: 6/2/11

FILED:

Yolanda Y. Vigil
City Clerk

Date: 6/6/11

APPROVED AS TO FORM:

Kelley Brennan
Assistant City Attorney

Date: 4/7/11

City of Santa Fe, New Mexico

memo

DATE: February 15, 2011 for the March 3, 2011 Planning Commission meeting

TO: Planning Commission

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

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

THE PAVILION BUSINESS PARK

Case #2010-163. The Pavilion Office Complex Development Plan. Santa Fe Planning Group Inc., agent for Richard Cook, requests Development Plan approval for approximately 35 buildings on two parcels of land totaling 371.20 acres; 86 acres zoned C-2 (General Commercial) and 285 acres zoned BIP (Business/Industrial Park). The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport.

Case #2011-05. The Pavilion Final Subdivision Plat. Santa Fe Planning Group Inc., agent for Richard Cook, requests Final Subdivision Plat approval for 34 lots on 371.20 acres, of which 8 lots are in the C-2 portion of the project and 26 lots are in the BIP portion of the project. The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport.

I. RECOMMENDATION

For Case #2010-163, the Development Plan, the Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

For Case #2011-05, the Development Plan, the Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

Cases #2010-163 and #2011-05 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. THE PAVILION APPLICATION OVERVIEW

A. Application Request Summary

In March 2010, the Planning Commission reviewed and approved the Annexation, General Plan Amendments, two rezoning requests and a lot split for the Pavilion Business Park. The City

EXHIBIT B2

Council approved these applications on April 28, 2010. On January 6, 2011 the Planning Commission reviewed and approved the Preliminary Subdivision Plat.

The current application is a Development Plan and Final Plat request for the entire site, which is comprised of 371.20± acres. There are 2 zoning districts on the project, including 76 acres of Commercial (C-2) zoning and 296 acres of Business Industrial Park (BIP) zoning. The property is located on the west side of NM599 across from Tierra Contenta Phase 2C and directly southeast of and adjoining the Santa Fe Airport. A mix of uses is proposed for the site, including office, warehouse/manufacturing, hotel, and restaurant uses.

B. Application History

The Planning Commission reviewed a Preliminary Subdivision Plat on January 6, 2011. As approved, the Pavilion site will be divided into 32 lots. An additional two (2) lots have been created for the sewer lift stations, bringing the total number of lots to 34. Of the total number of lots, 26 lots (one of which is a sewer lift station) are designated for Business Industrial Park uses and 8 lots are designated for Commercial (C-2) uses (one of which is a sewer lift station).

The Development Plan process has been challenging for such a large parcel that does not have identified users. By having an approved Development Plan for the project, the applicant aims to be "permit ready" for potential users for the park with the entitlements in place. It has been stated by the applicant that by having a permit ready development, the Business Park will be attractive for businesses to locate in the park due to shortened city review processes.

The Development Plan is broken into four phases. The first phase includes primarily the Commercial component of the project and one BIP lot (Lots 1-8 on the Phasing Plan). Phase 2 is the western portion of the site (Lots 9, 13, 18, 25-30), Phase 3 is along the southern edge of Pavilion Loop Road (Lots 19-23), and the final phase, Phase 4, is located along the eastern portion of the site adjacent to the Veteran's Expressway (Lots 10-16). Other improvements anticipated with this development, which are required to occur prior to any development on the Pavilion site, are the extension of Jaguar Drive and the construction of an overpass over NM599 that will serve both vehicles and pedestrians. The project will provide multimodal options with the inclusion of 5 bus stops along Pavilion Loop Road and the creation of a trail network that will connect to the Arroyo Chamiso and Arroyo Hondo trail systems. An additional multi-use trail will be constructed to connect to the NM599 Railrunner station.

In order to provide for architectural and landscape design consistency, the applicant has submitted an Architectural and Landscape Design Guideline document for the business park in addition to the Declaration of Covenants, Conditions and Restrictions (CCRs) and the Business Owner Association (BOA) documents. The intent of the design standards is to complement the Northern New Mexico and Santa Fe architectural traditions through consistent use of materials, architectural design, and landscape design. The Landscape Design is based on utilizing sustainable plant materials that are drought-hardy and suitable to our Northern New Mexico landscape. Additionally, the standards call for water conservation and water catchment off the parking lots for reuse with the landscaping. The maximum height in the project will be 40 feet in the commercial area, and most of the business park buildings will vary between 24 and 35 feet. A lighting plan has been provided to illustrate that the project will comply with the outdoor lighting provisions of the

Land Development Code, and the design guidelines also address lighting to provide for consistent lighting throughout the development.

An Early Neighborhood Notification (ENN) meeting was held for the Applications on September 27, 2010. No members of the public attended the meeting. Staff held a short discussion with the project team regarding staff review of the project and potential concerns regarding the site design and proposed changes to the Pavilion Master Plan.

On a related matter, on February 9, 2011, the City Council approved a proposed Right-of-Way Dedication Plat for the west extension of Jaguar Road within Santa Fe Municipal Airport lands and an agreement to construct and dedicate the required development improvements, including a NM599 overpass and Jaguar Road extension. The applicant is currently working with the New Mexico Department of Transportation (NMDOT) to secure all necessary permits for the construction of the overpass.

This report includes a separate section for each of the above applications with overall staff recommended conditions for approval included in EXHIBIT A.

III. RECOMMENDATION & CONDITIONS OF APPROVAL

The Development Plan has been reviewed by the Land Use Department and other City Departments through the DRT process. Staff recommends approval of the Development Plan application with the Conditions of Approval as stated in this report and summarized in the Conditions of Approval Table, Exhibit A.

A number of issues have been identified and are incorporated in the list of conditions. These items will have to be addressed by the Applicant prior to recordation of the Development Plan and Final Plat.

1. WASTEWATER. The applicant will commit, through the Pavilion Business Owners Association Bylaws and the Covenants, Conditions, and Restrictions (CCRs), to pay for the operation and maintenance of the two (2) proposed sewer lift stations on the site. Furthermore, the lift stations and their sites (complete with appropriate access) will be dedicated to the City. An *Operation and Maintenance Agreement for Sewer Lift Station(s) and Appurtenances* is required between the City and the Developer prior to the recordation of the Final Subdivision Plat, and requires a separate approval process through the Finance Committee and City Council. This condition reflects earlier review and conditions in the Annexation Agreement.

2. TECHNICAL REVIEW. It should be clarified whether the stormwater ponds will accept stormwater from all proposed impervious surfaces within the entire project, or whether the calculations were made assuming some on-lot ponding or stormwater management for each lot. Schematic irrigation and water harvesting plans illustrate "potential cistern locations", curb cuts to planting islands, recessed planting beds to accept rain runoff, and additional water harvesting concepts. Minimize the volume of regional ponds and maximize the requirements for on-lot water harvesting and innovative site-specific stormwater conserving features.

Previous review comments have asked that documentation be provided showing that arroyo crossings meet all federal, state, and local laws. To date, that information has not been provided and it needs to be prior to recordation of the final mylars. The floodplain requirements for this site have changed due to the fact that the Federal Emergency Management Agency (FEMA) has updated the floodplain map for this area. Engineering documentation must be supplied showing that proposed construction will not increase the base flood elevation of more than 1.0 foot. In the Arroyo Chamiso floodway area, documentation must be submitted showing that the construction will cause NO RISE in the base flood elevation anywhere upstream or downstream.

The integrity of the private effluent line must be maintained. The Developer, prior to any excavation in the area of the private effluent line, must conduct testing to accurately determine the location of the line. If there is any deviation of the location of the line from the easement indicated on the Plat, the Developer must coordinate with the owner of the effluent line for any necessary relocation of the line.

3. TRAFFIC and CIRCULATION. A proposed interchange at NM 599 is an integral part of this development. Per comments and conditions of approval from the City's Traffic Engineer and as a part of his review of the Traffic Impact Analysis, the developer shall be responsible for all costs associated with construction of the interchange, the connection to Jaguar Drive, the roadway from the interchange to the Santa Fe Airport, and a stub-out for a future connection to the I-25 frontage road. Furthermore, the applicant is responsible for obtaining all approvals from the New Mexico Department of Transportation (NMDOT) for the design and construction of the NM599/Jaguar Drive overpass and improvements prior to the release of any building permit for the Pavilion development. Additional requirements, including procedures for review and approvals are described in the staff memorandum, and are listed in the Conditions table. Final refinements to the infrastructure engineering will be required prior to the production of the final mylar.

4. TRAILS. The site plan illustrates trails connecting the site internally. There are two connection points to regional trail networks as well: the Arroyo Chamiso Trail and the Arroyo Hondo Trail. The MPO and Current Planning staff have stressed the importance of good alternative transportation networks, including the important connections to Tierra Contenta and the NM599 Railrunner stop. At the City Council hearing when the Pavilion was being considered for Annexation, a condition of approval included providing trail connections to Tierra Contenta. MPO and Current Planning staff has directed the applicant to construct a trail beneath NM599 that connects to Tierra Contenta's trail network, in addition to the overpass connection on Jaguar Drive. Furthermore, a multi-purpose trail should be constructed to the I-25 frontage road for connectivity with the NM599 Railrunner stop. The transit stops were added on the most recent submittal – and there is a need to have a trail connection from the bus stop to the restaurant on Tract 2 and the trail that connects Tract 4 and Tract 5.

5. TRANSIT. The applicant met with Santa Fe Trails and now the site plan incorporates 5 transit stops in the Pavilion Business Park. These are planned stops for the time bus service is warranted in this area. The plan does not indicate whether the stops include shelters, benches, a concrete pad, and pedestrian enhancements, which are required by Santa Fe

Trails. Staff recommends the shelters and enhancements be constructed with the phase of construction each stop is located in. Additionally, as the final engineering for the roadway is determined, the shelter locations may shift slightly in order to ensure pedestrian safety and efficient bus service. The applicant has agreed to the installation of shelters and pedestrian enhancements.

6. EMERGENCY ROAD ACCESS. The emergency access road to the south of the Pavilion development has been identified as Cuerno de Vaca Road. This is a private road and is maintained by the property owners along that roadway. The applicant is proposing the use of this roadway, which is a platted 50-foot public access and utility easement, as a second access point for emergency vehicles. As proposed, the applicant will improve the road by grading and applying a base course. As noted in the attached comment from Mr. Robert Martinez of the County Public Works Department, this type of roadway will not be considered for dedication; only paved roadways may be dedicated to the County for maintenance. The applicant must revise that condition to be clear as to the type of improvement that is proposed. Staff recommends that the road be paved to County Road 54 in order to ensure good quality access for emergency vehicles. Comments from Robert Martinez of the Santa Fe County Public Works Department have been provided for your information.

All of the issues discussed above were raised as part of the earlier General Plan Amendment, Annexation, Annexation Master Plan and Rezoning application reviews and approvals. The conditions stipulated at this time are refinements and further clarifications of these conditions. Additionally, due to fact that this plan has a 10-15 year buildout, it is likely that many of the building and site details may be changed. If a significant change is proposed, including but not limited to reorientation of uses on any given lot, increase in approved square footage, increase in height, or decrease in setbacks, such a change shall require either a Development Plan Amendment or a new Development Plan for that individual lot.

VIII. ATTACHMENTS:

EXHIBIT A:

1. Pavilion Conditions Summary Table

EXHIBIT B: Development Review Team Memoranda:

1. Technical Review Division, City Engineer Memorandum 2-21-11, Risana Zaxus
2. Wastewater Management Division memorandum 2-22-11, Stan Holland
3. Technical Review Division, Landscape Review 2-21-11, Karen Fenoglietto & Noah Berke
4. Email Correspondence regarding FAA Airspace Study to Applicant, 10-15-10
5. Metropolitan Planning Organization Comments, February 21, 2011
6. Solid Waste Email Correspondence, February 15, 2011
7. Open Space, Trails, and Recreation, January 31, 2011
8. Santa Fe County Public Works Email regarding Emergency Access Road, Robert Martinez, February 18, 2011

EXHIBIT C: Additional Background Materials

1. Planning Commission Meeting Minutes March 4, 2010
2. City Council Meeting Minutes April 28, 2010
3. Approved Pavilion Annexation Agreement and Master Plan
4. Approved Pavilion Zoning Map

EXHIBIT D: Maps

1. Annexation Plat
2. Zoning Plat
3. Current Zoning
4. Future Land Use Map
5. Aerial

EXHIBIT E: Applicant Submittals

1. Applicant's Transmittal Letter
2. FAA Project Submission Success Confirmation
3. Archaeological Clearance Form
4. Pavilion Business Park Design Standards
5. Covenants, Conditions, and Restrictions (CCRs)
6. Business Park Owners Association Bylaws
7. Agreement for Lift Stations within the Pavilion Business Park
8. Market and Fiscal Impact Study Update
9. Plan Set 11" x 17"

EXHIBIT F: ENN Meeting Summary

1. ENN Meeting Notes 9-27-10
2. ENN Guidelines Document

EXHIBIT A

PAVILION CONDITIONS SUMMARY TABLE

	Conditions	Department	Staff
1	The following Conditions of Approval must be addressed before recordation of the mylar for the Development Plan and Final Plat: • Under the Annexation Agreement, Article 5. City Services, Item D Storm Water, Wastewater Collection and Sewer Services, it is important to note the a **separate Operation and Maintenance Agreement for the Sewer Lift Station(s) and Appurtenances shall be required between the City and the Developer.** This maintenance agreement will be in addition to the Annexation Agreement and the Declaration of Covenants, Conditions and Restrictions for the Pavilion Business Park, and requires Public Works, Finance Committee, and City Council approval. These approvals must be obtained prior to recording of final mylars. • A proposed Agreement for Maintenance of Lift Stations within the Pavilion Business Park was submitted by the Applicant for review with this last submittal. The language of the maintenance Agreement is under current review and is subject to the review and approval by the Wastewater Division and the City Attorney. • The Wastewater Division requires that a note be added to the Plat that the Declaration of Charter, Easements, Covenants and Restrictions for the Pavilion Development is recorded in the Office of the Santa Fe County Clerk and recorded in Book____, Page_____ as Document Number _____. • The engineering plan set for the proposed sewer infrastructure is under current review and is subject to review and approval by the Wastewater Division.	Wastewater	Stan Holland
2	The following Conditions of Approval must be addressed before the mylars for the Final Subdivision Plat may be recorded: **Stormwater Management** Clarify the Terrain Management Report to clearly indicate whether the proposed regional ponds are designed to accept stormwater from all proposed impervious surfaces within the entire project, or whether the calculations were made assuming some on-lot ponding or stormwater management for each lot. Informal discussions with the design engineer indicate that the ponds were designed for all impervious surfaces, to include roads, parking lots, roofs, sidewalks, etc. for the entire 362 acre site. However, and possibly in contradiction to the above information, schematic irrigation and water harvesting plans show "potential cistern locations," curb cuts to planting islands, recessed planting beds to accept rain runoff, and additional water harvesting ideas which because of their conceptual nature, do not seem to be required features. Make these features specific requirements by way of notes to that effect on the irrigation and water harvesting plan sheets. Provide clarification as to the intent of the regional ponding. Minimize the volume of the regional ponds and maximize the requirements for on-lot water harvesting and innovative site-specific stormwater conserving features. Provide a note on the Development Plan as to the requirements for on-lot stormwater management.	Technical Review	Risana Zaxus

	Conditions	Department	Staff
	Cover Sheet: Add the Stormwater Certification. Identify stormwater ponds. Add lines for Building permit numbers: Grading _____, Landscape/Utilities _____. Plat and Development Plan – applies to both: Obtain street addresses for all lots (Marisa Struck 955-6661) and add to sheets. Development Plan Correct General Note # 15 wording (missing a 'not') regarding issuance of certificate of occupancy. Add a note specifying whether on-lot ponding is required, or if regional ponding accommodates all proposed impervious surfaces. Overall Master Utility Plan (sheet 9-1) Show easement for effluent line and identify in legend as "easement for existing privately-owned effluent line." Add a note to this sheet: "Prior to the start of any excavation on a lot containing the effluent line easement, perform potholing to verify the location and depth of the effluent line and to ascertain whether the utility lies within the defined easement. Maintain the integrity of this line. Contact owner if relocation is necessary for new construction or if the existing line is not within the defined easement." Grading & Drainage (sheets 10-1 to 10-16) Provide overall Grading and Drainage sheet showing all phases. On every applicable sheet, label the FEMA floodplain and reference the FIRM panel and effective date. Clearly identify stormwater ponds. Add cut & fill quantities. CC&R's The Covenants and Restrictions of the Owner's Association must address maintenance of stormwater and drainage facilities. Other Submit Terrain Management Report sealed by Professional Engineer		
3	Traffic Engineering Division: The following conditions of approval prior to the Final Subdivision Plat and/or	Traffic	John Romero

	Conditions	Department	Staff
	Development Plan approval: • As required by the Annexation Agreement, the proposed access and improvements on New Mexico Department of Transportation (NMDOT) Highway Systems (specifically NM599) shall receive approval from NMDOT prior to approval of any building permit associated with the Pavilion development. • No Certificate of Occupancy (CO) will be granted prior to the completion of the Jaguar Drive improvements and Jaguar Drive/NM599 overpass. • The developer shall provide a future roundabout design to the Traffic Engineering Division, for review and approval, so that appropriate roadway right-of-way limits can be established. • The developer shall generate structure sections for all proposed drainage structures, which shall be reviewed and approved by the City's Traffic Engineering Division. • The proposed subdivision plat shall be revised to accommodate the appropriate roadway right-of-way based on the final design approved by the City's Traffic Engineering Division. The subdivision plat shall also include Construction Maintenance Easements (CME) for all cut and fill slopes and all drainage structures. The CMEs shall at a minimum include an additional 10' past the toe of slopes and past the drainage structures. • Since the proposed Pavilion Loop will be classified as an arterial, the developer shall prepare a pavement design, to be reviewed and approved by the City's Traffic Engineering Division. The minimum allowed section is 4" of Superpave over 6" of Untreated Base Course. • The proposed future trail crossing on the north side of intersection #3 shall be directed to the crosswalk at the roundabout at intersection #3. • The developer shall place 1-2' and 1-3 electrical conduit across all legs of the roundabout at intersection #3 and the roundabout at the intersection of Pavilion Loop and Jaguar Drive. All conduits shall terminate into one of four large pullboxes to be placed all four corners of the subject intersection. Each conduit shall have a pull string and a bare #8 copper tracing wire. If it is determined between now and the time of final signoff, by the Traffic Engineering Division, that a pedestrian signal is needed at these multi-lane roundabouts, the developer shall design and place the required pedestrian signal. • The developer shall place the required pole heights and arm lengths on the Luminaire Schedule of the Roadway Lighting Plans. • Signing marking pedestrian and bicycle treatments in and around the proposed roundabouts shall follow current practice and guidelines. The items shall be reviewed and approved by the Traffic Engineering Division prior to final signoff. • In addition to what is mentioned above, the Traffic Engineering Division will perform and additional review of signing, striping roundabout design, and other specific items during the final subdivision plat and development plan approval process and in preparation of final mylars.	Engineering Division	
4	Fire Marshall Requirements to apply at time of Development Plan/proposed construction:	Fire Department	Angelo Ortega

	Conditions	Department	Staff
	• Comply with IFC 2006 edition. • Provide a water system that complies with Appendix C of IFC 2006 edition. • Provide roadways that comply with Appendix D of IFC 2006 edition. • All roadways to be no greater than 10% grade. • All buildings shall be reviewed for access and water availability as per IFC 2006 edition. • The dedicated emergency access road must be up to City of Santa Fe standards for emergency access roadways despite the fact that the emergency road is located in Santa Fe County, which has different standards than the City of Santa Fe. The Business Owners Association will be required to maintain the off-site access road up to County Road 54.		February 16, 2010
5	Public Works Department: Trails and Open Space The following conditions of approval must be addressed prior to the Final Subdivision Plat and/or Development Plan approval: • Trail easement(s) shall be dedicated to the City of Santa Fe; and, • Provide secure pedestrian access across NM599.	Public Works	Robert Siquieros
6	The Santa Fe MPO Transportation Policy Board adopted the 2010-2035 Metropolitan Transportation Plan (MTP) in October 2010. The overarching theme of the MTP is *"Moving the Santa Fe Region forward with a sustainable, interconnected, multimodal network that aims to provide safe and secure access for all users."* These comments are intended to provide multi-modal transportation opportunities in the Pavilion development. **Arroyo Chamiso Trail** • The note on the Development Plan offers the Floating Easement along the Arroyo Chamiso on the Pavilion Property, but does not specify a financial contribution. This section of the Multi-use trail shall be constructed as part of Phase 1 of the project, therefore, it is required that the financial contribution be made available as part of Phase 1 of the project. • The Development Plans show 10ft wide trail connections on Lot 5 and Lot 7. The language for the Floating Trail Easement mentioned above should make sure that it allow for connections to these connecting trails from the finalized Arroyo Chamiso Trail alignment. • The section of the Arroyo Chamiso Trail west of the Entry Road shall be constructed at the same time as the roadways are constructed during Phase 2 of the development. **Bike Path to Connect to Railrunner Station** • This Trail connection shall be constructed at the same time as the roadways are constructed in Phase 2 of the development. • Santa Fe County has future plans to develop a multi-use trail along the Arroyo Hondo with access to the	Metropolitan Planning Organization (MPO)	Keith Wilson

	Conditions	Department	Staff
	NM599 Railrunner Station. The Developer shall coordinate the trail development in this area with the County Open Space Staff. **Pedestrian Connectivity** • It was previously requested that a pedestrian connection from Lot 2 to Lot 4 or 5 should be added. An "Open Space Trail" from Lot 2 to Lot 4 has been added to the plans. No design detail has been provided for the "Open Space Trails" in the plan set. A formalized pedestrian connection is required to allow retail and office employees and patrons on lots 4 and 5 the opportunity to walk to the restaurant rather than drive and allow hotel and restaurant patrons the opportunity to walk to the retail establishments on Lots 4 and 5. • The sidewalk should continue along the front of Lot 30 and Lot 9 on the west side of the roadway. **Bicycle Parking Facilities** • This latest plan set provides a "Typical Bicycle Rack Detail" which shows a "Wave" style rack. The City follows the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines. A different rack design should be chosen that provides the following elements: 1. Supports the bicycle upright by its frame in two places 2. Prevents the wheel of the bicycle from tipping over 3. Enables the frame and one or both wheels to be secured • No detail of the area where bike racks are to be placed is included in the plan set. Bike racks shall be placed on a concrete pad.		
7	Current Planning Division: • No development plan or Subdivision Plat shall be approved by the Planning Commission unless the Commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and sub phases of the Pavilion Annexation Master Plan which will be affected by the approved development plan or plat, and for financing and coordinating the construction of that infrastructure. This note shall be placed on the Amended Master Plan and any Development Plan. • No Development Plan or Subdivision Plat shall be approved by the Planning Commission unless the Commission finds that there exist adequate provisions for coordinating dedication, financing, and constructing infrastructure necessary for the orderly development of lands adjoining the Pavilion Master Plan boundaries, including but not limited to "stubbing out" trails, roads and utility easements, and/or provisions for pro rata contributions to off-site improvements that may be impacted by the approved Development Plan or Plat. This note shall be placed on the Amended Master Plan and any Development Plan.	Current Planning	Greg Smith
8	Project appears to be in compliance with Article 14-8.4 SFCC 2001, Landscape and Site Design. Any other issues regarding this project can be addressed at the time of building permit submittal.	Technical Review	Karen Fenoglietto/ Noah Berke

	Conditions	Department	Staff
	Any plant material required by this Chapter failing to show healthy growth due to damage, pest, disease or neglect shall be promptly replaced with a similar plant. Required new plant material shall be protected from damage by vehicles.		
9	The following conditions of approval must be addressed prior to the Final Subdivision Plat approval: • Bus stop locations must be refined prior to submittal of Final Mylar. Locations must be determined on the basis of pedestrian safety and Santa Fe Trails operations. Each stop shall include a concrete pad, a bus shelter, and a bench, and pedestrian enhancements as required by Santa Fe Trails. Each stop shall be constructed concurrent with the phase in which it is situated. • The proposed language regarding the Cuerno de Vaca roadway must be modified to exclude any dedication to Santa Fe County. Dedication to the County is under the jurisdiction of the Board of County Commissioners and is a separate process. Subject to approval of the property owners that abut said roadway, it must be paved according to City standard. If, in the future the County considers dedication of this roadway, it must be paved according to the Santa Fe County staff. If negotiations fail with the neighborhood on that point of access, the applicant must construct access via another route, which may require a Development Plan amendment and/or approvals for construction of the roadway over City-owned land adjacent to NM599. • Applicant must obtain approval on an Airspace Study from the Federal Aviation Administration (FAA) prior to approval of any building permit. If any changes are made to increase proposed heights in the Pavilion development, the FAA must be notified and must review and approve proposed changes prior to approval of a building permit. • The applicant must provide two pedestrian access points from Tierra Contenta – the overpass at Jaguar Drive and NM599, and an access point that either utilizes the existing box culvert along the Arroyo Chamiso or some other subgrade option that minimizes conflicts between pedestrians/bicycles and vehicles. Additionally, a multi-use trail must be constructed with Phase 2 that will connect the Pavilion property with the I-25 access road. • It is likely that many of the building and site details may be changed. If a significant change is proposed, including but not limited to reorientation of uses on any given lot, increase in approved square footage, increase in height, or decrease in setbacks, such a change shall require either a Development Plan Amendment or a new Development Plan for that individual lot. • Project must comply with Chapter XIV SFCC 2001.	Current Planning	Heather Lamboy

EXHIBIT B

DEVELOPMENT REVIEW TEAM MEMORANDA

City of Santa Fe, New Mexico

memo

DATE: February 22, 2011

TO: Heather Lamboy, Case Manager

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

RE: Cases # 2010-163 and # 2011-05
The Pavilion Office Complex Development Plan
The Pavillion Final Subdivision Plat

The following review comments are to be regarded as conditions of approval of this project:

Stormwater Management

Clarify the Terrain Management Report to clearly indicate whether the proposed regional ponds are designed to accept stormwater from all proposed impervious surfaces within the entire project, or whether the calculations were made assuming some on-lot ponding or stormwater management for each lot.

Informal discussions with the design engineer indicate that the ponds were designed for all impervious surfaces, to include roads, parking lots, roofs, sidewalks, etc. for the entire 362 acre site.

However, and possibly in contradiction to the above information, schematic irrigation and water harvesting plans show "potential cistern locations," curb cuts to planting islands, recessed planting beds to accept rain runoff, and additional water harvesting ideas which because of their conceptual nature, do not seem to be required features. Make these features specific requirements by way of notes to that effect on the irrigation and water harvesting plan sheets.

Provide clarification as to the intent of the regional ponding. Minimize the volume of the regional ponds and maximize the requirements for on-lot water harvesting and innovative site-specific stormwater conserving features.

Provide a note on the Development Plan as to the requirements for on-lot stormwater management.

Cover Sheet:
Add the Stormwater Certification.

Obtain Development/Infrastructure Building Permit Address (Marisa Struck 955-6661) and add to sheet.

Add lines for Building permit numbers: Grading _____, Landscape/Utilities _____.

Plat and Development Plan - applies to both:
Obtain street addresses for all lots (Marisa Struck 955-6661) and add to sheets.

Identify stormwater ponds.

Development Plan
Correct General Note # 15 wording (missing a 'not') regarding issuance of certificate of occupancy.

Add a note specifying whether on-lot ponding is required, or if regional ponding accommodates all proposed impervious surfaces.

Overall Master Utility Plan (sheet 9-1)
Show easement for effluent line and identify in legend as "easement for existing privately-owned effluent line." Add a note to this sheet: "Prior to the start of any excavation on a lot containing the effluent line easement, perform potholing to verify the location and depth of the effluent line and to ascertain whether the utility lies within the defined easement. Maintain the integrity of this line. Contact owner if relocation is necessary for new construction or if the existing line is not within the defined easement."

Grading & Drainage (sheets 10-1 to 10-16)
Provide overall Grading and Drainage sheet showing all phases.

On every applicable sheet, label the FEMA floodplain and reference the FIRM panel and effective date.

Clearly identify stormwater ponds.

Add cut & fill quantities.

Floodplain and FEMA requirements

Previous review comments have asked that documentation be provided showing that arroyo crossings meet all federal, state, and local laws. This information has not been supplied.

Pavillion Loop, as proposed, will cross the Arroyo de Los Chamisos, a FEMA regulated floodplain.

The current effective FIRM was issued on June 17, 2008. A Preliminary DFIRM has been issued February 18, 2011. When an effective FIRM and a DFIRM both exist, the most restrictive requirement shall apply.

A floodway has been identified by the FIRM and the DFIRM. FEMA requires that for any encroachment in the floodway, documentation must be supplied showing that the proposed encroachment would not result in any rise in the Base Flood Elevation anywhere upstream or downstream.

The requirement for this project, to be considered a condition of approval prior to recordation of the Plat and Development Plan, is that the applicant supply documentation meeting FEMA requirements that construction of Pavillion Loop and associated roadway infrastructure within the Arroyo de Los Chamisos floodplain and floodway, will cause NO RISE in the Base Flood Elevation upstream or downstream of the crossing.

CC&R's

The Covenants and Restrictions of the Owner's Association must address maintenance of stormwater and drainage facilities.

Other

Prior to recordation of the Subdivision Plat and Development Plan, a financial guarantee shall be provided in accordance with Article 14-9.3(A).

City of Santa Fe
New Mexico

MEMO

Wastewater Management Division
DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: February 22, 2011

To: Heather Lamboy, Case Manager

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

Subject: Case 2010-163 and 2010-164 Pavilion Development Plan and Subdivision Plat

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The plan set dated January 2011 has been reviewed The Applicant shall address the following comments:

1. A proposed Agreement for Maintenance of Lift Stations within the Pavilion Business Park was submitted by the Applicant for review with this last submittal. The language of the maintenance Agreement is under current review and is subject to the review and approval by the Wastewater Division and the City Attorney.

2. The Wastewater Division requires that a note be added to the Plat that the Declaration of Charter, Easements, Covenants and Restrictions for the Pavilion Development is recorded in the Office of the Santa Fe County Clerk and recorded in Book____, Page_____ as Document Number _____.

3. The engineering plan set for the proposed sewer infrastructure is under current review and is subject to review and approval by the Wastewater Division.

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

cc: File

City of Santa Fe, New Mexico

memo

DATE: February 21, 2011

TO: Heather Lamboy, Land Use Planner Senior
Current Planning Division

CC: R. B. Zaxus, CFM, P.E., City Engineer
Technical Review Division
Karen Fenoglietto, ASLA, CFM Technical Review Coordinator
Technical Review Division

FROM: Noah Berke, CFM, Planner Technician Senior
Technical Review Division NLB

RE: **Landscaping Comments for Case #2010-163, The Pavilion Office Complex Development Plan**

Below are comments for the Pavilion Office Complex Development Plan request. These comments are based on documentation, Landscape Plans - Sheets 4-1 to 4-17, and Irrigation and Cistern Plans – Sheets 5-1 to 5-5.

Project appears to be in compliance with Article 14-8.4, Landscape and Site Design. Any other issues regarding this project can be addressed at time of Building Permit submittal.

Any plant material required by this chapter failing to show healthy growth due to damage, pest, disease or neglect shall be promptly replaced with a similar plant.

Required new plant material shall be protected from damage by vehicles.

LAMBOY, HEATHER L.

From: MONTMAN, JAMES H.
Sent: Friday, October 15, 2010 10:11 AM
To: 'scott hoeft'; LAMBOY, HEATHER L.; al.lilly@comcast.net
Cc: BAER, TAMARA
Subject: RE: Santa Fe Municipal Airport Information

Scott,

The earlier the better. At permit is too late. If the layout changes along the way it is much easier to change if you have a study on file. Also it gives you an idea what might be required in building design especially if a proposed building is too tall to be compatible with the airport airspace. I will not allow any building to affect any of our airspace, nor will the city as the City has signed grant assurances that require us to protect the airspace around the airport. We have talked about this before, as I'm sure you remember. In any case, the initial drawings showing building types and locations I saw didn't look like a problem for any of our runways, but only the FAA can make that determination.

Jim

-----Original Message-----
From: scott hoeft [mailto:scotthoeft@hotmail.com]
Sent: Friday, October 15, 2010 9:46 AM
To: LAMBOY, HEATHER L.; al.lilly@comcast.net
Cc: BAER, TAMARA; MONTMAN, JAMES H.
Subject: RE: Santa Fe Municipal Airport Information

Jim. I understand. The question that I have is: At what stage of the project should the airspace study be conducted? During development plan/plat or at the time of building permit? S-

---

Subject: Santa Fe Municipal Airport Information
Date: Fri, 15 Oct 2010 09:06:41 -0600
From: hllamboy@ci.santa-fe.nm.us
To: scotthoeft@hotmail.com; al.lilly@comcast.net
CC: tbaer@ci.santa-fe.nm.us; jhmontman@ci.santa-fe.nm.us

Good morning,

I just got off the phone with Jim Montman, Aviation Division Director of the Santa Fe Municipal Airport. He was very helpful in providing additional information regarding any potential concerns the airport may have. He told me that the Federal Aviation Administration (FAA) requires an airspace study to determine whether there will be any impacts on radar or airspace. You should contact the FAA Project Manager to begin this process, and the representative that works with the Santa Fe Airport is Bill Bell. He can be reached at 817-222-5664.

Staff will also request that a note be placed on the Development Plan and Plat that acknowledges proximity to the Airport. I will provide you with more specific language of the note in the near future.

Have a good day, and feel free to contact me if you have any questions.

Santa Fe Metropolitan Planning Organization

"Promoting Interconnected Transportation Options"

MEMORANDUM

Date:	February 21st, 2011
From:	Keith Wilson, MPO Senior Planner
To:	Heather Lamboy, Planning and Land Use Department
Re:	**Case #2010-163, The Pavilion Office Complex Development Plan**

The Santa Fe MPO Transportation Policy Board adopted the 2010-2035 Metropolitan Transportation Plan (MTP) in October 2010. The overarching theme of the MTP is *"Moving the Santa Fe Region forward with a sustainable, intercomnected, multimodal network that aims to provide safe and secure access for all users."*

The following comments are based on a review of the Development Plans Dated February 2011 and are meant to address issues to improve the project for all users.

Comments reference the details shown on Sheets 5-1 through 5-6.

Arroyo Chamiso Trail

- MPO staff met with Al Lilly and Scott Hoeft representing the applicant and John Romero and Heather Lamboy on February 8th to discuss the multi-use trails. Due to the complications regarding the use of the culvert under NM599 as part of the trail it was decided that the applicant would provide the City with a floating easement for a future trail and for the trail segment from the Entry Road east to NM599 for future design and construction by the City. They would also offer a monetary amount equivalent to the amount they determined it would have cost them if they had had to construct it. The note on the Development Plan offers the Floating Easement, but does not specify a financial contribution. Previously it was recommended that this section of the Multi-use trail be constructed as part of Phase 1 of the project, therefore, it is recommended that the financial contribution be made available as part of Phase 1 of the project.

- The Development Plans show 10ft wide trail connections on Lot 5 and Lot 7. The language for the Floating Trail Easement mentioned above should make sure that it allow for connections to these connecting trails from the finalized Arroyo Chamiso Trail alignment.

- It is recommended that the section of the Arroyo Chamiso Trail west of the Entry Road should be constructed at the same time as the roadways are constructed during Phase 2 of the development.

Bike Path to Connect to Railrunner Station

- It is recommended that this Trail connection be constructed at the same time as the roadways are constructed in Phase 2 of the development.

- The Santa Fe County has future plans to potentially develop a multi-use trail along the Arroyo Hondo with access to the NM599 Railrunner Station. The Developer should coordinate their trail development in this area with the County Open Space Staff.

Pedestrian Connectivity

- It was previously requested that a pedestrian connection from Lot 2 to Lot 4 or 5 should be added. An "Open Space Trail" from Lot 2 to Lot 4 has been added to the plans. I do not see a design detail for the "Open Space Trails" in the plan set. If the "Open Space Trails" are intended to be dirt hiking trails, then this is probably not sufficient. A more formalized pedestrian connection is needed to allow retail and office employees and patrons on lots 4 and 5 the opportunity to walk to the restaurant rather than drive and allow hotel and restaurant patrons the opportunity to walk to the retail establishments on Lots 4 and 5.

- The sidewalk should continue along the front of Lot 30 and Lot 9 on the west side of the roadway.

Bicycle Parking Facilities

- This latest plan set provides a "Typical Bicycle Rack Detail" which shows a "Wave" style rack. The Association of Pedestrian and Bicycle Professionals provide guidance on the design and placement of bicycle parking facilities through their Bicycle Parking Guidelines. They do not recommend the use of wave style racks as they only provide one place of support for bikes if used as intended. Secondly, bicyclists generally use it as if it were a single inverted "U" rack. Which limits the actual capacity of the rack two bikes rather that the stated capacity. A different rack design should be chosen that provides the following elements:
  - Supports the bicycle upright by its frame in two places
  - Prevents the wheel of the bicycle from tipping over
  - Enables the frame and one or both wheels to be secured

  (source Association of Pedestrian and Bicycle Professionals – Bicycle Parking Guidelines)

- No detail of the area where bike racks are to be placed is included in the plan set. It is recommended that the bike racks be placed on a concrete pad.

LAMBOY, HEATHER L.

From: MARCO, RANDALL V.
Sent: Tuesday, February 15, 2011 8:20 AM
To: LAMBOY, HEATHER L.
Subject: RE: Pavilion Submittal - 4th Transmittal for Review

Heather,
After review of the Pavilion there are no solid waste issues at this time.

Randall Marco
Community Relations
Solid Waste Division
City of Santa Fe
Office: 505-955-2228
Cel: 505-670-2377
Fax: 505-955-2217

-----Original Message-----
From: LAMBOY, HEATHER L.
Sent: Friday, February 11, 2011 4:23 PM
To: FENOGLIETTO, KAREN L.; ORTEGA, ANGELO C.; ROMERO, JOHN J; HOLLAND, TOWNSEND S.; BLACKWELL, WENDY M.; ZAXUS, RISANA B.; WILSON, KEITH P.; TRUJILLO, ANTONIO J; MARCO, RANDALL V.; SIQUEIROS, ROBERT M.
Cc: BAER, TAMARA
Subject: Pavilion Submittal - 4th Transmittal for Review

Just what you wanted! More work!

We got the Pavilion transmittal today and I am placing the packets in your boxes in the Planning and Development Review conference room. I would like to meet as a group sometime next week to discuss any remaining issues so I do not miss anything that would be required to be placed on the list of conditions of approval. I have attached all conditions to date for your reference and use in the upcoming review.

Have a great weekend, and Happy Valentines Day!

Heather L. Lamboy, AICP
Land Use Senior Planner
City of Santa Fe Land Use Department
200 Lincoln Ave., Box 909
Santa Fe, NM 87504-0909
(505) 955-6656
(505) 955-6829 (fax)
hllamboy@santafenm.gov

LAMBOY, HEATHER L.

From: SIQUEIROS, ROBERT M.
Sent: Monday, January 31, 2011 11:48 AM
To: LAMBOY, HEATHER L.; WILSON, KEITH P.
Subject: RE: Pavilion Development Plan and Final Plat
Importance: High

Please have the following language included on the development plan and final plat.

The developer shall comply with Section 14-8.15 DEDICATION AND DEVELOPMENT OF LAND FOR PARKS, OPEN SPACE, TRAILS AND RECREATIONAL FACILITIES*

Thank you,

Bob

(A) Purpose
(Ord. No. 2007-12 § 2)

(1) The Governing Body deems it in the best interest of the City and its citizens that adequate provision is made for parks, open space, trails, and recreational facilities, and for City maintenance thereof.

(2) These regulations shall provide standards for the dedication of land or easements to the City to assist in implementing of the City's Parks, Open Space, Trails and Recreation Master Plan.

(3) These regulations shall provide standards based upon the average number of persons per housing unit according to Census 2000 which is 2.0 persons per unit for the City of Santa Fe.

(4) Land dedicated for neighborhood parks shall be based upon a rate of 3 acres per 1,000 persons, or per 500 housing units.

(5) Land dedicated for regional parks, community parks, open space and trails shall be based upon a rate of 12 acres per 1,000 persons, or per 500 housing units.

(6) For usable park land, park dedication should result in a park area of no less than 1 acre.

(7) Land or easements dedicated for public, nonmotorized trails may be used to satisfy the requirement for dedication of regional parks under paragraph (5) above, and to establish an interconnected regional transportation system.

(B) Applicability
(Ord. No. 2007-12 §3)

(1) Except as limited in paragraph (B)(3) below, this section shall apply to applications for subdivision or development approvals that create new residential lots or dwelling units submitted after the effective date of this section.

(2) Developments which are part of an annexation plat, master plan or similar document which dedicated park land in compliance with § 14-8.15 are not required to comply at time of individual subdivision or plan approval.

(3) Public, nonmotorized trail dedication requirements set forth in § 14-8.15(D) shall only apply to all subdivision for residential lots and development plan approvals for nonresidential uses requiring approvals by the Planning Commission or the Summary Committee.

Robert M. Siqueiros
Projects Administrator
Engineering Division, Public Works Dept.

Santa Fe, New Mexico
P.O. Box 909
120 Federal Pl. 87504-0909
505.955.6977 Fax 505.955.6476
rmsiqueiros@santafenm.gov

-----Original Message-----
From: LAMBOY, HEATHER L.
Sent: Monday, January 31, 2011 10:25 AM
To: ORTEGA, ANGELO C.; HOLLAND, TOWNSEND S.; MARCO, RANDALL V.; ROMERO, JOHN J; BERKE, NOAH L.; SIQUEIROS, ROBERT M.; TRUJILLO, ANTONIO J; TRUJILLO, FABIAN; WILSON, KEITH P.; ZAXUS, RISANA B.; BLACKWELL, WENDY M.
Cc: BAER, TAMARA
Subject: Pavilion Development Plan and Final Plat

Good morning!

This is a friendly reminder that, if haven't already, please provide me with comments for the Pavilion Development Plan (Case #2010-163) and Final Plat (Case #2011-05). The final plat paperwork accompanied the last submittal for the Development Plan.

Thank you!

Heather L. Lamboy, AICP
Land Use Senior Planner
City of Santa Fe Land Use Department
200 Lincoln Ave., Box 909
Santa Fe, NM 87504-0909
(505) 955-6656
(505) 955-6829 (fax)
hllamboy@santafenm.gov

LAMBOY, HEATHER L.

From: Robert Martinez [robmtz@co.santa-fe.nm.us]
Sent: Friday, February 18, 2011 2:11 PM
To: LAMBOY, HEATHER L.
Cc: BAER, TAMARA; ROMERO, JOHN J
Subject: RE: County's Position on Maintenance of Cuerno de Vaca Road

Heather,
I reviewed the notes and conditions on the plans and I don't agree with the language that the road will be relinquished to SF County Public Works for maintenance. PBPA may petition the Board of County Commissioners to accept the road, but it is not a given that the Board will accept it. What standard will Cuerno de Vaca Drive be built to? Even though this is being designated as an emergency access now, who knows if this road will be open to traffic in the future? I discussed this with staff and we recommend that Cuerno de Vaca Drive be asphalt paved all the way to CR 54, in the event this road is open to traffic in the future. I don't feel that public works would recommend acceptance of the road for maintenance unless the road was paved. I believe this is the same type of situation that occurred with Monte Sereno, a development within city limits, that dumps traffic onto Tano Road Via a dirt county road (San Juan Ranch Road). We continually get complaints from the residents on this road.

Currently the County is not accepting applications for roads to be accepted for county maintenance. We have incurred budget cuts and have frozen vacant positions in the road maintenance division.

Robert Martinez
Public Works Transportation Manager
424 Veterans Memorial Highway
PO Box 276, Santa Fe, New Mexico
Office: 505-992-3010
Fax: 505-992-3028

From: LAMBOY, HEATHER L. [mailto:hllamboy@ci.santa-fe.nm.us]
Sent: Friday, February 18, 2011 11:39 AM
To: Robert Martinez
Cc: BAER, TAMARA; ROMERO, JOHN J
Subject: County's Position on Maintenance of Cuerno de Vaca Road

Robert:

Thank you for helping me understand the County's position on road dedications this morning. I am attaching the plans we discussed, and I placed a bracket and asterisk next to the condition I referenced. You indicated to me that the County is not in a position to accept additional maintenance responsibility at this time.

I look forward to your response. Thank you for your assistance in this matter, and have a good day!

EXHIBIT C

ADDITIONAL BACKGROUND MATERIALS

Section 2.4 of the procedures dealing with retrofits to extend the deadline to verify retrofits to the end of the fiscal year.

FRIENDLY AMENDMENT: Commission Armijo said he would like to amend the motion to provide that the Administrative Procedures with the three amendments, will go to the Homebuilders for recommendations, before it goes to the City Council. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COMMISSIONERS.**

Commissioner Bordegary commended staff for all of this work, which she believes is something more cities should be doing. She would like an evaluation of the program in 6 months because of the complicated nature of the program.

Mr. Lyons said the rules require the City to post the account balances in the water bank at certain time periods, which will be a good snapshot of the success of the program. They also are required to generate an annual report from the Water Division, so that will be the form you will receive to evaluate the success of the program.

Chair Salazar said this has been a long time coming, recalling the many subcommittee meetings on this item. He believes staff has developed a good project.

VOTE: The motion was approved unanimously on a voice vote [8-0].

4. <u>CASE #2010-07</u>. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 285± ACRES OF LAND FROM RESIDENTIAL TO BUSINESS PARK. THE AREA IS LOCATED IN THE COUNTY OF SANTA FE EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (DAN ESQUIBEL, CASE MANAGER)

Items #4 through 9 were combined for purposes of staff presentation, public hearing and discussion, but were voted upon separately.

A Memorandum prepared February 23, 2010, for the Planning Commission meeting of March 4, 2010, with attachments, to the Planning Commission, from Tamara Baer, Planner Manager, Current Planning Division, regarding Cases #2010-07, #2010-08, #2010-09, #2010-10, #2010-11 and #2010-12, is incorporated herewith to these minutes as Exhibit "6."

A Memorandum dated March 4, 2010, to the Planning Commission, from the Current Planning Division, regarding Case #2010-07, #2010-08, #2010-09, #2010-10, #2010-11 and #2010-12 regarding Additional Correspondence, with attached Memorandum dated February 26, 2010 from Fabian Trujillo, Director, Economic Development Division, is incorporated herewith to these minutes as Exhibit "7."

A Vicinity Map for the project, submitted by Scott Hoefl, is incorporated herewith to these minutes as Exhibit "8."

A copy of the "Final Market and Fiscal Impact Study prepared for the Pavilion Office Complex," prepared by Bruce Poster, Southwest Planning & Marketing, dated March 3, 2010, is incorporated herewith to these minutes as Exhibit "9."

Tamara Baer presented information regarding this matter from the material in Exhibit "6." Please see Exhibit "6" for specifics of this presentation, noting the lot split is for final approval, but would have to be conditioned upon the approval of the annexation. Ms. Baer also referred to the enlarged maps and drawings provided by the Applicant which are contained in Exhibit "8."

Additional condition of approval: Ms. Baer said an additional condition is recommended by staff which isn't in the Commission packet, regarding traffic, as follows: "that the project secure its approvals for the interchange from the DOT and from the City's MPO, noting the interchange isn't part of the project, but is clearly related to it."

Ms. Baer noted there are additional conditions of approval in John Romero's Memorandum as well as the conditions of approval listed at the back of the Staff Report [Exhibit "6."].

Ms. Baer said Reed Liming, Director, Long Range Planning Division, asked her to convey his support for this annexation and the reasons:

1) If the annexation does not go forward and were to develop in the County, the City would not receive the fees, property taxes and gross receipts taxes, but would still have to deal with the impacts of this development if approved in the County.

2) If anyone suggests this is the beginning of a domino effect, he disputes that and feels this is one of very few, possibly only two, very large pieces of land immediately adjacent to the City limits. Therefore, it is in the City's interest to garner control and other benefits.

3) This is a tremendous opportunity for the City to receive a privately funded interchange on NM 599, which otherwise probably wouldn't happen in the foreseeable project, and would have to be approved by both the State and the City MPO.

RECOMMENDATION: Staff recommends approval of all of the applications with the conditions as stated.

Fabian Trujillo, Director, Economic Development Division, reviewed the information in Exhibit "7." Mr. Trujillo said we are in an economic recession and have suffered a lot of job losses in Santa Fe – 3,500 jobs since September 2008. The biggest impact of the jobs loss has been in the construction industry at 1,300 jobs. He is here to speak in the context of stimulating the economy.

Mr. Trujillo said the City's economic development strategy is to work with existing businesses to help them expand in Santa Fe, as well as assist entrepreneurs to grow, expand and develop in Santa Fe through the Incubator or other means. They also have a passive recruitment strategy which is part of that strategy. He said they work with the New Mexico Economic Development partnership projects they bring to the State. He said the ones they have been looking at over the past year have been in excess of 20,000 sq. ft., and are larger in scope, with jobs in excess of 200. He said they responded to seven last year and only one visited Santa Fe, which was a financial services company which would bring roughly 400 jobs.

Mr. Trujillo said they look for projects which have low impacts to the environment, with high wages and which meet our strategy. He believes this would be a project which would be worthy of annexing and approving because it would help on the economic development side and create high wage jobs which are consistent with the economic development implementation strategy.

Public Hearing

Presentation by the Applicant

Everyone speaking was sworn en masse.

The members of the staff were introduced: Scott Hoeft and Al Williams, Santa Fe Planning, Mike Gomez, Santa Fe Engineering, Nancy Long, attorney, James Fuller, Broker.

Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, NM 87504, previously sworn.

Mr. Hoeft said at the last meeting there was some confusion over the context of the project and how it fits with the overall area.

Mr. Hoeft used the enlargement of the map in Exhibit "8," to demonstrate the subject site. He noted the location of the proposed interchange, and that the right-of-way was obtained some time ago at the time 599 was proposed originally, so it has been on the books for some time. The Jaguar Road extension connects to the interchange. He said heading in the other direction is the new entrance to the airport, which would serve as access to their site to south. He said Tierra Contenta is to the east, the Komis land is to the east/south is the Komis land, noting he also has a smaller business park. He said the Historical community of La Cienega is to the South, and the Airport is to the West. He noted the location of the new area which is in the presumptive City limits which was adopted last year and the Komis Business Park, noting the Aviation Business Park to the North which is owned by the City. He said his firm worked on this 10 years ago for the City to develop a business park for aviation related uses at the time. He said the interchange also will provide access to that business park as well.

Mr. Hoeft said when you look at this map, the site is pretty much surrounded by the City of Santa Fe, with an exception to the south where the Historic Village of La Cienega is located and which cannot be annexed.

Mr. Hoeft said what brought them to the City is that the north part of their site is in the presumptive City limits, and the south part of the site is in the County. He said about a year ago, they had a decision to make – should they go to the County to get the "top part out, or should we come to the City and get the balance in, and we elected to come to the City and get the balance in, and we thought again that was the right decision, given what we wanted to do with the project."

Mr. Hoeft said there is quite a bit in the application, but it really isn't that complex. There are 6 things, and the way it's organized, it seems like "gee, we're asking for an awful lot." He said, "Pretty much what we've got going on here, is the top part of the site, because it does exist as one parcel, this 371 acres, is essentially two parts, and it was a mistake. Okay, the top part of the site is already in the City of Santa Fe, so that just needs to be changed in terms of the zoning. The bottom portion of the site needs to be annexed and it needs to be zoned, and then we need to have two parcels created to correspond with the zoning, C-2 and then the BIP. That's it. That's kind of what all of those cases are, are pretty much that issue. The general plan amendment is simply that we need to amend the general plan consistent with City policy. So, so far, does that all make sense."

Mr. Hoeft continued, "What I wanted to get into now is the site and the design intent. I think the first thing that you can notice by looking at this is the amount of green, and that is intentional from a design standpoint. The first thing we do as land planners, is we look at the site and we determine the areas that would be best not to develop. And, the areas that spring out are the areas to the south. And, you can't tell it from this map, but if you look at an ortho topo, if you look at a slope analysis map, you'll see that a good portion of the southern portion of the site here is steep topography. So you see households along here on the bottom of La Cienega, it's not as if they're looking right out at the project. There's a pretty steep grade that heads up to our area here, okay. So the first thing we did is we take the steep grades along the south and we put that into an area that is open space. And consistent with the Highway Corridor Plan, we had a buffer that went along 599, which is consistent. And, then the other green areas that you see are, one, the arroyo that runs through the property and then other areas that are 30% slope or greater. And, so those are all areas that we want to preserve. And roughly, if you've got 321 acres, it is roughly about 150 acres, and about 40% of this site is open space."

Mr. Hoeft continued, "And when you begin to look at the design itself, and the end position of the buildings, based upon the areas that were left on the site, in consideration of the buildings paths and how ultimately we wanted those buildings to be positioned. So that's generally how we start planning the site, and how we got to the uses and densities that we came to say. Now, part of the uses, and Fabian began to touch on it, is that this is earmarked for large scale uses. This is office, light manufacturing and warehousing, and this is the demand that we see in Santa Fe that is retail that we could tap. And, so this isn't a small business park, this is a larger business park. It's a business campus, and you can see the density in your staff report of ultimately where we are with that."

Mr. Hoeft continued, "Another thing I'd like to talk about is phasing. Tamara touched on it briefly, and we have a project right now, phased in two phases. And I believe that we will look at that again in consideration of the infrastructure costs. We're required to bond consistent with the amount that we need to put into that infrastructure. We have it in two phases, because this a build to suit project. This isn't going to be spec building. We're not going to put up huge 50,000 sq. ft. buildings and then wait for

somebody to come. This is a build to suit project. And so the phasing we did initially, is that the north and south phases would fill the retail area towards and north. And retail, what I mean by... is a hotel use, and then two restaurant uses, and an office building in this area here. And then, as you get into the campus to the south, we have all industrial toward the back part of the project, with the main office campus being in the center. We really need two phases to give ourselves flexibility, but ultimately, I concur with Tamara, that we're going to probably need to refine that as we go along here."

Responding to Chair Salazar, Mr. Hoeft pointed out the new road to the Airport.

Mr. Hoeft continued, "So, going to some of the points that Tamara mentioned earlier, I just want to touch on those briefly, the phasing I just did and how I believe that we need to sit down and take a look at that a little bit more and refine that. But, I wanted to highlight that this is very conceptual. When you're submitting for a rezoning, a general plan amendment and annexation, you're coming in with a conceptual plan at the level of a master plan, and know that each subsequent portion of the project that we bring in, it'll come back to this board in the form of development plan."

Mr. Hoeft continued, "Trails and Open Space. We touched on trails and open space on here, but what I wanted to co is just highlight that we did sit down with Bob Siqueiros this week and get his opinion, and how we see the trails working as essentially connectivity with the trails program in Tierra Contenta. So the interchange is designed to have a path across it, a bike path, so that people can bike from one side of the highway to the other side of the highway and enter the site. And then throughout our open space on the project, through the arroyos and then ultimately connectivity with the County, is essentially what Bob was looking for, and so we, of course, will continue to meet with Bob and meet his demands. We also talked about possibly a park off in this area here to the south which is in an arroyo."

Mr. Hoeft continued, "You know, one thing that came up in one of our neighborhood meetings... was by an individual named Andy, that Al met with this week. He had a concern about people coming onto the site, off into the south area here, and partying, and how we needed to something about that. And, I'm not sure Andy is here this evening, but we did meet with him, and what we agreed to was to string a fence where his fence ends over where to where the entrance is, put an emergency gate there or a Knox-Box™ ultimately and then run the fence through the arroyo so that we could eliminate that activity back in the project."

Mr. Hoeft continued, "And then again, traffic and circulation, I think I touched on that in the beginning, but let me just follow up on that again, because I think it's a critical point of this project. As we discussed at the last meeting, the Jaguar extension is something that we're required to put in and it's a condition of approval. The interchange is something that we're already pretty far along on. You know, we accomplished quite a bit in 2009. We received approval from the Access Control Board just two weeks ago, and the next step at this stage, is to go through with the DOT which has been very cooperative, and go through the 30% completion, the 60% completion, the 90% completion and ultimately get the interchange design. So, that is... we're at that point to where we can start that. And then the other component to it is the new entrance to the Airport, which again, is something that was a part of our earlier plans with aviation business park, that is, of course, something that, according to the conditions of approval, that we are required to do. And then the last component is, according to John, he wanted us to

have a stub-out to the south just gin case there could ever be a road that comes from the frontage road down on 599, and we're willing to do that as well."

Mr. Hoeft continued, "So, in summary and conclusion, before I turn it over to Bruce, let me just say that I think I touched on it earlier, but the other benefit of this project is that Aviation Business Park, a City owned project, will have access. The Santa Fe Trails is something that we can't underestimate, which, as I pointed out on one of the plans....is that we already have had meetings and discussions with Santa Fe Trails, and they will cooperate with us to have a bus run, on a regular basis, obviously the specifics to be determined at the time, from the Rail Runner stop to the Interchange and into the site to drop off and pick up and take people back to the Rail Runner stop. That's just a few minutes down the road and it would be a great asset for the project. Keep in mind that this a project over time and we have a 15 year horizon, so the densities that you see are spanned-out over 15 years. If you consider Rodeo Business Park, 55 acres, 400,000 sq. ft. You know, that took some time to ultimately get developed. So, just keep in mind that this is, you know, quite a bit of horizon here."

Mr. Hoeft continued, "Tamara's already touched on Reed's point with the employment, and Exhibit A-8 touches on that, the amount of employment that will bring. I think something that is to consider is, with the interchange and Jaguar, which goes to the case later on with Dave Thomas, is the traffic that's going to alleviate on Airport Road. This has already been considered the back door to Tierra Contenta, so folks don't all have to shuffle out to Airport Road and then come back around to I-25. This will alleviate traffic on Airport Road and folks can immediately access I-25."

Bruce Poster, Southwest Planning & Marketing, 3600 Cerrillos Road, #107. Mr. Poster said he has conducted market research and assessment in Santa Fe for more than 30 years, and has worked for the City, the County as well as in the private sector. Mr. Poster said he was asked to conduct an independent assessment of the project from the market standpoint as well as from an impact standpoint. Mr. Poster presented the information in Exhibit "8", highlighting information as follows.

Mr. Poster said there is a preliminary report in the packet, and he has done additional work on that report, noting the updated report was provided before the meeting [Exhibit "8"]. He said it is clear the site is proximate to where much of the commercial and residential growth is happing in the urban area. He said you have been told about the access it provides, and its proximity to the Rail Runner station, noting there are other business parks already in the area. He worked with the County several years ago on the Airport Redevelopment District just north of the project, and this use is compatible with the County's vision for the area.

Mr. Poster said they feel this is very compatible with the City's goals as described by Mr. Trujillo, in terms of attracting a number of high wage jobs, and adding to the City's business infrastructure by providing a large developed site with infrastructure. He said it will have a positive impact on the tax base, but will have no negative impact on the school system as a commercial project. He talked about the severe recession, saying most economists think we'll pull out of it this year.

Mr. Poster said the primary market for the project will be large scale office, live manufacturing, and warehouse projects. It will serve both the public and private sectors in terms of offices for federal, state or local governments as well. It can serve suppliers for LANL.

Mr. Poster said examples of prospects looking for space in Santa Fe: an insurance processing company looking for 125,000 sq. ft., a packaging plant looking for 20,000 sq. ft., at least 3 firms looking for 50,000 to 75,000 sq. ft. for executive headquarters. The secondary uses will include retail, restaurant and hotel uses, and persons flying into the Airport could take advantage of the proximity to the airport.

Mr. Poster said, in terms of competition, there are a limited number of places in Santa Fe, where there are large lots in this kind of campus environment. As Mr. Trujillo said, Las Soleras will have 100 plus acres of office space, the Hart Business Park has 50 acres, noting one tenant is already using 8 acres and Coca-Cola will use another chunk of land, so there's not a whole lot left there. He said there is 40 acres in the City Airport Park, currently lacking infrastructure or financing to move forward, and Komis's park is 58 acres. The other potential competitors are Oshara in the County, which isn't as good a location.

Mr. Poster said none of the competitors would have the Pavilion's scale, and few have infrastructure or financing to do that, and to do the build to suit, nor the pricing structure to make this affordable for a large scale project. He said they have been told by both State and local economic development planners that there is a need for this type of project today.

Mr. Poster spoke about the potential absorption, and they estimate the historic absorption rate has been about 300,000 sq. ft., which will be built at about 70,000 sq. ft. a year, equivalent to about 23% of that absorption rate.

Mr. Poster spoke about the jobs that will be created, plus the employment impacts of construction, which is estimated to be 2,748 job years, which spread over 15 years, is 183 full time jobs per year. Using the multipliers, there will be 26 indirect jobs per year, $100 million in construction wages annually, and about $70 million in indirect wages. There will be 2,400 indirect jobs. There will be a total of about 5,000 jobs once this is fully built-out, in addition to the construction jobs – $175 million in direct and indirect wages annually.

Mr. Poster said the GRT revenues are amazing for a project of this size and will generate approximately $20 million annually after it is fully operational, and $300,000 in property tax to the City and $800,000 to the Public Schools, $450,000 to the Community College. It will generate an additionally $140,000 in Lodger's tax annually from the hotel. He noted impact fees will be paid to offset the capital costs, many of which already are being paid by the developer through all of the off site improvements which would be made as part of this project.

Mr. Poster said, in conclusion, the country is pulling out of the recession, there will be a need for this kind of space and there aren't other good places for it. The project seems to be very compatible with the City economic development strategy, it will provide some high paying jobs and tax revenues at a time when the City needs it. There are few other locations for this kind of large scale development, and predicts it can be absorbed in 15 years.

Mr. Hoeft asked about the one condition of approval relating to the issuance of the building permit relating to the DOT.

Ms. Baer said staff is recommending that prior to building permit application that the approval be secured from the DOT. She said staff wouldn't recommend that they can't get a grading or utilities permit, just a building permit for building construction.

Members of the Public Speaking to this Request

Dave Thomas, Project Engineer, Tierra Contenta Corporation, 6004 Jaguar Drive, Santa Fe 87507, was sworn, said he would reiterate what was said at last month's hearing. He said they believe this project will enhance Tierra Contenta in its ability to provide housing. He said they always have envisioned employment centers close to Tierra Content, and this fulfills that dream. He said they believe the fit is good, provides a large employment base, and Tierra Contenta provides a large residential base for that employment base. .

Paul Sandoval, 4200 Cuerno de Vaca, Santa Fe, was sworn. Mr. Sandoval said he is a resident and came for information, pointing out the area where he lives on the map. Mr. Sandoval said some of his questions were answered this evening. He said his concern and the concern of some of the people in the neighborhood, if this becomes commercial, are related to the lighting, noting this is a very rural and very peaceful area. They are also concerned about the trails. He said he and Mr. Vigil, who couldn't be here this evening, are also concerned about the end of the residential area at the end of their road, there is no barrier or a fence, and it has become a dump. He said Mr. Cook has no concern now about people dumping there, and nobody cleans it up. They would like to have something done there. He noted that Cuerno de Vaca would become an emergency exit. This is a dirt road and he asked if it would be paved or maintained, noting the County doesn't maintain it, and it becomes a "mud pit" in the winter. He said there also are children in the area. He said they are concerned about what kinds of traffic would be using that road. He said when it rains the water comes through the arroyo at a rapid rate on the other side, noting the location on the map. He said the County just put a bridge across the arroyo because people's cars are getting flooded, and they are concerned what would be done in this area.

The Public Testimony Portion of the Public Hearing was Closed

Commissioner Lindell said when Mr. Hoeft was reviewing the areas presented by Ms. Baer – the phasing and annexation agreement, trails and open space, traffic and circulation, he did not address the Highway Corridor Plan. She asked Mr. Hoeft if he would like to do so.

Mr. Hoeft said the issue is that the Highway Corridor Plan "called off" 300 feet from 599 into the site, and they maintained that for a good part of the distance. He said they have maintained 300 feet from 599, but they can't maintain that from the actual land. He said he and Ms. Baer discussed figuring out a way they can put more green space "along here, combined with landscaping buffer to try to shield that a little mind." He said, "Keep in mind that you are coming up, so this is high ground here, and so, as you're driving 599, at a typical intersection, is that you're coming up on top. So, on 599 you really don't see this

area as much, you'll see it when you are on the ramp. But, to go to Tamara's comment, we will agree to maintain a buffer and landscape buffer in this area.

Commissioner Lindell asked if the City has adopted the Highway Corridor Plan by Resolution.

Ms. Baer said it was never actually adopted.

Commissioner Lindell said she knows it wasn't adopted by ordinance, and asked if there was a resolution.

Ms. Baer said the last thing which happened as she understands it, is that it was sent back and the City was supposed to look at it further and possibly develop it into an ordinance, but it never happened, noting that has been more than 10 years ago.

Commissioner Lindell said she is very concerned about having a buffer in that area. She said she doesn't think we want to go in the direction of developing right up to the bypass. This is a major concern she has with this plan. She said economically it is a very good plan right now, and the numbers are great in these times. However, she is concerned that we don't build right up to NM 599, and doesn't want to see that happen.

Commissioner Lindell asked Mr. Hoeft if he would like to address some of Mr. Sandoval's concerns – lighting, the dumping taking place currently, grading or paving of Cuerno de Vaca and its maintenance – and see that some of this is addressed.

Mr. Hoeft said, with regard to lighting, as they proceed with the project, they will have to submit a lighting plan. He understands there were complaints in Tierra Contenta about the lighting at the FedEx building which eventually had to be replaced. He said, with this in mine, he and Ms. Baer are already discussing the developing of an intelligent lighting plan.

Mr. Hoeft said they have provided buffers to the south which moves the project 300 feet from the residential areas, and they need to develop an intelligent lighting plan as they move forward.

Mr. Hoeft said there will be a trails network, which will be incorporated with the City. He said, "Theoretically, what will happen is that the trails that you walk over in this area, you will be able to ultimately head over to Tierra Contenta across a footbridge that's on the interchange. And so you'll be able to actually head over to that trails network as well. That's something we're working with Bob Siqueiros on."

Mr. Hoeft said, with regard to the fence issue, they have talked about that issue, and have met with the neighbor, and they can take care of this right away. He said "Phil, our project manager has indicated that's not a problem. What he's looking at, is this gentleman here, who lives right here, Andy, as we have talked about, suggested that we put up a fence that we run over to the entrance right here, where the dumping and partying is going on, that we put a gate there, and then we continue to run that over to

the arroyo. And so that's something we're willing to do... and we can buy everything and do that pretty quickly, immediately."

Mr. Hoeft said they see emergency access working with a Knox Box™, which will be utilized only in an emergency, and he sees the road being used only for emergency access, and doesn't believe it will be paved. He said it won't be used for construction, and cars won't be driving in that area. His guess is that there will be a a gravel base course on the road and improve it so an emergency vehicle can traverse the road safely in an emergency.

Commissioner Gonzales said in talking about land use planning for property, we always have to keep in mind what is the best use for the property. He said this plan is the best use of the property for many reasons. The site is located between the Airport and the Rail Runner, and it is easy to access off the Interstate and NM 599. He said it is his opinion that the applicant provided the best use for this property. He said he works for the DOT, and the District staff has progressed fairly with obtaining the access control, committee support, and he has seen no red flags for the project.

Commissioner Gonzales said he really hopes we can get transit service for Tierra Contenta residents for those who might work on the campus.

Commissioner Gonzales said, with regard to Mr. Trujillo's remarks, he is a member of the New Mexico Partnership Board which works to assist the Economic Development Department to recruit businesses from outside to New Mexico. It is hard to do this, and even harder without the appropriate facilities. He said a campus such as this one, would be attractive to the businesses they are trying to bring to New Mexico. He appreciates Mr. Poster's presentation and that jobs can be created. He said the benefit of new revenue to the City is important in paying for services, and it would be great to get that in this annexation. He said, in his experience, if a lighting plan is good enough for the FAA, it should be good enough for the committee, nothing there shouldn't be a lot of light out there.

Commissioner Gonzales said he likes the project and stands in full support.

Commissioner Mier said it was mentioned that there would be some enhancements to the green belt as it goes toward the Interchange, and asked if there will be additional enhancements, or plantings of additional barriers as we go south toward La Cienega.

Mr. Hoeft said they really haven't gotten this far, noting there is a significant slope going toward this area, so there is an elevation change from ground to top of 30 feet of so. However, they haven't thought about whether or to add additional vegetation on the property in that area.

Commissioner Mier said this is a rural community, and this is a significant development. He is in full support of the project, but he wants to see protection to the extent possible of the rural nature which exists today without lighting up the skies like Albuquerque does over the hill.

Mr. Hoeft said the hatched area on the map is earmarked for a proposed conservation easement in consideration of this concern. He said the goal is to have a significant buffer "and much as we can get

away with to the south" to keep it as undisturbed area and to protect the community.

Commissioner Mier said, for the record, he really appreciates his approach in working with the community and listening to their concerns in La Cienega. He grew up in the rural community of Agua Fria, and knows there are places where kids like to go and party and it does create a problem. He said perhaps Mr. Hoeft would be willing to go out immediately and clean up the area and secure it in a way that we don't have the problems which Mr. Sandoval mentioned earlier.

Mr. Hoeft said he sees that happening.

Commissioner Mier said he is a member of the City Public Safety Committee, and sees nothing in the proposal from City Police or Fire with regard to impact of the project, which is critical.

Mr. Hoeft they have received a letter from the Fire Department. He said there is a station in Tierra Contenta and Mr. Thomas has indicated that is being staffed, noting it isn't related to this project, but it does increase staff. He said there is a new Fire Station at the Airport, and they have met with Jim Montman who is excited about the new entrance into the Airport.

Commissioner Gonzales said we need to keep in mind that the new Airport Station is an FAA mandate and it will be minimal in terms of staffing.

Mr. Hoeft met with the Fire Chief and presented the plan to "him," and indicated that this project will be served by both of those stations in an emergency, which is how "he" saw it working.

Mr. Hoeft said they have received nothing from the Police Department, noting a private security company will patrol the project site.

Commissioner Mier recommended that this proposal be taken to the Public Safety Committee for discussion and input, and the Police Chief should have the opportunity to write a letter of comment or support. He said Chief Wheeler expressed concern to Public Safety with the annexation of the south side because the Police will be stretched to the limit, and this is additional, commenting he believes this is critical.

Commissioner Mier asked if "that" is the single point of access over the interchange to the development.

Mr. Hoeft said there is a point coming into the site from the interchange, two emergency accesses to the south. He said they started on this project more than 10 years ago, and met with the La Cienega community who had concerns about putting additional traffic on County Road 54. This is the reason it was shown as emergency access and this was carried forward. There is another access to the south which is a stub-out to hook up with a frontage road, if that was ever to occur.

Commissioner Mier said he is sure there is a means to ensure that the emergency access points won't be used, and Mr. Hoeft reiterated that these will be "Knox Locked."

Commissioner Bordegary said this is a great opportunity in so many ways which were recounted this evening. She is most excited about the job opportunities which are within a reasonable distance from where they live. She is delighted that "It really would be a side benefit if it's a trail connection to existing trails in Tierra Contenta."

Commissioner Bordegary asked Mr. Sandoval if he is interested in connecting to new trails or he primarily is interested in keeping them separate/safe.

Mr. Sandoval said his concern is that this is all is open area currently, and if this becomes commercial it would take all of the property away where people hike and walk their dogs. He said people move to La Cienega to get away from the rush and commercial, and to have 2.5 acres. Now, suddenly, there is this huge development, and they are just trying to determine what is coming their way.

Commissioner Bordegary asked staff if they are familiar with the existing trails in the area.

Mr. Hoeft said his partner, Al Lilly met with Bob Siqueiros, and asked him to speak to this issue.

Al Lilly, previously sworn, said he met with Bob Siqueiros and Keith, and discussed the opportunities for connecting to the existing trails, more so to the Arroyo Chamiso Trail. He said the existing trails are informal trails, many from ATVs, people hiking, riding and also just running trucks out there. He said there is some dumping, although it isn't an established dump. He believes putting in the fencing and the break-away gates will resolve most of the problem. He said, in terms of trail connectivity, they are "absolutely dedicated or committed to putting in a connection to go to the Arroyo Chamiso Trail. It will cut underneath, actually the highway. There's already an existing culvert that's pretty high and there's room to go under there, plus you'll have the trail that will go across the top of the overpass. So it will add some water, it'll still be a connection, so I still think the neighborhood can still walk the trails, walk the arroyo. We're not going to be changing the arroyo at all, so that will be open space."

Commissioner Bordegary asked Mr. Lilly if he is speaking of the Arroyo Chamiso right near the interchange.

Mr. Lilly said that is correct and that goes all the way to St. John's School. He said Mr. Siqueiros was very excited about the potential to make that connection. Mr. Lilly believes it will add a safety element to the area in terms of having development and will not eliminate the possibility for people to walk along the arroyo.

Commissioner Bordegary said trails aren't just for recreation and this is an opportunity for us to tie into a transportation network circulation, so people will walk or ride their bicycles to work.

Mr. Lilly said they are in agreement with that, pointing out that this is a schematic plan, and they will meet again with Keith and Bob later once they are in development planning. There also is the opportunity to develop a small park system and trails for bicyclists, pedestrians and the people who work in the area. Mr. Lilly said he will contact Mr. Sandoval after the meeting.

MOTION: Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-07, with all conditions as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote [8-0].

5. **CASE #2010-08. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 76± ACRES OF LAND LOCATED WITHIN THE CITY BOUNDARIES FROM BUSINESS PARK TO COMMUNITY COMMERCIAL, AND AN ADJACENT 10.8± ACRES LOCATED IN THE COUNTY FROM RESIDENTIAL TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (DAN ESQUIBEL, CASE MANAGER)**

MOTION: Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-08, with all conditions as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote [8-0].

6. **CASE #2010-09. THE PAVILION OFFICE COMPLEX ANNEXATION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS ANNEXATION OF 296± ACRES OF LAND, LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (DAN ESQUIBEL, CASE MANAGER)**

MOTION: Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-09, with all conditions as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote [8-0].

7. **CASE #2010-12. LOT SPLIT FOR THE PAVILION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS PLAT APPROVAL TO DIVIDE 371± ACRES INTO TWO LOTS. TRACT 1-A WILL CONSIST OF 285± ACRES OF LAND. TRACT 1-B CONSISTS OF 87± ACRES. THE PROPERTY IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (DAN ESQUIBEL, CASE MANAGER)**

MOTION: Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-12, with all conditions as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote [8-0].

8. **CASE #2010-10. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 285± ACRES OF LAND FROM R-1 TO BIP. THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (DAN ESQUIBEL, CASE MANAGER)**

MOTION: Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-10, with all conditions as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote [8-0].

9. **CASE #2010-11. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 98± ACRES OF LAND FROM R-1 TO C-2. THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (DAN ESQUIBEL, CASE MANAGER)**

MOTION: Commissioner Gonzales moved, seconded by Commissioner Mier, to approve Case #2010-11, with all conditions as recommended by staff.

DISCUSSION: Commissioner Lindell reiterated her comments with regard to rezoning to C-2 – that she hopes to see good buffering, some open space and that we don't see development directly up against the highway, and asked to make that a condition of approval as a friendly amendment to the motion.

Chair Salazar said staff mentioned in the Staff report the buffer would go all the way to the side of the northern property, and asked if this is a condition of approval.

Ms. Baer said this already is a condition of approval.

VOTE: The motion was approved unanimously on a voice vote [8-0].

F. OLD BUSINESS

10. **CASE #2009-97. TIERRA CONTENTA PHASE 2C REVISED FINAL PLAT AND DEDICATION PLAT. DAVID THOMAS, AGENT FOR TIERRA CONTENTA CORPORATION, REQUESTS FINAL PLAT APPROVAL FOR 61.37± ACRES, CONSISTING OF 6 TRACTS FOR DEVELOPMENT TOTALING 32.73± ACRES, OPEN SPACE TRACTS TOTALING 24.89 ACRES, AND ROAD RIGHTS-OF-WAY TOTALING 3.75± ACRES. THIS APPLICATION INCLUDES VARIANCES TO DISTURBANCE OF SLOPES STEEPER THAN 30% AND EARTHWORK CUT AND FILL SLOPES GREATER THAN 15 FEET IN HEIGHT. THE SITE IS LOCATED ON THE WEST END OF TIERRA CONTENTA MASTER PLAN COMMUNITY, ADJACENT TO NM 599, AND**

MOTION: Councilor Bushee moved, seconded by Councilor Wurzburger, to approve this request.

DISCUSSION: Councilor Bushee said she understands the break-down and that is for staffing.

Ms. Dailey said in looking at this year's current budget, her position has been moved to oversee the Santa Fe Homes Program, and there will be left over funding from this fiscal year. The Finance Department has advised it is best to wait until August when the budget has been finalized and reconciled, to do a mid-year allocation up to $60,000 for this current year, if this is what the Council would like to do.

Councilor Bushee would like paperwork to precede this as it goes forward to the Finance Committee.

VOTE: The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzburger.

Against: None.

5) **CONSIDERATION OF RESOLUTION NO. 2010- 32. CASE #2010-07. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 285.186± ACRES IN SANTA FE COUNTY TO BUSINESS PARK. THE AREA IS LOCATED IN SANTA FE COUNTY, EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599; AND**

CASE #2010-08. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 76.179± ACRES LOCATED WITHIN THE CITY BOUNDARIES FROM BUSINESS PARK TO COMMUNITY COMMERCIAL AND AN ADJACENT 10.834± ACRES LOCATED IN SANTA FE COUNTY TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (TAMARA BAER)

Items H(5), (6) and (7) were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.

A Memorandum with attachments, dated April 16, 2010, for the Santa Fe City Council meeting of April 28, 2010, to the Mayor and City Council, from Tamara Baer, Planning Manager, Current Planning

Division, regarding Case #2010-07, Case #2010-08, Case #2010-09, Case #2010-10 and Case #2010-11, is incorporated herewith to these minutes as Exhibit "9."

The staff report was presented by Tamara Baer. Please see Exhibit "9" for specifics of this presentation. Ms. Baer requested that the Council approve the revised Table of Conditions which removes anything which has been done, and the conditions have been reorganized into which Department or Division is requesting them. She said the new conditions are on page 52 of the packet.

Questions from the Governing Body

- Councilor Chavez asked how many acres are in the upper portion which is already annexed.

  Ms. Baer said the maps begin on page 85 of the packet, and there is a big blue line outlining the entire parcel. Using the enlarged map, Ms. Baer said, "This little piece right here that's purple is part of the larger 371 acres which is here, and this piece was annexed into the City – it's 76 acres. The lot split that was requested and approved by the Planning Commission actually adds 10 acres below that. So, this piece is ready in."

- Councilor Calvert said the original conditions required certain things to be done before coming to the Council, and asked if this the Revised Table of Conditions.

  Ms. Baer said, in answer to Councilor Calvert's question, almost all of the approvals which were recommended, and are recommended, apply to the time when a development plan is considered by the Planning Commission. She said none of the approvals this evening will result in any construction, noting the development plans and/or subdivision plats will be considered by the Planning Commission in the future.

- Responding to Councilor Bushee, Ms. Baer said the open space buffer along 599 is 250 ft. along the BIP or the southernmost portion, and then goes down to 100 ft. on the C-2 portion which is the upper or northernmost portion.

- Councilor Bushee asked if this is in compliance with the Highway Corridor Plan.

  Ms. Baer said the Highway Corridor Plan dates back to 1999, but it was never officially adopted by the City.

  Councilor Bushee said she understands that, and reiterated her question as to whether it is in compliance with that Highway Corridor Plan.

Ms. Baer said that Plan sets a number of requirements. The requirements for a setback in this particular district in the Plan are 150 ft. to 375 ft., and vary. She said, "In that case no." She said the Plan also recommends a residential land use in this area.

Councilor Bushee said she understands, but thought perhaps the setback requirements were the same, but she is saying these are less than what is required in the Highway Corridor Plan.

Ms. Baer said not necessarily, because the Highway Corridor Plan varied.

Councilor Bushee said she is speaking specifically to this section of 599. Ms. Baer reiterated that the Plan provides for 150 and 375 ft.

Councilor Bushee said it is based on a noise contour and asked Ms. Baer if she has a map specific to this site so she can see where the setbacks vary.

Ms. Baer said she only has the actual Highway Corridor Plan, and she couldn't read it well enough to be able to answer that question.

- Councilor Bushee said changes were made in the Tierra Contenta area. She asked to look at that map.

  Ms. Baer approached the Councilors' dais and indicated the locations on the map. Councilor Bushee said then it's just the part that's the narrow little hotel feature. [Ms. Baer's answer was inaudible because she wasn't speaking into a microphone.]

- Councilor Chavez noted there is language in the original Condition #36 which provides, "The applicant shall provide a construction schedule for NM 599 interchange including current approval progress before the MPO, Department of Transportation and Federal agency, 30 days prior to requesting placement on Governing Body agenda for analysis." He said then the interchange at Jaguar and #599 is the responsibility of the developer for the permitting process and the cost of the interchange.

  Ms. Baer said this is absolutely correct, and the construction schedule is part of additional material the applicant has submitted which is at the very end of the Council Packet. She said the Applicant has agreed in public hearings to do so, and it is also a condition of approval from the Traffic Engineering Department.

  Councilor Chavez said it isn't a condition of approval on the list in the packet.

  Ms. Baer said it is in Revised Condition #6 on page 53 of the packet..

- Councilor Bushee said then it is an interchange and overpass. Ms. Baer said this is correct.

- Councilor Bushee asked if the overpass will be designed for use by pedestrians and bicyclists.

  Ms. Baer said two pedestrian and bicycle crossings are proposed – one is over and one is under. There are two places where proposed trails cross #599 at the overpass, and then there are culverts south of that where the Arroyo Chamiso goes under the road. These connections tie into all of the trails in Tierra Contenta and County trails on the other side and into La Cienega.

  Councilor Bushee asked if the developer is making all of these connections and Ms. Baer said this is correct.

  Councilor Bushee said then they will be crossing in a culvert. Ms. Baer said yes, noting it is safer than an at grade crossing.

- Councilor Bushee asked if there will be bicycle lanes on the overpass itself, such as those on Siler Road.

  Ms. Baer said there will be bicycle lanes but she hasn't seen the design, but she has seen a plan showing bicycle and pedestrian crossings on the bridge.

  Councilor Bushee would like to see specifics of how these are separated from automobile traffic.

- John Romero, City Engineer, said the proposal is for 5 ft. bike lanes and 5 ft. sidewalks on each side, and this is on top of curb and gutter.

- Councilor Bushee asked if the sidewalk or bicycle lane is the one closest to traffic.

  John Romero said the bicycle lane is closest to the traffic, and the sidewalk will be on top of curb and gutter.

- Councilor Bushee asked if the City will have responsibility for maintenance once it is annexed into the City and John Romero said this is correct.

- Councilor Calvert quoted from the last sentence on page 104, "It is the desire of this applicant to provide connectivity to the Tierra Contenta trails network." He would like this to be made a condition of approval, because it isn't there.

  Ms. Baer said the City requested a Trails and Open Space Plan as a condition of approval, noting that has been provided and is on page 7 of Appendix D.3.5 which is a pull-out color map.

  Councilor Calvert said he would this to be listed as a condition of approval as opposed to just having a map which implies that.

- Councilor Dominguez asked what control the City has on the appearance of the interchange and what landscaping requirements will there be along the sidewalk over 599.

  John Romero said, "I'd say we have complete say in how we want the interchange to look. There will be no buffer space between the sidewalk and the curb and gutter, only because it will be over a bridge. But, you know, if there's something that can be worked in there, we can of course do that."

- Councilor Dominguez said he wants to be sure that we spend time looking at the standards for overpasses and interchanges to be sure those are esthetically pleasing, and not the "typical" interchange which isn't always the safest.

  John Romero said the Applicant as well as the DOT has asked him how he wants the interchange to look, but he isn't comfortable in making that decision.

- Councilor Dominguez asked John Romero at what point he gets to review the design.

  John Romero said he currently is reviewing it and "we have complete control of that, and I would be more than happy to receive recommendations from anybody as to how it should look."

- Councilor Romero said then it isn't like what NM-DOT has done in other areas.

  Ms. Baer said the applicant has proposed a bridge that would be similar to the one at Ridgetop in Santa Fe Estates, and she believes the Applicant has graphic material to show this evening as part of its presentation. She said since it is at the expense of the Applicant, the Applicant will also have something to say about its appearance.

- Ms. Baer said the staff is assisting the Applicant in transferring water rights from the County into the Buckman Direct Diversion, so staff believes there will be sufficient water for the project.

- Ms. Baer asked that Fabian Trujillo, Economic Development, be allowed to speak to the issue.

- Councilor Trujillo said he understood John Romero to say that the City would have full control over the design and appearance of the interchange/overpass. He said he truly doesn't believe that the Highway Commission would allow that.

  John Romero said the interchange/overpass will, of course, have to meet DOT structural guidelines. He said currently it is proposed to use pre-stressed beams similar to Ridgetop, noting there is a Zia symbol at Ridgetop.

  Councilor Trujillo said then once it goes before the Highway Commission for approval, and meets the standards, the City won't have to go back to the Highway Commission.

John said this is his understanding as far as the esthetic features on it, such as the color and things like that. He said, "Right now the Department of Transportation is asking us what we would like it to look like."

- Fabian Trujillo, Economic Development, said this project will meet the City's Economic Development Implementation Plan as proposed. He said the businesses they are looking to attract and built out are all in the five clusters – green technology, knowledge based, media, arts and culture. He said we view consistently through our passive recruitment strategy a number of requests from the State to send proposals. These are usually bigger requests in excess of 50,000 sq. ft. He said this particular project will give us the opportunity to compete for those projects that are looking at the State which meet our implementation strategy.

- Councilor Wurzburger said she has a proposed amendment, because she was concerned that there was no reference in the Council packet to the City's Economic Development language, and she will be adding this language as a condition of approval.

- Mr. Trujillo said he has been working with Pavilion and they have agreed to meet our Economic Development Implementation Plan.

Public Hearing

Presentation by the Applicant

Mayor Coss gave Scott Hoeft, representing the Applicant, 15 minutes to present information on the project..

Scott Hoeft, Santa Fe Planning, was sworn. Mr. Hoeft said he and Bruce Poster will be presenting information, noting Mike Gomez, Civil Engineer, is available to answer questions, as well as the Attorney Nancy Long and Phil Sena the developer.

Mr. Hoeft said Ms. Baer highlighted all of the benefits, so he won't be speaking to those. Mr. Hoeft identified the subject site of the project and the interchange/overpass on the enlarged map, noting they will be completing Jaguar Drive to the interchange and extending "Pavilion Air," to the Airport, and the right-of-way [hereinafter "ROW"], was determined years ago and nothing new is added there. It is bounded by the Airport, Komis property and Tierra Contenta. He said the City owned Aviation Business Park is at the top of the site. He said the southern part of the 371 acres is not in the City at this time, and the upper part is in the City. He explained this was a mistake, and it existed as one parcel when the presumptive City Limits was prepared. He said they decided to bring the entire parcel into the City, and notified the County, noting the five requests before the Council this evening.

Mr. Hoeft said his firm has been involved in this project for ten years. He said in initial meetings there was a concern by the residents that the project would put traffic on County Road #54 in the La

Clenega community. He said this plan shows "those two roads as emergency access only," and will be maintained. He said primary access is to the north to the interchange.

Mr. Hoeft said there is a lot of open space, with open space buffers along #599, open space buffers along the south, and there is an arroyo which runs through the middle of the site which is maintained as open space. He said there are significant open space buffers to the south, noting those were part of the earlier plans with the La Clenega community and have been maintained in the new plan. Mr. Hoeft said there is a topography change with the buffers. He said when you are in La Clenega, you aren't looking at the site and there is a significant step-up "at this point here," to the site and that is "open space from a buffer standpoint, but it's also poor topography. It's elevation. There's steep slopes there. And that's also one of the reasons why the buffer was maintained to the south. He said there is open space "north of 40%." He said there are buffers along 599, and a road that comes in that is circular and comes out and the balance of the land is where we have the building pads. He said the density, uses and such, of the building pads will be determined at the development plan submittal which is the next step if this is approved this evening.

Mr. Hoeft presented an artists' rendition which he believes is helpful in seeing how the project will look when complete, with the interchange in the middle and the site to the south, the new Airport entrance and the connectivity to Jaguar.

Mr. Hoeft said the Planning Commission asked him to meet with the Police Department in terms of police protection. He met with Chief Wheeler and his Deputy, explaining this will be serviced by a private security company such as Akal, and they felt the distance from Valdez Business Park was a reasonable distance, especially with the Jaguar extension.

Mr. Hoeft said a few neighbors attended the last meeting to talk about several things, one of which is a fence. A gentlemen was concerned that people were accessing the property illegally, partying and also dumping. At the request of the Planning Commission, we strung a fence from his property to the arroyo so that activity would cease. They also cleaned the site of debris which has been dumped for the last 10 years.

Mr. Hoeft met with Bob Siqueiros and Mr. Wilson to discuss the plans for the trails, noting that connectivity to Tierra Contenta and La Clenega is important, which has been maintained through the arroyo system which runs through the property as well as the trails around the property. There will be two access points from both sides of the highway. He said one option is a box culvert with plenty of room for pedestrians, and the second option is the walkway on the overpass.

Mr. Hoeft said the overpass is modeled after the one at Ridgetop, saying that is an esthetically pleasing design. He said they have been working with NM-DOT for about 8 months to get approval for the bridge, noting they have received access approvals. He said about half of the bridge design is underway and will continue that process based on "their direction. They are guiding the process. We're following their direction."

Mr. Hoeft said, with regard to the water, it is not a transfer it is an exchange. He said, "The water rights... the City wants them in one location, we put them in the other location – the BDD versus the Buckman Well Field. And what we are doing there is not going through a whole new transfer. We're going to work with the City and the County, and we already have letters from both attorneys stating that we can do so to essentially exchange the water rights, not go through a whole new transfer. And Marcos [Martinez] has been heading that up for the City."

Mr. Hoeft, using an enlarged map, spoke to the questions regarding the highway corridors. He said, "What we have shown right here, Councilor, is a buffer of 250 feet, and then we have buffer at the north here shown as 100 ft. But, I believe is what Tamara was getting to is that the buffers that are on the Highway Corridor, and you have the plan in front of you, I believe are 150 ft. required, and up to 375 ft. preferred, if I'm not mistaken. I'm not sure on those distances. But what we have shown here is 250 ft., and then to the north is another 100 ft. If you carry that through, and keep in mind that where we've actually bent it is right where the interchange is at, so there's a considerable distance there from where the cars travel. Also keep in mind that this interchange and the Highway Department shows that location for the interchange going back 15 years, because this is where the elevation changes. It's the higher topography. It's the place that you can naturally put a bridge across without having to do a lot of dirt work, unlike at County Road 62 where it's relatively flat in the area. And so, keep in mind that you're back quite a bit, plus, in terms of visibility, you are again having to work with the elevation, so it's not as visible as what it would appear."

Bruce Poster, Southwest Planning & Marketing, was sworn. Mr. Poster said he prepared an independent assessment of the market analysis for the Pavilion as well as the economic and fiscal impacts. He said they analyzed the site and feel it is a good location for this project in term of the market being near residential growth, major transportation nodes, the Rail Runner Station, and other business parks in the area. It seems like a good place for it, and Mr. Trujillo has said it fits with the City's economic development strategy. He said he attended a meeting yesterday where the Mayor and Councilor Wurzburger spoke about the need to create 4,000 jobs in the next 4 years, and he believes this project will go a long way toward achieving that goal.

Mr. Poster said he looked at the market for the project, and there is evidence the economy is starting to move into the positive. The primary market for the project would be large office manufacturing users in both the public and private sectors, light manufacturers, regional distributors who need this kind of transportation access near highways and an airport, suppliers serving LANL. They spoke with realtors and economic developers about requests, which include an insurance processing company looking for 125,000 sq. ft., a packaging plant for 120,000 sq. ft., three businesses looking for 50,000 to 75,000 sq. ft. for executive headquarters and secondary users such as retail and restaurant to serve the area and persons flying in or out of the Santa Fe Airport.

Mr. Poster said they have looked at competition, and there are other sites which could handle office, but none of them can handle a project of a major size. He said Las Soleras has 100 plus acres of office space which is a lot less than this project; Hart Business Park has 50 acres; the City's Santa Fe

Industrial Park has 40 acres, but no utilities; Komis Business Park 58 acres; and Oshara and Zia Station are smaller projects and not as well located for this use.

Mr. Poster said the City has absorbed 95,000 sq. ft. of office and 40,000 sq. ft. of industrial warehouse per year within the City, but that doesn't include all the development along State Road 14, along the I-25 frontage roads, noting the estimate is 300,000 sq. ft. of office/industrial absorbed per year in the metropolitan area. He said over 15 years, the Pavilion will absorb 70,000 sq. ft., or 23% of the historical absorption rate which they believe is reasonable and achievable.

Mr. Poster said the project will generate 2,700 construction jobs, or 183 per year over 15 years, and $100 million in construction wages, $71 million in indirect wages, 2,600 direct jobs, with another 2,400 indirect jobs, with annual wages of more than $175 million at buildout over 20 years. They estimate $8 million in GRTs from construction, plus $10 million annually from operations, plus $1.5 million in property taxes to the City and the Schools, plus Lodger's Taxes. They believe with the market starting to turn around that the project will be successful and a net benefit to the community.

Speaking to the request

James Hicks, Executive Director, Tierra Contenta, was sworn. Mr. Hicks said they are excited about the plan and that it will be good for the community and Tierra Contenta. He said the new interchange is one of 7 access points established in the master plan, and this is a great thing for them to be able to address traffic problems within Tierra Contenta and on Airport Road and Cerrillos.

Mr. Hicks said the employment opportunities are huge, and Tierra Contenta was designed so people could live close to where they work and the project will help. It will remove obstacles they've had for years because there was no access to #599. In December 2009, Tierra Contenta sold a major piece of Tierra Contenta commercial property on the east side of 599. He said it will be developed to their design standards. He said there is a new fire station to serve the Airport and the interchange will provide a straight shot to the development from the station on Jaguar Drive. He said the Airport Business Park will become a reality. He said there is a big loop road in Tierra Contenta that connects to Jaguar and 599, which will help them jump start the remainder of the development within Tierra Contenta. He urged approval.

Mayor Coss noted there is a Fire Station at the Airport that is fully staffed, although we do appreciate the connectivity.

The Public Hearing was closed

Councilor Dominguez said he lives in Tierra Contenta, and he appreciates the attempts to promote economic development for this area as well as the entire City. He drives the roads daily and understands the congestion along Airport Road and in Tierra Contenta. He said this proposal helps fulfill the various

transportation plans and the Tierra Contenta plan in terms of connectivity. He said this is a project which totally and completely supports the various plans which exists in this part of Santa Fe. He anticipates that people in Tierra Contenta might have work in the area, which is something he wants to see.

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Resolution No. 2010-32, approving Case #2010-07, and Case #2010-08, the General Plan Amendments, with the Amended Conditions of Approval as recommended by staff.

FRIENDLY AMENDMENT: Councilor Wurzburger proposed the following amendment to the motion, pursuant to her previous remarks:

> Page 2, after line 8, add a new WHEREAS as follows: "... and WHEREAS, it is important for development of the subject property to be consistent with the City's Economic Development Plan; and
>
> Page 2, line 20, add new language as follows: "....attached hereto. FURTHERMORE, the Governing Body requests that the City's Economic Development Plan be fully considered when developing the Pavilion parcels.

THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.

POINT OF CLARIFICATION: Councilor Calvert asked if the motion, as amended, is for the two General Plan Amendments. Mayor Coss said it is for the adoption of Resolution 2010-32 which approves Case #2010-7 and Case #2010-8.

Mr. Zamora said it would be cleanest if the Motion was amended to included Councilor Wurzburger's language so there is one motion accepting the amended language, and the revised conditions of approval as recommended by staff.

RESTATED MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Resolution No. 2010-32, approving Case #2010-07, and Case #2010-08, the General Plan Amendments, with the Amended Conditions of Approval as recommended by staff, and with the following amendment to Resolution No. 2010-32:

> Page 2, after line 8, add a new WHEREAS as follows: "... and WHEREAS, it is important for development of the subject property to be consistent with the City's Economic Development Plan; and
>
> Page 2, line 20, add new language as follows: "....attached hereto. FURTHERMORE, the Governing Body requests that the City's Economic Development Plan be fully considered when developing the Pavilion parcels.

VOTE: The restated motion, as amended, was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzburger.

Against: None.

6) **CONSIDERATION OF BILL NO. 2010-12; ADOPTION OF ORDINANCE NO. 2010-7. CASE #2010-12. THE PAVILION OFFICE COMPLEX ANNEXATION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS ANNEXATION OF 296.020± ACRES OF LAND, LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (TAMARA BAER)**

MOTION: Councilor Dominguez moved, seconded by Councilor Chavez, to adopt Ordinance No. 2010-7, approving Case #2010-12 the Pavilion Office Complex Annexation, with the Revised Conditions of Approval as recommended by staff which are applicable to the annexation.

DISCUSSION: Responding to Councilor Bushee, Ms. Baer said the Applicant stated earlier that they will provide private security services. Councilor Bushee asked if this would be provided permanently, and the City would never have to patrol this. Ms. Baer said this is correct, during construction, but probably not prior to construction.

Councilor Wurzburger asked what will happen on the 372 acres in the meantime, presuming construction will take more than a year. She said the City has now annexed the property and now has an additional 372 acres to which the City will respond.

Ms. Baer said the land has been there forever, and the only problems, to her knowledge has been some partying, a little bit of trash dumping and some trespassing involving ATV vehicles. She said access to the property has been fenced on the southern portion where the previous access was happening.

Councilor Bushee doesn't have to worry the Police Department if the Applicant is going to offer security services, and asked if that will be provided throughout construction.

Mr. Hoeft said yes.

FRIENDLY AMENDMENT: Councilor Bushee asked to add a condition of approval that the Applicant will provide security services throughout construction **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY, WITH THE MAKER STATING THAT THE POLICE DEPARTMENT IS ALREADY DOING SOME OF THAT.**

DISCUSSION: Councilor Dominguez said he wants to point out that the Police Department has been wonderful and active in patrolling some of the open space just east of #599. He understands the police often go underneath the box to the western part of #599, where the proposal is to patrol some of that area as well.

Councilor Bushee said construction sites are graffiti magnets, as well. She said the City can assist, but we need "you guys" to cover it.

Councilor Calvert asked, since the Archaeological Review Committee [hereinafter "ARC"] has not met and will meet after this meeting, how will we incorporate their findings as a condition of this project.

Ms. Baer said the Committee did consider a report on this project by Stephen Post, Archaeologist, and the ARC had changes it wanted made to the Report. She understands he has made those changes, noting there is a letter in the back of the packet. She said, "It is absolutely the City's understanding that this won't go ahead without ARC approval."

Councilor Calvert asked if we could add a condition of approval, that the approval is subject to conditions imposed by the ARC, but we may not know what those are at the time we make that a condition. He asked if we want to "write that blank check, or how do you want to deal with it."

Ms. Baer said the Revised Conditions of Approval are very specific with regard to what they were looking for.

Mr. Hoeft said archaeological reports were done 15 years ago, and those were rejected by the ARC when presented to them. He said it was necessary for Mr. Post to revisit all of the sites. He said Mr. Post prepared the updated Report, and went to make a presentation to the ARC, but they didn't have a quorum. He said Mr. Post needs to make another presentation, and the ARC will either concur or disagree with his recommendation. He said there are two sites on the project which are significant. At that point, we will need to develop a mediation plan – to either keep them in an easement for preservation or mediate them. He said archaeological clearance from the ARC is required to obtain a building permit. He said they can't proceed until this issue is resolved.

Councilor Calvert asked Mr. Hoeft if the Applicant would be okay with a condition of approval providing that he will follow the recommendations of the Archaeological Review Board.

Mr. Hoeft said this is correct.

FRIENDLY AMENDMENT: Councilor Calvert asked that the motion be amended to provide a condition of approval that the Applicant will follow the recommendations of the Archaeological Review Committee.

DISCUSSION ON THE FRIENDLY AMENDMENT: Ms. Baer said this already is a condition, in that the Applicant can't get development plan approval or a building permit unless they comply with all of the conditions stated by the ARC.

WITHDRAWAL OF THE FRIENDLY AMENDMENT: Councilor Calvert withdrew his request for a friendly amendment.

Councilor Calvert said there was discussion about the water rights, and he would be more comfortable with a condition of approval about what is going to have to happen, so the transfer and such is in place, and not just as a "gentlemen's agreement."

Mayor Coss said it is just moving the diversion point, and it isn't a transfer of water rights.

Councilor Calvert said the City and County have water rights at different locations and we're just going to "swap."

Mr. Zamora said this is correct, it is an exchange of water rights and being handled by our attorney Marcos Martinez.

Councilor Calvert asked Mr. Hoeft if the Applicant is amenable to this being a condition of this annexation, and Ms. Baer said it already is.

Councilor Calvert said he doesn't see it in writing anywhere as described -- the exchange between the City and County of water rights so they are at the right location.

Mr. Hoeft said the Applicant is amenable to such a condition.

FRIENDLY AMENDMENT: Councilor Calvert asked to amend the motion to provide that the exchange of the water rights between the City and County must be completed as a condition of the approval of the annexation. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Calvert referred to page 93, D.3.8, which discusses connection to the 599 Railrunner Station. He asked if the Applicant is willing to provide that connection or to help the City with its funding.

Mr. Hoeft said he is uncertain to what Councilor Calvert is referring.

Councilor Calvert said this is under "Expansion of Services," and the section on Annexation discusses when a project comes forward and wants to "push the boundaries," and there is an extension of services. He considers the transit referenced in the reports as an extension of services, and asked Mr. Hoeft if the Applicant is willing to pay for or to assist in funding that connectivity, noting he is referring to it as something that will happen. Councilor Calvert wants to know who will pay for this. He said throughout the

section it talks about providing services such as water and sewer and the Applicant will pay for that infrastructure. He said this is another extension of services, and would like to know what the Applicant would be willing to do on this connectivity.

Mr. Hoeft asked Councilor Calvert if he is referring to an extension of the Rail Runner or Santa Fe Trails program.

Mayor Coss said he is speaking about the transit service to connect.

Mr. Hoeft said he met with Santa Fe Trails to ask if it would be willing to service the project, and they said yes, they would run a route from the Rail Runner Stop to the site.

Mayor Coss asked who would pay for the route.

Councilor Calvert asked again if the Applicant would be willing to help fund the extension of City transit services for this project.

Mr. Hoeft said he has no sense of what that would cost month-to-month and year-to-year.

Councilor Bushee said there have been discussions at RPA with regard to the Las Soleras buildout, and with this build-out. She said it is a shifting of the City's funding and priorities, and to ensure that traffic and congestion are alleviated. She believes this is a government service that will be offered there, saying she understands Councilor Calvert's good intentions. She said the City has never conditioned a private development to provide bus service.

Councilor Calvert said we have required some to provide the station or for the connection to be made.

Councilor Bushee said the station is there, and she is speaking to the fact that the RPA has had this discussion, and as we move through shifts and changes of buildouts we will be directing services there.

Councilor Calvert agreed that we have had this discussion at RPA, and found that the need for expansion for rail connectivity will exceed the budget. He said the City will continue to have demands on connections to the Rail Runner service, many which will be south of that station. He is glad the Applicant spoke with Transit, and Transit will be glad to provide the service. However, will that be funded by the RPA or the City.

Councilor Bushee said, "All I'm going to amplify is that it was never our intention to pay for the Rail Runner service, but it was always the plan to pay for the services to get to and from the train, which she believes is "our obligation."

Mayor Coss said as they build out, they will pay the 1/8% RTD tax which might cover the cost.

Councilor Chavez said one benefit of the buildout in addition to GRTs, would be the collection of Impact Fees, which, added to any GRTs, should help pay for some of the future services we're expected to provide.

Councilor Dominguez agreed with Councilor Chavez. He said as the development plan comes forward, there will be a need to identify bus stops and shelters, and such.

Ms. Baer said this is absolutely correct, and those will be specified and reviewed in the development plan review.

Councilor Romero said the RPA is the entity that makes decisions on how the GRTs will be spent, and submits that plan to the NCRTD. In this situation, she feels it is premature to make them do anything extra when we don't know the amount of the GRTs. She said the RPA has committed to look at any of the additional services which will be required, including Las Soleras, the Zia Station, to be sure funds are set aside for some of the future activities which may occur. She said we do evaluate the needs, through our service plan, so there is a continual evaluation. She would hesitate to hinge anything right now on a requirement when we don't know what it will look like, and she is comfortable in leaving it as is.

Councilor Calvert said she helps his argument in saying we don't know what the GRTs will be. He said the need for transportation will be from day one when something opens. This plan goes over 15 years, so it will take a while to accumulate GRTs which might pay for the transit, so we won't have those funds from day one.

Councilor Calvert said he would withdraw his request for this amendment.

FRIENDLY AMENDMENT: Councilor Calvert asked to add a condition of approval regarding the Applicant's willingness to provide the connectivity to the Tierra Contenta Trail. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Bushee said generally conditions of approval added by the Council come under rezoning, and asked if it appropriate to do this under the annexation.

Mr. Zamora deferred to Mr. O'Reilly or Ms. Baer.

Mayor Coss believes we can impose conditions on annexation or the ordinance, but we generally don't do this on the general plan.

Ms. Baer said the conditions of approval are exhibits to each of these cases, so they will repeat and be the same.

FRIENDLY AMENDMENT: Councilor Calvert said he would like to amend the motion to require compliance with the Night Sky Ordinance because of the proximity of the project to our neighbors to the south which is not densely populated, as well as to the airport for reasons of flight safety. He also would like to require the use of LED lighting for streetlights. **THE AMENDMENT WAS FRIENDLY TO THE MAKER.**

DISCUSSION ON THE FRIENDLY AMENDMENT. Councilor Dominguez said we have gone through a processing in dealing with lighting and how it affects neighbors to the south, east and north. He fully expects the applicant would comply with our ordinances, and that we will enforce that ordinance.

Councilor Bushee believes the two issues should be separated. She said they have to comply with the Night Sky Ordinance. However, the City has been trying to pursue LED lights for streetlights, and she understands it is cost prohibitive at this point, and the reason the City hasn't pursued it. She said the technology may be cheaper by the time this project happens, but LED lighting isn't in our Night Sky Ordinance.

Councilor Calvert said it is being done in some locations, and Councilor Bushee said she understands it is very costly, and we're doing this with the traffic lights. She asked Mr. Romero to comment.

Robert Romero, City Manager, said we are hearing about concerns about LED lights in climates like Santa Fe, so we haven't selected a light which we believe is a standard and with which PNM will work with us to place. He said until that technology gets to the place where we're comfortable and makes sense, we're probably not going to go there.

Councilor Calvert asked when there will be groundbreaking on his project.

Mr. Hoeft said it will be April 2011, with 15 years to buildout.

AMENDED FRIENDLY AMENDMENT: Councilor Calvert asked to add a condition of approval that the Applicant comply with the Night Sky Ordinance and that it is desirable that the applicant include LED lighting at the appropriate time. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

CLARIFICATION OF THE FRIENDLY AMENDMENT BY COUNCILOR WURZBURGER: Councilor Wurzburber said the issue for her, as you come down La Bajada Hill, are the security lights people put around commercial buildings. She said, "I am inferring that under the technological improvements you could have motion sensors, because right now I can imagine 372 acres all lit up until they destroy our night sky. I don't know if our Night Sky Ordinance talks about that, but that's what you see when you come up La Bajada Hill." She would like to add this as clarification, and if it isn't in the Night Sky Ordinance and we need to look at that.

Councilor Dominguez understands the intent. He said this is something to be addressed at the development plan phase, noting we don't know the locations of the buildings, etc. He said we just went through this issue with the FedEx building, and they've done a lot to tone-down the lighting and the neighbors are happy with that.

Councilor Calvert reiterated his concern that the lighting could be a flight safety issue as well.

Mr. Zamora said he has heard conditions of approval to comply with certain ordinances with which he has a legal concern. He said if you start enumerating the ordinances with which they must comply, are you setting up for an argument that they don't have to comply with the Ordinances you didn't name, and in the future with other developments if you remembered to include them this time around, but you didn't remember to include them six months down the line, will they argue that they don't have to comply with Night Sky.

AMENDED FRIENDLY AMENDMENT: Councilor Calvert would like to amend the previous condition to drop the Night Sky Ordinance provision, and ask that the Applicant work to achieve the most downwardly focused lighting technology possible at time of implementation. **THE AMENDED FRIENDLY AMENDMENT WAS FRIENDLY TO THE MAKER AND THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Calvert said the enumeration of the financial impacts from this project was very impressive. However, his concern is, especially during construction, how we know if any of this will be local expenditures. He asked if there is a way that we will come to some reassurance by the Applicant, that the Applicant will try to work with local firms, especially over 15 years. He wants a reassurance and/or commitment by the Applicant to work with local development firms and local supply firms to keep the revenue in Santa Fe's economy. This is as opposed to hiring a firm from Albuquerque, and bringing its workers, so Albuquerque gets the employees and the infusion of funds.

Councilor Wurzburger agreed with Councilor Calvert in this regard.

Mr. Hoeft said, "Councilor, we would make this commitment, as long as it isn't required. We will do our best to follow your advice, certainly."

VOTE: The motion, as amended, was approved on the following roll call vote:

> **For:** Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzburger.
>
> **Against:** None.

7) **CONSIDERATION OF BILL NO. 2010-13: ADOPTION OF ORDINANCE NO. 2010-8. <u>CASE #2010-10</u>. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 285.186± ACRES OF LAND FROM COUNTY RESIDENTIAL TO BUSINESS INDUSTRIAL PARK (BIP). THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (TAMARA BAER)**

<u>CASE #2010-11</u>. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 76.179± ACRES FROM RESIDENTIAL/1 DWELLING UNITS PER ACRE (R-1) TO GENERAL COMMERCIAL (C-2), AND 10.834± ACRES ADJACENT FROM COUNTY RESIDENTIAL TO GENERAL COMMERCIAL (C-2). THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (TAMARA BAER)

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Ordinance No. 2010-8 approving Case #2010-10 and Case #2010-11, the Pavilion Office Complex Rezonings, with all Amended Conditions of Approval as recommended by staff.

DISCUSSION: Councilor Bushee asked the Applicant to delineate the open space buffers to adjoining properties for the project in greater detail..

Mr. Hoeft asked if she is speaking to the open space here or the open space along the southern edge.

Councilor Bushee said, "Not along the highway."

Mr. Hoeft said, "We've maintained open space buffers along the southern portion here, that's approximately 250 ft. by this measure here. Over here, it's an even greater distance, and all along here, this is shown as open space."

Councilor Bushee said then, at maximum, it is 400 ft. and 100 ft. minimum.

Mr. Hoeft said the minimum here looks as though it is 250 ft. and it only goes up from there.

Councilor Bushee understands the compliance around C-2 zoning would be impossible, but believes they already closely comply with the remaining portion of the site which would be a business park.

FRIENDLY AMENDMENT: Councilor Bushee asked that a condition of approval be imposed requiring the Applicant to comply with the Highway Corridor Plan as mapped out, just in that stretch. **THE AMENDMENT WAS FRIENDLY TO THE MAKER THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS, WITH THE MAKER COMMENTING THAT IT APPEARS THAT THEY ARE TRYING TO ACHIEVE THAT AS IS..**

Ms. Baer asked Councilor Bushee if she is speaking only to the setbacks for the Highway Corridor.

Councilor Bushee said yes, and not for land use, because we are changing the potential land uses with the rezoning, "or any of the other standards. "

Mr. Hoeft said, "Just a clarification. I believe we were talking about roughly 310 feet in this area here, which we more than meet. And I believe in this area we're talking about 285 ft., what we saw on the map. And again, it's difficult, because we can't transpose this, and this scares me a little bit. But 285 ft., I mean if we're 250 ft. here, it's not that big of a..."

Councilor Bushee said, "And in the upper, you can't comply, so I didn't make that part of the amendment.

Councilor Dominguez asked, "We're within the range. You feel comfortable that we are within that range. "

Councilor Bushee and Mr. Hoeft said yes.

Councilor Bushee said, to be clear, she's not asking for the uses to change, and asked staff to describe the other standards that they're not having to meet.

Ms. Baer said, "The ones that come to mind, is that there's a height restriction of 17 ft. There's also a maximum building site of 5,000 sq. ft., which probably wouldn't work either."

Councilor Bushee asked staff to send the Trails and Open Space Plans through the Bicycle and Trails Advisory Committee, noting they may have some good suggestions.

Councilor Bushee said this is a good project and the economy needs the help. She likes the location and that the interchange will be user-friendly and will be an amenity to that part of town. She with the rezoning it looks like this plan puts the City's idea of a business park "to rest."

FRIENDLY AMENDMENT: Councilor Romero asked to amend the motion to add a condition of approval that any construction debris from the site will be taken to the Caja del Rio Landfill. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS..**

Mr. Hoeft said the Applicant concurs with this condition of approval.

Councilor Chavez asked if the Applicant will have to comply with all current land use requirements and Ordinances, such as the Big Box Ordinance, which would limit commercial properties to 150,000 sq. ft.

Ms. Baer said, "They would have to comply with all City ordinances, period."

Councilor Bushee would like the Applicant to take advantages of any options for water harvesting and filtration in the parking lot. She said it is a thought and not a condition.

Councilor Calvert said it would be helpful to him, when staff prepares a packet, if they could use different letters for the Planning Commission, and the Council. He asked that the latest information be put closer to the front of the packet so they can see the most recent information, rather than at the back of the packet.

CLARIFICATION OF THE MOTION: Councilor Dominguez said he wants to be sure the motion includes approval with all of the Amended Conditions of Approval as recommended by staff.

Councilor Wurzburger thanked everyone for their hard work on this project. She is hopeful that Tierra Contenta can be recharged from this. She said the trend of people working in Santa Fe and living in Albuquerque remains of concern to her. She hopes there is something we can do to in terms of housing in Tierra Contenta to make this happen.

VOTE: The motion, as amended, was approved on the following roll call vote:

> **For:** Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo, and Councilor Wurzburger.
>
> **Against:** None.
>
> **Explaining his vote:** Councilor Ortiz said he wants to encourage this developer who has gone through a process not to give up hope to land the State Government Complex. He realizes the so-called "fix is in," with regard to the State purchase in Las Soleras and that people in this administration are trying to get things developed during this administration. He said the State has ignored the fact that they have to bring water rights to that complex for which it has not accounted nor budgeted. He said this project provides a perfect opportunity for the State expansions about which it has been talking. It is his hope that this developer is not dissuaded by the kinds of politics which are happening at this time, and that the developer continue to act aggressively to try to get that complex for this side of town, given all of the amenities it has put forward in benefit of the community, and voted yes.

Mayor Coss thanked the staff and the developer for a job well done, commenting it is nice to have a development to approve, because we haven't had one for a while.

8) CONSIDERATION OF BILL NO. 2010-13: ADOPTION OF ORDINANCE NO. 2010-9 (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). (MELISSA DAILEY). AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE 26-1, REGARDING THE SANTA FE HOMES PROGRAM IN ORDER TO INCREASE THE MAXIMUM INCOME OF ELIGIBLE BUYERS TO 120% OF AREA MEDIAN INCOME; TO ALLOW THE

ANNEXATION AGREEMENT
THE PAVILION

This Annexation Agreement ("Agreement") is made and entered into this 10th day of December, 2010, by and between the City of Santa Fe, New Mexico, a New Mexico Municipal Corporation ("City") and Commercial Center at 599, Inc., by Richard Cook ("Landowner").

RECITALS

A. Landowner is the owner of certain real property situated in Santa Fe County, New Mexico consisting of approximately 295 acres, said property being situated within Sections 15 and 22, Township 16 North, Range 8 East, New Mexico Primary Meridian as more fully described in the Annexation Plat attached hereto as Exhibit 1 and incorporated herein by this reference, and hereinafter referred to as the "Property."

B. Landowner desires to obtain annexation of, and the City agrees to annex, the Property into the City subject to the terms and conditions hereinafter set forth.

C. Landowner desires to develop and the City agrees to the development of the Property subject to and upon the terms and conditions hereinafter set forth.

AGREEMENTS

NOW, THEREFORE, in consideration of the premises, the following agreements and undertaking of the parties, the parties agree as follows:

1. **The Annexation Plat (Exhibit 1).**

A. Landowner agrees to prepare an annexation plat in compliance with the requirements of Chapter 14, SFCC 2001 ("SFCC").

B. The annexation plat shall dedicate to the City improvements and easements as determined during the development review process.

2. **Conditions of Annexation (Exhibit 2).** The Landowner agrees to comply with the conditions of approval imposed by the Santa Fe City Council as set forth in Exhibit 2 to this Agreement.

3. **Development of the Property.**

A. This Agreement anticipates development of the Property substantially in accordance with the Master Plan, the terms and conditions contained herein and in accordance with the Pavilion Office Complex Annexation Case # 2010-9, and approved by Ordinance No. 2010-7 **(Exhibit 3).**

B. The Property shall be developed in accordance with the Master Plan, approved development plans, subdivision plats, the Phasing Plan for the Property and the SFCC, recognizing that the Master Plan and Phasing Plan are conceptual in nature and accordingly the Master Plan and Phasing Plan may be modified through the development approval process without the necessity for an amendment of the plans.

C. No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and any sub-phases within the Property which will be affected by the approved development plan or plat, and for financing and coordinating the construction of that infrastructure.

D. No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exist adequate provisions

for coordinating dedication, financing and constructing infrastructure necessary for the orderly development of lands adjoining the Property boundaries, including but not limited to "stubbing out" trails, roads and utility easements, and/or provisions for pro-rata contributions to off-site improvements that may be impacted by the approved development plan or plat.

4. **Rezoning of Property.** The Property shall be rezoned to designations C-2 and BIP as provided in rezoning application Cases #2010-10 and #2010-11, approved in conjunction with the annexation of the Property, as Ordinance No. 2010-8.

5. **City Services.**

A. ***Fire and Police Protection.*** Fire and Police protection for the Property will be provided by current existing City Police and Fire Department facilities and personnel. A fire protection plan shall be submitted with each phase for Property to show the size of the water mains and fire hydrant locations.

B. ***Refuse.*** Refuse disposal services shall be provided in accordance with applicable City ordinances and policies. Construction debris shall be disposed of at the Caja del Rio transfer station.

C. ***Water Service.*** A Water Right Exchange Agreement between Santa Fe County and Richard P. Cook was approved at the October 12, 2010 Board of County Commissioners meeting and effective on that date **(Exhibit 4)**. Water service will be provided for the development of the Property by the City of Santa Fe. Prior to the development of the Property, the Landowner agrees to connect the proposed development to the City water delivery system using dedicated easements. The Landowner shall reserve easements through the Property (where required) to be shown on a final development plan.

D. ***Storm Water, Wastewater Collection and Sewer Service.*** Concurrent with the development of the Property, the Landowner shall construct storm water and wastewater improvements to service the Property in accordance with the Santa Fe City Code using existing and proposed easements. The storm water and wastewater systems referenced above shall be designed and constructed in accordance with City regulations, guidelines and ordinances. All plans, reports and construction documents relating to the design and construction of the storm water collection systems shall be reviewed and approved by the City prior to any construction. The Development is to be served by a central sewer lift station(s). The City of Santa Fe shall own the sewer lift station(s) and the City shall be reimbursed for all costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s). All costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s) are to be paid by the Development. The Development shall be required to establish a permanent "business park association" for this and other purposes. Permanent escrow accounts shall be placed with the City of Santa Fe for the maintenance, repair, replacement and operational cost of the sewer lift station(s).

E. ***Streets and Other Rights of Way.*** Streets within and outside the Property, as stipulated below, shall be constructed in accordance with City standards, applicable laws, rules, regulations, City approvals and the Santa Fe City Code. Upon completion of construction and approval by the City, the streets delineated as public streets shall be dedicated to the City as public rights of way and maintained by the City at its expense. The Landowner shall be responsible for the construction and shall bear all expenses associated with construction. Additionally:

(1) Proposed access to and improvements on New Mexico Department of Transportation ("NMDOT") Highway Systems shall receive approval from the NMDOT.

(2) All proposed use of City owned property for purposes of roadway infrastructure shall receive Public Works Committee, Finance Committee and City Council approval prior to submittal for Final Subdivision Plat and/or Final Development Plan.

(3) Landowner shall be responsible for all costs associated with constructing the NM 599/Jaguar interchange.

(4) Landowner shall be responsible for all costs associated with the construction of Jaguar Drive from its current terminus to the NM 599/Jaguar interchange. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.

(5) Landowner shall be responsible for all costs associated with the construction of a roadway from the NM 599/Jaguar interchange to the Santa Fe Municipal Airport. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department.

(6) Landowner shall provide a stub-out for a future connection to the I-25 frontage road. The design and location of the stub-out shall be reviewed and approved by the City of Santa Fe Public Works Department.

F. ***Letter of Credit or Bond.*** All required improvements for water, storm and wastewater collection, roads and rights-of-way shall be constructed in accordance with the time constraints set by the City and when completed to the satisfaction of the City,

said improvements shall be dedicated to the City for its use in perpetuity. The Landowner shall provide a letter of credit, in a form acceptable to the City, for the required improvements to the Property. The amount of the letter of credit shall be based on a certified engineer's estimate acceptable to the City.

6. **Archeological Review Ordinance.** The Landowner shall comply with the SFCC in regard to archeological review of the Property.

7. **Utilities.** The Property shall be served only with underground utilities, except as may be approved by the City and/or the State Public Regulation Commission in accordance with the applicable policies and regulations.

8. **Traffic Impact Report.** Prior to the development of the Property a final traffic impact report, illustrating the traffic generated and the impact of the circulation on systems within the Property and surrounding area shall be provided to the City by Landowner.

9. **Parks.** Open space and parks shall be dedicated to the City or in-lieu-of fees paid as required by the Santa Fe City Code.

10. **Wells and Water Rights.** The Landowner agrees that no well shall be drilled on the Property and no water rights shall be transferred to permit a diversion of water from the Property after the date of this Agreement.

11. **Impact Fees.** The Landowner agrees to pay applicable City impact fees.

12. **Assignment.** The Landowner may sell, transfer or assign this Agreement and Landowner's rights and obligations hereunder, provided such transferee shall execute and deliver an agreement by which such transferee assumes liability and agrees to perform all obligations of the Landowner under this Agreement, without further liability hereunder, and provided the City consents to such sale, transfer or assignment, which consent shall not be unreasonably withheld,

delayed or denied. Any assignee(s) shall be bound to the terms and conditions of this Agreement to the same extent that the Landowner was originally bound. Without limiting the foregoing, this Agreement runs with the land and binds and shall bind each and every owner of the Property, whether such person is the Landowner or any successor-in-interest to the Property.

13. **Captions.** The captions and paragraph headings of this Agreement are not necessarily descriptive, or intended or represented to be descriptive, of all the provisions thereunder, and in no manner shall such captions and paragraph headings be deemed or interpreted to limit the provisions of this Agreement.

14. **Execution of Documents.** The parties agree to execute all documents expressly described or implied by this Agreement.

15. **Severability.** If any provision of this Agreement, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Agreement, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

16. **No Waiver.** No waiver of a breach of any of the terms contained in this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other term.

17. **Numbers and Genders.** Wherever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

18. **Governing Law.** This Agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of New Mexico.

19. **Binding Effect.** This Agreement shall be binding upon, and inure to the benefit of, the parties and their respective heirs, successors and permitted assigns.

20. **Agreement.** This Agreement states the entire agreement of the parties. The provisions of this Agreement shall be modified only in writing. This Agreement shall not relieve Landowner from complying with present or future City ordinances, duly adopted resolutions or regulations applicable to the development.

21. **Amendments.** Any amendments to this Agreement shall be reviewed by the Planning Commission (or successor or replacement body) and recommendation regarding approval made, and then sent to the City Council for final action, except as provided herein at paragraph 3.

IN WITNESS WHEREOF, this Agreement is entered into the day and year written above.

CITY OF SANTA FE

By: _____
Name: David Coss
Title: Mayor

ATTEST:

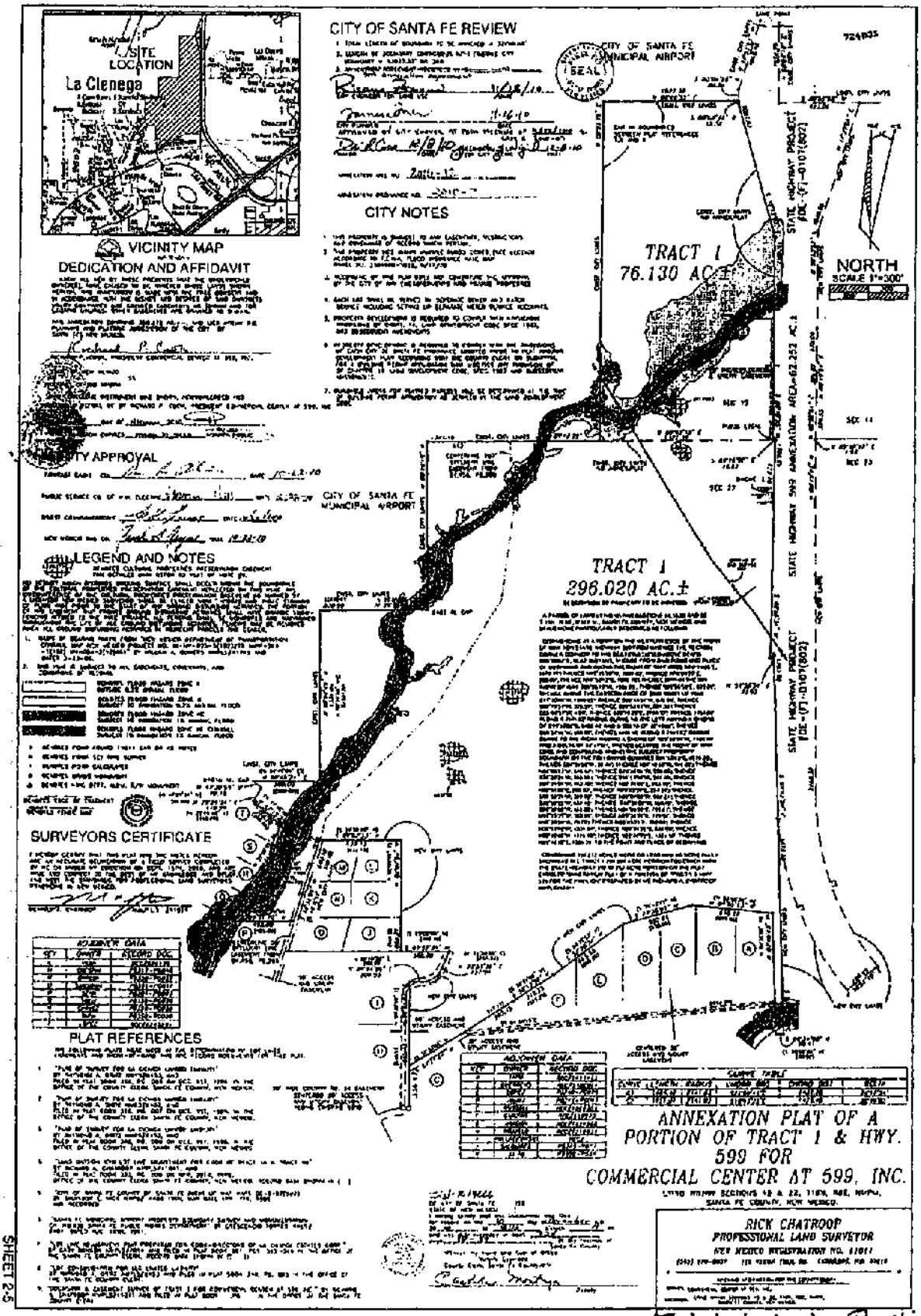
_____
Yolanda Y. Vigil, City Clerk

APPROVED AS TO FORM:

_____
Geno Zamora
City Attorney

LANDOWNER:
COMMERCIAL CENTER AT 599, INC.,
a New Mexico corporation

By: _____
Name: Richard P. Cook
Title: President



SHEET 2-5

Exhibit 1 to Pavilion Annexation Agreement

The Pavilion –Conditions of Approval
General Plan Amendment (Case #2010-08 & 08)
Annexation (Case # 2010-09)
Rezoning (Case #2010-10 & 2010-11)

	Conditions	Department	Staff
1	Solid Waste Management Division: • The concept plan is fine. But, there is not enough information for review as a development. All inquires of solid waste must be met by my office.	Solid Waste	Randall Marco February 8, 2010
2	Fire Marshall Requirements to apply at time of Development Plan/proposed construction: • Comply with IFC 2006 edition. • Provide a water system that complies with Appendix C of IFC 2006 edition. • Provide roadways that comply with Appendix D of IFC 2006 edition. • All roadways to be no greater than 10% grade. • All buildings shall be reviewed for access and water availability as per IFC 2006 edition.	Fire Department	Angelo Ortega February 16, 2010
3	Technical Review Division Requirements: • All plan sheets shall show the Special Flood Hazard Area and reference the appropriate FIRM. • Arroyo crossings must meet all federal, state, and local laws. • All provisions of Articles 14-3.9 (Development in Special Flood Hazard Areas) and 14-8.3 (Flood Regulations) of the Santa Fe Land Development Code must be followed in developing this land. • If approved as a General Plan Amendment, Annexation, Rezoning, and Lot Split, FUTURE SUBMITTALS MUST MEET ALL PROVISIONS OF THE LAND DEVELOPMENT CODE. Approval of the Conceptual Master Plan does not waive the requirement to satisfy Floodplain and Terrain Management regulations. Variances may be required and are NOT considered to be entitlements based on approval of the Master Plan. • If the project moves forward with submittal of Subdivision Plats and/or Development Plans, a variance may be required for disturbance of over 30% slopes. All provisions of Article 14-8.2 must be followed.	Land Use Technical Review	Risana Zaxus February 15, 2010
4	Wastewater Management Requirements: • The plans indicate that the Development is to be served by a central sewer lift station(s). All costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s) are to be paid by the Development. • The City of Santa Fe shall own the sewer lift station(s) and the City shall be reimbursed for all costs associated with the maintenance, repair, replacement and operational cost of the sewer lift station(s). • The Development shall be required to establish a permanent "business park association" for this and other purposes. Permanent escrow accounts shall be placed with the City of Santa Fe for the maintenance, repair, replacement and operational cost of the sewer lift station(s).	Wastewater Management	Stan Holland February 8, 2010

Exhibit 2
Pavilion Annexation Agreement

SFC CLERK RECORDED 12/19/2012

5	Archaelogy/Historic Preservation Division: The decision of the Archaeological Review Committee (ARC) at their February 4,2010 meeting was to postpone the report pending revision of the report by the Applicant and its resubmission with the following direction to the Applicant: 1.) Revisit the sites which have been identified in the previous reports and update them as to current conditions, description, and recommendations; 2.) The report shall contain all standard sections required by the ordinance, in particular, that an environmental section be included within the report; 3.) The report shall include a title history of the property; 4.) In preparation of the final report, use NMAC 4.10.15.9, ff [following appropriate pages] as a general guideline for including appropriate material including an abstract, administrative data and so forth, as set out in NMAC guidelines, which are mentioned here as a general guideline only, and not as a point-by-point requirement; 5.) Provide explicit, written justification for the acceptance of the work that was done previously under standards which are different from current City ordinance - why we should accept work which was done previously under a different standard than what is required under the City ordinance; 6.) Provide an additional description of the Camino de los Carros; 7.) Provide a written justification of the reasons that no new reconnaissance of the subject property is needed; and 8.) Correct any typographical errors mentioned or otherwise discovered in the process of redoing the report.	Archeology/Historic Preservation	Marissa Barrett
6	Traffic Engineering Division. Following are conditions to be placed on the annexation agreement: a. Any proposed access to or improvements on New Mexico Department of Transportation (NMDOT) Highway Systems shall receive ultimate approval from the NMDOT. b. All proposed use of City owned property for purposes of roadway infrastructure shall receive Public Works Committee, Finance Committee, and City Council approval prior to submittal for Final Subdivision Plat and/or Final Development Plan. c. The developer shall be responsible for all costs associated with constructing the NM 599/Jaguar interchange. d. The developer shall be responsible for all costs associated with the construction of Jaguar Drive from its current terminus to the NM 599/Jaguar interchange. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department. e. The developer shall be responsible for all costs associated with the construction of a roadway from the NM 599/Jaguar interchange to the Santa Fe Municipal Airport. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department. f. The developer shall provide a stub-out for a future connection to the I-25 frontage road. The design and location of the stub-out shall be reviewed and approved by the City of Santa Fe Public Works Dept.	Traffic Engineering	John Romero February 8, 2010
7	Stormwater Management Division: • Provide a report that addresses the City of Santa Fe Stormwater Utility MS4 and how Post Development Runoff Control and Pollutant Removal pre-treatment will be achieved. • Provide a Stormwater Quality Post Development Runoff Control Pre-treatment plan indicating structural	Public Works Stormwater	Jim L. Salazar February 10, 2010

	BMPs that will be used for pollutant removal and runoff pre-treatment prior to discharge to drainageways and the MS4. • Provide a note stating that the development is subject to the requirements of the SFCC Chapter XIII Stormwater Utility including the Stormwater Utility Service Charge and Stormwater Illicit Discharge Control requirements. • Provide a note stating that the development is subject to the requirements of NPDES General MS4 Discharge Permit No. NMR040000 and NPDES Construction General Permit No. NMR100000. • Provide a note as follows: Construction is subject to the requirements of NPDES Construction General Discharge Permit No. NMR100000 and that a Stormwater Pollution Prevention Plan must be prepared by a qualified professional and a Notice of Intent (NOI) for coverage must be filed with the EPA. Construction stormwater discharges are not permitted until a minimum of seven (7) calendar days after EPA acknowledgement of a complete NOI. • Provide a note as follows: City of Santa Fe Stormwater Illicit Discharge Control. SFCC 13-2 prohibits the discharge of pollutants including sediment, slurries, mud, plasters, concrete rinsates and any construction materials, wastes and garbage, etc. to the storm drain system. The storm drain system includes roads, streets, curbs, gutters, drop inlets, piped storm drains, culverts, retention and detention basins, natural and man-made drainage channels, arroyos, rivers and any facility and appurtenance by which stormwater is collected and/or conveyed. • Provide a note as follows: City of Santa Fe Terrain and Stormwater Regulations. SFCC 14-8.2 requires that construction disturbed area shall be protected against erosion. Sediment must be contained on the disturbed area by the use of temporary erosion and sediment control devices such as silt fencing, swales, berms, geotextiles, sediment basins and traps. Protection for storm drain inlets shall be provided to prevent the entry of sediment from the site while still allowing the entry of stormwater. Control devices shall be kept in place and used until the disturbed area is permanently stabilized. • Provide a note as follows: The contractor shall not remove silt fences and mulch socks or other temporary erosion and sediment control devices until disturbed areas are stabilized. Soil stabilization and erosion control measures shall be completed within 21 calendar days after completion of construction or other soil disturbance activities on the site. If the time of year is not conducive to planting, then planting may be delayed until the next appropriate planting season provided that all temporary erosion control measures are maintained until permanent erosion control measures are implemented. Temporary erosion control measures shall be selected, designed and installed with an appropriate seed base to provide erosion control for at least three years without active maintenance. Temporary erosion control measures shall be selected, designed and installed to achieve 70 percent vegetative cover within three years. • Show and label any public stormwater system components. • Under Utility Companies: List Stormwater Utility, City of Santa Fe Stormwater Management Office as Contact and 955-2132 as Telephone.		
8	Current Planning Division: • Include all required elements on the Annexation and Dedication Plats as per the Annexation Submittal packet (existing easements, floodplain, tract boundaries with references to legal lots of record and property owner signatures, existing and proposed city limits, roadway dedication details, etc.)	Current Planning	Daniel Esquibel

	• The Master Plan shall address City Transit needs and impacts 30 days prior to requesting placement on Governing Body agenda for staff analysis. • Approval of the Annexation Agreement is subject to the review and approval of the City Attorney. • Development shall comply with Chapter XXI of SFCC 1987		
9	Current Planning Division: • No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and sub-phases of the Pavilion Annexation Master Plan which will be affected by the approved development plan or plat, and for financing and coordinating the construction of that infrastructure. This note shall be placed on the Master Plan and included in the annexation agreement. • No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exist adequate provisions for coordinating dedication, financing and constructing infrastructure necessary for the orderly development of lands adjoining the Pavilion Master Plan boundaries, including but not limited to "stubbing out" trails, roads and utility easements, and/or provisions for pro-rata contributions to off-site improvements that may be impacted by the approved development plan or plat. This note shall be placed on the Master Plan and included in the annexation agreement.	Current Planning	Greg Smith
10	• The Applicant will provide private security services throughout construction.	City Council 4/28/10	Councilor Bushee
11	• The Applicant will complete the exchange of water rights between the City and Santa Fe County prior to recording the Annexation.	City Council 4/28/10	Councilor Calvert
12	• Provide pedestrian and bicycle connectivity to the Tierra Contenta Trail.	City Council 4/28/10	Councilor Calvert
13	• The Applicant shall work to achieve the most downwardly focused lighting technology possible at the time of implementation.	City Council 4/28/10	Councilor Calvert
14	• The Applicant shall comply with the setback as mapped in the Highway Corridor Plan, and approximately 285 feet along NM 599, for the BIP portion of the site that is below the Arroyo Chamiso.	City Council 4/28/10	Councilor Bushee
15	• Any construction debris from the site shall be taken to the Caja del Rio Landfill.	City Council 4/28/10	Councilor Romero

SFC CLERK RECORDED 12/13/2013

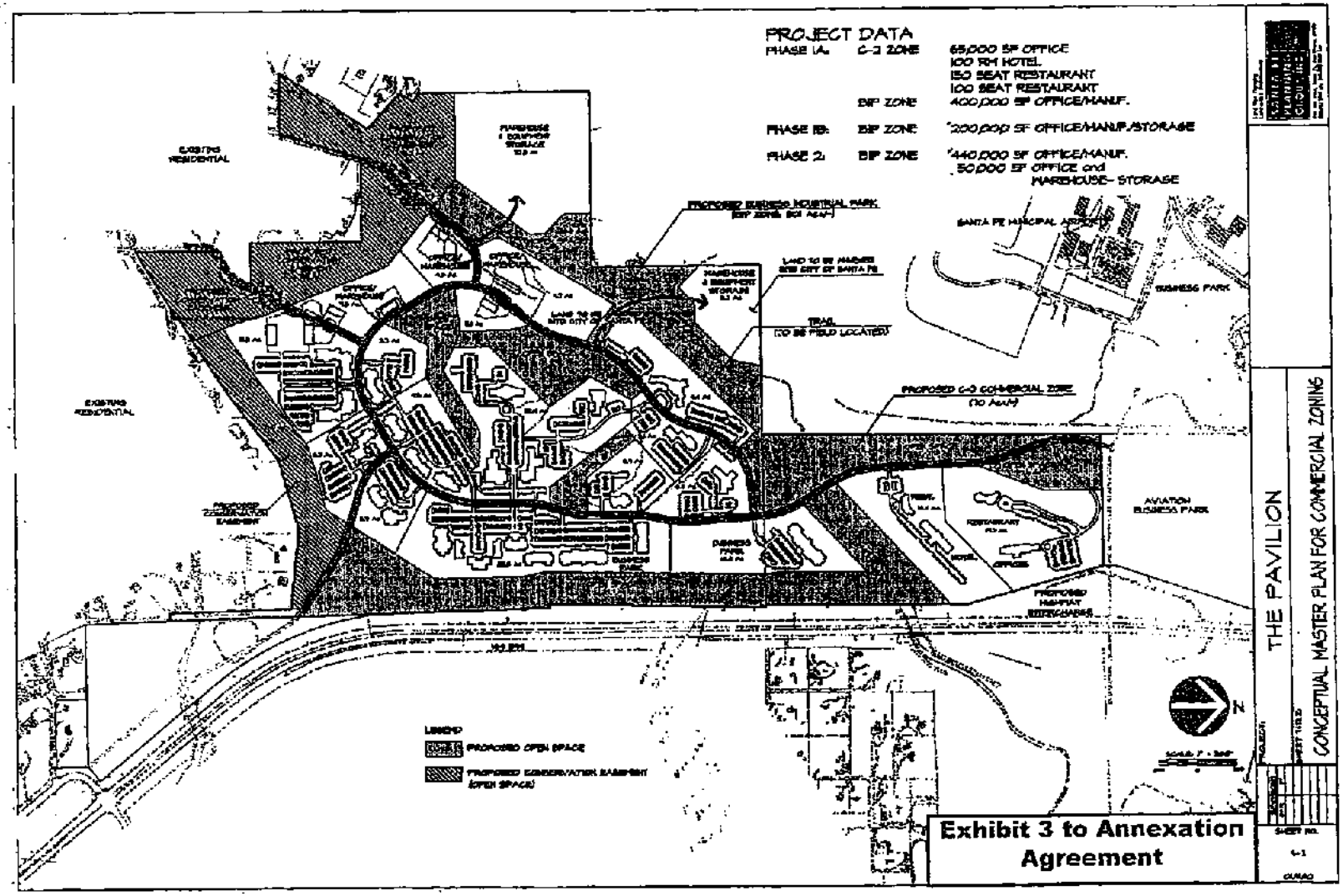


Exhibit 3 to Annexation Agreement

WATER RIGHT EXCHANGE AGREEMENT
BETWEEN SANTA FE COUNTY AND RICHARD P. COOK

This Agreement between Santa Fe County ("County") and Richard P. Cook ("Cook") is effective as of the last date of signature below.

WHEREAS, Cook has transferred water rights to the Buckman Diversion Project with the County as co-applicant for future service from the Santa Fe County water utility to serve the development of Cook property within the County; and

WHEREAS, the ongoing annexation process of County property into the City of Santa Fe's municipal boundaries will result in the inclusion of Cook's property within the boundaries of the City of Santa Fe and within the City of Santa Fe's water utility service area; and

WHEREAS, Cook owns 110.1065 acre-feet per year consumptive use ("afy") of pre-1907 water rights consisting of 81.4 afy of Oso 8 water rights (OSE File No. SD-07137 into SP-4842), 18.6765 afy of Peña Blanca water rights (OSE File No. SD-02205 into SP-04842) and 10.03 afy of Peña Blanca water rights (OSE File No. SD-06920 into SP-04842) for use at property located on the west side of NM 599 in the Santa Fe County water utility service area and for property on the east side of NM 599, and these rights are fully permitted by the Office of the State Engineer for diversion by Santa Fe County from the Buckman Direct Diversion ("BDD"), in accordance with Santa Fe County water utility requirements; and

WHEREAS, the Cook property has been approved for annexation and future City water service to the property; and

WHEREAS, Santa Fe County owns 110.1065 afy of pre-1907 water rights consisting of 84.84 afy of Twinning and Whitehouse water rights (OSE File Nos. SD-03179, SD-03179-A, SD-03179-AA into RG-20516, *et al.*), 6.13 afy of Chavez water rights (OSE File No. SD-06454 into RG-20516, *et al.*) and 19.1365 afy of Baldonado water rights (OSE File No. SD-05023 into RG-20516, *et al.*) in the City's Buckman wellfield; and

WHEREAS, Cook and the County desire to exchange title to 110.1065 afy of their respective water rights described above;

NOW, THEREFORE, the County and Cook agree to the following:

1. Cook and County will prepare and execute title documents and the Office of the State Engineer forms necessary to convey:

   a. Cook to County 110.1065 acre-feet per year consumptive use ("afy") of pre-1907 water rights consisting of 81.4 afy of Oso 8 water rights (OSE File No. SD-07137 into SP-4842), 18.6765 afy of Peña Blanca water rights (OSE File No. SD-02205 into SP-04842) and 10.03 afy of Peña Blanca water rights (OSE File No. SD-06920 into SP-04842);

Exhibit 4

Pavilion Annexation Agreement

b. County to Cook 110.1065 afy of pre-1907 water rights consisting of 84.84 afy of Twinning and Whitehouse water rights (OSE File No.s SD-03179, SD-03179-A, SD-03179-AA into RG-20516, *et al.*), 6.13 afy of Chavez water rights (OSE File No. SD-06454 into RG-20516, *et al.*) and 19.1365 afy of Baldonado water rights (OSE File No. SD-05023 into RG-20516, *et al.*).

2. Promptly following the execution of this Agreement, each party shall provide to the other party a search and report or other acceptable abstract of title of the lands to which the water rights were originally appurtenant (move-from lands) reasonably demonstrating title to the water rights in the conveying party free and clear of any encumbrances or liens. In addition, Cook shall demonstrate to the county's reasonable satisfaction that no encumbrance on, or defect of, title to the water rights being conveyed by Cook has occurred since transfer of the rights to the BDD. At closing of the exchange, Cook agrees to pay the County for its costs and fees in performing this Agreement not to exceed $5,000.00.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO

By: _____
Harry Montoya, Chair

RICHARD P. COOK, Individually and as Manager of Oso 8 Investments, LLC

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

ANNEXATION AGREE (N/C)
PAGES: 24

I Hereby Certify That This Instrument Was Filed for Record On The 10TH Day Of December, 2010 at 03:34:55 PM And Was Duly Recorded as Instrument # 1619759 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy _____ County Clerk, Santa Fe, NM

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2010- 7

AN ORDINANCE

ANNEXING THE "PAVILION" TRACT OF LAND LYING CONTIGUOUS WITH THE SANTA FE CORPORATE LIMITS COMPRISING 296.020 ACRES MORE OR LESS GENERALLY BOUNDED BY NEW MEXICO ROUTE 599 (NM 599) ON THE EAST, AND THE SANTA FE AIRPORT ON THE NORTH AND WEST, SANTA FE COUNTY LAND ON THE SOUTH AND WEST, AND LYING WITHIN TOWNSHIP 16N, RANGE 8E, SECTION 22, NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY, STATE OF NEW MEXICO ("THE PAVILION" ANNEXATION CASE NO. 2010-09).

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

Section 1. Pursuant to Section 3-7-17 NMSA 1978, the following described land (the "Property") is annexed to the City of Santa Fe, thereby extending the corporate limits of the city: Certain parcels of land lying within Township 16N, Range 8E, Section 22, New Mexico Prime Meridian, Santa Fe County, State Of New Mexico, particularly described in the attached Annexation Plat [EXHIBIT A] and Master Plan [EXHIBIT B] incorporated herein by reference.

Section 2. The annexation action with respect to the subject property affected by this Ordinance is subject to conditions of approval applicable to this annexation and any future Development Plan for the property. The conditions are outlined in the attached table summarizing City of Santa Fe Development Review Team technical memoranda and conditions approved by the Planning Commission on March 4, 2010

[EXHIBIT C].

Section 3. A petition (the "Petition") was accompanied by an annexation plat [EXHIBIT A] showing the external boundaries of the Property proposed to be annexed and the relationship of the Property proposed to be annexed to the existing boundary of the city, as well as the Annexation Agreement [Exhibit D].

Section 4. It is in the best interest of the City of Santa Fe and the owners and inhabitants of such contiguous Property that the Property be annexed.

Section 5. This ordinance shall be published one time by title and general summary and shall become effective five days after publication.

PASSED, APPROVED AND ADOPTED this 28th day of April, 2010.

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

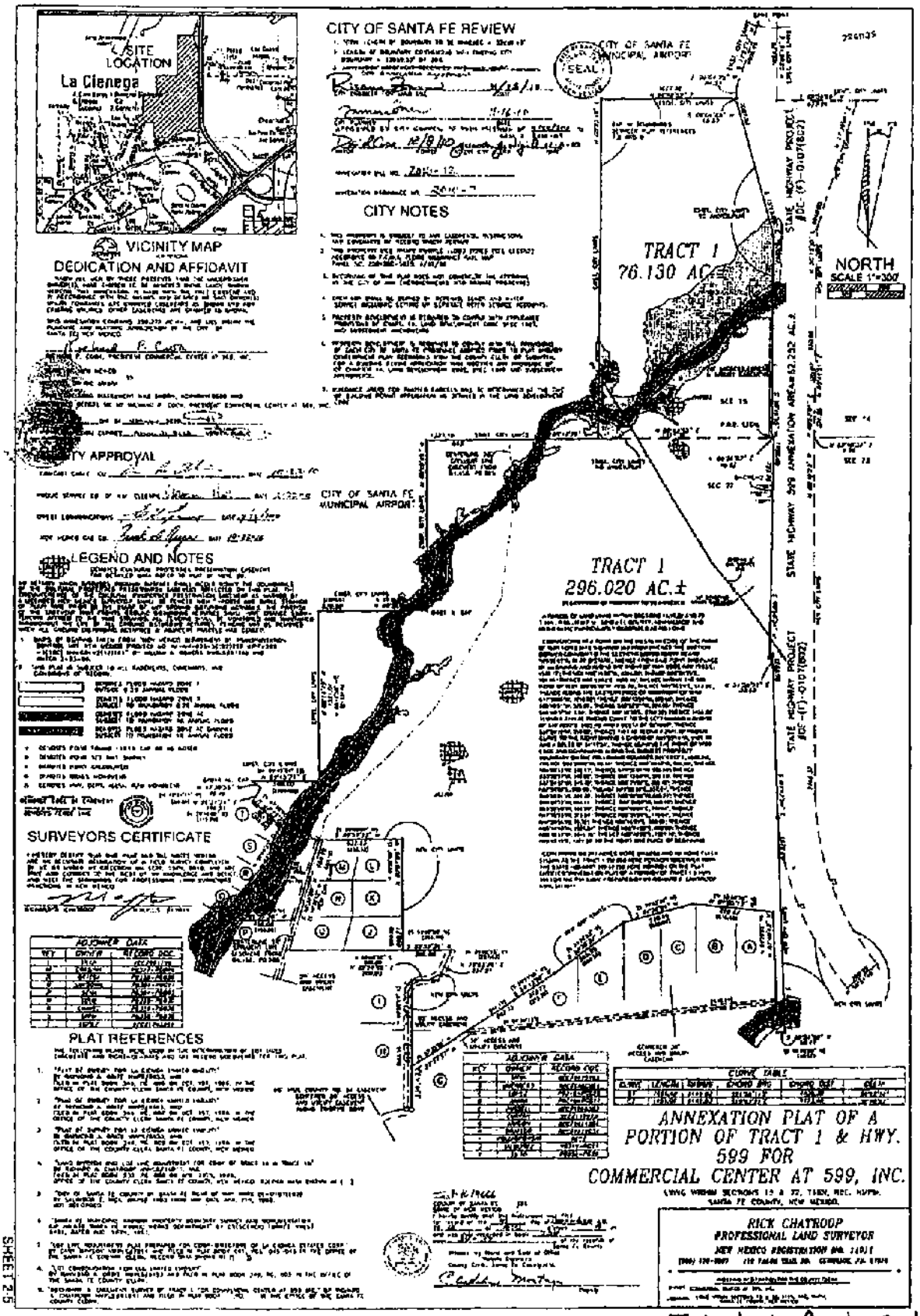


Exhibit A to Ord 2010-7

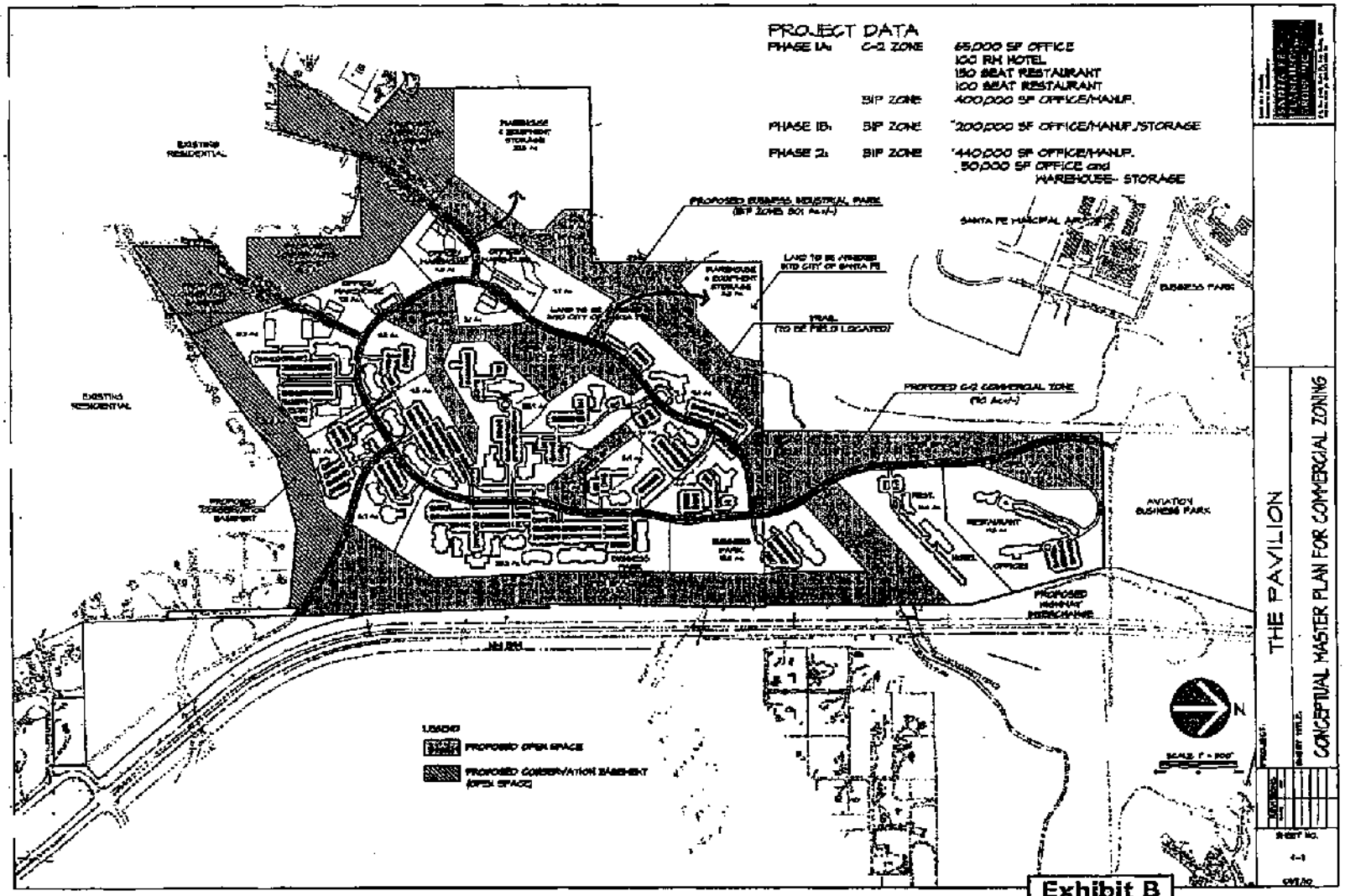


Exhibit B

to Ordinance 2010-7

SFC CLERK RECORDED 12/13/2010

The Pavilion –Conditions of Approval
General Plan Amendment (Case #2010-08 & 08)
Annexation (Case # 2010-09)
Rezoning (Case #2010-10 & 2010-11)

	Conditions	Department	Staff
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2	Fire Marshall Requirements to apply at time of Development Plan/proposed construction: • Comply with IFC 2006 edition. • Provide a water system that complies with Appendix C of IFC 2006 edition. • Provide roadways that comply with Appendix D of IFC 2006 edition. • All roadways to be no greater than 10% grade. • All buildings shall be reviewed for access and water availability as per IFC 2006 edition.	Fire Department	Angelo Ortega February 16, 2010
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Exhibit C
to Ordinance 2010-7

5	Archaelogy/Historic Preservation Division: The decision of the Archaeological Review Committee (ARC) at their February 4,2010 meeting was to postpone the report pending revision of the report by the Applicant and its resubmission with the following direction to the Applicant: 1.) Revisit the sites which have been identified in the previous reports and update them as to current conditions, description, and recommendations; 2.) The report shall contain all standard sections required by the ordinance, in particular, that an environmental section be included within the report; 3.) The report shall include a title history of the property; 4.) In preparation of the final report, use NMAC 4.10.15.9, ff [following appropriate pages] as a general guideline for including appropriate material including an abstract, administrative data and so forth, as set out in NMAC guidelines, which are mentioned here as a general guideline only, and not as a point-by-point requirement; 5.) Provide explicit, written justification for the acceptance of the work that was done previously under standards which are different from current City ordinance - why we should accept work which was done previously under a different standard than what is required under the City ordinance; 6.) Provide an additional description of the Camino de los Carros; 7.) Provide a written justification of the reasons that no new reconnaissance of the subject property is needed; and 8.) Correct any typographical errors mentioned or otherwise discovered in the process of redoing the report.	Archeology/Historic Preservation	Marissa Barrett
6	Traffic Engineering Division. Following are conditions to be placed on the annexation agreement: a. Any proposed access to or improvements on New Mexico Department of Transportation (NMDOT) Highway Systems shall receive ultimate approval from the NMDOT. b. All proposed use of City owned property for purposes of roadway infrastructure shall receive Public Works Committee, Finance Committee, and City Council approval prior to submittal for Final Subdivision Plat and/or Final Development Plan. c. The developer shall be responsible for all costs associated with constructing the NM 599/Jaguar interchange. d. The developer shall be responsible for all costs associated with the construction of Jaguar Drive from its current terminus to the NM 599/Jaguar interchange. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department. e. The developer shall be responsible for all costs associated with the construction of a roadway from the NM 599/Jaguar interchange to the Santa Fe Municipal Airport. The design of the roadway shall be reviewed and approved by the City of Santa Fe Public Works Department. f. The developer shall provide a stub-out for a future connection to the I-25 frontage road. The design and location of the stub-out shall be reviewed and approved by the City of Santa Fe Public Works Dept.	Traffic Engineering	John Romero February 8, 2010
7	Stormwater Management Division: • Provide a report that addresses the City of Santa Fe Stormwater Utility MS4 and how Post Development Runoff Control and Pollutant Removal pre-treatment will be achieved. • Provide a Stormwater Quality Post Development Runoff Control Pre-treatment plan indicating structural	Public Works Stormwater	Jim L. Salazar February 10, 2010

	BMPs that will be used for pollutant removal and runoff pre-treatment prior to discharge to drainageways and the MS4. • Provide a note stating that the development is subject to the requirements of the SFCC Chapter XIII Stormwater Utility including the Stormwater Utility Service Charge and Stormwater Illicit Discharge Control requirements. • Provide a note stating that the development is subject to the requirements of NPDES General MS4 Discharge Permit No. NMR040000 and NPDES Construction General Permit No. NMR100000. • Provide a note as follows: Construction is subject to the requirements of NPDES Construction General Discharge Permit No. NMR100000 and that a Stormwater Pollution Prevention Plan must be prepared by a qualified professional and a Notice of Intent (NOI) for coverage must be filed with the EPA. Construction stormwater discharges are not permitted until a minimum of seven (7) calendar days after EPA acknowledgement of a complete NOI. • Provide a note as follows: City of Santa Fe Stormwater Illicit Discharge Control. SFCC 13-2 prohibits the discharge of pollutants including sediment, slurries, mud, plasters, concrete rinsates and any construction materials, wastes and garbage, etc. to the storm drain system. The storm drain system includes roads, streets, curbs, gutters, drop inlets, piped storm drains, culverts, retention and detention basins, natural and man-made drainage channels, arroyos, rivers and any facility and appurtenance by which stormwater is collected and/or conveyed. • Provide a note as follows: City of Santa Fe Terrain and Stormwater Regulations. SFCC 14-8.2 requires that construction disturbed area shall be protected against erosion. Sediment must be contained on the disturbed area by the use of temporary erosion and sediment control devices such as silt fencing, swales, berms, geotextiles, sediment basins and traps. Protection for storm drain inlets shall be provided to prevent the entry of sediment from the site while still allowing the entry of stormwater. Control devices shall be kept in place and used until the disturbed area is permanently stabilized. • Provide a note as follows: The contractor shall not remove silt fences and mulch socks or other temporary erosion and sediment control devices until disturbed areas are stabilized. Soil stabilization and erosion control measures shall be completed within 21 calendar days after completion of construction or other soil disturbance activities on the site. If the time of year is not conducive to planting, then planting may be delayed until the next appropriate planting season provided that all temporary erosion control measures are maintained until permanent erosion control measures are implemented. Temporary erosion control measures shall be selected, designed and installed with an appropriate seed base to provide erosion control for at least three years without active maintenance. Temporary erosion control measures shall be selected, designed and installed to achieve 70 percent vegetative cover within three years. • Show and label any public stormwater system components. • Under Utility Companies: List Stormwater Utility, City of Santa Fe Stormwater Management Office as Contact and 955-2132 as Telephone.		
8	Current Planning Division: • Include all required elements on the Annexation and Dedication Plats as per the Annexation Submittal packet (existing easements, floodplain, tract boundaries with references to legal lots of record and property owner signatures, existing and proposed city limits, roadway dedication details, etc.)	Current Planning	Daniel Esquibel

SFC CLERK RECORDED 12/19/2012

	• The Master Plan shall address City Transit needs and impacts 30 days prior to requesting placement on Governing Body agenda for staff analysis. • Approval of the Annexation Agreement is subject to the review and approval of the City Attorney. • Development shall comply with Chapter XXI of SFCC 1987		
9	Current Planning Division: • No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exists a comprehensive and equitable mechanism for implementing the dedication of easements and right-of-way necessary for infrastructure serving any and all phases and sub-phases of the Pavilion Annexation Master Plan which will be affected by the approved development plan or plat, and for financing and coordinating the construction of that infrastructure. This note shall be placed on the Master Plan and included in the annexation agreement. • No development plan or subdivision plat shall be approved by the Planning Commission unless the commission finds that there exist adequate provisions for coordinating dedication, financing and constructing infrastructure necessary for the orderly development of lands adjoining the Pavilion Master Plan boundaries, including but not limited to "stubbing out" trails, roads and utility easements, and/or provisions for pro-rata contributions to off-site improvements that may be impacted by the approved development plan or plat. This note shall be placed on the Master Plan and included in the annexation agreement.	Current Planning	Greg Smith
10	• The Applicant will provide private security services throughout construction.	City Council 4/28/10	Councilor Bushee
11	• The Applicant will complete the exchange of water rights between the City and Santa Fe County prior to recording the Annexation.	City Council 4/28/10	Councilor Calvert
12	• Provide pedestrian and bicycle connectivity to the Tierra Contenta Trail.	City Council 4/28/10	Councilor Calvert
13	• The Applicant shall work to achieve the most downwardly focused lighting technology possible at the time of implementation.	City Council 4/28/10	Councilor Calvert
14	• The Applicant shall comply with the setback as mapped in the Highway Corridor Plan, and approximately 285 feet along NM 599, for the BIP portion of the site that is below the Arroyo Chamiso.	City Council 4/28/10	Councilor Bushee
15	• Any construction debris from the site shall be taken to the Caja del Rio Landfill.	City Council 4/28/10	Councilor Romero

of this roadway as a second access point for emergency vehicles. As proposed, the applicant will improve the road by grading and applying a base course. As noted in the attached comment from Mr. Robert Martinez of the County Public Works Department, this type of roadway will not be considered for dedication; only paved roadways may be dedicated to the County for maintenance. The applicant must revise that condition to be clear as to the type of improvement that is proposed. Staff recommends that the road be paved to County Road 54 in order to ensure good quality access for emergency vehicles. Comments from Robert Martinez of the Santa Fe County Public Works Department have been provided for your information.

All of the issues discussed above were raised as part of the earlier General Plan Amendment, Annexation, Annexation Master Plan and Rezoning application reviews and approvals. The conditions stipulated at this time are refinements and further clarifications of these conditions.

VIII. ATTACHMENTS:

EXHIBIT A:

1. Pavilion Conditions Summary Table

EXHIBIT B: Development Review Team Memoranda:

1. Technical Review Division, City Engineer Memorandum 2-21-11, Risana Zaxus
2. Wastewater Management Division memorandum 2-22-11, Stan Holland
3. Technical Review Division, Landscape Review 2-21-11, Karen Fenoglietto & Noah Berke
4. Email Correspondence regarding FAA Airspace Study to Applicant, 10-15-10
5. Metropolitan Planning Organization Comments, February 21, 2011
6. Solid Waste Email Correspondence, February 15, 2011
7. Open Space, Trails, and Recreation, January 31, 2011
8. Santa Fe County Public Works Email regarding Emergency Access Road, Robert Martinez, February 18, 2011

EXHIBIT C: Additional Background Materials

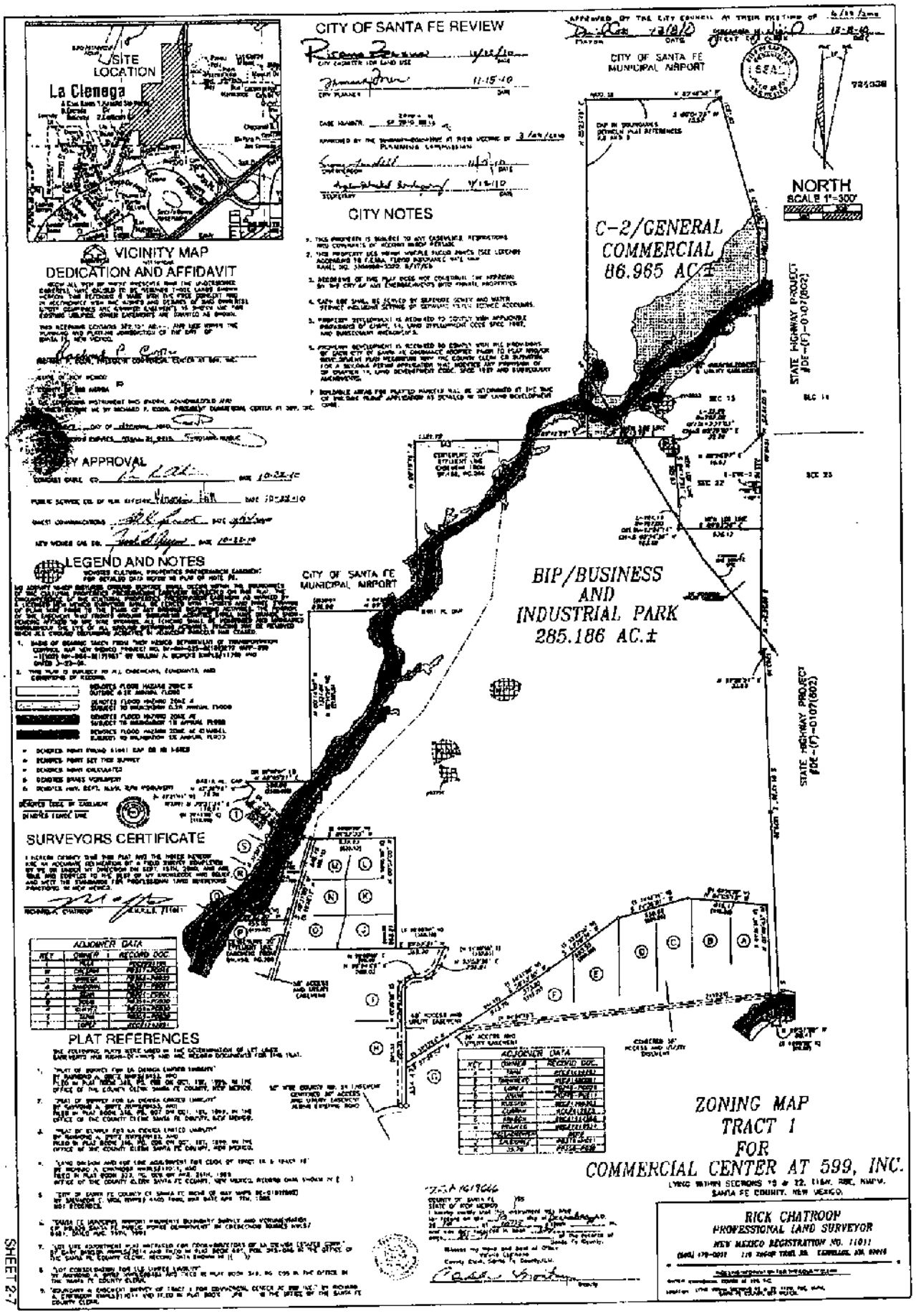
1. Planning Commission Meeting Minutes March 4, 2010
2. City Council Meeting Minutes April 28, 2010
3. Approved Pavilion Annexation Agreement and Master Plan
4. Approved Pavilion Zoning Map

EXHIBIT D: Maps

1. Annexation Plat
2. Zoning Plat
3. Current Zoning
4. Future Land Use Map
5. Aerial

EXHIBIT E: Applicant Submittals

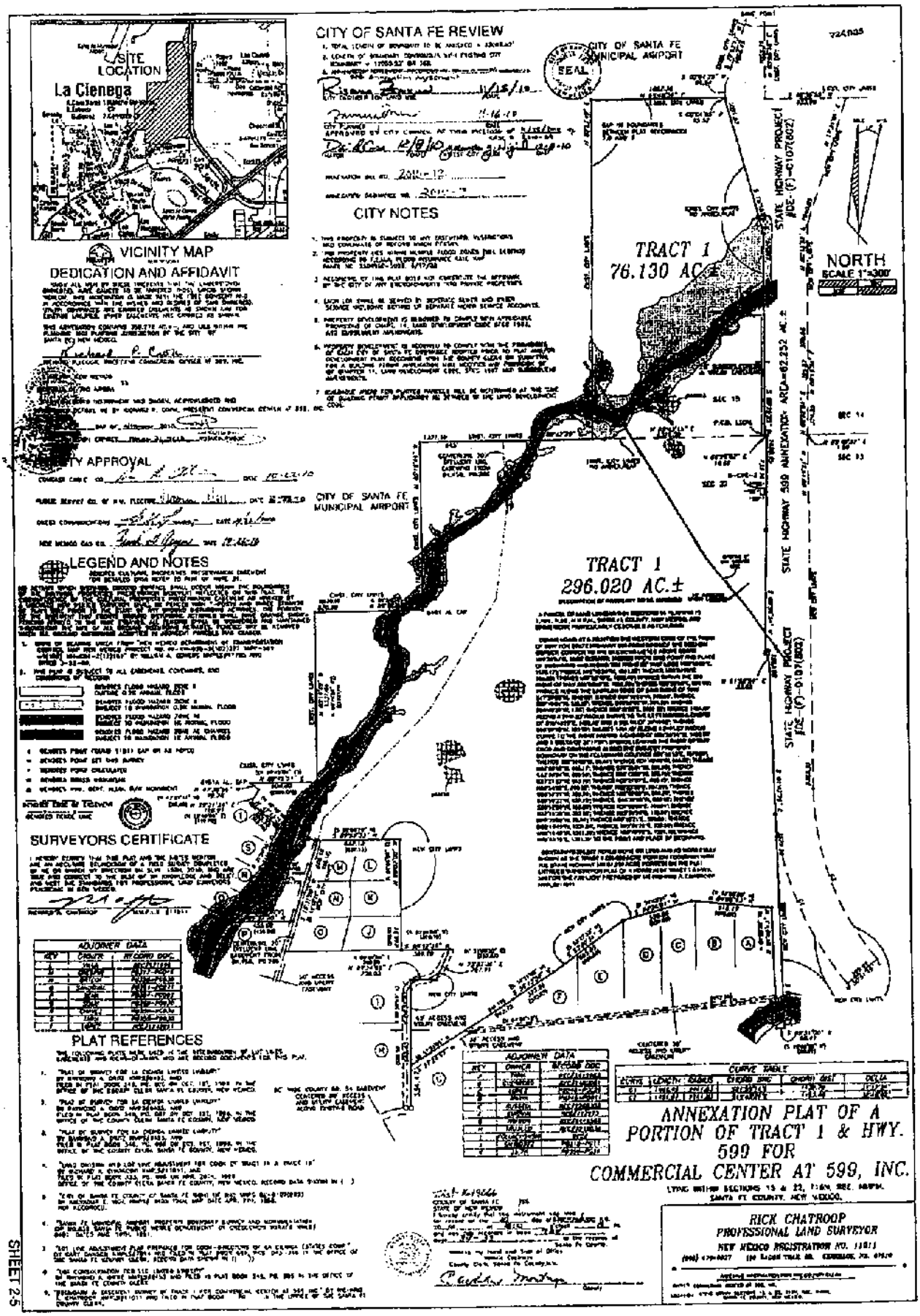
1. Applicant's Transmittal Letter
2. FAA Project Submission Success Confirmation
3. Archaeological Clearance Form
4. Pavilion Business Park Design Standards


CITY OF SANTA FE REVIEW
SITE LOCATION
La Cienega
VICINITY MAP
DEDICATION AND AFFIDAVIT
CITY APPROVAL
LEGEND AND NOTES
SURVEYORS CERTIFICATE
PLAT REFERENCES
CITY NOTES
CITY OF SANTA FE MUNICIPAL AIRPORT
C-2/GENERAL COMMERCIAL 86.965 AC.±
BIP/BUSINESS AND INDUSTRIAL PARK 285.186 AC.±
NORTH
SCALE 1"=300'
STATE HIGHWAY PROJECT #DE-(F)-0107(802)
ADJOINER DATA
ZONING MAP TRACT 1 FOR COMMERCIAL CENTER AT 599, INC.
LYING WITHIN SECTIONS 15 & 22, T15N, R8E, NMPM, SANTA FE COUNTY, NEW MEXICO
RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011

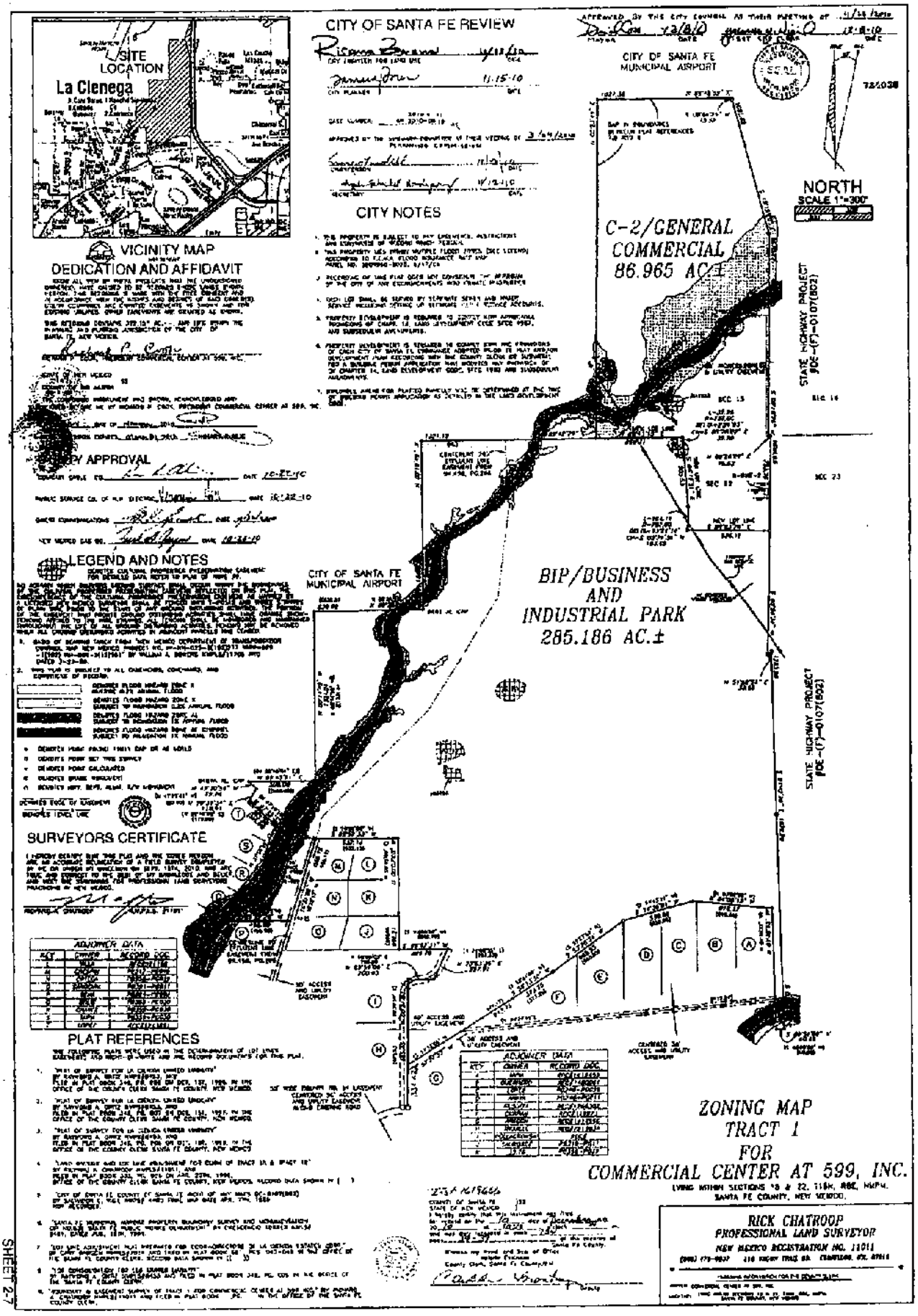
SHEET 2-7

EXHIBIT D

MAPS


CITY OF SANTA FE REVIEW
SITE LOCATION
La Cienega
VICINITY MAP
DEDICATION AND AFFIDAVIT
CITY NOTES
CITY OF SANTA FE MUNICIPAL AIRPORT
SEAL
TRACT 1
76.130 AC.±
NORTH
SCALE 1"=300'
STATE HIGHWAY PROJECT
STATE HIGHWAY 599 ANNEXATION
ARCO=62.252 AC.±
LEGEND AND NOTES
TRACT 1
296.020 AC.±
SURVEYORS CERTIFICATE
ADJOINER DATA
PLAT REFERENCES
CURVE TABLE
ANNEXATION PLAT OF A PORTION OF TRACT 1 & HWY. 599 FOR COMMERCIAL CENTER AT 599, INC.
LYING WITHIN SECTIONS 15 & 22, T16N, R8E, NMPM.
SANTA FE COUNTY, NEW MEXICO.
RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11871

SHEET 2-5


SITE LOCATION
La Cienega
VICINITY MAP
CITY OF SANTA FE REVIEW
CITY NOTES
DEDICATION AND AFFIDAVIT
UTILITY APPROVAL
LEGEND AND NOTES
SURVEYORS CERTIFICATE
PLAT REFERENCES
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CITY OF SANTA FE MUNICIPAL AIRPORT
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STATE HIGHWAY PROJECT
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SCALE 1"=300'
ZONING MAP TRACT 1 FOR COMMERCIAL CENTER AT 599, INC.
LYING WITHIN SECTIONS 19 & 22, T15N, R8E, NMPM, SANTA FE COUNTY, NEW MEXICO.
RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011

SHEET 2-7

Pavilion: Zoning

Legend

City Limits

Adopted Other Zones

Santa Fe River

Zoning

R1, (PUD) Single-Family Interior

R2, (PD), (PUD) Single-Family Interior

R3, (PUD) Single-Family Interior

R4 Single-Family Interior

R5, (MT), (PUD), (AC), R4 Single-Family Interior

R6, (PUD) R4 Single-Family Interior

R6A, (AC/RC) Component Interior

R6AA, (AC/RC) Component Interior

R6PM, (PUD) Multiple-Family Interior

R6A-A, (PUD) Multiple-Family Interior

R6M, (PUD) Multiple-Family Interior

R6H, (PUD) Multiple-Family Interior

R6AC Residential Area A Center

R6AP Vision Arena Park

C1, (PUD) Office and General Commercial

C2, (PUD) General Commercial

C4 Limited Office and Retail

C5 Hospital Zone

C6 Downtown Regional Market

I1, (PUD) Light Industrial

I2 General Industrial

I3 Business Industrial Park

PI2C, (PUD) Planned Commercial

R2C, R3C, R4C Planned Neighborhood Center

R6 Mixed Use

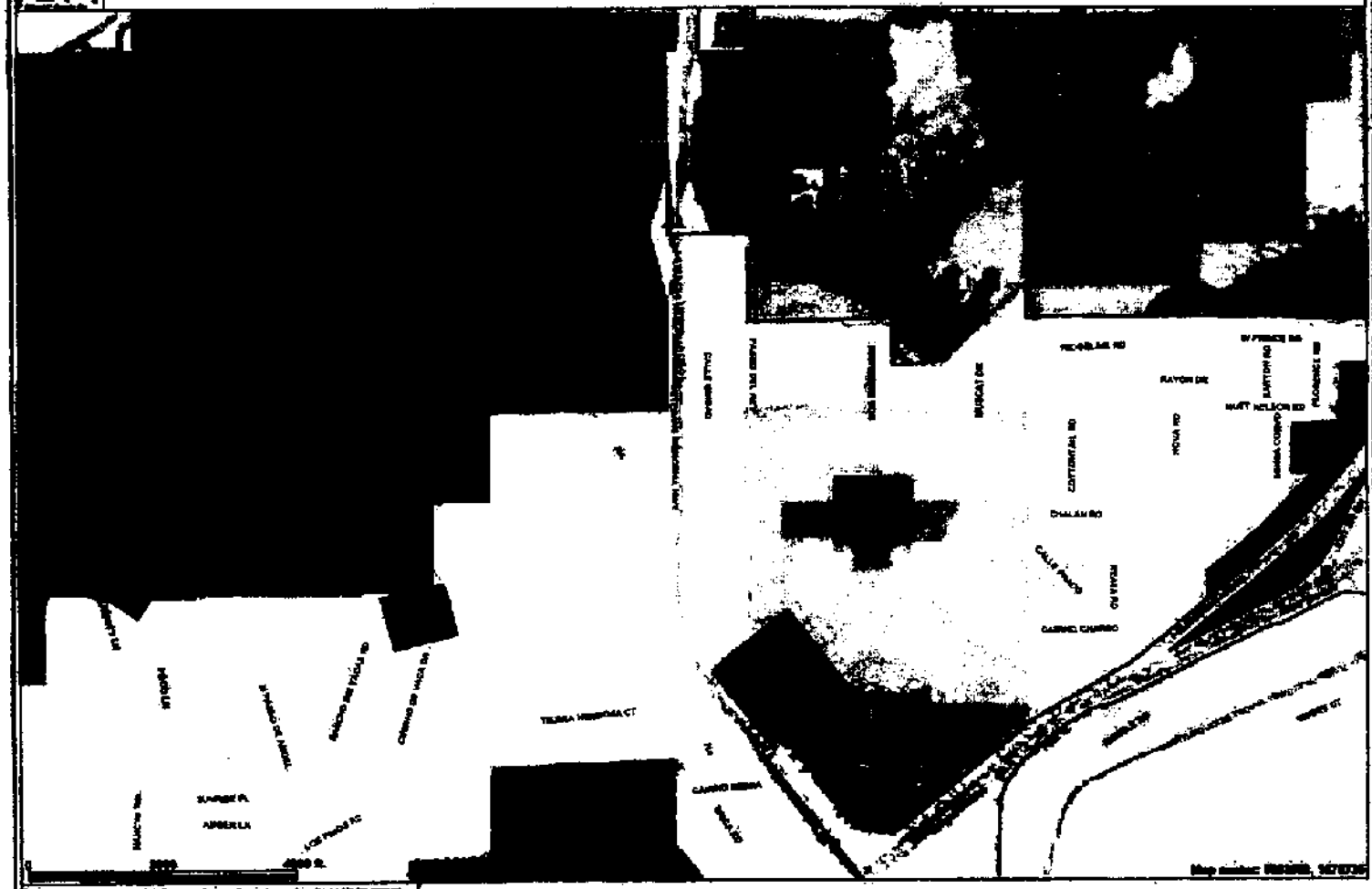
Major Roads and Highways

Other Roads and Streets

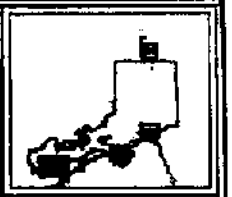
Scale: 1:15,237

This map is a graphic representation of the information contained in the parcel information data. It is intended for general reference only. The parcel information data is not to be construed as a legal description of any parcel, nor is it intended to be used as a substitute for a survey. The City of Santa Fe makes no representations or warranties as to the accuracy or completeness of the information shown on this map.

Pavilion: Future Land Use



Pavilion: Aerial



Legend

Scale: 1:71,875

EXHIBIT E

APPLICANT SUBMITTALS

SANTA FE PLANNING GROUP, INC.
P.O. Box 2482
Santa Fe, NM 87504
505.983.1134; 505.983.4884 fax

February 11, 2011

Heather Lamboy
City of Santa Fe
200 Lincoln Avenue, P.O. Box 909
Santa Fe, New Mexico 87504-0909

RE: The Pavilion Office Complex
Final Development Plan and Final Subdivision Plat
Notes/Comments Addressed via Re-submittal of Items

Dear Heather:

Pursuant to our meetings, discussions, and your letters of review, please find a revised set of plans and the outstanding items that you requested.

1. New Plan Sets (24x36 (2); 12x18 size (2) complete set; Sheets 1-1 to 10-16 only (7)
2. CCRs, Lift Station Maintenance Agreement
3. FAA Letter of Successful Submission
4. Archaeological Clearance Letter

It is anticipated that we will placed on the March 3, 2011 meeting of the Planning Commission.

Pavilion Progress Letter via Heather Lamboy (letter dated 1.27.11)

1. R/W Dedication Agreement. Right-of-Way for Jaguar extension to the airport must be in place prior to additional entitlements. The R/W Agreement was approved by the Public Works Committee (January 24, 2011), Public Finance Committee (January 31, 2011), and the City Council (February 9, 2011). For further information, please discuss with Ed Vigil.

2. Wastewater. Wastewater Comments via Stan Holland (letter dated Jan 25, 2011). We met in person with Mr. Holland on Jan 24, 2011. 1) The two sewer lift stations are shown on the development plan and identified as lots on the Final Plat. 2) The plats reflect the onsite easements for water/sewer, and the Maintenance Agreement for the Lift Stations was modified per his suggestions; 3) The requested note was added to the Plat and Development Plan; and 4) the Business Owners' Association Bylaws have been adjusted to include maintenance of the lift stations.

3. Traffic. Traffic Engineering Division via John Romero (letter dated Jan 24, 2011). We met in person with Mr. Romero on several occasions. We addressed each of Mr. Romero's 11 points. Specifically, CMEs were added to the Final Plat, site distance triangles were placed on the

landscaping plans and the Final Plat (shown as "L" lines). All other conditions were adjusted by SF Engineering and shown on the engineering plans.

4. FAA. An "Airspace Study" has been submitted to the FAA for each of the 30-lots. Revisions and requests for additional information have been submitted to the FAA as well. Please see attachment from the FAA regarding the "success" of the submittal and corresponding Aeronautical Study Numbers (30 total). A final response from the FAA is forthcoming.

5. Solid Waste. We met with Randall Marco on two occasions. Each dumpster area for all 30-lots have been adjusted according to his specifications. Specifically, the dumpster areas were expanded to include space for recycle dumpsters and containers (specific to the use of each building), and many dumpster areas were located (and in some cases relocated) to permit the better accessibility for the trash and recycle trucks. See the Development Plan for further information.

6. Landscaping Site Lines. We met with John Romero and Fabian Chavez regarding the planting within the site distance lines. Site distance lines have been added to the landscape plans (**see Sheet 4-10 to 4-13**). Almost all plant species have been removed from the site distance lines. Any remaining plant species within the distance lines have been approved by Fabian Chavez (species that will grow no more than 3-ft in height). Site lines have also been added to the Final Plat (only areas outside of the R/W and labeled as "L" lines).

7. MPO and Trails. The trails have been adjusted according to the conditions set forth by Keith Wilson in his letter dated, January 28, 2011. See specifically the additional notes added to the landscape plans and development plans regarding the trail to the south toward the Railrunner Station and the note regarding the trail under NM599.

8. Emergency Access. We met with Angelo Ortega regarding the emergency access road. A note regarding the improvement and maintenance of the road was added to the development plan and final plat pursuant to his request. It should be noted that Cuerno de Vaca is the name of the subject road. It was established by Mr. Cook in 1994 as a private easement (50-ft) for his benefit and subsequently granted for public use in 1995 with the sale of the residential lots along the road. Pursuant to our discussion with resident Andy Villa, the road does not currently have a formal maintenance agreement or association. The Business Owner's Association Documents were updated to include a provision for maintenance. The note on the Development Plan and Final Plat needs adjustment to include the following additional comments from Angelo Ortega, "shall be maintained to City of Santa Fe Fire code standards," and "the gate will need to be fitted with an opti-com" (not a knox box).

9. Bus Stops. We met with representatives from Santa Fe Trails on two occasions. The original bus stop was eliminated due to its proximity within the site distance lines. Five (5) additional stops were added as outlined by the Santa Fe Trails. All new stops shown are not within the site distance lines. Pursuant to Santa Fe Trails, buses traverse Pavilion Loop counter clock-wise with stops featured on side of the road. .

10. Archaeology. Archaeology site: LA117821 has been cleared pursuant to the Archaeological Review Committee (ARC) (see attached Clearance Permit). It should be noted that four (4) sites have been shown in archaeological easements on the Final Plat pursuant to the previous recommendations by ARC. The remaining item for archaeology is to fence the four (4) sites prior to construction (and is stated as such on the Final Plat).

If you have questions or require additional information, please do not hesitate to call at 412.0309.

Sincerely,

Scott Hoeft

Federal Aviation Administration

« OE/AAA

Project Submission Success
Project Name: COMME-000166473-11

Project COMME-000166473-11 has been submitted successfully to the FAA.

Your filing is assigned Aeronautical Study Number (ASN):

2011-ASW-951-OE
2011-ASW-952-OE
2011-ASW-953-OE
2011-ASW-954-OE
2011-ASW-955-OE
2011-ASW-956-OE
2011-ASW-957-OE
2011-ASW-958-OE
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2011-ASW-976-OE
2011-ASW-977-OE
2011-ASW-978-OE
2011-ASW-979-OE
2011-ASW-980-OE

Please refer to the assigned ASN on all future inquiries regarding this filing.

Please return to the system at a later date for status updates.

CITY OF SANTA FE
ARCHAEOLOGICAL SUBMITTAL CHECKLIST/CLEARANCE PERMIT AND APPROVAL

Case File Number AR-03-11 Date Application Submitted 01-11-11

District: Historic Downtown District ____; River & Trails-Regular ____; Santa Fe Trail ____; Suburban ✓

Building Sq. Ft. ____ Development Acreage ____

Project Description: Approval for a preliminary treatment report on data recovery at LA 117821
Site Address/Location: near NM599 SF County Property Owner: Richard Cook

Permit: Grading ____; Development ✓; Building ____

Applicant Information: Name: Steven Post

Mailing Address: 3924 Old Santa Fe Trail Phone No.: 820-7785

Archaeological Consultant: ____

RECONNAISSANCE REPORT

1. ✓ Project Archaeologist's Resume
2. ✓ Vicinity Map
3. ✓ Project Site Description
4. ✓ Development Project Description
5. ✓ Outline of Research & Methodology
6. ✓ Site Map or Aerial Photograph at a Minimum of 1"=200' for Downtown Dist. & 1"=400' for other Districts
7. ✓ Archiyal Research
   a. ✓ Historic Maps & Aerial Photos
   b. ___ ARMS Files & Archaeological Reports
   c. ✓ General Land Office (BLM) Surveys or Land Grant Plats
   d. ___ 1917 Hydrological Survey and Santa Fe Acequia System Report (needed if acequia present or nearby)
   e. ___ National and State Register Nominations (needed if in Historic Downtown District or near Historic Structure)
   f. ___ Historic Photos (needed if in Historic Downtown District)
   g. ___ Information from Title Abstract (if available)
8. ___ 2% Testing (Historic Downtown District Only)
9. ✓ Description of Prehistoric & Historic Occupation & Land Use
10. ✓ Description of Cultural Remains Discovered and Significance
11. ___ NM Site Inventory Forms and Other Documentation
12. ✓ Recommended Site Significance
13. ___ Assessment of Development's Impact on Cultural Remains
14. ___ Recommended Treatment for Site
15. ✓ Listing of Sources, i.e. historic maps, aerials, reports, etc.

____ ARC APPROVAL: MEETING DATE: ____
Special Conditions: ✓ Yes (see attachment) ____ No

5 sites must be fenced before disturbance

TREATMENT PLAN REQUIRED:

Yes: ✓ No: ____

✓ TREATMENT PLAN ARC APPROVAL: MEETING DATE: 1.20.11
Special Conditions: ✓ Yes (see attachment) ____ No

PRELIMINARY TREATMENT REPORT

✓ a. Research Design Outline
✓ b. Site Map of Excavations
___ c. Other Documentation: Photographs and New Mexico Site Inventory Forms; if applicable
✓ d. Description of Cultural Remains Discovered
✓ e. Description of Prehistoric and Historic Occupation and Land Use
✓ f. Listing of Sources

TREATMENT REPORT ARC APPROVAL: MEETING DATE: 1.20.11
Special Conditions: ✓ Yes (see attachment) ____ No

FINAL TREATMENT REPORT

Jan 20, 2012 Date Final Report Due ____ Date Final Report Received

PL1001PMS-9/04

Permit Approved: ____ Date: January 20, 2011
Archaeological Review Committee Chairperson

AGREEMENT FOR MAINTENANCE OF LIFT STATIONS WITHIN THE PAVILION BUSINESS PARK

This Agreement is entered into this _____ day of _____, 2011, by and between the City of Santa Fe, a municipal corporation, and Commercial Center at 599, Inc., a New Mexico corporation .

RECITALS

A. Commercial Center at 599, Inc. ("CC at 599") is the owner of that certain real property consisting of approximately 371 acres known as the Pavilion, located on the west side of NM 599.

B. The Pavilion is within the municipal boundaries of the City of Santa Fe ("City") and will receive city wastewater service.

C. The City Wastewater Division has approved of the design and engineering of the wastewater conveyance systems submitted for the Pavilion.

AGREEMENT

NOW, THEREFORE, it is mutually agreed between the parties as follows:

1. Upon recording of the final plat for the Pavilion, and the creation of the Pavilion Business Owners Association (hereinafter "Association"), CC at 599 shall cause the Association to adopt and ratify this Agreement.

2. CC at 599 shall include the covenants attached to this Agreement as Exhibit "A" in the covenants for CC at 599.

3. The obligations regarding maintenance of the lift stations are as follows:

   a. The City shall own the lift stations and all sewer mainlines. The installation of the sewer service lines shall be the responsibility of each individual lot owner. The City Wastewater Management Division will perform maintenance and repair to said lines and to the lift stations. The City will pay for maintenance and repair to the lines from normal revenue received through monthly billing of its customers. The Association shall be responsible for all costs associated with operating, maintaining and repairing the lift stations constructed as part of the Pavilion development as follows:

      i. The Association shall be responsible for all utility costs required to operate the lift stations. These utility costs include but are not limited to electricity, gas, telephone, water, and alarm services. The Association shall be billed directly and such bills shall be paid promptly and routinely.

ii. The Association shall be responsible for all costs associated with operating, maintaining and repairing the lift stations constructed as part of the Pavilion Business Park as follows:

a. In January of each year, the Association shall pay $10,000 to the City as advance payment for the anticipated annual cost of a vactor truck and operator. The first payment will be prorated if paid for a partial year. As the actual cost of the vactor truck and operator become known, the Wastewater Management Division will instruct the Association, in writing, to increase or to decrease the next annual January Payment so that the City will be adequately reimbursed for these costs.

b. When a lift station pump replacement becomes advisable, in the sole discretion of the City Wastewater Management Division, the Association shall promptly reimburse the cost to the City within 30 days of notification of the cost.

c. No later than six months after a lift station is placed into operation, the Association shall establish and maintain a permanent escrow fund in the amount of $10,000, from which the Association shall authorize expenditures to reimburse the City for maintenance and repair to the lift stations.

d. If the Association fails, after notice from the City, to reimburse the City for said maintenance and repairs, then the City shall be entitled to use the escrow fund to reimburse itself as provided below:

a) The escrow fund shall be held at a bank where the City holds it accounts in Santa Fe, New Mexico. In January of each year, the Association shall certify to the Director of the Wastewater Management Division that the escrow fund has been maintained with the prescribed funding. The certification shall include copies of bank statements and shall be submitted to the Wastewater Management Division.

b) The City Manager shall have the authority and power to sign checks to draw funds from the escrow fund if the Association does not reimburse the City within 30 days of written notification by certified mail, return receipt requested, of the amount of reimbursement required. The City Manager shall give written notice to the Association no less than three working days prior to exercising this power.

c) The Association shall replenish the escrow fund to the prescribed amount. Should there be insufficient funds in the escrow fund to fully reimburse the City, or should the Association fail to replace the funds to the prescribed level, the City Manager shall have the power to act on behalf of the Association to create an Emergency Assessment as provided in Exhibit A. The City Manager shall also have additional authority and power to enforce the Emergency Assessment as provided in Exhibit A. The amount of any Emergency Assessment may include the cost to fully reimburse the City and to replenish the account to the prescribed level. In addition to the authority noted above, the City shall have the authority to place a lien against individual lot owners in the proportionate amount of the outstanding obligation. Said proportionate share be determined by dividing the outstanding obligation amount by the number of platted lots.

d) The provisions in Exhibit A shall not be modified without permission of the City Manager. If any modification is made to other portions of the covenants which affect the City Manager's authority and power to collect and to enforce Emergency Assessments, said modifications shall not be effective without the written consent of the City Manager. If at any time, the City Council waives the requirement for an escrow fund, the Association may modify the provisions in Exhibit A accordingly.

4. By entering into this Agreement, the parties do not intend to create any right, title or interest in or for the benefit of any person other than the City and CC at 599. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.

5. This Agreement shall remain in full force and effect until terminated by the mutual written consent of the City of Santa Fe and the Association.

6. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of New Mexico.

7. This Agreement contains the entire agreement of the parties and any changes hereto shall not be binding unless made in writing and signed by both parties.

CITY OF SANTA FE

By: _____
David Coss
Mayor

Date: _____

ATTEST:

_____
YOLANDA Y. VIGIL, City Clerk

Approved as to Form:

_____
City Attorney

COMMERCIAL CENTER AT 599, INC.

By: _____
Richard Cook
President

Date: _____

Exhibit A

4.3 Maintenance of Lift Stations

(a) The Association shall be liable for all costs of maintaining and repairing the lift stations within the Pavilion.

(b) If the Association fails for any reason, to reimburse the City as provided in this Section, then each lot owner shall become individually liable to the City for that lot's proportionate share of the outstanding obligation. Said proportionate share be determined by dividing the outstanding obligation amount by the number of platted lots.

(c) Should any lot owner fail to pay an Emergency Assessment declared by the City Manager or should any lot owner fail to directly reimburse the City as provided herein, the City shall be entitled to terminate water service to that lot. The City must give at least 90 days written notice prior to such termination.

(d) Electricity, gas, telephone and alarm for the lift stations shall be billed directly to the Homeowners Association and such bills shall be paid promptly and routinely.

(e) The City shall own the lift stations and all sewer mainlines. Installation of the sewer service lines shall be the responsibility of each lot owner which it serves. The City Wastewater Management Division will perform maintenance and repairs to said lines and to the lift stations. The City will absorb the cost of maintenance and repair to the said lines from normal revenue received through monthly billing of its customers. The City will be promptly reimbursed for repairs and maintenance to the lift stations by the Homeowners Association as follows:

i. In January of each year, the Association shall pay $10,000 to the City as advance payment for the anticipated annual cost of a vactor truck and operator. The first payment will be prorated if paid for a partial year. As the actual cost of the vactor truck and operator become known, the Wastewater Management Division will instruct the Association, in writing, to increase or to decrease the next annual January Payment so that the City will be adequately reimbursed for these costs.

ii. When a lift station pump replacement becomes advisable, in the sole discretion of the City Wastewater Management Division, the Association shall promptly reimburse the cost to the City within 30 days of notification of the cost.

iii. No later than six months after a lift station is placed into operation, the Association shall establish and maintain a permanent escrow fund in the amount of $10,000, from which the Association shall authorize expenditures to reimburse the City for maintenance and repair to the lift stations.

iv. If the Association fails, after notice from the City, to reimburse the City for said maintenance and repairs, then the City shall be entitled to use the escrow fund to reimburse itself as provided below:

a) The escrow fund shall be held at a bank where the City holds it accounts in Santa Fe, New Mexico. In January of each year, the Association shall certify to the Director of the Wastewater Management Division that the escrow fund has been maintained with the prescribed funding. The certification shall include copies of bank statements and shall be submitted to the Wastewater Management Division.

b) The City Manager shall have the authority and power to sign checks to draw funds from the escrow fund if the Association does not reimburse the City within 30 days of written notification by certified mail, return receipt requested, of the amount of reimbursement required. The City Manager shall give written notice to the Association no less than three working days prior to exercising this power.

c) The Association shall replenish the escrow fund to the prescribed amount. Should there be insufficient funds in the escrow fund to fully reimburse the City, or should the Association fail to replace the funds to the prescribed level, the City Manager shall have the power to act on behalf of the Association to create an emergency assessment. The City Manager shall also have additional authority and power to enforce the emergency assessment as provided in Article 5. The amount of any emergency assessment may include the cost to fully reimburse the City and to replenish the account to the prescribed level. In addition to the authority noted above, the City shall have the authority to place a lien against individual lot owners in the proportionate amount of the outstanding obligation. Said proportionate share be determined by dividing the outstanding obligation amount by the number of platted lots.

d) The provisions in Article 4.3 shall not be modified without permission of the City Manager. If any modification is made to other portions of the covenants which affect the City Manager's authority and power to collect and to enforce emergency assessments, said modifications shall not be effective without the written consent of the City Manager. If at any time, the City Council waives the requirement for an escrow fund, the Association may modify the provisions of this Article 4.3 accordingly and the Association shall not be required to comply with the provisions herein.

UPDATE : MARKET AND FISCAL IMPACT STUDY

Prepared for:

The Pavilion Office Complex
P.O. Box 38
Espanola, NM 87532

Prepared by:

SOUTHWEST
PLANNING AND MARKETING

Antoine Broustra
3600 Cerrillos Road, Suite 107
Santa Fe, NM 87507

January 2011

Southwest Planning & Marketing (SWPM) was asked to update, as needed, the market and fiscal impact study prepared for The Pavilion Office Complex, dated March 3, 2010. Although the spirit of the project remains constant with what was previously presented to the City Planning Commission review board, some allocations of land uses have been modified.

In order to accommodate changes in planned usage, restaurant space has been slightly increased. In addition, the mix among office space, warehouse and industrial usage will allow an increase in job creation and bring desirable vitality to the area. Some modifications from the original plan have been made to respond to future growth in demand for office space. In addition the motel capacity has been increased by twenty percent, to better serve the office park, the airport and transient traffic on State Road (SR) 599.

Below are some of the new findings regarding the economic and fiscal impact of the updated plan. Total project space is 1,046,405 square feet, in a combination of office, warehouse, light manufacturing, recreation and entertainment, and restaurant. Hotel room capacity is now 120 rooms, a 20% increase from original plan. We have assumed that even though total floor area has decreased slightly from the March report, construction costs will remain the same as there is an increase in office space, and a decrease in warehouse/light industry square footage. Office construction costs tend to be higher than warehouse construction costs.

Employment Impact from Construction

Total construction was assumed to be $274.8 million as indicated in the March report. We found that the project will generate 2,748 job-years in construction as indicated in the initial impact study. Over the 15-year construction period, this is equivalent to an annual average of 183 full-time jobs per year. Applying an employment multiplier of 0.69 (per Impact DataSource), there will also be 126 indirect jobs generated each year during construction as indicated in the March study. Total wages from construction per year are estimated to be $7.3 million from direct wages and $4.8 million from indirect wages for a total of $12.1 million per year.

Employment Impacts from Operations

In his February 15, 2010 memo to Tamara Baer, Reed Liming had estimated that the original project would result in 2,628 jobs. From the updated marketing plan, SWPM estimates that total jobs creation would be 2,651. This change from the initial plan is mostly the result of the change of mix between offices, warehouse and other space allocation. In the original plan, 265,000 square feet were going to be allocated to office space use, while in the revised plan, 572,212 square feet will be allocated to office space. Additional restaurant spaces have been added, and the motel will be 120 rooms compared to 100 rooms in the original plan. Total wages are estimated to be $102.7 million. Using an employment multiplier of 0.65, we estimate that the new plan will generate 2,518 indirect jobs, which will generate $75.6 million in annual wages.

Overall the project will create 5,169 direct and indirect operational jobs and a total of $178.2 million in direct and indirect wages.

Gross Receipt Taxes on Construction

Direct and indirect GRT for the city will be $15,611,117 as calculated in the March impact study.

Gross Receipt Taxes on Operations

The City will collect GRT on businesses operating at the Pavilion. Including receipts from hotel, retail and manufacturing/warehousing/office operations, we believe that annual GRT from operations will be $17,818,456.

Hotel	$ 2,365,200
Restaurant	$ 11,775,600
Other operation	$ 299,557,500
Total Revenues	$ 313,698,300
City GRT at 3.0375%	$ 9,528,586
Multiplier 0.87	$ 8,289,870
Total City GRT	$ 17,818,456

Property Taxes on Operations

Based on new tax rates provided by the county, we estimate the annual local property tax revenues to be $1,618,523.

City of Santa Fe	$ 359,659
Santa Fe Public Schools	$ 814,135
Santa Fe Community College	$ 444,728
Total Local Property Taxes	$ 1,618,523

Lodgers Taxes on Operations

We estimate that the City will collect $165,564 in annual lodgers tax revenues.

CONCLUSION

Overall, the updated marketing plan for the Pavilion Office Complex brings much needed benefits to the city in terms of job creation and tax revenues. The realization of such a project will bring new dynamism to the Airport area and will enhance the area. Developments around

airports are known to bring long term benefits to local economies and enhance potential investment from outsiders. The Pavilion project will also give the city a world-class commercial space that will help attract new business to the city.

EXHIBIT F

EARLY NEIGHBORHOOD NOTIFICATION (ENN) MATERIALS

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

Project Name	Pavilion Development Plan & Plat (#2010-163 & #2010-164)
Project Location	Highway 599 and Jaguar Drive (east of SF Municipal Airport)
Project Description	Preliminary Subdivision Plat with Variances and Development Plan for Office and Business Park with Commercial Area
Applicant / Owner	Richard Cook
Agent	Santa Fe Planning Group
Pre-App Meeting Date	
ENN Meeting Date	Monday, September 27, 2010
ENN Meeting Location	Southside Library, Tierra Contenta
Application Type	Preliminary Subdivision Plat with Variances, Development Plan
Land Use Staff	Heather L. Lamboy, AICP
Other Staff	Tamara Baer, ASLA
Attendance	Project Team

Notes/Comments:
No members of the public attended this meeting. Staff had a short discussion with the applicant regarding the process for submittal and the type of detail expected in the Development Application. Staff asked that the applicant be as specific as possible as to the overall design scheme for the development. Staff gave additional guidance regarding submittal materials for the development plan and the subdivision plat. The applicant was reminded that the mylars, annexation agreement, and water rights exchange agreement would have to be complete and recorded before any case would be put on a Planning Commission agenda.

The Pavilion Office Complex: Annexation/Rezoning Request
Early Neighborhood Notification

The City Code provides for the exchange of information between an applicant for subdivision approval and the area neighborhoods. Eleven points are to be discussed with the neighborhood residents and landowners. This document is intended to address these eleven points.

LOCATION:
The subject site is approximately 371-acres in size and is located on west side of NM599. To the west of the site is the City of Santa Fe Municipal Airport, to the north is the City-owned Aviation Business Park, to the east, beyond NM599, is residential and vacant land, and to the south is residential land. Please see the attached vicinity map for further clarification.

REQUEST:
The project previously received annexation, rezoning, and an amendment to the General Plan for a commercial business park and retail space. The project is known as The Pavilion. The zoning of the site consists of two zoning classifications: Business Industrial Park (BIP) and C2 (General Commercial). The intent of this request is to submit for a Final Development Plan and Subdivision Plat for a commercial business park that is consistent with the uses outlined in the City Code for each zone. A request for a variance to terrain management regulations is also part of this application.

ACCESS:
A new interchange, which has been planned for NM599 at Jaguar Drive, will be constructed as part of this project and will serve as the primary access for the project.

WATER & SEWER:
The project will be served by the Sangre de Cristo Water Division and the City of Santa Fe Liquid Waste Division.

The following is an outline of the eleven discussion points to be considered in the ENN process:

1. ***The effect on character and appearance of the surrounding neighborhoods:***

The site is adjacent to the Airport to the west and a planned business park to the north. NM599 is located to the east of the site. Given the existing uses in the area, the request conforms to the intensity of uses that exist or our planned for the area. An existing residential neighborhood is located to the south of the site and as a result a significant open space buffer is planned for the southern portion of the site (approximately 200-ft from the property line).

2. ***Effect on protection of the physical environment:***

A large portion of larger site was disturbed and used as a borrow pit for gravel operations during the construction of NM599. With the exception of the arroyo open space land and the open space buffers, the areas of the property that are relatively flat will be graded for building pads, including removal of vegetation, building construction, pavement for roads, alleys and driveways. The areas of the property that feature slopes greater than 15% will be left undisturbed. Disturbed land will be re-seeded and landscaped. It should be noted that one and two story buildings may rise above the horizon.

3. ***Impacts on prehistoric, historic, archaeological or cultural sites or structures, including acacias and the historic downtown:***

Archaeological reports have been prepared which encompass the entire land area. Five (5) archaelogical easements will be preserved on site and will be reflected on the plats. One site will be mitigated or cleared by our consulting archaeologist, Stephen Post.

4. ***Relationship to existing density and zoning within the surrounding area:***

The site is situated adjacent to the Santa Fe Municipal Airport, a planned business park to the north, and NM599 to the east. The best uses for the subject site are non-residential uses that are compatible to residential uses. The project is envisioned as an employment center with access to housing in close proximity. This will decrease the need for cross-town traffic. The proposed office business park and accompanying retail commercial uses would serve the area better than higher intensity industrial or light industrial uses. It is argued that residential uses for the site, given the proximity and greater intensity of the site to the Airport, would not be the best use for the land.

5. ***Effects upon parking, traffic patterns, congestion, pedestrian safety, impacts of the project on flow of pedestrians or vehicular traffic and provision of access for the disabled, children, low-income and elderly to services.***

As discussed previously is this write-up, this project includes the construction of a planned interchange at NM599 at Jaguar Drive. The right-of-way for the interchange was acquired by the NM Department of Transportation in the 1990s. This interchange is privately funded and not dependent upon government funding sources. It is anticipated that the interchange will alleviate traffic congestion in the region to include the subject site, vehicles departing Tierra Contenta, and vehicles departing the Santa Fe Municipal Airport.

Non-residential areas will have the same parking requirements through City development code as a minimum. Pedestrian access will be enhanced with the construction of the pedestrian trails system in the area. Implementation of this development will have no adverse effect on the ability of disabled persons, children, low-income and the elderly to access services.

6. ***Effect on the economic base of Santa Fe:***

The commercial development and the construction of the interchange will have a positive economic benefit to the economic base of Santa Fe. Secondary impacts include jobs created and the sale of building materials for the construction of roads, utilities, homes and other buildings. Gross receipts tax will be generated on the sale of retail goods, construction materials locally and on local construction contracts. GRT will also be collected on infrastructure construction as well as on the sale of the completed homes and other buildings. Commercial construction will increase the property tax base.

7. ***Effect on availability of affordable housing and availability of housing choices for all Santa Fe residents:***

The entire project is non-residential.

8. ***Effect on public services such as fire, police protection, school services, and other public infrastructure elements such as water, power, communications, bus service, commuter or other services or facilities.***

The project will increase the need for police, fire, school, and other public services. It will also increase the need for infrastructure such as water, power, sewer, communications, and commuter services. The developer is responsible for the cost of installing all infrastructure. The closest fire department is located in Tierra Contena. The closest police department is located on Camino Entrada. Both are adequate to service the needs of this project.

9 ***Impacts on water supply and conservation methods:***

The project will be served by the Sangre de Cristo Water Division and the City of Santa Fe Liquid Waste Division.

Water conservation measures such as water reducing fixtures are used in the buildings, landscaping plants that use low to moderate amounts of water and water harvesting measures. Non-residential buildings and non-residential buildings will incorporate water saving and water harvesting measures required by City code and regulations at the time of construction.

10. ***Effects on opportunities for community integration and social balance through mixed land use, pedestrian oriented design, and linkages among neighborhoods and recreational activities and employment centers.***

The project will feature the construction of the planned interchange at NM599 which will provide connectivity to the Tierra Contenta, the Santa Fe Municipal Airport, and the subject site.

The current recreational trails system in Tierra Contenta is extensive with approximately 2.7 miles of paved trails and 1.5 miles of gravel surfaced trails. It is anticipated that existing trail system will be extended to the subject site through the arroyo corridor and beyond to the La Cienega Community. The planned interchange will also feature a bicycle and walking path.

11. ***Effects on Santa Fe's urban form:***

The site is situated adjacent to the Santa Fe Municipal Airport, a planned business park to the north, and NM599 to the east. The best uses for the subject site are non-residential uses that are compatible to residential uses. The proposed office business park and accompanying retail commercial uses would serve the area better than higher intensity industrial or light industrial uses. Residential uses for the site, given the proximity of the site to the airport, it is argued would not be the best use for the land.

SANTA FE PLANNING GROUP, INC.

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

March 17, 2014

Matt O'Reilly
City of Santa Fe Land Use Department
200 Lincoln Avenue, P.O. Box 909
Santa Fe, NM 87504

RE: The Pavilion Office Complex Development Plan and Final Subdivision Plat
aka Santa Fe Commercial Center (new project name)
Case #2010-163 and #2011-05

Dear Mr. O'Reilly:

The Pavilion Final Development Plan and Final Subdivision Plat will expire on April 7, 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 Development Plan and 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. The first work on the Interchange (in year 2013) involved the relocation of the NM Gas trunk line, which is located in the right-of-way along NM599. The relocation of the line was completed in order to provide space for the new bridge abutment. The construction kick-off for the Interchange is anticipated to be April 1, 2014.

This extension request includes Final Development Plan is case you disagree with our assumption regarding qualifying offsite improvements.

PROJECT INFORMATION & ENTITLEMENTS HISTORY

The Pavilion Office Complex features 30 lots on a land area that totals approximately 371-acres. The project was approved for Final Development and Final Plat in March 17, 2014 (the findings were approved the subsequent month). The Annexation, General Plan Amendment, and Rezoning request were approved in April 28, 2010. The site is zoned C-2 and BIP.

Our construction work in year 2013 focused on the grading work and road preparation for our project called Village Plaza at Tierra Contenta, which is across NM599 from the subject site. We anticipate that with the commencement of the Interchange, grading work and road preparation will commence on The Pavilion in year 2014.

EXHIBIT C

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 in **April 2014**. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,

Scott Hoeft

City of Santa Fe, New Mexico

Planning Commission

Exhibit C

Letter of Application

SANTA FE PLANNING GROUP, INC.
P.O. Box 2482
Santa Fe, NM 87504
505.983.1134; 505.983.4884 fax

April 07, 2015

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

RE: The Pavilion Office Complex Development Plan and Final Subdivision Plat
aka Santa Fe Commercial Center (new project name)
Case #2010-163 and #2011-05 and most recently Case #2014-26

Dear Ms. Martinez:

The Pavilion Final Development Plan and Final Subdivision Plat will expire on **April 7, 2015**, (one year after the first extension was granted and three years from the date of the approved Findings). We would like to proceed at this time with a request for second administrative extension of the Final Development Plan and 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 ongoing work on the NM599 Interchange, which we anticipate will be complete in July 2015. This extension request includes Final Development Plan is case you disagree with our assumption regarding qualifying offsite improvements.

PROJECT INFORMATION & ENTITLEMENTS HISTORY

The Pavilion Office Complex features 30 lots on a land area that totals approximately 371-acres. The project was approved for Final Development and Final Plat in March 17, 2014 (the findings were approved the subsequent month). The Annexation, General Plan Amendment, and Rezoning request were approved in April 28, 2010. The site is zoned C-2 and BIP.

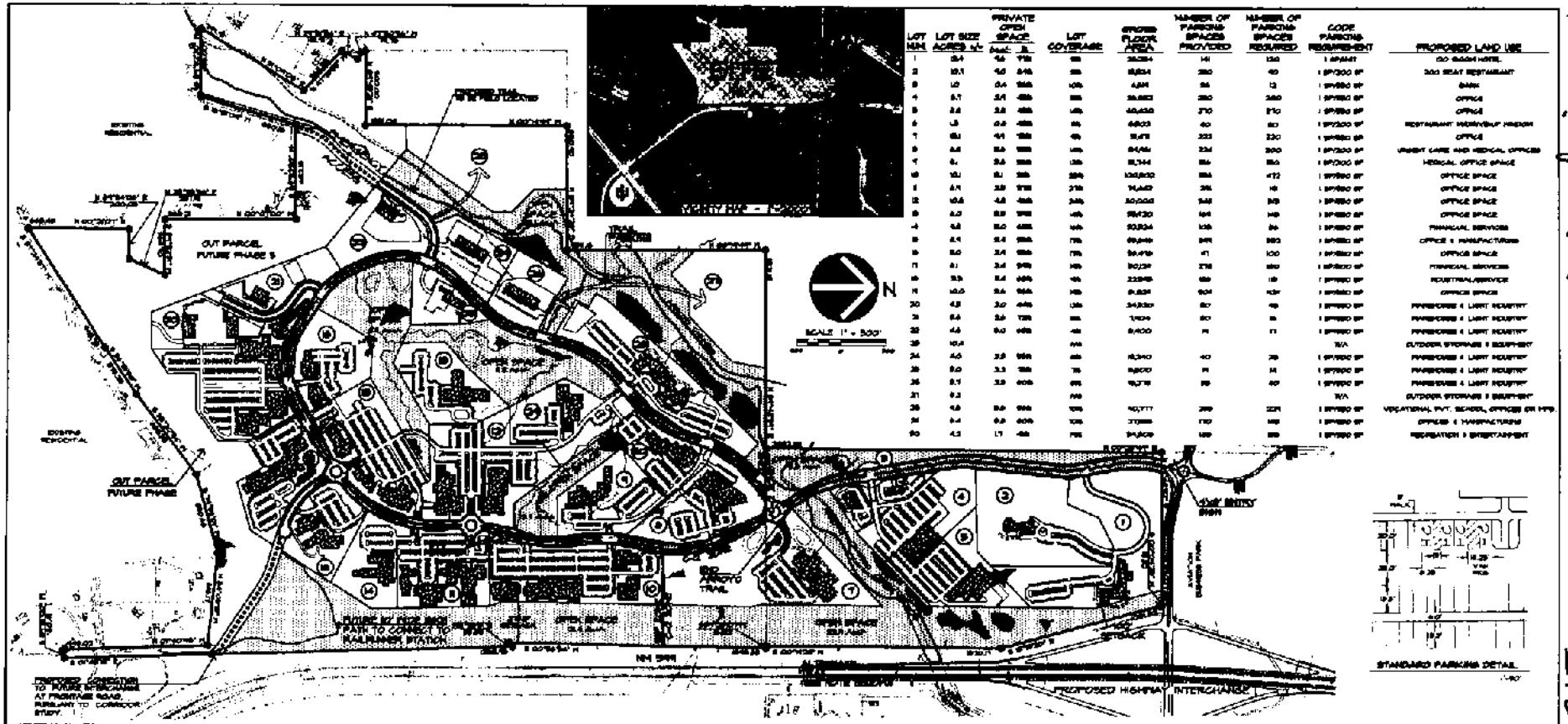
We appreciate your consideration, and request that if you concur with our assessment the case will be placed on the consent agenda of the next Planning Commission meeting. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,

Scott Hoell

EXHIBIT 2

*Original is available in the Clerk's office.



LOT NUM.	LOT SIZE ACRES +/-	PRIVATE OPEN SPACE	LOT COVERAGE	GROSS FLOOR AREA	NUMBER OF PARKING SPACES PROVIDED	NUMBER OF PARKING SPACES REQUIRED	CODE PARKING REQUIREMENT	PROPOSED LAND USE
1	[illegible]	[illegible]	[illegible]	[illegible]	141	130	1 SP/ROOM	150 ROOM HOTEL
2	[illegible]	[illegible]	[illegible]	[illegible]	280	40	1 SP/300 SF	300 SEAT RESTAURANT
3	1.0	[illegible]	[illegible]	[illegible]	36	12	1 SP/250 SF	BANK
4	[illegible]	[illegible]	[illegible]	[illegible]	280	240	1 SP/250 SF	OFFICE
5	[illegible]	[illegible]	[illegible]	[illegible]	270	270	1 SP/250 SF	OFFICE
6	1.5	[illegible]	[illegible]	[illegible]	40	80	1 SP/200 SF	RESTAURANT WITH DRIVE-THRU WINDOW
7	[illegible]	[illegible]	[illegible]	[illegible]	333	330	1 SP/250 SF	OFFICE
8	[illegible]	[illegible]	[illegible]	[illegible]	334	300	1 SP/200 SF	URGENT CARE AND MEDICAL OFFICES
9	[illegible]	[illegible]	[illegible]	[illegible]	86	86	1 SP/200 SF	MEDICAL OFFICE SPACE
10	[illegible]	[illegible]	[illegible]	[illegible]	472	472	1 SP/250 SF	OFFICE SPACE
11	[illegible]	[illegible]	[illegible]	[illegible]	36	18	1 SP/250 SF	OFFICE SPACE
12	[illegible]	[illegible]	[illegible]	[illegible]	348	348	1 SP/250 SF	OFFICE SPACE
13	[illegible]	[illegible]	[illegible]	[illegible]	148	148	1 SP/250 SF	OFFICE SPACE
14	[illegible]	[illegible]	[illegible]	[illegible]	108	84	1 SP/250 SF	FINANCIAL SERVICES
15	[illegible]	[illegible]	[illegible]	[illegible]	383	383	1 SP/250 SF	OFFICE & MANUFACTURING
16	[illegible]	[illegible]	[illegible]	[illegible]	100	100	1 SP/250 SF	OFFICE SPACE
17	[illegible]	[illegible]	[illegible]	[illegible]	276	276	1 SP/250 SF	FINANCIAL SERVICES
18	[illegible]	[illegible]	[illegible]	[illegible]	18	18	1 SP/250 SF	INDUSTRIAL/SERVICE
19	[illegible]	[illegible]	[illegible]	[illegible]	104	104	1 SP/250 SF	OFFICE SPACE
20	[illegible]	[illegible]	[illegible]	[illegible]	80	48	1 SP/250 SF	WAREHOUSE & LIGHT INDUSTRY
21	[illegible]	[illegible]	[illegible]	[illegible]	80	16	1 SP/250 SF	WAREHOUSE & LIGHT INDUSTRY
22	[illegible]	[illegible]	[illegible]	[illegible]	11	11	1 SP/250 SF	WAREHOUSE & LIGHT INDUSTRY
23	[illegible]	[illegible]	[illegible]	[illegible]		N/A		OUTDOOR STORAGE & EQUIPMENT
24	[illegible]	[illegible]	[illegible]	[illegible]	40	28	1 SP/250 SF	WAREHOUSE & LIGHT INDUSTRY
25	[illegible]	[illegible]	[illegible]	[illegible]	11	11	1 SP/250 SF	WAREHOUSE & LIGHT INDUSTRY
26	[illegible]	[illegible]	[illegible]	[illegible]	49	49	1 SP/250 SF	WAREHOUSE & LIGHT INDUSTRY
27	[illegible]					N/A		OUTDOOR STORAGE & EQUIPMENT
28	[illegible]	[illegible]	[illegible]	[illegible]	221	221	1 SP/250 SF	VOCATIONAL INST. SCHOOL, OFFICES OR HTS.
29	[illegible]	[illegible]	[illegible]	[illegible]	110	148	1 SP/250 SF	OFFICES & MANUFACTURING
30	[illegible]	[illegible]	[illegible]	[illegible]	189	189	1 SP/250 SF	RECREATION & ENTERTAINMENT

GENERAL NOTES:

1. PROPERTY DEVELOPMENT IS SUBJECT TO THE PROVISIONS OF SECTION [illegible], "PLANT MATERIAL STANDARDS". PRIOR PRESERVATION OF SIGNIFICANT TREES IS REQUIRED.
2. NOTES AND BOXED DESCRIPTIONS OF LOTS REPRESENTS DRAINAGE UTILITY AND ACCESS EASEMENTS AND DEDICATED ON THE SUBDIVISION PLAT AS "LOT AREAS", OR AS INDICATED HEREIN.
3. PERMANENT TRAFFIC CONTROL DEVICES SHALL BE INSTALLED PER APPROVED PLAN BY THE DEVELOPER.
4. ALL BUILDING UNITS SHALL CONFORM TO THE INTENT OF THE DEVELOPMENT PLAN WITH ACTUAL SIZE AND SHAPE OF EACH STRUCTURE CONTAINED WITHIN THE SERIES DEFINED BUILDING ENVELOPES, INCLUDING WALLS AND FENCES SUBJECT TO APPLICABLE BUILDING PERMIT REQUIREMENTS.
5. BUILDING SETBACKS SHALL APPLY TO ALL PERMANENT STRUCTURES, INCLUDING ACCESSORY STRUCTURES.
6. ALL PROPOSED CHANGES TO THE APPROVED IMPROVEMENT PLANS SHALL RECEIVE PRIOR APPROVAL BY THE CITY OF SANTA FE PLANNING AND LAND USE DEPARTMENT BEFORE CONSTRUCTION.
7. DEVELOPMENT DOES NOT LIE WITHIN THE SANTA FE HISTORICAL DISTRICT.
8. PROPERTY DEVELOPMENT MUST COMPLY WITH SECTION [illegible] RELOCATION OF SUNBIRD'S FRANCE DOWN.
9. THE DEVELOPMENT OF THE PROPERTY WILL BE SUBJECT TO THE WATER ALLOCATION, RESERVE WATER, OTHER REPORT PROVISIONS OF ORDINANCE NO. 2000-24 AND RESOLUTION NO. 2000-48. WATER OFFSET FOR THIS DEVELOPMENT IS BASED UPON WATER RIGHTS EXCHANGE AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY, EXHIBIT NO.
10. THE DEVELOPMENT PLAN IS BASED ON A WAIVER TO CODE SECTION [illegible] REGARDING PARKING LOT SCREENING.
11. THE DEVELOPMENT PLAN IS BASED UPON A WAIVER TO CODE SECTION [illegible] REGARDING ENTRANCES TO EVERY BUILDING.
12. GRADE ACCESS / PARKING EASEMENTS ARE GRANTED THROUGHOUT.
13. BICYCLE PARKING IS BASED UPON TABLE [illegible] OF THE LAND DEVELOPMENT CODE.
14. PERMIT OF EACH BUILDING IS SUBJECT TO "ARCHITECTURAL STANDARDS AND POINTS ALLOCATION" PER SECTION [illegible] AND [illegible] OF THE LAND USE CODE.
15. ALL GROUND MOUNTED EQUIPMENT NOT SHOWN ON THE DEVELOPMENT PLAN AND INSTALLED IN THE FUTURE SHALL BE SCREENED WITH FENCING OR HIGHER LANDSCAPING.
16. BUILDING PERMITS WILL NOT BE ISSUED UNTIL PARTIAL COMPLETION OF IMPROVEMENTS, CERTIFICATION OF OCCUPANCY WILL BE ISSUED UNTIL SUBSTANTIAL COMPLETION OF IMPROVEMENTS. REFER TO: "IMPROVEMENTS COMPLETION POLICY, JULY 1, 2000".

CITY OF SANTA FE DEVELOPMENT NOTES:

1. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHAPTER 14 LAND DEVELOPMENT CODE, SFCC 1987 AND SUBSEQUENT AMENDMENTS.
2. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH PROVISIONS OF EACH APPLICABLE CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO FINAL PLAT AND DEVELOPMENT RECORDING WITH THE COUNTY CLERK OR SUBMITTAL WITH BUILDING PERMIT APPLICATION THAT PROVIDES THE PROVISIONS OF REQUIREMENTS CALLED FOR IN CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 1987 AND SUBSEQUENT AMENDMENTS.
3. BUILDING AREAS FOR PLATTED PARCELS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS DETAILED IN THE LAND DEVELOPMENT CODE, ANY BUILDABLE AREAS SHOWN HEREON ARE SUBJECT TO THE REGULATION PER CODE REQUIREMENTS.
4. STORM WATER AGREEMENT: PROPERTY OWNERS HEREBY AGREE THAT ALL STORM WATER EASEMENTS AND ANY OTHER DRAINAGE IMPROVEMENTS ON PRIVATE PROPERTY WILL BE MAINTAINED AND KEPT FULLY FUNCTIONAL AS ORIGINALLY DESIGNED AND CONSTRUCTED WITHIN PRIVATE PROPERTY BOUNDARIES BY THE PROPERTY OWNER AND SUBSEQUENT HEIRS, ASSIGNS, AND FUTURE OWNERS. THE CITY HEREBY IS GRANTED THE POLICE POWER, IF NEEDED FOR INSPECTION OF SAID IMPROVEMENTS, IN THE EVENT OF DRAINAGE IMPROVEMENT MAINTENANCE DEFICIENCY, AFTER (30) DAYS WRITTEN NOTICE TO THE RESPECTIVE PROPERTY OWNER TO REPAIR AND RESTORE FULL FUNCTIONAL CAPACITY OF THE DRAINAGE IMPROVEMENTS, AND IN TO LIEN THE PROPERTY FOR BOTH DIRECT AND INDIRECT COSTS ASSOCIATED WITH SUCH WORK. BY SIGNATURE APPLIED BY THE INSTRUMENT, THE PROPERTY OWNER APPROVE AND AGREE THAT THIS AGREEMENT IS BINDING PERPETUALLY, RUNNING WITH THE LAND, ON PRESENT AND FUTURE OWNERS, HEIRS, AND ASSIGNS.

NOTES:

1. FIRE DEPARTMENT ACCESS SHALL BE MAINTAINED THROUGHOUT ALL DEVELOPMENT CONSTRUCTION PHASES.
2. AN APPROVED WATER SUPPLY FOR FIRE PROTECTION, EITHER TEMPORARY OR PERMANENT, SHALL BE MADE AVAILABLE AS SOON AS COMBUSTIBLE MATERIAL ARRIVES ON THE SITE.
3. MAIN BUILDING ENTRANCE CANOPY SHALL HAVE PROVIDED UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN SEVEN'-6" (SEVEN).
4. AMERICANS WITH DISABILITIES ACT (ADA) INSPECTION SHALL BE COORDINATED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY. THE CONTRACTOR SHALL CONTACT CITY STAFF TO SCHEDULE AN INSPECTION.
5. ALL OFFSITE IMPROVEMENTS SHALL CONSTRUCTED AND ACCEPTED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
6. EACH BUSINESS SHALL HAVE AN IDENTIFICATION SIGN AT THE LOOP ROAD (FIVE IN SIZE).

(LAND # 2000-07, 2000-08, 2000-01, 2000-0 & 2000-0)

NOTE REGARDING ARROYO CHAMISO TRAIL:

IT IS THE INTENT OF THE DEVELOPER TO PROVIDE A CORRECTION FROM THE ARROYO TRAIL ILLUSTRATED ON THE DEVELOPMENT PLAN TO THE CITY'S PROPOSED ARROYO CHAMISO TRAIL ON THE WEST SIDE OF RT 599. THE TRAIL WILL DIVERGE FROM THE ARROYO AND HEAD NORTHERLY ALONG THE ENTRY ROAD, EASTERLY ALONG JAMUNE DRIVE AND OVER THE BRIDGE, AND THEN SOUTHERLY TO ULTIMATELY CONNECT TO THE CITY'S FUTURE ARROYO CHAMISO TRAIL.

PLEASE NOTE THAT IF THE STATE THE DISTRICT AND THE CITY OF SANTA FE APPROVE THE USE OF THE EXISTING BOX CULVERT UNDER RT 599 FOR TRAIL USE, AND THE CITY ASSUMES FULL RESPONSIBILITY AND LIABILITY FOR ITS USE AS A TRAIL, THEN THE DEVELOPER WILL COOPERATE IN MAKING THE TRAIL CONNECTION IN THIS LOCATION.

NOT FOR CONSTRUCTION

THESE PLANS ARE FOR LAND USE PERMITTING ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. FOR INFORMATION RELATING TO ENGINEERING & SURVEY DATA SUCH AS GRADING, DRAINAGE, UTILITIES, ROADS & EASEMENTS SEE PLANS BY OTHERS.

MINIMUM BUILDING SETBACKS:

10 FT. FRONT SETBACK
8 FT. SIDE SETBACK
10 FT. REAR SETBACK

BUILDING HEIGHTS:

C-2 ZONE:	
LOT 2L	40 FT. HT.
LOT 1C	38 FT. HT.
LOT 1B/A	34 FT. HT.
LOT 1A/B1	50 FT. HT.
SP ZONE:	
LOT 1A,1B/C	55 FT. HT.
LOT 1F-2A	55 FT. HT.

LOT COVERAGE:

C-2: 50% MAX LOT COVERAGE
SP: NO LOT COVERAGE REQUIREMENT

DEVELOPMENT NOTE:

THE DEVELOPMENT PLAN ESTABLISHES THE LOCATION OF THE ROADS AND PARKING FOR THE DEVELOPMENT AND THE APPROXIMATE SITES OF THE PROPOSED BUILDINGS. ALL DEVELOPMENT WILL BE IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE FOR THE CITY OF SANTA FE. THE DEVELOPMENT WILL BE MARKET DRIVEN AND FLEXIBILITY IS REQUIRED FOR IDENTIFICATION OF THE ACTUAL USES PROPOSED FOR EACH TRACT. ALL USES WILL BE AS PERMITTED FOR THE SP AND C-2 ZONES.

LEGEND

PROPOSED OPEN SPACE

LOT NUMBER

CITY REVIEW		
DEPARTMENT	SIGNATURE	DATE
WASTEWATER MANAGEMENT DIV.		
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		

Land Use Planning
Landscape Architecture

[illegible]

THE PAVILION
DEVELOPMENT PLAN AND PRELIMINARY SUBDIVISION PLAT SUBMITTAL

DEVELOPMENT PLAN
SHEET 1 OF 5

DATE: DECEMBER 2000 | SCALE: 1"=300' | SHEET: 5H

REVISIONS	DATE

LEGEND AND NOTES

DENOTES CULTURAL PROPERTIES PRESERVATION EASEMENT
FOR DETAILED DATA REFER TO PLAT OF NOVEMBER 29

NO ACTIVITY WHICH DISTURBES GROUND SURFACE SHALL OCCUR WITHIN THE BOUNDARIES OF THE CULTURAL PROPERTIES PRESERVATION EASEMENT REFLECTED ON THIS PLAT. THE CIRCUMFERENCE OF THE CULTURAL PROPERTIES PRESERVATION EASEMENT AS MARKED BY A LICENSED NEW MEXICO SURVEYOR SHALL BE FENCED WITH T-POSTS AND THREE STRANDS OF FLOAT WIRE PRIOR TO THE START OF ANY GROUND DISTURBING ACTIVITIES. THE PORTION OF THE EASEMENT THAT PRESENTS GROUND DISTURBING ACTIVITIES SHALL HAVE CHAINLINK FENCING ATTACHED TO THE WIRE STRANDS. ALL FENCING SHALL BE MONITORED AND MAINTAINED THROUGHOUT THE LIFE OF ALL GROUND DISTURBING ACTIVITIES. FENCING MAY BE REMOVED WHEN ALL GROUND DISTURBING ACTIVITIES IN ADJACENT PARCELS HAS CEASED

1. BASIS OF BEARING TAKEN FROM NEW MEXICO DEPARTMENT OF TRANSPORTATION CONTROL MAP NEW MEXICO PROJECT NO. IM-NH-025-3(101)127 WPP-589 - 1(102) NH-0041-3(13)127 BY WILLIAM A. BOWERS NMPLS#11745 AND DATED 3-15-06.
2. THIS PLAT IS SUBJECT TO ALL EASEMENTS, BOUNDARIES, AND CONDITIONS OF RECORD

DENOTES FLOOD HAZARD ZONE X OUTSIDE 0.2% ANNUAL FLOOD

DENOTES FLOOD HAZARD ZONE X SUBJECT TO INUNDATION 0.2% ANNUAL FLOOD

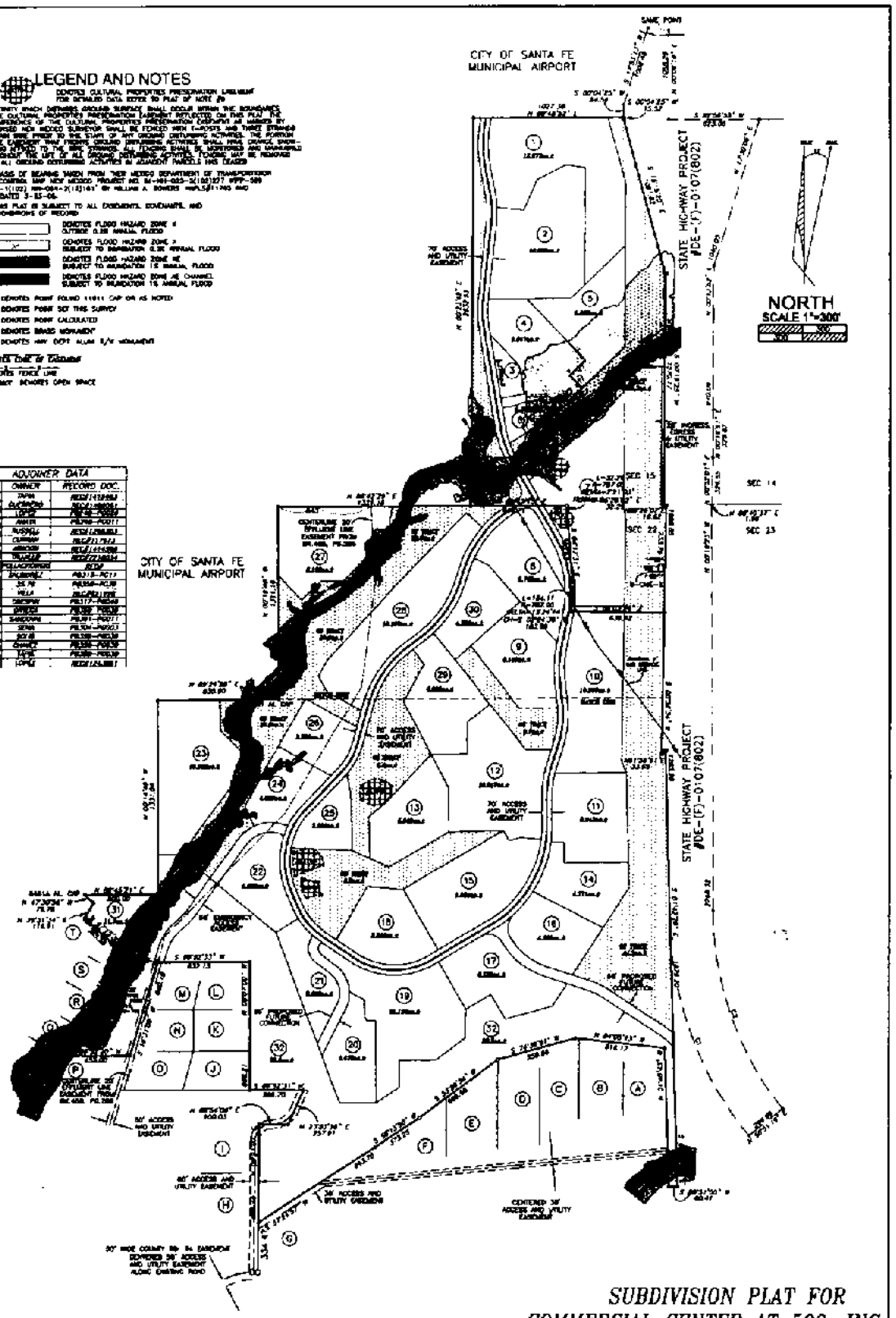
DENOTES FLOOD HAZARD ZONE AE SUBJECT TO INUNDATION 1% ANNUAL FLOOD

DENOTES FLOOD HAZARD ZONE AE CHANNEL SUBJECT TO INUNDATION 1% ANNUAL FLOOD

- DENOTES POINT FOUND 1/2" CAP OR AS NOTED
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- DENOTES BRASS MONUMENT
- DENOTES NM DOT ALUM B/C MONUMENT

DENOTES FENCE LINE
DENOTES OPEN SPACE

ADJOINER DATA		
KEY	OWNER	RECORD DOC.
A	TAPIA	[illegible]
B	GUERRERO	[illegible]
C	LOPEZ	[illegible]
D	AMIER	[illegible]
E	RUSSELL	[illegible]
F	CURRAN	[illegible]
G	ARMIJO	[illegible]
H	TRUJILLO	[illegible]
I	FOLLINGSTAD	[illegible]
J	SALBERG	[illegible]
K	SILVA	[illegible]
L	VILLA	[illegible]
M	SIERRA	[illegible]
N	[illegible]	[illegible]
O	SANDOVAL	[illegible]
P	SENA	[illegible]
Q	ROYBAL	[illegible]
R	CHAVEZ	[illegible]
S	TAPIA	[illegible]
T	LOPEZ	[illegible]



CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD BRG	CHORD DIST	DELTA
C1	[illegible]	2441.87	[illegible]	14.18.79	[illegible]
C2	1457.07	2141.87	[illegible]	1423.48	[illegible]

SUBDIVISION PLAT FOR COMMERCIAL CENTER AT 599, INC. OF TRACTS 1A & 1B

LYING WITHIN SECTIONS 15 & 22, T19N, R8E, NMPM, SANTA FE COUNTY, NEW MEXICO.

COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO }

I hereby certify that this instrument was filed for record on the _____ day of _____, A.D., 20__, at _____ o'clock _____ m., and was duly recorded in book _____ page _____ of the records of Santa Fe County.

Witness my hand and seal of office
Valerie Espinoza
County Clerk, Santa Fe County, N.M.

_____ Deputy

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011
(505) 470-0407 111 WAGON TRAIL RD. CEDRILLOS, NM. 87010

RECORD INFORMATION FOR THE COUNTY CLERK

OWNER: COMMERCIAL CENTER AT 599, INC.
LOCATION: [illegible]

SHEET 2-2

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

Case #2015-17
Owner's Name – Everett Lovato
Agent's Name – Armijo Surveys, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on April 2, 2015 upon the application (Application) of Armijo Surveys, Inc., as agent for Everett Lovato (Applicant).

The Applicant seeks the Commission's approval of a family transfer subdivision plat to divide 1.17± acres of land located at 2004 Agua Fria Street (Property) into 3 lots. The Property is located directly south of Frenchy's Park and is zoned R-5 (Residential – 5 dwelling units/acre).

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; there were no members of the public spoke to the matter.
2. Pursuant to Santa Fe City Code (Code) §14-3.7(F)(4) the Commission has the authority to hear and decide applications for family transfer subdivisions of land creating two or more additional lots.
3. Pursuant to Code §14-3.7(F)(2)(a), a subdivision is created by family transfer if it is created by a father or mother for the purpose of transferring a lot or lots to his or her children, natural or adopted, provided that the person proposing to transfer the lot or lots files appropriate documents of conveyance along with an affidavit with the County Clerk containing a legal description of the property being transferred and a statement that the transferor has not made any other transfers of any other lots to the transferee that would require the filing of such an affidavit.
4. Code §14-3.7(F)(3) establishes restrictions and requirements applicable to family transfer subdivisions.
5. Code §14-3.7(F)(4) provides that only final plat procedures as set forth in Code §14-3.7(B) are required to be met for family transfer subdivisions.
6. Code §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 §14-3.7(B)(4)] and criteria for the Commission's approval [Code §14-3.7(C)] (collectively, the Applicable Requirements).
7. Code §14-3.7(F)(6) requires the Applicant to prove compliance with the terrain management submission regulation submissions of §14-14-8.2; the subdivision design standards and required improvements of §14-9.2; and the standards for use, density, building placement,

Exhibit "3"

height, open space, parking and other items set forth in the applicable district regulations (collectively, the Family Transfer Subdivision Compliance Requirements).

8. Code § 14-7.2(B)(7) provides that if the density calculation for a family transfer subdivision is other than a whole number, the number may be rounded up if it is five-tenths or more.
9. The Property may be divided into three lots.
10. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of SFCC §14-3.1(F) for subdivision plats.
11. An ENN meeting on the Application was held on February 11, 2015 at Frenchy's Barn; the ENN meeting was attended by the Applicant and City staff and approximately eight members of the public interested in the matter.
12. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the Commission approve the family transfer subdivision plat, subject to certain conditions (the Conditions) set out in such report.
13. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements and the Family Transfer Subdivision Compliance Requirements have been met.

CONCLUSIONS OF LAW

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

1. The Commission has the authority under the Code to approve the family transfer subdivision plat for the Property.
2. The Applicable Requirements and the Family Transfer Subdivision Compliance Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE _____ OF MAY 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the family transfer subdivision plat for the Property is approved, subject to the Conditions.

_____ _____

Michael Harris Date:
Chair

[REMAINING SIGNATURES APPEAR ON FOLLOWING PAGE]

FILED:

_____ _____
Yolanda Y. Vigil Date:
City Clerk

APPROVED AS TO FORM:

_____ _____
Zachary Shandler Date:
Assistant City Attorney

City of Santa Fe
Board of Adjustment
Findings of Fact and Conclusions of Law

Case #2015-18 – Camino de Jacobo Special Use Permit
Owner – Dean Alexis
Agent – Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on April 2, 2015 (Hearing) upon the application (Application) of Siebert and Associates, Inc., as agent for Dean Alexis (Applicant).

The Applicant proposes to construct 21,880 square feet for use as indoor storage units (the Project) on 0.95± acres of land located at 1391 Camino de Jacobo (Property) off Airport Road. The Property is zoned C-2 (General Commercial) and is located within the Airport Road Overlay District.

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 evidence from the Applicant and members of the public interested in the matter.
2. Pursuant to Code §14-3.6(B), the Commission has the authority to hear and decide applications for special use permits; to decide questions that are involved in determining whether special use permits should be granted; and to grant special permits with such conditions and safeguards as appropriate under Code Chapter 14 or to deny special use permits when not in harmony with the intent and purpose of Code Chapter 14.
3. Pursuant to Code §14-6.1(C) Table 14-6.1-1, entitled "Table of Permitted Uses", "Individual Storage Areas within a Completely Enclosed Building" are permitted uses in a C-2 district with a special use permit. 4. The Property is located in a C-2 district.
4. A special use permit is required for the Project.
5. Code §14-3.6(C) sets out the procedures to be followed prior to the grant by the Commission of a special use permit, including:
   (a) Approval of a site plan and other site development drawings necessary to demonstrate that the Project can be accomplished in conformance with applicable Code standards [§14-3.6(C)(1)];
   (b) Submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested [§14-3.6(C)(2)]; and
   (c) That a special use permit is limited to the specific use and intensity granted, requiring a new or amended special use permit if the use is changed or intensified [§14-3.6(C)(3)].
6. Code §14-3.6(D)(1) sets out certain findings that the Commission must make to grant a special use permit, including:

Exhibit "L"

(a) That the Commission has the authority to grant a special use permit for the Project [§14-3.6(D)(1)(a)];
(b) That granting a special use permit for the Project does not adversely affect the public interest [§14-3.6(D)(1)(b)]; and
(c) That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project [§14-3.6(D)(1)(c)].

7. Code §14-3.6(D)(2) authorizes the Commission to specify conditions of approval for a special use permit to accomplish the proper development of the area and to implement the policies of the general plan.
8. The Applicant submitted a site plan and an application indicating the Code section under which the special use permit was being sought and stating the grounds for the request.
9. Code Section 14-3.1(F)(2)(a)(viii) requires an ENN for special use permits and Code Section 14-3.1(F)(4)-(6) establishes procedures for the ENN, including:
   (a) Compliance with the notice requirements of Code Section 14-3.1(H) [Section 14-3.1(F)(4)];
   (b) Timing for the ENN meeting and the principles underlying its conduct [Section 14-3.1(F)(5)]; and
   (c) Guidelines for the conduct of the ENN meeting [Section 14-3.1(F)(6)].
10. Notice was properly given in accordance with the notice requirements of Code Section 14-3.1(H)(1)(a)-(d).
11. An ENN meeting was held at on February 3, 2015 at the 1391 Camino de Jacobo.
12. The ENN meeting was attended by the Applicant and City staff; no members of the public were in attendance.
13. Commission staff provided the Commission with a report dated March 25, 2015 for the April 2, 2015 Planning Commission Meeting (Staff Report) evaluating the factors relevant to the proposed special use permit and recommending approval by the Board of such special use permit, subject to the conditions set out in the Staff Report (the Conditions).
14. Based upon the analysis contained the Staff Report and the evidence provided at the Hearing, granting the special use permit for the Project will not adversely affect the public interest.
15. Based upon the analysis contained the Staff Report and the evidence provided at the Hearing, the Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.

CONCLUSIONS OF LAW

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

1. The Board has the power and authority under Code to grant the special use permit applied for.
2. The special use permit was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
3. The ENN meeting complied with the requirements established under the Code.
4. The granting of the special use permit will not adversely affect the public interest.
5. The Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.

6. The special use permit granted herewith is granted for the specific use of the Property and intensity applied for and no change of use or more intense use shall be allowed unless approved by the Commission under a new or amended special use permit or as otherwise permitted by applicable Code.

WHEREFORE, IT IS ORDERED ON THE _____ OF MAY 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That the special use permit is approved as applied for, subject to the Conditions.
2. The special use permit granted herewith shall expire if (a) it is not exercised within three (3) years of the date these Findings of Fact and Conclusions of Law are adopted by vote of the Commission, subject to any right of the Applicant under applicable Code to request an extension of such time or (b) it ceases for any reason for a period of one hundred eighty (180) days.

_____ _____
Michael Harris Date:
Chair

FILED:

_____ _____
Yolanda Y. Vigil Date:
City Clerk

APPROVED AS TO FORM:

_____ _____
Zachary Shandler Date:
Assistant City Attorney

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

Case #2015-20
600 Galisteo Street General Plan Amendment
Case #2015-21
600 Galisteo Street Rezoning to BCD

Applicant – Eva Parker, Trustee for the Lucy C. Ortiz Estate

THIS MATTER came before the Planning Commission (Commission) for hearing on April 2, 2015 upon the application (Application) of Eva Parker, Trustee for the Lucy C. Ortiz Estate (Applicant).

The property is located at 600 Galisteo Street and includes a 5, 581 SF lot improved with a building (Building) and related improvements on the southwest corner of the intersection of Galisteo Street with the Paseo de Peralta (Property) zoned R-21 (Residential – 21 dwelling units/acre). The Property was developed in the mid-1930s for commercial use and remained a commercial use until the mid-2000s, when it was vacated. It has remained vacant since that time and has a result, has lost its status as a legal nonconforming use and reverted to R-21 zoning.

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Moderate Density Residential (7-9 dwelling units/acre) to Community Commercial and (2) to rezone the Property from R-21 to BCD (Business Capitol District).

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 members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.5(B)(2)(b) provides that the Governing Body may approve a rezoning to a less intensive zone than originally requested by an applicant.

Exhibit "5"

5. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on July17, 2014.
7. 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)].
8. An ENN meeting was held on the Application on August 19, 2014 at the Main Branch Public Library on Washington Street.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant and City staff; there were fourteen (14) members of the public in attendance, including representatives of the Applicant.
11. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning, subject to the conditions set forth in the Staff Report (the Conditions).

The General Plan Amendment

12. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
13. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
14. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
    (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].* The Property was developed in the mid-1930s for commercial use and has been utilized for commercial uses continuously since then until vacated in the mid-2000s by its last commercial occupant. It has remained vacant since, reverting after one year to residential-use zoning pursuant to Code § 14-10.2(C). The Property has never been used for residential purposes. Other properties on the south side of the Paseo in close proximity to the Property are developed with a variety of commercial and office uses. The redevelopment and reuse of the Property for office and low-intensity commercial use is consistent with its prior commercial uses as set out in the Staff Report, and with the Plan, which encourages a mix of uses in all new and existing neighborhoods and the protection and conservation of neighborhood character. In accordance with testimony at the Hearing, limited commercial, office and similar low-intensity uses were consistent with the historic character of the neighborhood and were not objectionable to most neighborhood residents. Testimony also indicated that the Property has become a magnet for vandals and vagrants as a result of the approximately ten-year vacancy and is not

generating any economic activity. Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property.

(b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*
The proposed amendment is consistent with provisions of the Plan that encourage the protection and maintenance of neighborhood character, promote mixed-use neighborhoods and economic diversity and support the location of professional and administrative offices in and near neighborhood centers. The Property's orientation to the Paseo, a major arterial street and its close proximity to a variety of commercial and office uses, together with its historic use for commercial purposes and the small size and nonconforming character of the Building, which mitigates against expansion, as well as other physical constraints on future development, including limited parking, support the proposed amendment.

(c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*
Based upon the foregoing and as set forth in the Staff Report, the proposed amendment: will not allow a use or change that is inconsistent with the prevailing uses of the area or with the historic uses of the Property; adjusts boundaries between districts; and will not benefit the Property owner at the expense of the surrounding landowners and the general public.

(d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage of justification [§14-3.2(E)(1)(d)].*
Although the proposed amendment conforms with Code §14-3.2(E)(1)(c), it also promotes the general welfare and is otherwise advantageous to the public, based on testimony at the Hearing, including, without limitation, from representatives for the Don Gaspar Neighborhood Association, the Don Diego Neighborhood Association, and the Neighborhood Network, which indicated substantial support for the use of the Property for an appropriate low-intensity commercial or office use consistent with the Property's historic use and the neighborhood's historic character.

(e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*
This is not applicable.

(f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(e)].*
The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City in that it is consistent with the policies of the Plan as set forth in paragraph 14(a)-(d) above and in the Staff Report.

The Rezoning

15. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
16. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
17. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
18. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:
    (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*
    The proposed rezoning is more advantageous to the community for the reasons set forth in the Staff Report and in paragraph 14(a) and (b) above and in testimony at the Hearing, including, without limitation, from representatives for the Don Gaspar Neighborhood Association, the Don Diego Neighborhood Association, and the Neighborhood Network, which indicated substantial support for the use of the Property for an appropriate low-intensity commercial or office use, but opposition to BCD zoning due to concerns that BCD zoning, which permits uses permitted in all other districts of the City, would open the door to BCD zoning on other properties in the neighborhood south of the Paseo, eroding the neighborhood's historic character.
    (b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].*
    All the rezoning requirements of Code Chapter 14 have been met.
    (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(A)(c)].*
    The proposed rezoning is consistent with the Plan as set forth above and in the Staff Report.
    (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].*
    The Property is a 5,581 SF lot improved with the Building and related improvements and its use for low-intensity commercial or office is consistent with the uses and character of the area as it has developed and with the historic uses of the Property.
    (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)];*
    Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property.

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 Plan amendment and rezoning were 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 General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

The Rezoning

4. The Applicant has the right under the Code to propose the rezoning of the Property.
5. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

WHEREFORE, IT IS ORDERED ON THE _____ OF MAY 2015 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 recommends to the Governing Body that it approve the Plan amendment, subject to the Conditions.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to BCD, subject to the Conditions, giving consideration to rezoning to C-1 (Office and Related Commercial) pursuant to its authority under Code §14-3.5(B)(2)(b) to approve a rezoning to a less intensive zone than originally requested by an applicant, subject to the Conditions.

_____ _____

Michael Harris Date:
Chair

[REMAINING SIGNATURES APPEAR ON FOLLOWING PAGE]

FILED:

_____ _____

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

_____ _____

Zachary Shandler
Assistant City Attorney

Date:

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

Case #2015-14
1615 Old Pecos Trail Lot Split
Case #2015-5
1615 Old Pecos Trail Special Use Permit
Case #2015-16
1615 Old Pecos Trail Development Plan

Owner's Name – The Benevolent and Protective Order of Elks, Lodge No. 460
Applicant's Name – MVG Development and Morningstar Senior Living
Agent's Name – Montoya Land Use Consulting, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on April 2, 2015 upon the application (Application) of Montoya Land Use Consulting, Inc., as agent for The Benevolent and Protective Order of Elks, Lodge No. 460 (BPOE) and MVG Development and Morningstar Senior Living (collectively, the Applicant).

The property is comprised of 8.62± acres of land located at 1615 Old Pecos Trail improved with a two-story 11,222 square-foot building and related improvements (the Property) and is zoned R-1 (Residential – 1 dwelling unit/acre).

The Applicant seeks (1) to divide the Property into two lots of 3.85± acres of land (Lot B-1) and 4.77± acres of land (Lot B-2) respectively (the Subdivision); (2) a special use permit to operate a 104-bed continuing care facility (the CCF) on Lot B-1; and (3) development plan approval for the construction on Lot B-1 of an approximately 73,550 square-foot building to house the CCF operation (the Project).

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

FINDINGS OF FACT

General

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. Under Code §14-2.3(C)(1) the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code §14-2.3(E)(2) and (3)(a), the Commission has delegated to the Summary Committee its authority to hear and decide applications for the division of land into two lots (a Lot Split), except for those powers retained by the Commission.

Exhibit "2"

4. Where a Lot Split is part of another request requiring Commission review, the Commission retains its authority to review and approve or disapprove the subdivision.
5. Pursuant to Code §14-3.7(D), Lot Splits are subject to the procedural requirements, approval criteria and development standards that apply to other subdivisions, except that no preliminary plat hearing is required and certain other exceptions that do not apply in this matter.
6. Code §14-3.7(B) sets out certain procedures required for the review and approval of Lot Splits, including, without limitation:
   (a) A pre-application conference [Code §14-3.7(B)(1)]; and
   (b) An ENN meeting [Code §14-3.7(B)(2)].
7. The Commission has the authority under Code §14-2.3(C)(1) to review and decide applications for development plan approval.
8. The Commission has authority under Code § 14-2.3(C)(3) to hear and decide requests for special permits pursuant to Code § 14-3.6 when they are part of a development request requiring Commission review.
9. Pursuant to Code §14-3.6(B), the Commission has the authority to hear and decide applications for special use permits; to decide questions that are involved in determining whether special use permits should be granted; and to grant special permits with such conditions and safeguards as appropriate under Code Chapter 14 or to deny special use permits when not in harmony with the intent and purpose of Code Chapter 14.
10. Code §14-3.8(C)(2)(b) requires that a request for a special use permit be reviewed concurrently and approved or denied by the land use board that reviews the development plan.
11. Pursuant to Code §14-3.8(B)(3)(b), a development plan is required prior to new development with a gross floor area of ten thousand square feet or more in a residential district.
12. The Project includes new development with a gross floor area of approximately 73,550 square feet.
13. A development plan is required for the Project.
14. Pursuant to Code §14-6.1(C) Table 14-6.1-1, entitled "Table of Permitted Uses", "Continuing Care Community" is a permitted use in an R-1 district with a special use permit.
15. The Property is zoned R-1.
16. A special use permit is required for the Applicant's operation of the CCF on Lot B-1.
17. Code §14-3.8(B)(1) requires an ENN, notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
18. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(ii)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iv), (v), and (viii)]; and (c) compliance with Code Section 14-3.1(H)(1)(a)-(d) and (I) notice and public hearing requirements.
19. A pre-application conference was held on November 20, 2014.
20. 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)].

21. Two ENN meetings were held on the Application, the first on December 11, 2014 at the Santa Fe Women's Club at 1616 Old Pecos Trail and the second on January 22, 2015 at the same location.
22. Notice of the ENN meetings was properly given.
23. The ENN meetings were attended by the Applicant, City staff, with approximately 47 members of the public interested in the matter in attendance at the first ENN meeting and approximately 170 at the second.
24. Code §14-3.1(J) provides that applications may be approved with conditions of approval to ensure compliance with the purpose and intent or any section of Chapter 14 and any applicable City land use policy.
25. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Lot Split, special use permit and development plan, all subject to the conditions set out in the Staff Report (Conditions).

The Lot Split

26. Code §14-3.7(C) sets out the approval criteria for subdivisions, including Lot Splits (Subdivision Approval Criteria).
27. The Applicant has complied with the submittal requirements of Code §14-3.7(B)(4)(b).
28. Based upon the analysis contained in the Staff Report and the evidence presented at the Hearing, the proposed Lot Split complies with the Subdivision Approval Criteria.

The Special Use Permit

29. Code §14-3.6(C) sets out the procedures to be followed prior to the grant by the Commission of a special use permit, including:
    (a) Approval of a site plan and other site development drawings necessary to demonstrate that the Project can be accomplished in conformance with applicable Code standards [§14-3.6(C)(1)];
    (b) Submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested [§14-3.6(C)(2)]; and
    (c) That a special use permit is limited to the specific use and intensity granted, requiring a new or amended special use permit if the use is changed or intensified [§14-3.6(C)(3)].
30. Code §14-3.6(D)(1) sets out certain findings that the Commission must make to grant a special use permit, including:
    (a) That the Commission has the authority to grant a special use permit for the Project [§14-3.6(D)(1)(a)];
    (b) That granting a special use permit for the Project does not adversely affect the public interest [§14-3.6(D)(1)(b)]; and
    (c) That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project [§14-3.6(D)(1)(c)].

31. Code §14-3.6(D)(2) authorizes the Commission to specify conditions of approval for a special use permit to accomplish the proper development of the area and to implement the policies of the general plan.
32. The Applicant submitted a site plan and an application indicating the Code section under which the special use permit was being sought and stating the grounds for the request.
33. Pursuant to Code § 14-12.1, a "Continuing Care Community" is, in relevant part, "[a] residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities…[which] shall include: …(1) congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; and (2) a full nursing care unit with beds;…[and which] may include: (1) independent dwelling units for the elderly or persons with disabilities who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and (2) an extended care facility…"
34. Based upon the analysis contained in the Staff Report and the evidence presented at the Hearing, the CCF is a Continuing Care Community, in that it will provide private and shared residential suites without individual kitchen facilities to elderly residents in an assisted living unit and a memory care unit, with common meal preparation and dining, common recreation and social areas, and room cleaning, laundry, transportation and other services, together with differing levels of health care services, including full-time nursing care by licensed RNs and LPNs 24 hours a day, 7 days a week, under a license issued by the New Mexico Department of Health.
35. The City of Santa Fe General Plan Future Land Use Map (the Plan) classifies the Property as "Public/Institutional", which "…provides for schools, child care facilities, human service facilities, museums, libraries, fire and police stations, government offices, transit sites, airport, and other facilities that have a unique public character…"
36. The CCF is consistent with the "Public/Institutional" classification of the Property under the Plan.
37. Based upon the analysis contained in the Staff Report and the evidence presented at the Hearing, granting the special use permit for the Project will not adversely affect the public interest in that it will provide a needed service to a growing segment of the City of Santa Fe population in an area of the City with a larger percentage of aging residents; has been sited and designed to avoid adverse visual, traffic, noise and other impacts, including, without limitation, meeting the more restrictive standards of the South Central Highway Corridor Protection District, which are not applicable to the Project; and otherwise complies with all applicable Code requirements. .
38. Based upon the analysis contained in the Staff Report, the evidence presented at the Hearing and the facts set forth in paragraph 37 above, the Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project, in that the building and related improvements are sited and designed to minimize visual impact, including, without limitation, by using building setbacks and second-story stepbacks that exceed applicable requirements; by varying the massing of the building; by sinking the building to reduce height above grade for compatibility with two-story buildings in the immediate

vicinity of the Property; by utilizing differences in site elevation and landscaping to buffer adjacent residential properties; and by designing the building in the Spanish Pueblo Revival style to integrate it with the design of other buildings in the immediate vicinity.

The Development Plan

39. 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 DP Submittal Requirements).
40. The Applicant has complied with the DP Submittal Requirements.
41. 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)].
42. Based upon the analysis contained in the Staff Report, the evidence presented at the public hearing and the facts set forth in paragraph 37 above, approving the development plan will not adversely affect the public interest.
43. Based upon the analysis contained in the Staff Report, the evidence presented at the public hearing and the facts set forth in paragraph 38 above, the Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.
44. Code §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.

CONCLUSIONS OF LAW

Under the circumstances and given the information contained in the Staff Report and the evidence submitted during the Hearing, the Commission CONCLUDES as follows:

General

1. The proposed Lot Split, special use permit and development plan were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meetings complied with the requirements established under the Code.

The Lot Split

3. The Commission has the power and authority under the Code to review and approve the Lot Split.

4. The Applicant has complied with all applicable requirements of the Code with respect to the Lot Split, including the Subdivision Submittal Requirements The Special Use Permit
5. The Commission has the power and authority under Code to grant the special use permit applied for.
6. The granting of the special use permit will not adversely affect the public interest.
7. The Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.
8. The special use permit granted herewith is granted for the specific use of the Property and intensity applied for and no change of use or more intense use shall be allowed unless approved by the Commission under a new or amended special use permit or as otherwise permitted by applicable Code.

The Development Plan

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

WHEREFORE, IT IS ORDERED ON THE _____ OF MAY 2015 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 Lot Split is approved as applied for, subject to the Conditions, and to the following additional conditions (collectively, the Additional Conditions):
   (a) That construction hours for outside Project improvements shall be: Monday through Friday, 8 a.m. to 5 p.m.; Saturday, 8 a.m. to 2 p.m., with no work on Sunday; and that all construction vehicles shall be kept onsite, except those required for offsite improvements.
   (b) That "No Parking" signs be installed on Calle de Sebastian.
   (c) That the new property line dividing Lot B-1 from Lot B-2 shall provide for a 25-foot setback for the existing BPOE building with an easement across Lot B-2 to provide access for emergency vehicles and the functioning integrity of the Development Plan.
   (d) That the owners of Lot B-1 and Lot B-2 enter into a shared parking agreement creating access for use for both driveways.
   (e) That an analysis of drainage going to the box culvert be performed in order to evaluate the impact offsite of the drainage improvements.
   (f) That the Project building stucco color be light reflective.
   (g) That generator noise not exceed 50 DBA at any time.
   (h) That bicycle racks be distributed so that one is located at the front and the other is located as shown.
   (i) That the BPOE provide overflow parking to the CCF.
   (j) That the Project and CCF provide for some sort of water harvesting.
   (k) That all exterior light fixtures be lamped with LED bulbs.
   (l) That the Project shall incorporate a right-turn deceleration lane for the north driveway.

2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the special use permit is approved as applied for, subject to the Conditions and to the Additional Conditions.
3. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the development plan is approved as applied for, subject to the Conditions and to the Additional Conditions.
4. The special use permit granted herewith shall expire if (a) it is not exercised within three (3) years of the date these Findings of Fact and Conclusions of Law are adopted by vote of the Commission, subject to any right of the Applicant under applicable Code to request an extension of such time or (b) it ceases for any reason for a period of one hundred eighty (180) days.

_____ _____
Michael Harris Date:
Chair

FILED:

_____ _____
Yolanda Y. Vigil Date:
City Clerk

APPROVED AS TO FORM:

_____ _____
Zachary Shandler Date:
Assistant City Attorney

City of Santa Fe, New Mexico

memo

DATE: Prepared April 28 for May 7, 2015 meeting

TO: Planning Commission

VIA: Lisa D. Martinez, Director, Land Use Department

FROM: Greg Smith AICP, Director, Current Planning Division GTS

SUBJECT

An Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending Subsection 14-6.1(C), Table 14-6.1-1, Table of Allowed Uses to correct typographic errors in the designation of districts within which Sheltered Care Facilities are permitted, and making such other stylistic or grammatical changes that are necessary. (Councilor Lindell) (Greg Smith)

RECOMMENDATION

The Commission should recommend that the Governing Body approve the proposed amendment. The amendment bill will also be reviewed by the City Council Public Works Committee before final action by the full City Council.

SUMMARY ANALYSIS

Table 14-6.1-1 indicates which types of land uses are permitted in the various zoning districts. The current version of the table erroneously indicates that "Sheltered care facilities" are not permitted in any of the zoning districts. The error is apparently the result of formatting problems with an early working draft, which staff did not discover until after the incorrect table was approved and codified (Ordinance 2014-31, adopted October 8, 2014).

No changes to the provisions for sheltered care facilities were intended, and the proposed bill would restore the provisions that were in place before the error occurred.

Exhibit "7"

"Sheltered care facility" is defined as:

> A boarding home or other home for the sheltered care of adult or juvenile persons that, in addition to having the capacity to provide food and shelter to between nine and twenty-five persons unrelated to the proprietor, provides personal care and services, habilitation or supervision beyond food, shelter and laundry; provided that live-in nursing care is not a primary part of the services provided. Sheltered care facility includes *group homes*, half-way houses, homes for battered persons and children and homes designed to provide a transition from long-term institutional care to normal activities.

As indicated in the bill, they are allowed as "special use permit" uses in various residential and non-residential districts, and allowed without a special use permit in the BCD district.

Attachment
Proposed Bill

gtsc: Shelter Care Typo PC 2015-05-07

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2015-___

INTRODUCED BY:

Councilor Signe Lindell

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATIONS OF DISTRICTS WITHIN WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

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

Section 1. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to correct typographic errors in the designations of districts within which sheltered care facilities are permitted, as follows:

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I -1	I -2	B/P	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Hospitals and Extended Care Facilities																						
Extended care, convalescent, nursing, recovery care facilities	S	S	S	S	S	S		S		P	P	P	P	P			P				P	
Hospitals										S	S		P/S[6]	P			P					(B)(3)
Hospital heliport													P									(B)(3)(b)
Human Services																						
Adult day care	S	S	S	S	S	S		S		P	P	P	P	P			P	P	P	P	P	
Foster homes licensed by the appropriate state agencies	P	P	P			P		P		P		P	P	P							P	
Human service establishments											P*			P*	P*			P*	P*	P*	P*	(B)(4)
Sheltered care facilities	S	S	S		S	S		S		S	S	S	S	P							S	(B)(5)

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

APPROVED AS TO FORM:

Kelley A. Brennan

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2015/Chapter 14 _Shelter Care Typo

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY
Bill No. 2015-___
Planning Commission

SPONSOR(S): Councilor Bushee

SUMMARY: The proposed bill amends Section 14-2.3(D) SFCC 1987; establishing membership requirements for the planning commission.

1. Each district within the city shall have at least one representative on the commission in addition to the following requirements:
    - One member shall be a nominee of the Old Santa Fe Association;
    - One member shall be a nominee of the Santa Fe neighborhood network;
    - One member shall be a nominee from the local affordable housing roundtable;
    - One member shall be a representative of the architecture, construction, development or real estate community;
    - One member shall be a representative of the landscape architect or landscape designer community; and
2. Four (4) members shall be appointed at-large.

Note: Research of other city models determined many cities have adopted similar models with representatives from each district within the city. Most other examples did not prescribe specific professional requirements, aside from having "relevant experience".

PREPARED BY: Jesse Guillen/Rebecca Seligman

FISCAL IMPACT: No

DATE: April 24, 2015

ATTACHMENTS: Bill
FIR

Exhibit "B"

CITY OF SANTA FE, NEW MEXICO

BILL 2015-____

INTRODUCED BY:

Councilor Patti Bushee

AN ORDINANCE

AMENDING SECTION 14-2.3(D) SFCC 1987; ESTABLISHING MEMBERSHIP REQUIREMENTS FOR THE PLANNING COMMISSION.

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

Section 1. Subsection 14-2.3(D) (being Ord. No. 2011-37 § 2) is amended to read:

D) Membership and Procedures

(1) Composition

The planning commission is composed of nine members who are qualified by training, experience and ability to exercise sound and practical judgment on civic, social, economic and governmental affairs.

(2) Membership

(a) Each district within the city shall have at least one representative on the commission in addition to the following requirements:

(i) One member shall be a nominee of the old Santa Fe association;

(ii) One member shall be a nominee of the Santa Fe neighborhood network;

(iii) One member shall be a nominee from the local affordable housing roundtable;

(iv) One member shall be a representative of the architecture, construction, development or real estate community;

(v) One member shall be a representative of the landscape architect or landscape designer community; and

(b) Four (4) members shall be appointed at-large.

([2]3) Appointment and Term

The members of the planning commission shall be appointed by the mayor with the advice and consent of a majority vote of all the members of the *governing body*. Members shall serve two-year overlapping terms, maintaining the original overlap of planning commission terms. Members shall serve until their successors have been appointed and qualified.

APPROVED AS TO FORM:

Kelley A. Brennan

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2015/Planning Commission 040815

FIR No. 2658

City of Santa Fe
Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. **General Information**

(Check) Bill: X Resolution: _____
(A single FIR may be used for related bills and/or resolutions)
Short Title(s): **AN ORDINANCE AMENDING SECTION 14-2.3(D) SFCC 1987; ESTABLISHING MEMBERSHIP REQUIREMENTS FOR THE PLANNING COMMISSION.**

Sponsor(s): Councilor Patti Bushee/Councilor Signe Lindell

Reviewing Department(s): Land Use/City Attorney

Persons Completing FIR: Lisa Martinez/Jesse Guillen Date: 4/23/15 Phone: 955-6617/955-6518

Reviewed by City Attorney: Kathy A. Brennan (Signature) Date: 4/27/15

Reviewed by Finance Director: [signature] (Signature) Date: 4-27-2015

Section B. **Summary**
Briefly explain the purpose and major provisions of the bill/resolution:
The proposed bill would require that future appointees to the City of Santa Fe Planning Commission meet certain professional requirements, as well as requiring that each district within the City have a representative on the Commission.

Section C. **Fiscal Impact**
Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:
a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: _____

___X___ Check here if no fiscal impact

Column #: 1	2	3	4	5	6	7	8
Expenditure Classification	FY ____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY ____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
Personnel*	$____	____	____	$____	____	____	____
Fringe**	$____	____	____	$____	____	____	____
Capital Outlay	$____	____	____	$____	____	____	____
Land/ Building	$____	____	____	$____	____	____	____
Professional Services	$____	____	____	$____	____	____	____
All Other Operating Costs	$____	____	____	$____	____	____	____
Total:	$____			$____			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

a. To indicate new revenues and/or

b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #: 1	2	3	4	5	6
Type of Revenue	FY ____	"R" Costs Recurring or "NR" Non-recurring	FY ____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
____	$____	____	$____	____	____
____	$____	____	$____	____	____
____	$____	____	$____	____	____
Total:	$____		$____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

None

Section D. **General Narrative**

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

Appointees to the Planning Commission will continue to be selected at the Mayor's pleasure without having to meet certain requirements.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Changing the requirements for members of the Planning Commission would ensure that highly qualified members of the community, with a relevant professional background, would sit on the Commission. However, members of the community who may be quite familiar with planning, but don't meet the requirements would be unable to serve on the Commission. The four at-large members allowed for in the amended membership requirements could fill that gap.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08

City of Santa Fe, New Mexico

memo

DATE: April 28, 2015 for the May 7, 2015 Meeting

TO: Planning Commission

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

FROM: Zach Thomas, Senior Planner, Current Planning Division ZT

Case #2015-36. 108 Vigil Lane Certificate of Compliance. Sommer, Karnes & Associates, Agent, request Planning Commission approval of a Certificate of Compliance in order to establish legal lot of record per the procedures set out in SFCC 1987 14-3.7 (A)(7). The property is +/- 0.16 acres, zoned R-5 (Residential – 5 Dwelling Units Per Acre), and is located at 108 Vigil Lane. (Zach Thomas, Case Manager)

APPLICATION STATUS

The Land Use Department has determined that requested Certificate of Compliance is subject to administrative approval and does not require consideration by the Planning Commission.

Exhibit "9"

City of Santa Fe, New Mexico

memo

DATE: April 22, 2015 for the May 7, 2015 meeting

TO: Planning Commission

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

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division D.W.

Case #2015-30. Tune Up Café, 536 Cortez St., General Plan Amendment. Liaison Planning Services, Inc., agent for JC Rivera, LLC, requests approval of a General Plan Future Land Use map amendment to change the designation of .13± acres of land from Low Density Residential (3-7 dwelling units per acre) to Community Commercial. The property is located at 536 Cortez. (Donna Wynant, Case Manager)

Case #2015-31. Tune Up Café, 536 Cortez St., Rezoning. Liaison Planning Services, Inc., agent for JC Rivera, LLC, requests rezoning approval of .13± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-2 (General Commercial). The property is located at 536 Cortez St. (Donna Wynant, Case Manager)

Cases #2015-30 and #2015-31 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but each is a separate application and shall be reviewed and voted upon separately.

RECOMMENDATION

The Commission should direct the applicant to revise the application to propose C-2-PUD (Planned Unit Development), which would ensure that future development would not adversely affect surrounding land uses.

Staff concurs with the applicant's contention that the plan amendment and rezoning of the property at 536 Cortez St. would meet the applicable criteria for approval, if development is limited to construction of a parking lot expansion for the existing restaurant at 1115 Hickox St. as stated in the application materials. Unrestricted development of the property under C-2 zoning would not meet the approval criteria for the requested General Plan amendment and rezoning.

Exhibit "10"

If the Commission determines to recommend **approval**, the rezoning case should be subject to Conditions of Approval as outlined in this report. Commission recommendations to approve or deny General Plan Amendment and Rezoning cases proceed to the City Council for final decision.

I. APPLICATION OVERVIEW

The applicant acquired the property at 526 Cortez north of and adjacent to his Tune-Up Cafe at 1115 Hickox. The applicant is proposing to minimize on street parking by his business by providing an 8 space parking lot on the subject property. The request is to change the zoning from R-5 (Residential, 5 dwelling units per acre) to C-2 (General Commercial) to be consistent with the zoning of the Tune-Up Café property. The General Plan must first be amended from Low Density Residential (3-7 dwelling units per acre) to Community Commercial to allow the rezoning as requested. Also, since parking is not allowed as a primary use, the 526 property must be consolidated with the adjacent Tune-Up Café property as a condition of approval of the zoning request.

The application requests that review by the city focus primarily on the property at 536 Cortez Street. However, the application materials indicate that the property was purchased by the applicant to accommodate the existing Tune-Up Café with a new parking lot, not for any future expansion of the business and not for a separate commercial entity. The applicant has submitted a schematic plan for the parking lot expansion, but the application does not involve formal approval of the plan. If the rezoning is approved, subsequent approval of the plan would involve administrative approvals by staff, and could also involve approval of landscape-buffer and other variances by the Board of Adjustment. The application could have been structured to include formal approval of the parking lot, by proposing rezoning to C-2-PUD (Planned Unit Development) for both parcels. A C-2-PUD application would also have provided more flexibility in dealing with variances or other exceptions to normal development standards.

II. PROPERTY DESCRIPTION AND BACKGROUND

A. **Existing Conditions at 536 Cortez Street.** The subject property is a 5,923+/- square foot lot located north of the applicant's Tune-Up Café at 1115 Hickox. The application materials indicate that the mobile home on the lot will be removed for the development of a parking lot for the restaurant. Properties to the north, west and east are residential and zoned R-5. (See Exhibit C-2: Zoning & Aerial Map). The property to the south is the Tune-Up Café zoned C-2. Further south, across Hickox are other commercial properties zoned C-2 that stretch three blocks from Alicia Street to Kathyrn Avenue. The Tune-Up Café is the only commercially zoned property on the north side of Hickox in this area.

B. **Intended Future Development at 536 Cortez Street.** The proposed parking lot would provide 8 additional spaces. The schematic plan indicates that the lot would comply with most applicable standards. It would be accessed off of Hickox through the existing parking lot, and would exit as a "*right turn only*" onto Cortez Street (see Exhibit E-2: Proposed Site Plan). Existing (significant) trees would be preserved and utilized as a buffer along the north, west

and Cortez Street property lines. The new parking lot would be screened with the existing 4' wall along Cortez and a new 6' tall masonry wall along the north and west lot line. The existing dumpster and recycling bins located at 1115 Hickox would be relocated to the subject property as shown on the site plan and a 15' landscape buffer is proposed adjacent to the west lot line as required since it abuts residential property (Subsection 14-8.4(J)(3)).

The schematic plan proposes a reduced landscape buffer (5' rather than 15') along the north lot line adjacent that residential property. The applicant has requested approval by staff of a smaller but more intensified, landscape buffer per section 14-8.4(C) Landscape and Site Design "Alternate Means of Compliance." Approval by staff could not occur until after the rezoning is approved, and would require more-detailed landscaping and parking lot plans than have been submitted. If staff does not approve the reduced buffer, the plans would have to be modified to provide the full 15-foot buffer, or the applicant would need approval of a variance by the Board of Adjustment.

C. **C-2 Zoning at 1115 Hickox St.** The property currently occupied by the café was apparently rezoned from residential to C-2 in 1962, as part of a city-wide update to the zoning map. Several other parcels across Hickox St. were also rezoned to C-2 at the same time, apparently to accommodate pre-existing commercial uses. The property at 1115 Hickox has apparently been operated as a restaurant or other commercial use since prior to 1962.

D. **Existing Conditions at 1115 Hickox St.** The Tune Up Cafe is currently classified as a conforming permitted use in the category of "Restaurant – full service, with or without incidental alcohol service." That category prohibits "Amplified live entertainment or amplified music for dancing" after 10 p.m. Modification of the existing operation to include entertainment after 10 p.m., or to include outdoor entertainment, would require approval of a special use permit by the Board of Adjustment.

The existing configuration of the building is the result of approval by staff of a building permit in 2011, which increased inside seating capacity from 23 to 40 and also approved an outdoor seating capacity of 19. Table 14-8.6-1 provides two different parking requirements that can be applied to restaurants, and staff apparently approved the restaurant expansion using the lower rate – one space per 200 square feet of net leasable area, rather than one space per 50 square feet of serving area. The parking calculation approved by staff for the permit determined that the 7 spaces provided in the existing parking lot located west of the restaurant building met the minimum code requirements. The existing parking lot was treated as legally nonconforming ("grandfathered in") with regard to the 15-foot buffer requirement, because enforcing the buffer requirement would have eliminated required parking spaces (Subsection 14-8.4(I)(7) Landscape and Site Design – Parking Lots – Compliance).

Although the city receives complaints from nearby residents that overflow parking causes problems on the narrow residential streets near the restaurant, the number of on-site parking spaces complies with minimum code requirements as applied to the 2008 building permit. If the rezoning approved and the 8 additional parking spaces are constructed, the resulting total of 15 parking spaces would exceed the minimum number of spaces required under the lower rate, but would still not meet the requirement under the higher rate.

The 2008 building permit also approved expansion of food preparation and storage areas, but did not address an earlier storage addition which was done without permits near the north property line, in violation of setback and buffer requirements. The applicant recently applied for an after-the-fact building permit for the addition, but approval of the proposed rezoning and lot consolidation would be needed to correct the violations. If the rezoning and consolidation are not approved, the earlier storage addition would require approval of a variance by the Board of Adjustment, or it would have to be demolished. City staff has issued a letter directing the applicant to correct the violation.

Staff and neighbors have identified concerns with existing parking spaces located on the east side of the property, at the Cortez St. frontage. Cars using those spaces frequently block the public sidewalk, and have to back into the street when exiting the spaces. Neighbors who attended the ENN meeting cited these spaces as a significant hazard. These substandard spaces were not counted as required spaces when the 2008 building permit was approved, and the City's traffic engineering staff is recommending that they be eliminated as a condition of the rezoning application. The city may have the authority to abate the spaces or to cite vehicles that block the sidewalk, independently of the rezoning case.

At or about the same time that the 2008 building permit was issued, city staff determined that some of the improvements associated with the outdoor seating area encroached into the city's right-of-way along the Hickox frontage. City staff worked with the applicant to obtain approval from the Governing Body for an agreement to eliminate the encroachment problem by trading land at the corner of Hickox and Cortez. The applicant has not followed up with surveys and deeds that are required to implement the agreement, and enforcement action is still pending.

In addition to other encroachment issues, the outdoor seating area is covered by a freestanding shade structure that appears to encroach into the right-of-way, and which was erected without a permit. Since the awning extends into the required setback area, approval of a variance by the Board of Adjustment would also be required if it is to remain.

E. **Future Development Potential at 536 Cortez St. and 1115 Hickox St.** As noted above, the applicant has chosen not to file a PUD application that would approve development of either or both lots in accordance with a specific development plan, and that would require approval of any amendments to that plan to be approved by the Planning Commission and/or the Governing Body. Since the City Attorney has determined that the Governing Body does not have authority to restrict the types of uses allowed as a condition of approval for a rezoning case, it is not clear that the city would be able to ensure that development of the property at 536 Cortez St. would occur in accordance with the applicant's stated intention to build a parking lot.

Possible alternative scenarios for development of the combined lots that would not involve public hearings include:

- Limited restaurant expansion
- Demolition of the existing building and construction of a retail or office building built above the parking area

- Construction of apartments or residential condominium units with less than 10,000 square feet of total floor area

Setback and buffer requirements would provide practical limits on the potential for development of the property at 536 Cortez as an independent C-2 parcel. Development of apartments or residential condominium units with less than 10,000 square feet would be feasible.

III. GENERAL PLAN AMENDMENT

14-3.2 (E) Approval Criteria

(1) Criteria for All Amendments to the General Plan

The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:

> ***(a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;***
>
> **Applicant Response:**

The proposed use of the subject property will provide parking for an existing restaurant that currently provides employment and a service to the neighborhood and Santa Fe residents. The property will be accessed off of Hickox and will not utilize additional infrastructure aside from egress onto Cortez Street.

> **Staff Response:**

Development of the property in conjunction with the existing small restaurant at 1115 Hickox St. will not have a significant impact on city-wide growth trends or economic development, nor would there be a significant impact on surrounding land uses or infrastructure. If rezoning leads to intensification of commercial use or additional non-residential traffic and parking on Cortez St., that result would not be consistent with applicable policies.

> ***(b) consistency with other parts of the general plan;***
>
> **Applicant Response:**

General plan policy states that "there shall be a mix of uses and housing types in all parts of the City". Along this area of Hickox the zones are mixed C-2 and residential and has historically accommodated both uses. The proposed use of the subject property will be consistent with this policy and will increase opportunities for service to the neighborhood and Santa Fe residents.

Staff Response:

The General Plan has several policies that address neighborhood preservation, encroachment of commercial into residential, infill development, mixed use neighborhoods, etc. (See Exhibit F-1: General Plan Policies). One of the many goals in the General Plan, includes:

5-2-G-5 *Protect neighborhoods from encroachment by non-neighborhood oriented commercial uses and related environmental impacts. ...*

(c) the amendment does not:

(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or

Applicant Response:

The area to the north, east and west of the subject property is primarily residential. The properties to the south all along Hickox are zoned for community commercial uses. The intent of this request is to provide additional parking for an existing commercial use, which is neither different nor inconsistent with the prevailing use and character in the area.

Staff Response:

Development of an expanded parking lot for the adjacent restaurant can be considered consistent with the prevailing use and character in the neighborhood. Any significant expansion of the type or intensity of non-residential use would not be consistent.

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

Applicant Response:

The amendment does affect an area of less than two acres. The legal lot was created in 1930 prior to the development and intent of the General Plan.

Staff Response:

The property requested to be rezoned to C-2 is .13± acres in size and therefore less than 2 acres, but would be an adjustment and extension of the C-2 to the south.

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Applicant Response:

Upon approval, the subject property will be consolidated with the adjacent property to the south that has always been utilized as commercial. The existing historical use will be maintained and expansion of this use would be consistent with the nature of the longstanding use as seen from Hickox and Cortez Street.

Staff Response:

To the extent that rezoning of the property is subject to conditions that limit significant expansion or intensification of commercial use, the rezoning would not harm surrounding landowners or the general public.

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

Applicant Response:

The justification for the rezoning is consistent with the surrounding uses and promotes mixed uses as declared in the general plan.

Staff Response:

This proposal conforms to Section 14-3.2(E)(1)(c) as outlined above.

(e) compliance with extraterritorial zoning ordinances and extraterritorial plans;

Applicant Response:

Not applicable.

Staff Response:

Not applicable.

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and

Applicant Response:

Use of the subject property for expansion of an historically/existing commercial use, will continually provide centrally located employment and service to the neighborhood. Will maintain and promote the mixed use character of the neighborhood.

Staff Response:

To the extent that rezoning of the property is subject to conditions that limit significant expansion or intensification of commercial use, the rezoning would promote the health and safety and support economic development.

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Applicant Response:

By allowing the continuation of the historic use of the property to the south and proposed use of the subject property, the General Plan Amendment will expand the City's employment base and promote infill developments that are consistent with land use policies, ordinances, regulations and plans.

Staff Response:

The proposal to reclassify the property as Community Commercial in order to rezone the property for parking is substantially consistent with applicable provisions of the development code.

(2) Additional Criteria for Amendments to Land Use Policies

In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping or other means, and a finding must be made that:

(a) the growth and economic projections contained within the general plan are erroneous or have changed;

Applicant Response:

The neighborhood has developed over the years and the need for additional off street parking is apparent. The subject property currently has a mobile home on it that can easily be removed to accommodate parking for the property to the south. The proposed parking lot will only be utilized by the restaurant and all applicable design standards will be adhered to.

Staff Response:

No amendment to land use policies is proposed that would affect consistency with growth and economic projections in the general plan.

(b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or

Applicant Response:

It makes sense to allow for additional parking for the commercial property to the south by providing off street parking that is directly adjacent to and can be accessed through the restaurant parking lot.

Staff Response:

No amendment to land use policies is proposed that would affect provision of reasonable locations of restaurant uses.

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

Staff Response:

No amendment to land use policies is proposed that is affected by changed conditions..

IV. REZONING

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

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

(i) there was a mistake in the original zoning;

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

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

Applicant response:

The neighborhood has increased in density and the need for off street parking is apparent. The proposed use would allow for additional parking and relieves some of the on street parking which justifies the change for zoning.

Staff response:

The approval criteria in (a)(1) and (a)(2) are not applicable. There has not been a mistake in the original zoning – the property at 536 Cortez property has been zoned R-5 since 1953, and no significant change has occurred in the surrounding residential area since C-2 zoning was approved in 1962 for the restaurant and lots on the other side of Hickox.

However, approval can be supported to the extent that the C-2 rezoning "is more advantageous to the community" as provided in adopted plans (approval criterion (a)(3)). To a large extent, consistency with those policies depends on the type and intensity of development that occurs as a result of the rezoning, as discussed in the general plan consistency sections of this report.

(b) all the rezoning requirements of Chapter 14 have been met;

Applicant response:

The rezoning requirements of Chapter 14 are addressed herein and the application is consistent with those requirements.

Staff response:

There are no specific additional requirements for C-2 rezoning. As noted in the recommendation section of this report, and as discussed in various other sections, amending the rezoning application to include Planned Unit Development requirements would ensure that various approval criteria can be met, and would ensure that future development would comply with applicable development criteria.

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

Applicant response:

Prior to the approval of the rezoning request, the future land use map will need to be amended which will result in consistency of the rezoning request with the general plan.

Staff response:

Staff concurs with the applicant's response.

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

Applicant response:

The rezoning request will provide infill development and promotes mixed land uses that provide an adequate balance of service retail and employment opportunities.

Staff response:

Although Santa Fe currently has a good amount of commercially zoned land, the rezoning of the subject site on this section of Hickox could accommodate an already established use. This rezoning would not have a significant impact on city-wide availability of land available for C-2 uses.

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

Applicant response:

The proposed rezoning will not increase the sewer, water lines, and public facilities. There will be less impact on public streets by providing off street parking.

Staff response:

Existing infrastructure can accommodate the impacts of likely future development on the property, assuming that there is little or no intensification of commercial traffic, and that access to Cortez St. is properly controlled.

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

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

Applicant response:

(No response from applicant.)

Staff response:

To the extent that intensification of commercial use is limited, the proposed rezoning of the subject property will not significantly change the character of the surrounding area.

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

Applicant response:

(No response from applicant.)

Staff response:

The proposed C-2 boundary will be adjusted from the south to include the subject property.

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

Applicant response:

(No response from applicant.)

Staff response:

To the extent that rezoning of the property is subject to conditions that limit significant expansion or intensification of commercial use, the rezoning would not harm surrounding landowners or the general public.

(D) Additional Applicant Requirements

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

Applicant response:

The application is to rezone the property in order to provide additional parking for the restaurant to the south. No additional infrastructure is proposed aside from landscaping that meets city regulations.

Staff response:

Preliminary analysis by city staff indicates that the likely future development will be accommodated by the existing infrastructure and public facilities. A detailed assessments of impacts on infrastructure will be done at the time of permits for the parking lot and any permits pending for the Tune-Up Café.

(2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer

to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Applicant response:

The proposed parking lot design is to enter from the property to the south, "right turn exit only" onto Cortez Street and to utilize the existing curb cut. All improvements will meet city ordinances regulations and policies.

Staff response:

Impacts on infrastructure will be assessed in detail at the time of any future development proposals. As noted above, removal of substandard parking spaces that obstruct the Cortez St. sidewalk will be required.

V. EARLY NEIGHBORHOOD NOTIFICATION MEETING

An early neighborhood notification meeting was held on 11/24/14 to discuss the proposed general plan amendment and rezoning with neighbors. The neighbors expressed concerns that restaurant operations in recent years have increased problems with traffic volumes and safety, with parking of employee and customer cars on Cortez St., and with noise from late-evening operations. Some neighbors expressed support for the parking lot expansion, and some preferred that there be no access from the parking lot to Cortez St. (See Exhibit E-2: ENN Notes)

VI. CONCLUSION

Staff concurs with the applicant's contention that the plan amendment and rezoning of the property at 536 Cortez St. would meet the applicable criteria for approval, but only if development is limited to construction of a parking lot expansion for the restaurant at 1115 Hickox as stated in the application materials. Unrestricted development of the property under C-2 zoning would not meet the approval criteria for the requested General Plan amendment and rezoning. Revision of the application to propose C-2-PUD (Planned Unit Development), would be the only clear method to ensure that future development would not adversely affect surrounding land uses.

Staff supports the proposed rezone subject to the attached DRT Conditions of Approval. Those conditions include provisions for:

- Consolidation of the lots at 536 Cortez and 1115 Hickox
- Removing dangerous "back-out" parking spaces that block the sidewalk on Cortez St.
- Adjustment of the Hickox St. right-of-way to eliminate encroachments, as previously approved by the Governing Body.
- Correction of setback violations from non-permitted structures at the north and south property lines at 1115 Hickox St.

VII. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division memorandum, Sandra Kassens
2. Technical Review Division – City Engineer memorandum, Risana Zaxus
3. Solid Waste- email, Eric Lucero
4. Wastewater Management Division email, Stan Holland

EXHIBIT C: Maps

1. Aerial Photograph
2. Future Land Use
3. Current Zoning & Aerial
4. Photographs of site

EXHIBIT D: ENN Materials

1. ENN Responses to Guidelines
2. ENN Meeting Notes

EXHIBIT E: Applicant Materials

1. Letter of Application
2. Additional Information from Applicant
3. Applicant Letter regarding Alternate Means of Compliance
4. Site Development Plan

EXHIBIT F: Other Material

1. General Plan policies supporting commercial infill
2. List of permitted uses in C-2 (General Commercial)

536 Cortez

General Plan Amendment (Case #2015-30)
Rezoning (Case #2015-31)

DRT Conditions of Approval	Department	Staff
1. The Developer shall eliminate the four (4) perpendicular parking spaces on Cortez Street; abandon the existing curb cut; and restore the sidewalk to a typical sidewalk section and install vertical curb and gutter. a. On street parallel parking of one to two vehicles will be permitted along this new curb provided that sight distance requirements are met. i. This sight distance triangle shall be based on the American Association of State Highway and Transportation Officials (AASHTO) standards per City code regarding commercial use of property that accesses a public street. 2. The Developer shall work with the City of Santa Fe Parking Division to establish a loading zone on Hickox Street in front of the Tune Up Café; this loading zone shall be marked with appropriate signage. 3. The Developer shall install a "do not enter" sign on Cortez Street at the exit of the one way portion of the parking lot.	Traffic Engineering/Public Works	John Romero (per Sandra Kassens)
1. A lot consolidation must be recorded after rezoning. 2. At the time of building permit, all terrain management requirements of the Land Development Code must be met. 3. At the time of Building permit, all sidewalks and curb cuts must meet City requirements for construction and ADA accessibility.	Land Use Engineer	RB Zaxus

EXHIBIT A

536 Cortez

General Plan Amendment (Case #2015-30)
Rezoning (Case #2015-31)

1. Lot consolidation to be **filed within 30 days after rezoning approval.** 2. The Tune-Up Café shall not operate with entertainment after 10 pm. Any move to do so would require approval of a use permit to convert from a restaurant to a nightclub per Chapter 14. 3. Obtain building permit for the walk-in freezer and storage area along the north property line that was built I several years ago without a permit. 4. Screen the dumpster where shown on the site plan, per 14-8.4(J)(4) 5. Resolve issues with front patio as it encroaches into Hickox ROW 6. Resolve issue with Tune-Up Café sign at the corner of Hickox and Cortez 7. Provide lighting plan to ensure all lighting be directed away from surrounding residential properties. 8. Landscape plan details – work with adjacent property owner to resolve issue with opening in wall where his house abuts the property line.	Land Use Senior Planner/Case Manager	Donna Wynant

City of Santa Fe, New Mexico

memo

DATE: April 14, 2015

TO: Donna Wynant, Land Use Division

VIA: John J. Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Engineer Assistant

SUBJECT: **Tune Up Café 536 Cortez St., General Plan Amendment and Rezoning. (Case# 2015-30 and 2015-31)**

ISSUE:
Liaison Planning Services Inc., agent for JC Rivera, LLC, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.13± acres of land from Low Density Residential (3-7 dwelling units per acre) to Community Commercial. The applicant also requests rezoning approval of 0.13± acres of land from R-5 (Residential 5 dwelling units per acre) to C-2 (General Commercial). The property is located at 536 Cortez Street.

RECOMMENDED ACTION:
Review comments are based on submittals received on April 1, 2015. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittals unless otherwise noted:

1. The Developer shall eliminate the four (4) perpendicular parking spaces on Cortez Street; abandon the existing curb cut; and restore the sidewalk to a typical sidewalk section and install vertical curb and gutter.
    a. On street parallel parking of one to two vehicles will be permitted along this new curb provided that sight distance requirements are met.
        i. This sight distance triangle shall be based on the American Association of State Highway and Transportation Officials (AASHTO) standards per City code regarding commercial use of property that accesses a public street.
2. The Developer shall work with the City of Santa Fe Parking Division to establish a loading zone on Hickox Street in front of the Tune Up Café; this loading zone shall be marked with appropriate signage.
3. The Developer shall install a "do not enter" sign on Cortez Street at the exit of the one way portion of the parking lot.

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

Thank you.

EXHIBIT B-1

WYNANT, DONNA J.

From:	ZAXUS, RISANA B.
Sent:	Thursday, April 16, 2015 11:41 AM
To:	WYNANT, DONNA J.
Subject:	Cases # 2015-30 and # 2015-31, Tune Up Cafe GPA and Rezoning

Ms. Wynant,

I have the following review comments on the cases noted above, which are to be considered conditions of approval:

*A lot consolidation must be recorded after rezoning

*At the time of building permit, all terrain management requirements of the Land Development Code must be met

*At the time of building permit, all sidewalks and curb cuts must meet City requirements for construction and ADA accessibility

Please note that Mr. Berke will be providing comments on Landscaping.

Sincerely,

Risana B "RB" Zaxus, PE
City Engineer

EXHIBIT B-2

WYNANT, DONNA J.

From: LUCERO, ERIC J.
Sent: Wednesday, April 15, 2015 3:02 PM
To: WYNANT, DONNA J.
Subject: DRT Final Comments Due Today

Donna,

No comments at this time for the following cases:

2015-30
2015-31

Thanks,

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

EXHIBIT B-3

WYNANT, DONNA J.

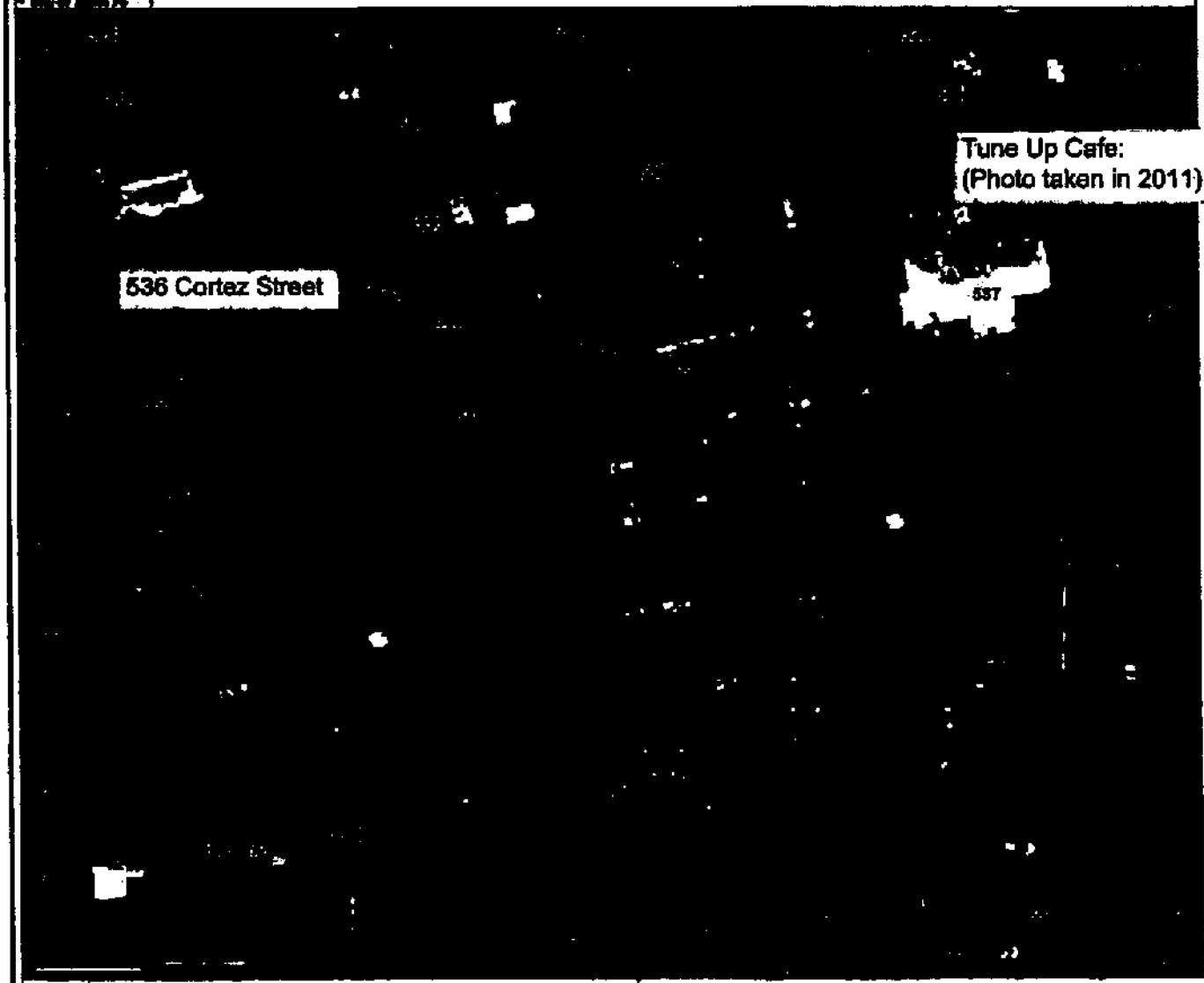
From: HOLLAND, TOWNSEND S.
Sent: Tuesday, April 07, 2015 10:27 AM
To: WYNANT, DONNA J.
Subject: DRT 2015-30 & 31 Tune Up Cafe 536 Cortez Street General Plan Amendment and Rezoning

Donna
The Wastewater Division has no objection or comments to address regarding the request by Tune Up Café @ 536 Cortez Street for a General Plan Amendment and Rezoning request.
Please call with any questions

Stan Holland, P.E.
Wastewater Division
73 Paseo Real
Santa Fe, New Mexico 87507
505-955-4637
tsholland@santafenm.gov

EXHIBIT B-4

Aerial Photo



Legend

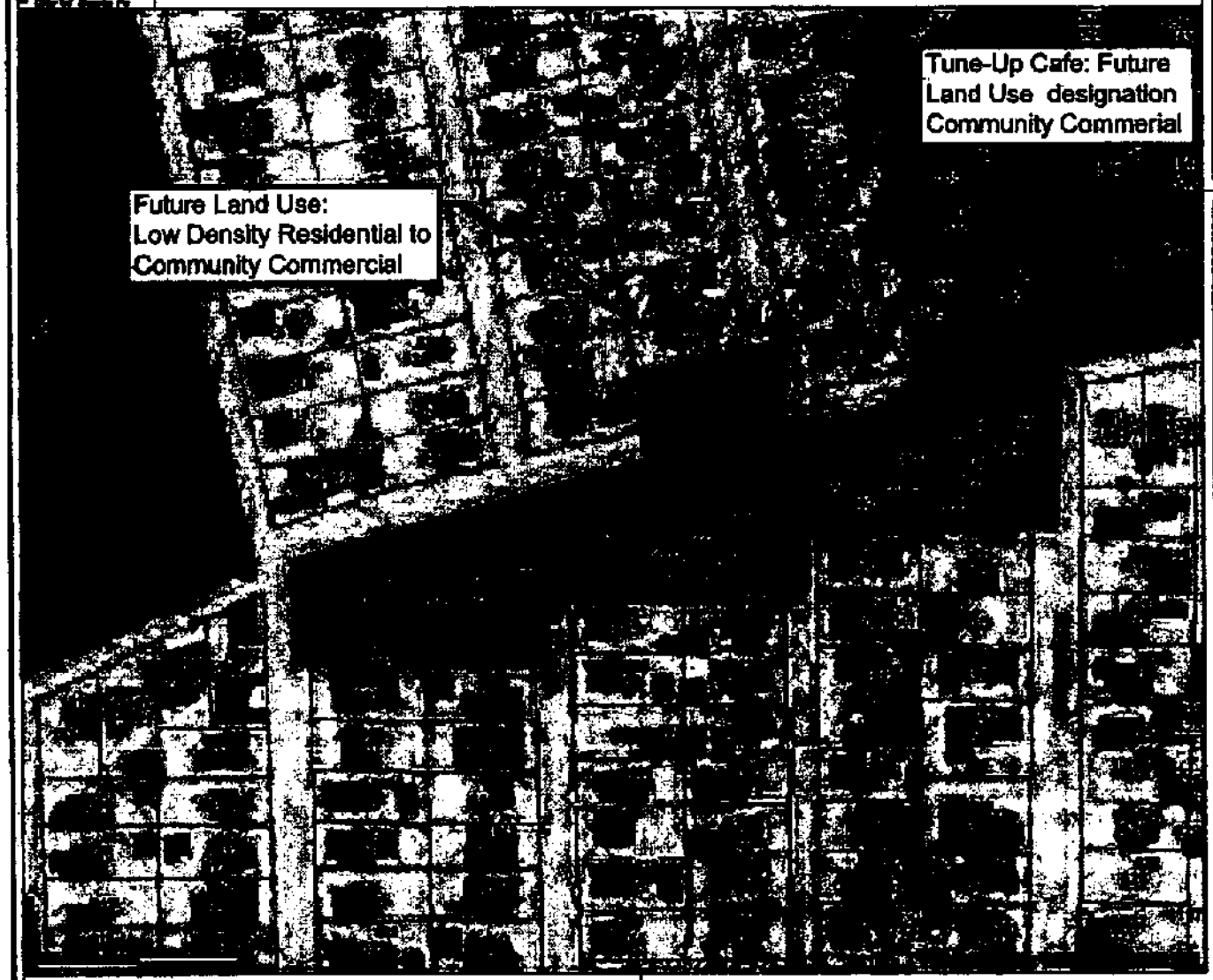
- City Limits
- Parcels
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

Scale: 1:918

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.

EXHIBIT C-2

Future Land Use



Legend

- City Limits
- Address Points
- Parcels
- Building Footprint
- Santa Fe River

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 (7-8 dwellings per acre)
- Medium Density (7-12 dwellings per acre)
- High Density (12-20 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional

Scale: 1:1,773

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.

EXHIBIT C2

Zoning Map

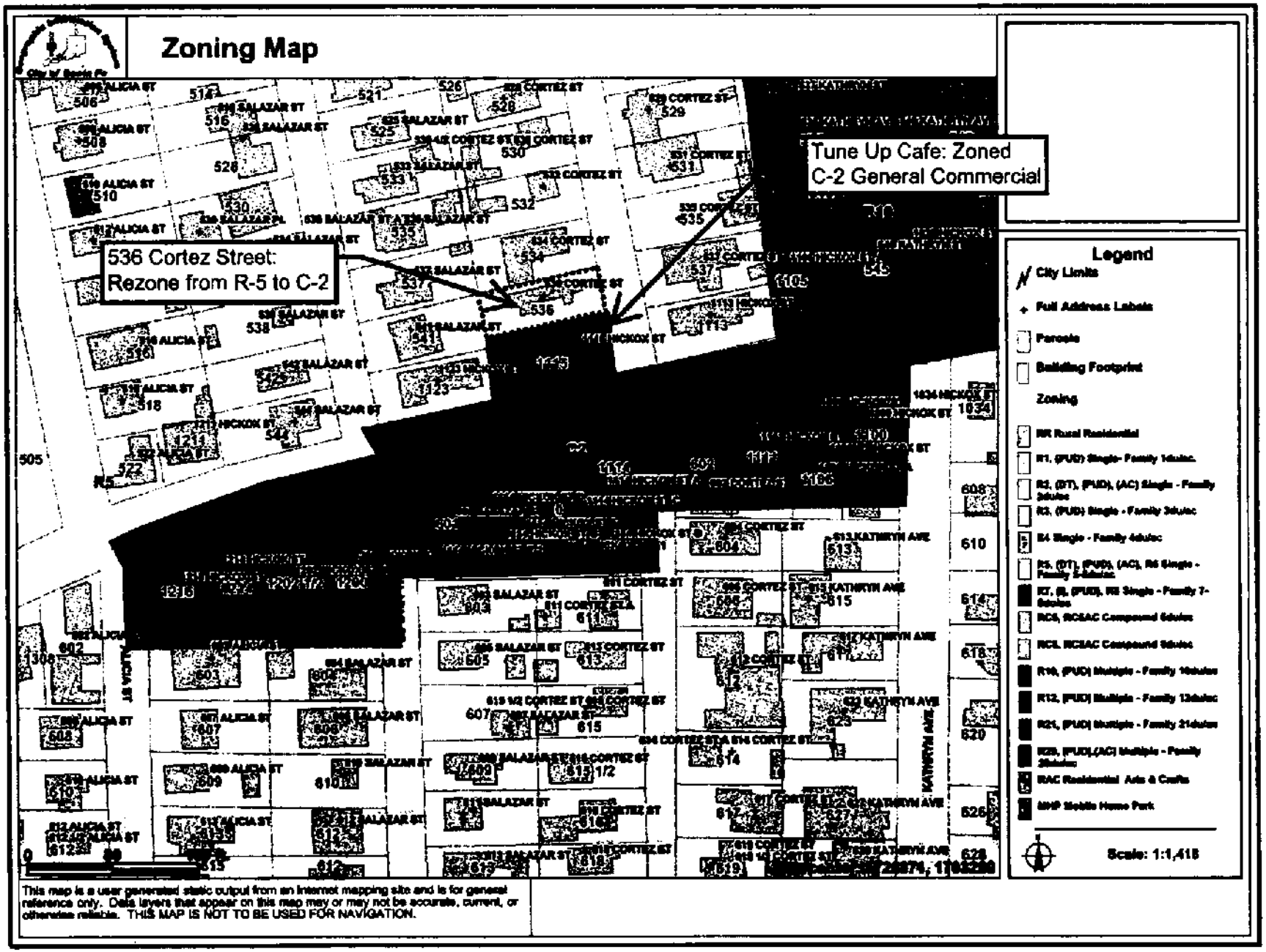
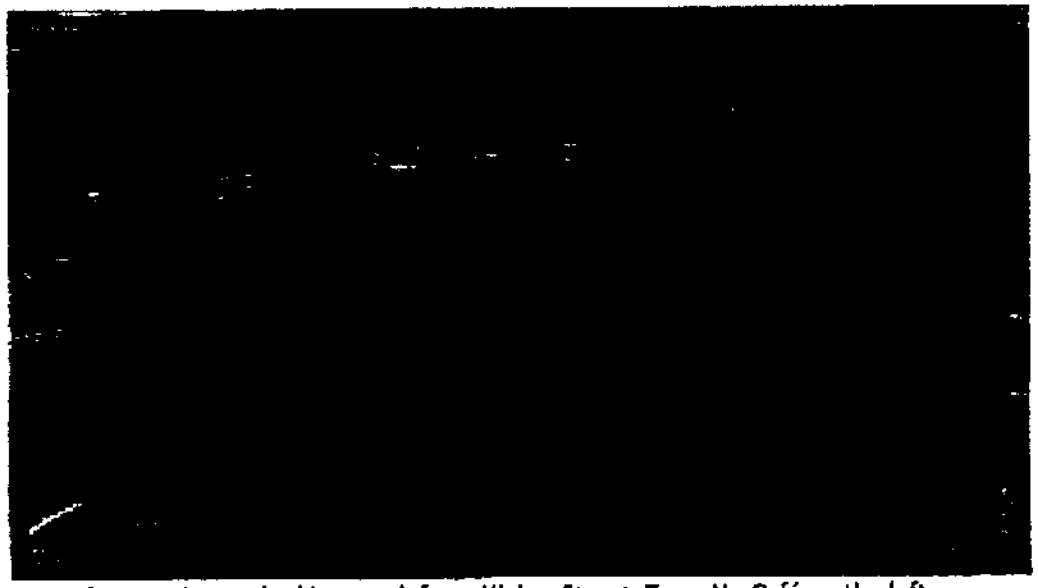


EXHIBIT C3

View of Hickox Street, looking west from Cortez Street. (Tune-Up Café on the right).

View of the existing parking lot next to the Tune-Up Café.

EXHIBIT C



View of Cortez Street, looking north from Hickox Street. Tune-Up Café on the left.

View of 536 Cortez. Applicant owns this property and requests a rezoning from R-5 to C-2 General Commercial. Mobile home to be demolished for an 8 space parking lot and property to be consolidated with restaurant property at 1115 Hickox Street.

ENN GUIDELINES

Applicant Information

Project Name: 536 Cortez Street

Name: JC Rivera LLC
Last First M.I.

Address: 1115 Hickox
Street Address Suite/Unit #

Santa Fe NM 87505
City State ZIP Code

Phone: (505) 983-7760 E-mail Address: c/o liaisonplanning@gmail.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

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

The property is located on Cortez Street, north of the Tune-up Cafe', zoned R-5 and is approximately 5,923 square feet with a mobile home on it. The applicant would like to re-zone the property so that it may be used for additional parking for the Tune-up Cafe'. As shown on the attached site plan the parking area will be accessed through Hickox Street and will be designed to meet all City development standards.

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

The proposed development will protect the physical environment by meeting all City code regulations for density, parking, setbacks, trash generation and landscaping.

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

The property will not impact any prehistoric, historic, archeological, or cultural sites and structures including acequias and is located outside of the historic downtown.

EXHIBIT D-1

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

The property is zoned R-5. The proposed re-zone meets the Land Development Code governing the property and densities and use within the City General Plan.

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

The applicant proposes to provide adequate ingress and egress to meet the minimum requirements for development. The proposed parking area will maintain adequate parking and landscape standards and will provide access to Hickox. No pedestrian trails are identified.

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

The applicant proposes to develop the property as a parking lot to be utilized by the Tune-up Cafe'. Which in turn will bring in more customers and relieve the neighborhood of on street parking.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.***

Not Applicable

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

The proposed parking lot will not utilize additional infrastructure but will maximize the efficient use of the existing traffic patterns by providing additional off street parking for the restaurant.

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

Not Applicable

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

The property is currently zoned R-5 with a mobile home on site. The applicant is proposing to remove the mobile home and develop it as a parking lot for the Tune-up Cafe' . In order to do this, the property will need to be rezoned to C-2. The proposed project will clearly improve the site and will be designed to take into consideration the surroundings by meeting all development standards for C-2 zoning abutting residential.

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

The General Plan states that future land use must take into consideration the protection and conservation of existing neighborhoods with individual identities. The property is adjacent to and will be utilized by a restaurant that has been serving the neighborhood for over 50 years and has always been commercial. The addition of the proposed parking lot will be integrated into the development of the restaurant by providing additional parking for its customers and will be developed to City standards that require buffering through setbacks and landscaping measures.

(l) ADDITIONAL COMMENTS (optional)

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

Project Name: 536 Cortez Rezoning **Meeting Date:** 11/24/14

Meeting Place: DeVargas Community Room **Meeting Time:** 5:30

Applicant or Representative Check Box below

✓		Name	Address	Email
☒	1	Duran Virgil	P.O. Box 1835	lia.sonplanning@gmail.com
☐	2	Gary Rosner	541 Salazar	
☐	3	Kevin M. Lancaster	537 Cortez St	kevin537@hotsheet.com
☐	4	Penny Spring	537 Cortez St	pennyspring@yahoo.com
☐	5	Albert Martinez	City of Santa Fe	AA Martinez@SantaFeNM.gov
☐	6	Matt Kelly	534 Cortez	mazkelly@hotmail.com
☐	7	Ray Arenda	604 Cortez St	Arenda.Plumbing@gmail.com
☐	8	Dolores Gomez	511 Cortez St	
☐	9	Pete F Gomez	511 Cortez St	
☐	10	John F White	1211 Hickox St	White.JohnFletcher@gmail.com
☐	11	Victoria Romero	528 Cortez St	
☐	12	Jennifer Johnson	526 Cortez St.	gnddedemac.com

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

Donna Wynant — Printed Name of City Staff in Attendance

Donna Wynant — Signature of City Staff in Attendance

11/24/14 — Date

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

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

Project Name: 536 Cortez - Remodel **Meeting Date:** 11/24/14

Meeting Place: De Vargas Community Room **Meeting Time:** 5:30

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Art Gonzales	524 Cortez St	Adam@forgalu@sbcglobal.net
☐	2	Joyce Garcia	513 Cortez St	jmgarcia@edatlplumbing.com
☐	3			
☐	4			
☐	5			
☐	6			
☐	7			
☐	8			
☐	9			
☐	10			
☐	11			
☐	12			

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

Donna Wynant — Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

11/24/14 — Date

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

Greg Smith

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

Project Name	536 Cortez Rezoning (for Tune-Up Café)
Project Location	536 Cortez
Project Description	GPA from Low Density Residential to Community Commercial
Applicant / Owner	JC Rivera LLC
Agent	Liaison Planning Services, Inc.
Pre-App Meeting Date	9/18/14
ENN Meeting Date	11/24/14
ENN Meeting Location	DeVargus Mall, Community Room
Application Type	GPA and Rezone
Land Use Staff	Donna Wynant and Greg Smith
Attendance	11 neighbors, applicant's agent, Land Use staff, and Albert Martinez with the City's Parking Division

Notes/Comments:

Meeting started at 5:35. Staff (Mr. Wynant) gave an introduction about the purpose of the ENN meeting and the overall entitlement process. The intent is to gather input early in the process before anything formal is submitted to the City.

The applicant's agent, Dolores Vigil, gave an introduction of the project and the importance of providing additional parking for the Tune-Up Café .She said the applicant bought the property at 536 Cortez for parking. They will remove the trailer for a parking lot and no trees will be removed. She pointed out the location on an aerial photograph and explained the various things have to take into consideration in designing the parking lot.

Ms Vigil asked people to identify themselves as they gave their comments and questions and identify where they live.

EXHIBIT D-2

Comment: Parking along the side of Tune-Up Café – problem for southwest clearance. Delivery trucks park on yellow bump outs. Should only be for compact cars, not big vehicles.

Comment: Parking along Cortez is a problem- need a bump out. Ms Vigil pointed out where the loading area is on Cortez. Must address parking along yellow curb. Why is loading zone marked green.

VR: Employee all-day parking; district needed; not a problem for "Dave's". All curb spaces used last weekend.

Albert Martinez responded tried to get the loading before 8:00 am.

The Tune-Up Café has been attracting more people because of liquor. It's busy on the weekend.

Albert Martinez- parking on residential street – discussed process involved in doing permit parking.

Raymond Arranda, owns business at the southwest corner of Cortez and Hickox. Parking proposal should help the problem a lot and lives next door. Said it wasn't a night club and that they close at 10:00 pm. Better if 536 Cortez trailer/home is removed.

Jennifer Johnson: Regarding parking – what is the number of spaces required. Could the restaurant expand. More parking required. What is the number of spaces being provided.

John White: 1211 Hickox: Cars have been hit and knocked down the street. People pull out of restaurant and can't see down the street.

Should be a 4 way stop at the intersection. Other people felt strongly that should be a 4 way stop.

Man said the parking spaces should be maxed out and not the landscaping.

No line of site coming out from Cortez onto Hickox. Doesn't want opening exiting onto Cortez and said she would oppose the proposal if it exited onto Cortez.

Ms. Vigil said that the City may want traffic to exit onto Cortez.

Man pointed out that it's a business and it keeps the community going.

Would rezoning increase property taxes? Ms. Vigil replied no it wouldn't.

Man asked if angled parking could be done instead with the entrance from Cortez and exit onto Hickox.

Greg Smith pointed out that many things are beyond the scope of a rezoning. Plan would be developed after rezoning approved. Turning movements would have to be evaluated.

Penny: Traffic should be studied first before zoning goes forward.

City Council can do conditions of approval. ~~Can say before rezoning~~ prior to zoning approved. Planning Commission to review plan.

Someone asked if the property could be developed as some other commercial development.

Man stated that he's only in support if the traffic congestion and other issues are dealt with.

Matt Kelly who lives next door (534 Cortez) said his south wall is on the property line and he is opposed to the rezoning of his wall and that he would like the 5' wide strip along his property as some kind of easement.

Earl Russel: said that the dead trees on the property need to be removed.

Albert Martinez said he's concerned with safety, getting in and out of the property. One response is to possibly do ~~parking permitting.~~ permit parking

Woman said there have been accidents.

Joyce Garcia said we have lots of children walking and riding bikes- concerned with safety.

Penny- Cars park in a way to allow for garbage truck pickup.

Truck deliveries come down Cortez. Albert Martinez said that a delivery truck is located along Hickox.

Meeting adjourned at 6:35.

GENERAL PLAN AMENDMENT/ REZONING REPORT FOR 536 CORTEZ STREET

Applicant:
JC Rivera LLC
1115 Hickox
Santa Fe NM

Consultant:
Liaison Planning Services Inc.
(505) 920-6839
liaisonplanning@gmail.com

March 30, 2015

EXHIBIT E-1

Table of Contents

1. Introduction and General Description.....2
2. Existing Structures and Uses.....3
3. Application/ Request and Property Description.....3
4. General Plan Amendment Criteria Statement.....4
5. Rezoning Criteria Statement.....5

Appendices

Appendix A – General Plan Amendment Application
Appendix B – Rezoning Application
Appendix C – Warranty Deed
Appendix D – Existing Zoning
Appendix E – Legal Lot of Record
Appendix F – Surveyor's Correspondence
Appendix G – Site Plan

1. Introduction and General Description:

The subject property is a 5,923+/- square foot residential lot located north of 1115 Hickox on the west side of Cortez Street (Please See Exhibit 1). The applicant is requesting a General Plan Amendment to Community Commercial and Rezoning from residential low density (R5) to commercial (C2) less than 2 acres. The applicant requests the proposed zoning to allow additional off street parking for the Tune-up Cafe'.

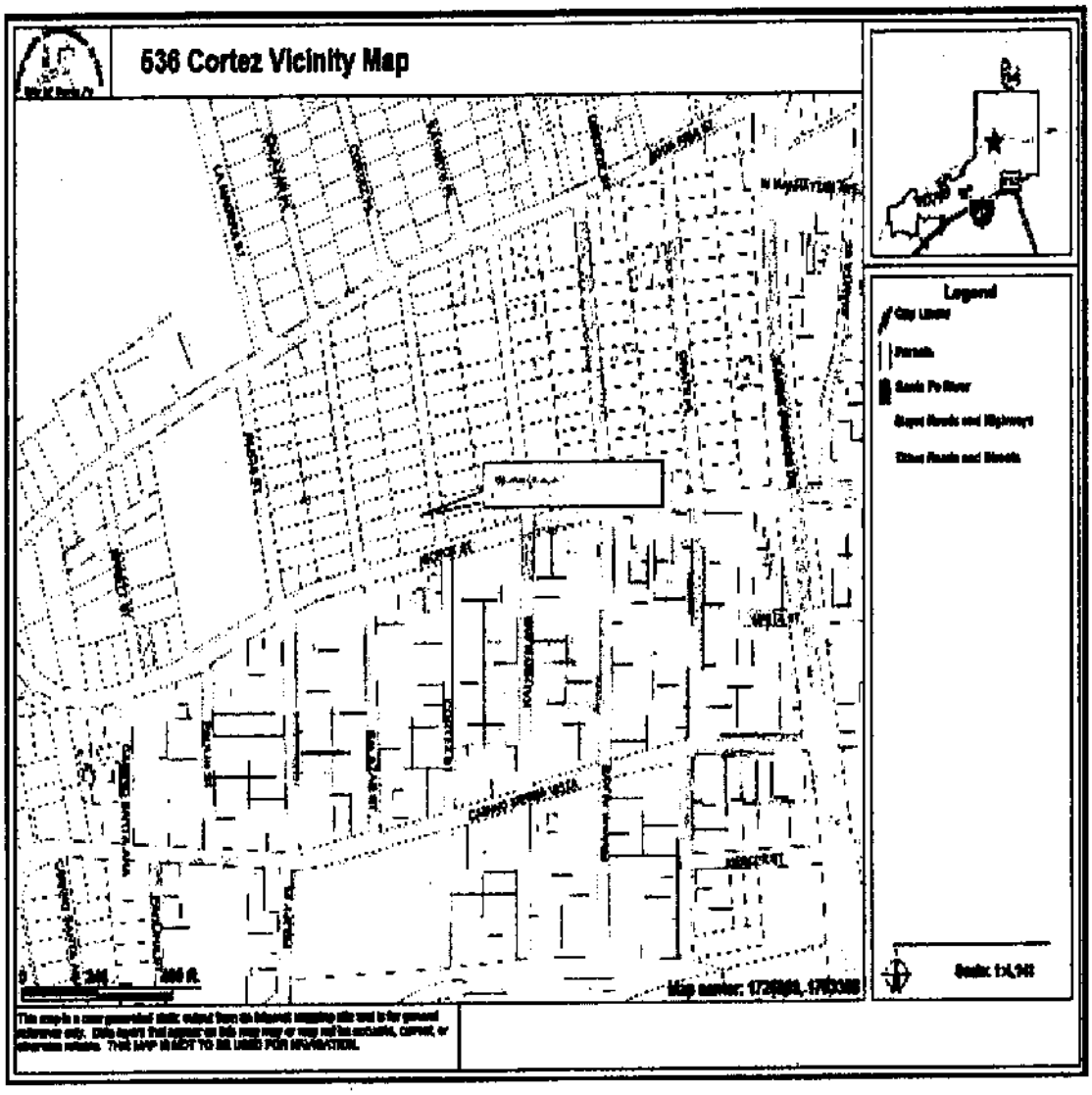


EXHIBIT 1

2.Existing Structures and Uses:

The subject property is currently zoned R5 with a mobile home that is being rented by the applicant. The property is bounded by residential to the north, east and west. The Tune-up Cafe is located to the south.

Appendix D illustrates the existing zoning that surrounds the property.

3.Application/ Request and Property Description:

The applicant has acquired the subject property to minimize on street parking by providing additional parking for the Tune-up Cafe'. The legal lot of record is described as Lot 12, Block 2 of Agua Fria Addition No. 1, as shown on plat filed in the Office of the County Clerk , Santa Fe County, New Mexico on May 14, 1930 in Plat Book 3, Page 377 (Please See Appendix E and F). No encroachments have been identified at this time as attested by a licensed surveyor.

As shown on Appendix G (site plan), eight (8) additional parking spaces are proposed that meet all requirements for such development. The parking will be accessed off of Hickox through the existing parking lot (currently utilized by the Tune-up Cafe') and will exit as a "***right turn only***" onto Cortez Street. All existing (significant) trees will be preserved and utilized as a buffer along the northern, western and Cortez Street property lines. A 4' existing wall along Cortez will be maintained and a 6' masonry wall is proposed along the northern edge of the property that will meet Land Development Code requirements. Additional landscaping will be provided as required. The existing dumpster and recycling bins located at 1115 Hickox will be relocated to the subject property as shown on the enclosed site plan. An existing 6' masonry wall is located along the western property line with ~~and~~ a 15' landscape buffer is proposed as required.

In addition to the initial GPA and Rezoning, the applicant is requesting from the Land Use Director, approval to allow alternative means of compliance with the requirements of section 14-8.4 (C) Compliance and Enforcement, for the proposed 5' landscape buffer along the northern property line as follows:

The subject property is narrow and was created by subdivision plat approval in 1930. Currently, there is a single wide mobile home on the lot. In order to meet development and re-zoning criteria for the proposed parking area, the applicant is requesting alternative means of compliance. If the proposed rezoning is approved, the applicant will consolidate the subject property with the adjacent property to the south and remove the mobile home to develop the lot as additional parking for the Tune-up Cafe'. The Tune-up Cafe' is set back at least 50' from the adjacent residence to the north. The proposed parking lot design and lot consolidation would better achieve the intention of the 15' buffer code requirement by maximizing the goal of the relationship between residential and commercial improvements. A 5' heavily landscaped setback will be maintained. Due

to the location of the Tune-up Cafe', the requirements for landscaping and 6' solid wall, the proposed alternative design minimizes the view of the existing restaurant from adjacent residences. It also provides more natural light, landscaping and off street parking.

4. General Plan Amendment Criteria Statement:

The applicant provides the following responses to the City Code criteria for approval of General Plan Amendments.

(a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;

The proposed use of the subject property will provide parking for an existing restaurant that currently provides employment and a service to the neighborhood and Santa Fe residents. The property will be accessed off of Hickox and will not utilize additional infrastructure aside from egress onto Cortez Street.

(b) consistency with other parts of the general plan;

General plan policy states that "there shall be a mix of uses and housing types in all parts of the City". Along this area of Hickox the zones are mixed C-2 and residential and has historically accommodated both uses. The proposed use of the subject property will be consistent with this policy and will increase opportunities for service to the neighborhood and Santa Fe residents.

(c) the amendment does not:

(i) allows uses or change that is significantly different or inconsistent with the prevailing use and character in the area; or

The area to the north, east and west of the subject property is primarily residential. The properties to the south all along Hickox are zoned for community commercial uses. The intent of this request is to provide additional parking for an existing commercial use, which is not different nor inconsistent with the prevailing use and character in the area.

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

The amendment does affect an area of less than two acres. The legal lot was created in 1930 prior to the development and intent of the General Plan.

(iii) benefit one or few land owners at the expense of the surrounding landowners or general public;

Upon approval, the subject property will be consolidated with the adjacent property to the south that has always been utilized as commercial. The existing historical use will be maintained and expansion of this use would be consistent with the nature of the longstanding use as seen from Hickox and the primary local street.

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

The justification for the rezoning is consistent with the surrounding uses and promotes mixed uses as declared in the general plan.

(e) compliance with the extraterritorial zoning ordinances and extraterritorial plans;

Not Applicable

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity, or the general welfare, as well as efficiency and economy in the process of development; and

Use of the subject property for expansion of an historically/existing commercial use, will continually provide centrally located employment and service to the neighborhood. Will maintain and promote the mixed use character of the neighborhood.

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans;

By allowing the continuation of the historic use of the property to the south and proposed use of the subject property, the General Plan Amendment will expand the City's employment base and promote infill developments that are consistent with land use policies, ordinances, regulations and plans.

5.Rezoning Criteria Statement:

The applicant provides the following responses to the City Code criteria for approval of the rezoning request.

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following exist:

(i) there was a mistake in the original rezoning;

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

The neighborhood has increased in density and the need for off street parking is apparent. The proposed use would allow for additional parking and relieves some of the on street parking which justifies the change for zoning.

(iii) a different use category is more advantageous to the community , as articulated in the general plan or other adopted city plans;

(b) all rezoning requirement of Chapter 14 have been met;

The rezoning requirements of Chapter 14 are addressed herein and the application is consistent with those requirements.

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

Prior to the approval of the rezoning request , the future land use map will need to be amended which will result in consistency of the rezoning request with the general plan.

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

The rezoning request will provide infill development and promotes mixed land uses that provide an adequate balance of service retail and employment opportunities.

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

The proposed rezoning will not increase the sewer, water lines, public facilities. There will be less impact on public streets by providing off street parking.

APPENDIX A

GENERAL PLAN AMENDMENT APPLICATION

Parcel Information

Project Name: 536 CORTEZ STREET

Address: 536 CORTEZ STREET

Property Size: 5,923 acres

Current Use of Land: RESIDENTIAL

Proposed Use of Land: COMMERCIAL

Does an annexation application accompany this application? YES ☐ NO ☒

Does a rezoning application accompany this application? YES ☒ NO ☐

Early Neighborhood Notice (ENN) meeting date:

Preapplication Conference Date: 9/18/14

Uniform Parcel Code Number(s): 11/24/14

Property Owner Information

Company Name: JC RIVERA, L.L.C.

Name: RIVERA (Last) CHARLOTTE (First) & JESUS (M.I.)

Address: 1115 HICKOX (Street Address) Suite/Unit #

SANTA FE (City) NM (State) 87505 (ZIP Code)

Phone: 505) 820-3428 E-mail Address:

Applicant/Agent Information (if different from owner)

Company Name: LAISON PLANNING SERVICES INC.

Name: VICK (Last) DOLORES (First) E. (M.I.)

Address: PO BOX 1835 (Street Address) Suite/Unit #

SANTA FE (City) NM (State) 87504 (ZIP Code)

Phone: (505) 920-6839 E-mail Address: liaisonplanning@gmail.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: 536 Cortez St.

I/We authorize Dolores Vick / Liaison Planning to act as my/our agent to execute this application.

Signed: [signature] Date: 9/24/2014

Signed: Date:

Submittal Checklist (Requirements found in Section 14-3.8 SFCC 2001)

☐ *Twelve (12) 24"x36" plan sets are required. Please include the following:*

☐	Letter of Application (intent, location, acreage)	☐	Statement addressing approval criteria	☐	Legal Lot of Record, Legal Description	☐	Development Plan (as defined by Section 14-3.8 SFCC 2001)	☐	Landscape, Parking and Lighting Plan, Signage Specifications
☐	Terrain Management Plans (as required by Section 14-8.2 SFCC 2001)	☐	Traffic Impact Analysis (if required)	☐	Proof of Compliance with Conditions of Annexation Approval (if applicable)	☐	Sewer and Water Plan (including profiles and details)	☐	Phasing Plan (if applicable)
☐	Archaeological Clearance (if applicable)								

General Plan Amendment Approval Criteria

All proposed amendments to the General Plan shall be reviewed for compliance with the following criteria:

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

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

(c) Provision for a determination of land utilization within an area larger than a single property and of general applicability. Generally the area should be at least a section of the City and should be larger than a single block or its equivalent;

(d) Compliance with the extraterritorial zoning ordinances and extraterritorial plan;

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

In addition to complying with the general criteria set forth above, amendments to the land use policies section of the General Plan shall be made only if evidence is shown for the following:

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

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

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

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

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 2001. 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 annexation requirements.

Signature: _____ Date: 3/30/15

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After you 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.

APPENDIX B

(date stamp)

REZONING APPLICATION 14-3.5

Parcel Information

Project Name: 5360 Cortez Street Rezoning Property Size: 5,923 sf

Address: 5360 Cortez Street

Current Zoning: R5 Proposed Zoning: C2

Does a Development Plan application accompany this application? YES ☐ NO ☐

Preapplication Conference Date: 9/18/14 UPC Code Number:

Early Neighborhood Notice (ENN) meeting date: 11/24/14

Property Owner Information

Name: JC River LLC (First) River Charlotte & Jesus (Last)

Address: 1115 Hubbell (Street Address) Suite/Unit #

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

Phone: 505 670-3428 E-mail Address:

Applicant/Agent Information (if different from owner)

Company Name: Liaison Planning Services Inc c/o Dolores E. Vigil

Name: Dolores E. Vigil (First) (Last)

Address: PO Box 1835 (Street Address) Suite/Unit #

Santa Fe (City) NM (State) 87504 (ZIP Code)

Phone: (505) 920-6839 E-mail Address: liaisonplanning@gmail.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: 536 Cortez Place

I/We authorize Liaison Planning Services Inc to act as my/our agent to execute this application.

Signed: [signature] Date: 9/24/2014

Signed: Date:

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, we will contact you 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.

Submittal Checklist (Requirements found in Section 14-3.5 SFCC 1987)

Six (6) 24"x36" or 11"x17" scalable plan sets and 1 CD with a PDF copy are required. Submittal requirements may vary based on the individual application and the requested zoning district. The City reserves the right to request additional information at any time during the review process. See Section 14-4 and 14-5 SFCC 1987 for rezoning regulations related to specific zones. Please include the following and check box to indicate submittal:

☐	Letter of Application (intent, location, acreage)	☐	Narrative addressing approval criteria*	☐	Legal Lot of Record, Legal Description	☐	Development Plan (see Section 14-3.8 SFCC 1987)	☐	Landscape, Parking and Lighting Plan, Signage Specifications
						☐	No Development Plan		
☐	Terrain Management Plans (as required by Section 14-8.2 SFCC 1987)	☐	Traffic Impact Analysis (if required)	☐	Archaeological Clearance (if applicable)	☐	Sewer and Water Plan (including profiles and details), letter of availability (if applicable)	☐	Phasing Plan (if applicable)

*Rezoning Approval Criteria, Sections 14-3.5(C) and (D) SFCC 1987

(C) Approval Criteria

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following conditions exist:
- (i) there was a mistake in the original zoning;
- (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or
- (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

(b) all the rezoning requirements of Chapter 14 have been met;

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

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

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

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

(a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;

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

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

(D) Additional Applicant Requirements

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

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

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 requirements.

Signature: _____ Date: 5/30/13

Updated 12-12-12

APPENDIX C

PROPERTY TAX ID# [illegible]

PROGRESSIVE TITLE SERVICES
PRO GF # 140800E3

WARRANTY DEED

OSCAR D. NOVA and TERESA NOVA, Husband and Wife, for consideration paid, grant to JC RIVERA LLC, A NEW MEXICO LIMITED LIABILITY COMPANY whose address is 536 Cortez Street, Santa Fe, NM the following described real estate in Santa Fe County, New Mexico:

Lot 12, Block 2, of Agua Fria Addition No. 1, as shown on plat filed in the office of the County Clerk, Santa Fe County, New Mexico on May 14, 1930, in Plat book 3 at page 377.

SUBJECT TO: Restrictions, Reservations and Easements of record.

with warranty covenants.

Witness our hands this 5 day of September, 2014.

OSCAR D. NOVA

TERESA NOVA

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF SANTA FE

This instrument was acknowledged before me on 5 day of September, 2014, by OSCAR D. NOVA and TERESA NOVA.

My Commission Expires: 3/13/17

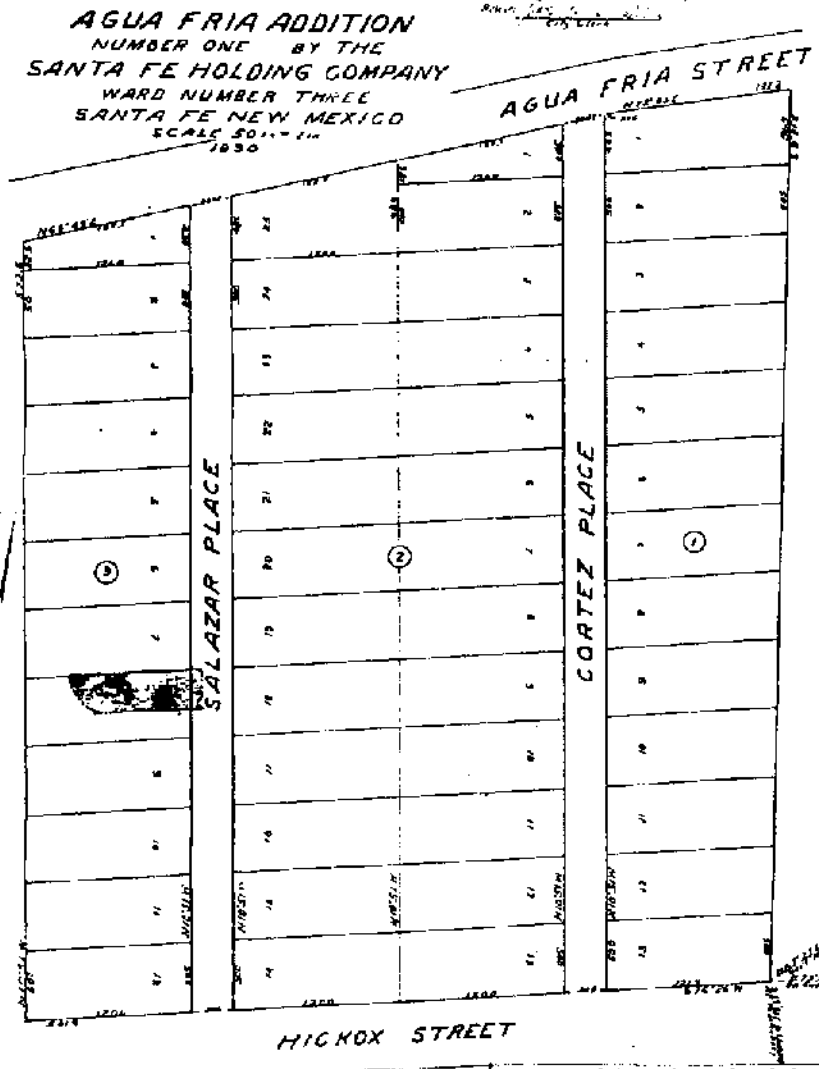
Notary Public

OFFICIAL SEAL
R. Randall G-Scott
NOTARY PUBLIC
STATE OF NEW MEXICO
My commission expires: 3/13/17

536 Cortez Place (Potential Rezone to C-2 and GPA to Community Commercial)
Future Land Use: Low Density
Zoning: R-5

APPENDIX E

AGUA FRIA ADDITION
NUMBER ONE BY THE
SANTA FE HOLDING COMPANY
WARD NUMBER THREE
SANTA FE NEW MEXICO
SCALE 50 ft = 1 in
1930



DEDICATION

State of New Mexico
County of Santa Fe }ss

Know all men by these presents, that the undersigned, the Santa Fe Holding Company (the Stockholders' Liability) a corporation has made a subdivision according to this plat of the following described lands to wit: AGUA FRIA ADDITION NUMBER ONE being Tracts A, E and A3 as represented upon a plat whose title is "PLAT OF HAUGHTON TRACTS LOCATED IN PRECINCT 4 SANTA FE NM MADE FOR SANTA FE HOLDING CO November 5 1926" a copy of which said plat is filed in the office of the County Clerk of Santa Fe County, and being between AGUA FRIA and HICKOX Streets, and being more particularly described as follows: Beginning at a point on the North side of Hickox Street, from which the flag on the Capitol bears N79°30'E and the tall chimney of the Penitentiary bears S17°01'E, thence S76°26'W 546.9 feet, thence N16°54'W 1724 feet, thence N66°49'E 436.5 feet, thence N73°45'E 1322 feet, thence S38°26'W 654.5 feet to the place of beginning.

The said Addition being on all fours on this map or plat and has been made and is made with the free consent and in accordance with the desire of the said the Santa Fe Holding Company (the Stockholders' Liability) a Corporation and has been owned by its President, AGUA FRIA ADDITION NUMBER ONE.

In witness whereof the said Holding the Santa Fe Holding Company (the Stockholders' Liability) a corporation has caused its name to be signed by its President and attested by its Secretary, this 14th day of May A.D. 1930.

Santa Fe Holding Company
(the Stockholders' Liability)

By Nathan B. Stern
President

Attest: [illegible]
Secretary

State of New Mexico
County of Santa Fe }ss

On this 14th day of May A.D. 1930 before me personally appeared Nathan B. Stern, who being first duly sworn did say that he is the President of the Santa Fe Holding Company (the Stockholders' Liability) a corporation, that the seal affixed to the foregoing instrument is the seal of the said Corporation, and that the instrument was executed on behalf of said corporation by authority of its Board of Directors; and the said Nathan B. Stern acknowledged that he executed the same as the free act and deed of the said Corporation.

In witness whereof I have hereunto signed my name and affixed my official seal the day and year in this certificate first written.

[illegible]
Notary Public

My commission expires [illegible]

CERTIFICATE

I hereby certify that the plat and the Dedication thereon are a true and correct copy of a survey made on the field under my direction on the 5th and 7th days of May A.D. 1930.

Walter A. Tomby
Licensed Surveyor

377
0.3

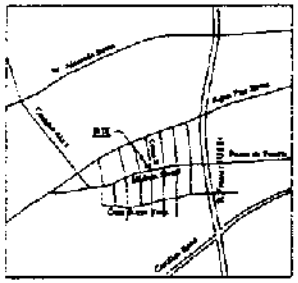
APPENDIX F

ASSOCIATED SURVEYS
Michael V. Trujillo
N.M.P.S. No. 12130

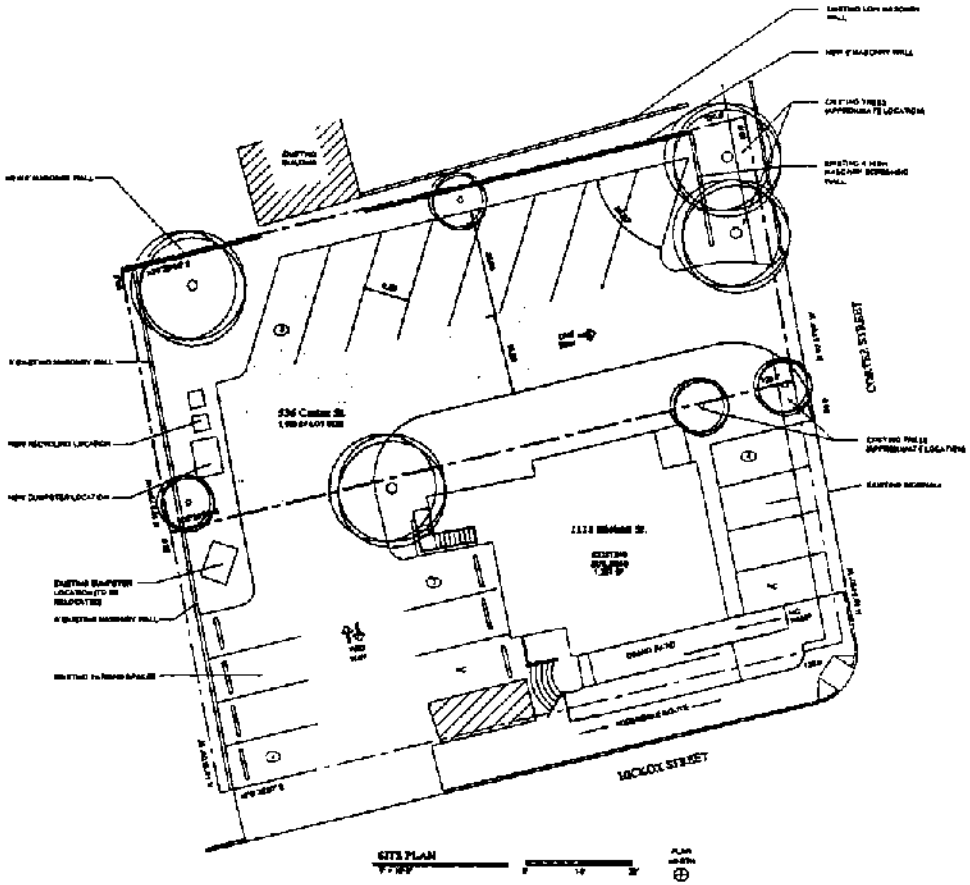
Lot 12, Block 2 of Agua Fria Addition No. 1, as shown on plat filed in the Office of the County Clerk, Santa Fe County, New Mexico on May 14, 1930, in Plat Book 3, Page 377.

Telephone 424-1395 • Mobile 690-4542
JAMMER101@AOL.COM
1202 A Parkway Drive • Santa Fe • New Mexico • 87507

APPENDIX G



VICINITY MAP



SITE PLAN

Liaison Planning Services INC

Site Plan for

536 Cortez Street

Santa Fe, New Mexico

Not For Development Purposes

March 30, 2011

LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 liaisonplanning@gmail.com

March 30, 2015

Donna Wynant, AICP Land Use Senior Planner
City of Santa Fe Land Use Department
P.O. Box 909
Santa Fe, NM 87504-0909

Re: General Plan Amendment and Rezoning *Additional Information*
536 Cortez Street Santa Fe, NM

Dear Ms. Wynant,

As requested, I am providing you with additional information for the above referenced on behalf of JC Rivera LLC.

Rezoning

(D) Additional Applicant Requirements:

(1.) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;
The application is to rezone the property in order to provide additional parking for the restaurant to the south. No additional infrastructure is proposed except from landscaping that meets city regulations.

(2.) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the

EXHIBIT E-2

developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be requires pursuant to Section 14-8.14.
The proposed parking lot design is to enter from the property to the south, "right turn exit only" onto Cortez Street and to utilize the existing curb cut. All improvements will meet city ordinances regulations and policies.

<u>General Plan Amendment</u>

(2) Additional Criteria Amendments to Land Use Policies
In addition to complying with the general criteria set forth in Subsection 14-3-2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in the land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed changes in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by setback, landscaping, or other means and a finding must be made that:

(a) The growth and economic projections contained within the general plan are erroneous of have changed;
The neighborhood has developed over the years and the need for additional off street parking is apparent. The subject property currently has a mobile home on it that can easily be removed to accommodate parking for the property to the south. The proposed parking lot will only be utilized by the restaurant and all applicable design standards will be adhered to.

(b) No reasonable locations have been provided for certain land uses for which there is a demonstrated need; or
It makes sense to allow for additional parking for the commercial property to the south by providing off street parking that [illegible] and can be accessed through the restaurant parking lot.

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

Please contact me if you have any questions or require additional information. I request that this item be heard by the Planning Commission on May 7, 2015.

Sincerely,

Dolores I. Vigil

LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 liaisonplanning@gmail.com

April 10, 2015

Lisa Martinez, Land Use Director
City of Santa Fe Land Use Department
P.O. Box 909
Santa Fe, NM 87504-0909

Re: Alternate Means of Compliance
536 Cortez Street Santa Fe, NM

Dear Ms. Martinez,

On behalf of JC Rivera LLC, please accept this letter as a formal request for an approval to allow alternate means of compliance as required per section 14-8.4 (C) for the required 15' landscape buffer located at the above referenced address (see proposed site plan). The applicant is in the process of requesting an approval for a General Plan Amendment to Community Commercial and Rezoning from residential low density (R5) to commercial (C2) less than 2 acres. The applicant requests the proposed zoning to allow additional off street parking for the Tune-up Cafe'.

Compliance and Enforcement per 14.8.4 (C)

(4) The *land use director* shall have discretion to allow alternate means of compliance with the requirements of this section when the proposed alternate means satisfy the intent, and are equivalent to or exceed the requirements of, this Section 14-8.4 and when:

(a) site conditions, including the configuration of the *lot*, topography or existing vegetation, make full compliance impossible or impractical;

The subject property is narrow and not wide enough to provide the 15' buffer, parking and drive aisle. The lot was created by subdivision plat approval in 1930. Currently, there is a single wide mobile home on the lot. In order to meet development and re-zoning and development criteria for the proposed parking area, the applicant is requesting alternative means of compliance (see Exhibit A).

EXHIBIT E-3

(b) the proposed alternate means of compliance are appropriate to the design intent, especially in response to *landscape* or site design consistent with the surrounding area or with the historic character of Santa Fe; and

If the proposed rezoning is approved, the applicant will remove the mobile home to develop the lot as additional parking for the Tune-up Cafe'. The Tune-up Cafe' is set back at least 50' from the adjacent residence to the north. The proposed parking lot design would better achieve the intention of the 15' buffer code requirement by maximizing the goal of the relationship between residential and commercial improvements.

(c) the proposed alternate means of compliance promote good storm water management, water conservation and *water harvesting* equal to or greater than the original requirement.

A 5' heavily landscaped setback will be maintained and serviced by an automatic drip system. Due to the location of the Tune-up Cafe', the requirements for landscaping and 6' solid wall, the proposed alternative design minimizes the view of the existing restaurant from adjacent residences. It also provides more natural light, and landscaping. The site will designed to provide the landscaping with water run-off. The neighborhood will benefit from additional off street parking. the neighbors have commented that on street parking is creating congestion. Granting this alternative compliance will allow the Tune-up Cafe' to address this issue and reduce impact on surrounding streets.

Please contact me if you have any questions or require additional information.

Sincerely,

Dolores I. Vigil

Attachments: Proposed Site Plan
Exhibit A

Site Plan for

536 Cortez Street

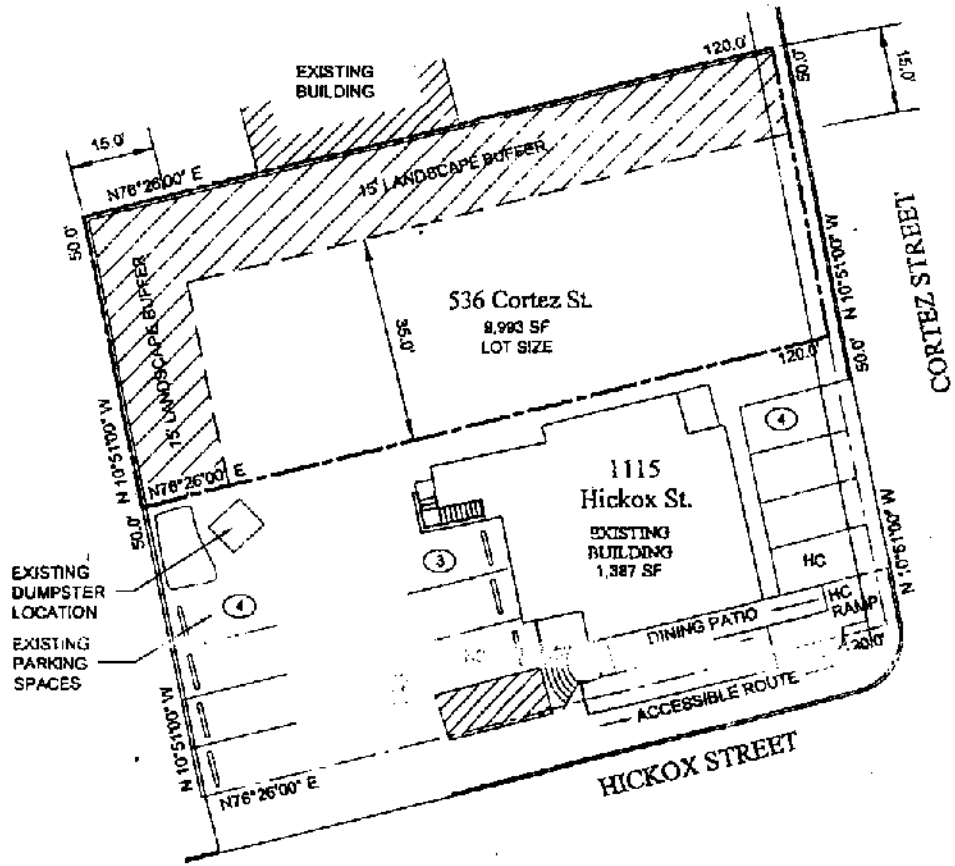
Santa Fe, New Mexico

Not For Development Purposes

Dolores J. Vigil
Liaison Planning Services Inc
P.O. Box 1815
Santa Fe NM 87504
(505) 920-6619
liaisonplanning@gmail.com

Liaison Planning Services Inc.

Dolores I. Vigil
Liaison Planning Services Inc.
P.O. Box 1835
Santa Fe NM 87504
(505) 920-6839
liaisonplanning@gmail.com



PROVIDE TOTAL AREA (WHICHEVER IS MORE RESTRICTIVE:
15' BUFFER AREA ALONG ADJACENT RESIDENTIAL AREAS = 2,325 SF
20% OF LOT SIZE = 5,993 X 0.2 = 1,197 SF

OPEN SPACE
REQUIREMENTS

0 10' 20'

PLAN
NORTH

Exhibit 'A'
Not for Development Purposes
536 Cortez Street
Santa Fe NM
1/21/14

Dolores I. Vigil
Liaison Planning Services Inc.
P.O. Box 1835
Santa Fe NM 87504
(505) 920-6839
liaisonplanning@gmail.com

Liaison Planning Services INC.

Site Plan for

536 Cortez Street

Santa Fe, New Mexico

Not For
Development Purposes

March 30, 2015

EXHIBIT E-4

1.7 GENERAL PLAN THEMES

1.7.4 ECONOMIC DIVERSITY

Develop and implement a comprehensive strategy to increase job opportunities, diversify the economy, and promote arts and small businesses.

The General Plan includes policies to promote economic development and the arts; a strategy is outlined in the Community Economic Development Plan, a separate document maintained by the city. Themes of the strategy include regionalism, sustainability, quality of life, equity of education, economic opportunities, and diversification. The General Plan locates sites for arts and new businesses in a variety of settings.

1.7.9 URBAN FORM

Promote a compact urban form and encourage sensitive/compatible infill development.

Promotion of a compact urban form has been a major criteria in selecting new growth areas. Growth and reintensification areas have been selected to minimize distances between different parts of the city, and between job centers and residential areas. Incentives are provided to promote infill development.

1.7.12 MIXED USE

Provide a mix of land uses in all areas of the city.

The General Plan provides a mix of compatible uses that fulfill everyday retail and service needs in existing and new neighborhoods. This urban structure affirms Santa Fe 's traditional development pattern.

5-2 DOWNTOWN AND COMMERCIAL DEVELOPMENT

5-2-G-4 Provide for uses to meet everyday needs within neighborhoods in the form of pedestrian-oriented neighborhood centers.

5-2-G-5 Protect neighborhoods from encroachment by non-neighborhood oriented commercial uses and related environmental impacts. Provide design standards and economic location criteria for big-box retail.

5-2-G-6 Ease transitions between commercial and surrounding areas.

EXHIBIT F-1

For additional policies related to affordable and economic development, see Sections 10.1 and 10.2 and Institutional Framework Section 11.

3-G-1 There shall be consistency between the General Plan and the city's land use development laws (see Section 11 policies).

3-G-2 There shall be a mix of uses and housing types in all parts of the city.

Mixed use should not just be encouraged, but in certain areas, such as the mixed-use districts(neighborhood centers) and redevelopment areas, it is specifically recommended in the General Plan.

3-G-3 There shall be infill development at densities that support the construction of affordable housing and a designated mix of land uses that provide an adequate balance of service retail and employment opportunities to address residential growth throughout the Urban Area, including the Railyard property.

C-2 General Commercial District

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

Permitted Uses

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

EXHIBIT F-2

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

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

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

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

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

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

Dimensional Standards

Minimum district size	None.
	14-7.5(D)(8)(c) C-2 District Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.
Maximum height:	45
Minimum setbacks: Non-residential uses:	Street 5; side 0, rear 10

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

Max lot cover: 60

Nonresidential and Mixed Use Open Space Standards

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

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

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

Residential Open Space

C-2 District

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

Keren James
530 Cortez St.
Santa Fe, NM 87501

May 6, 2015

To whom It May Concern,

I am writing to express my support for the requested amendment to the designation of the property at 536 Cortez St from Low Density Residential to Community Commercial.

I reside at 530 Cortez St, and have done so for three years. The Tune-up customers are conscientious, and the foot traffic is one of the reasons I believe our street is such a safe one. I believe it would benefit the neighborhood to have additional parking for the cafe.

The current structure on the lot at 536 Cortez St. is an eyesore, and would not be missed. I believe it would better serve our community to support this small business.

I hope you will approve this change.

Sincerely,

Keren James

Exhibit "11"

City of Santa Fe, New Mexico

memo

DATE: **May 7, 2015**

TO: **Planning Commission**

FROM: **Current Planning Division**

RE: **Additional Information**

The attached information is not in your May 7, 2015 Planning Commission packet. The information is in the following order:

Case #2015-30. Tune Up Café General Plan Amendment.
Case #2015-31. Tune Up Café Rezoning.

- Revised ENN meeting notes.

SS001.PM5 - 7/95

Exhibit "12"

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

Project Name	536 Cortez Rezoning (for Tune-Up Café)
Project Location	536 Cortez
Project Description	GPA from Low Density Residential to Community Commercial
Applicant / Owner	JC Rivera LLC
Agent	Liaison Planning Services, Inc.
Pre-App Meeting Date	9/18/14
ENN Meeting Date	11/24/14
ENN Meeting Location	DeVargus Mall, Community Room
Application Type	GPA and Rezone
Land Use Staff	Donna Wynant and Greg Smith
Attendance	11 neighbors, applicant's agent, Land Use staff, and Albert Martinez with the City's Parking Division

Notes/Comments:

Meeting started at 5:35. Staff (Ms. Wynant) gave an introduction about the purpose of the ENN meeting and the overall entitlement process. The intent is to gather input early in the process before anything formal is submitted to the City.

The applicant's agent, Dolores Vigil, gave an introduction of the project and the importance of providing additional parking for the Tune-Up Café .She said the applicant bought the property at 536 Cortez for parking. They will remove the trailer for a parking lot and no trees will be removed. She pointed out the location on an aerial photograph and explained the various things have to take into consideration in designing the parking lot.

Ms. Vigil asked people to identify themselves as they gave their comments and questions and identify where they live.

Comment: Parking along the side of Tune-Up Café – problem for southwest clearance. Delivery trucks park on yellow bump outs. Should only be for compact cars, not big vehicles.

Comment: Parking along Cortez is a problem- need a bump out. Ms. Vigil pointed out where the loading area is on Cortez. Must address parking along yellow curb. Why is loading zone marked green.

VR: Employee all-day parking; district needed; not a problem for "Dave's". All curb spaces used last weekend.

Albert Martinez responded tried to get the loading before 8:00 am.

The Tune-Up Café has been attracting more people because of liquor. It's busy on the weekend.

Albert Martinez- parking on residential street – discussed process involved in doing permit parking.

Raymond Arranda, owns business at the southwest corner of Cortez and Hickox. Parking proposal should help the problem a lot and lives next door. Said it wasn't a night club and that they close at 10:00 pm. Better if 536 Cortez trailer/home is removed.

Jennifer Johnson: Regarding parking – what is the number of spaces required. Could the restaurant expand. More parking required. What is the number of spaces being provided.

John White: 1211 Hickox: Cars have been hit and knocked down the street. People pull out of restaurant and can't see down the street.

Should be a 4 way stop at the intersection. Other people felt strongly that should be a 4 way stop.

Man said the parking spaces should be maxed out and not the landscaping.

No line of site coming out from Cortez onto Hickox. Doesn't want opening exiting onto Cortez and said she would oppose the proposal if it exited onto Cortez.

Ms. Vigil said that the City may want traffic to exit onto Cortez.

Man pointed out that it's a business and it keeps the community going.

Would rezoning increase property taxes? Ms. Vigil replied no it wouldn't.

Man asked if angled parking could be done instead with the entrance from Cortez and exit onto Hickox.

Greg Smith pointed out that many things are discussed beyond the scope of a rezoning. Plan would be developed after rezoning approved. Turning movements would have to be evaluated.

Penny: Traffic should be studied first before zoning goes forward.

City Council can do conditions of approval prior to zoning approval. Planning Commission to review plan.

Someone asked if the property could be developed as some other commercial development.

Man stated that he's only in support if the traffic congestion and other issues are dealt with.

Matt Kelly who lives next door (534 Cortez) said his south wall is on the property line and he is opposed to the rezoning of his wall and that he would like the 5' wide strip along his property as some kind of easement.

Earl Russel: said that the dead trees on the property need to be removed.

Albert Martinez said he's concerned with safety, getting in and out of the property. One response is to possibly do permit parking.

Woman said there have been accidents.

Joyce Garcia said we have lots of children walking and riding bikes- concerned with safety.

Penny- Cars park in a way to allow for garbage truck pickup.

Truck deliveries come down Cortez. Albert Martinez said that a space for delivery trucks is located along Hickox.

Meeting adjourned at 6:35.

(See attached additional notes from Comment Cards)

COMMENT CARDS (TRANSCRIBED):

Kevin Lancaster, 537 Cortez Street: *"I live directly across the street from this lot. I am in favor of the rezoning of the lot. However I do not approve of the parking lot having either an entrance or exit onto Cortez Street- except for possibly an emergency exit, normally kept gated. I am against "residents only" parking on Cortez Street."*

Penny Spring, 537 Cortez Street: *"I think a well, kept up commercial property is preferable to a falling down residential property. There are problems with parking on Cortez Street that will not be completely addressed by the parking lot, particularly delivery trucks and employee cars. Condition for approval would be to get the restaurant side parking and garbage off Cortez Street to improve line of sight. Exit must not be on Cortez! ...OR I AM AGAINST! IN & OUT ON HICKOX! 4 way stop on Hickox. AGAINST UNTIL Traffic situation is taken care of by City."*

Dr. Arturo Gonzales: 524 Cortez Street: *"Rezoning should only occur and approved if the traffic conditions are appropriately addressed as discussed at the De Vargas Community Meeting on the issue. 4 way stop, and speed bumps."*

John White, 1211 Hickox Street: *"Parking in front of tune-up makes it difficult to see cars coming out of the current parking lot."*

City of Santa Fe, New Mexico

memo

DATE: April 24, 2015 for the May 7, 2015 Meeting

TO: Planning Commission

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

FROM: Daniel Esquibel, Land Use Planner Senior, Current Planning Division

2400 AGUA FRIA VARIANCE AND LOT SPLIT

Case #2015-28. 2400 Agua Fria Variance. James Siebert agent for Andrew Roybal requests a Variance to Table 14-9.2-1: *"Design Criteria for Street Types"* to be allowed to subdivide 0.54+/- acres into two lots. The property is zoned R-5 (Residential-5 dwelling units per acre). (Dan Esquibel, Case Manager)

Case #2015-27. 2400 Agua Fria Road Lot Split. James Siebert agent for Andrew Roybal requests plat approval to subdivide 0.54+/- acres into two lots (Tract E-2A +/- .29 acres and Tract E-2B +/- 2.0 acres). The property is zoned R-5 (Residential-5 dwelling units per acre). (Dan Esquibel, Case Manager)

RECOMMENDATION

The Land Use Department recommends APPROVAL subject to the following conditions in Exhibit A:

I. SUMMARY

The applicant is requesting subdivision plat approval to divide 0.5± acres into 2 residential lots (+/- 0.29 acre and +/- 0.20 acres). The property is zoned R-5 (Residential-5 dwelling units per acre). Each lot would accommodate one of the existing houses on the lot. There would be no potential for additional principal dwelling units on either lot, but an accessory dwelling unit could be added on each lot.

The key issue with the proposed subdivision is emergency access to the proposed lots. However this issue will be mitigated by conditions imposed from the Fire Marshal. Each lot would comply with other development standards, including density.

Exhibit "3"

ACCESS
The property is directly accessed off of an existing 20 foot wide private easement with a 10 foot dirt road called "New Road #3". New Road #3 is a dead end road approximately 1,607 feet long and extends off of Agra Fria Street (approximate 1,170 feet to the property). New Road #3 is a substandard road providing access to 19 dwellings (21 lots - 5 vacant), and should be built to "Lane" standards to support the number of existing dwelling units that access the road. Lane Standards require a 38 to 42 foot wide right-of-way serve up to 30 dwellings. A parking lane would also be required for a street serving a new subdivision.

The applicant is requesting a variance to Table 14-9.2-1: *"Design Criteria for Street Types"* to be allowed to subdivide 0.54+/- acres into two lots. The .54 acre lot contains 2 existing dwelling. The lot split will separate the dwellings onto each lot. This will add one more lot along the road but will not add to the existing dwelling count on New Road #3. Existing development in areas along New Road #3 prevent widening to meet Lane Standards.

No negative comments have been received by the City Traffic Engineer.

UTILITIES
Currently the property is served by city sewer but an onsite well is providing water to the property. City utilities for water and sewer are available to the property and exist within New Road #3. The is proposing to connect to city utilities for water and sewer service to the Tracts. Comments from City Sewer identify that grinder pump will be required for connection and no negative comments were received from City Water.

FIRE MARSHAL
The Fire Marshal's comments identify approval subject to conditions (reference Exhibit B).

DIMENSIONAL CALCULATIONS
Chapter 14-7.1(B)1 *"Net area"* eliminates public and private streets and driveway easements from lot coverage calculations. Both proposed lots will contain enough area to accommodate the existing dwellings and 2 parking spaces each.

Santa Fe City Code 1987 14-3.16(C)(1) through (5) are required to grant a variance for construction of a dwelling in the Ridgetop (reference Exhibit B for Applicant's response to the variance criteria):

II. VARIANCE

Santa Fe City Code 1987 14-3.16(C)(1) through (5) are required to grant a variance to Table 14-9.2-1: Design Criteria for Street Types (reference Exhibit C for Applicant's response to the variance criteria):

1. *<u>One or more of the following special circumstances applies:</u>*

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

Applicant Response
The parcel currently has two homes that are accessed off of the private roadway via Agua Fria St. Since there are several homes on fronting this roadway there is not adequate area to make improvements to the road. When the two homes were placed on the property there was not a requirement to upgrade the road.

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

Applicant Response
City staff has determined that this is a legal lot of record.

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

Applicant Response
The road currently provides access to 19 homes and 4 vacant lots. City regulations would require a 42 foot right-of -way with 18 feet of driving surface, 2 foot curb and gutter on each side, 5 foot planter strip and 5 foot sidewalk on each side. Neither the applicant nor the aggregate of land owners can afford these improvements. Many of the existing houses and structures are located within the 42 feet of roadway required by the City code.

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

Applicant Response
The two existing dwellings are non-conforming only in regard to the City requirement for public access. Some lots that were created along the road date back to the early and mid-1950's predating the City Subdivision Regulations.

Staff Response to 1a-1d
The Applicant addressed all of the variance criterion listed under 14-3.16(C)(1). Based on the collective responses provided by the Applicant, Staff believes that the applicant has demonstrated compliance to 14-3.16(C)(1)(b) above.

Staffs review finds that the property, while compliant to density, is legal nonconforming with respect to subdivision infrastructure requirements. Additionally, the proximity of 13 dwelling units along New Road #3 and their setbacks from their front property lines, prevent expansion to width of road to meet City Lane Standards without compromising portions of 7 dwellings and the front yards of all 13 dwellings.

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

Applicant Response
As pointed out in 1 (c) it would be necessary to improve 1,454 lineal feet of roadway to City standards, which is not financially feasible given the cost of the road improvements and the encroachments to the required 42 foot right-of-way by existing structures.

Staff Response
Financial cost is not a consideration per 14-3.16(C)(2). However, the existing circumstances described 14-3.16(C)(1)(b) above, create conditions preventing compliance with Table 14-9.2-1: *"Design Criteria for Street Types"*. This circumstance provides a qualifying factor to the criteria specific to 14-3.16(C)(2).

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

Applicant Response
The applicant is requesting two lots within the R-5 Residential District where the minimum lot size is 4,000 square feet. Each lot will have approximately 11,760 square feet of area. Many of the lots along the road are smaller than two lots that are being proposed.

Staff Response
There is no intensification to the underlying zoning or to the *"the extent of development per unit of area"* that *"impact on surrounding properties such as noise and traffic"*. No additional dwellings units are proposed with this request that increase number of dwelling units accessing New Road #3.

The intensity of development will not exceed the intensity of development that is allowed within the area which provides qualifying factors to the criteria specific to 14-3.16(C)(3) above.

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

While this is a variance to the City's roadway standards it does not change the current circumstances, which is a base course road serving existing dwelling units.

Approval of the variance allows for the reasonable use of the applicants property, including the sale of the lots.

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

Applicant Response
The intensity of use is not the issue, considering that the applicant could put 5 dwelling on the property and only two currently exist on the property. The applicant has chosen to limit the density to two dwelling units.

Staff Response
The criterion in 14-3.16(C)(4) asks the question of whether the variance is the "*minimum variance that will make possible the reasonable use of the land or structure*", taking into consideration if 1) if the "*property has been or could be used without variances*", *2)* a "*lesser category of use*" *or 3)* a "*less intensity of use*".

The property is .5± acres zoned R-5 (Residential-5 dwelling units per acre). A less intensity of use or different category would be open space or having one single family dwelling on the property. As it stands, zoning allows a maximum density of 2 dwellings on the property. The existing 2 dwellings identify that the property has reached the maximum density allowed for the acreage within an R-5 District. A division of land would not increase existing density. However, accessory dwellings (guest houses) "*are exempt from the density restrictions set forth in this Chapter 14; provided, however, that only one accessory dwelling unit shall be permitted per legal lot of record*".

As a single legal lot, one accessory dwelling ("*guest house*") would be allowed. A division of land would allow one guest house per legal lot. This would be a minor increase in traffic intensity to New Road #3.

The existing development of the property without change requires no variance. Also the existing legal lot allows one guest house offering the least increase to intensity. This establishes baring no development or subdivision and taking both factors into consideration, that the requested variance would be *the minimum variance that will make possible the reasonable use of the land or structure* and demonstrating compliance to 14-3.16(C)(1)(b) above.

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

Applicant Response
One of the policies of the General Plan is to encourage affordable housing. This property was affordable when the applicant bought it in 1996. Using local labor, the

applicant was able to construct affordable dwellings on the property. There are similar situations in the historic area where dwelling access roadways not in conformance with the City code. This type of land use is part of Santa Fe's character.

Staff Response
The promotion of appropriate infill development and affordable housing together with the required connection to city utilities for the protection of ground water is in keeping the purpose and intent of the General Plan. The requested lot split and variance is not inconsistent with the purpose and intent of Chapter 14 as each qualifying factor and criterion for approval comports to policies and standards necessary for approval.

5. The variance is not contrary to the public interest

Applicant Response
Granting of this variance does not harm the public since no additional burden is placed on the roadway. Neither the public is harmed nor the residents who currently access this roadway.

Staff Response:
Staff does not believe that the public interest is compromised by the granting of this variance. The public interest is not compromised by the impacts of the proposed subdivision since there is no increase in density by the lot split. While the addition of one lot increases the number of lots to the area using New Road #3, the two primary dwelling units that exist on the property will be divided between the lots and represent the maximum numbers allowed for the District relevant to the acreage. This leaves the impacts from an allowed guesthouse on the new lot which is offset by the benefit of connection to city water and the protection of groundwater.

III. CONCLUSION

The proposed subdivision plat was reviewed with due regard to 14-3.7(C) *"Approval Criteria"* for Subdivision of Land. The variance was reviewed relevant to specific to 14-3.16.3(C) *"Approval Criteria"*. Staffs review finds no adverse impacts are created by the subdivision of Tract E-2 into two Tracts (E-2A and E-2B). Conditions received by the Development Review Team have been accepted by the applicant and will be solidified as red line corrections prior to recordation.

The Land Use Department recommends APPROVAL subject to Conditions as outlined in Exhibit A.

ATTACHMENTS

Exhibit A- Conditions of Approval

Exhibit B - DRT comments

1. Traffic Engineering Division
2. City Engineer for Land Use Department Terrain Management
3. Waste Water
4. Water
5. Fire

EXHIBIT C- Maps

1. Vicinity

EXHIBIT D- Applicant Materials

1. Variance criteria

Packet Attachment - Plans and Maps

May 7, 2015
Planning Commission
Case #2015-27 and #2015-28

2400 AGUA FRIA VARIANCE AND LOT SPLIT

EXHIBIT A

CONDITIONS

EXHIBIT A
Conditions of Approval
Case #2015-27
2400 Agua Fria Variance And Lot Split

	Condition	Department	Staff
1	Any structure within Tract E-2B which is required to connect to the City's sewer system shall be required to utilize an E-One Grinder Pump or approved equal as determined by the City of Santa Fe Wastewater Division.	Wastewater Division	Stan Holland, Engineer, April 6, 2015
	Prior to any new construction or remodel these conditions would apply 1. Shall Comply with International Fire Code (IFC) 2009 Edition. 2. Fire Department Access shall have a minimum of 20 feet driveway width. 3. Fire Department shall have 150 feet distance to any portion of the building on any new construction. 4. Shall have water supply that meets fire flow requirements and fire hydrant distance requirements as per IFC. 5. All Fire Department access shall be no greater that a 10% grade. 6. Shall provide emergency access for any gated driveway. 7. Any driveway with a distance greater than 150 feet from the roadway is required to provide an emergency vehicle turn-around that meets IFC requirements.	Fire Marshal	Reynaldo D Gonzales April 23, 2015
5	Applicant shall connect Tract's E-2A and E-2B to City Water.	Land Use Current Planning	Dan Esquibel

May 7, 2015
Planning Commission
Case #2015-27 and #2015-28

2400 AGUA FRIA VARIANCE AND LOT SPLIT

EXHIBIT B

DRT

ESQUIBEL, DANIEL A.

From:	KASSENS, SANDRA M.
Sent:	Friday, April 17, 2015 5:57 PM
To:	ESQUIBEL, DANIEL A.
Cc:	ROMERO, JOHN J
Subject:	2400 Agua Fria Variance and Lot Split

Dan,
The Traffic Engineering Division has no comments on the request for a Variance and Lot split at 2400 Agua Fria Street, case numbers 2015-27 and 28.

Sandra Kassens
Traffic Engineering Division
Public Works Department
City of Santa Fe
PO Box 909
Santa Fe, New Mexico 87504

Phone: 505-955-6697

ESQUIBEL, DANIEL A.

From: ZAXUS, RISANA B.
Sent: Friday, April 17, 2015 9:45 AM
To: ESQUIBEL, DANIEL A.
Subject: 2400 Agua Fria Variance and Lot Split

Mr. Esquibel –

With regard to Cases # 2015-28 and # 2015-27, the 2400 Agua Fria Variance and Lot Split, I understand that a variance is requested to allow access to be of less width than the 38' ROW, 18' paved roadway with curb and gutter which is required by Article 14-9.2-1.

There are two existing buildings on the property, and the proposed Lot Split would create two lots, each with a building.

Because there is no new development proposed, I am not opposed to the variance requested.

Risana B "RB" Zaxus, PE
City Engineer

City of Santa Fe, New Mexico

memo

DATE:	April 6, 2015
TO:	Dan Esquibel, Case Manager
FROM:	Stan Holland, Engineer, Wastewater Division
SUBJECT:	Case #2015-27 & 28 – 2400 Agua Fria Road Variance and Lot Split

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

The following note shall be added to the plat as a condition of approval:

1. The public sewer line serving Tract E-2B is a public low pressure sewer line. Any structure within Tract E-2B which is required to connect to the City's sewer system shall be required to utilize an E-One Grinder Pump or approved equal as determined by the City of Santa Fe Wastewater Division.

City of Santa Fe

memo

DATE: April 8, 2015

TO: Dan Esquibel, Land Use Planner, Land Use Department

FROM: Dee Beingessner, Water Division Engineer

SUBJECT: #2015-27 Agua Fria Road Lot Split

It appears that 2400A Agua Fria is served by a well. 2400B Agua Fria has an existing water meter. If 2400A does utilize the well then there are no issues with water service for the subject case. Water is available in the street in front of this property. Fire protection requirements are addressed by the Fire Department.

City of Santa Fe, New Mexico

memo

DATE: April 24, 2015

TO: **Case Manager: Dan Esquibel**

FROM: Reynaldo D Gonzales, Fire Marshal RDG

SUBJECT: **Case #2015-27, 28 2400 Agua Fria Lot Split**

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Recommend final approval subject to the following conditions being met. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to any new construction or remodel these conditions would apply

1. Shall Comply with International Fire Code (IFC) 2009 Edition.

2. Fire Department Access shall have a minimum of 20 feet driveway width.

3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

4. Shall have water supply that meets fire flow requirements and fire hydrant distance requirements as per IFC.

5. All Fire Department access shall be no greater that a 10% grade.

6. Shall provide emergency access for any gated driveway.

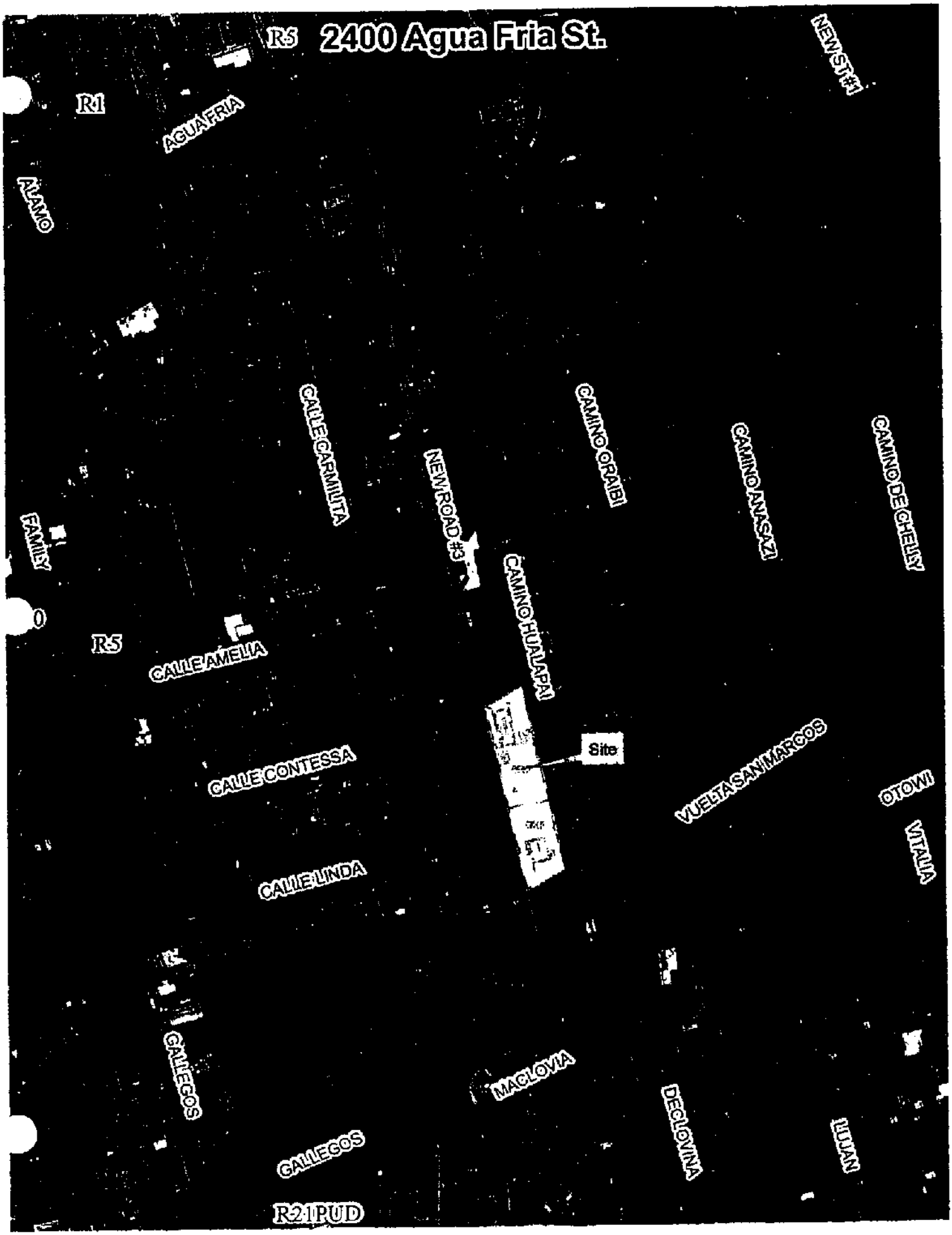
7. Any driveway with a distance greater than 150 feet from the roadway is required to provide an emergency vehicle turn-around that meets IFC requirements.

May 7, 2015
Planning Commission
Case #2015-27 and #2015-28

2400 AGUA FRIA VARIANCE AND LOT SPLIT

EXHIBIT C

Maps


R5
2400 Agua Fria St.
NEW ST #1
R1
AGUA FRIA
ALAMO
CALLE CARMILITA
CAMINO ORAIBI
CAMINO ANASAZI
CAMINO DE CHELLY
NEW ROAD #3
FAMILY
CAMINO HUALAPAI
R5
CALLE AMELIA
Site
CALLE CONTESSA
VUELTA SAN MARCOS
OTOWI
VITALIA
CALLE LINDA
GALLEGOS
MACLOVIA
DEGLOVINA
LUJAN
GALLEGOS
R2 PUD

May 7, 2015
Planning Commission
Case #2015-27 and #2015-28

2400 AGUA FRIA VARIANCE AND LOT SPLIT

EXHIBIT D

Applicant Material

Prepared by:
James W. Siebert & Assoc., Inc.
January 15, 2015

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

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

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

The parcel currently has two homes that are accessed off of the private roadway via Agua Fria St. Since there are several homes on fronting this roadway there is not adequate area to make improvements to the road. When the two homes were placed on the property there was not a requirement to upgrade the road.

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

City staff has determined that this is a legal lot of record.

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

The road currently provides access to 19 homes and 4 vacant lots. City regulations would require a 42 foot right-of –way with 18 feet of driving surface, 2 foot curb and gutter on each side, 5 foot planter strip and 5 foot sidewalk on each side. Neither the applicant nor the aggregate of land owners can afford these improvements. Many of the existing houses and structures are located within the 42 feet of roadway required by the City code.

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

The two existing dwellings are non-conforming only in regard to the City requirement for public access. Some lots that were created along the road date back to the early and mid-1950's predating the City Subdivision Regulations.

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

As pointed out in 1(c) it would be necessary to improve 1,454 lineal feet of roadway to City standards, which is not financially feasible given the cost of the road improvements and the encroachments to the required 42 foot right-of-way by existing structures.

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

The applicant is requesting two lots within the R-5 Residential District where the minimum lot size is 4,000 square feet. Each lot will have approximately 11,760 square feet of area. Many of the lots along the road are smaller than two lots that are being proposed.

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

While this is a variance to the City's roadway standards it does not change the current circumstances, which is a base course road serving existing dwelling units. Approval of the variance allows for the reasonable use of the applicants property, including the sale of the lots.

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

The intensity of use is not the issue, considering that the applicant could put 5 dwelling on the property and only two currently exist on the property. The applicant has chosen to limit the density to two dwelling units.

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

One of the policies of the General Plan is to encourage affordable housing. This property was affordable when the applicant bought it in 1996. Using local labor, the applicant was able to construct affordable dwellings on the property. There are similar situations in the historic area where dwelling access roadways not in conformance with the City code. This type of land use is part of Santa Fe's character.

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

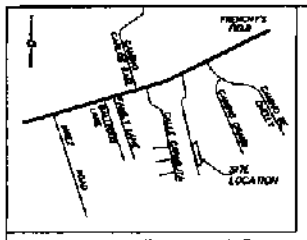
Granting of this variance does not harm the public since no additional burden is placed on the roadway. Neither the public is harmed nor the residents who currently access this roadway.

May 7, 2015
Planning Commission
Case #2015-27 and #2015-28

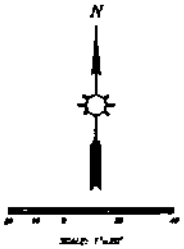
2400 AGUA FRIA VARIANCE AND LOT SPLIT

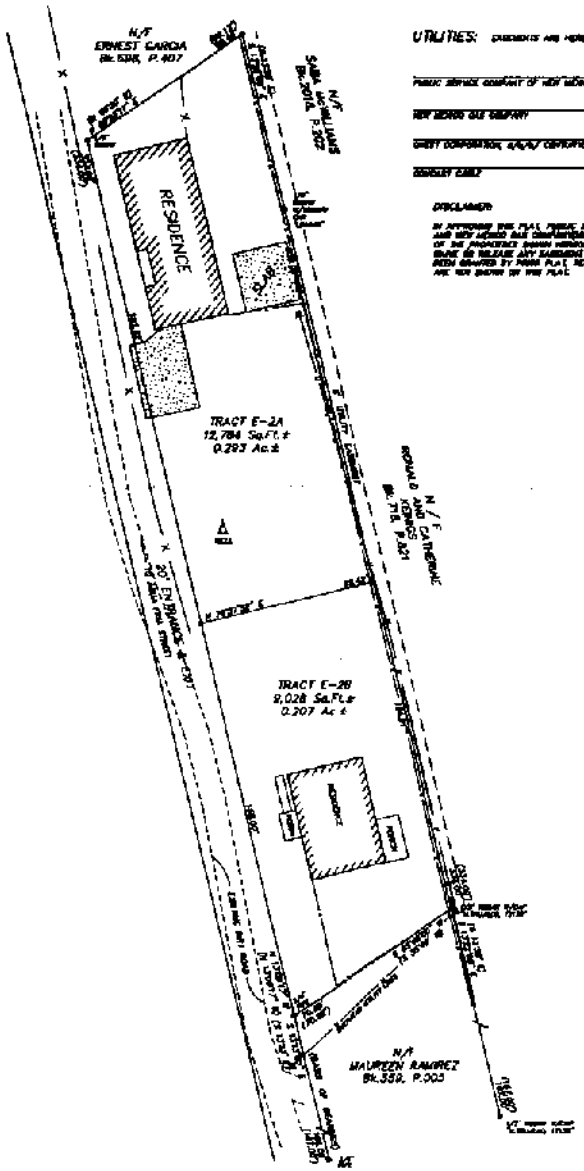
APPLICANT ATTACHMENTS

SUBDIVISION ATTACHMENTS



VICINITY MAP





UTILITIES:

EASEMENTS ARE HEREBY GRANTED FOR EXISTING UTILITIES.

PUBLIC SERVICE COMPANY OF NEW MEXICO — DATE

NEW MEXICO GAS COMPANY — DATE

QWEST CORPORATION, d/b/a/ CENTURYLINK QC — DATE

COMCAST CABLE — DATE

DISCLAIMER

IN APPROVING THIS PLAT, PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM) AND NEW MEXICO GAS COMPANY(NGC) DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. COMMUNITY, PNM AND NGC DO NOT OR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLAT, REPLAT OR GRANT DOCUMENT AND WHICH ARE NOT SHOWN ON THIS PLAT.

DEDICATION / AFFIDAVIT

KNOW ALL PERSONS BY THESE PRESENTS: THAT THE UNDERSIGNED OWNER HAS CAUSED TO BE ADJUSTED, THE LAND SHOWN HEREON. THIS LOT SPLIT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE PROPER AND DESIRES OF SAID OWNER. THIS PROPERTY LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO. EASEMENTS ARE HEREBY GRANTED FOR EXISTING UTILITIES.

ANDREW R. ROYBAL

STATE OF NEW MEXICO }
COUNTY OF SANTA FE } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20__.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

REVIEWED BY:

SUBDIVISION COMMITTEE CHAIR — DATE

SUBDIVISION COMMITTEE SECRETARY — DATE

SANTA FE COUNTY TREASURER — DATE

CASE No.

APPROVED BY THE SUBDIVISION COMMITTEE AT THEIR MEETING OF _____.

CITY OF SANTA FE NOTES AND CONDITIONS

NO FENCES, WALLS OR OTHER OBSTRUCTIONS SHALL BE PLACED OR CONSTRUCTED ACROSS OR WITHIN PUBLIC SANITARY SEWER OR UTILITY EASEMENTS.

CONNECTION TO THE CITY PUBLIC SEWER SYSTEM IS MANDATORY WHEN THE PROPERTY IS IN THE CITY LIMITS AND IS BEING DEVELOPED OR IMPROVED IS ACCESSIBLE TO THE CITY SEWER SYSTEM. PRIOR TO THE DEVELOPMENT OR IMPROVEMENT OF THE PROPERTY, OWNERS AND DEVELOPERS OF THE PROPERTY SHALL OBTAIN A SEWERAGE SEWER EVALUATION PERMIT BY THE CITY OF SANTA FE WASTEWATER DIVISION.

WASTEWATER UTILITY EXPANSION CHARGES FOR EACH LOT SHALL BE DUE TO THE CITY OF SANTA FE AT TIME BUILDING PERMIT APPLICATION.

EACH LOT SHALL BE SERVED BY ITS OWN SEPARATE SEWER SERVICE LINE CONNECTED TO THE CITY PUBLIC SEWER SYSTEM.

ALL FIRE DEPARTMENT ACCESS SHALL BE NO GREATER THAN A 10% GRADE THROUGHOUT AND MAINTAIN 20' MIN. WIDTH.

FIRE DEPARTMENT ACCESS SHALL NOT BE LESS THAN 20 FEET WIDTH TO ANY NEW CONSTRUCTION.

SHALL MEET DRIVEWAY REQUIREMENTS AS PER IFC.

FIRE DEPARTMENT SHALL HAVE MINIMUM 100 FEET DISTANCE TO ANY PORTION OF THE BUILDING ON ANY NEW CONSTRUCTION.

SHALL HAVE WATER SUPPLY THAT MEETS FIRE FLOW REQUIREMENTS AS PER IFC OR INSTALL AN AUTOMATIC SPRINKLER SYSTEM.

MUST BRING REFUSE AND OR RECYCLING TO A STREET THAT IS CURRENTLY BEING SERVICED BY THE CITY OF SANTA FE SOLID WASTE DIVISION.

COUNTY OF SANTA FE }
STATE OF NEW MEXICO } SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____ DAY OF _____ A.D. 20__, AT _____ O'CLOCK ___.M., AND WAS DULY RECORDED IN BOOK _____ PAGE _____ OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE
GERALDINE SALAZAR
COUNTY CLERK, SANTA FE COUNTY, NM

_____ DEPUTY

CASE# 2015-27
2015-28

LEGEND

- INDICATES POINTS FOUND AS NOTED
- INDICATES 1/2" REBAR W/CAP SET THIS SURVEY
- INDICATES CALCULATED POINT NOT SET
- INDICATES MANHOLE
- INDICATES UTILITY POLE W/OVERHEAD UTILITY LINES

REFERENCE AND BASIS OF BEARINGS

BEARINGS AND DISTANCES IN PARENTHESES FROM PLAT OF SURVEY BY DEFRANCO MARTINEZ, DATED OCTOBER 28, 1998, AND AMENDED MARCH 31, 1999, TITLED "PLAT OF SURVEY FOR LUIS MAES, TRACT 3, SANTA FE, NEW MEXICO" PROJECT No. 98275-1-PA.

PLAT OF SURVEY BY EDWARD CRAMER, R.C.A.L.S. No.8060, DATED SEPT. 1984, TITLED "REPLAT OF SURVEY FOR GENARO & LOPEZ, SANTA FE, NEW MEXICO", FILED IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO ON NOVEMBER 14, 1984, IN PLAT BOOK 446, PAGE 028

WARRANTY DEED – LUIS TONY MAES TO ANDREW R. ROYBAL, FILED IN THE OFFICE OF THE COUNTY CLERK, SANTA FE COUNTY, NEW MEXICO ON MAY 9, 2006, IN BOOK 1346, PAGE 027

NOTES:

1. PROPERTY IDENTIFICATION MAP No.1-061-097-589-163 FOR THIS PROPERTY
2. THESE PARCELS OF LAND ARE SUBJECT TO ALL EASEMENTS, DEDICATIONS AND RIGHTS OF RECORD.
3. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON AND WERE SUPPLIED TO THE SURVEYOR. NO ABSTRACT OF TITLE WAS FURNISHED. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL OF LAND

SURVEYOR'S CERTIFICATION

I, MICHAEL V. TRUJILLO, NEW MEXICO PROFESSIONAL SURVEYOR No. 12130, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MICHAEL V. TRUJILLO, N.M.P.S. No.12130 — DATE

SURVEYOR INFORMATION FOR COUNTY CLERK

ASSOCIATED SURVEYS MICHAEL V. TRUJILLO NMPS No.12130 1180 CAMINO CORDOVA SANTA FE, NEW MEXICO 87507 PH. 438-1886	SECTION(s) 33 (PROJECTED) TOWNSHIP T. 17 N. RANGE R. 9 E. GRANT MARK OF N.M.P.M.	LOT SPLIT FOR ANDREW ROYBAL TRACT E-2 "PLAT OF SURVEY FOR LUIS MAES" 2400A AGUA FRIA STREET SANTA FE, NEW MEXICO	SCALE 1" = 20' DATE DEC. 30, 2014 DRAWN BY CHECKED BY M.V.T. PROJECT No. 98-733 L-193

2400 Agua Fria - Variance & Lot Split

*Original is available in the Clerk's Office.

City of Santa Fe, New Mexico

memo

DATE: **April 24, 2015 for the May 7, 2015 Meeting**

TO: **Planning Commission**

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

FROM: **Daniel Esquibel, Land Use Planner Senior, Current Planning Division**

DELGADO COMPOUND FINAL SUBDIVISION PLAT

Case #2015-32. Delgado Compound Final Subdivision Plat. David Smith, representing Next Wave Ventures, requests Final Subdivision Plat approval to create four lots located at 209 and 211 Delgado. The 0.66+ acre property is zoned RC-8AC (Residential Compound, 8 dwelling units per acre, Arts and Crafts Overlay) (Dan Esquibel, Case Manager)

RECOMMENDATION:
The Land Use Department recommends final subdivision plat **APPROVAL** subject to conditions in Exhibit A.

SUMMARY:

The proposed subdivision plat was reviewed with due regard to 14-3.7(C) *"Approval Criteria"* for Subdivision of Land and meets the approval criteria. The applicant is requesting Final Subdivision Plat approval to subdivide 0.66 + acres into four residential lots (Lots 8-A1: .16+ acres, 8-A2: .18+ acres, 8-A3: .16+ acres, and 8-A4: .16+ acres). The property is also located within the Downtown and Eastside Historic District and Historic Downtown Archaeological Review District. Construction of houses on the property will require Historic District Review Board and approval, and an archaeological clearance permit is required for 2,500 square feet or more of land disturbance.

The Planning Commission at the February 19, 2015 meeting approved the Preliminary Subdivision Plat subject to conditions. The applicant is in agreement with all final plat conditions and is requesting Final Subdivision Plat review and approval.

Staffs review finds no adverse impacts are created by the subdivision.

SS001-PMB - 7/95

Exhibit "14"

ATTACHMENTS
Exhibit A - Conditions
Exhibit B - February 19, 2015 Planning Commission minutes

Exhibit C- February 19, 2015, Planning Commission Packet

Exhibit D– DRT additional comments

1. Affordable Housing 4-23-15
2. Fire Marshal 4-23-15
3. Wastewater 4-7-15
4. Traffic Division 4-14-15
5. Water Division 4-23-15

Packet Attachment -Plans and Maps

May 7, 2015
Planning Commission
Case #2015-32

DELGADO COMPOUND FINAL SUBDIVISION PLAT

EXHIBIT A

CONDITIONS

Conditions of Approval
Planning Commission
Case #2014-118 – **DELGADO COMPOUND FINAL SUBDIVISION PLAT**

	Department	Staff
A final affordable housing agreement or agreed upon fee-in-lieu must be in place prior to filing the final plat.	Affordable Housing	Margaret Ambrosino 4-23-15
(January 26, 2015 conditions) **Prior to any new construction these requirements must be met or automatic sprinkler systems may be required.** 1. All Fire Department access shall be no greater that a 10% grade throughout. 2. Shall meet 150 feet driveway requirements as per IFC and/or fire department turn-around meet the IFC requirements. 3. Fire Department shall have 150 feet distance to any portion of the building on any new construction. 4. Shall have water supply that meets fire flow requirements as per IFC.	Fire Marshal	Reynaldo Gonzales 4/24/15
1. 1. Prior to recordation of the plat the property owner shall be required to; • Install a public eight (8) inch sanitary sewer main line extension from the existing public sewer line in Delgado Street to a point near the western property boundary of Lots 8-A2and 8-A4 per a design as approved by the City of Santa Fe Wastewater Division. • In lieu of installing the sewer line prior to recordation of the plat, the owner shall provide a financial guarantee with the City for the design and installation of a public sanitary sewer line extension as approved by the City of Santa Fe Wastewater Division. 2. Identify the new 20 foot wide access, emergency turnaround and utility easement as a PUBLIC utility easement.	Wastewater Management Division	Stan Holland 4/7/2015
Prior to final sign-off unless otherwise noted: 1. The Developer shall add the following note to the plat: "The Developer shall remove and replace the existing drive-pad/curb-cut at the access point onto Delgado Street prior to issuance of a Certificate of Occupancy for any one of the four new lots created by this plat. The new drive-pad shall comply with current City of Santa Fe code."	Traffic Division	Sandra Kassens 4/14/15
X 2 •The developer will be required to enter into an Agreement to Construct and Dedicate to abandon the existing main prior to the plat submittal. Easements for the private lines to each property must be established.	Water Division	Dee Beingessner 4/23/2015
X 3 •Approval of 6' high wall by HDRB prior to filing the Plat and Comply with red line comments	Land Use Division	Dan Esquibel

May 7, 2015
Planning Commission
Case #2015-32

DELGADO COMPOUND FINAL SUBDIVISION PLAT

EXHIBIT B

FEBRUARY 19, 2015 PLANNING COMMISSION MINUTES

f. Case #2014-110. Hands of America Rezoning

MOTION: Commissioner Padilla moved, seconded by Commissioner Schackel-Bordegary, to approve the Findings of Fact and Conclusions of Law in Case #2014-110, Hands of America Rezoning, as presented.

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

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

1. CASE #2014-118. DELGADO COMPOUND PRELIMINARY SUBDIVISION PLAT. DAVID SMITH, REPRESENTING NEW WAVE VENTURES, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL TO CREATE FOUR LOTS LOCATED AT 209 AND 211 DELGADO. THE 0.66 ACRE PROPERTY IS ZONED RC-8AC (RESIDENTIAL COMPOUND, 8 DWELLING UNITS PER ACRE, ARTS AND CRAFTS OVERLAY). (DANIEL ESQUIBEL, CASE MANAGER.

A Memorandum, with attachments, prepared February 6, 2015, for the February 19, 2015 meeting, to the Planning Commission, from Daniel Esquibel, Land Use Planner Senior, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "5."

Daniel Esquibel presented information in this case. Please see Exhibit "5," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

David Smith, 233 Delgado, owner was sworn. Mr. Smith said, "Dan pretty well summed it up. There is a piece property here with 2/3 acre with 4 dwelling units on it. The dwelling units, some date back to the 1930's, a duplex, two single-family units. We propose to subdivide this into 4 lots, 2 of which will have existing structures on them which be remodeled at some point. And this will create 2 additional lots with no immediate plans for development or building on them, but the existing structures will be remodeled over the next year or so. I'd be glad to answer 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, "Question for staff. The Santa Fe Homes Program – we are looking at a fee-in-lieu of. Is that correct."

Mr. Esquibel said he believes the Applicant has signed an agreement that was accepted by the Santa Fe Homes Program, but he will let the Applicant discuss that with you.

Mr. Smith said, "That is exactly right. A fee-in-lieu for possible future dwelling units. Even though there were 4 units already on the property and there will eventually be 4 more units, the determination was that there would be a fee paid for additional structures/ residences."

Chair Harris asked, "Mr. Smith, then do you understand and accept all the conditions proposed by staff."

Mr. Smith said, "Yes, I do."

MOTION: Commissioner Padilla moved, seconded by Commissioner Villarreal, to approve Case #2014-118, Delgado Compound Preliminary Subdivision Plat, with all conditions as set out in the Staff Report [Exhibit "5"].

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

2. **CASE #2014-119. ROSS PEAK FINAL SUBDIVISION PLAT. JAMES W. SIEBERT & ASSOCIATES, AGENTS FOR ROSS'S PEAK, LLC, REQUESTS APPROVAL OF A FINAL SUBDIVISION PLAT FOR 200 LOTS LOCATED ON 31.72 ± ACRES ON TRACTS 12 AND 13 IN LOS SOLERAS. TRACT 12 IS ZONED R-12 AND TRACT 13 IS ZONED R-6. THE TRACTS ARE LOCATED SOUTH OF THE GOVERNOR MILES AND RAILRUNNER ROAD INTERSECTION, IMMEDIATELY EAST OF THE ARROYO DE LOS CHAMISOS. THE PRELIMINARY SUBDIVISION PLAT WAS APPROVED BY THE PLANNING COMMISSION ON AUGUST 7, 2014. (ZACH THOMAS, CASE MANAGER) (POSTPONED TO PLANNING COMMISSION MEETING IN MARCH)**

A Memorandum prepared February 11, 2015 for the February 19, 2015 Meeting of the Planning Commission, to the Planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, indicating this case is postponed to the March Planning Commission Meeting, is incorporated herewith to these minutes as Exhibit "6."

May 7, 2015
Planning Commission
Case #2015-32

DELGADO COMPOUND FINAL SUBDIVISION PLAT

EXHIBIT C

FEBRUARY 19, 2015, PLANNING COMMISSION PACKET

City of Santa Fe, New Mexico
memo

DATE: February 6, 2015 for the February 19, 2015 Meeting

TO: Planning Commission

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

FROM: Daniel Esquibel, Land Use Planner Senior, Current Planning Division

DELGADO COMPOUND PRELIMINARY SUBDIVISION PLAT

Case #2014-118. Delgado Compound Preliminary Subdivision Plat. David Smith, representing Next Wave Ventures, requests Preliminary Subdivision Plat approval to create four lots located at 209 and 211 Delgado. The 0.66± acre property is zoned RC-8AC (Residential Compound, 8 dwelling units per acre, Arts and Crafts Overlay) (Dan Esquibel, Case Manager)

RECOMMENDATION

The Land Use Department recommends **PRELIMINARY PLAT APPROVAL** subject to the conditions listed on Exhibit A:

I. **SUMMARY**

The applicant is requesting Preliminary Subdivision Plat approval to subdivide 0.66 ± acres into four residential lots (Lots 8-A1: .16± acres, 8-A2: .18± acres, 8-A3: .16± acres, and 8-A4: .16± acres). The property is zoned RC8AC (Residential Compound = 8 dwelling units per acre, with an Arts and Crafts District Overlay). The property is also located within the Downtown and Eastside Historic District and Historic Downtown Archaeological Review District. Development on the property will require Historic review and approval. This property will also trigger an archaeological clearance permit for 2,500 square feet or more of land disturbance.

ACCESS

The property is accessed off of Delgado Street through a 20 foot wide easement with an existing 10' wide driving surface into the property. The proposed subdivision adds a total of 4 lots and a maximum of 4 dwellings that will access the existing driveway easement for a total of 5 lots and 6 dwellings.

City Code allows a minimum 10 foot Driveway (Table 14-9.2-1 Design Criteria for Street Types) for access to 8 or fewer lots. However, the 2009 International Fire Code (IFC) widths for dead end roads over 150 feet require a 20' road. The Fire Marshal has granted a variance to the IFC standards allowing a 16' wide driving surface because the applicant has opted to sprinkler all dwellings within the proposed subdivision. No negative comments have been received from the City Traffic Engineer.

WATER AND SEWER
City water and sewer are available in this area. The Applicant is proposing to connect to City utilities for water and sewer. Comments and conditions received from City Water Division and Sewer Division can be found in Exhibit B. All relevant conditions have been made part of the conditions list in Exhibit A.

TERRAIN MANAGEMENT
Subdivision detention ponding will be lot specific and addressed at the time of building permit. No negative comments were received from the City Engineer for Land Use.

SANTA FE HOMES PROGRAM
A proposal has been signed and accepted by the Santa Fe Homes Program (attached).

EARLY NEIGHBORHOOD NOTIFICATION (ENN)
The ENN meeting was held on December 17, 2014 at the Inn at the Alameda Conference Room. There were 15 constituents in attendance. Exchange of questions and answers ensued with no concerns raised (reference Exhibit D).

II. SUBDIVISION APPROVAL CRITERIA

Section 14-3.7(C) Approval Criteria

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

(2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed (§14-3.7(C)2). Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).

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

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

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

III. CONCLUSION:

Staff's review with due regard to Section 14-3.7(C) *"Approval Criteria"* finds that the proposed subdivision is located within an RC-8AC Zone District, Downtown and Eastside Historic and Historic Downtown Archaeological Review Districts Overlays. The subdivision of 0.66± acres would allow the development of up to 4 lots with an average lot size of ± .16 acres, and 4 dwelling units with customary accessory structures on each lot. The applicant will be remodeling the existing dwelling units on what is to be Lot 8-A2 to eliminate nonconforming dwelling units, and there is virtually no stress on the environment, or city resources. The subject property is located in an area of the City with suitable infrastructure and utilities to accommodate the subdivision and future development. The proposed subdivision complies with standards established by Chapter 14 for Preliminary Subdivision approval subject to conditions.

The Land Use Department recommends **PRELIMINARY PLAT APPROVAL** subject to conditions (referenced in Exhibit A) of Case **#2014-118 Delgado Compound Preliminary Subdivision Plat.**

V. ATTACHMENTS:

EXHIBIT A
1. Conditions of Approval

EXHIBIT B: Development Review Team Review comments and conditions
1. Fire Marshal Memorandum, Reynaldo Gonzales
2. Wastewater Management Division Memorandum, Stan Holland
3. Water Division, Dee Beingessner, Water Division Engineer
4. Traffic Division, Sandra M. Kassens, Engineer Assistant
5. Technical Review Division, Risana B. Zaxus, City Subdivision Engineer

EXHIBIT C: Maps
1. Vicinity Map

EXHIBIT D
1. ENN meeting notes

EXHIBIT E: Applicant Materials
1. Survey Plat

February 19, 2015
Planning Commission
Case # 2014-118
Delgado Compound
Preliminary Plat

EXHIBIT A

Conditions

Conditions of Approval
Planning Commission
Case #2014-118 – **DELGADO COMPOUND PRELIMINARY SUBDIVISION PLAt**

	Department	Staff
Prior to any new construction these requirements must be met or automatic sprinkler systems may be required. 1. All Fire Department access shall be no greater that a 10% grade throughout. 2. Shall meet 150 feet driveway requirements as per IFC and/or fire department turn-around meet the IFC requirements. 3. Fire Department shall have 150 feet distance to any portion of the building on any new construction. 4. Shall have water supply that meets fire flow requirements as per IFC.	Fire Marshal	Raynaldo Gonzales 1/26/15
The Applicant shall add the following notes to the plat: 1. No fences, walls, or other obstructions shall be placed or constructed across or within the utility easements. 2. Wastewater UEC fees shall be paid at the time of building permit application. The following comments shall be addressed: 1. A sewer plan and profile sheet shall be required. Indicate on the P&P sheet that this is apublic sewer line. The P&P sheet shall go from the proposed connection to the existingpublic sewer main to the terminal manhole on-site. 2. Deflections in the new sewer main line are not allowed. A manhole, sewer line radius or realignment will be required. 3. Indicate the type road surfaces to be used with the project. 4. Proposed sewer service line locations shall be shown. 5. The City of Santa Fe Wastewater Division Sanitary Sewer Standard Plans and GeneralNotes shall be added to the plan set.	Wastewater Management Division	Stan Holland 1/9/2015
The developer will be required to enter into an Agreement to Construct and Dedicate to abandon the existing main. Easements for the private lines to each property must be established.	Water Division	Dee Beingessner 1/9/2015
The Developer shall remove and replace the existing drive-pad/curb-cut at the access point onto Delgado Street prior to issuance of a certificate of occupancy for any one of the four new lots created by this plat. The new drive-pad shall comply with current City of Santa Fe code.	Traffic Division	Sandra Kassens 1/29/15

February 19, 2015
Planning Commission
Case # 2014-118

Delgado Compound
Preliminary Plat

EXHIBIT B

DRT Comments and Conditions

City of Santa Fe, New Mexico

memo

DATE: **January 26, 2015**

TO: **Dan Espuibel, Case Manager**

FROM: **Reynaldo Gonzales, Fire Marshal**

SUBJECT: **Case #2014-118** Delgado Compound

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

Prior to any new construction these requirements must be met or automatic sprinkler systems may be required.

1. All Fire Department access shall be no greater that a 10% grade throughout.

2. Fire Department Access shall not be less than 20 feet width to any new construction.

3. Shall meet 150 feet driveway requirements as per IFC and/or fire department turn-around meet the IFC requirements.

4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

5. Shall have water supply that meets fire flow requirements as per IFC.

EXHIBIT B1

City of Santa Fe
New Mexico

MEMO

Wastewater Management Division
DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: January 9, 2015

To: Dan Esquibel, Case Manager

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

Subject: Case 2014-118 Delgado Compound Preliminary Subdivision Plat

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

The Applicant shall add the following notes to the plat:

1. No fences, walls, or other obstructions shall be placed or constructed across or within the utility easements.
2. Wastewater UEC fees shall be paid at the time of building permit application.

The following comments shall be addressed:

1. A sewer plan and profile sheet shall be required. Indicate on the P&P sheet that this is a public sewer line. The P&P sheet shall go from the proposed connection to the existing public sewer main to the terminal manhole on-site.
2. Deflections in the new sewer main line are not allowed. A manhole, sewer line radius or realignment will be required.
3. Indicate the type road surfaces to be used with the project.
4. Proposed sewer service line locations shall be shown.
5. The City of Santa Fe Wastewater Division Sanitary Sewer Standard Plans and General Notes shall be added to the plan set.

EXHIBIT B2

City of Santa Fe

memo

DATE: January 9, 2015

TO: Dan Esquibel, Land Use Planner, Land Use Department

FROM: Dee Beingessner, Water Division Engineer

SUBJECT: Case # 2014-118 Delgado Compound Preliminary Subdivision Plat

---

Water Service is available for this subdivision from a main on Delgado St. A proposal to abandon the public water main and install private water service connections was reviewed and approved in concept by the Water Division. The developer will be required to enter into an Agreement to Construct and Dedicate to abandon the existing main. Easements for the private lines to each property must be established.

Fire protection requirements are addressed by the Fire Department.

EXHIBIT B3

City of Santa Fe, New Mexico

memo

DATE: January 29, 2015

TO: Dan Esquibel, Land Use Division

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

FROM: Sandra Kassens, Engineer Assistant SMK

SUBJECT: **Delgado Compound Preliminary Subdivision Plat. (Case# 2014-118)**

ISSUE:
David Smith, representing Next Wave Ventures, requests Preliminary Subdivision Plat approval to create four lots. The property is located at 209 and 211 Delgado Street. The 0.68 Acre property is zoned RC-8AC (Residential Compound, 8 dwelling units per acre, Arts and Crafts Overlay).

RECOMMENDED ACTION:
Review comments are based on submittals received on January 7, 2015. The comments below should be considered as Conditions of Approval to be addressed prior to the grant of a Certificate of Occupancy unless otherwise noted:

1. The Developer shall remove and replace the existing drive-pad/curb-cut at the access point onto Delgado Street prior to issuance of a certificate of occupancy for any one of the four new lots created by this plat. The new drive-pad shall comply with current City of Santa Fe code.

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

EXHIBIT B4

SSM01.PM5 - 7/98

ESQUIBEL, DANIEL A.

From: ZAXUS, RISANA B.
Sent: Wednesday, February 04, 2015 10:16 AM
To: ESQUIBEL, DANIEL A.
Subject: RE: Terrian Management for Delgado Compound

Mr. Esquibel,

I have no review comments on this proposed subdivision.

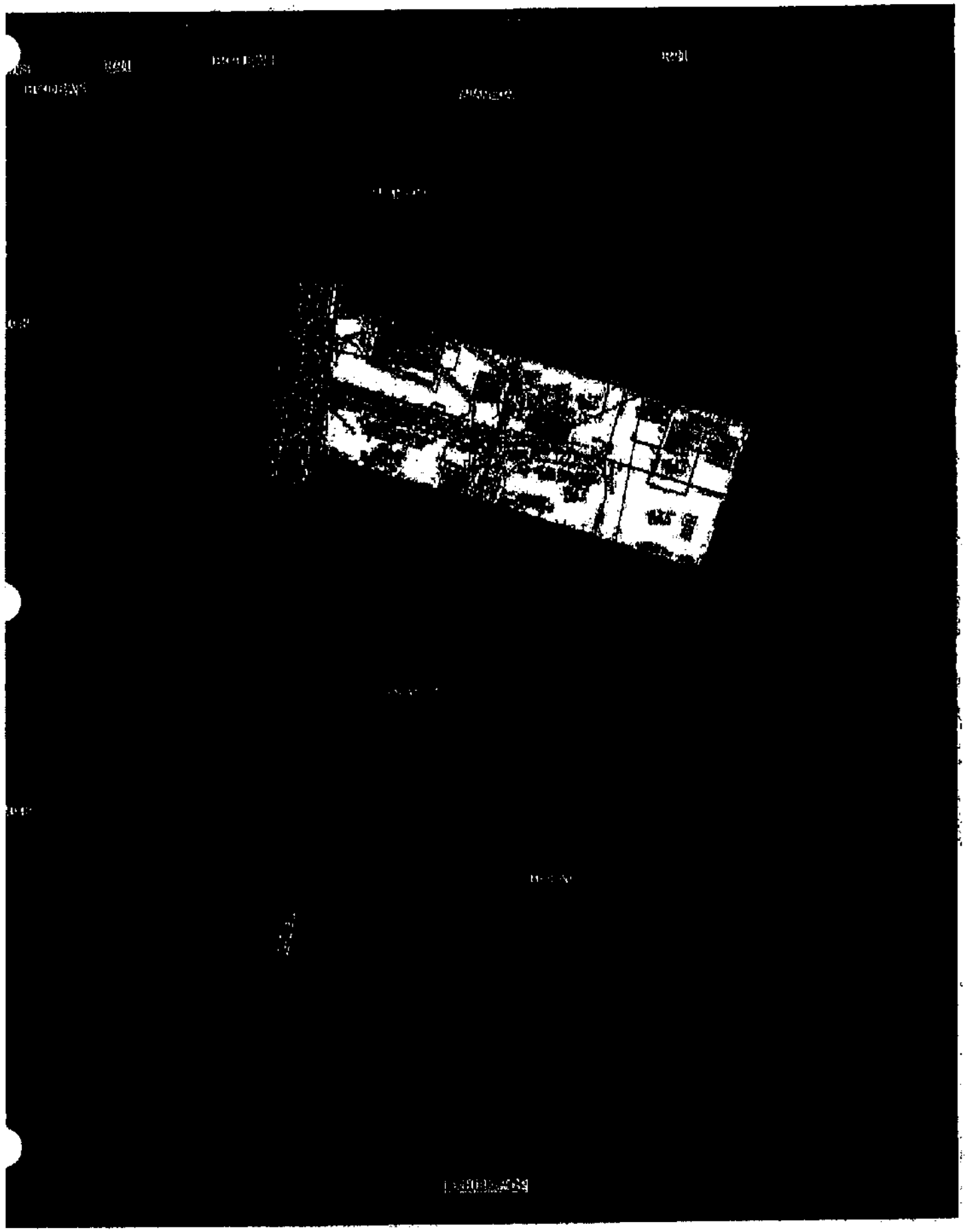
RB Zaxus, PE

EXHIBIT B5

February 19, 2015
Planning Commission
Case # 2014-118
Delgado Compound
Preliminary Plat

EXHIBIT C

Vicinity Map



February 19, 2015
Planning Commission
Case # 2014-118
Delgado Compound
Preliminary Plat

EXHIBIT D

ENN Notes

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

Project Name	Delgado Compound
Project Location	207 Delgado Street
Project Description	4-lot subdivision
Applicant / Owner	David Smith, Architect
Agent	David Smith, Architect
Pre-App Meeting Date	
ENN Meeting Date	12/17/14
ENN Meeting Location	Inn at Alameda Conference Room
Application Type	Subdivision
Land Use Staff	Zach Thomas
Attendance	15

Notes/Comments:

Meeting started at 5:30. Mr. Thomas gave an introduction about the overall entitlement process, the purpose of the ENN and likely timeframe for this case given that it will be heard by the Planning Commission.

Mr. Smith introduced himself and explained that the new owners of the property are Ivo and Sally Nelson from Texas and explained his relationship to them. He explained that they plan to build their house on the property, sell off the other existing house and maybe build two spec homes on the two vacant lots or perhaps just sell the lots. Either way, the owners plan to live in one of the homes.

Mr. Smith then introduced his own family.

Mr. Smith then went on to explain the details of the proposed project:
-4 lots / 4 dwelling units.
-New private sewer and water lines.
-How drainage will be handles.

EXHIBIT D1

-What the setbacks will be.
-How the lots will be access.

In discussing the existing site, Mr Smith explained that the existing duplex and accessory dwelling unit will be combined into a single unit. The other unit on the property will be remodeled and expanded for the owners.

Mr. Smith said that he will be in front of the H-Board on 1-13-15 for remodeling of the existing structure and explained what will be presented to the H-Board.

Mr. Thomas answered a question and explained the process in greater details and gave a likely timeline for the Planning Commission hearing.

Question – What are you doing now with the H-Board.

Mr. Smith – Further explained the H-Board process and timing.

Question – What is the height of the proposed structures and what is going to happened to the existing walls?

Mr. Smith – Explained that the structures will be 14ft tall and that the wall will stay. May have to sprinkle the structures to meet fire code.

Question – Who is the builder going to be?

Mr. Smith – Explained that he is not totally sure because it has not been determined how the owner will manage the process.

Question – How big are the lots, lot coverage and setbacks?

Mr. Smith – Explained the setback affidavit and other code requirements and how the project will comply.

Question – How wide is the access and will it be paved?

Mr. Smith – Explained that the access will likely be base course and how drainage will work and width.

Question – Does parking count as lot coverage?

Mr. Smith – Explained how to calculate lot coverage.

Question – Will the houses have one or two car garages?

Mr. Smith – 1 car garages.

Question – Where will the utilities be located?

Mr. Smith – Explained where the water meter and lines and other utilities will go.

Question – Will the sewer line construction impact the wall?

Mr. Smith – No, it will not impact the wall. They will go within existing easement and be private sewer lines.

No more questions and Mr. Smith concluded the meeting…General discussion ensured.

The meeting ended approx. 6:30

ENN GUIDELINES

Applicant Information

Project Name: Delgado Compound

Name: Nelson (Last) Ivo & SAlly (First) (M.I.)

Address: 233 Delgado St (Street Address) (Suite/Unit #)

Santa Fe (City) NM (State) 87501 (ZIP Code)

Phone: (505) 577 5012

E-mail Address: dsmitharchitect@mac.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

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

We propose to subdividing existing .67 acre plot into four separate lots. Currently there are four rental units on the property, a duplex and two single family units We will be changing the duplex and one unit to a single family home and remodeling the other home. These will be located on separate lots, leaving 2 vacant parcels to be sold or developed at a later date. We will therefore, not be increasing the density in terms of families residing on the property. The four resulting lots will all be legal in terms of size, utility service, setbacks and easements All existing structures will and future structures will conform to applicable historical and building codes. Therefore, the massing and scale will be compatible with existing structures and streetscape of existing neighborhood..

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

There are no unusual geographical or physical attributes of the property. Trash generation, water use, parking density, and dry utilities are in placed for four homes already. New city sewer trunk will be added to serve all 4 lots. Fire department access will be upgraded to current standards. In general, the load on city services will be no different than current situation.

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

There are no know issues of prehistoric or archeological sites and new construction will conform to city codes regarding these issues. The Lots proposed are located in downtown east side historic district the duplex structure has been determined to contribute to the historical character of the area. Another of the houses has been determined to not be contributing to historical character. Any remodeling and any new construction will be reviewed by historical Committee for compliance with historical guidelines in the city code.

EXHIBIT D2

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

The density will be below the maximum spelled out in Zoning for ACRC8 zoning. Maximum under code would be fi e lots and we are proposing 4..

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

There will be no issues of increased traffic flow due to the fact that the final density will be the same as existing. Vehicular and pedestrian access on the property will be improved and better defined due the new development

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

The economic impact will be positive to the degree that a single parcel with rental units will be converted to 4 singl family parcels and increase tax base. Short term jobs will be created by remodeling and new construction..

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

This project will not affect the affordable housing issue.

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

Creating the subdivision will insure that fire, water Sewer and dry utilities are updated to meet city standards on al buildings and lots. Existing private sewer will be replaced by new trunk serving the new existing and proposed structures. Water meters will be relocated to suit Water department and all existing and future structures will have new yard lines from Delgado street. Fire department will have required turnaround and project meets requirements for truck and fire hydrant use.

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

There will be no new water meters required since four services are currently being used on property. There will eventually be an increase in bedrooms served, but any additional water use will be offset by conservation such as water saving fixtures. There will be no negative impact on water quality.

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

The scale of the project will not materially effect the community integrations since there are already four family units on the property.

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

This project is an ideal implementation of infill and updating of infrastructure. Older units will be combined and updated and two potential new residences will comply with all city codes and requirements. Location is ideal for walking to all downtown locations for work and commerce.

(l) ADDITIONAL COMMENTS (optional)

February 19, 2015
Planning Commission
Case # 2014-118

Delgado Preliminary Subdivision Plat

APPLICANT ATTACHMENTS

Applicant Data and Plan Attachments

DAVID SMITH *architect*

233 Delgado St *SANTA FE NM 87501* *CELL 505 577 5012*
dsmitharchitect@mac.com
Architect license #1943

December 26, 2014

TO: Planning Commission
RE:Preliminary subdivision plat, lot 8A Delgado addition

Dear Board Members,

I respectfully submit this preliminary plat and utility plan for your review.

We propose to divide existing lot 8A into ~~two~~ four conforming lots. Currently there are 4 rental units on the existing lot. Three of the units (209-1/2,211,211-1/2 Delgado Street) will be combined into a single family unit to be on a single proposed lot. 209 Delgado will remain on a separate lot, and two additional vacant lots will be formed.

While the density will remain the same, new and modified utilities are being proposed.

Per conversations with Stan Holland and Dee Beingessner we propose to abandon the city water lines serving the four rental units on lot 8A and 215 Delgado and replace it with 5 new private lines. Meters will be on Delgado street. Per Stan Holland, we propose a new 8" sewer trunk that will serve the same units. These lines will be within the existing 20' easement across lot 7A and the new easement proposed for the division of lot 8A.

Exact location of sewer taps will be determined for final plat.

We look forward to input that we can incorporate into our final plat submission.

Sincerely,

David Smith

APPROVAL CRITERIA SUBDIVISION OF LOT 8A 209 DELGADO

EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS

We propose to subdividing existing .67 acre plot into four separate lots. Currently there are four rental units on the property, a duplex and two single family units We will be changing the duplex and one unit to a single family home and remodeling the other home. These will be located on separate lots, leaving 2 vacant parcels to be sold or developed at a later date. We will therefore, not be increasing the density in terms of families residing on the property. The four resulting lots will all be legal in terms of size, utility service, setbacks and easements All existing structures will and future structures will conform to applicable historical and building codes. Therefore, the massing and scale will be compatible with existing structures and streetscape of existing neighborhood..

EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT

There are no unusual geographical or physical attributes of the property. Trash generation, water use, parking density, and dry utilities are in placed for four homes already. New city sewer trunk will be added to serve all 4 lots. Fire department access will be upgraded to current standards. In general, the load on city services will be no different than current situation.

IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN

There are no know issues of prehistoric or archeological sites and new construction will conform to city codes regarding these issues. The Lots proposed are located in downtown east side historic district the duplex structure has been determined to contribute to the historical character of the area. Another of the houses has been determined to not be contributing to historical character. Any remodeling and any new construction will be reviewed by historical Committee for compliance with historical guidelines in the city code.

RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN

The density will be below the maximum spelled out in Zoning for ACRC8 zoning. Maximum under code would be five lots and we are proposing 4..

EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES

There will be no issues of increased traffic flow due to the fact that the final density will be the same as existing. Vehicular and pedestrian access on the property will be improved and better defined due the new development

IMPACT ON THE ECONOMIC BASE OF SANTA FE

The economic impact will be positive to the degree that a single parcel with rental units will be converted to 4 single family parcels and increase tax base. Short term jobs will be created by remodeling and new construction..

EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS

This project will not affect the affordable housing issue.

EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES

Creating the subdivision will insure that fire, water Sewer and dry utilities are updated to meet city standards on all buildings and lots. Existing private sewer will be replaced by new trunk serving the new existing and

APPROVAL CRITERIA SUBDIVISION OF LOT 8A 209 DELGADO

proposed structures. Water meters will be relocated to suit Water department and all existing and future structures will have new yard lines from Delgado street. Fire department will have required turnaround and project meets requirements for truck and fire hydrant use.

IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS

There will be no new water meters required since four services are currently being used on property. There will eventually be an increase in bedrooms served, but any additional water use will be offset by conservation such as water saving fixtures. There will be no negative impact on water quality.

EFFECT ON SANTA FE'S URBAN FORM

This project is an ideal implementation of infill and updating of infrastructure. Older units will be combined and updated and two potential new residences will comply with all city codes and requirements. Location is ideal for walking to all downtown locations for work and commerce.

Thomas Ketcheson, PE
PO Box 28292
Santa Fe, NM 87592-8292

February 3, 2015

RE: 209 Delgado Street, Preliminary Subdivision Plat
Case 2014-118
Grading and Drainage Considerations

To Whom It May Concern,

I am the Engineer on this project and have made the following preliminary observations in anticipation of the final development.

No grades within the properties will exceed 10%.

The following table shows anticipated ponding requirements for each proposed lot based on City of Santa Fe Stormwater Management Regulations (Section 14-8.2 SFCC 1987). That regulation requires .16 cubic feet of storage per total area of new impervious surface. The formula is generally conservative in comparison to more exacting engineering analysis based on area runoff coefficients (C Values) and 100-year, 24 hour rain event. The following table shows the rough area required given a 1.5 ft depth of active detention within each pond based and expected maximum build out of new structures on the respective properties.

Lot	New Structures (Sq.ft)	Ponding (Cu Ft)	Diameter for 1.5 ft deep pond (ft)
A2	662	106	9.5
A1	1000	160	11.7
A3	2000	320	16.5
A4	1800	288	15.6

We are expecting to complete a more thorough analysis for each lot as they are individually developed. However, this more conservative estimate shows that the ponds will reasonably fit within the proposed properties.

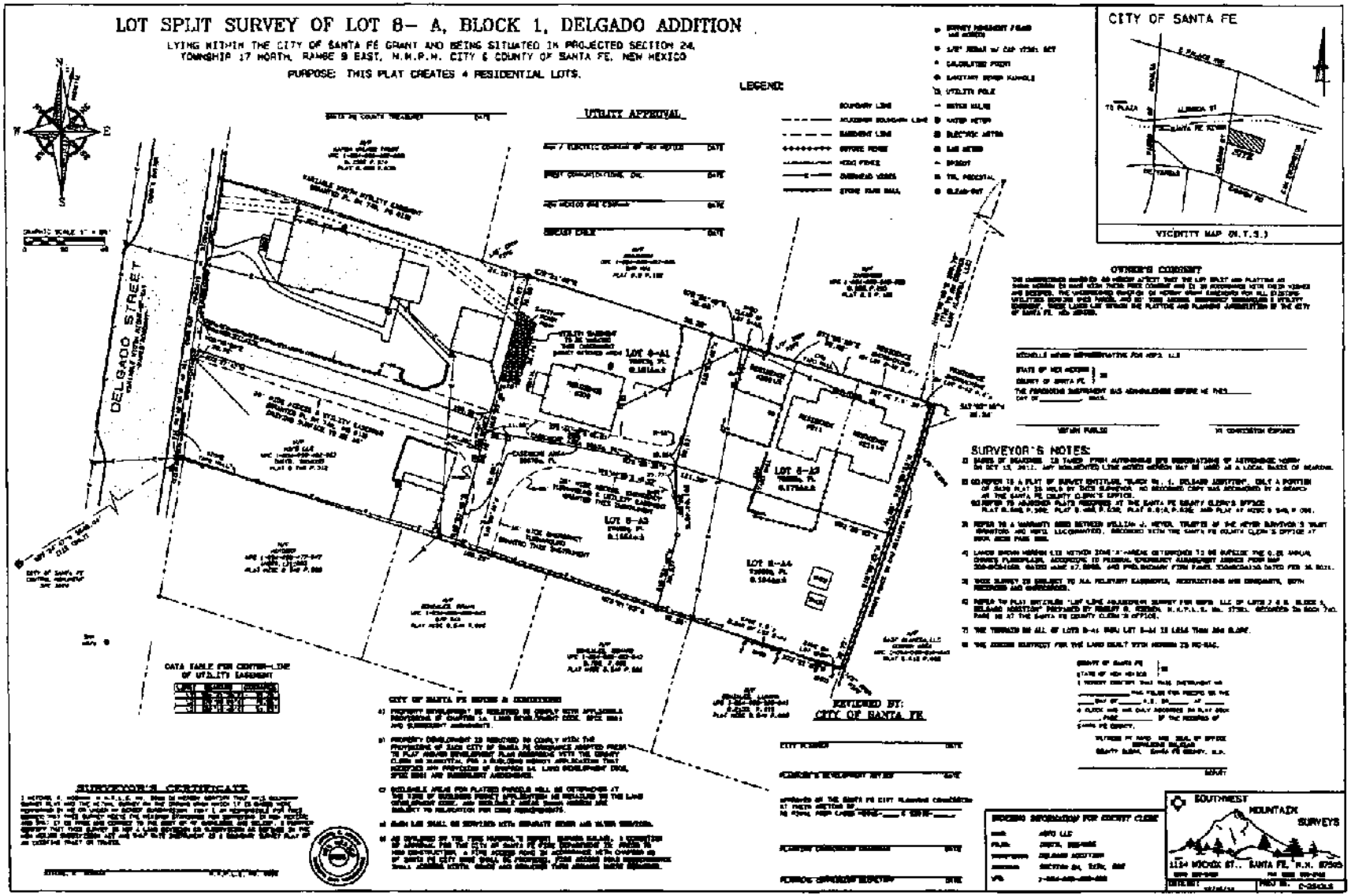
Sincerely,

Thomas Ketcheson, PE

LOT SPLIT SURVEY OF LOT 8– A, BLOCK 1, DELGADO ADDITION

LYING WITHIN THE CITY OF SANTA FE GRANT AND BEING SITUATED IN PROJECTED SECTION 24, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. CITY & COUNTY OF SANTA FE, NEW MEXICO

PURPOSE: THIS PLAT CREATES 4 RESIDENTIAL LOTS.



City of Santa Fe

SANTA FE HOMES PROGRAM

P R O P O S A L

"Delgado Street Subdivision"
209 – 211 ½ Delgado Street, **Santa Fe, New Mexico**

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this 3rd day of February, 2015 by Next Wave Ventures, LLC ("SFHP Developer").

RECITALS

A. SFHP Developer is the developer of ***209 – 211 ½ Delgado St*** 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.

PROPOSAL

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

A. DEVELOPMENT REQUEST.

1. SFHP Developer seeks **preliminary and final subdivision plat** approval.
2. The Property is to be developed as **_2_ for purchase homes, in addition to the rehabilitation of four existing units to condense into two units.**

B. SFHP PLAN. SFHP Developer proposes to build **two (2) 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 **$8,240** 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:

{David Smith, Agent}

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

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this 3rd day of February, 2015, by David Smith.

Roberta Catanach
NOTARY PUBLIC

My Commission Expires:

4-19-2018

OFFICIAL SEAL
Roberta Catanach
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 4-19-2018

REVIEWED BY:

OFFICE OF AFFORDABLE HOUSING

2/3/15
DATE

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

EXHIBIT 1

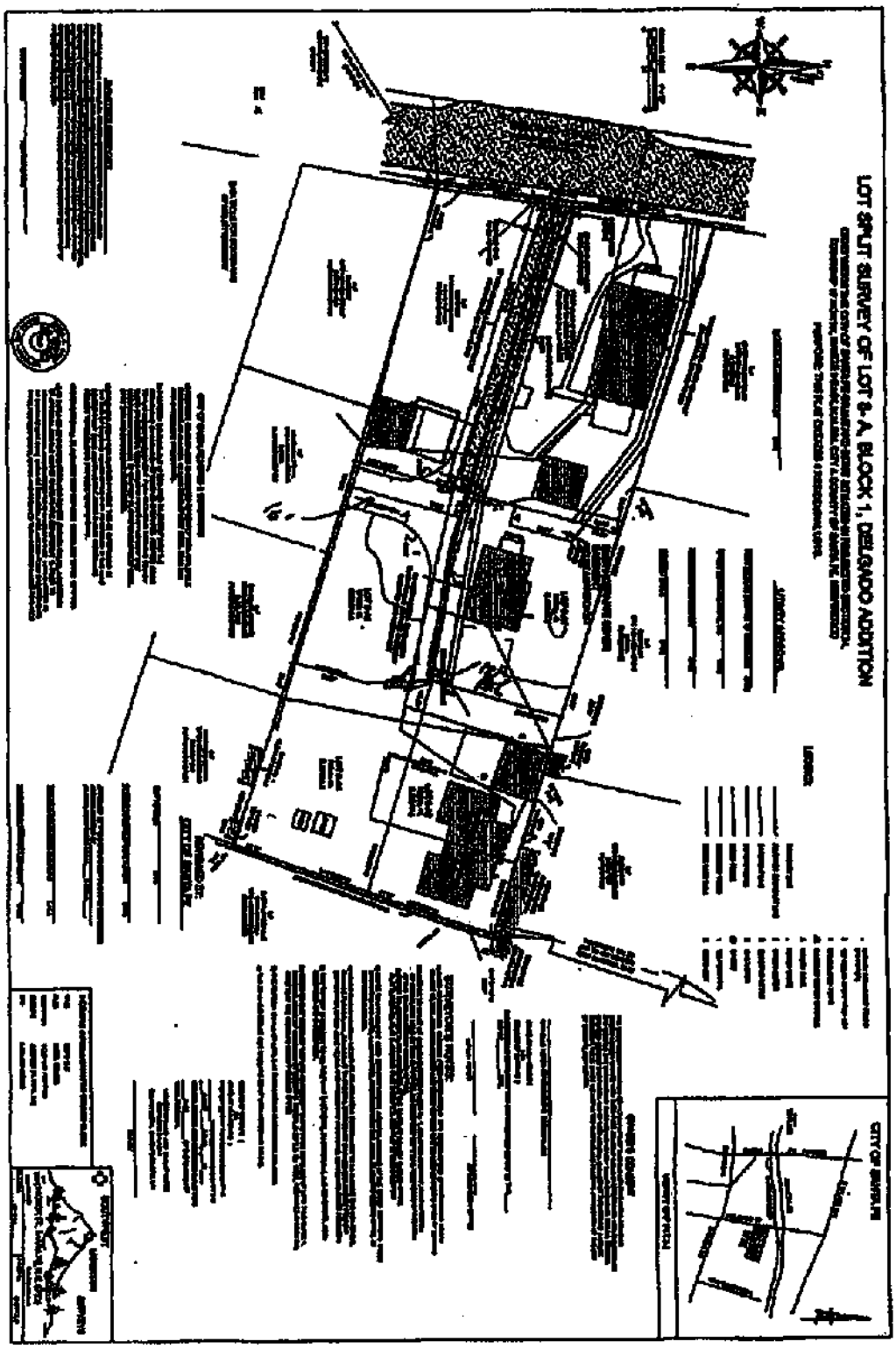

LOT SPLIT SURVEY OF LOT 9-A, BLOCK 1, DELGADO ADDITION
CITY OF BURLE

EXHIBIT 2

SANTA FE HOMES PROGRAM

HOME SALES PRICING SCHEDULE

Effective January 2013*

Income Range	*Two Bedrooms* *1-2 person HH* *(900 sq min)*	*Three Bedrooms* *3-4 person HH* *(1,150 sq ft min)*	*Four Bedrooms* *4-5 person HH* *(1,250 sq ft min)*
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 2014 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 - 2015

Based on Income Range 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 (1/2 sales prices of Income Range 2 3 BR home) 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.

EXHIBIT 3

SFHP FOR SALE UNIT CALCULATION WORKSHEET

The project has an area of approximately 0.75 acres, zoned R-C8AC, permitting 8 dwelling units per acres. The required number of SFHP units is 20% of the total units, 10% each in Income Ranges 2 and 3. The project proposes 4 new homes and to rehabilitate 2 existing homes.

CALCULATION for the SFHP requirement:

= Total number of units multiplied by (0.2) = # of Units Required
= 2 total units x 0.2 = 0 **SFHP unit(s)** are required
= 0 units constructed and a fractional fee paid for 2 units

CALCULATION for the fractional unit fee:

= Half the Price for a Tier 2, 3 BR Home X Unit Fraction X .30 (70% Reduction)
= $69,000 X 0.4 percent X .3 = $8,240.00 fractional fee

May 7, 2015
Planning Commission
Case #2015-32

DELGADO COMPOUND FINAL SUBDIVISION PLAT

EXHIBIT D

DRT ADDITIONAL COMMENTS

ESQUIBEL, DANIEL A.

From:	AMBROSINO, MARGARET K.
Sent:	Thursday, April 23, 2015 4:30 PM
To:	ESQUIBEL, DANIEL A.
Cc:	LADD, ALEXANDRA G.
Subject:	2015-13 Delgado Final Subdivision

A final affordable housing agreement or agreed upon fee-in-lieu must be in place prior to filing the final plat.

K. Margaret Ambrosino, AICP
Senior Housing Planner
City of Santa Fe
PO Box 909
Santa Fe, NM 87504-0909
505.955.6574

City of Santa Fe, New Mexico

memo

DATE: April 24, 2015

TO: **Case Manager: Dan Esquibel**

FROM: Reynaldo D Gonzales, Fire Marshal

SUBJECT: **Case #2015-32 Delgado Compound Final Subdivision**

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. No new requirements are implemented as per the preliminary review on January 26, 2015. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

City of Santa Fe, New Mexico

memo

DATE:	April 7, 2015
TO:	Dan Esquibel, Case Manager
FROM:	Stan Holland, Engineer, Wastewater Division
SUBJECT:	Case #2015-32 – Delgado Compound Final Subdivision Plat

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

The following are conditions of approval:

1. Prior to recordation of the plat the property owner shall be required to;
   - Install a public eight (8) inch sanitary sewer main line extension from the existing public sewer line in Delgado Street to a point near the western property boundary of Lots 8-A2 and 8-A4 per a design as approved by the City of Santa Fe Wastewater Division.
   - In lieu of installing the sewer line prior to recordation of the plat, the owner shall provide a financial guarantee with the City for the design and installation of a public sanitary sewer line extension as approved by the City of Santa Fe Wastewater Division.
2. Identify the new 20 foot wide access, emergency turnaround and utility easement as a PUBLIC utility easement.

City of Santa Fe, New Mexico

memo

DATE: April 14, 2015

TO: Dan Esquibel, Land Use Division

VIA: John J. Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Engineer Assistant

SUBJECT: **Delgado Compound Final Subdivision Plat. (Case# 2015-32).**

ISSUE:
David Smith, representing Next Wave Ventures, requests Final Subdivision Plat approval to create four lots. The property is located at 209 and 211 Delgado Street. The 0.66 Acre property is zoned RC-8AC (Residential Compound, 8 dwelling units per acre, Arts and Crafts Overlay).

RECOMMENDED ACTION:

Review comments are based on submittals received on April 1, 2015. The comments below should be considered as Conditions of Approval to be addressed prior to final sign-off unless otherwise noted:

1. The Developer shall add the following note to the plat:

   "The Developer shall remove and replace the existing drive-pad/curb-cut at the access point onto Delgado Street prior to issuance of a Certificate of Occupancy for any one of the four new lots created by this plat. The new drive-pad shall comply with current City of Santa Fe code."

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

City of Santa Fe

memo

DATE: April 23, 2015

TO: Dan Esquibel, Land Use Planner, Land Use Department

FROM: Dee Beingessner, Water Division Engineer

SUBJECT: Case # 2015-32 Delgado Compound Final Subdivision Plat

---

Water Service is available for this subdivision from a main on Delgado St. A proposal to abandon the public water main and install private water service connections was reviewed and approved in concept by the Water Division. The developer will be required to enter into an Agreement to Construct and Dedicate to abandon the existing main prior to the plat submittal. Easements for the private lines to each property must be established.

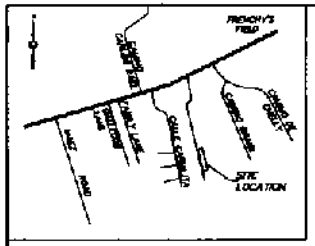
Fire protection requirements are addressed by the Fire Department.

May 7, 2015
Planning Commission
Case #2015-32

DELGADO COMPOUND FINAL SUBDIVISION PLAT

APPLICANT ATTACHMENTS

SUBDIVISION ATTACHMENTS


FRENCH'S FIELD
CAMINO DE JULIO
CAMINO DE LA VIBORA
CAMINO DE LA VIBORA
CAMINO DE LA VIBORA

LOT SPLIT SURVEY OF LOT 8– A, BLOCK 1, DELGADO ADDITION

LYING WITHIN THE CITY OF SANTA FE GRANT AND BEING SITUATED IN PROJECTED SECTION 24, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M., CITY & COUNTY OF SANTA FE, NEW MEXICO

PURPOSE: THIS PLAT CREATES 4 RESIDENTIAL LOTS.

LEGEND:

- BOUNDARY LINE
- ADJOINER BOUNDARY LINE
- EASEMENT LINE
- CHAIN LINK FENCE
- WOOD FENCE
- OVERHEAD WIRES
- STONE WALL
- SURVEY MONUMENT FOUND (AS NOTED)
- 1/2" REBAR W/ CAP 17321 SET
- CALCULATED POINT
- SANITARY SEWER MANHOLE
- UTILITY POLE
- WATER VALVE
- WATER METER
- ELECTRIC METER
- GAS METER
- APARTMENT
- TEL PEDESTAL
- CLEAN-OUT

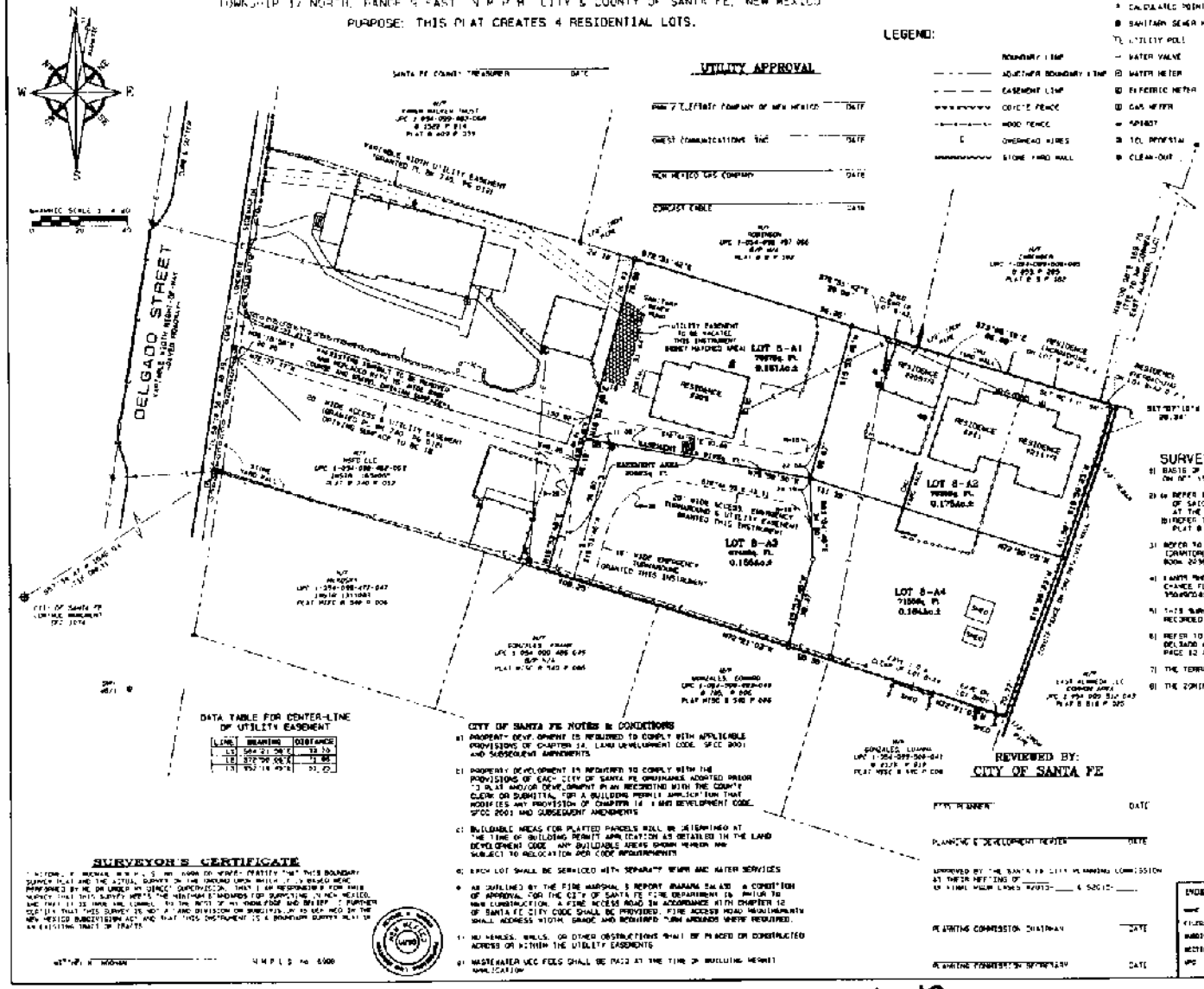
UTILITY APPROVAL

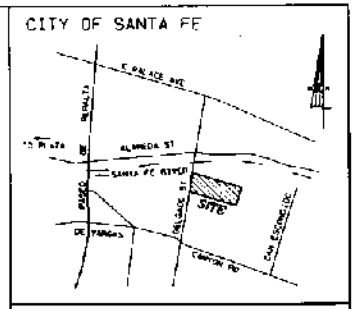
SANTA FE COUNTY TREASURER — DATE

QWEST COMMUNICATIONS INC — DATE

NEW MEXICO GAS COMPANY — DATE

COMCAST CABLE — DATE





VICINITY MAP (N.T.S.)

OWNER'S CONSENT

THE UNDERSIGNED OWNER(S) DO HEREBY ATTEST THAT THE LOT SPLIT AND PLATTING AS SHOWN HEREON IS MADE WITH THEIR FREE CONSENT AND IS IN ACCORDANCE WITH THEIR WISHES AND DESIRES. THE UNDERSIGNED OWNER(S) DO HEREBY GRANT EASEMENTS FOR ALL UTILITIES WITHIN THIS PARCEL AND TO WIDE ACCESS, EMERGENCY TURNAROUND & UTILITY EASEMENT. THESE LANDS LIE WITHIN THE PLATTING AND PLANNING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO

NICHOLAS MEYER REPRESENTATIVE FOR MSFD, LLC

STATE OF NEW MEXICO } SS
COUNTY OF SANTA FE }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2010.

NOTARY PUBLIC — MY COMMISSION EXPIRES

SURVEYOR'S NOTES:

1) BASIS OF BEARINGS IS TAKEN FROM AUTONOMOUS GPS OBSERVATIONS OF ASTRONOMIC NORTH ON OCT. 15, 2011. ANY MONUMENTED LINE NOTED HEREON MAY BE USED AS A LOCAL BASIS OF BEARING.

2) a) REFER TO A PLAT OF SURVEY ENTITLED "BLOCK No. 1, DELGADO ADDITION", ONLY A PORTION OF SAID PLAT IS HELD BY THIS SURVEYOR. NO RECORDED COPY WAS RECOVERED BY A SEARCH AT THE SANTA FE COUNTY CLERK'S OFFICE.
b) REFER TO ADJOINER PLATS RECORDED AT THE SANTA FE COUNTY CLERK'S OFFICE: PLAT B 000, P. 062; PLAT B. 409 P. 079; PLAT B. 518 P. 025; AND PLAT AT MISC B 540, P. 006.

3) REFER TO A WARRANTY DEED BETWEEN WILLIAM J. MEYER, TRUSTEE OF THE MEYER SURVIVOR'S TRUST (GRANTOR) AND MSFD, LLC (GRANTEE), RECORDED IN THE SANTA FE COUNTY CLERK'S OFFICE AT BOOK 2539 PAGE 269.

4) EARTH WITHIN HEREON LIE WITHIN ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP 35049C0416F, DATED JUNE 17 2008, AND PRELIMINARY FIRM PANEL 35049C0411D, DATED FEB 16, 2011.

5) THIS SURVEY IS SUBJECT TO ALL RELEVANT EASEMENTS, RESTRICTIONS AND COVENANTS, BOTH RECORDED AND UNRECORDED.

6) REFER TO PLAT ENTITLED "LOT LINE ADJUSTMENT SURVEY FOR MSFD, LLC OF LOTS 7 & 8, BLOCK 1, DELGADO ADDITION" PREPARED BY ROBERT R. RICKEN, N.M.P.L.S. No. 17321, RECORDED IN BOOK 740 PAGE 12 AT THE SANTA FE COUNTY CLERK'S OFFICE.

7) THE TERRAIN ON ALL OF LOTS 8-A1 THRU LOT 8-A4 IS LESS THAN 20% SLOPE.

8) THE ZONING DISTRICT FOR THE LAND UNDER WITH HEREON IS RC-8AC.

COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO }

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____ DAY OF _____, A.D. 20_____, AT _____ O'CLOCK AND WAS DULY RECORDED IN PLAT BOOK _____ PAGE _____ OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE
GERALDINE SALAZAR
COUNTY CLERK, SANTA FE COUNTY, N.M.

_____ DEPUTY

DATA TABLE FOR CENTER-LINE OF UTILITY EASEMENT

LINE	BEARING	DISTANCE
L3	S64°21'00"E	18.70
L8	S72°59'00"E	1.85
L13	N52°16'00"E	31.20

CITY OF SANTA FE NOTES & CONDITIONS

a) PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 2001 AND SUBSEQUENT AMENDMENTS.

b) PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO PLAT AND/OR DEVELOPMENT PLAN RECORDING WITH THE COUNTY CLERK OR SUBMITTAL FOR A BUILDING PERMIT APPLICATION THAT MODIFIES ANY PROVISION OF CHAPTER 14 LAND DEVELOPMENT CODE, SFCC 2001 AND SUBSEQUENT AMENDMENTS.

c) BUILDABLE AREAS FOR PLATTED PARCELS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS DETAILED IN THE LAND DEVELOPMENT CODE. ANY BUILDABLE AREAS SHOWN HEREON ARE SUBJECT TO RELOCATION PER CODE REQUIREMENTS.

d) EACH LOT SHALL BE SERVICED WITH SEPARATE SEWER AND WATER SERVICES.

e) AS OUTLINED BY THE FIRE MARSHAL'S REPORT DATED 04.4.10 A CONDITION OF APPROVAL FOR THE CITY OF SANTA FE FIRE DEPARTMENT IS PRIOR TO NEW CONSTRUCTION, A FIRE ACCESS ROAD IN ACCORDANCE WITH CHAPTER 12 OF SANTA FE CITY CODE SHALL BE PROVIDED. FIRE ACCESS ROAD MAINTENANCE SHALL ADDRESS WIDTH, GRADE AND BERMED TURN AROUNDS WHERE REQUIRED.

f) NO HEDGES, WALLS, OR OTHER OBSTRUCTIONS SHALL BE PLACED OR CONSTRUCTED ACROSS OR WITHIN THE UTILITY EASEMENTS.

g) WASTEWATER UCC FEES SHALL BE PAID AT THE TIME OF BUILDING PERMIT APPLICATION.

REVIEWED BY:
CITY OF SANTA FE

FIRE MARSHAL — DATE

PLANNING & DEVELOPMENT REVIEW — DATE

APPROVED BY THE SANTA FE CITY PLANNING COMMISSION AT THEIR MEETING OF _____ & SERIES _____
OR FINAL PLAT LAND AREA _____ & SERIES _____

PLANNING COMMISSION CHAIRMAN — DATE

PLANNING COMMISSION SECRETARY — DATE

SURVEYOR'S CERTIFICATE

I, NICHOLAS R. MOONEY, N.M.P.L.S. No. 6908, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OF TRACTS.

NICHOLAS R. MOONEY — N.M.P.L.S. No. 6908

INDEXING INFORMATION FOR COUNTY CLERK

NAME	MSFD LLC
FILE	INSTR. 1554069
SUBDIVISION	DELGADO ADDITION
SECTION	SECTION 24, T17N, R9E
UPC	1-054-399-499-038

SOUTHWEST MOUNTAIN SURVEYS
1114 KICHUX ST SANTA FE N.M. 87505
(505) 982-9479 FAX (505) 988-3412

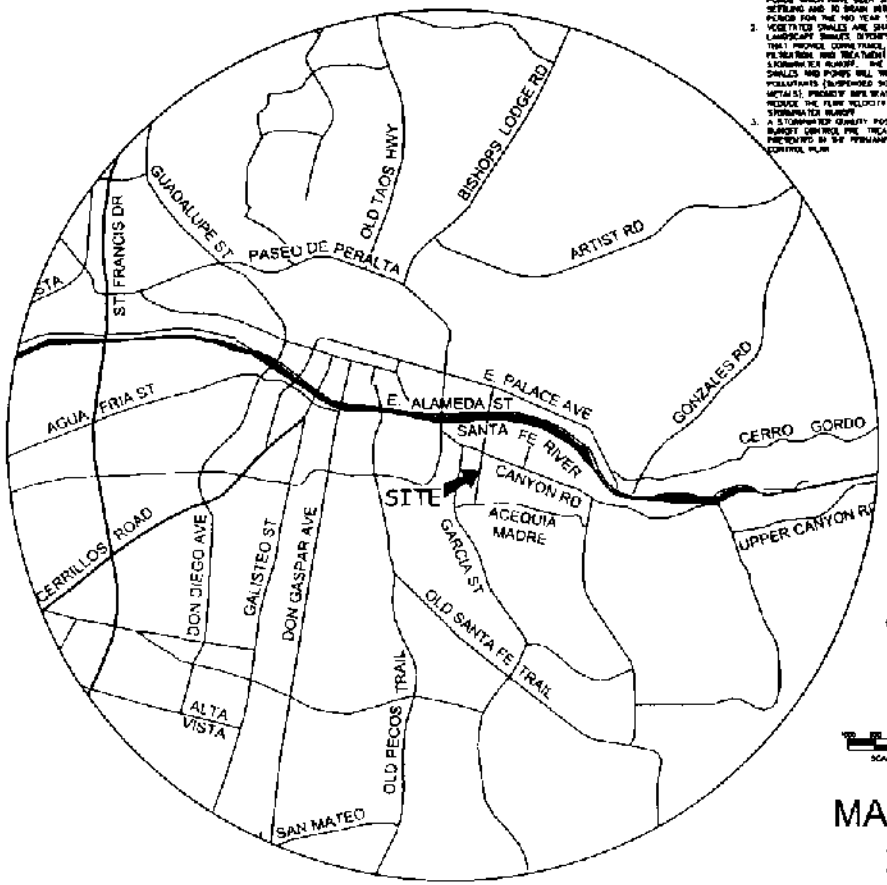
DATE: 5-9 — SCALE: 1"=20' — PROJ. No. C-2343L5

2015-32 Delgado Compound

*Originals Are available in the Clerk's Office.

WATER AND PUBLIC SEWER PLANS AT 209 DELGADO STREET

1. POST DEVELOPMENT STORMWATER CONTROL AND POLLUTION REMOVAL PRE-TREATMENT WILL BE ACCOMPLISHED WITH THE USE OF ON SITE VEGETATED SWALES AND DETENTION PONDS WHICH HAVE BEEN SIZED TO PROVIDE SETTLING AND TO DRAIN WITHIN A 24 HOUR PERIOD FOR THE 100 YEAR STORM EVENT.
2. VEGETATED SWALES ARE SHALLOW LANDSCAPE SWALES, DITCHES, OR TRENCHES THAT PROVIDE CONVEYANCE, ATTENUATION, FILTRATION AND TREATMENT OF STORMWATER RUNOFF. THE VEGETATED SWALES AND PONDS WILL TRAP PARTICULATE POLLUTANTS (SUSPENDED SOLIDS AND TRACE METALS), PROMOTE INFILTRATION AND REDUCE THE FLOW VELOCITY OF STORMWATER RUNOFF.
3. A STORMWATER QUALITY POST DEVELOPMENT RUNOFF CONTROL PRE TREATMENT PLAN IS PRESENTED IN THE "PERMANENT EROSION CONTROL PLAN"



MARCH 2015

CITY OF SANTA FE, NEW MEXICO

TOWNSHIP 17N, RANGE 9E, SECTION 24

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BUILDING PERMIT NO'S

GRADING _____ LANDSCAPE/UTILITIES _____

INFRASTRUCTURE CONSTRUCTION ADDRESS

PROPERTY DEVELOPMENT MUST COMPLY WITH SECTION 14-8.12 INFILTRATION OF STORMWATER RUNOFF ISSUES

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, BASED UPON INFORMATION PROVIDED BY OTHERS I HAVE PREPARED THE PROJECT DATA REPORT IN ACCORDANCE WITH AND APPLICABLE CRITERIA.

TOM KETCHENSON
PRINCIPAL ENGINEER

CASE # _____

REV	SHEETS	CITY ENGR	UNITS	REV	SHEETS	CITY ENGR	DATE

APPROVAL OF REVISIONS

MOONLIGHT DRAFTING SERVICE
SANTA FE, NEW MEXICO
505-424-8769

KETCH ENGINEERING
1219 HOTS WAY
SANTA FE, NEW MEXICO
505-471-1980

CITY OF SANTA FE

REVIEWED BY:

CITY ENGINEER DATE

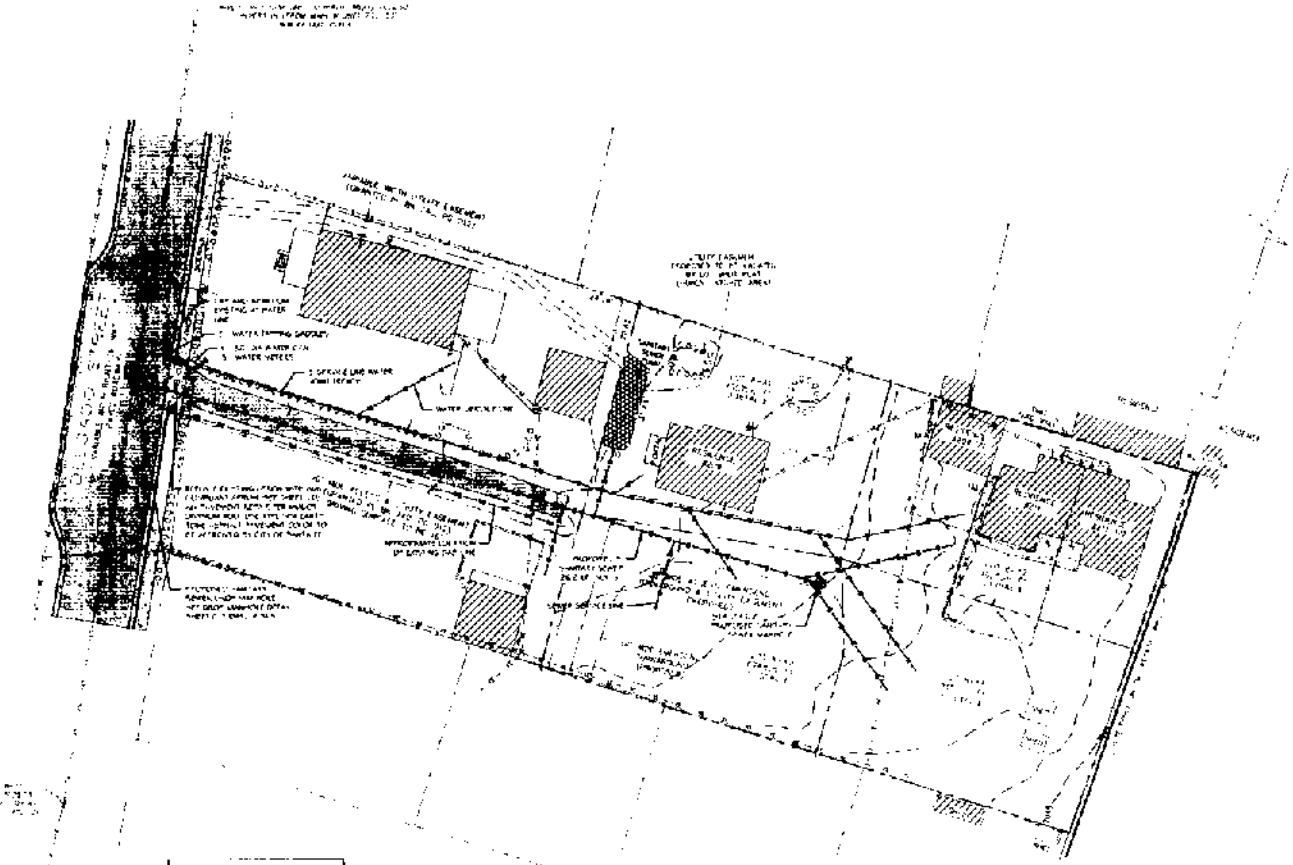
COVER SHEET AND INDEX OF SHEETS

SHEET C-1

B15-32

EXISTING LEGEND

PROPOSED LEGEND



CONTRACTOR TO VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION

UTILITY CONTACTS

GAS SERVICES AND METERS TO BE DESIGNED BY NEW MEXICO GAS COMPANY
CONTACT FRANK APAGON
(505) 470-0668

WATER SERVICES TO BE DESIGNED BY SANGRE DE CRISTO WATER DIVISION
CONTACT NICHOLAS SIRAVO
(505) 955-5201

ELECTRIC TRANSFORMERS AND SERVICES TO BE DESIGNED BY PUBLIC SERVICE COMPANY OF NEW MEXICO
CONTACT TONI DOMINGUEZ
(505) 473-3208

CABLE TELEVISION SERVICE TO BE DESIGNED BY COMCAST
CONTACT (505) 998-3987

TELECOMMUNICATIONS TO BE DESIGNED BY CENTURY LINK
CONTACT TED SPENCER
(505) 473-2194

STORMWATER REVIEW CONTACT IS THE CITY OF SANTA FE STORMWATER MANAGEMENT DIVISION
CONTACT BRYAN POBLAND
(505) 955-4930

MASTER UTILITY PLAN

SCALE 1" = 20'-0"

REVIEWED BY _____
CITY OF SANTA FE WASTEWATER MANAGEMENT DIVISION DATE

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV		
WATER SERVICES		
STREETS DIV		
TRAFFIC DIV		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

CASE # _____

KETCH ENGINEERING
1119 POTS WAY
SANTA FE NEW MEXICO
505-471-1986

WATER AND PUBLIC SANITARY SEWER UTILITY PLAN AT 209 DELGADO STREET

MASTER UTILITY PLAN

DATE	SCALE	SHEET
MARCH 2015	AS SHOWN	G-2

ENGINEER'S SEAL

REVISIONS	DATE

2015-32

General Notes for Water Line Extensions

1. Contractors will notify the Sangre De Cristo Water Division (SDCW) 5 Days prior to initiating any Construction Work.
2. Construction shall be done in accordance with the SDCW Construction Specifications and Standard Details.
3. All Easements will be dedicated, cleared and graded and staked prior to water line installation
4. All Streets will be cut to grade prior to water line installation
5. All lot corners will be staked prior to service line installation. Curb and gutter will be installed prior to water line installation unless otherwise approved in writing by SDCW.
6. Contractor(developer) shall provide construction staking, performed by a New Mexico Licensed surveyor utilizing the appropriate right-of way map, signed plats and SDCW drawings
7. Materials submittals shall be approved by SDCW prior to construction
8. Contact New Mexico One Call at 1-800-321-2537, for utility spotting, not less than two working days in advance of construction.
9. Pressure regulators will be installed on all services downstream from the meter
10. Pressure regulator and pressure systems must be approved by the city of Santa Fe prior to installation
11. A minimum of 4 feet cover to the top of pipe shall be maintained
12. Contractor shall submit valve ties to SDCW within 5 days after completion of installation
13. Contractor shall submit fitting ties and lengths between fitting to SDCW, within 5 days after completion of work. This includes distances from corporation stop to corporation stop. As-built quantities and measurements shall be legible and provided on SDCW drawings or other method approved in advance by SDCW
14. All valve boxes shall be brought up to grade, after the first course of asphalt
15. Fire hydrants shall be numbered using reflective self-adhesive numerals. These reflective numerals shall be obtained by the contractor from the SDCW field representative at the time the individual task authorization (ITA) is issued. Numbers shall be legible from the road
16. A mechanical restraining system shall be utilized on fittings and piping for thrust restraint. Concrete thrust blocking shall be used only for special conditions (E.G. at temporary caps where main is expected to be extended in the future) as specifically shown on drawings approved by SDCW.
17. Any field changes to these design drawings shall require prior approval by both the design engineer and SDCW
18. Work on existing DSCW facilities cannot proceed until SDCW has issued the relevant ITA to the contractor
19. Contractor shall send written notification to all current SDCW customers, whose services will be affected by this project's construction activities, one week in advance of water-service-related work

REVIEWED BY _____ CITY OF SANTA FE WASTEWATER MANAGEMENT DIVISION DATE

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV		
WATER SERVICES		
STREETS DIV		
TRAFFIC DIV		
FIRE		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY USE ONLY		

CASE # _____

KETCH ENGINEERING
1319 RAYS WAY
SANTA FE, NEW MEXICO
505-471-1980

WATER AND PUBLIC SANITARY SEWER UTILITY PLAN AT 209 DELGADO STREET

GENERAL NOTES FOR WATER LINE EXTENSION

DATE	SCALE	SHEET
MARCH 2015	AS SHOWN	C-3

REVISIONS	DATE	ENGINEER'S SEAL

2015-32

SAS GENERAL NOTES

1. Prior to the Wastewater Management Division approval of the plan set, a letter will be required from the project engineer indicating they are providing the inspection and record drawing services for the project.
2. The Contractor must obtain all sewer hookup permits from the City's Building Permits Section (sewer lines) prior to commencing any sewer line construction. A copy of the permits must be kept at the construction site.
3. All manholes shall be constructed in accordance with the "Standard Manhole Detail Sheet" shown on the City Standard Drawings.
4. A copy of the approval plans shall be available at the construction site at all times during working hours.
5. All modifications to the sanitary sewer plans must be reviewed and approved by the City's Wastewater Management Division prior to construction.
6. Additional general notes are contained in the standard City detail sheets for sanitary sewer construction.
7. All public gravity sewer lines shall be a minimum 8 inch diameter with a minimum Class C bedding (2006 New Mexico Standard Specifications for American Public Works Association).
8. All 4 inch and 6 inch diameter gravity sewer pipe shall be private. No private sewer system shall use larger than a 6 inch diameter pipe unless approved by the Wastewater Management Division. No public gravity sewer line to be accepted by the City of Santa Fe for permanent maintenance shall be less than 8 inches diameter.
9. No concrete encasement of new or existing public sewer pipe will be allowed unless approved by the City of Santa Fe Wastewater Division.
10. Core drilling is required for all new connections to an existing manhole.
11. No public sewer main line or manhole will be allowed under or within a storm water detention / retention pond.
12. Prior to paving over any sanitary sewer lines, submit T.V. tapes and logs, pressure tests, preliminary as-built drawings and the engineer's certification to the City's Wastewater Management Division. After the Wastewater Management Division reviews the above listed information a preliminary manhole inspection will be conducted. When all the items listed above are completed to meet the standards of the Wastewater Management Division, a letter approving paving will be issued in relation to the sanitary sewer. Note: A final manhole inspection will be conducted after the final paving is completed.
13. All sewer manholes with sewer lines 12 inches in diameter and larger are required to have approved vented and locking manhole covers.
14. Locate wire will be installed for all sanitary sewer (gravity / force mains). The locate wire must be visible in the manhole or access structure. This will be verified during the preliminary manhole inspection prior to paving. The locate wire is to be a continuous, 12 gauge, solid strand insulated copper wire.
15. Off-road public sewer access will be provided for all public sewer lines and manholes. Access roads are to be a minimum 12 feet wide with a driving surface of 5 inches of compacted base course. No access road shall have a grade greater than 15%. Manholes are to be aligned with the center line of the access road. Sewer easements are to be a minimum of 20 feet in width.
16. Off road sanitary sewer – Call the Wastewater Management Division at 955-4631 for a field review of the grading of all off road sanitary sewer to ensure that the City's maintenance vehicles can access all manholes. The grades may be required to be adjusted and based upon this inspection additional bank protection may be required based upon a final inspection by Wastewater Management Division and the project engineer.
17. For Record Drawings, tie manhole to a City of Santa Fe survey monument as part of the final record drawings. For all sewer lines and manholes, show corrected as-built bearing and distances, slopes, rim and invert elevations and sewer services along the horizontal or vertical alignment of the sanitary sewer.
18. The Owner / Developer will be responsible for maintaining, repairing and locating the sewer systems until City acceptance for maintenance. Damages resulting from a stoppage in any gravity and / or pressure sewer system will be the sole responsibility of the Owner / Developer until a final acceptance letter for maintenance has been issued by the Wastewater Management Division.
19. Water meters will not be placed until a final acceptance letter has been issued by the Wastewater Division for all on – site sanitary sewer needed in order for the project to connect to the sanitary sewer system.
20. 20 foot wide access gates shall be provided at all fences, walls or other obstruction that cross a public sewer line. Access gates are to be located within the sanitary sewer easement.
21. The Owner / Developer will be responsible for locating each sewer service at the time each lot is ready to connect to the sewer. It is suggested that the Owner / Developer retain a copy of the television inspection video along with the video logs. Each service shall be clearly marked for each lot at point of connection. All calls received by this Division regarding the location of sewers will be forwarded to the Owner / Developer.
22. The Contractor shall call the Wastewater Management Division (Douglas Flores at telephone # 955-4613) for a final manhole inspection. This inspection will be related to the manholes. The City's Plumbing and Mechanical Inspector's will conduct all other necessary plumbing inspections. Note: The City's Plumbing and Mechanical Inspectors will inspect the individual sewer service taps and laterals which connect to the public sanitary sewer.
23. The existing sanitary sewer line must be T.V. tape prior to a new service connection being hooked as well as taped after the services have been completed. This is to ensure that the existing sanitary sewer line is not damaged and the new service is installed correctly.
24. All costs associated with the operation, maintenance and replacement of grinder pumps for individual lots shall be the responsibility of the lot owner and/or Owners Association. For grinder pumps that connect to a pressure sewer main the grinder pump will be a model manufactured by Environment One or a type approved by the City of Santa Fe Wastewater Management Division. For grinder pumps that connect to a gravity main the grinder pump shall be of a type approved by the City's Plumbing Code.
25. A minimum 12 inches of vertical clearance shall be provided between the sewer line and any storm drain piping.
26. All pressure sewer system shall be air or hydrostatically pressure tested @ 120 psi for 2 hours minimum. The test is to be witnessed and certified by the project engineer. Prior to being put into service and acceptance by the City of Santa Fe, all pressure sewer system main lines will be filled with water.
27. An approved backflow valve and isolation valve are required on all low pressure sewer service lines as per the City of Santa Fe Standard Sewer Specifications.
28. Terminal flushing connections and in-line flushing connections are required on all low pressure sewer systems. The maximum spacing between in-line flushing connections shall be 500 feet. Distances greater than 500 feet between low pressure sewer in-line flushing connections shall be approved by the Wastewater Division.
29. No public pressure sewer system piping may be installed in a common trench with other utilities.
30. Sewer backflow check valves will be required for all sewer service lateral connections to sewer mains 12 inches or greater in diameter. The sewer service connection must be made at an existing or new manhole. Sewer service connections to sewer mains with pipe size diameter of 12 inches and greater will not be made without approval from the Wastewater Management Division.
31. Sewer backflow check valves are required on private sewer service laterals per the City's Plumbing Code. Final determination shall be made by the City of Santa Fe Plumbing Inspection Division.
32. All as-built sewer line and manhole data shall be obtained and certified by a licensed surveyor or engineer. As-built data supplied by other than a licensed surveyor or engineer shall not be valid for final as-builts.
33. All existing and new public manholes within a project shall provide access for City sewer maintenance equipment. All access is subject to field verification and modification as required by the Wastewater Division prior to final project acceptance and close out with the City of Santa Fe.
34. All sewer line crossings of rivers, streams, arroyos, drainage channels etc. shall require a basis of design analysis prepared by a licensed engineer.
35. All public sanitary sewer main lines with slopes of less than 1% require a minimum Class C bedding with select granular material foundation or as approved by the Wastewater Division.

REVIEWED BY: _____ _____
CITY OF SANTA FE WASTEWATER MANAGEMENT DIVISION DATE

CITY REVIEW		
DEPARTMENT	SIGNATURE	DATE
WASTEWATER MANAGEMENT DIV		
WATER SERVICES		
STREETS DIV		
TRAFFIC DIV		
FIRE		
LAND USE APC		
SUBDIVISION ENGINEER		
CITY	USE	ONLY

CASE # ___

KETCH ENGINEERING
1219 ROYS WAY
SANTA FE, NEW MEXICO
505-471-1980

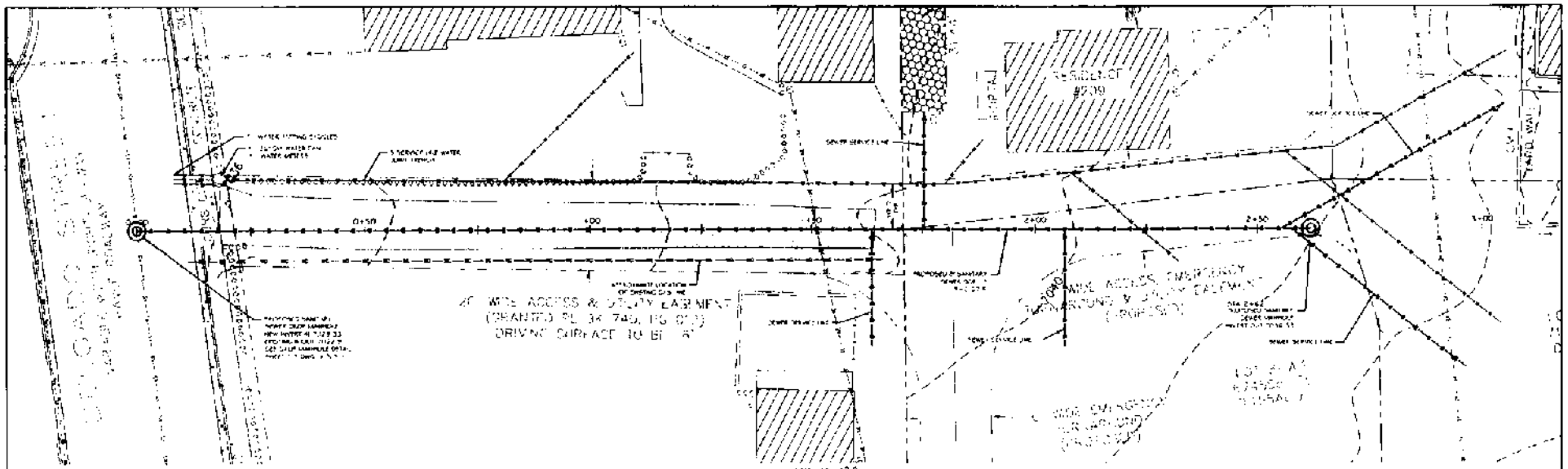
WATER AND PUBLIC SANITARY SEWER UTILITY PLAN AT 209 DELGADO STREET

SANITARY SEWER GENERAL NOTES

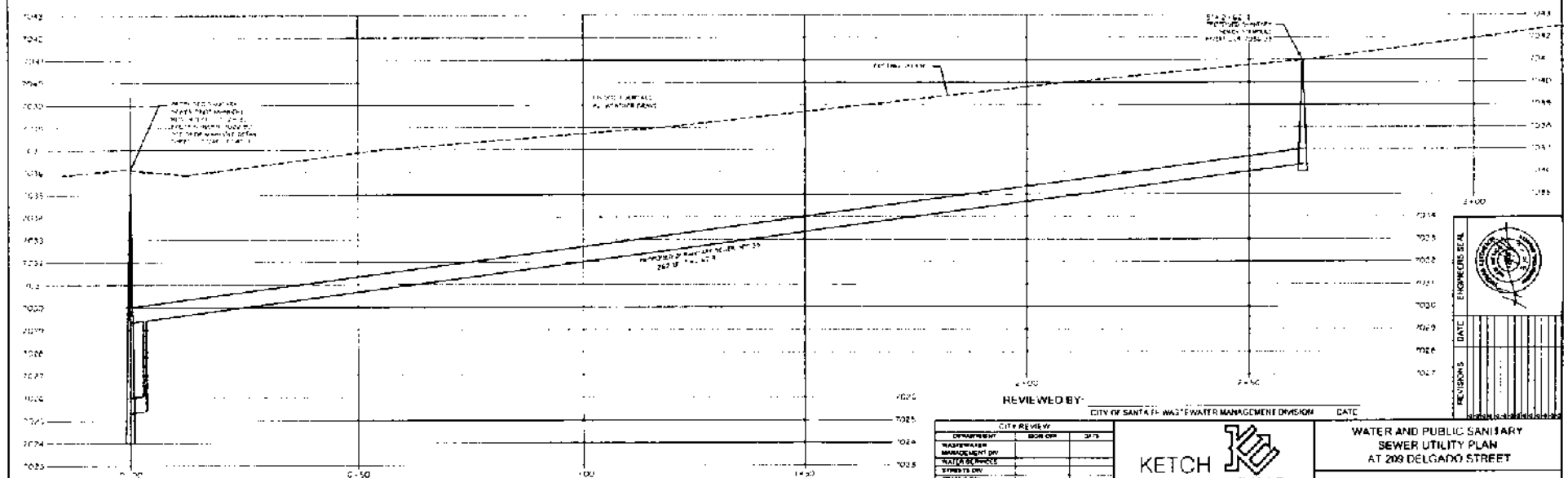
DATE	SCALE	SHEET
MARCH 2015	AS SHOWN	C-4

REVISIONS	DATE	ENGINEERING SEAL

2015-5102



PUBLIC SANITARY SEWER PLAN



PUBLIC SANITARY SEWER PROFILE

REVIEWED BY: _____

CITY OF SANTA FE WASTEWATER MANAGEMENT DIVISION DATE

CITY REVIEW		
DEPARTMENT	SIGN OFF	DATE
WASTEWATER MANAGEMENT DIV		
WATER SERVICES		
STREETS DIV		
TRAFFIC DIV		
FIRE		
LANDSCAPE		
SUBDIVISION		
ENGINEER		

CASE # _____

CITY USE ONLY

KETCH ENGINEERING
47 9 RIVES WAY
Santa Fe, New Mexico
505-471-969

WATER AND PUBLIC SANITARY SEWER UTILITY PLAN AT 209 DELGADO STREET

PUBLIC SANITARY SEWER PLAN AND PROFILE

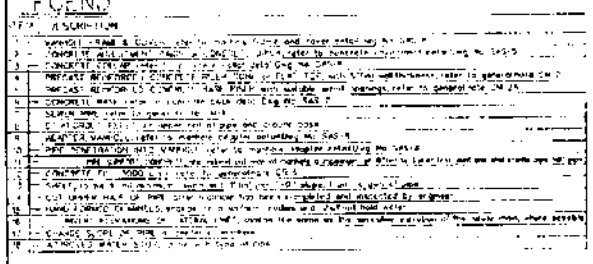
DATE	SCALE	SHEET
MARCH 2015	AS SHOWN	C-5

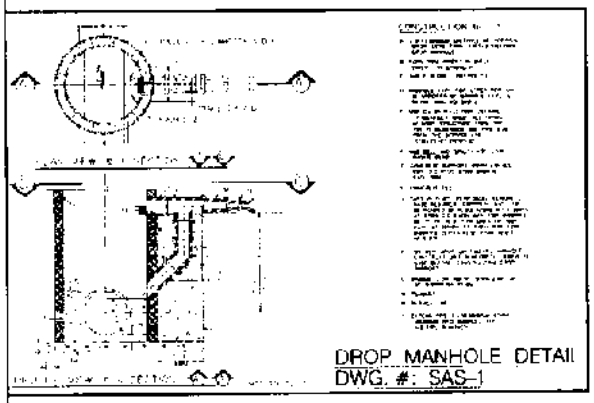
ENGINEER'S SEAL

REVISIONS	DATE

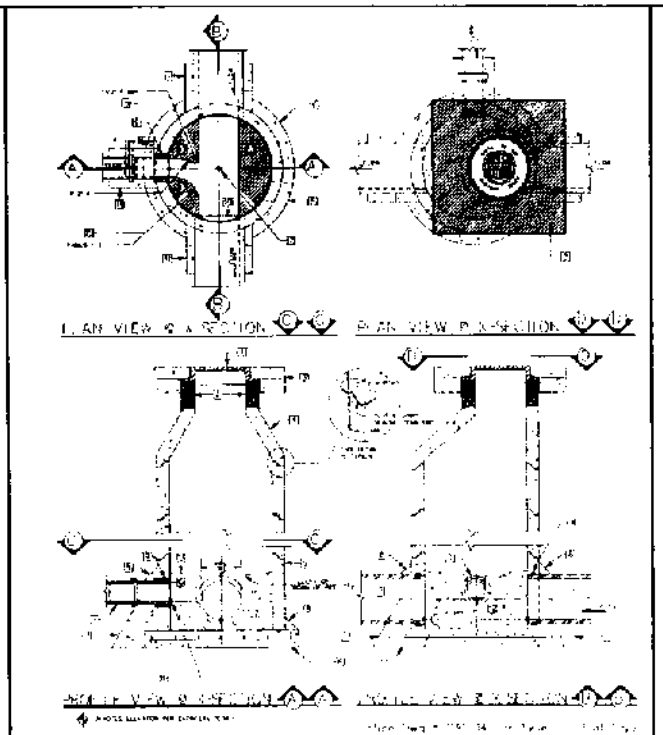
2015-326

LEGEND



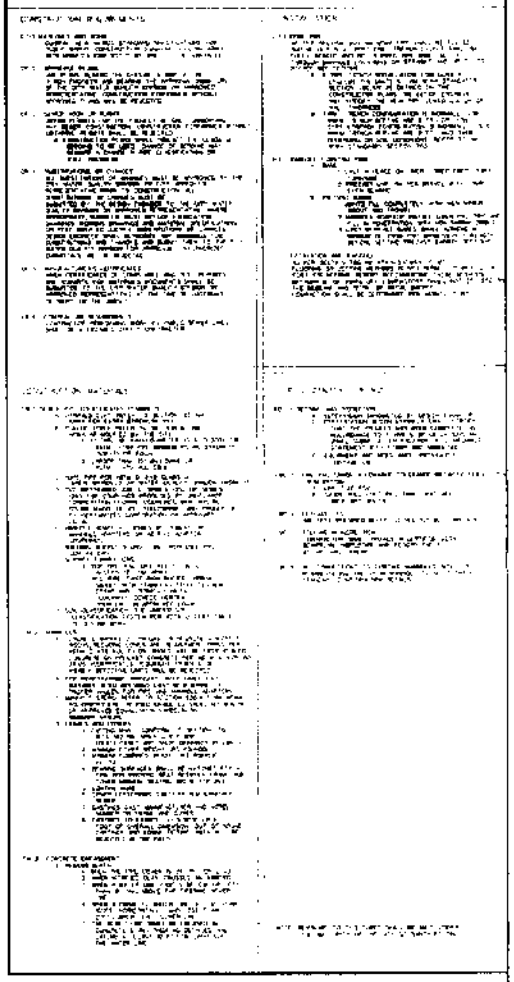


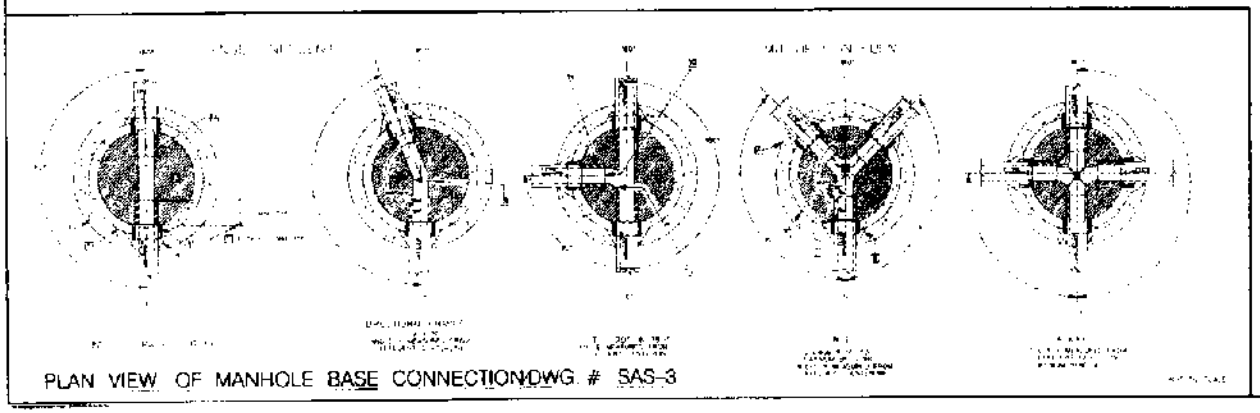
DROP MANHOLE DETAIL
DWG. #: SAS-1



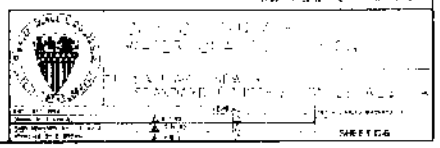
MANHOLE TYPE "E" DETAIL DWG # SAS-2

GENERAL NOTES





PLAN VIEW OF MANHOLE BASE CONNECTION DWG. # SAS-3



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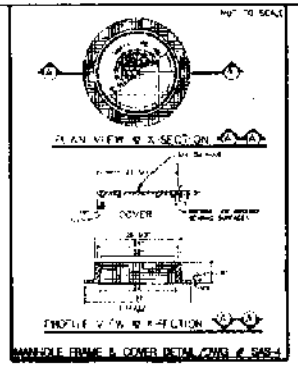
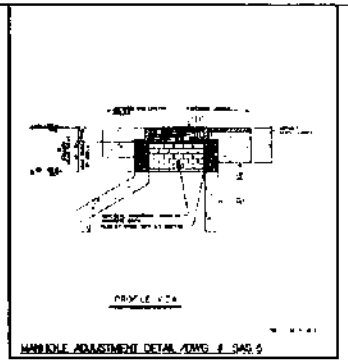
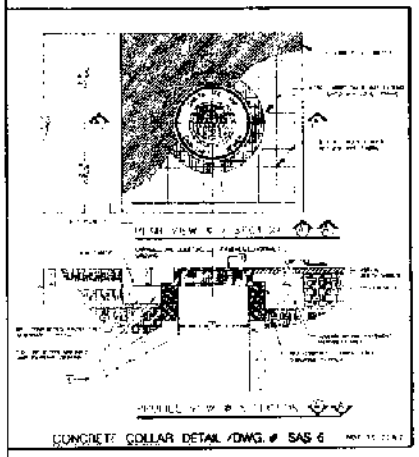


MANHOLE FRAME & COVER DETAIL /DWG # SAS-4

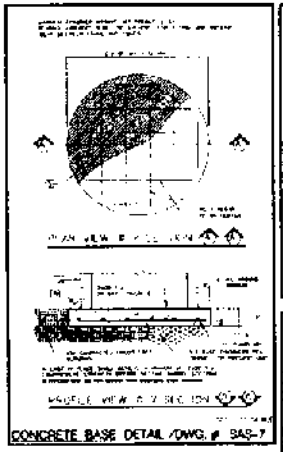


MANHOLE ADJUSTMENT DETAIL /DWG # SAS-5

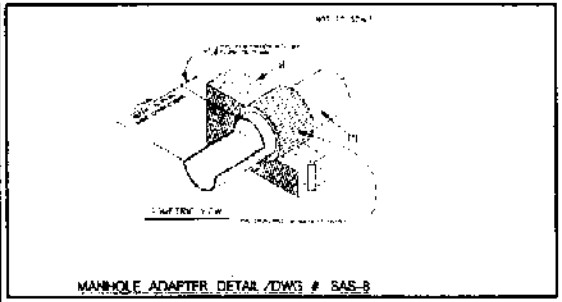
GENERAL NOTES



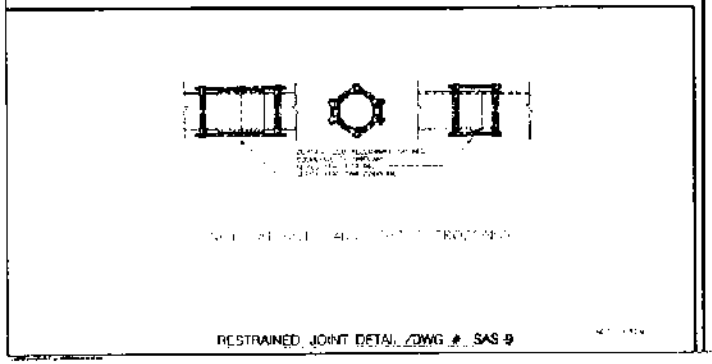
CONCRETE COLLAR DETAIL /DWG # SAS-6



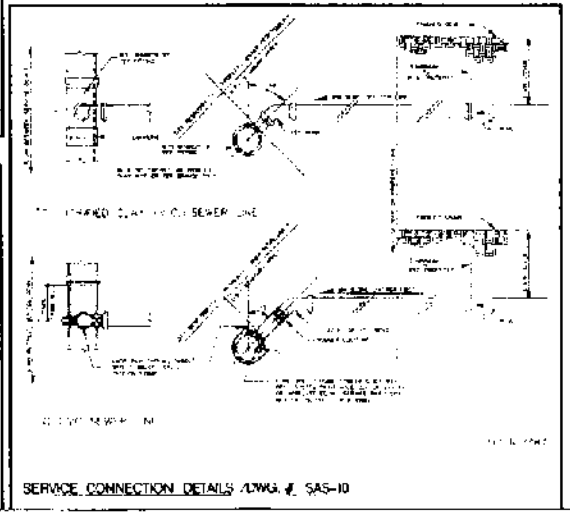
CONCRETE BASE DETAIL /DWG # SAS-7



MANHOLE ADAPTER DETAIL /DWG # SAS-8



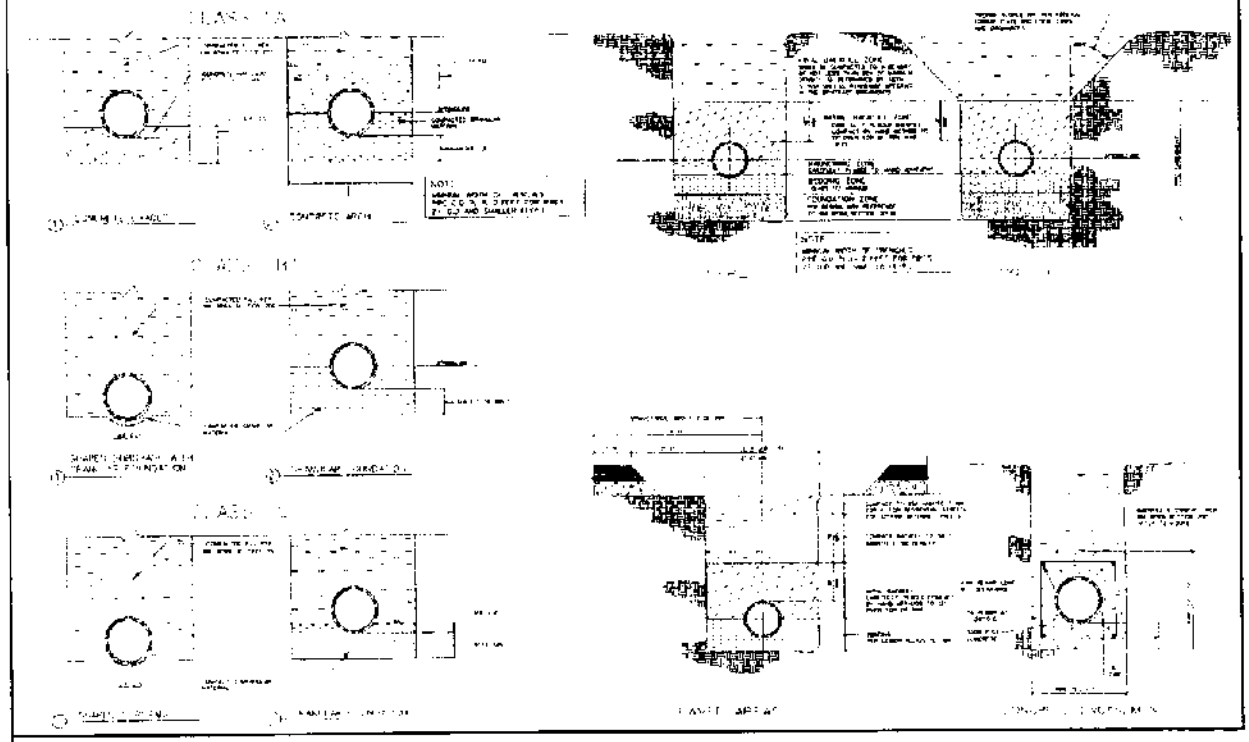
RESTRAINED JOINT DETAIL /DWG # SAS-9



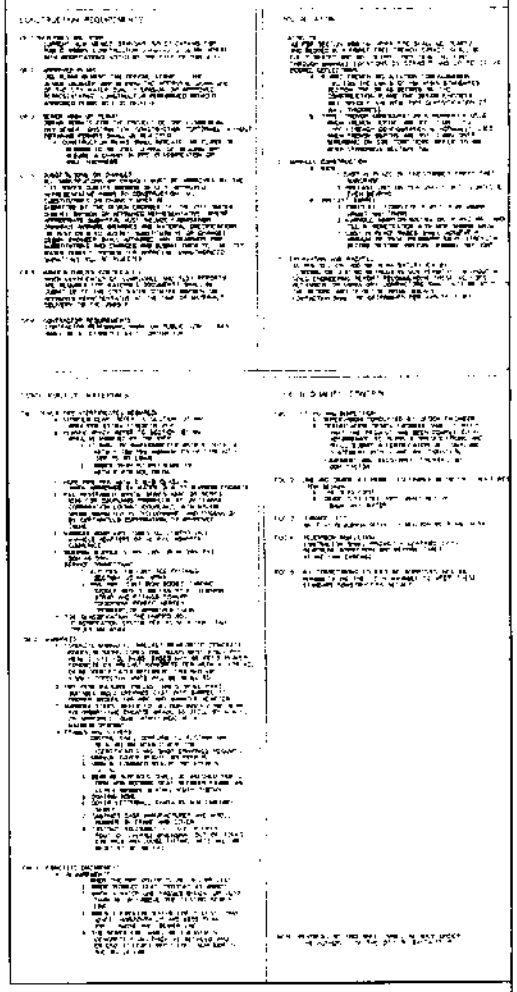
SERVICE CONNECTION DETAILS /DWG # SAS-10

SHEET C-7

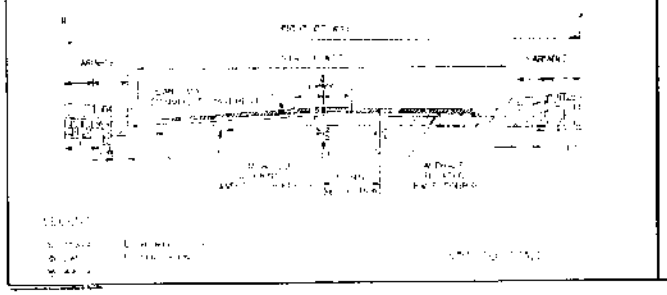
TRENCH BEDDING AND INSTALLATION DETAILS /DWG. # SAS-11



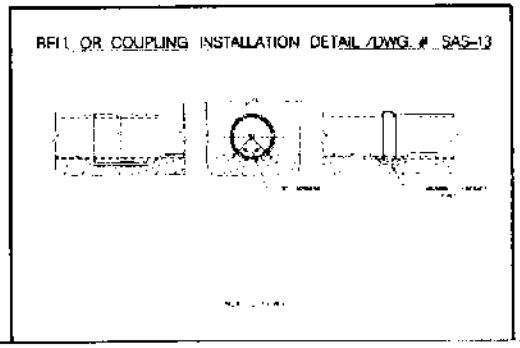
GENERAL NOTES

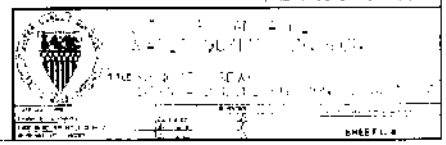


TYPICAL UTILITIES SEPARATION DETAIL /DWG. # SAS-12

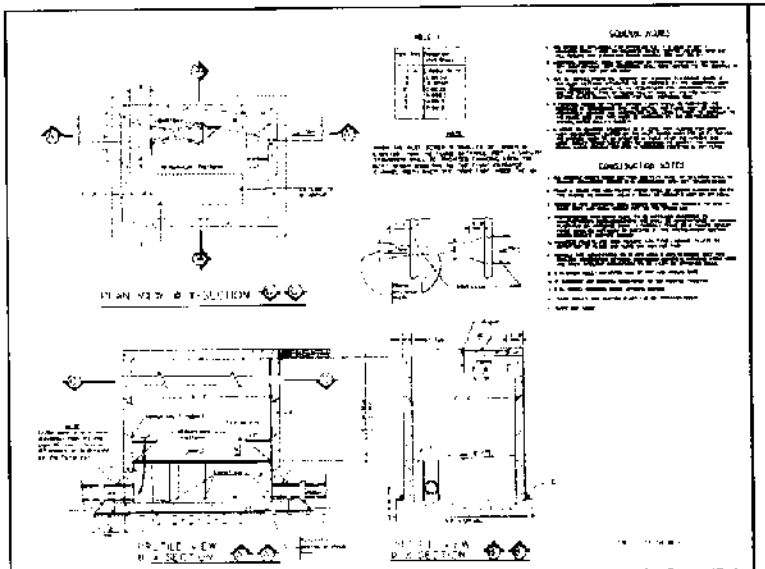


BELL OR COUPLING INSTALLATION DETAIL /DWG. # SAS-13

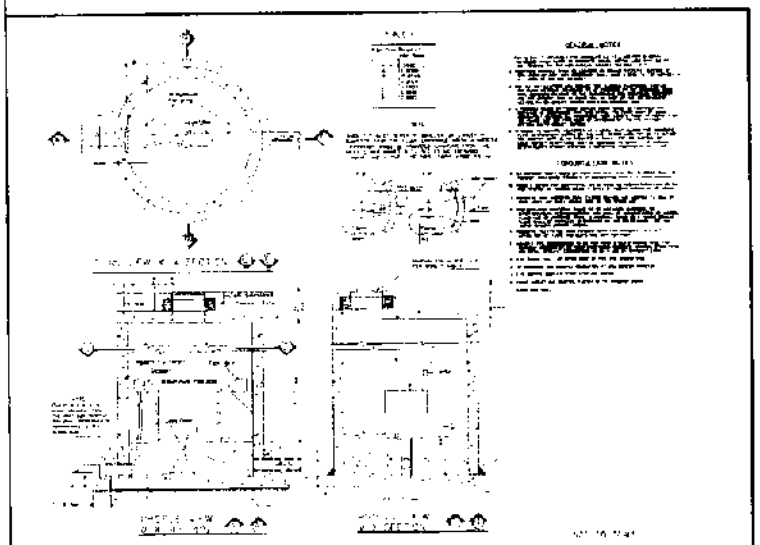




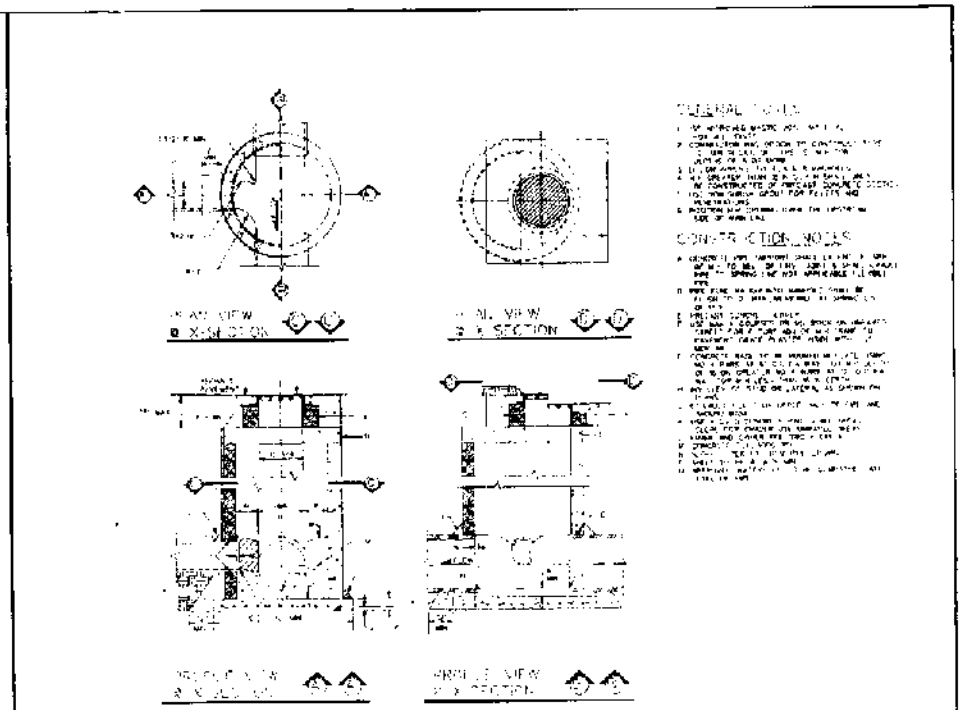
23-SAS



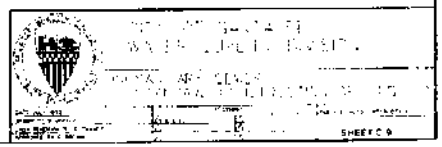
SANITARY SEWER SAMPLING & METERING MANHOLE DETAIL (6x8 RECTANGULAR)/DWG # IP-2



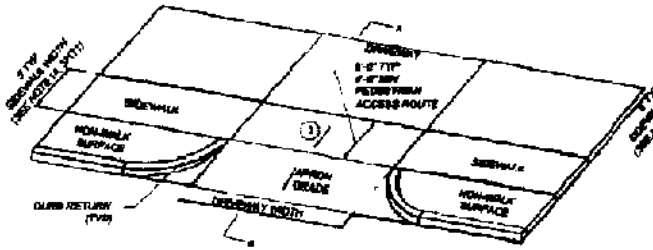
SANITARY SEWER SAMPLING & METERING MANHOLE DETAIL (8 FT DIA.)/DWG. # IP 1



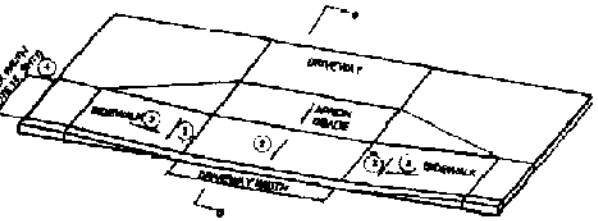
MANHOLE, TYPE "C" DETAIL /DWG. # SAS-14



SHEET C 9



TYPE 2
DRIVEWAY APRON



TYPE 3A
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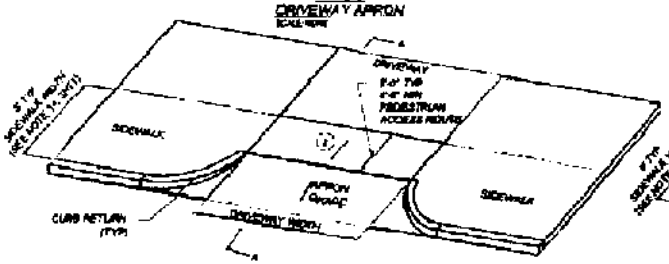

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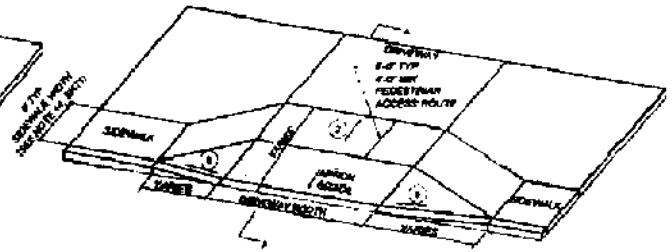

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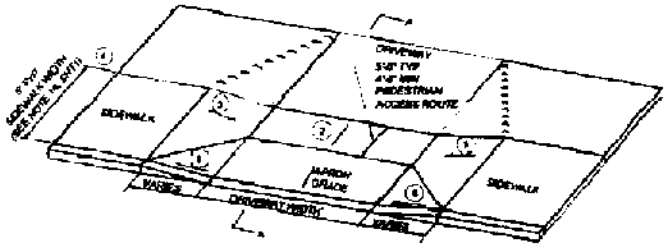
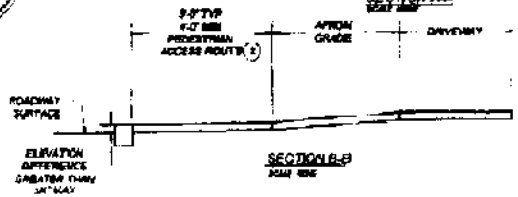


TYPE 3B
DRIVEWAY APRON

SECTION A-A



SECTION B-B

KEYED NOTES

1. TURNING SPACE SHALL HAVE MAXIMUM CROSS SLOPE AND LONGITUDINAL SLOPE OF 2.0% (RECOMMEND < 1%). TURNING SPACE SHALL BE 4.0 FT BY 4.0 FT MIN (RECOMMEND 6.0 FT BY 6.0 FT) AT THE TOP OF THE CURB RAMP AND SHALL BE PERMITTED TO OVERLAP OTHER TURNING SPACES AND CLEAR SPACE. WHERE THE TURNING SPACE IS CONSTRAINED AT THE BACK OF SIDEWALK, THE TURNING SPACE SHALL BE 4.0 FT MIN BY 4.0 FT MIN. THE 6.0 FT SHALL BE PROVIDED IN THE DIRECTION OF THE RAMP RUN.
2. CROSS SLOPE SHALL BE 1.0% MAX (RECOMMENDED 1.0%). EXCEPTION: THE CROSS SLOPE OF CURB RAMPS AT PEDESTRIAN STREET CROSSING WITHOUT YIELD OR STOP CONTROL, TRAFFIC SIGNALS DESIGNED FOR THE GREEN PHASE, AND AT MIDBLOCK PEDESTRIAN STREET CROSSING, THE CROSS SLOPE IS PERMITTED TO MATCH STREET OR HIGHWAY GRADE.
3. RUNNING SLOPE OF THE CURB RAMP SHALL BE 8.3% MAX (RECOMMENDED 7.0%) BUT SHALL NOT REQUIRE THE RAMP LENGTH TO EXCEED 18.0 FT TO AVOID CAUSING THE SLOPE INDEFINITELY WHEN CONNECTING TO STREET GRADES. WHEN APPLYING THE 18 FOOT MAX LENGTH, THE RUNNING SLOPE OF THE CURB RAMP SHALL BE EXTENDED AS FLAT AS MAXIMUM EXTENT PRACTICABLE.
4. GRADE BREAKS AT THE TOP AND BOTTOM OF CURB RAMPS (RUNS) SHALL BE PERPENDICULAR TO THE DIRECTION OF THE RAMP RUN. GRADE BREAKS SHALL NOT BE PERMITTED ON THE SURFACE OF RAMP RUNS AND TURNING SPACE. SURFACE SLOPES THAT MEET AT GRADE BREAKS SHALL BE FLUSH.
5. COUNTER SLOPE OF THE GUTTER OR STREET AT THE FOOT OF A CURB RAMP RUN OR TURNING SPACE SHALL BE 5% MAX.
6. FLARED SIDES ARE TO HAVE A SLOPE OF 10% MAX (RECOMMENDED 8%) MEASURED PARALLEL TO THE BACK OF THE CURB. UNLESS THE FLARED SIDES ARE PROTECTED FROM CROSS TRAVEL BY LANDSCAPING, STREET FURNITURE, CHANNEL, RAILING, OR RAILINGS.

NOTES

A. DO NOT SCORE OR MAKE GROOVES IN BLOCKED SURFACE. LINES SHOWN ON STANDARD DETAILS ARE FOR ILLUSTRATION ONLY.

B. DETAILS OF THE DETECTABLE WARNING SURFACE ARE SHOWN IN THE CONSTRUCTION PLANS AND SHEET 608-001-8(1) OF THE STANDARD DRAWINGS.

C. IN ALTERATIONS WHERE EXISTING PHYSICAL CONSTRAINTS PREVENT COMPLIANCE TO PROVIDE A CURB RAMP FOR EACH PEDESTRIAN CROSSING, A SINGLE DIAGONAL CURB RAMP SHALL BE PERMITTED TO SERVE BOTH PEDESTRIAN STREET CROSSINGS.

D. CONCRETE HEADER CURBS CONSTRUCTED AS PART OF THE CURB RAMP WILL BE CONSIDERED INCIDENTAL TO ITEM NUMBER 608000 AND NO SEPARATE PAYMENT WILL BE MADE.

MICHAEL J. SMELKER
NEW MEXICO
15350
PROFESSIONAL ENGINEER
7-18-15

NO	DATE	BY	DESCRIPTION
REVISIONS			

NEW MEXICO
DEPARTMENT OF TRANSPORTATION
STANDARD DRAWING

DRIVEWAY APRONS

APPROVED: CHIEF ENGINEER

608-001-8

DRAWING SCALE: NOT TO SCALE